

As Reported by the House Finance Committee

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 49

Representative Smith, R.

A B I L L

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effective December 31, 2017; to repeal the version 462
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scheduled to take effect September 29, 2017; to 464
amend sections 109.572, 3701.83, 4713.10, 4713.56, 465
4731.07, 4731.224, and 4776.01 of the Revised Code 466
effective January 21, 2018; to repeal section 467
5166.35 of the Revised Code effective January 1, 468
2019; to amend for the purpose of codifying and 469
changing the number of Section 369.540 of Am. Sub. 470
H.B. 64 of the 131st General Assembly to section 471
3333.95 of the Revised Code; to amend for the 472
purpose of codifying and changing the number of 473
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to amend Sections 205.10 and 205.20 of Sub. H.B. 476
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

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6301.04, 6301.05, 6301.06, 6301.061, 6301.07, 6301.08, 6301.09, 652
6301.11, 6301.12, and 6301.18 be amended; sections 103.42 653
(103.416), 152.08 (123.011), 3742.49 (3742.44), 3742.50 (3742.45), 654
3742.51 (3742.46), 4731.081 (4731.08), 4731.091 (4731.09), 655
4731.092 (4731.091), and 5162.64 (5162.63) be amended for the 656
purpose of adopting new section numbers as indicated in 657
parentheses; and new sections 3319.229, 3742.43, 5162.64, and 658
5739.18 and sections 9.58, 9.581, 9.582, 9.583, 9.584, 102.023, 659
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6111.561, 6111.61, 6111.62, 6301.111, 6301.112, 6301.20, and 685
6301.21 of the Revised Code be enacted to read as follows: 686

Sec. 9.58. As used in sections 9.58 to 9.584 of the Revised 687
Code: 688

(A) "Eligible project" means any capital improvement project 689
located in this state that is designed to enhance, aid, provide, 690
or promote transportation, economic development, housing, health 691
care, recreation, education, government operations, culture, 692
research, or purposes or activities authorized by Section 13 or 16 693
of Article VIII, Ohio Constitution. 694

(B) "Foreign entity" means a state of the United States other 695
than this state, or a political subdivision or governmental entity 696
created by, or pursuant to the laws of, a state of the United 697
States other than this state. The term does not include a foreign 698
nation. 699

(C) "Governmental agency" means a department, division, or 700
other unit of state government of this state or a municipal 701
corporation, county, township, port authority, transportation 702
improvement district, water or sewer district, solid waste 703
management district, school district or other public school, 704
health district, park district, soil and water conservation 705
district, water conservancy district, regional transit authority, 706

airport authority, or other political subdivision or public 707
corporation, district, agency, authority, or commission created 708
pursuant to the laws of this state or pursuant to an interstate 709
compact or agreement authorized under the laws of this state. 710

Sec. 9.581. (A) A foreign entity shall not directly or 711
indirectly provide financing for an eligible project, through 712
bonded indebtedness or otherwise, unless the foreign entity does 713
both of the following: 714

(1) Within two business days after the foreign entity 715
initially contacts or is contacted by the person or governmental 716
agency proposing the project, the foreign entity notifies either 717
of the following, as applicable, of its interest in the project: 718

(a) If the project will be located within the territory of a 719
port authority, the port authority; 720

(b) If the project will not be located within the territory 721
of a port authority, the county within which the project will be 722
located. 723

(2) Upon entering into a financing agreement, the foreign 724
entity provides written confirmation to the port authority or 725
county, as applicable, that an agreement has been reached and that 726
all of the following conditions are met: 727

(a) The interest or interest equivalent payable on the 728
financing is intended to be excluded from gross income for federal 729
income tax purposes. 730

(b) The financing for the project does not require public 731
approval under section 147(f) of Title 26 of the United States 732
Code and is not a current refunding of a project that required 733
such public approval. 734

(c) The laws of the foreign entity do not prohibit this state 735
or a political subdivision or governmental entity created by, or 736

pursuant to the laws of, this state from providing similar 737
financing for a capital improvement project located in that 738
foreign entity or place more onerous conditions or restrictions on 739
providing that financing than those set forth in division (A) of 740
this section. 741

(B) Division (A) of this section does not apply if, in 742
addition to financing the project in this state, the foreign 743
entity is currently financing a similar project for the same 744
person in another state. 745

Sec. 9.582. A governmental agency shall not directly or 746
indirectly utilize a foreign entity to provide financing for an 747
eligible project, through the issuance of bonded indebtedness or 748
otherwise, unless the foreign entity complies with section 9.581 749
of the Revised Code. 750

Sec. 9.583. If a foreign entity provides financing for an 751
eligible project without complying with section 9.581 of the 752
Revised Code, the foreign entity shall pay to the appropriate port 753
authority or county an amount equal to seventy-five per cent of 754
all fees charged by the foreign entity to provide the financing, 755
as and when those fees accrue, or, if greater in the aggregate, an 756
amount equal to all fees the port authority or county would have 757
charged to provide the financing based on a predetermined fee 758
schedule, as and when those fees would become due under that 759
schedule. 760

Sec. 9.584. If a foreign entity provides financing for an 761
eligible project without complying with section 9.581 of the 762
Revised Code, the director of development services or the 763
appropriate port authority or county may bring an action for 764
injunctive relief pursuant to Chapter 2727. of the Revised Code 765
against the foreign entity. Upon proof by clear and convincing 766

evidence of a failure to comply with section 9.581 of the Revised Code, the director, port authority, or county shall be entitled to such injunctive relief. Any injunction granted pursuant to this section shall have statewide effect.

Sec. 101.27. (A)(1) Every member of the senate, except the members elected president, president pro tempore, assistant president pro tempore, majority whip, minority leader, assistant minority leader, minority whip, and assistant minority whip, shall receive as compensation a salary of fifty-one thousand six hundred seventy-four dollars a year during the senator's term of office. Every member of the house of representatives, except the members elected speaker, speaker pro tempore, majority floor leader, assistant majority floor leader, majority whip, assistant majority whip, minority leader, assistant minority leader, minority whip, and assistant minority whip, shall receive as compensation a salary of fifty-one thousand six hundred seventy-four dollars a year during the representative's term of office. Such salaries shall be paid in equal monthly installments during such term. All monthly payments shall be made on or before the fifth day of each month. Upon the death of any member of the general assembly during the member's term of office, any unpaid salary due such member for the remainder of the member's term shall be paid to the member's surviving spouse, children, mother, or father, in the order in which the relationship is set forth in this section in monthly installments.

(2) Each member shall receive a travel reimbursement per mile each way, at the same mileage rate allowed for the reimbursement of travel expenses of state agents as provided by rule of the director of budget and management pursuant to division (B) of section 126.31 of the Revised Code, for mileage not more than once a week during the session for travel incurred by a member from and to the member's place of residence, by the most direct highway

route of public travel to and from the seat of government, and to 799
and from a location outside the seat of government if the 800
legislature convenes for session at that location, to be paid 801
quarterly on the last day of March, June, September, and December 802
of each year. If session is held at the seat of government and at 803
a location outside the seat of government in the same week, a 804
member is entitled to a travel reimbursement for that week for 805
either travel to the session held at the seat of government or at 806
a location outside the seat of government, whichever distance was 807
farther for a member to travel. A member entitled to a 808
reimbursement under this division may decline the reimbursement. 809

(3) The member of the senate elected president and the member 810
of the house of representatives elected speaker shall each receive 811
as compensation a salary of eighty thousand five hundred 812
forty-nine dollars a year during the president's or speaker's term 813
of office. 814

The member of the senate elected president pro tempore, the 815
member of the senate elected minority leader, the member of the 816
house of representatives elected speaker pro tempore, and the 817
member of the house of representatives elected minority leader 818
shall each receive as compensation a salary of seventy-three 819
thousand four hundred ninety-three dollars a year during the 820
member's term of office. The member of the house of 821
representatives elected majority floor leader and the member of 822
the senate elected assistant president pro tempore shall each 823
receive as compensation a salary of sixty-nine thousand two 824
hundred twenty-seven dollars a year during the member's term of 825
office. The member of the senate elected assistant minority leader 826
and the member of the house of representatives elected assistant 827
minority leader shall each receive as compensation a salary of 828
sixty-seven thousand ninety-nine dollars a year during the 829
member's term of office. The member of the senate elected majority 830

whip and the member of the house of representatives elected 831
assistant majority floor leader shall each receive a salary of 832
sixty-four thousand nine hundred sixty-seven dollars a year during 833
the member's term of office. The member of the senate elected 834
minority whip, the member of the house of representatives elected 835
majority whip, and the member of the house of representatives 836
elected minority whip shall each receive as compensation a salary 837
of sixty thousand seven hundred six dollars a year during the 838
member's term of office. The member of the house of 839
representatives elected assistant majority whip shall receive as 840
compensation a salary of fifty-six thousand four hundred 841
forty-three dollars a year during the member's term of office. The 842
member of the house of representatives elected assistant minority 843
whip and the member of the senate elected assistant minority whip 844
shall each receive a salary of fifty-four thousand sixty dollars a 845
year during the member's term of office. 846

(4) The chairperson of the finance committee of each house 847
shall receive an additional sum of ten thousand dollars annually. 848
The chairperson of each standing committee of each house other 849
than the finance committee shall receive an additional sum of six 850
thousand five hundred dollars annually. The chairperson of each 851
standing subcommittee of a finance committee shall receive an 852
additional sum of six thousand five hundred dollars annually. The 853
vice-chairperson of the finance committee of each house shall 854
receive an additional sum of five thousand five hundred dollars 855
annually. The ranking minority member of the finance committee of 856
each house shall receive an additional sum of six thousand five 857
hundred dollars annually. The ranking minority member of each 858
standing subcommittee of a finance committee shall receive an 859
additional sum of five thousand dollars annually. The chairperson 860
of each standing subcommittee of each house other than a standing 861
subcommittee of the finance committee shall receive an additional 862
sum of five thousand dollars annually. The vice-chairperson and 863

ranking minority member of each standing committee of each house 864
other than the finance committee shall each receive an additional 865
sum of five thousand dollars annually. Except for the ranking 866
minority member of each standing subcommittee of a finance 867
committee, the ranking minority member of each standing 868
subcommittee of each house shall receive an additional sum of two 869
thousand five hundred dollars annually. 870

No member may receive more than one additional sum for 871
serving as chairperson, vice-chairperson, or ranking minority 872
member of a standing committee or standing subcommittee, 873
regardless of the number of standing committees or standing 874
subcommittees on which the member serves as chairperson, 875
vice-chairperson, or ranking minority member. 876

(5) If a member is absent without leave, or is not excused on 877
the member's return, there shall be deducted from the member's 878
compensation twenty dollars for each day's absence. 879

(B) Each calendar year from 2002 through 2008, the salary 880
amounts under divisions (A)(1) and (3) of this section shall be 881
increased by the lesser of the following: 882

(1) Three per cent; 883

(2) The percentage increase, if any, in the consumer price 884
index over the twelve-month period that ends on the thirtieth day 885
of September of the immediately preceding year, rounded to the 886
nearest one-tenth of one per cent. 887

(C) As used in this section: 888

(1) "Consumer price index" means the consumer price index 889
prepared by the United States bureau of labor statistics (U.S. 890
city average for urban wage earners and clerical workers: all 891
items, 1982-1984=100), or, if that index is no longer published, a 892
generally available comparable index. 893

(2) "Finance committee" means the finance committee of the 894
senate and the finance-appropriations committee of the house of 895
representatives. 896

Sec. 101.34. (A) There is hereby created a joint legislative 897
ethics committee to serve the general assembly. The committee 898
shall be composed of twelve members, six each from the two major 899
political parties, and each member shall serve on the committee 900
during the member's term as a member of that general assembly. Six 901
members of the committee shall be members of the house of 902
representatives appointed by the speaker of the house of 903
representatives, not more than three from the same political 904
party, and six members of the committee shall be members of the 905
senate appointed by the president of the senate, not more than 906
three from the same political party. A vacancy in the committee 907
shall be filled for the unexpired term in the same manner as an 908
original appointment. The members of the committee shall be 909
appointed within fifteen days after the first day of the first 910
regular session of each general assembly and the committee shall 911
meet and proceed to recommend an ethics code not later than thirty 912
days after the first day of the first regular session of each 913
general assembly. 914

In the first regular session of each general assembly, the 915
speaker of the house of representatives shall appoint the 916
chairperson of the committee from among the house members of the 917
committee, and the president of the senate shall appoint the 918
vice-chairperson of the committee from among the senate members of 919
the committee. In the second regular session of each general 920
assembly, the president of the senate shall appoint the 921
chairperson of the committee from among the senate members of the 922
committee, and the speaker of the house of representatives shall 923
appoint the vice-chairperson of the committee from among the house 924
members of the committee. The chairperson, vice-chairperson, and 925

members of the committee shall serve until their respective 926
successors are appointed or until they are no longer members of 927
the general assembly. 928

The committee shall meet at the call of the chairperson or 929
upon the written request of seven members of the committee. 930

(B) The joint legislative ethics committee: 931

(1) Shall recommend a code of ethics that is consistent with 932
law to govern all members and employees of each house of the 933
general assembly and all candidates for the office of member of 934
each house; 935

(2) May receive and hear any complaint that alleges a breach 936
of any privilege of either house, or misconduct of any member, 937
employee, or candidate, or any violation of the appropriate code 938
of ethics; 939

(3) May obtain information with respect to any complaint 940
filed pursuant to this section and to that end may enforce the 941
attendance and testimony of witnesses, and the production of books 942
and papers; 943

(4) May recommend whatever sanction is appropriate with 944
respect to a particular member, employee, or candidate as will 945
best maintain in the minds of the public a good opinion of the 946
conduct and character of members and employees of the general 947
assembly; 948

(5) May recommend legislation to the general assembly 949
relating to the conduct and ethics of members and employees of and 950
candidates for the general assembly; 951

(6) Shall employ an executive director for the committee and 952
may employ other staff as the committee determines necessary to 953
assist it in exercising its powers and duties. The executive 954
director and staff of the committee shall be known as the office 955

of legislative inspector general. At least one member of the staff 956
of the committee shall be an attorney at law licensed to practice 957
law in this state. The appointment and removal of the executive 958
director shall require the approval of at least eight members of 959
the committee. 960

(7) May employ a special counsel to assist the committee in 961
exercising its powers and duties. The appointment and removal of a 962
special counsel shall require the approval of at least eight 963
members of the committee. 964

(8) Shall act as an advisory body to the general assembly and 965
to individual members, candidates, and employees on questions 966
relating to ethics, possible conflicts of interest, and financial 967
disclosure; 968

(9) Shall provide for the proper forms on which a statement 969
required pursuant to section 102.02 or 102.021 of the Revised Code 970
shall be filed and instructions as to the filing of the statement; 971

(10) Exercise the powers and duties prescribed under sections 972
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 973
sections 121.60 to 121.69 of the Revised Code; 974

(11) Adopt, in accordance with section 111.15 of the Revised 975
Code, any rules that are necessary to implement and clarify 976
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 977

(C) There is hereby created in the state treasury the joint 978
legislative ethics committee fund. All money collected from 979
registration fees and late filing fees prescribed under sections 980
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 981
into the state treasury to the credit of the fund. Money credited 982
to the fund and any interest and earnings from the fund shall be 983
used solely for the operation of the joint legislative ethics 984
committee and the office of legislative inspector general and for 985
the purchase of data storage and computerization facilities for 986

the statements filed with the committee under sections 101.73, 987
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 988

(D) The chairperson of the joint legislative ethics committee 989
shall issue a written report, not later than the thirty-first day 990
of January of each year, to the speaker and minority leader of the 991
house of representatives and to the president and minority leader 992
of the senate that lists the number of committee meetings and 993
investigations the committee conducted during the immediately 994
preceding calendar year and the number of advisory opinions it 995
issued during the immediately preceding calendar year. 996

(E) Any investigative report that contains facts and findings 997
regarding a complaint filed with the joint legislative ethics 998
committee and that is prepared by the staff of the committee or a 999
special counsel to the committee shall become a public record upon 1000
its acceptance by a vote of the majority of the members of the 1001
committee, except for any names of specific individuals and 1002
entities contained in the report. If the committee recommends 1003
disciplinary action or reports its findings to the appropriate 1004
prosecuting authority for proceedings in prosecution of the 1005
violations alleged in the complaint, the investigatory report 1006
regarding the complaint shall become a public record in its 1007
entirety. 1008

(F)(1) Any file obtained by or in the possession of the 1009
former house ethics committee or former senate ethics committee 1010
shall become the property of the joint legislative ethics 1011
committee. Any such file is confidential if either of the 1012
following applies: 1013

(a) It is confidential under section 102.06 of the Revised 1014
Code or the legislative code of ethics. 1015

(b) If the file was obtained from the former house ethics 1016
committee or from the former senate ethics committee, it was 1017

confidential under any statute or any provision of a code of 1018
ethics that governed the file. 1019

(2) As used in this division, "file" includes, but is not 1020
limited to, evidence, documentation, or any other tangible thing. 1021

(G) There is hereby created in the state treasury the joint 1022
legislative ethics committee investigative and financial 1023
disclosure fund. Investment earnings of the fund shall be credited 1024
to the fund. ~~Money in~~ All moneys credited to the fund shall be 1025
used solely for ~~the operations~~ expenses related to the 1026
investigative and financial disclosure functions of the committee 1027
~~in conducting investigations.~~ 1028

Sec. 102.01. As used in this chapter: 1029

(A) "Compensation" means money, thing of value, or financial 1030
benefit. "Compensation" does not include reimbursement for actual 1031
and necessary expenses incurred in the performance of official 1032
duties. 1033

(B) "Public official or employee" means any person who is 1034
elected or appointed to an office or is an employee of any public 1035
agency. "Public official or employee" does not include a person 1036
elected or appointed to the office of precinct, ward, or district 1037
committee member under section 3517.03 of the Revised Code, any 1038
presidential elector, or any delegate to a national convention. 1039
"Public official or employee" does not include a person who is a 1040
teacher, instructor, professor, or other kind of educator whose 1041
position does not involve the performance of, or authority to 1042
perform, administrative or supervisory functions. 1043

(C) "Public agency" means the general assembly, all courts, 1044
any department, division, institution, board, commission, 1045
authority, bureau or other instrumentality of the state, a county, 1046
city, village, or township, the five state retirement systems, or 1047

any other governmental entity. "Public agency" does not include a department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated. "Public agency" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(D) "Immediate family" means a spouse residing in the person's household and any dependent child.

(E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.

(F) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, "appropriate ethics commission" means:

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, candidates for the office of member of the general assembly, and public members appointed to the Ohio constitutional modernization commission under section 103.63 of the Revised Code, the joint legislative ethics committee;

(2) For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the supreme court;

(3) For matters relating to all other persons, the Ohio

ethics commission. 1079

(G)(1) "Anything of value" has the same meaning as provided 1080
in section 1.03 of the Revised Code and includes, but is not 1081
limited to, a contribution as defined in section 3517.01 of the 1082
Revised Code. 1083

(2)(a) Except as otherwise provided in division (G)(2)(b) of 1084
this section and except as used in division (M)(1) of section 1085
102.03 of the Revised Code, "anything of value" does not include 1086
payment of event registration fees, actual travel and lodging 1087
expenses, or meals, food, and beverages provided to a public 1088
official or employee by a national, state, or regional 1089
organization to which a state agency or political subdivision, 1090
including any state legislative agency or state institution of 1091
higher education, as defined in section 3345.011 of the Revised 1092
Code, pays membership dues, at a meeting or convention of that 1093
organization. 1094

(b) "Anything of value" includes payment of actual travel 1095
expenses, including expenses incurred with the travel for lodging, 1096
meals, food, and beverages, to a person who is a member of the 1097
board of a state retirement system, a state retirement system 1098
investment officer, or an employee of a state retirement system 1099
whose position involves substantial and material exercise of 1100
discretion in the investment of retirement system funds, as 1101
described in division (H)(2) of section 102.03 of the Revised 1102
Code. 1103

(H) "Honorarium" means any payment made in consideration for 1104
any speech given, article published, or attendance at any public 1105
or private conference, convention, meeting, social event, meal, or 1106
similar gathering. "Honorarium" does not include ceremonial gifts 1107
or awards that have insignificant monetary value; unsolicited 1108
gifts of nominal value or trivial items of informational value; or 1109
earned income from any person, other than a legislative agent, for 1110

personal services that are customarily provided in connection with 1111
the practice of a bona fide business, if that business initially 1112
began before the public official or employee conducting that 1113
business was elected or appointed to the public official's or 1114
employee's office or position of employment. 1115

(I) "Employer" means any person who, directly or indirectly, 1116
engages an executive agency lobbyist or legislative agent. 1117

(J) "Executive agency decision," "executive agency lobbyist," 1118
and "executive agency lobbying activity" have the same meanings as 1119
in section 121.60 of the Revised Code. 1120

(K) "Legislation," "legislative agent," "financial 1121
transaction," and "actively advocate" have the same meanings as in 1122
section 101.70 of the Revised Code. 1123

(L) "Expenditure" has the same meaning as in section 101.70 1124
of the Revised Code when used in relation to activities of a 1125
legislative agent, and the same meaning as in section 121.60 of 1126
the Revised Code when used in relation to activities of an 1127
executive agency lobbyist. 1128

Sec. 102.02. (A)(1) Except as otherwise provided in division 1129
(H) of this section, all of the following shall file with the 1130
appropriate ethics commission the disclosure statement described 1131
in this division on a form prescribed by the appropriate 1132
commission: every person who is elected to or is a candidate for a 1133
state, county, or city office and every person who is appointed to 1134
fill a vacancy for an unexpired term in such an elective office; 1135
all members of the state board of education; the director, 1136
assistant directors, deputy directors, division chiefs, or persons 1137
of equivalent rank of any administrative department of the state; 1138
the president or other chief administrative officer of every state 1139
institution of higher education as defined in section 3345.011 of 1140
the Revised Code; the executive director and the members of the 1141

capitol square review and advisory board appointed or employed 1142
pursuant to section 105.41 of the Revised Code; all members of the 1143
Ohio casino control commission, the executive director of the 1144
commission, all professional employees of the commission, and all 1145
technical employees of the commission who perform an internal 1146
audit function; the individuals set forth in division (B)(2) of 1147
section 187.03 of the Revised Code; the chief executive officer 1148
and the members of the board of each state retirement system; each 1149
employee of a state retirement board who is a state retirement 1150
system investment officer licensed pursuant to section 1707.163 of 1151
the Revised Code; the members of the Ohio retirement study council 1152
appointed pursuant to division (C) of section 171.01 of the 1153
Revised Code; employees of the Ohio retirement study council, 1154
other than employees who perform purely administrative or clerical 1155
functions; the administrator of workers' compensation and each 1156
member of the bureau of workers' compensation board of directors; 1157
the bureau of workers' compensation director of investments; the 1158
chief investment officer of the bureau of workers' compensation; 1159
all members of the board of commissioners on grievances and 1160
discipline of the supreme court and the ethics commission created 1161
under section 102.05 of the Revised Code; every business manager, 1162
treasurer, or superintendent of a city, local, exempted village, 1163
joint vocational, or cooperative education school district or an 1164
educational service center; every person who is elected to or is a 1165
candidate for the office of member of a board of education of a 1166
city, local, exempted village, joint vocational, or cooperative 1167
education school district or of a governing board of an 1168
educational service center that has a total student count of 1169
twelve thousand or more as most recently determined by the 1170
department of education pursuant to section 3317.03 of the Revised 1171
Code; every person who is appointed to the board of education of a 1172
municipal school district pursuant to division (B) or (F) of 1173
section 3311.71 of the Revised Code; all members of the board of 1174

directors of a sanitary district that is established under Chapter 1175
6115. of the Revised Code and organized wholly for the purpose of 1176
providing a water supply for domestic, municipal, and public use, 1177
and that includes two municipal corporations in two counties; 1178
every public official or employee who is paid a salary or wage in 1179
accordance with schedule C of section 124.15 or schedule E-2 of 1180
section 124.152 of the Revised Code; members of the board of 1181
trustees and the executive director of the southern Ohio 1182
agricultural and community development foundation; all members 1183
appointed to the Ohio livestock care standards board under section 1184
904.02 of the Revised Code; all entrepreneurs in residence 1185
assigned by the LeanOhio office in the department of 1186
administrative services under section 125.65 of the Revised Code 1187
and every other public official or employee who is designated by 1188
the appropriate ethics commission pursuant to division (B) of this 1189
section. 1190

(2) The disclosure statement shall include all of the 1191
following: 1192

(a) The name of the person filing the statement and each 1193
member of the person's immediate family and all names under which 1194
the person or members of the person's immediate family do 1195
business; 1196

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 1197
section and except as otherwise provided in section 102.022 of the 1198
Revised Code, identification of every source of income, other than 1199
income from a legislative agent identified in division 1200
(A)(2)(b)(ii) of this section, received during the preceding 1201
calendar year, in the person's own name or by any other person for 1202
the person's use or benefit, by the person filing the statement, 1203
and a brief description of the nature of the services for which 1204
the income was received. If the person filing the statement is a 1205
member of the general assembly, the statement shall identify the 1206

amount of every source of income received in accordance with the 1207
following ranges of amounts: zero or more, but less than one 1208
thousand dollars; one thousand dollars or more, but less than ten 1209
thousand dollars; ten thousand dollars or more, but less than 1210
twenty-five thousand dollars; twenty-five thousand dollars or 1211
more, but less than fifty thousand dollars; fifty thousand dollars 1212
or more, but less than one hundred thousand dollars; and one 1213
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 1214
section shall not be construed to require a person filing the 1215
statement who derives income from a business or profession to 1216
disclose the individual items of income that constitute the gross 1217
income of that business or profession, except for those individual 1218
items of income that are attributable to the person's or, if the 1219
income is shared with the person, the partner's, solicitation of 1220
services or goods or performance, arrangement, or facilitation of 1221
services or provision of goods on behalf of the business or 1222
profession of clients, including corporate clients, who are 1223
legislative agents. A person who files the statement under this 1224
section shall disclose the identity of and the amount of income 1225
received from a person who the public official or employee knows 1226
or has reason to know is doing or seeking to do business of any 1227
kind with the public official's or employee's agency. 1228

(ii) If the person filing the statement is a member of the 1229
general assembly, the statement shall identify every source of 1230
income and the amount of that income that was received from a 1231
legislative agent during the preceding calendar year, in the 1232
person's own name or by any other person for the person's use or 1233
benefit, by the person filing the statement, and a brief 1234
description of the nature of the services for which the income was 1235
received. Division (A)(2)(b)(ii) of this section requires the 1236
disclosure of clients of attorneys or persons licensed under 1237
section 4732.12 of the Revised Code, or patients of persons 1238
~~certified~~ licensed under section 4731.14 of the Revised Code, if 1239

those clients or patients are legislative agents. Division 1240
(A)(2)(b)(ii) of this section requires a person filing the 1241
statement who derives income from a business or profession to 1242
disclose those individual items of income that constitute the 1243
gross income of that business or profession that are received from 1244
legislative agents. 1245

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 1246
of this section, division (A)(2)(b)(i) of this section applies to 1247
attorneys, physicians, and other persons who engage in the 1248
practice of a profession and who, pursuant to a section of the 1249
Revised Code, the common law of this state, a code of ethics 1250
applicable to the profession, or otherwise, generally are required 1251
not to reveal, disclose, or use confidences of clients, patients, 1252
or other recipients of professional services except under 1253
specified circumstances or generally are required to maintain 1254
those types of confidences as privileged communications except 1255
under specified circumstances. Division (A)(2)(b)(i) of this 1256
section does not require an attorney, physician, or other 1257
professional subject to a confidentiality requirement as described 1258
in division (A)(2)(b)(iii) of this section to disclose the name, 1259
other identity, or address of a client, patient, or other 1260
recipient of professional services if the disclosure would 1261
threaten the client, patient, or other recipient of professional 1262
services, would reveal details of the subject matter for which 1263
legal, medical, or professional advice or other services were 1264
sought, or would reveal an otherwise privileged communication 1265
involving the client, patient, or other recipient of professional 1266
services. Division (A)(2)(b)(i) of this section does not require 1267
an attorney, physician, or other professional subject to a 1268
confidentiality requirement as described in division 1269
(A)(2)(b)(iii) of this section to disclose in the brief 1270
description of the nature of services required by division 1271
(A)(2)(b)(i) of this section any information pertaining to 1272

specific professional services rendered for a client, patient, or 1273
other recipient of professional services that would reveal details 1274
of the subject matter for which legal, medical, or professional 1275
advice was sought or would reveal an otherwise privileged 1276
communication involving the client, patient, or other recipient of 1277
professional services. 1278

(c) The name of every corporation on file with the secretary 1279
of state that is incorporated in this state or holds a certificate 1280
of compliance authorizing it to do business in this state, trust, 1281
business trust, partnership, or association that transacts 1282
business in this state in which the person filing the statement or 1283
any other person for the person's use and benefit had during the 1284
preceding calendar year an investment of over one thousand dollars 1285
at fair market value as of the thirty-first day of December of the 1286
preceding calendar year, or the date of disposition, whichever is 1287
earlier, or in which the person holds any office or has a 1288
fiduciary relationship, and a description of the nature of the 1289
investment, office, or relationship. Division (A)(2)(c) of this 1290
section does not require disclosure of the name of any bank, 1291
savings and loan association, credit union, or building and loan 1292
association with which the person filing the statement has a 1293
deposit or a withdrawable share account. 1294

(d) All fee simple and leasehold interests to which the 1295
person filing the statement holds legal title to or a beneficial 1296
interest in real property located within the state, excluding the 1297
person's residence and property used primarily for personal 1298
recreation; 1299

(e) The names of all persons residing or transacting business 1300
in the state to whom the person filing the statement owes, in the 1301
person's own name or in the name of any other person, more than 1302
one thousand dollars. Division (A)(2)(e) of this section shall not 1303
be construed to require the disclosure of debts owed by the person 1304

resulting from the ordinary conduct of a business or profession or 1305
debts on the person's residence or real property used primarily 1306
for personal recreation, except that the superintendent of 1307
financial institutions shall disclose the names of all 1308
state-chartered savings and loan associations and of all service 1309
corporations subject to regulation under division (E)(2) of 1310
section 1151.34 of the Revised Code to whom the superintendent in 1311
the superintendent's own name or in the name of any other person 1312
owes any money, and that the superintendent and any deputy 1313
superintendent of banks shall disclose the names of all 1314
state-chartered banks and all bank subsidiary corporations subject 1315
to regulation under section 1109.44 of the Revised Code to whom 1316
the superintendent or deputy superintendent owes any money. 1317

(f) The names of all persons residing or transacting business 1318
in the state, other than a depository excluded under division 1319
(A)(2)(c) of this section, who owe more than one thousand dollars 1320
to the person filing the statement, either in the person's own 1321
name or to any person for the person's use or benefit. Division 1322
(A)(2)(f) of this section shall not be construed to require the 1323
disclosure of clients of attorneys or persons licensed under 1324
section 4732.12 of the Revised Code, or patients of persons 1325
~~certified~~ licensed under section 4731.14 of the Revised Code, nor 1326
the disclosure of debts owed to the person resulting from the 1327
ordinary conduct of a business or profession. 1328

(g) Except as otherwise provided in section 102.022 of the 1329
Revised Code, the source of each gift of over seventy-five 1330
dollars, or of each gift of over twenty-five dollars received by a 1331
member of the general assembly from a legislative agent, received 1332
by the person in the person's own name or by any other person for 1333
the person's use or benefit during the preceding calendar year, 1334
except gifts received by will or by virtue of section 2105.06 of 1335
the Revised Code, or received from spouses, parents, grandparents, 1336

children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1337
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1338
fathers-in-law, mothers-in-law, or any person to whom the person 1339
filing the statement stands in loco parentis, or received by way 1340
of distribution from any inter vivos or testamentary trust 1341
established by a spouse or by an ancestor; 1342

(h) Except as otherwise provided in section 102.022 of the 1343
Revised Code, identification of the source and amount of every 1344
payment of expenses incurred for travel to destinations inside or 1345
outside this state that is received by the person in the person's 1346
own name or by any other person for the person's use or benefit 1347
and that is incurred in connection with the person's official 1348
duties, except for expenses for travel to meetings or conventions 1349
of a national or state organization to which any state agency, 1350
including, but not limited to, any legislative agency or state 1351
institution of higher education as defined in section 3345.011 of 1352
the Revised Code, pays membership dues, or any political 1353
subdivision or any office or agency of a political subdivision 1354
pays membership dues; 1355

(i) Except as otherwise provided in section 102.022 of the 1356
Revised Code, identification of the source of payment of expenses 1357
for meals and other food and beverages, other than for meals and 1358
other food and beverages provided at a meeting at which the person 1359
participated in a panel, seminar, or speaking engagement or at a 1360
meeting or convention of a national or state organization to which 1361
any state agency, including, but not limited to, any legislative 1362
agency or state institution of higher education as defined in 1363
section 3345.011 of the Revised Code, pays membership dues, or any 1364
political subdivision or any office or agency of a political 1365
subdivision pays membership dues, that are incurred in connection 1366
with the person's official duties and that exceed one hundred 1367
dollars aggregated per calendar year; 1368

(j) If the disclosure statement is filed by a public official 1369
or employee described in division (B)(2) of section 101.73 of the 1370
Revised Code or division (B)(2) of section 121.63 of the Revised 1371
Code who receives a statement from a legislative agent, executive 1372
agency lobbyist, or employer that contains the information 1373
described in division (F)(2) of section 101.73 of the Revised Code 1374
or division (G)(2) of section 121.63 of the Revised Code, all of 1375
the nondisputed information contained in the statement delivered 1376
to that public official or employee by the legislative agent, 1377
executive agency lobbyist, or employer under division (F)(2) of 1378
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 1379

(3) A person may file a statement required by this section in 1380
person, by mail, or by electronic means. 1381

(4) A person who is required to file a statement under this 1382
section shall file that statement according to the following 1383
deadlines, as applicable: 1384

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 1385
and (d) of this section, the person shall file the statement not 1386
later than the fifteenth day of May of each year. 1387

(b) A Subject to divisions (A)(4)(b)(i) and (ii) of this 1388
section, a person who is a candidate for elective office shall 1389
file the statement no later than the thirtieth day before the 1390
primary, special, or general election at which the candidacy is to 1391
be voted on, whichever election occurs soonest,~~except that a.~~ 1392

(i) A person who is a write-in candidate shall file the 1393
statement no later than the twentieth day before the earliest 1394
election at which the person's candidacy is to be voted on. 1395

(ii) A person who is a candidate for the nomination of a 1396
political party for an office and who subsequently receives a 1397
certificate of nomination under section 3513.02, 3513.30, 1398
3513.301, or 3513.312 of the Revised Code because the person's 1399

primary race is uncontested shall file the statement no later than 1400
the thirtieth day before the primary election at which the 1401
person's candidacy would have been voted on if the race had been 1402
contested. 1403

(c) A person who is appointed to fill a vacancy for an 1404
unexpired term in an elective office shall file the statement 1405
within fifteen days after the person qualifies for office. 1406

(d) A person who is appointed or employed after the fifteenth 1407
day of May, other than a person described in division (A)(4)(c) of 1408
this section, shall file an annual statement within ninety days 1409
after appointment or employment. 1410

(5) No person shall be required to file with the appropriate 1411
ethics commission more than one statement or pay more than one 1412
filing fee for any one calendar year. 1413

(6) The appropriate ethics commission, for good cause, may 1414
extend for a reasonable time the deadline for filing a statement 1415
under this section. 1416

(7) A statement filed under this section is subject to public 1417
inspection at locations designated by the appropriate ethics 1418
commission except as otherwise provided in this section. 1419

(B) The Ohio ethics commission, the joint legislative ethics 1420
committee, and the board of commissioners on grievances and 1421
discipline of the supreme court, using the rule-making procedures 1422
of Chapter 119. of the Revised Code, may require any class of 1423
public officials or employees under its jurisdiction and not 1424
specifically excluded by this section whose positions involve a 1425
substantial and material exercise of administrative discretion in 1426
the formulation of public policy, expenditure of public funds, 1427
enforcement of laws and rules of the state or a county or city, or 1428
the execution of other public trusts, to file an annual statement 1429
under division (A) of this section. The appropriate ethics 1430

commission shall send the public officials or employees written 1431
notice of the requirement not less than thirty days before the 1432
applicable filing deadline unless the public official or employee 1433
is appointed after that date, in which case the notice shall be 1434
sent within thirty days after appointment, and the filing shall be 1435
made not later than ninety days after appointment. 1436

Disclosure statements filed under this division with the Ohio 1437
ethics commission by members of boards, commissions, or bureaus of 1438
the state for which no compensation is received other than 1439
reasonable and necessary expenses shall be kept confidential. 1440
Disclosure statements filed with the Ohio ethics commission under 1441
division (A) of this section by business managers, treasurers, and 1442
superintendents of city, local, exempted village, joint 1443
vocational, or cooperative education school districts or 1444
educational service centers shall be kept confidential, except 1445
that any person conducting an audit of any such school district or 1446
educational service center pursuant to section 115.56 or Chapter 1447
117. of the Revised Code may examine the disclosure statement of 1448
any business manager, treasurer, or superintendent of that school 1449
district or educational service center. Disclosure statements 1450
filed with the Ohio ethics commission under division (A) of this 1451
section by the individuals set forth in division (B)(2) of section 1452
187.03 of the Revised Code shall be kept confidential. The Ohio 1453
ethics commission shall examine each disclosure statement required 1454
to be kept confidential to determine whether a potential conflict 1455
of interest exists for the person who filed the disclosure 1456
statement. A potential conflict of interest exists if the private 1457
interests of the person, as indicated by the person's disclosure 1458
statement, might interfere with the public interests the person is 1459
required to serve in the exercise of the person's authority and 1460
duties in the person's office or position of employment. If the 1461
commission determines that a potential conflict of interest 1462
exists, it shall notify the person who filed the disclosure 1463

statement and shall make the portions of the disclosure statement 1464
that indicate a potential conflict of interest subject to public 1465
inspection in the same manner as is provided for other disclosure 1466
statements. Any portion of the disclosure statement that the 1467
commission determines does not indicate a potential conflict of 1468
interest shall be kept confidential by the commission and shall 1469
not be made subject to public inspection, except as is necessary 1470
for the enforcement of Chapters 102. and 2921. of the Revised Code 1471
and except as otherwise provided in this division. 1472

(C) No person shall knowingly fail to file, on or before the 1473
applicable filing deadline established under this section, a 1474
statement that is required by this section. 1475

(D) No person shall knowingly file a false statement that is 1476
required to be filed under this section. 1477

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1478
section, the statement required by division (A) or (B) of this 1479
section shall be accompanied by a filing fee of sixty dollars. 1480

(2) The statement required by division (A) of this section 1481
shall be accompanied by the following filing fee to be paid by the 1482
person who is elected or appointed to, or is a candidate for, any 1483
of the following offices: 1484

For state office, except member of the		1485
state board of education	\$95	1486
For office of member of general assembly	\$40	1487
For county office	\$60	1488
For city office	\$35	1489
For office of member of the state board		1490
of education	\$35	1491
For office of member of a city, local,		1492
exempted village, or cooperative		1493
education board of		1494

education or educational service		1495
center governing board	\$30	1496
For position of business manager,		1497
treasurer, or superintendent of a		1498
city, local, exempted village, joint		1499
vocational, or cooperative education		1500
school district or		1501
educational service center	\$30	1502

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

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

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

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

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs, or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section

102.06 of the Revised Code, into the Ohio ethics commission fund, 1527
which is hereby created in the state treasury. All moneys credited 1528
to the fund shall be used solely for expenses related to the 1529
operation and statutory functions of the commission. 1530

(3) The joint legislative ethics committee shall deposit all 1531
receipts it receives from the payment of financial disclosure 1532
statement filing fees under divisions (E) and (F) of this section 1533
into the joint legislative ethics committee investigative and 1534
financial disclosure fund. 1535

(H) Division (A) of this section does not apply to a person 1536
elected or appointed to the office of precinct, ward, or district 1537
committee member under Chapter 3517. of the Revised Code; a 1538
presidential elector; a delegate to a national convention; village 1539
or township officials and employees; any physician or psychiatrist 1540
who is paid a salary or wage in accordance with schedule C of 1541
section 124.15 or schedule E-2 of section 124.152 of the Revised 1542
Code and whose primary duties do not require the exercise of 1543
administrative discretion; or any member of a board, commission, 1544
or bureau of any county or city who receives less than one 1545
thousand dollars per year for serving in that position. 1546

Sec. 102.022. Each person who is an officer or employee of a 1547
political subdivision, who receives compensation of less than 1548
sixteen thousand dollars a year for holding an office or position 1549
of employment with that political subdivision, and who is required 1550
to file a statement under section 102.02 of the Revised Code; each 1551
member of the board of trustees of a state institution of higher 1552
education as defined in section 3345.011 of the Revised Code who 1553
is required to file a statement under section 102.02 of the 1554
Revised Code; and each individual set forth in division (B)(2) of 1555
section 187.03 of the Revised Code who is required to file a 1556
statement under section 102.02 of the Revised Code, shall include 1557

in that statement, in place of the information required by 1558
divisions (A)(2)(b), (g), (h), and (i) of that section, the 1559
following information: 1560

(A) Exclusive of reasonable expenses, identification of every 1561
source of income over five hundred dollars received during the 1562
preceding calendar year, in the officer's or employee's own name 1563
or by any other person for the officer's or employee's use or 1564
benefit, by the person filing the statement, and a brief 1565
description of the nature of the services for which the income was 1566
received. This division shall not be construed to require the 1567
disclosure of clients of attorneys or persons licensed under 1568
section 4732.12 of the Revised Code or patients of persons 1569
~~certified~~ licensed under section 4731.14 of the Revised Code. This 1570
division shall not be construed to require a person filing the 1571
statement who derives income from a business or profession to 1572
disclose the individual items of income that constitute the gross 1573
income of the business or profession. 1574

(B) The source of each gift of over five hundred dollars 1575
received by the person in the officer's or employee's own name or 1576
by any other person for the officer's or employee's use or benefit 1577
during the preceding calendar year, except gifts received by will 1578
or by virtue of section 2105.06 of the Revised Code, received from 1579
parents, grandparents, children, grandchildren, siblings, nephews, 1580
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1581
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1582
any person to whom the person filing the statement stands in loco 1583
parentis, or received by way of distribution from any inter vivos 1584
or testamentary trust established by a spouse or by an ancestor. 1585

Sec. 102.023. (A)(1) As used in this section: 1586

"State institution of higher education" has the meaning as 1587
defined in section 3345.011 of the Revised Code. 1588

"Textbook" means any required instructional tools, such as 1589
bound and electronic textbooks and software, used specifically for 1590
curricular content instruction in a course. 1591

(2) Except a person required to file a disclosure statement 1592
under section 102.02 of the Revised Code, every faculty member of 1593
a state institution of higher education that assigns a textbook 1594
for a course in which the faculty member teaches shall file a 1595
financial disclosure statement with the Ohio ethics commission. 1596

(B) The disclosure statement shall include all of the 1597
following: 1598

(1) The name of the faculty member filing the statement and 1599
each member of the faculty member's immediate family and all names 1600
under which the faculty member or members of the faculty member's 1601
immediate family do business; 1602

(2) The source of each gift of over twenty-five dollars 1603
received from any person that represents or has an interest in 1604
supplying or making available textbooks for purchase; 1605

(3) The identification of the source of payment of expenses 1606
incurred for travel to destinations inside or outside this state 1607
that is received by the faculty member in the faculty member's own 1608
name or by any other person for the faculty member's use or 1609
benefit that is incurred in connection with the faculty member's 1610
official duties, except for travel to meetings or conventions of a 1611
national or state organization to which any state institution of 1612
higher education pays membership dues; 1613

(4) The identification of the source of payment of expenses 1614
for meals and other beverages, other than for meals and other food 1615
and beverages provided at a meeting at which the faculty member 1616
participated in a panel, seminar, or speaking engagement. 1617

(C) A faculty member may file a statement required under this 1618
section in person, by mail, or by electronic means. 1619

(D) A faculty member required to file a statement under this section shall file that statement not later than the fifteenth day of May each year. 1620
1621
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(E) No faculty member shall be required to file with the Ohio ethics commission more than one statement or pay more than one filing fee for any one calendar year. 1623
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(F) The Ohio ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section. 1626
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(G) A statement filed under this section is subject to public inspection at locations designated by the Ohio ethics commission. 1629
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(H) No faculty member shall knowingly fail to file, on or before the filing deadline established under this section, a statement required by this section. 1631
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(I) No faculty member shall knowingly file a false statement that is required to be filed under this section. 1634
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(J) The statement required by division (A) of this section shall be accompanied by a filing fee of thirty-five dollars to be paid by the faculty member. 1636
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(K) If a statement required to be filed under this section is not filed by the date which it is required to be filed, the Ohio ethics commission shall assess the faculty member required to file the statement a late filing fee of ten dollars each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars. 1639
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(L) The Ohio ethics commission shall deposit all receipts, including fees received under divisions (J) and (K) of this section, investigation or other fees, costs, or other funds it receives as a result of court orders into the Ohio ethics commission fund. 1645
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Sec. 102.03. (A)(1) No present or former public official or 1650
employee shall, during public employment or service or for twelve 1651
months thereafter, represent a client or act in a representative 1652
capacity for any person on any matter in which the public official 1653
or employee personally participated as a public official or 1654
employee through decision, approval, disapproval, recommendation, 1655
the rendering of advice, investigation, or other substantial 1656
exercise of administrative discretion. 1657

(2) For twenty-four months after the conclusion of service, 1658
no former commissioner or attorney examiner of the public 1659
utilities commission shall represent a public utility, as defined 1660
in section 4905.02 of the Revised Code, or act in a representative 1661
capacity on behalf of such a utility before any state board, 1662
commission, or agency. 1663

(3) For twenty-four months after the conclusion of employment 1664
or service, no former public official or employee who personally 1665
participated as a public official or employee through decision, 1666
approval, disapproval, recommendation, the rendering of advice, 1667
the development or adoption of solid waste management plans, 1668
investigation, inspection, or other substantial exercise of 1669
administrative discretion under Chapter 343. or 3734. of the 1670
Revised Code shall represent a person who is the owner or operator 1671
of a facility, as defined in section 3734.01 of the Revised Code, 1672
or who is an applicant for a permit or license for a facility 1673
under that chapter, on any matter in which the public official or 1674
employee personally participated as a public official or employee. 1675

(4) For a period of one year after the conclusion of 1676
employment or service as a member or employee of the general 1677
assembly, no former member or employee of the general assembly 1678
shall represent, or act in a representative capacity for, any 1679
person on any matter before the general assembly, any committee of 1680

the general assembly, or the controlling board. Division (A)(4) of 1681
this section does not apply to or affect a person who separates 1682
from service with the general assembly on or before December 31, 1683
1995. As used in division (A)(4) of this section "person" does not 1684
include any state agency or political subdivision of the state. 1685

(5) As used in divisions (A)(1), (2), and (3) of this 1686
section, "matter" includes any case, proceeding, application, 1687
determination, issue, or question, but does not include the 1688
proposal, consideration, or enactment of statutes, rules, 1689
ordinances, resolutions, or charter or constitutional amendments. 1690
As used in division (A)(4) of this section, "matter" includes the 1691
proposal, consideration, or enactment of statutes, resolutions, or 1692
constitutional amendments. As used in division (A) of this 1693
section, "represent" includes any formal or informal appearance 1694
before, or any written or oral communication with, any public 1695
agency on behalf of any person. 1696

(6) Nothing contained in division (A) of this section shall 1697
prohibit, during such period, a former public official or employee 1698
from being retained or employed to represent, assist, or act in a 1699
representative capacity for the public agency by which the public 1700
official or employee was employed or on which the public official 1701
or employee served. 1702

(7) Division (A) of this section shall not be construed to 1703
prohibit the performance of ministerial functions, including, but 1704
not limited to, the filing or amendment of tax returns, 1705
applications for permits and licenses, incorporation papers, and 1706
other similar documents. 1707

(8) Division (A) of this section does not prohibit a 1708
nonelected public official or employee of a state agency, as 1709
defined in section 1.60 of the Revised Code, from becoming a 1710
public official or employee of another state agency. Division (A) 1711
of this section does not prohibit such an official or employee 1712

from representing or acting in a representative capacity for the 1713
official's or employee's new state agency on any matter in which 1714
the public official or employee personally participated as a 1715
public official or employee at the official's or employee's former 1716
state agency. However, no public official or employee of a state 1717
agency shall, during public employment or for twelve months 1718
thereafter, represent or act in a representative capacity for the 1719
official's or employee's new state agency on any audit or 1720
investigation pertaining to the official's or employee's new state 1721
agency in which the public official or employee personally 1722
participated at the official's or employee's former state agency 1723
through decision, approval, disapproval, recommendation, the 1724
rendering of advice, investigation, or other substantial exercise 1725
of administrative discretion. 1726

(9) Division (A) of this section does not prohibit a 1727
nonelected public official or employee of a political subdivision 1728
from becoming a public official or employee of a different 1729
department, division, agency, office, or unit of the same 1730
political subdivision. Division (A) of this section does not 1731
prohibit such an official or employee from representing or acting 1732
in a representative capacity for the official's or employee's new 1733
department, division, agency, office, or unit on any matter in 1734
which the public official or employee personally participated as a 1735
public official or employee at the official's or employee's former 1736
department, division, agency, office, or unit of the same 1737
political subdivision. As used in this division, "political 1738
subdivision" means a county, township, municipal corporation, or 1739
any other body corporate and politic that is responsible for 1740
government activities in a geographic area smaller than that of 1741
the state. 1742

(10) No present or former Ohio casino control commission 1743
official shall, during public service or for two years thereafter, 1744

represent a client, be employed or compensated by a person 1745
regulated by the commission, or act in a representative capacity 1746
for any person on any matter before or concerning the commission. 1747

No present or former commission employee shall, during public 1748
employment or for two years thereafter, represent a client or act 1749
in a representative capacity on any matter in which the employee 1750
personally participated as a commission employee through decision, 1751
approval, disapproval, recommendation, the rendering of advice, 1752
investigation, or other substantial exercise of administrative 1753
discretion. 1754

(B) No present or former public official or employee shall 1755
disclose or use, without appropriate authorization, any 1756
information acquired by the public official or employee in the 1757
course of the public official's or employee's official duties that 1758
is confidential because of statutory provisions, or that has been 1759
clearly designated to the public official or employee as 1760
confidential when that confidential designation is warranted 1761
because of the status of the proceedings or the circumstances 1762
under which the information was received and preserving its 1763
confidentiality is necessary to the proper conduct of government 1764
business. 1765

(C) No public official or employee shall participate within 1766
the scope of duties as a public official or employee, except 1767
through ministerial functions as defined in division (A) of this 1768
section, in any license or rate-making proceeding that directly 1769
affects the license or rates of any person, partnership, trust, 1770
business trust, corporation, or association in which the public 1771
official or employee or immediate family owns or controls more 1772
than five per cent. No public official or employee shall 1773
participate within the scope of duties as a public official or 1774
employee, except through ministerial functions as defined in 1775
division (A) of this section, in any license or rate-making 1776

proceeding that directly affects the license or rates of any 1777
person to whom the public official or employee or immediate 1778
family, or a partnership, trust, business trust, corporation, or 1779
association of which the public official or employee or the public 1780
official's or employee's immediate family owns or controls more 1781
than five per cent, has sold goods or services totaling more than 1782
one thousand dollars during the preceding year, unless the public 1783
official or employee has filed a written statement acknowledging 1784
that sale with the clerk or secretary of the public agency and the 1785
statement is entered in any public record of the agency's 1786
proceedings. This division shall not be construed to require the 1787
disclosure of clients of attorneys or persons licensed under 1788
section 4732.12 of the Revised Code, or patients of persons 1789
~~certified~~ licensed under section 4731.14 of the Revised Code. 1790

(D) No public official or employee shall use or authorize the 1791
use of the authority or influence of office or employment to 1792
secure anything of value or the promise or offer of anything of 1793
value that is of such a character as to manifest a substantial and 1794
improper influence upon the public official or employee with 1795
respect to that person's duties. 1796

(E) No public official or employee shall solicit or accept 1797
anything of value that is of such a character as to manifest a 1798
substantial and improper influence upon the public official or 1799
employee with respect to that person's duties. 1800

(F) No person shall promise or give to a public official or 1801
employee anything of value that is of such a character as to 1802
manifest a substantial and improper influence upon the public 1803
official or employee with respect to that person's duties. 1804

(G) In the absence of bribery or another offense under the 1805
Revised Code or a purpose to defraud, contributions made to a 1806
campaign committee, political party, legislative campaign fund, 1807
political action committee, or political contributing entity on 1808

behalf of an elected public officer or other public official or 1809
employee who seeks elective office shall be considered to accrue 1810
ordinarily to the public official or employee for the purposes of 1811
divisions (D), (E), and (F) of this section. 1812

As used in this division, "contributions," "campaign 1813
committee," "political party," "legislative campaign fund," 1814
"political action committee," and "political contributing entity" 1815
have the same meanings as in section 3517.01 of the Revised Code. 1816

(H)(1) No public official or employee, except for the 1817
president or other chief administrative officer of or a member of 1818
a board of trustees of a state institution of higher education as 1819
defined in section 3345.011 of the Revised Code, who is required 1820
to file a financial disclosure statement under section 102.02 of 1821
the Revised Code shall solicit or accept, and no person shall give 1822
to that public official or employee, an honorarium. Except as 1823
provided in division (H)(2) of this section, this division and 1824
divisions (D), (E), and (F) of this section do not prohibit a 1825
public official or employee who is required to file a financial 1826
disclosure statement under section 102.02 of the Revised Code from 1827
accepting and do not prohibit a person from giving to that public 1828
official or employee the payment of actual travel expenses, 1829
including any expenses incurred in connection with the travel for 1830
lodging, and meals, food, and beverages provided to the public 1831
official or employee at a meeting at which the public official or 1832
employee participates in a panel, seminar, or speaking engagement 1833
~~or provided to the public official or employee at a meeting or~~ 1834
~~convention of a national organization to which any state agency,~~ 1835
~~including, but not limited to, any state legislative agency or~~ 1836
~~state institution of higher education as defined in section~~ 1837
~~3345.011 of the Revised Code, pays membership dues. Except as~~ 1838
provided in division (H)(2) of this section, this division and 1839
divisions (D), (E), and (F) of this section do not prohibit a 1840

public official or employee who is not required to file a 1841
financial disclosure statement under section 102.02 of the Revised 1842
Code from accepting and do not prohibit a person from promising or 1843
giving to that public official or employee an honorarium or the 1844
payment of travel, meal, and lodging expenses if the honorarium, 1845
expenses, or both were paid in recognition of demonstrable 1846
business, professional, or esthetic interests of the public 1847
official or employee that exist apart from public office or 1848
employment, including, but not limited to, such a demonstrable 1849
interest in public speaking and were not paid by any person or 1850
other entity, or by any representative or association of those 1851
persons or entities, that is regulated by, doing business with, or 1852
seeking to do business with the department, division, institution, 1853
board, commission, authority, bureau, or other instrumentality of 1854
the governmental entity with which the public official or employee 1855
serves. 1856

(2) No person who is a member of the board of a state 1857
retirement system, a state retirement system investment officer, 1858
or an employee of a state retirement system whose position 1859
involves substantial and material exercise of discretion in the 1860
investment of retirement system funds shall solicit or accept, and 1861
no person shall give to that board member, officer, or employee, 1862
payment of actual travel expenses, including expenses incurred 1863
with the travel for lodging, meals, food, and beverages. 1864

(I) A public official or employee may accept travel, meals, 1865
and lodging or expenses or reimbursement of expenses for travel, 1866
meals, and lodging in connection with conferences, seminars, and 1867
similar events related to official duties if the travel, meals, 1868
and lodging, expenses, or reimbursement is not of such a character 1869
as to manifest a substantial and improper influence upon the 1870
public official or employee with respect to that person's duties. 1871
The house of representatives and senate, in their code of ethics, 1872

and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use the public official's or employee's official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary

interests. 1905

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code. 1906
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As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code. 1918
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(L) No present public official or employee with a casino gaming regulatory function shall indirectly invest, by way of an entity the public official or employee has an ownership interest or control in, or directly invest in a casino operator, management company, holding company, casino facility, or gaming-related vendor. No present public official or employee with a casino gaming regulatory function shall directly or indirectly have a financial interest in, have an ownership interest in, be the creditor or hold a debt instrument issued by, or have an interest in a contractual or service relationship with a casino operator, management company, holding company, casino facility, or gaming-related vendor. This section does not prohibit or limit permitted passive investing by the public official or employee. 1920
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As used in this division, "passive investing" means investment by the public official or employee by means of a mutual fund in which the public official or employee has no control of the investments or investment decisions. "Casino operator," 1933
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"holding company," "management company," "casino facility," and 1937
"gaming-related vendor" have the same meanings as in section 1938
3772.01 of the Revised Code. 1939

(M) A member of the Ohio casino control commission, the 1940
executive director of the commission, or an employee of the 1941
commission shall not: 1942

(1) Accept anything of value, including but not limited to a 1943
gift, gratuity, emolument, or employment from a casino operator, 1944
management company, or other person subject to the jurisdiction of 1945
the commission, or from an officer, attorney, agent, or employee 1946
of a casino operator, management company, or other person subject 1947
to the jurisdiction of the commission; 1948

(2) Solicit, suggest, request, or recommend, directly or 1949
indirectly, to a casino operator, management company, or other 1950
person subject to the jurisdiction of the commission, or to an 1951
officer, attorney, agent, or employee of a casino operator, 1952
management company, or other person subject to the jurisdiction of 1953
the commission, the appointment of a person to an office, place, 1954
position, or employment; 1955

(3) Participate in casino gaming or any other amusement or 1956
activity at a casino facility in this state or at an affiliate 1957
gaming facility of a licensed casino operator, wherever located. 1958

In addition to the penalty provided in section 102.99 of the 1959
Revised Code, whoever violates division (M)(1), (2), or (3) of 1960
this section forfeits the individual's office or employment. 1961

Sec. 102.05. There is hereby created the Ohio ethics 1962
commission consisting of six members, three of whom shall be 1963
members of each of the two major political parties, to be 1964
appointed by the governor with the advice and consent of the 1965
senate. Within thirty days of ~~the effective date of this section~~ 1966

January 1, 1974, the governor shall make initial appointments to 1967
the commission. Of the initial appointments made to the 1968
commission, one shall be for a term ending one year after ~~the~~ 1969
~~effective date of this section~~ January 1, 1974, and the other 1970
appointments shall be for terms ending two, three, four, five, and 1971
six years, respectively, after ~~the effective date of this section~~ 1972
January 1, 1974. Thereafter, terms of office shall be for six 1973
years, each term ending on the same day of the same month of the 1974
year as did the term that it succeeds. Each member shall hold 1975
office from the date of ~~his~~ appointment until the end of the term 1976
for which ~~he~~ the member was appointed. Any member appointed to 1977
fill a vacancy occurring prior to the expiration of the term for 1978
which ~~his~~ the member's predecessor was appointed shall hold office 1979
for the remainder of that term. 1980

No person shall be appointed to the commission or shall 1981
continue to serve as a member of the commission if the person is 1982
subject to section 102.02 or 102.023 of the Revised Code other 1983
than by reason of ~~his~~ appointment to the commission or if the 1984
person is a legislative agent registered under sections 101.70 to 1985
101.79 of the Revised Code or an executive agency lobbyist 1986
registered under sections 121.60 to 121.69 of the Revised Code. 1987
Each member shall be paid seventy-five dollars for each meeting 1988
held in the discharge of ~~his~~ official duties, except that no 1989
member shall be paid more than eighteen hundred dollars in any 1990
fiscal year. Each member shall be reimbursed for expenses actually 1991
and necessarily incurred in the performance of ~~his~~ official 1992
duties. 1993

The commission shall meet within two weeks after all members 1994
have been appointed, at a time and place determined by the 1995
governor. At its first meeting, the commission shall elect a 1996
~~chairman~~ chairperson and other officers that are necessary and 1997
shall adopt rules for its procedures. After the first meeting, the 1998

commission shall meet at the call of the ~~chairman~~ chairperson or 1999
upon the written request of a majority of the members. A majority 2000
of the members of the commission constitutes a quorum. The 2001
commission shall not take any action without the concurrence of a 2002
majority of the members of the commission. 2003

The commission may appoint and fix the compensation of an 2004
executive director and other technical, professional, and clerical 2005
employees that are necessary to carry out the duties of the 2006
commission. 2007

The commission may appoint hearing examiners to conduct 2008
hearings pursuant to section 102.06 of the Revised Code. The 2009
hearing examiners have the same powers and authority in conducting 2010
the hearings as is granted to the commission. Within thirty days 2011
after the hearing, the hearing examiner shall submit to the 2012
commission a written report of ~~his~~ the hearing examiner's findings 2013
of fact and conclusions of law and a recommendation of the action 2014
to be taken by the commission. The recommendation of the hearing 2015
examiner may be approved, modified, or disapproved by the 2016
commission, and no recommendation shall become the findings of the 2017
commission until so ordered by the commission. The findings of the 2018
commission shall have the same effect as if the hearing had been 2019
conducted by the commission. Hearing examiners appointed pursuant 2020
to this section shall possess the qualifications the commission 2021
requires. Nothing contained in this section shall preclude the 2022
commission from appointing a member of the commission to serve as 2023
a hearing examiner. 2024

Sec. 102.06. (A) The appropriate ethics commission shall 2025
receive and may initiate complaints against persons subject to 2026
this chapter concerning conduct alleged to be in violation of this 2027
chapter or section 2921.42 or 2921.43 of the Revised Code. All 2028
complaints except those by the commission shall be by affidavit 2029

made on personal knowledge, subject to the penalties of perjury. 2030
Complaints by the commission shall be by affidavit, based upon 2031
reasonable cause to believe that a violation has occurred. 2032

(B) The appropriate ethics commission shall investigate 2033
complaints, may investigate charges presented to it, and may 2034
request further information, including the specific amount of 2035
income from a source, from any person filing with the commission a 2036
statement required by section 102.02 ~~or~~, 102.021, or 102.023 of 2037
the Revised Code, if the information sought is directly relevant 2038
to a complaint or charges received by the commission pursuant to 2039
this section. This information is confidential, except that the 2040
commission, in its discretion, may share information gathered in 2041
the course of any investigation with, or disclose the information 2042
to, the inspector general, any appropriate prosecuting authority, 2043
any law enforcement agency, or any other appropriate ethics 2044
commission. If the accused person is a member of the public 2045
employees retirement board, state teachers retirement board, 2046
school employees retirement board, board of trustees of the Ohio 2047
police and fire pension fund, or state highway patrol retirement 2048
board, or is a member of the bureau of workers' compensation board 2049
of directors, the appropriate ethics commission, in its 2050
discretion, also may share information gathered in the course of 2051
an investigation with, or disclose the information to, the 2052
attorney general and the auditor of state. The person so requested 2053
shall furnish the information to the commission, unless within 2054
fifteen days from the date of the request the person files an 2055
action for declaratory judgment challenging the legitimacy of the 2056
request in the court of common pleas of the county of the person's 2057
residence, the person's place of employment, or Franklin county. 2058
The requested information need not be furnished to the commission 2059
during the pendency of the judicial proceedings. Proceedings of 2060
the commission in connection with the declaratory judgment action 2061
shall be kept confidential except as otherwise provided by this 2062

section. Before the commission proceeds to take any formal action 2063
against a person who is the subject of an investigation based on 2064
charges presented to the commission, a complaint shall be filed 2065
against the person. If the commission finds that a complaint is 2066
not frivolous, and there is reasonable cause to believe that the 2067
facts alleged in a complaint constitute a violation of section 2068
102.02, 102.021, 102.023, 102.03, 102.04, 102.07, 2921.42, or 2069
2921.43 of the Revised Code, it shall hold a hearing. If the 2070
commission does not so find, it shall dismiss the complaint and 2071
notify the accused person in writing of the dismissal of the 2072
complaint. The commission shall not make a report of its finding 2073
unless the accused person requests a report. Upon the request of 2074
the accused person, the commission shall make a public report of 2075
its finding. The person against whom the complaint is directed 2076
shall be given reasonable notice by certified mail of the date, 2077
time, and place of the hearing and a statement of the charges and 2078
the law directly involved and shall be given the opportunity to be 2079
represented by counsel, to have counsel appointed for the person 2080
if the person is unable to afford counsel without undue hardship, 2081
to examine the evidence against the person, to produce evidence 2082
and to call and subpoena witnesses in the person's defense, to 2083
confront the person's accusers, and to cross-examine witnesses. 2084
The commission shall have a stenographic record made of the 2085
hearing. The hearing shall be closed to the public. 2086

(C)(1)(a) If, upon the basis of the hearing, the appropriate 2087
ethics commission finds by a preponderance of the evidence that 2088
the facts alleged in the complaint are true and constitute a 2089
violation of section 102.02, 102.021, 102.023, 102.03, 102.04, 2090
102.07, 2921.42, or 2921.43 of the Revised Code, it shall report 2091
its findings to the appropriate prosecuting authority for 2092
proceedings in prosecution of the violation and to the appointing 2093
or employing authority of the accused. If the accused person is a 2094
member of the public employees retirement board, state teachers 2095

retirement board, school employees retirement board, board of 2096
trustees of the Ohio police and fire pension fund, or state 2097
highway patrol retirement board, the commission also shall report 2098
its findings to the Ohio retirement study council. 2099

(b) If the Ohio ethics commission reports its findings to the 2100
appropriate prosecuting authority under division (C)(1)(a) of this 2101
section and the prosecuting authority has not initiated any 2102
official action on those findings within ninety days after 2103
receiving the commission's report of them, the commission may 2104
publicly comment that no official action has been taken on its 2105
findings, except that the commission shall make no comment in 2106
violation of the Rules of Criminal Procedure or about any 2107
indictment that has been sealed pursuant to any law or those 2108
rules. The commission shall make no comment regarding the merits 2109
of its findings. As used in division (C)(1)(b) of this section, 2110
"official action" means prosecution, closure after investigation, 2111
or grand jury action resulting in a true bill of indictment or no 2112
true bill of indictment. 2113

(2) If the appropriate ethics commission does not find by a 2114
preponderance of the evidence that the facts alleged in the 2115
complaint are true and constitute a violation of section 102.02, 2116
102.021, 102.023, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of 2117
the Revised Code or if the commission has not scheduled a hearing 2118
within ninety days after the complaint is filed or has not finally 2119
disposed of the complaint within six months after it has been 2120
heard, it shall dismiss the complaint and notify the accused 2121
person in writing of the dismissal of the complaint. The 2122
commission shall not make a report of its finding unless the 2123
accused person requests a report. Upon the request of the accused 2124
person, the commission shall make a public report of the finding, 2125
but in this case all evidence and the record of the hearing shall 2126
remain confidential unless the accused person also requests that 2127

the evidence and record be made public. Upon request by the 2128
accused person, the commission shall make the evidence and the 2129
record available for public inspection. 2130

(D) The appropriate ethics commission, or a member of the 2131
commission, may administer oaths, and the commission may issue 2132
subpoenas to any person in the state compelling the attendance of 2133
witnesses and the production of relevant papers, books, accounts, 2134
and records. The commission shall issue subpoenas to compel the 2135
attendance of witnesses and the production of documents upon the 2136
request of an accused person. Section 101.42 of the Revised Code 2137
shall govern the issuance of these subpoenas insofar as 2138
applicable. Upon the refusal of any person to obey a subpoena or 2139
to be sworn or to answer as a witness, the commission may apply to 2140
the court of common pleas of Franklin county under section 2705.03 2141
of the Revised Code. The court shall hold proceedings in 2142
accordance with Chapter 2705. of the Revised Code. The commission 2143
or the accused person may take the depositions of witnesses 2144
residing within or without the state in the same manner as 2145
prescribed by law for the taking of depositions in civil actions 2146
in the court of common pleas. 2147

(E) At least once each year, the Ohio ethics commission shall 2148
report on its activities of the immediately preceding year to the 2149
majority and minority leaders of the senate and house of 2150
representatives of the general assembly. The report shall indicate 2151
the total number of complaints received, initiated, and 2152
investigated by the commission, the total number of complaints for 2153
which formal hearings were held, and the total number of 2154
complaints for which formal prosecution was recommended or 2155
requested by the commission. The report also shall indicate the 2156
nature of the inappropriate conduct alleged in each complaint and 2157
the governmental entity with which any employee or official that 2158
is the subject of a complaint was employed at the time of the 2159

alleged inappropriate conduct. 2160

(F) All papers, records, affidavits, and documents upon any 2161
complaint, inquiry, or investigation relating to the proceedings 2162
of the appropriate ethics commission shall be sealed and are 2163
private and confidential, except as otherwise provided in this 2164
section and section 102.07 of the Revised Code. 2165

(G)(1) When a complaint or charge is before it, the Ohio 2166
ethics commission or the appropriate prosecuting authority, in 2167
consultation with the person filing the complaint or charge, the 2168
accused, and any other person the commission or prosecuting 2169
authority considers necessary, may compromise or settle the 2170
complaint or charge with the agreement of the accused. The 2171
compromise or settlement may include mediation, restitution, 2172
rescission of affected contracts, forfeiture of any benefits 2173
resulting from a violation or potential violation of law, 2174
resignation of a public official or employee, or any other relief 2175
that is agreed upon between the commission or prosecuting 2176
authority and the accused. 2177

(2) Any settlement agreement entered into under division 2178
(G)(1) of this section shall be in writing and be accompanied by a 2179
statement of the findings of the commission or prosecuting 2180
authority and the reasons for entering into the agreement. The 2181
commission or prosecuting authority shall retain the agreement and 2182
statement in the commission's or prosecuting authority's office 2183
and, in the commission's or prosecuting authority's discretion, 2184
may make the agreement, the statement, and any supporting 2185
information public, unless the agreement provides otherwise. 2186

(3) If a settlement agreement is breached by the accused, the 2187
commission or prosecuting authority, in the commission's or 2188
prosecuting authority's discretion, may rescind the agreement and 2189
reinstitute any investigation, hearing, or prosecution of the 2190
accused. No information obtained from the accused in reaching the 2191

settlement that is not otherwise discoverable from the accused 2192
shall be used in any proceeding before the commission or by the 2193
appropriate prosecuting authority in prosecuting the violation. 2194
Notwithstanding any other section of the Revised Code, if a 2195
settlement agreement is breached, any statute of limitations for a 2196
violation of this chapter or section 2921.42 or 2921.43 of the 2197
Revised Code is tolled from the date the complaint or charge is 2198
filed until the date the settlement agreement is breached. 2199

Sec. 102.09. (A) The secretary of state and the county board 2200
of elections shall furnish, to each candidate for elective office 2201
who is required to file a financial disclosure statement by 2202
section 102.02 of the Revised Code, a financial disclosure form, 2203
and shall notify the appropriate ethics commission, within fifteen 2204
days of the name of the candidate, and of the subsequent 2205
withdrawal, disqualification, or death of the candidate. The 2206
candidate shall acknowledge receipt of the financial disclosure 2207
form in writing. 2208

(B) The secretary of state and the county board of elections 2209
shall furnish to each person who is appointed to fill a vacancy 2210
for an unexpired term in an elective office, and who is required 2211
to file a financial disclosure statement by section 102.02 of the 2212
Revised Code, a financial disclosure form, and shall notify the 2213
appropriate ethics commission within fifteen days of being 2214
notified by the appointing authority, of the name and position of 2215
the public official and the date of appointment. The person shall 2216
acknowledge receipt of the financial disclosure form in writing. 2217

(C) The public agency or appointing authority that employs, 2218
appoints, or promotes any public official or employee who, as a 2219
result of such employment, appointment, or promotion, is required 2220
to file a financial disclosure statement by section 102.02 of the 2221
Revised Code, shall, within fifteen days of the employment, 2222

appointment, or promotion, furnish the public official or employee 2223
with a financial disclosure form, and shall notify the appropriate 2224
ethics commission of the name and position of the public official 2225
or employee and the date of employment, appointment, or promotion. 2226
The public official or employee shall acknowledge receipt of the 2227
financial disclosure form in writing. 2228

(D) The state institution of higher education that employs a 2229
faculty member who is required to file a financial disclosure 2230
statement under section 102.023 of the Revised Code shall provide 2231
the faculty member with a financial disclosure form. The financial 2232
disclosure form shall be provided within fifteen days of a faculty 2233
member being hired or promoted by the institution. The institution 2234
shall notify the Ohio ethics commission of the name and position 2235
of the faculty member and the date of employment or promotion. The 2236
faculty member shall acknowledge receipt of the financial 2237
disclosure form in writing. 2238

(E) Within fifteen days after any public official or employee 2239
begins the performance of official duties, the public agency with 2240
which the official or employee serves or the appointing authority 2241
shall furnish the official or employee a copy of Chapter 102. and 2242
section 2921.42 of the Revised Code, and may furnish such other 2243
materials as the appropriate ethics commission prepares for 2244
distribution. The official or employee shall acknowledge their 2245
receipt in writing. The requirements of this division do not apply 2246
at the time of reappointment or reelection. 2247

Sec. 102.99. (A) Whoever violates division (C) of section 2248
102.02, division (H) of section 102.023, or division (C) of 2249
section 102.031 of the Revised Code is guilty of a misdemeanor of 2250
the fourth degree. 2251

(B) Whoever violates division (D) of section 102.02, division 2252
(I) of section 102.023, or section 102.021, 102.03, 102.04, or 2253

102.07 of the Revised Code is guilty of a misdemeanor of the first degree. 2254
2255

Sec. 103.41. (A) As used in sections 103.41 to ~~103.415~~ 2256
103.417 of the Revised Code: 2257

(1) "JMOC" means the joint medicaid oversight committee 2258
created under this section. 2259

(2) "State and local government medicaid agency" means all of 2260
the following: 2261

(a) The department of medicaid; 2262

(b) The office of health transformation; 2263

(c) Each state agency and political subdivision with which 2264
the department of medicaid contracts under section 5162.35 of the 2265
Revised Code to have the state agency or political subdivision 2266
administer one or more components of the medicaid program, or one 2267
or more aspects of a component, under the department's 2268
supervision; 2269

(d) Each agency of a political subdivision that is 2270
responsible for administering one or more components of the 2271
medicaid program, or one or more aspects of a component, under the 2272
supervision of the department or a state agency or political 2273
subdivision described in division (A)(2)(c) of this section. 2274

(B) There is hereby created the joint medicaid oversight 2275
committee. JMOC shall consist of the following members: 2276

(1) Five members of the senate appointed by the president of 2277
the senate, three of whom are members of the majority party and 2278
two of whom are members of the minority party; 2279

(2) Five members of the house of representatives appointed by 2280
the speaker of the house of representatives, three of whom are 2281
members of the majority party and two of whom are members of the 2282

minority party. 2283

(C) The term of each JMOC member shall begin on the day of 2284
appointment to JMOC and end on the last day that the member serves 2285
in the house (in the case of a member appointed by the speaker) or 2286
senate (in the case of a member appointed by the president) during 2287
the general assembly for which the member is appointed to JMOC. 2288
The president and speaker shall make the initial appointments not 2289
later than fifteen days after March 20, 2014. However, if this 2290
section takes effect before January 1, 2014, the president and 2291
speaker shall make the initial appointments during the period 2292
beginning January 1, 2014, and ending January 15, 2014. The 2293
president and speaker shall make subsequent appointments not later 2294
than fifteen days after the commencement of the first regular 2295
session of each general assembly. JMOC members may be reappointed. 2296
A vacancy on JMOC shall be filled in the same manner as the 2297
original appointment. 2298

(D) In odd-numbered years, the speaker shall designate one of 2299
the majority members from the house as the JMOC chairperson and 2300
the president shall designate one of the minority members from the 2301
senate as the JMOC ranking minority member. In even-numbered 2302
years, the president shall designate one of the majority members 2303
from the senate as the JMOC chairperson and the speaker shall 2304
designate one of the minority members from the house as the JMOC 2305
ranking minority member. 2306

(E) In appointing members from the minority, and in 2307
designating ranking minority members, the president and speaker 2308
shall consult with the minority leader of their respective houses. 2309

(F) JMOC shall meet at the call of the JMOC chairperson. The 2310
chairperson shall call JMOC to meet not less often than once each 2311
calendar month, unless the chairperson and ranking minority member 2312
agree that the chairperson should not call JMOC to meet for a 2313
particular month. 2314

(G) Notwithstanding section 101.26 of the Revised Code, the members, when engaged in their duties as members of JMOC on days when there is not a voting session of the member's house of the general assembly, shall be paid at the per diem rate of one hundred fifty dollars, and their necessary traveling expenses, which shall be paid from the funds appropriated for the payment of expenses of legislative committees.

(H) ~~JMOC~~ The president and speaker, by mutual agreement, may employ professional, technical, and clerical employees as are necessary for JMOC to be able successfully and efficiently to perform its duties. All such employees are in the unclassified service and serve at ~~JMOC's~~ the president's and speaker's pleasure. JMOC may contract for the services of persons who are qualified by education and experience to advise, consult with, or otherwise assist JMOC in the performance of its duties.

(I) The JMOC chairperson, when authorized by JMOC and the president and speaker, may issue subpoenas and subpoenas duces tecum in aid of JMOC's performance of its duties. A subpoena may require a witness in any part of the state to appear before JMOC at a time and place designated in the subpoena to testify. A subpoena duces tecum may require witnesses or other persons in any part of the state to produce books, papers, records, and other tangible evidence before JMOC at a time and place designated in the subpoena duces tecum. A subpoena or subpoena duces tecum shall be issued, served, and returned, and has consequences, as specified in sections 101.41 to 101.45 of the Revised Code.

(J) The JMOC chairperson may administer oaths to witnesses appearing before JMOC.

Sec. 103.42 103.416. ~~(A) During the period beginning July 1, 2015, and ending June 30, 2018, the joint medicaid oversight committee~~ JMOC on a quarterly basis shall monitor the actions of

the department of medicaid under section 5167.04 of the Revised Code in preparing to implement ~~and implementing~~ inclusion of alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code.

~~(B)(1) The committee shall review any proposal by the department to include all or part of the services in all or part of the system before January 1, 2018. In conducting its review, the committee shall consider all of the following for each service to be included:~~

~~(a) The proposed timeline for including the service;~~

~~(b) Any issues related to medicaid recipients' access to the service;~~

~~(c) The adequacy of the network of providers of the service;~~

~~(d) Payment levels for the service.~~

~~(2) The committee shall vote on whether to approve or disapprove the proposal. If a majority of the committee members approve the proposal, the committee shall notify the department and the proposal may be implemented.~~

~~(C) Beginning July 1, 2018, the committee Code. When the inclusion of the services in the system begins to be implemented, JMOc on a periodic basis shall monitor the department's inclusion of the services in the system.~~

Sec. 103.417. Before the department of medicaid or another state agency with which the department has entered into a contract under section 5162.35 of the Revised Code to administer one or more components of the medicaid program or one or more aspects of a component, implements a proposal to increase, by rule or otherwise, the medicaid payment rate for a medicaid service, the

department or other state agency shall submit the proposal to 2375
JMOC. This applies regardless of whether the proposal involves a 2376
change to the method by which the medicaid payment rate is to be 2377
determined or specifies the actual amount of the rate increase. If 2378
the proposal is to be implemented in part or whole by rule, the 2379
department or other state agency shall include with the proposal a 2380
copy of the proposed rule as filed in final form under section 2381
119.04 of the Revised Code. 2382

Not later than thirty days after the date a proposal is 2383
submitted to it under this section, JMOC shall do both of the 2384
following: 2385

(A) Conduct a public hearing on the proposal; 2386

(B) For the purpose of section 5164.69 of the Revised Code, 2387
vote on whether to permit or prohibit the implementation of the 2388
proposal. 2389

Sec. 103.45. (A) The joint education oversight committee of 2390
the house of representatives and senate is hereby created. The 2391
committee shall authorize a plan of work, which shall include 2392
research, review, study, and analysis of current or emerging 2393
education policy issues important to the state, the available 2394
policy options to address such issues, and the available data and 2395
research to support such analysis and options. 2396

(B) The committee also may select, for review and evaluation, 2397
education programs at school districts, other public schools, and 2398
state institutions of higher education that receive state 2399
financial assistance in any form. The reviews and evaluations may 2400
include any of the following: 2401

(1) Assessment of the uses school districts, other public 2402
schools, and state institutions of higher education make of state 2403
money they receive, and a determination of the extent to which 2404

that money improves student, district, school, or institutional performance in the areas for which the money was intended to be used;

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

(3) Examination of pilot programs developed and initiated in school districts, at other public schools, and at state institutions of higher education to determine whether the programs suggest innovative, effective ways to deal with problems that may exist in other districts, schools, or institutions of higher education, or to create opportunities for success, and to assess the fiscal costs and likely impact of adopting the programs throughout the state.

(C) The committee may prepare a report of the results of each review and evaluation it conducts, make recommendations to the general assembly and transmit the report and its recommendations to the general assembly under section 101.68 of the Revised Code. It also may submit the report and its recommendations to the chairpersons and members of the standing committees of the house of representatives and the senate principally responsible for education policy.

(D)(1) When the department of education proposes changes in the full-time equivalency enrollment review and audit manual required to be submitted to the committee under section 3301.65 of the Revised Code, upon submission of the manual and the proposed changes, the committee shall hold one or more public hearings at which school districts and schools may present testimony on their ability and capacity to comply with the proposed standards, procedures, timelines, and other requirements contained within the

manual. 2437

(2) Not later than the fifteenth day of June of each year the 2438
department proposes changes in that manual, the committee shall 2439
vote to determine whether districts and schools can reasonably 2440
comply with the proposed standards, procedures, timelines, and 2441
other requirements related to review or audit of full-time 2442
equivalency student enrollment reporting. If the committee 2443
determines that districts and schools cannot reasonably comply, 2444
the proposed manual shall not become effective, and the department 2445
shall use the prior year's standards, procedures, timelines, and 2446
other requirements when reviewing or auditing full-time 2447
equivalency student enrollment reporting. 2448

(3) Not later than the first day of July each year in which 2449
the committee determines that schools are reasonably capable of 2450
compliance with proposed changes in the standards, procedures, 2451
timelines, and other requirements contained within the manual, the 2452
committee shall prepare a report comparing the prior year's 2453
standards, procedures, timelines, and other requirements with the 2454
newest standards, procedures, timelines, and other requirements 2455
and a summary of the testimony submitted in the public hearings 2456
held pursuant to division (D)(1) of this section to the general 2457
assembly in accordance with section 101.68 of the Revised Code. 2458

(E) If the general assembly directs the joint education 2459
oversight committee to submit a study to the general assembly by a 2460
particular date, the committee, upon a majority vote of its 2461
members, may modify the scope and due date of the study to 2462
accommodate the availability of data and resources. 2463

Sec. 103.47. The ~~joint education oversight committee~~ speaker 2464
of the house of representatives and the president of the senate, 2465
by mutual agreement, may employ professional, technical, and 2466
clerical employees as are necessary for the joint education 2467

oversight committee to be able successfully and efficiently to 2468
perform its duties. All the employees are in the unclassified 2469
service and serve at the ~~committee's~~ speaker's and president's 2470
pleasure. The committee may contract for the services of persons 2471
who are qualified by education and experience to advise, consult 2472
with, or otherwise assist the committee in the performance of its 2473
duties. 2474

Sec. 105.41. (A) There is hereby created in the legislative 2475
branch of government the capitol square review and advisory board, 2476
consisting of twelve members as follows: 2477

(1) Two members of the senate, appointed by the president of 2478
the senate, both of whom shall not be members of the same 2479
political party; 2480

(2) Two members of the house of representatives, appointed by 2481
the speaker of the house of representatives, both of whom shall 2482
not be members of the same political party; 2483

(3) Four members appointed by the governor, with the advice 2484
and consent of the senate, not more than three of whom shall be 2485
members of the same political party, one of whom shall be the 2486
chief of staff of the governor's office, one of whom shall 2487
represent the Ohio arts council, one of whom shall represent the 2488
Ohio history connection, and one of whom shall represent the 2489
public at large; 2490

(4) One member, who shall be a former president of the 2491
senate, appointed by the current president of the senate. If the 2492
current president of the senate, in the current president's 2493
discretion, decides for any reason not to make the appointment or 2494
if no person is eligible or available to serve, the seat shall 2495
remain vacant. 2496

(5) One member, who shall be a former speaker of the house of 2497

representatives, appointed by the current speaker of the house of 2498
representatives. If the current speaker of the house of 2499
representatives, in the current speaker's discretion, decides for 2500
any reason not to make the appointment or if no person is eligible 2501
or available to serve, the seat shall remain vacant. 2502

(6) The clerk of the senate and the clerk of the house of 2503
representatives. 2504

(B) Terms of office of each appointed member of the board 2505
shall be for three years, except that members of the general 2506
assembly appointed to the board shall be members of the board only 2507
so long as they are members of the general assembly and the chief 2508
of staff of the governor's office shall be a member of the board 2509
only so long as the appointing governor remains in office. Each 2510
member shall hold office from the date of the member's appointment 2511
until the end of the term for which the member was appointed. In 2512
case of a vacancy occurring on the board, the president of the 2513
senate, the speaker of the house of representatives, or the 2514
governor, as the case may be, shall in the same manner prescribed 2515
for the regular appointment to the commission, fill the vacancy by 2516
appointing a member. Any member appointed to fill a vacancy 2517
occurring prior to the expiration of the term for which the 2518
member's predecessor was appointed shall hold office for the 2519
remainder of the term. Any appointed member shall continue in 2520
office subsequent to the expiration date of the member's term 2521
until the member's successor takes office, or until a period of 2522
sixty days has elapsed, whichever occurs first. 2523

(C) The board shall hold meetings in a manner and at times 2524
prescribed by the rules adopted by the board. A majority of the 2525
board constitutes a quorum, and no action shall be taken by the 2526
board unless approved by at least six members or by at least seven 2527
members if a person is appointed under division (A)(4) or (5) of 2528
this section. At its first meeting, the board shall adopt rules 2529

for the conduct of its business and the election of its officers, 2530
and shall organize by selecting officers other than a chairperson 2531
as it considers necessary. In odd-numbered years, the majority 2532
member from the senate shall serve as chairperson; in 2533
even-numbered years, the majority member from the house of 2534
representatives shall serve as chairperson. Board members shall 2535
serve without compensation but shall be reimbursed for actual and 2536
necessary expenses incurred in the performance of their duties. 2537

(D) The board may do any of the following: 2538

(1) Employ or hire on a consulting basis professional, 2539
technical, and clerical employees as are necessary for the 2540
performance of its duties. All employees of the board are in the 2541
unclassified service and serve at the pleasure of the board. For 2542
purposes of section 4117.01 of the Revised Code, employees of the 2543
board shall be considered employees of the general assembly, 2544
except that employees who are covered by a collective bargaining 2545
agreement on September 29, 2011, shall remain subject to the 2546
agreement until the agreement expires on its terms, and the 2547
agreement shall not be extended or renewed. Upon expiration of the 2548
agreement, the employees are considered employees of the general 2549
assembly for purposes of section 4117.01 of the Revised Code and 2550
are in the unclassified service and serve at the pleasure of the 2551
board. 2552

(2) Hold public hearings at times and places as determined by 2553
the board; 2554

(3) Adopt, amend, or rescind rules necessary to accomplish 2555
the duties of the board as set forth in this section; 2556

(4) Sponsor, conduct, and support such social events as the 2557
board may authorize and consider appropriate for the employees of 2558
the board, employees and members of the general assembly, 2559
employees of persons under contract with the board or otherwise 2560

engaged to perform services on the premises of capitol square, or 2561
other persons as the board may consider appropriate. Subject to 2562
the requirements of Chapter 4303. of the Revised Code, the board 2563
may provide beer, wine, and intoxicating liquor, with or without 2564
charge, for those events and may use funds only from the sale of 2565
goods and services fund to purchase the beer, wine, and 2566
intoxicating liquor the board provides; 2567

(5) Purchase a warehouse in which to store items of the 2568
capitol collection trust and, whenever necessary, equipment or 2569
other property of the board. 2570

(E) The board shall do all of the following: 2571

(1) Have sole authority to coordinate and approve any 2572
improvements, additions, and renovations that are made to the 2573
capitol square. The improvements shall include, but not be limited 2574
to, the placement of monuments and sculpture on the capitol 2575
grounds. 2576

(2) ~~Subject to section 3353.07 of the Revised Code, operate~~ 2577
Operate the capitol square, and have sole authority to regulate 2578
all uses of the capitol square. The uses shall include, but not be 2579
limited to, the casual and recreational use of the capitol square. 2580

(3) Employ, fix the compensation of, and prescribe the duties 2581
of the executive director of the board and other employees the 2582
board considers necessary for the performance of its powers and 2583
duties; 2584

(4) Establish and maintain the capitol collection trust. The 2585
capitol collection trust shall consist of furniture, antiques, and 2586
other items of personal property that the board shall store in 2587
suitable facilities until they are ready to be displayed in the 2588
capitol square. 2589

(5) Perform repair, construction, contracting, purchasing, 2590
maintenance, supervisory, and operating activities the board 2591

determines are necessary for the operation and maintenance of the 2592
capitol square; 2593

(6) Maintain and preserve the capitol square, in accordance 2594
with guidelines issued by the United States secretary of the 2595
interior for application of the secretary's standards for 2596
rehabilitation adopted in 36 C.F.R. part 67; 2597

(7) Plan and develop a center at the capitol building for the 2598
purpose of educating visitors about the history of Ohio, including 2599
its political, economic, and social development and the design and 2600
erection of the capitol building and its grounds; 2601

(8) Implement all security measures and operations for 2602
capitol square as directed by the department of public safety 2603
under section 5502.01 of the Revised Code. 2604

(F)(1) The board shall lease capital facilities improved by 2605
the department of administrative services or financed by the 2606
treasurer of state pursuant to Chapter 154. of the Revised Code 2607
for the use of the board, and may enter into any other agreements 2608
with the department, the Ohio public facilities commission, or any 2609
other authorized governmental agency ancillary to improvement, 2610
financing, or leasing of those capital facilities, including, but 2611
not limited to, any agreement required by the applicable bond 2612
proceedings authorized by Chapter 154. of the Revised Code. Any 2613
lease of capital facilities authorized by this section shall be 2614
governed by Chapter 154. of the Revised Code. 2615

(2) Fees, receipts, and revenues received by the board from 2616
the state underground parking garage constitute available receipts 2617
as defined in section 154.24 of the Revised Code, and may be 2618
pledged to the payment of bond service charges on obligations 2619
issued by the treasurer of state pursuant to Chapter 154. of the 2620
Revised Code to improve, finance, or purchase capital facilities 2621
useful to the board. The treasurer of state may, with the consent 2622

of the board, provide in the bond proceedings for a pledge of all 2623
or a portion of those fees, receipts, and revenues as the 2624
treasurer of state determines. The treasurer of state may provide 2625
in the bond proceedings or by separate agreement with the board 2626
for the transfer of those fees, receipts, and revenues to the 2627
appropriate bond service fund or bond service reserve fund as 2628
required to pay the bond service charges when due, and any such 2629
provision for the transfer of those fees, receipts, and revenues 2630
shall be controlling notwithstanding any other provision of law 2631
pertaining to those fees, receipts, and revenues. 2632

(3) All moneys received by the treasurer of state on account 2633
of the board and required by the applicable bond proceedings or by 2634
separate agreement with the board to be deposited, transferred, or 2635
credited to the bond service fund or bond service reserve fund 2636
established by the bond proceedings shall be transferred by the 2637
treasurer of state to such fund, whether or not it is in the 2638
custody of the treasurer of state, without necessity for further 2639
appropriation. 2640

(G)(1) Except as otherwise provided in division (G)(2) of 2641
this section, all fees, receipts, and revenues received by the 2642
board from the state underground parking garage shall be deposited 2643
into the state treasury to the credit of the underground parking 2644
garage operating fund, which is hereby created, to be used for the 2645
purposes specified in division (F) of this section and for the 2646
operation and maintenance of the garage. All investment earnings 2647
of the fund shall be credited to the fund. 2648

(2) There is hereby created the parking garage automated 2649
equipment fund, which shall be in the custody of the treasurer of 2650
state but shall not be part of the state treasury. Money in the 2651
fund shall be used to purchase the automated teller machine 2652
quality dollar bills needed for operation of the parking garage 2653
automated equipment. The fund shall consist of fees, receipts, or 2654

revenues received by the board from the state underground parking garage; provided, however, that the total amount deposited into the fund at any one time shall not exceed ten thousand dollars. All investment earnings of the fund shall be credited to the fund.

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

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

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

(3) To award contracts or make grants to organizations for educating the public regarding the historical background and governmental functions of the capitol square. Chapters 125., 127., and 153. and section 3517.13 of the Revised Code do not apply to purchases made exclusively from the fund, notwithstanding anything to the contrary in those chapters or that section. All investment earnings of the fund shall be credited to the fund.

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

(J) There is hereby created in the state treasury the capitol square improvement fund, to be used by the board to pay construction, renovation, and other costs related to the capitol

square for which money is not otherwise available to the board. 2686
Whenever the board determines that there is a need to incur those 2687
costs and that the unencumbered, unobligated balance to the credit 2688
of the underground parking garage operating fund exceeds the 2689
amount needed for the purposes specified in division (F) of this 2690
section and for the operation and maintenance of the garage, the 2691
board may request the director of budget and management to 2692
transfer from the underground parking garage operating fund to the 2693
capitol square improvement fund the amount needed to pay such 2694
construction, renovation, or other costs. The director then shall 2695
transfer the amount needed from the excess balance of the 2696
underground parking garage operating fund. 2697

(K) As the operation and maintenance of the capitol square 2698
constitute essential government functions of a public purpose, the 2699
board shall not be required to pay taxes or assessments upon the 2700
square, upon any property acquired or used by the board under this 2701
section, or upon any income generated by the operation of the 2702
square. 2703

(L) As used in this section, "capitol square" means the 2704
capitol building, senate building, capitol atrium, capitol 2705
grounds, the state underground parking garage, and the warehouse 2706
owned by the board. 2707

(M) The capitol annex shall be known as the senate building. 2708

(N) Any person may possess a firearm in a motor vehicle in 2709
the state underground parking garage at the state capitol 2710
building, if the person's possession of the firearm in the motor 2711
vehicle is not in violation of section 2923.16 of the Revised Code 2712
or any other provision of the Revised Code. Any person may store 2713
or leave a firearm in a locked motor vehicle that is parked in the 2714
state underground parking garage at the state capitol building, if 2715
the person's transportation and possession of the firearm in the 2716
motor vehicle while traveling to the garage was not in violation 2717

of section 2923.16 of the Revised Code or any other provision of 2718
the Revised Code. 2719

~~Sec. 107.031. Until the first committee appointed under 2720
division (C) of section 3317.012 of the Revised Code to reexamine 2721
the cost of an adequate education makes its report to the office 2722
of budget and management and the general assembly, the The 2723
governor shall ensure that among the various budget 2724
recommendations made by the governor and the director of budget 2725
and management to the general assembly each biennium there are 2726
recommendations for appropriations to the Ohio ~~school~~ facilities 2727
construction commission, aggregating not less than three hundred 2728
million dollars per fiscal year, ~~excluding recommendations for~~ 2729
~~appropriations from the education facilities trust fund, created~~ 2730
~~in section 183.26 of the Revised Code,~~ for constructing, 2731
acquiring, replacing, reconstructing, or adding to classroom 2732
facilities, as such term is defined in section 3318.01 of the 2733
Revised Code. 2734~~

Sec. 107.036. (A) For each business incentive tax credit, the 2735
main operating appropriations act shall contain a detailed 2736
estimate of the total amount of credits that may be authorized in 2737
each year, an estimate of the amount of credits expected to be 2738
claimed in each year, and an estimate of the amount of credits 2739
expected to remain outstanding at the end of the biennium. The 2740
governor shall include such estimates in the state budget 2741
submitted to the general assembly pursuant to section 107.03 of 2742
the Revised Code. 2743

(B) As used in this section, "business incentive tax credit" 2744
means all of the following: 2745

(1) The job creation tax credit under section 122.17 of the 2746
Revised Code; 2747

<u>(2) The job retention tax credit under section 122.171 of the Revised Code;</u>	2748
	2749
<u>(3) The historic preservation tax credit under section 149.311 of the Revised Code;</u>	2750
	2751
<u>(4) The motion picture tax credit under section 122.85 of the Revised Code;</u>	2752
	2753
<u>(5) The new markets tax credit under section 5725.33 of the Revised Code;</u>	2754
	2755
<u>(6) The research and development credit under section 166.21 of the Revised Code;</u>	2756
	2757
<u>(7) The small business investment credit under section 122.86 of the Revised Code.</u>	2758
	2759
 Sec. 107.35. Not later than December 31, 2014, the <u>The</u> governor's office of workforce transformation, with staff support and assistance from the departments of job and family services and, education and the Ohio board of regents, higher education, and the opportunities for Ohioans with disabilities agency, shall establish criteria to use for evaluating the performance of state and local workforce programs using basic, aligned workforce measures related to system efficiency and effectiveness. <u>The</u> <u>office shall include in the criteria a measure to determine the</u> <u>effectiveness of a workforce program in transitioning individuals</u> <u>participating in any federal, state, or local means-tested public</u> <u>assistance program to unsubsidized employment.</u> The office shall develop and make available on the internet through a web site a public dashboard to display metrics regarding the state's administration of primary workforce programs, including the following programs:	2760
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	2775
(A) The adult basic and literacy education program;	2776
(B) Programs administered under the federal "Carl D. Perkins	2777

Career and Technical Education Act of 2006," 120 Stat. 683, 20	2778
U.S.C. 2301 et seq., as amended;	2779
(C) State aid and scholarships within the Ohio board of	2780
regents <u>administered by the department of higher education;</u>	2781
(D) Programs administered under title I of the federal	2782
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801	2783
et seq., as amended <u>"Workforce Innovation and Opportunity Act," 29</u>	2784
<u>U.S.C. 3101 et seq.;</u>	2785
(E) <u>The state vocational rehabilitation program administered</u>	2786
<u>under title I of the federal "Rehabilitation Act of 1973," 29</u>	2787
<u>U.S.C. 701, et seq.</u>	2788
<u>Sec. 107.56.</u> (A) <u>As used in this section, "board or</u>	2789
<u>commission" means any of the following:</u>	2790
(1) <u>The accountancy board;</u>	2791
(2) <u>The architects board;</u>	2792
(3) <u>The state cosmetology and barber board;</u>	2793
(4) <u>The board of embalmers and funeral directors;</u>	2794
(5) <u>The board of executives of long-term services and</u>	2795
<u>supports;</u>	2796
(6) <u>The crematory review board;</u>	2797
(7) <u>The motor vehicle dealers board;</u>	2798
(8) <u>The motor vehicle repair board;</u>	2799
(9) <u>The motor vehicle salvage dealer's licensing board;</u>	2800
(10) <u>The Ohio athletic commission;</u>	2801
(11) <u>The Ohio construction industry licensing board;</u>	2802
(12) <u>The Ohio landscape architects board;</u>	2803
(13) <u>The Ohio real estate commission;</u>	2804

<u>(14) The real estate appraiser board;</u>	2805
<u>(15) The state auctioneers commission;</u>	2806
<u>(16) The state speech and hearing professionals board;</u>	2807
<u>(17) The manufactured homes commission;</u>	2808
<u>(18) The state board of education;</u>	2809
<u>(19) The state board of emergency medical, fire, and transportation services;</u>	2810 2811
<u>(20) The board of nursing;</u>	2812
<u>(21) The state board of pharmacy;</u>	2813
<u>(22) The state board of registration for professional engineers and surveyors;</u>	2814 2815
<u>(23) The state board of psychology;</u>	2816
<u>(24) The state chiropractic board;</u>	2817
<u>(25) The state dental board;</u>	2818
<u>(26) The state medical board;</u>	2819
<u>(27) The state veterinary medical licensing board;</u>	2820
<u>(28) The state vision professionals board;</u>	2821
<u>(29) The counselor, social worker, and marriage and family therapist board;</u>	2822 2823
<u>(30) The chemical dependency professionals board;</u>	2824
<u>(31) The Ohio occupational therapy, physical therapy, and athletic trainers board;</u>	2825 2826
<u>(32) Any other multi-member body created under state law that licenses or otherwise regulates an occupation or industry to which one or more members of the body belongs.</u>	2827 2828 2829
<u>(B) The common sense initiative office shall review an action taken or proposed by a board or commission that is subject to</u>	2830 2831

<u>review under this section and that is referred to the office</u>	2832
<u>pursuant to division (C) of this section.</u>	2833
<u>(1) The following actions are subject to review under this</u>	2834
<u>section:</u>	2835
<u>(a) Any action that directly or indirectly has an effect of</u>	2836
<u>any of the following:</u>	2837
<u>(i) Fixing prices, limiting price competition, or increasing</u>	2838
<u>prices in this state for the goods or services that are provided</u>	2839
<u>by the occupation or industry regulated by the board or</u>	2840
<u>commission;</u>	2841
<u>(ii) Dividing, allocating, or assigning customers, potential</u>	2842
<u>customers, or geographic markets in this state among members of</u>	2843
<u>the occupation or industry regulated by the board or commission;</u>	2844
<u>(iii) Excluding present or potential competitors from the</u>	2845
<u>occupation or industry regulated by the board or commission;</u>	2846
<u>(iv) Limiting the output or supply in this state of any good</u>	2847
<u>or service provided by the members of the occupation or industry</u>	2848
<u>regulated by the board or commission.</u>	2849
<u>(b) Any other activity that could be subject to state or</u>	2850
<u>federal antitrust law if the action were undertaken by a private</u>	2851
<u>person or combination of private persons.</u>	2852
<u>(2) Except as provided in division (H) of this section, the</u>	2853
<u>following actions are not subject to review under this section:</u>	2854
<u>(a) Denying an application to obtain a license because the</u>	2855
<u>applicant has violated or has not complied with the Ohio Revised</u>	2856
<u>Code or the Ohio Administrative Code;</u>	2857
<u>(b) Taking disciplinary action against an individual or</u>	2858
<u>corporation that is licensed by a board or commission for</u>	2859
<u>violations of the Ohio Revised Code or the Ohio Administrative</u>	2860
<u>Code.</u>	2861

<u>(C)(1) The following persons or entities may refer an action</u>	2862
<u>to the office for review under this section:</u>	2863
<u>(a) A board or commission that has taken or is proposing to</u>	2864
<u>take an action;</u>	2865
<u>(b) A person who is affected by an action taken by a board or</u>	2866
<u>commission or is likely to be affected by an action proposed by a</u>	2867
<u>board or commission;</u>	2868
<u>(c) A person who has been granted a stay pursuant to division</u>	2869
<u>(G) of this section.</u>	2870
<u>(2) A board or commission or person who refers an action to</u>	2871
<u>the office shall prepare a brief statement explaining the action</u>	2872
<u>and its consistency or inconsistency with state or federal</u>	2873
<u>antitrust law and file the statement with the office. If the</u>	2874
<u>action is in writing, the board or commission or person shall</u>	2875
<u>attach a copy of it to the statement. The person shall transmit a</u>	2876
<u>copy of the statement to the board or commission.</u>	2877
<u>(3) The referral of an action by a board or commission for</u>	2878
<u>review by the office does not constitute an admission that the</u>	2879
<u>action violates any state or federal law.</u>	2880
<u>(4) A person who is affected by an action taken by a board or</u>	2881
<u>commission or is likely to be affected by an action proposed by a</u>	2882
<u>board or commission shall refer the action to the office for</u>	2883
<u>review within thirty days after receiving notice of the action or</u>	2884
<u>proposed action.</u>	2885
<u>(5) If an ongoing action or an action proposed by a board or</u>	2886
<u>commission is referred to the office for review under this</u>	2887
<u>section, the board or commission shall cease the ongoing action or</u>	2888
<u>not take the proposed action until the office has approved of the</u>	2889
<u>action pursuant to division (E) of this section and prepared and</u>	2890
<u>transmitted the memorandum required under division (F) of this</u>	2891
<u>section.</u>	2892

(D) The office shall determine whether an action referred to 2893
the office under this section is supported by, and consistent 2894
with, a clearly articulated state policy as expressed in the 2895
statutes creating the board or commission or the statutes and 2896
rules setting forth the board's or commission's powers, authority, 2897
and duties. If the office finds this to be the case, the office 2898
shall determine whether the clearly articulated state policy is 2899
merely a pretext by which the board or commission enables the 2900
members of an occupation or industry the board or commission 2901
regulates to engage in anticompetitive conduct that could be 2902
subject to state or federal antitrust law if the action were taken 2903
by a private person or combination of private persons. 2904

(E) After making the determinations required under division 2905
(D) of this section, the office shall take one of the following 2906
actions: 2907

(1) Approve the board or commission action if the office 2908
determines that the action is pursuant to a clearly articulated 2909
state policy and that the policy is not a pretext as described in 2910
division (D) of this section. If the office approves the board's 2911
or commission's action, the board or commission may proceed to 2912
take or may continue the action. 2913

(2) Disapprove the board or commission action if the office 2914
determines that the action is not pursuant to a clearly 2915
articulated state policy or that if it is pursuant to a clearly 2916
articulated state policy, that policy is a pretext as described in 2917
division (D) of this section. If the office disapproves the 2918
board's or commission's action, the action is void. 2919

(F) The office shall prepare a memorandum that explains the 2920
office's approval or disapproval. The office shall transmit a copy 2921
of the memorandum to the person and the board or commission or to 2922
the board or commission if only the board or commission is 2923
involved. The office shall post the memorandum on the web site 2924

maintained by the office. 2925

(G)(1) A person having standing to commence and prosecute a 2926
state or federal antitrust action against a board or commission 2927
shall exhaust the remedies provided by this section before 2928
commencing such an action. This division shall not apply to the 2929
attorney general, a county prosecuting attorney, or any assistant 2930
prosecutor designated to assist a county prosecuting attorney. 2931

(2) The state, a board or commission, or a member of a board 2932
or commission in the member's official capacity, may request a 2933
stay of any lawsuit alleging that a board or commission engaged in 2934
anticompetitive conduct by taking an action described in division 2935
(B)(1) or (2) of this section that has not been previously 2936
reviewed by the office under this section. If the lawsuit was 2937
initiated by a person other than the attorney general, a county 2938
prosecuting attorney, or any assistant prosecutor designated to 2939
assist a county prosecuting attorney, the court shall grant the 2940
request. If the lawsuit was initiated by the attorney general, a 2941
county prosecuting attorney, or any assistant prosecutor 2942
designated to assist a county prosecuting attorney, the court 2943
shall deny the request. Any stay granted under this division will 2944
continue in effect until the office has prepared and transmitted 2945
the memorandum required under division (F) of this section. 2946

(H) The office shall review any action referred to the office 2947
by a party who has been granted a stay pursuant to division (G) of 2948
this section. 2949

(I) Notwithstanding any provision of this section to the 2950
contrary, an action taken by a board or commission is not subject 2951
to review under this section if the members of the board or 2952
commission who are members of the occupation or industry affected 2953
by the action are prohibited by statute from hearing, considering, 2954
deciding, or otherwise participating in the action. 2955

(J) The office shall adopt rules under Chapter 119. of the 2956
Revised Code that are necessary for the implementation and 2957
administration of this section. 2958

Sec. 107.71. (A) The Ohio institute of technology is 2959
established in the office of the governor. The office shall do at 2960
least all of the following: 2961

(1) Formulate and implement a state strategy to identify 2962
methods for using technology, research, and development to create 2963
positive results for citizens and businesses of this state and to 2964
improve the operations of state government; 2965

(2) Prioritize, coordinate, and focus all state-funded 2966
research including research funded by the department of higher 2967
education, department of administrative services, department of 2968
transportation, department of medicaid, department of job and 2969
family services, and opportunities for Ohioans with disabilities 2970
agency; 2971

(3) Identify emerging technologies and advocate for the 2972
research and application of technologies that may have a 2973
significant positive impact on the economy or workforce of this 2974
state; 2975

(4) Advocate for and coordinate research sponsored by state 2976
institutions of higher education regarding technologies that may 2977
have a significant positive impact on the economy or workforce of 2978
this state; 2979

(5) Identify methods to increase collaboration between state 2980
institutions of higher education; private, not-for-profit 2981
entities; and other private entities to accelerate product or 2982
patent incubation and commercialization of new and leading 2983
technologies in the state; 2984

(6) Manage the continued implementation of the Ohio 2985

innovation exchange and the Ohio federal research network; 2986

(7) Advise the governor on technology and issues relevant to 2987
the duties of the office; and 2988

(8) Perform such other duties as may be prescribed by the 2989
governor. 2990

The office shall issue a report to the governor and the 2991
members of the general assembly annually not later than the last 2992
day of December detailing the office's state strategy and the 2993
office's progress toward initial and updated goals established 2994
under the state strategy. 2995

(B) The governor shall appoint a chief innovation officer to 2996
serve as executive director of the office, and such other staff as 2997
may be necessary to manage the office and perform or oversee the 2998
performance of the duties of the office. To qualify for 2999
appointment as chief innovation officer, an individual shall have 3000
significant expertise in as many of the following fields as 3001
possible: biotechnology, information technology, medicine, 3002
logistics and supply chain management, advanced manufacturing, 3003
advanced materials, chemistry, robotics and sensors, aerospace, 3004
cyber security, and transportation technologies. 3005

(C) As used in this section, "state institution of higher 3006
education" has the meaning defined in section 3345.011 of the 3007
Revised Code. 3008

Sec. 109.112. If the state of Ohio or any agency or officer 3009
of the state is named in a court order to be the recipient of any 3010
money collected or received by the attorney general under section 3011
109.111 of the Revised Code, the attorney general shall notify the 3012
director of budget and management of the amount of money to be 3013
collected or received under, and the terms of, the court order. 3014
The director, in consultation with the attorney general, shall 3015

determine the appropriate distribution of the money. Upon its 3016
collection or receipt, the attorney general shall transfer the 3017
money from the attorney general court order fund to the 3018
appropriate fund or funds as determined by the director. 3019

Sec. 109.38. (A) As used in this section and section 109.381 3020
of the Revised Code: 3021

(1) "Consumer reporting agency" has the same meaning as in 3022
section 1681a(f) of the Fair Credit Reporting Act. 3023

(2) "Conviction of crime" means a conviction of, or a plea of 3024
guilty to, an offense. 3025

(3) "Fair Credit Reporting Act" means 15 U.S.C. 1681 et seq., 3026
as amended. 3027

(4) "Identified data repository" means either of the 3028
following: 3029

(a) A person or entity that is a consumer reporting agency 3030
and is known to a qualified third party as having a database that 3031
includes publicly available records of convictions of crime and 3032
from which consumer reports are prepared pursuant to the Fair 3033
Credit Reporting Act; 3034

(b) Any person or entity, other than a consumer reporting 3035
agency, that is known to a qualified third party as having a 3036
database that includes publicly available records of convictions 3037
of crime and that registers with a qualified third party for the 3038
purpose of receiving notices of court orders of sealed or expunged 3039
records under section 2953.32, 2953.37, 2953.38, or 2953.53 of the 3040
Revised Code and agreeing to remove those records and any 3041
references to and information from those records from the person's 3042
or entity's database. 3043

(5) "Qualified third party" means a private entity that is 3044

selected by the attorney general pursuant to this section. 3045

(B) The attorney general shall select a private entity as a 3046
qualified third party for the purpose of receiving notices of 3047
court orders of sealed or expunged records under section 2953.32, 3048
2953.37, 2953.38, or 2953.53 of the Revised Code. A qualified 3049
third party selected by the attorney general shall have the 3050
following qualifications: 3051

(1) The entity has specific knowledge and expertise regarding 3052
the operation of the Fair Credit Reporting Act. 3053

(2) The entity has prior experience in interacting and 3054
cooperating with consumer reporting agencies regarding their 3055
obligations for accuracy under section 1681e(b) of the Fair Credit 3056
Reporting Act and reinvestigations of disputed information under 3057
section 1681i of the Fair Credit Reporting Act to ensure the 3058
accomplishment of the goal of updating the records, files, or 3059
databases of the consumer reporting agencies that contain 3060
references to, or information on, convictions of crime. 3061

(3) The entity has relationships with data aggregators, 3062
public record vendors, and other companies that collect and 3063
compile from various sources data or information in records of 3064
convictions of crime to ensure their cooperation in maintaining 3065
the legitimacy, accuracy, completeness, and security of that data 3066
or information. 3067

(4) The entity has at least two years' experience in 3068
processing and sending notices of sealed or expunged records of 3069
convictions of crime to identified data repositories. 3070

(5) The entity is not an identified data repository or an 3071
entity that is owned or controlled by an identified data 3072
repository. 3073

(6) The entity meets all security clearances and security 3074
requirements imposed by the attorney general to ensure that the 3075

entity does not misuse any information received from the courts 3076
under section 109.381 of the Revised Code and that other persons 3077
do not have unauthorized access to that information. 3078

(C)(1) The qualified third party selected by the attorney 3079
general under this section shall serve as such qualified third 3080
party for a minimum of three years. The attorney general may 3081
either select another qualified third party at the end of any 3082
three-year period or retain the existing qualified third party for 3083
another three-year period. 3084

(2) Upon the selection or retention of a qualified third 3085
party under division (C)(1) of this section, the attorney general 3086
and the qualified third party shall enter into a contract that 3087
shall include all of the following: 3088

(a) The duties of the qualified third party under section 3089
109.381 of the Revised Code; 3090

(b) The amount of the fee to be paid by an applicant for a 3091
court order to seal or expunge records under section 2953.32, 3092
2953.37, 2953.38, or 2953.53 of the Revised Code who wishes to 3093
have the court send notice of the order to the qualified third 3094
party and to have the procedures under section 109.381 of the 3095
Revised Code apply to the records; 3096

(c) Any other provisions as determined by the attorney 3097
general in the rules promulgated under division (E) of this 3098
section. 3099

(3) The attorney general shall determine the proportion of 3100
the fee described in division (C)(2)(b) of this section that the 3101
qualified third party shall retain for its services under section 3102
109.381 of the Revised Code and each proportion of the fee that 3103
the qualified third party shall remit to the clerk of the court 3104
that sent the notice of the order under section 2953.32, 2953.37, 3105
2953.38, or 2953.53 of the Revised Code, the attorney general, and 3106

the state treasury. 3107

(D) The attorney general shall have oversight of the 3108
functions and activities of the qualified third party under 3109
section 109.381 of the Revised Code. 3110

(E) The attorney general shall promulgate rules pursuant to 3111
Chapter 119. of the Revised Code to implement this section and 3112
section 109.381 of the Revised Code. 3113

Sec. 109.381. (A) Upon receiving a notice of a court order 3114
under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised 3115
Code sealing or expunging the records subject to the order, the 3116
qualified third party shall send a notice of that order to all of 3117
the following: 3118

(1) Identified data repositories; 3119

(2) Web sites and publications that the qualified third party 3120
knows utilize, display, publish, or disseminate any information 3121
from those records. 3122

(B) Immediately upon receipt of the notice from the qualified 3123
third party under division (A) of this section, the following 3124
shall apply: 3125

(1) An identified data repository that received the notice 3126
shall remove from its database all of the records that are subject 3127
to the court order sealing or expunging the records and all 3128
references to, and information from, those records. 3129

(2) The web sites and publications that received the notice 3130
shall remove from the web site or publication all of the records 3131
that are subject to the court order sealing or expunging the 3132
records and all references to, and information from, those 3133
records. 3134

Sec. 109.46. (A) As used in this section, "domestic violence 3135

program" means any of the following: 3136

(1) The nonprofit state domestic violence coalition 3137
designated by the family and youth services bureau of the United 3138
States department of health and human services; 3139

(2) A program operated by a nonprofit entity the primary 3140
purpose of which is to provide a broad range of services to 3141
victims of domestic violence that may include, but are not limited 3142
to, hotlines, emergency shelters, victim advocacy and support, 3143
justice systems advocacy, individual and group counseling for 3144
adults and children, or transitional service and education to 3145
prevent domestic violence. The program may provide some or all of 3146
the services described in this division. 3147

(B)(1) There is hereby created in the state treasury the 3148
domestic violence program fund consisting of money appropriated to 3149
the fund by the general assembly or donated to the fund. The 3150
attorney general shall administer the domestic violence program 3151
fund. The attorney general may not use more than five per cent of 3152
the moneys appropriated or deposited into the fund to pay costs 3153
associated with administering the fund, and shall use at least 3154
ninety-five per cent of the moneys appropriated or deposited into 3155
the fund for the purpose of providing funding to domestic violence 3156
programs under this section. 3157

(2) The attorney general shall adopt rules pursuant to 3158
Chapter 119. of the Revised Code that shall establish procedures 3159
for domestic violence programs to apply to the attorney general 3160
for funding from the domestic violence program fund and procedures 3161
for the attorney general to distribute money out of the fund to 3162
domestic violence programs. 3163

(C)(1) Priority of funding from the domestic violence program 3164
fund shall be given to the domestic violence programs in existence 3165
on and after July 1, 2017. 3166

(2) A domestic violence program that receives funds from the 3167
domestic violence program fund shall use the funds received for 3168
the following purposes: 3169

(a) To provide training and technical assistance to service 3170
providers, if the program that receives the funds is the nonprofit 3171
state domestic violence coalition specified in division (A)(1) of 3172
this section; 3173

(b) To provide services to victims of domestic violence, 3174
including, but not limited to, education to prevent domestic 3175
violence, if the program that receives the funds is a nonprofit 3176
entity described in division (A)(2) of this section. Funds 3177
received under this division may also be used for general 3178
operating support, including capital improvements and primary 3179
prevention and risk reduction programs for the general population. 3180

(D)(1) There is hereby established in the office of the 3181
attorney general the domestic violence advisory board. The board 3182
shall consist of four members appointed by the attorney general as 3183
follows: 3184

(a) One representative from the nonprofit state domestic 3185
violence coalition specified in division (A)(1) of this section; 3186

(b) One representative each from a rural and an urban 3187
nonprofit entity described in division (A)(2) of this section; 3188

(c) One survivor of domestic violence. 3189

(2) The domestic violence advisory board shall do both of the 3190
following: 3191

(a) Provide advice and counsel to the attorney general in 3192
determining the needs of victims of domestic violence and 3193
developing a policy for the attorney general in the administration 3194
of the domestic violence program fund created under this section; 3195

(b) Make recommendations to the attorney general in the 3196

distribution of domestic violence program funds under this 3197
section. 3198

(3) The members of the domestic violence advisory board shall 3199
serve without compensation, but shall be reimbursed for travel and 3200
other necessary expenses that are incurred in the conduct of their 3201
official duties as members of the board. The members of the board 3202
shall serve at the pleasure of the attorney general. 3203

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 3204
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 3205
a completed form prescribed pursuant to division (C)(1) of this 3206
section, and a set of fingerprint impressions obtained in the 3207
manner described in division (C)(2) of this section, the 3208
superintendent of the bureau of criminal identification and 3209
investigation shall conduct a criminal records check in the manner 3210
described in division (B) of this section to determine whether any 3211
information exists that indicates that the person who is the 3212
subject of the request previously has been convicted of or pleaded 3213
guilty to any of the following: 3214

(a) A violation of section 2903.01, 2903.02, 2903.03, 3215
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3216
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3217
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3218
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3219
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3220
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3221
2925.06, or 3716.11 of the Revised Code, felonious sexual 3222
penetration in violation of former section 2907.12 of the Revised 3223
Code, a violation of section 2905.04 of the Revised Code as it 3224
existed prior to July 1, 1996, a violation of section 2919.23 of 3225
the Revised Code that would have been a violation of section 3226
2905.04 of the Revised Code as it existed prior to July 1, 1996, 3227

had the violation been committed prior to that date, or a 3228
violation of section 2925.11 of the Revised Code that is not a 3229
minor drug possession offense; 3230

(b) A violation of an existing or former law of this state, 3231
any other state, or the United States that is substantially 3232
equivalent to any of the offenses listed in division (A)(1)(a) of 3233
this section; 3234

(c) If the request is made pursuant to section 3319.39 of the 3235
Revised Code for an applicant who is a teacher, any offense 3236
specified in section 3319.31 of the Revised Code. 3237

(2) On receipt of a request pursuant to section 3712.09 or 3238
3721.121 of the Revised Code, a completed form prescribed pursuant 3239
to division (C)(1) of this section, and a set of fingerprint 3240
impressions obtained in the manner described in division (C)(2) of 3241
this section, the superintendent of the bureau of criminal 3242
identification and investigation shall conduct a criminal records 3243
check with respect to any person who has applied for employment in 3244
a position for which a criminal records check is required by those 3245
sections. The superintendent shall conduct the criminal records 3246
check in the manner described in division (B) of this section to 3247
determine whether any information exists that indicates that the 3248
person who is the subject of the request previously has been 3249
convicted of or pleaded guilty to any of the following: 3250

(a) A violation of section 2903.01, 2903.02, 2903.03, 3251
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3252
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3253
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3254
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3255
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3256
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3257
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3258
2925.22, 2925.23, or 3716.11 of the Revised Code; 3259

(b) An existing or former law of this state, any other state, 3260
or the United States that is substantially equivalent to any of 3261
the offenses listed in division (A)(2)(a) of this section. 3262

(3) On receipt of a request pursuant to section 173.27, 3263
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 3264
or 5123.169 of the Revised Code, a completed form prescribed 3265
pursuant to division (C)(1) of this section, and a set of 3266
fingerprint impressions obtained in the manner described in 3267
division (C)(2) of this section, the superintendent of the bureau 3268
of criminal identification and investigation shall conduct a 3269
criminal records check of the person for whom the request is made. 3270
The superintendent shall conduct the criminal records check in the 3271
manner described in division (B) of this section to determine 3272
whether any information exists that indicates that the person who 3273
is the subject of the request previously has been convicted of, 3274
has pleaded guilty to, or (except in the case of a request 3275
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 3276
Code) has been found eligible for intervention in lieu of 3277
conviction for any of the following, regardless of the date of the 3278
conviction, the date of entry of the guilty plea, or (except in 3279
the case of a request pursuant to section 5164.34, 5164.341, or 3280
5164.342 of the Revised Code) the date the person was found 3281
eligible for intervention in lieu of conviction: 3282

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 3283
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 3284
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 3285
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 3286
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3287
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 3288
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 3289
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 3290
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 3291

2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	3292
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	3293
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	3294
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	3295
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	3296
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	3297
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	3298
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	3299
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	3300
2927.12, or 3716.11 of the Revised Code;	3301
(b) Felonious sexual penetration in violation of former	3302
section 2907.12 of the Revised Code;	3303
(c) A violation of section 2905.04 of the Revised Code as it	3304
existed prior to July 1, 1996;	3305
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	3306
the Revised Code when the underlying offense that is the object of	3307
the conspiracy, attempt, or complicity is one of the offenses	3308
listed in divisions (A)(3)(a) to (c) of this section;	3309
(e) A violation of an existing or former municipal ordinance	3310
or law of this state, any other state, or the United States that	3311
is substantially equivalent to any of the offenses listed in	3312
divisions (A)(3)(a) to (d) of this section.	3313
(4) On receipt of a request pursuant to section 2151.86 of	3314
the Revised Code, a completed form prescribed pursuant to division	3315
(C)(1) of this section, and a set of fingerprint impressions	3316
obtained in the manner described in division (C)(2) of this	3317
section, the superintendent of the bureau of criminal	3318
identification and investigation shall conduct a criminal records	3319
check in the manner described in division (B) of this section to	3320
determine whether any information exists that indicates that the	3321
person who is the subject of the request previously has been	3322

convicted of or pleaded guilty to any of the following: 3323

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 3324
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 3325
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 3326
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3327
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3328
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 3329
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 3330
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 3331
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 3332
of the Revised Code, a violation of section 2905.04 of the Revised 3333
Code as it existed prior to July 1, 1996, a violation of section 3334
2919.23 of the Revised Code that would have been a violation of 3335
section 2905.04 of the Revised Code as it existed prior to July 1, 3336
1996, had the violation been committed prior to that date, a 3337
violation of section 2925.11 of the Revised Code that is not a 3338
minor drug possession offense, two or more OVI or OVUAC violations 3339
committed within the three years immediately preceding the 3340
submission of the application or petition that is the basis of the 3341
request, or felonious sexual penetration in violation of former 3342
section 2907.12 of the Revised Code; 3343

(b) A violation of an existing or former law of this state, 3344
any other state, or the United States that is substantially 3345
equivalent to any of the offenses listed in division (A)(4)(a) of 3346
this section. 3347

(5) Upon receipt of a request pursuant to section 5104.013 of 3348
the Revised Code, a completed form prescribed pursuant to division 3349
(C)(1) of this section, and a set of fingerprint impressions 3350
obtained in the manner described in division (C)(2) of this 3351
section, the superintendent of the bureau of criminal 3352
identification and investigation shall conduct a criminal records 3353
check in the manner described in division (B) of this section to 3354

determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in

division (A)(5)(a) of this section. 3387

(6) Upon receipt of a request pursuant to section 5153.111 of 3388
the Revised Code, a completed form prescribed pursuant to division 3389
(C)(1) of this section, and a set of fingerprint impressions 3390
obtained in the manner described in division (C)(2) of this 3391
section, the superintendent of the bureau of criminal 3392
identification and investigation shall conduct a criminal records 3393
check in the manner described in division (B) of this section to 3394
determine whether any information exists that indicates that the 3395
person who is the subject of the request previously has been 3396
convicted of or pleaded guilty to any of the following: 3397

(a) A violation of section 2903.01, 2903.02, 2903.03, 3398
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3399
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3400
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3401
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3402
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3403
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3404
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 3405
felonious sexual penetration in violation of former section 3406
2907.12 of the Revised Code, a violation of section 2905.04 of the 3407
Revised Code as it existed prior to July 1, 1996, a violation of 3408
section 2919.23 of the Revised Code that would have been a 3409
violation of section 2905.04 of the Revised Code as it existed 3410
prior to July 1, 1996, had the violation been committed prior to 3411
that date, or a violation of section 2925.11 of the Revised Code 3412
that is not a minor drug possession offense; 3413

(b) A violation of an existing or former law of this state, 3414
any other state, or the United States that is substantially 3415
equivalent to any of the offenses listed in division (A)(6)(a) of 3416
this section. 3417

(7) On receipt of a request for a criminal records check from 3418

an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving

theft, receiving stolen property, embezzlement, forgery, fraud, 3452
passing bad checks, money laundering, or drug trafficking, or any 3453
criminal offense involving money or securities, as set forth in 3454
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3455
the Revised Code; or any existing or former law of this state, any 3456
other state, or the United States that is substantially equivalent 3457
to those offenses. 3458

(9) On receipt of a request for a criminal records check from 3459
the treasurer of state under section 113.041 of the Revised Code 3460
or from an individual under section 4701.08, 4715.101, 4717.061, 3461
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 3462
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 3463
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 3464
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 3465
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.06, 4779.091, 3466
or 4783.04 of the Revised Code, accompanied by a completed form 3467
prescribed under division (C)(1) of this section and a set of 3468
fingerprint impressions obtained in the manner described in 3469
division (C)(2) of this section, the superintendent of the bureau 3470
of criminal identification and investigation shall conduct a 3471
criminal records check in the manner described in division (B) of 3472
this section to determine whether any information exists that 3473
indicates that the person who is the subject of the request has 3474
been convicted of or pleaded guilty to any criminal offense in 3475
this state or any other state. Subject to division (F) of this 3476
section, the superintendent shall send the results of a check 3477
requested under section 113.041 of the Revised Code to the 3478
treasurer of state and shall send the results of a check requested 3479
under any of the other listed sections to the licensing board 3480
specified by the individual in the request. 3481

(10) On receipt of a request pursuant to section 1121.23, 3482
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 3483

Code, a completed form prescribed pursuant to division (C)(1) of 3484
this section, and a set of fingerprint impressions obtained in the 3485
manner described in division (C)(2) of this section, the 3486
superintendent of the bureau of criminal identification and 3487
investigation shall conduct a criminal records check in the manner 3488
described in division (B) of this section to determine whether any 3489
information exists that indicates that the person who is the 3490
subject of the request previously has been convicted of or pleaded 3491
guilty to any criminal offense under any existing or former law of 3492
this state, any other state, or the United States. 3493

(11) On receipt of a request for a criminal records check 3494
from an appointing or licensing authority under section 3772.07 of 3495
the Revised Code, a completed form prescribed under division 3496
(C)(1) of this section, and a set of fingerprint impressions 3497
obtained in the manner prescribed in division (C)(2) of this 3498
section, the superintendent of the bureau of criminal 3499
identification and investigation shall conduct a criminal records 3500
check in the manner described in division (B) of this section to 3501
determine whether any information exists that indicates that the 3502
person who is the subject of the request previously has been 3503
convicted of or pleaded guilty or no contest to any offense under 3504
any existing or former law of this state, any other state, or the 3505
United States that is a disqualifying offense as defined in 3506
section 3772.07 of the Revised Code or substantially equivalent to 3507
such an offense. 3508

(12) On receipt of a request pursuant to section 2151.33 or 3509
2151.412 of the Revised Code, a completed form prescribed pursuant 3510
to division (C)(1) of this section, and a set of fingerprint 3511
impressions obtained in the manner described in division (C)(2) of 3512
this section, the superintendent of the bureau of criminal 3513
identification and investigation shall conduct a criminal records 3514
check with respect to any person for whom a criminal records check 3515

is required under that section. The superintendent shall conduct 3516
the criminal records check in the manner described in division (B) 3517
of this section to determine whether any information exists that 3518
indicates that the person who is the subject of the request 3519
previously has been convicted of or pleaded guilty to any of the 3520
following: 3521

(a) A violation of section 2903.01, 2903.02, 2903.03, 3522
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3523
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3524
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3525
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3526
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3527
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3528
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3529
2925.22, 2925.23, or 3716.11 of the Revised Code; 3530

(b) An existing or former law of this state, any other state, 3531
or the United States that is substantially equivalent to any of 3532
the offenses listed in division (A)(12)(a) of this section. 3533

(13) On receipt of a request pursuant to section 3796.12 of 3534
the Revised Code, a completed form prescribed pursuant to division 3535
(C)(1) of this section, and a set of fingerprint impressions 3536
obtained in a manner described in division (C)(2) of this section, 3537
the superintendent of the bureau of criminal identification and 3538
investigation shall conduct a criminal records check in the manner 3539
described in division (B) of this section to determine whether any 3540
information exists that indicates that the person who is the 3541
subject of the request previously has been convicted of or pleaded 3542
guilty to the following: 3543

(a) A disqualifying offense as specified in rules adopted 3544
under division (B)(2)(b) of section 3796.03 of the Revised Code if 3545
the person who is the subject of the request is an administrator 3546
or other person responsible for the daily operation of, or an 3547

owner or prospective owner, officer or prospective officer, or 3548
board member or prospective board member of, an entity seeking a 3549
license from the department of commerce under Chapter 3796. of the 3550
Revised Code; 3551

(b) A disqualifying offense as specified in rules adopted 3552
under division (B)(2)(b) of section 3796.04 of the Revised Code if 3553
the person who is the subject of the request is an administrator 3554
or other person responsible for the daily operation of, or an 3555
owner or prospective owner, officer or prospective officer, or 3556
board member or prospective board member of, an entity seeking a 3557
license from the state board of pharmacy under Chapter 3796. of 3558
the Revised Code. 3559

(14) On receipt of a request required by section 3796.13 of 3560
the Revised Code, a completed form prescribed pursuant to division 3561
(C)(1) of this section, and a set of fingerprint impressions 3562
obtained in a manner described in division (C)(2) of this section, 3563
the superintendent of the bureau of criminal identification and 3564
investigation shall conduct a criminal records check in the manner 3565
described in division (B) of this section to determine whether any 3566
information exists that indicates that the person who is the 3567
subject of the request previously has been convicted of or pleaded 3568
guilty to the following: 3569

(a) A disqualifying offense as specified in rules adopted 3570
under division (B)(8)(a) of section 3796.03 of the Revised Code if 3571
the person who is the subject of the request is seeking employment 3572
with an entity licensed by the department of commerce under 3573
Chapter 3796. of the Revised Code; 3574

(b) A disqualifying offense as specified in rules adopted 3575
under division (B)(14)(a) of section 3796.04 of the Revised Code 3576
if the person who is the subject of the request is seeking 3577
employment with an entity licensed by the state board of pharmacy 3578
under Chapter 3796. of the Revised Code. 3579

(B) Subject to division (F) of this section, the 3580
superintendent shall conduct any criminal records check to be 3581
conducted under this section as follows: 3582

(1) The superintendent shall review or cause to be reviewed 3583
any relevant information gathered and compiled by the bureau under 3584
division (A) of section 109.57 of the Revised Code that relates to 3585
the person who is the subject of the criminal records check, 3586
including, if the criminal records check was requested under 3587
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 3588
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 3589
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3590
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 3591
4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 3592
5123.169, or 5153.111 of the Revised Code, any relevant 3593
information contained in records that have been sealed under 3594
section 2953.32 of the Revised Code; 3595

(2) If the request received by the superintendent asks for 3596
information from the federal bureau of investigation, the 3597
superintendent shall request from the federal bureau of 3598
investigation any information it has with respect to the person 3599
who is the subject of the criminal records check, including 3600
fingerprint-based checks of national crime information databases 3601
as described in 42 U.S.C. 671 if the request is made pursuant to 3602
section 2151.86 or 5104.013 of the Revised Code or if any other 3603
Revised Code section requires fingerprint-based checks of that 3604
nature, and shall review or cause to be reviewed any information 3605
the superintendent receives from that bureau. If a request under 3606
section 3319.39 of the Revised Code asks only for information from 3607
the federal bureau of investigation, the superintendent shall not 3608
conduct the review prescribed by division (B)(1) of this section. 3609

(3) The superintendent or the superintendent's designee may 3610
request criminal history records from other states or the federal 3611

government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. 3612
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(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law. 3614
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(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section: 3622
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(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty; 3629
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(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty. 3632
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(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats. 3634
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(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this 3640
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section. Any person for whom a records check is to be conducted 3643
under this section shall obtain the fingerprint impressions at a 3644
county sheriff's office, municipal police department, or any other 3645
entity with the ability to make fingerprint impressions on the 3646
standard impression sheets prescribed by the superintendent. The 3647
office, department, or entity may charge the person a reasonable 3648
fee for making the impressions. The standard impression sheets the 3649
superintendent prescribes pursuant to this division may be in a 3650
tangible format, in an electronic format, or in both tangible and 3651
electronic formats. 3652

(3) Subject to division (D) of this section, the 3653
superintendent shall prescribe and charge a reasonable fee for 3654
providing a criminal records check under this section. The person 3655
requesting the criminal records check shall pay the fee prescribed 3656
pursuant to this division. In the case of a request under section 3657
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3658
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 3659
the manner specified in that section. 3660

(4) The superintendent of the bureau of criminal 3661
identification and investigation may prescribe methods of 3662
forwarding fingerprint impressions and information necessary to 3663
conduct a criminal records check, which methods shall include, but 3664
not be limited to, an electronic method. 3665

(D) The results of a criminal records check conducted under 3666
this section, other than a criminal records check specified in 3667
division (A)(7) of this section, are valid for the person who is 3668
the subject of the criminal records check for a period of one year 3669
from the date upon which the superintendent completes the criminal 3670
records check. If during that period the superintendent receives 3671
another request for a criminal records check to be conducted under 3672
this section for that person, the superintendent shall provide the 3673
results from the previous criminal records check of the person at 3674

a lower fee than the fee prescribed for the initial criminal records check. 3675
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(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher. 3677
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(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense. 3683
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(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section. 3691
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(G) As used in this section: 3700

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section. 3701
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(2) "Minor drug possession offense" has the same meaning as 3705

in section 2925.01 of the Revised Code. 3706

(3) "OVI or OVUAC violation" means a violation of section 3707
4511.19 of the Revised Code or a violation of an existing or 3708
former law of this state, any other state, or the United States 3709
that is substantially equivalent to section 4511.19 of the Revised 3710
Code. 3711

(4) "Registered private provider" means a nonpublic school or 3712
entity registered with the superintendent of public instruction 3713
under section 3310.41 of the Revised Code to participate in the 3714
autism scholarship program or section 3310.58 of the Revised Code 3715
to participate in the Jon Peterson special needs scholarship 3716
program. 3717

Sec. 109.5721. (A) As used in this section: 3718

(1) "Employment" includes volunteer service. 3719

(2) "Independent provider" has the same meaning as in section 3720
5164.341 of the Revised Code. 3721

(3) "Licensure" means ~~the~~ either of the following: 3722

(a) The authorization, evidenced by a license, certificate, 3723
registration, permit, or other authority that is issued or 3724
conferred by a public office, to engage in a profession, 3725
occupation, or occupational activity, to be a foster caregiver, or 3726
to have control of and operate certain specific equipment, 3727
machinery, or premises over which a public office has 3728
jurisdiction; 3729

(b) The authorization evidenced by a license, certificate, 3730
registration, permit, card, or other authority that is issued or 3731
conferred by a licensing agency to a licensee or to an applicant 3732
for an initial license by which the licensee or initial license 3733
applicant has or claims the privilege to engage in a profession, 3734
occupation, or occupational activity, or except in the case of the 3735

state dental board, to have control of and operate certain 3736
specific equipment, machinery, or premises, over which the 3737
licensing agency has jurisdiction. 3738

~~(3)~~(4) "Participating public office" means a public office 3739
that requires a fingerprint background check as a condition of 3740
employment with, licensure by, or approval for adoption by the 3741
public office and that elects to receive notice under division 3742
~~(C)~~(D) of this section in accordance with rules adopted by the 3743
attorney general. "Participating public office" also means the 3744
department of medicaid if it elects to receive notices under 3745
division (D) of this section regarding independent providers. 3746

~~(4)~~(5) "Public office" has the same meaning as in section 3747
117.01 of the Revised Code. 3748

~~(5)~~(6) "Participating private party" means any person or 3749
private entity that is allowed to request a criminal records check 3750
pursuant to ~~divisions~~ division (A)(2) or (3) of section 109.572 of 3751
the Revised Code. 3752

(7) "Applicant for an initial license," "licensee," and 3753
"licensing agency" have the same meanings as in section 4776.01 of 3754
the Revised Code. 3755

(B) Within six months after August 15, 2007, the 3756
superintendent of the bureau of criminal identification and 3757
investigation shall establish and maintain a database of 3758
fingerprints of individuals on whom the bureau has conducted 3759
criminal records checks for either of the purpose of determining 3760
following purposes: 3761

(1) To determine the individual's eligibility for employment 3762
with, licensure by, or approval for adoption by a licensing 3763
agency, public office, or participating private party; 3764

(2) To determine whether an applicant for a medicaid provider 3765
agreement as an independent provider is ineligible for the 3766

medicaid provider agreement because of section 5164.341 of the 3767
Revised Code. The 3768

(C) The superintendent shall maintain the database separate 3769
and apart from other records maintained by the bureau. The 3770
database shall be known as the retained applicant fingerprint 3771
database. 3772

~~(C)~~(D) When the superintendent receives information that an 3773
individual whose name is in the retained applicant fingerprint 3774
database has been arrested for, convicted of, or pleaded guilty to 3775
any offense, the superintendent shall promptly notify ~~any~~ the 3776
following of the individual's arrest, conviction, or guilty plea: 3777

(1) Any licensing agency, participating public office, or 3778
participating private party that employs, licensed, or approved 3779
the individual ~~of the arrest, conviction, or guilty plea;~~ 3780

(2) The department of medicaid if the individual is an 3781
independent provider. The 3782

(E)(1) A licensing agency, participating public office, or 3783
participating private party that receives ~~the~~ a notification under 3784
division (D) of this section, and its employees and officers, 3785
shall use the information contained in the notification solely to 3786
determine the individual's continued eligibility for ~~continued~~ 3787
~~employment~~ the following: 3788

(a) Employment with the licensing agency, participating 3789
public office, or participating private party, ~~to retain licensure~~ 3790
~~issued;~~ 3791

(b) Licensure by the licensing agency or participating public 3792
office, ~~or to be approved;~~ 3793

(c) Approval for adoption by the participating public office; 3794

(d) A medicaid provider agreement as an independent provider. 3795

The 3796

(2) Except as provided in division (E) of section 5164.341 of 3797
the Revised Code, information contained in the notification is 3798
confidential and not a public record under section 149.43 of the 3799
Revised Code and a licensing agency, participating public office, 3800
or participating private party, and its employees and officers, 3801
shall not disclose that information to any person for any ~~other~~ 3802
purpose not specified in division (E)(1) of this section. 3803

~~(D)~~(F) If an individual has submitted fingerprint impressions 3804
for employment with, licensure by, or approval for adoption by a 3805
licensing agency, participating public office, or participating 3806
private party and seeks employment with, licensure by, or approval 3807
for adoption by another licensing agency, participating public 3808
office, or participating private party, the other licensing 3809
agency, participating public office, or participating private 3810
party shall reprint the individual. If an individual has been 3811
reprinted, the superintendent shall update that individual's 3812
information accordingly. 3813

~~(E)~~(G) The bureau of criminal identification and 3814
investigation and the participating public office or participating 3815
private party shall use information contained in the retained 3816
applicant fingerprint database and in the notice described in 3817
division ~~(C)~~(D) of this section only for the purpose of ~~employment~~ 3818
~~with, licensure by, or approval for adoption by the participating~~ 3819
~~public office or participating private party~~ this section. This 3820
information is otherwise confidential and not a public record 3821
under section 149.43 of the Revised Code. 3822

~~(F)~~(H) The bureau of criminal identification and 3823
investigation shall periodically conduct criminal records checks 3824
on individuals who are licensees and whose names are in the 3825
retained applicant fingerprint database to determine if an 3826
individual has been arrested for, convicted of, or pleaded guilty 3827
to any offense since the individual's initial criminal records 3828

check. The superintendent shall compile the names of such 3829
individuals and the offenses the individuals were arrested for, 3830
convicted of, or pleaded guilty to, and report that information to 3831
the inspector general not later than December 31, 2017, and not 3832
later than the last day of December of every year thereafter. 3833

(I) The attorney general shall adopt rules in accordance with 3834
Chapter 119. of the Revised Code governing the operation and 3835
maintenance of the database. The rules shall provide for, but not 3836
be limited to, both of the following: 3837

(1) The expungement or sealing of records of ~~individuals~~ the 3838
following: 3839

(a) Individuals who are deceased ~~or~~; 3840

(b) Individuals who are no longer employed, granted 3841
licensure, or approved for adoption by the licensing agency, 3842
participating public office, or participating private party that 3843
required submission of the individual's fingerprints; 3844

(c) Individuals who are no longer independent providers. 3845

(2) The terms under which a licensing agency, public office, 3846
or participating private party may elect to receive notification 3847
under division ~~(C)~~(D) of this section, including payment of any 3848
reasonable fee that may be charged for the purpose. 3849

~~(G)~~(J) No public office or employee of a public office shall 3850
be considered negligent in a civil action solely because the 3851
public office did not elect to be a participating public office. 3852

~~(H)~~(K)(1) No person shall knowingly use information contained 3853
in or received from the retained applicant fingerprint database 3854
for purposes not authorized by this section. 3855

(2) No person shall knowingly use information contained in or 3856
received from the retained applicant fingerprint database with the 3857
intent to harass or intimidate another person. 3858

(3) Whoever violates division ~~(H)~~(K)(1) or ~~(H)~~(2) of this section is guilty of unlawful use of retained applicant fingerprint database records. A violation of division ~~(H)~~(K)(1) of this section is a misdemeanor of the fourth degree. A violation of division ~~(H)~~(K)(2) of this section is a misdemeanor of the first degree.

Sec. 109.803. (A)(1) Subject to ~~division~~ divisions (A)(2) and (B) of this section, every appointing authority shall require each of its appointed peace officers and troopers to complete up to twenty-four hours of continuing professional training each calendar year, as directed by the Ohio peace officer training commission. The number of hours directed by the commission, up to twenty-four hours, is intended to be a minimum requirement, and appointing authorities are encouraged to exceed the number of hours the commission directs as the minimum. The commission shall set the required minimum number of hours based upon available funding for reimbursement as described in this division. If no funding for the reimbursement is available, no continuing professional training will be required.

(2) An appointing authority may submit a written request to the peace officer training commission that requests for a calendar year because of emergency circumstances an extension of the time within which one or more of its appointed peace officers or troopers must complete the required minimum number of hours of continuing professional training set by the commission, as described in division (A)(1) of this section. A request made under this division shall set forth the name of each of the appointing authority's peace officers or troopers for whom an extension is requested, identify the emergency circumstances related to that peace officer or trooper, include documentation of those emergency circumstances, and set forth the date on which the request is submitted to the commission. A request shall be made under this

division not later than the fifteenth day of December in the 3891
calendar year for which the extension is requested. 3892

Upon receipt of a written request made under this division, 3893
the executive director of the commission shall review the request 3894
and the submitted documentation. If the executive director of the 3895
commission is satisfied that emergency circumstances exist for any 3896
peace officer or trooper for whom a request was made under this 3897
division, the executive director may approve the request for that 3898
peace officer or trooper and grant an extension of the time within 3899
which that peace officer or trooper must complete the required 3900
minimum number of hours of continuing professional training set by 3901
the commission. An extension granted under this division may be 3902
for any period of time the executive director believes to be 3903
appropriate, and the executive director shall specify in the 3904
notice granting the extension the date on which the extension 3905
ends. Not later than thirty days after the date on which a request 3906
is submitted to the commission, for each peace officer and trooper 3907
for whom an extension is requested, the executive director either 3908
shall approve the request and grant an extension or deny the 3909
request and deny an extension and shall send to the appointing 3910
authority that submitted the request written notice of the 3911
executive director's decision. 3912

If the executive director grants an extension of the time 3913
within which a particular appointed peace officer or trooper of an 3914
appointing authority must complete the required minimum number of 3915
hours of continuing professional training set by the commission, 3916
the appointing authority shall require that peace officer or 3917
trooper to complete the required minimum number of hours of 3918
training not later than the date on which the extension ends. 3919

(B) With the advice of the Ohio peace officer training 3920
commission, the attorney general shall adopt in accordance with 3921
Chapter 119. of the Revised Code rules setting forth minimum 3922

standards for continuing professional training for peace officers 3923
and troopers and governing the administration of continuing 3924
professional training programs for peace officers and troopers. 3925
The rules adopted by the attorney general under division (B) of 3926
this section shall do all of the following: 3927

(1) Allow peace officers and troopers to earn credit for up 3928
to four hours of continuing professional training for time spent 3929
while on duty providing drug use prevention education training 3930
that utilizes evidence-based curricula to students in school 3931
districts, community schools established under Chapter 3314., STEM 3932
schools established under Chapter 3326., and college-preparatory 3933
boarding schools established under Chapter 3328. of the Revised 3934
Code. 3935

(2) Allow a peace officer or trooper appointed by a law 3936
enforcement agency to earn hours of continuing professional 3937
training for other peace officers or troopers appointed by the law 3938
enforcement agency by providing drug use prevention education 3939
training under division (B)(1) of this section so that hours 3940
earned by the peace officer or trooper providing the training in 3941
excess of four hours may be applied to offset the number of 3942
continuing professional training hours required of another peace 3943
officer or trooper appointed by that law enforcement agency. 3944

(3) Prohibit the use of continuing professional training 3945
hours earned under division (B)(1) or (2) of this section from 3946
being used to offset any mandatory hands-on training requirement. 3947

(C) The attorney general shall transmit a certified copy of 3948
any rule adopted under this section to the secretary of state. 3949

Sec. 117.04. The auditor of state shall appoint a deputy 3950
auditor of state, whose appointment shall be in writing under the 3951
official seal of the auditor of state and recorded in the office 3952
of the secretary of state. To be eligible for appointment as 3953

deputy auditor of state, an individual shall hold a CPA 3954
certificate as defined under section 4701.01 of the Revised Code. 3955

Sec. 117.432. (A) The general assembly recognizes that 3956
uniform accounting procedures and charts of accounts improve 3957
financial management while maintaining the principle of home rule 3958
over local matters. It is the intent of the general assembly to 3959
facilitate the ability of the public easily to compare public data 3960
generated by the state and other public offices using this common 3961
language. 3962

(B) Within two years after the effective date of this 3963
section, the auditor of state shall establish, by rule adopted 3964
under Chapter 119. of the Revised Code, appropriate uniform 3965
accounting procedures and charts of accounts that may be used by 3966
all public offices. Public offices that maintain their financial 3967
records in accordance with the rules established by the auditor of 3968
state under this section shall be declared by the auditor of state 3969
to have earned a "DataOhio Transparency Award–Uniformity of 3970
Accounting." 3971

(C) The auditor of state may use existing uniform accounting 3972
procedures or charts of accounts, or may supplement or amend 3973
existing uniform accounting procedures or charts of accounts, to 3974
satisfy the requirements of division (B) of this section. 3975

Sec. 117.58. (A) As used in this section: 3976

(1) "Open format" has the meaning defined in section 149.61 3977
of the Revised Code. 3978

(2) "Public record" has the meaning defined in section 149.43 3979
of the Revised Code. 3980

(B)(1) The auditor of state shall establish, administer, and 3981
operate a web site to function as the state's primary online 3982
catalog of public records and data sets of public records shared 3983

for this purpose by any public office in the state. The web site 3984
shall be registered as data.Ohio.gov. These public records and 3985
data sets of public records shall be made available online and in 3986
an open format, and may be cataloged through the use of links, 3987
uploaded data files, streaming data, or other technologies that 3988
allow convenient online public access. The web site may catalog or 3989
store original data or processed data, including original public 3990
records and aggregated or summarized content of data sets. 3991

(2) The auditor of state shall consult with the state 3992
librarian regarding the collection, aggregation, presentation, and 3993
accessibility of data in relation to the web site. 3994

(C) The auditor of state shall adopt rules under Chapter 119. 3995
of the Revised Code that specify policies and procedures for the 3996
administration and operation of data.Ohio.gov. The rules shall 3997
include a requirement that the auditor of state may not charge a 3998
fee for access to public records or data sets of public records at 3999
data.Ohio.gov. The auditor of state shall make every effort to 4000
ensure that public records or data sets of public records 4001
cataloged online at data.Ohio.gov are accessible online in an open 4002
format. 4003

Sec. 120.08. There is hereby created in the state treasury 4004
the indigent defense support fund, consisting of money paid into 4005
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4006
4511.19 of the Revised Code and pursuant to sections 2937.22, 4007
2949.091, and 2949.094 of the Revised Code out of the additional 4008
court costs imposed under those sections. The state public 4009
defender shall use at least ~~eighty-eight~~ eighty-three per cent of 4010
the money in the fund for the purposes of reimbursing county 4011
governments for expenses incurred pursuant to sections 120.18, 4012
120.28, and 120.33 of the Revised Code and operating its system 4013
pursuant to division (C)(7) of section 120.04 of the Revised Code 4014

and division (B) of section 120.33 of the Revised Code. 4015
Disbursements from the fund to county governments shall be made at 4016
least once per year and shall be allocated proportionately so that 4017
each county receives an equal percentage of its total cost for 4018
operating its county public defender system, its joint county 4019
public defender system, its county appointed counsel system, or 4020
its system operated under division (C)(7) of section 120.04 of the 4021
Revised Code and division (B) of section 120.33 of the Revised 4022
Code. The state public defender may use not more than ~~twelve~~ 4023
seventeen per cent of the money in the fund for the purposes of 4024
appointing assistant state public defenders, providing other 4025
personnel, equipment, and facilities necessary for the operation 4026
of the state public defender office, and providing training, 4027
developing and implementing electronic forms, or establishing and 4028
maintaining an information technology system used for the uniform 4029
operation of this chapter. 4030

Sec. 120.18. (A) The county public defender commission's 4031
report to the board of county commissioners shall be audited by 4032
the county auditor. The board of county commissioners, after 4033
review and approval of the audited report, may then certify it to 4034
the state public defender for reimbursement. If a request for the 4035
reimbursement of any operating expenditure incurred by a county 4036
public defender office is not received by the state public 4037
defender within sixty days after the end of the calendar month in 4038
which the expenditure is incurred, the state public defender shall 4039
not pay the requested reimbursement, unless the county has 4040
requested, and the state public defender has granted, an extension 4041
of the sixty-day time limit. Each request for reimbursement shall 4042
include a certification by the county public defender that the 4043
persons provided representation by the county public defender's 4044
office during the period covered by the report were indigent and, 4045

for each person provided representation during that period, a 4046
financial disclosure form completed by the person on a form 4047
prescribed by the state public defender. The state public defender 4048
shall also review the report and, in accordance with the 4049
standards, guidelines, and maximums established pursuant to 4050
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 4051
prepare a voucher for fifty per cent of the total cost of each 4052
county public defender's office for the period of time covered by 4053
the certified report and a voucher for ~~fifty~~ one hundred per cent 4054
of the costs and expenses that are reimbursable under section 4055
120.35 of the Revised Code, if any, ~~or, if the amount of money~~ 4056
~~appropriated by the general assembly to reimburse counties for the~~ 4057
~~operation of county public defender offices, joint county public~~ 4058
~~defender offices, and county appointed counsel systems is not~~ 4059
~~sufficient to pay fifty per cent of the total cost of all of the~~ 4060
~~offices and systems, for the lesser amount required by section~~ 4061
~~120.34 of the Revised Code.~~ For the purposes of this section, 4062
"total cost" means total expenses minus costs and expenses 4063
reimbursable under section 120.35 of the Revised Code and any 4064
funds received by the county public defender commission pursuant 4065
to a contract, except a contract entered into with a municipal 4066
corporation pursuant to division (E) of section 120.14 of the 4067
Revised Code, gift, or grant. 4068

(B) If the county public defender fails to maintain the 4069
standards for the conduct of the office established by rules of 4070
the Ohio public defender commission pursuant to divisions (B) and 4071
(C) of section 120.03 or the standards established by the state 4072
public defender pursuant to division (B)(7) of section 120.04 of 4073
the Revised Code, the Ohio public defender commission shall notify 4074
the county public defender commission and the board of county 4075
commissioners of the county that the county public defender has 4076
failed to comply with its rules or the standards of the state 4077
public defender. Unless the county public defender commission or 4078

the county public defender corrects the conduct of the county 4079
public defender's office to comply with the rules and standards 4080
within ninety days after the date of the notice, the state public 4081
defender may deny payment of all or part of the county's 4082
reimbursement from the state provided for in division (A) of this 4083
section. 4084

Sec. 120.28. (A) The joint county public defender 4085
commission's report to the joint board of county commissioners 4086
shall be audited by the fiscal officer of the district. The joint 4087
board of county commissioners, after review and approval of the 4088
audited report, may then certify it to the state public defender 4089
for reimbursement. If a request for the reimbursement of any 4090
operating expenditure incurred by a joint county public defender 4091
office is not received by the state public defender within sixty 4092
days after the end of the calendar month in which the expenditure 4093
is incurred, the state public defender shall not pay the requested 4094
reimbursement, unless the joint board of county commissioners has 4095
requested, and the state public defender has granted, an extension 4096
of the sixty-day time limit. Each request for reimbursement shall 4097
include a certification by the joint county public defender that 4098
all persons provided representation by the joint county public 4099
defender's office during the period covered by the request were 4100
indigent and, for each person provided representation during that 4101
period, a financial disclosure form completed by the person on a 4102
form prescribed by the state public defender. The state public 4103
defender shall also review the report and, in accordance with the 4104
standards, guidelines, and maximums established pursuant to 4105
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 4106
prepare a voucher for fifty per cent of the total cost of each 4107
joint county public defender's office for the period of time 4108
covered by the certified report and a voucher for ~~fifty~~ one 4109
hundred per cent of the costs and expenses that are reimbursable 4110

~~under section 120.35 of the Revised Code, if any, or, if the~~ 4111
~~amount of money appropriated by the general assembly to reimburse~~ 4112
~~counties for the operation of county public defender offices,~~ 4113
~~joint county public defender offices, and county appointed counsel~~ 4114
~~systems is not sufficient to pay fifty per cent of the total cost~~ 4115
~~of all of the offices and systems, for the lesser amount required~~ 4116
~~by section 120.34 of the Revised Code. For purposes of this~~ 4117
section, "total cost" means total expenses minus costs and 4118
expenses reimbursable under section 120.35 of the Revised Code and 4119
any funds received by the joint county public defender commission 4120
pursuant to a contract, except a contract entered into with a 4121
municipal corporation pursuant to division (E) of section 120.24 4122
of the Revised Code, gift, or grant. Each county in the district 4123
shall be entitled to a share of such state reimbursement in 4124
proportion to the percentage of the total cost it has agreed to 4125
pay. 4126

(B) If the joint county public defender fails to maintain the 4127
standards for the conduct of the office established by the rules 4128
of the Ohio public defender commission pursuant to divisions (B) 4129
and (C) of section 120.03 or the standards established by the 4130
state public defender pursuant to division (B)(7) of section 4131
120.04 of the Revised Code, the Ohio public defender commission 4132
shall notify the joint county public defender commission and the 4133
board of county commissioners of each county in the district that 4134
the joint county public defender has failed to comply with its 4135
rules or the standards of the state public defender. Unless the 4136
joint public defender commission or the joint county public 4137
defender corrects the conduct of the joint county public 4138
defender's office to comply with the rules and standards within 4139
ninety days after the date of the notice, the state public 4140
defender may deny all or part of the counties' reimbursement from 4141
the state provided for in division (A) of this section. 4142

Sec. 120.33. (A) In lieu of using a county public defender or 4143
joint county public defender to represent indigent persons in the 4144
proceedings set forth in division (A) of section 120.16 of the 4145
Revised Code, the board of county commissioners of any county may 4146
adopt a resolution to pay counsel who are either personally 4147
selected by the indigent person or appointed by the court. The 4148
resolution shall include those provisions the board of county 4149
commissioners considers necessary to provide effective 4150
representation of indigent persons in any proceeding for which 4151
counsel is provided under this section. The resolution shall 4152
include provisions for contracts with any municipal corporation 4153
under which the municipal corporation shall reimburse the county 4154
for counsel appointed to represent indigent persons charged with 4155
violations of the ordinances of the municipal corporation. 4156

(1) In a county that adopts a resolution to pay counsel, an 4157
indigent person shall have the right to do either of the 4158
following: 4159

(a) To select the person's own personal counsel to represent 4160
the person in any proceeding included within the provisions of the 4161
resolution; 4162

(b) To request the court to appoint counsel to represent the 4163
person in such a proceeding. 4164

(2) The court having jurisdiction over the proceeding in a 4165
county that adopts a resolution to pay counsel shall, after 4166
determining that the person is indigent and entitled to legal 4167
representation under this section, do either of the following: 4168

(a) By signed journal entry recorded on its docket, enter the 4169
name of the lawyer selected by the indigent person as counsel of 4170
record; 4171

(b) Appoint counsel for the indigent person if the person has 4172

requested the court to appoint counsel and, by signed journal 4173
entry recorded on its dockets, enter the name of the lawyer 4174
appointed for the indigent person as counsel of record. 4175

(3) The board of county commissioners shall establish a 4176
schedule of fees by case or on an hourly basis to be paid to 4177
counsel for legal services provided pursuant to a resolution 4178
adopted under this section. Prior to establishing the schedule, 4179
the board of county commissioners shall request the bar 4180
association or associations of the county to submit a proposed 4181
schedule for cases other than capital cases. The schedule 4182
submitted shall be subject to the review, amendment, and approval 4183
of the board of county commissioners, except with respect to 4184
capital cases. With respect to capital cases, the schedule shall 4185
provide for fees by case or on an hourly basis to be paid to 4186
counsel in the amount or at the rate set by the capital case 4187
attorney fee council pursuant to division (D) of this section, and 4188
the board of county commissioners shall approve that amount or 4189
rate. 4190

(4) Counsel selected by the indigent person or appointed by 4191
the court at the request of an indigent person in a county that 4192
adopts a resolution to pay counsel, except for counsel appointed 4193
to represent a person charged with any violation of an ordinance 4194
of a municipal corporation that has not contracted with the county 4195
commissioners for the payment of appointed counsel, shall be paid 4196
by the county and shall receive the compensation and expenses the 4197
court approves. With respect to capital cases, the court shall 4198
approve compensation and expenses in accordance with the amount or 4199
at the rate set by the capital case attorney fee council pursuant 4200
to division (D) of this section. Each request for payment shall ~~be~~ 4201
~~accompanied by~~ include a financial disclosure form ~~and an~~ 4202
~~affidavit of indigency that~~ are completed by the indigent person 4203
on ~~forms~~ a form prescribed by the state public defender. 4204

Compensation and expenses shall not exceed the amounts fixed by 4205
the board of county commissioners in the schedule adopted pursuant 4206
to division (A)(3) of this section. No court shall approve 4207
compensation and expenses that exceed the amount fixed pursuant to 4208
division (A)(3) of this section. 4209

The fees and expenses approved by the court shall not be 4210
taxed as part of the costs and shall be paid by the county. 4211
However, if the person represented has, or may reasonably be 4212
expected to have, the means to meet some part of the cost of the 4213
services rendered to the person, the person shall pay the county 4214
an amount that the person reasonably can be expected to pay. 4215
Pursuant to section 120.04 of the Revised Code, the county shall 4216
pay to the state public defender a percentage of the payment 4217
received from the person in an amount proportionate to the 4218
percentage of the costs of the person's case that were paid to the 4219
county by the state public defender pursuant to this section. The 4220
money paid to the state public defender shall be credited to the 4221
client payment fund created pursuant to division (B)(5) of section 4222
120.04 of the Revised Code. 4223

The county auditor shall draw a warrant on the county 4224
treasurer for the payment of counsel in the amount fixed by the 4225
court, plus the expenses the court fixes and certifies to the 4226
auditor. The county auditor shall report periodically, but not 4227
less than annually, to the board of county commissioners and to 4228
the state public defender the amounts paid out pursuant to the 4229
approval of the court. The board of county commissioners, after 4230
review and approval of the auditor's report, or the county 4231
auditor, with permission from and notice to the board of county 4232
commissioners, may then certify it to the state public defender 4233
for reimbursement. The state public defender may pay a requested 4234
reimbursement only if the request for reimbursement ~~is accompanied~~ 4235
~~by~~ includes a financial disclosure form ~~and an affidavit of~~ 4236

~~indigency~~ completed by the indigent person on ~~forms~~ a form 4237
prescribed by the state public defender or if the court certifies 4238
by electronic signature as prescribed by the state public defender 4239
that a financial disclosure form ~~and affidavit of indigency~~ have 4240
has been completed by the indigent person and ~~are~~ is available for 4241
inspection. If a request for the reimbursement of the cost of 4242
counsel in any case is not received by the state public defender 4243
within ninety days after the end of the calendar month in which 4244
the case is finally disposed of by the court, unless the county 4245
has requested and the state public defender has granted an 4246
extension of the ninety-day limit, the state public defender shall 4247
not pay the requested reimbursement. The state public defender 4248
shall also review the report and, in accordance with the 4249
standards, guidelines, and maximums established pursuant to 4250
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 4251
prepare a voucher for fifty per cent of the total cost of each 4252
county appointed counsel system in the period of time covered by 4253
the certified report and a voucher for ~~fifty~~ one hundred per cent 4254
of the costs and expenses that are reimbursable under section 4255
120.35 of the Revised Code, ~~if any, or, if the amount of money~~ 4256
~~appropriated by the general assembly to reimburse counties for the~~ 4257
~~operation of county public defender offices, joint county public~~ 4258
~~defender offices, and county appointed counsel systems is not~~ 4259
~~sufficient to pay fifty per cent of the total cost of all of the~~ 4260
~~offices and systems other than costs and expenses that are~~ 4261
~~reimbursable under section 120.35 of the Revised Code, for the~~ 4262
~~lesser amount required by section 120.34 of the Revised Code.~~ 4263

(5) If any county appointed counsel system fails to maintain 4264
the standards for the conduct of the system established by the 4265
rules of the Ohio public defender commission pursuant to divisions 4266
(B) and (C) of section 120.03 or the standards established by the 4267
state public defender pursuant to division (B)(7) of section 4268
120.04 of the Revised Code, the Ohio public defender commission 4269

shall notify the board of county commissioners of the county that 4270
the county appointed counsel system has failed to comply with its 4271
rules or the standards of the state public defender. Unless the 4272
board of county commissioners corrects the conduct of its 4273
appointed counsel system to comply with the rules and standards 4274
within ninety days after the date of the notice, the state public 4275
defender may deny all or part of the county's reimbursement from 4276
the state provided for in division (A)(4) of this section. 4277

(B) In lieu of using a county public defender or joint county 4278
public defender to represent indigent persons in the proceedings 4279
set forth in division (A) of section 120.16 of the Revised Code, 4280
and in lieu of adopting the resolution and following the procedure 4281
described in division (A) of this section, the board of county 4282
commissioners of any county may contract with the state public 4283
defender for the state public defender's legal representation of 4284
indigent persons. A contract entered into pursuant to this 4285
division may provide for payment for the services provided on a 4286
per case, hourly, or fixed contract basis. 4287

(C) If a court appoints an attorney pursuant to this section 4288
to represent a petitioner in a postconviction relief proceeding 4289
under section 2953.21 of the Revised Code, the petitioner has 4290
received a sentence of death, and the proceeding relates to that 4291
sentence, the attorney who represents the petitioner in the 4292
proceeding pursuant to the appointment shall be certified under 4293
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 4294
represent indigent defendants charged with or convicted of an 4295
offense for which the death penalty can be or has been imposed. 4296

(D)(1) There is hereby created the capital case attorney fee 4297
council, appointed as described in division (D)(2) of this 4298
section. The council shall set an amount by case, or a rate on an 4299
hourly basis, to be paid under this section to counsel in a 4300
capital case. 4301

(2) The capital case attorney fee council shall consist of 4302
five members, all of whom shall be active judges serving on one of 4303
the district courts of appeals in this state. Terms for council 4304
members shall be the lesser of three years or until the member 4305
ceases to be an active judge of a district court of appeals. The 4306
initial terms shall commence ninety days after ~~the effective date~~ 4307
~~of this amendment~~ September 28, 2016. The chief justice of the 4308
supreme court shall appoint the members of the council, and shall 4309
make all of the appointments not later than sixty days after ~~the~~ 4310
~~effective date of this amendment~~ September 28, 2016. When any 4311
vacancy occurs, the chief justice shall appoint an active judge of 4312
a district court of appeals in this state to fill the vacancy for 4313
the unexpired term, in the same manner as prescribed in this 4314
division. The chief justice shall designate a chairperson from the 4315
appointed members of the council. Members of the council shall 4316
receive no additional compensation for their service as a member, 4317
but may be reimbursed for expenses reasonably incurred in service 4318
to the council, to be paid by the supreme court. The supreme court 4319
may provide administrative support to the council. 4320

(3) The capital case attorney fee council initially shall 4321
meet not later than one hundred twenty days after ~~the effective~~ 4322
~~date of this amendment~~ September 28, 2016. Thereafter, the council 4323
shall meet not less than annually. 4324

(4) Upon setting the amount or rate described in division 4325
(D)(1) of this section, the chairperson of the capital case 4326
attorney fee council promptly shall provide written notice to the 4327
state public defender of the amount or rate so set. The amount or 4328
rate so set shall become effective ninety days after the date on 4329
which the chairperson provides that written notice to the state 4330
public defender. The council shall specify that effective date in 4331
the written notice provided to the state public defender. All 4332
amounts or rates set by the council shall be final, subject to 4333

modification as described in division (D)(5) of this section, and 4334
not subject to appeal. 4335

(5) The capital case attorney fee council may modify an 4336
amount or rate set as described in division (D)(4) of this 4337
section. The provisions of that division apply with respect to any 4338
such modification of an amount or rate. 4339

Sec. 120.34. The total amount of money paid to all counties 4340
in any fiscal year pursuant to sections 120.18, 120.28, and 120.33 4341
of the Revised Code for the reimbursement of a percentage of the 4342
counties' cost of operating county public defender offices, joint 4343
county public defender offices, and county appointed counsel 4344
systems shall not exceed the total amount appropriated for that 4345
fiscal year by the general assembly for the reimbursement of the 4346
counties for the operation of the offices and systems. ~~If the 4347
amount appropriated by the general assembly in any fiscal year is 4348
insufficient to pay fifty per cent of the total cost in the fiscal 4349
year of all county public defender offices, all joint county 4350
public defender offices, and all county appointed counsel systems, 4351
the amount of money paid in that fiscal year pursuant to sections 4352
120.18, 120.28, and 120.33 of the Revised Code to each county for 4353
the fiscal year shall be reduced proportionately so that each 4354
county is paid an equal percentage of its total cost in the fiscal 4355
year for operating its county public defender system, its joint 4356
county public defender system, and its county appointed counsel 4357
system.~~ 4358

~~The total amount of money paid to all counties in any fiscal 4359
year pursuant to section 120.35 of the Revised Code for the 4360
reimbursement of a percentage of the counties' costs and expenses 4361
of conducting the defense in capital cases shall not exceed the 4362
total amount appropriated for that fiscal year by the general 4363
assembly for the reimbursement of the counties for conducting the 4364~~

~~defense in capital cases. If the amount appropriated by the 4365
general assembly in any fiscal year is insufficient to pay fifty 4366
per cent of the counties' total costs and expenses of conducting 4367
the defense in capital cases in the fiscal year, the amount of 4368
money paid in that fiscal year pursuant to section 120.35 of the 4369
Revised Code to each county for the fiscal year shall be reduced 4370
proportionately so that each county is paid an equal percentage of 4371
its costs and expenses of conducting the defense in capital cases 4372
in the fiscal year. 4373~~

If any county receives an amount of money pursuant to section 4374
120.18, 120.28, 120.33, or 120.35 of the Revised Code that is in 4375
excess of the amount of reimbursement it is entitled to receive 4376
pursuant to this section, the state public defender shall request 4377
the board of county commissioners to return the excess payment and 4378
the board of county commissioners, upon receipt of the request, 4379
shall direct the appropriate county officer to return the excess 4380
payment to the state. 4381

Within thirty days of the end of each fiscal quarter, the 4382
state public defender shall provide to the office of budget and 4383
management and the ~~legislative budget office of the~~ legislative 4384
service commission an estimate of the amount of money that will be 4385
required for the balance of the fiscal year to make the payments 4386
required by sections 120.18, 120.28, 120.33, and 120.35 of the 4387
Revised Code. 4388

Sec. 120.35. The state public defender shall, pursuant to 4389
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 4390
reimburse fifty one hundred per cent of all costs and expenses of 4391
conducting the defense in capital cases. ~~If appropriations are 4392
insufficient to pay fifty per cent of such costs and expenses, the 4393
state public defender shall reimburse such costs and expenses as 4394
provided in section 120.34 of the Revised Code. 4395~~

Sec. 120.36. (A)(1) Subject to division (A)(2), (3), (4), 4396
(5), or (6) of this section, if a person who is a defendant in a 4397
criminal case or a party in a case in juvenile court requests or 4398
is provided a state public defender, a county or joint county 4399
public defender, or any other counsel appointed by the court, the 4400
court in which the criminal case is initially filed or the 4401
juvenile court, whichever is applicable, shall assess, unless the 4402
application fee is waived or reduced, a non-refundable application 4403
fee of twenty-five dollars. 4404

The court shall direct the person to pay the application fee 4405
to the clerk of court. The person shall pay the application fee to 4406
the clerk of court at the time the person files ~~an affidavit of~~ 4407
~~indigency or~~ a financial disclosure form with the court, a state 4408
public defender, a county or joint county public defender, or any 4409
other counsel appointed by the court or within seven days of that 4410
date. If the person does not pay the application fee within that 4411
seven-day period, the court shall assess the application fee at 4412
sentencing or at the final disposition of the case. 4413

(2) For purposes of this section, a criminal case includes 4414
any case involving a violation of any provision of the Revised 4415
Code or of an ordinance of a municipal corporation for which the 4416
potential penalty includes loss of liberty and includes any 4417
contempt proceeding in which a court may impose a term of 4418
imprisonment. 4419

(3) In a juvenile court proceeding, the court shall not 4420
assess the application fee against a child if the court appoints a 4421
guardian ad litem for the child or the court appoints an attorney 4422
to represent the child at the request of a guardian ad litem. 4423

(4) The court shall not assess an application fee for a 4424
postconviction proceeding or when the defendant files an appeal. 4425

(5)(a) Except when the court assesses an application fee 4426

pursuant to division (A)(5)(b) of this section, the court shall 4427
assess an application fee when a person is charged with a 4428
violation of a community control sanction or a violation of a 4429
post-release control sanction. 4430

(b) If a charge of violating a community control sanction or 4431
post-release control sanction described in division (A)(5)(a) of 4432
this section results in a person also being charged with violating 4433
any provision of the Revised Code or an ordinance of a municipal 4434
corporation, the court shall only assess an application fee for 4435
the case that results from the additional charge. 4436

(6) If a case is transferred from one court to another court 4437
and the person failed to pay the application fee to the court that 4438
initially assessed the application fee, the court that initially 4439
assessed the fee shall remove the assessment, and the court to 4440
which the case was transferred shall assess the application fee. 4441

(7) The court shall assess an application fee pursuant to 4442
this section one time per case. For purposes of assessing the 4443
application fee, a case means one complete proceeding or trial 4444
held in one court for a person on an indictment, information, 4445
complaint, petition, citation, writ, motion, or other document 4446
initiating a case that arises out of a single incident or a series 4447
of related incidents, or when one individual is charged with two 4448
or more offenses that the court handles simultaneously. The court 4449
may waive or reduce the fee for a specific person in a specific 4450
case upon a finding that the person lacks financial resources that 4451
are sufficient to pay the fee or that payment of the fee would 4452
result in an undue hardship. 4453

(B) No court, state public defender, county or joint county 4454
public defender, or other counsel appointed by the court shall 4455
deny a person the assistance of counsel solely due to the person's 4456
failure to pay the application fee assessed pursuant to division 4457
(A) of this section. A person's present inability, failure, or 4458

refusal to pay the application fee shall not disqualify that 4459
person from legal representation. 4460

(C) The application fee assessed pursuant to division (A) of 4461
this section is separate from and in addition to any other amount 4462
assessed against a person who is found to be able to contribute 4463
toward the cost of the person's legal representation pursuant to 4464
division (D) of section 2941.51 of the Revised Code. 4465

(D) The clerk of the court that assessed the fees shall 4466
forward all application fees collected pursuant to this section to 4467
the county treasurer for deposit in the county treasury. The 4468
county shall retain eighty per cent of the application fees so 4469
collected to offset the costs of providing legal representation to 4470
indigent persons. Not later than the last day of each month, the 4471
county auditor shall remit twenty per cent of the application fees 4472
so collected in the previous month to the state public defender. 4473
The state public defender shall deposit the remitted fees into the 4474
state treasury to the credit of the client payment fund created 4475
pursuant to division (B)(5) of section 120.04 of the Revised Code. 4476
The state public defender may use that money in accordance with 4477
that section. 4478

(E) On or before the twentieth day of each month beginning in 4479
February of the year 2007, each clerk of court shall provide to 4480
the state public defender a report including all of the following: 4481

(1) The number of persons in the previous month who requested 4482
or were provided a state public defender, county or joint county 4483
public defender, or other counsel appointed by the court; 4484

(2) The number of persons in the previous month for whom the 4485
court waived the application fee pursuant to division (A) of this 4486
section; 4487

(3) The dollar value of the application fees assessed 4488
pursuant to division (A) of this section in the previous month; 4489

(4) The amount of assessed application fees collected in the previous month;	4490 4491
(5) The balance of unpaid assessed application fees at the open and close of the previous month.	4492 4493
(F) As used in this section:	4494
(1) "Clerk of court" means the clerk of the court of common pleas of the county, the clerk of the juvenile court of the county, the clerk of the domestic relations division of the court of common pleas of the county, the clerk of the probate court of the county, the clerk of a municipal court in the county, the clerk of a county-operated municipal court, or the clerk of a county court in the county, whichever is applicable.	4495 4496 4497 4498 4499 4500 4501
(2) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.	4502 4503
Sec. 121.22. (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.	4504 4505 4506 4507
(B) As used in this section:	4508
(1) "Public body" means any of the following:	4509
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	4510 4511 4512 4513 4514 4515
(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;	4516 4517
(c) A court of jurisdiction of a sanitary district organized	4518

wholly for the purpose of providing a water supply for domestic, 4519
municipal, and public use when meeting for the purpose of the 4520
appointment, removal, or reappointment of a member of the board of 4521
directors of such a district pursuant to section 6115.10 of the 4522
Revised Code, if applicable, or for any other matter related to 4523
such a district other than litigation involving the district. As 4524
used in division (B)(1)(c) of this section, "court of 4525
jurisdiction" has the same meaning as "court" in section 6115.01 4526
of the Revised Code. 4527

(2) "Meeting" means any prearranged discussion of the public 4528
business of the public body by a majority of its members. 4529

(3) "Regulated individual" means either of the following: 4530

(a) A student in a state or local public educational 4531
institution; 4532

(b) A person who is, voluntarily or involuntarily, an inmate, 4533
patient, or resident of a state or local institution because of 4534
criminal behavior, mental illness, an intellectual disability, 4535
disease, disability, age, or other condition requiring custodial 4536
care. 4537

(4) "Public office" has the same meaning as in section 4538
149.011 of the Revised Code. 4539

(C) All meetings of any public body are declared to be public 4540
meetings open to the public at all times. A member of a public 4541
body shall be present in person at a meeting open to the public to 4542
be considered present or to vote at the meeting and for purposes 4543
of determining whether a quorum is present at the meeting. 4544

The minutes of a regular or special meeting of any public 4545
body shall be promptly prepared, filed, and maintained and shall 4546
be open to public inspection. The minutes need only reflect the 4547
general subject matter of discussions in executive sessions 4548
authorized under division (G) or (J) of this section. 4549

(D) This section does not apply to any of the following:	4550
(1) A grand jury;	4551
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	4552 4553 4554
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	4555 4556 4557
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	4558 4559
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	4560 4561 4562 4563 4564 4565
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	4566 4567 4568
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	4569 4570 4571
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	4572 4573 4574
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	4575 4576 4577
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order	4578 4579

or request that a civil action, civil penalty action, or criminal
action be brought to enforce Chapter 3750. of the Revised Code; 4580
4581

(11) The board of directors of the nonprofit corporation 4582
formed under section 187.01 of the Revised Code or any committee 4583
thereof, and the board of directors of any subsidiary of that 4584
corporation or a committee thereof; 4585

(12) An audit conference conducted by the audit staff of the 4586
department of job and family services with officials of the public 4587
office that is the subject of that audit under section 5101.37 of 4588
the Revised Code; 4589

(13) The occupational therapy section of the occupational 4590
therapy, physical therapy, and athletic trainers board when 4591
determining whether to suspend a license or limited permit without 4592
a hearing pursuant to division (D) of section 4755.11 of the 4593
Revised Code; 4594

(14) The physical therapy section of the occupational 4595
therapy, physical therapy, and athletic trainers board when 4596
determining whether to suspend a license without a hearing 4597
pursuant to division (E) of section 4755.47 of the Revised Code; 4598

(15) The athletic trainers section of the occupational 4599
therapy, physical therapy, and athletic trainers board when 4600
determining whether to suspend a license without a hearing 4601
pursuant to division (D) of section 4755.64 of the Revised Code; 4602

(16) Meetings of a drug overdose fatality review committee 4603
established under section 307.631 of the Revised Code. 4604

(E) The controlling board, the tax credit authority, or the 4605
minority development financing advisory board, when meeting to 4606
consider granting assistance pursuant to Chapter 122. or 166. of 4607
the Revised Code, in order to protect the interest of the 4608
applicant or the possible investment of public funds, by unanimous 4609
vote of all board or authority members present, may close the 4610

meeting during consideration of the following information 4611
confidentially received by the authority or board from the 4612
applicant: 4613

(1) Marketing plans; 4614

(2) Specific business strategy; 4615

(3) Production techniques and trade secrets; 4616

(4) Financial projections; 4617

(5) Personal financial statements of the applicant or members 4618
of the applicant's immediate family, including, but not limited 4619
to, tax records or other similar information not open to public 4620
inspection. 4621

The vote by the authority or board to accept or reject the 4622
application, as well as all proceedings of the authority or board 4623
not subject to this division, shall be open to the public and 4624
governed by this section. 4625

(F) Every public body, by rule, shall establish a reasonable 4626
method whereby any person may determine the time and place of all 4627
regularly scheduled meetings and the time, place, and purpose of 4628
all special meetings. A public body shall not hold a special 4629
meeting unless it gives at least twenty-four hours' advance notice 4630
to the news media that have requested notification, except in the 4631
event of an emergency requiring immediate official action. In the 4632
event of an emergency, the member or members calling the meeting 4633
shall notify the news media that have requested notification 4634
immediately of the time, place, and purpose of the meeting. 4635

The rule shall provide that any person, upon request and 4636
payment of a reasonable fee, may obtain reasonable advance 4637
notification of all meetings at which any specific type of public 4638
business is to be discussed. Provisions for advance notification 4639
may include, but are not limited to, mailing the agenda of 4640

meetings to all subscribers on a mailing list or mailing notices 4641
in self-addressed, stamped envelopes provided by the person. 4642

(G) Except as provided in divisions (G)(8) and (J) of this 4643
section, the members of a public body may hold an executive 4644
session only after a majority of a quorum of the public body 4645
determines, by a roll call vote, to hold an executive session and 4646
only at a regular or special meeting for the sole purpose of the 4647
consideration of any of the following matters: 4648

(1) To consider the appointment, employment, dismissal, 4649
discipline, promotion, demotion, or compensation of a public 4650
employee or official, or the investigation of charges or 4651
complaints against a public employee, official, licensee, or 4652
regulated individual, unless the public employee, official, 4653
licensee, or regulated individual requests a public hearing. 4654
Except as otherwise provided by law, no public body shall hold an 4655
executive session for the discipline of an elected official for 4656
conduct related to the performance of the elected official's 4657
official duties or for the elected official's removal from office. 4658
If a public body holds an executive session pursuant to division 4659
(G)(1) of this section, the motion and vote to hold that executive 4660
session shall state which one or more of the approved purposes 4661
listed in division (G)(1) of this section are the purposes for 4662
which the executive session is to be held, but need not include 4663
the name of any person to be considered at the meeting. 4664

(2) To consider the purchase of property for public purposes, 4665
the sale of property at competitive bidding, or the sale or other 4666
disposition of unneeded, obsolete, or unfit-for-use property in 4667
accordance with section 505.10 of the Revised Code, if premature 4668
disclosure of information would give an unfair competitive or 4669
bargaining advantage to a person whose personal, private interest 4670
is adverse to the general public interest. No member of a public 4671
body shall use division (G)(2) of this section as a subterfuge for 4672

providing covert information to prospective buyers or sellers. A 4673
purchase or sale of public property is void if the seller or buyer 4674
of the public property has received covert information from a 4675
member of a public body that has not been disclosed to the general 4676
public in sufficient time for other prospective buyers and sellers 4677
to prepare and submit offers. 4678

If the minutes of the public body show that all meetings and 4679
deliberations of the public body have been conducted in compliance 4680
with this section, any instrument executed by the public body 4681
purporting to convey, lease, or otherwise dispose of any right, 4682
title, or interest in any public property shall be conclusively 4683
presumed to have been executed in compliance with this section 4684
insofar as title or other interest of any bona fide purchasers, 4685
lessees, or transferees of the property is concerned. 4686

(3) Conferences with an attorney for the public body 4687
concerning disputes involving the public body that are the subject 4688
of pending or imminent court action; 4689

(4) Preparing for, conducting, or reviewing negotiations or 4690
bargaining sessions with public employees concerning their 4691
compensation or other terms and conditions of their employment; 4692

(5) Matters required to be kept confidential by federal law 4693
or regulations or state statutes; 4694

(6) Details relative to the security arrangements and 4695
emergency response protocols for a public body or a public office, 4696
if disclosure of the matters discussed could reasonably be 4697
expected to jeopardize the security of the public body or public 4698
office; 4699

(7) In the case of a county hospital operated pursuant to 4700
Chapter 339. of the Revised Code, a joint township hospital 4701
operated pursuant to Chapter 513. of the Revised Code, or a 4702
municipal hospital operated pursuant to Chapter 749. of the 4703

Revised Code, to consider trade secrets, as defined in section 4704
1333.61 of the Revised Code; 4705

(8) To consider confidential information related to the 4706
marketing plans, specific business strategy, production 4707
techniques, trade secrets, or personal financial statements of an 4708
applicant for economic development assistance, or to negotiations 4709
with other political subdivisions respecting requests for economic 4710
development assistance, provided that both of the following 4711
conditions apply: 4712

(a) The information is directly related to a request for 4713
economic development assistance that is to be provided or 4714
administered under any provision of Chapter 715., 725., 1724., or 4715
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 4716
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 4717
the Revised Code, or that involves public infrastructure 4718
improvements or the extension of utility services that are 4719
directly related to an economic development project. 4720

(b) A unanimous quorum of the public body determines, by a 4721
roll call vote, that the executive session is necessary to protect 4722
the interests of the applicant or the possible investment or 4723
expenditure of public funds to be made in connection with the 4724
economic development project. 4725

If a public body holds an executive session to consider any 4726
of the matters listed in divisions (G)(2) to (8) of this section, 4727
the motion and vote to hold that executive session shall state 4728
which one or more of the approved matters listed in those 4729
divisions are to be considered at the executive session. 4730

A public body specified in division (B)(1)(c) of this section 4731
shall not hold an executive session when meeting for the purposes 4732
specified in that division. 4733

(H) A resolution, rule, or formal action of any kind is 4734

invalid unless adopted in an open meeting of the public body. A 4735
resolution, rule, or formal action adopted in an open meeting that 4736
results from deliberations in a meeting not open to the public is 4737
invalid unless the deliberations were for a purpose specifically 4738
authorized in division (G) or (J) of this section and conducted at 4739
an executive session held in compliance with this section. A 4740
resolution, rule, or formal action adopted in an open meeting is 4741
invalid if the public body that adopted the resolution, rule, or 4742
formal action violated division (F) of this section. 4743

(I)(1) Any person may bring an action to enforce this 4744
section. An action under division (I)(1) of this section shall be 4745
brought within two years after the date of the alleged violation 4746
or threatened violation. Upon proof of a violation or threatened 4747
violation of this section in an action brought by any person, the 4748
court of common pleas shall issue an injunction to compel the 4749
members of the public body to comply with its provisions. 4750

(2)(a) If the court of common pleas issues an injunction 4751
pursuant to division (I)(1) of this section, the court shall order 4752
the public body that it enjoins to pay a civil forfeiture of five 4753
hundred dollars to the party that sought the injunction and shall 4754
award to that party all court costs and, subject to reduction as 4755
described in division (I)(2) of this section, reasonable 4756
attorney's fees. The court, in its discretion, may reduce an award 4757
of attorney's fees to the party that sought the injunction or not 4758
award attorney's fees to that party if the court determines both 4759
of the following: 4760

(i) That, based on the ordinary application of statutory law 4761
and case law as it existed at the time of violation or threatened 4762
violation that was the basis of the injunction, a well-informed 4763
public body reasonably would believe that the public body was not 4764
violating or threatening to violate this section; 4765

(ii) That a well-informed public body reasonably would 4766

believe that the conduct or threatened conduct that was the basis 4767
of the injunction would serve the public policy that underlies the 4768
authority that is asserted as permitting that conduct or 4769
threatened conduct. 4770

(b) If the court of common pleas does not issue an injunction 4771
pursuant to division (I)(1) of this section and the court 4772
determines at that time that the bringing of the action was 4773
frivolous conduct, as defined in division (A) of section 2323.51 4774
of the Revised Code, the court shall award to the public body all 4775
court costs and reasonable attorney's fees, as determined by the 4776
court. 4777

(3) Irreparable harm and prejudice to the party that sought 4778
the injunction shall be conclusively and irrebuttably presumed 4779
upon proof of a violation or threatened violation of this section. 4780

(4) A member of a public body who knowingly violates an 4781
injunction issued pursuant to division (I)(1) of this section may 4782
be removed from office by an action brought in the court of common 4783
pleas for that purpose by the prosecuting attorney or the attorney 4784
general. 4785

(J)(1) Pursuant to division (C) of section 5901.09 of the 4786
Revised Code, a veterans service commission shall hold an 4787
executive session for one or more of the following purposes unless 4788
an applicant requests a public hearing: 4789

(a) Interviewing an applicant for financial assistance under 4790
sections 5901.01 to 5901.15 of the Revised Code; 4791

(b) Discussing applications, statements, and other documents 4792
described in division (B) of section 5901.09 of the Revised Code; 4793

(c) Reviewing matters relating to an applicant's request for 4794
financial assistance under sections 5901.01 to 5901.15 of the 4795
Revised Code. 4796

(2) A veterans service commission shall not exclude an 4797
applicant for, recipient of, or former recipient of financial 4798
assistance under sections 5901.01 to 5901.15 of the Revised Code, 4799
and shall not exclude representatives selected by the applicant, 4800
recipient, or former recipient, from a meeting that the commission 4801
conducts as an executive session that pertains to the applicant's, 4802
recipient's, or former recipient's application for financial 4803
assistance. 4804

(3) A veterans service commission shall vote on the grant or 4805
denial of financial assistance under sections 5901.01 to 5901.15 4806
of the Revised Code only in an open meeting of the commission. The 4807
minutes of the meeting shall indicate the name, address, and 4808
occupation of the applicant, whether the assistance was granted or 4809
denied, the amount of the assistance if assistance is granted, and 4810
the votes for and against the granting of assistance. 4811

Sec. 121.48. There is hereby created the office of the 4812
inspector general, to be headed by the inspector general. 4813

The term of the inspector general serving on the effective 4814
date of this amendment ends January 11, 2021. ~~The governor shall~~ 4815
~~appoint the~~ inspector general shall be appointed by the governor 4816
quadrennially thereafter, subject to section 121.49 of the Revised 4817
Code and the advice and consent of the senate. ~~The inspector~~ 4818
~~general, and~~ shall hold office for a term ~~coinciding with the term~~ 4819
~~of the appointing governor~~ of four years commencing on the second 4820
Monday of January. The governor may remove the inspector general 4821
from office only after delivering written notice to the inspector 4822
general of the reasons for which the governor intends to remove 4823
the inspector general from office and providing the inspector 4824
general with an opportunity to appear and show cause why the 4825
inspector general should not be removed. 4826

In addition to the duties imposed by section 121.42 of the 4827

Revised Code, the inspector general shall manage the office of the 4828
inspector general. The inspector general shall establish and 4829
maintain offices in Columbus. 4830

The inspector general may employ and fix the compensation of 4831
one or more deputy inspectors general. Each deputy inspector 4832
general shall serve for a term coinciding with the term of the 4833
appointing inspector general, and shall perform the duties, 4834
including the performance of investigations, that are assigned by 4835
the inspector general. All deputy inspectors general are in the 4836
unclassified service and serve at the pleasure of the inspector 4837
general. 4838

In addition to deputy inspectors general, the inspector 4839
general may employ and fix the compensation of professional, 4840
technical, and clerical employees that are necessary for the 4841
effective and efficient operation of the office of the inspector 4842
general. All professional, technical, and clerical employees of 4843
the office of the inspector general are in the unclassified 4844
service and serve at the pleasure of the appointing inspector 4845
general. 4846

The inspector general may enter into any contracts that are 4847
necessary to the operation of the office of the inspector general. 4848
The contracts may include, but are not limited to, contracts for 4849
the services of persons who are experts in a particular field and 4850
whose expertise is necessary to the successful completion of an 4851
investigation. 4852

Not later than the first day of March in each year, the 4853
inspector general shall publish an annual report summarizing the 4854
activities of the inspector general's office during the previous 4855
calendar year. The annual report shall not disclose the results of 4856
any investigation insofar as the results are designated as 4857
confidential under section 121.44 of the Revised Code. 4858

The inspector general shall provide copies of the inspector
general's annual report to the governor and the general assembly.
The inspector general also shall provide a copy of the annual
report to any other person who requests the copy and pays a fee
prescribed by the inspector general. The fee shall not exceed the
cost of reproducing and delivering the annual report.

Sec. 122.01. (A) As used in the Revised Code, the "department
of development" means the development services agency and the
"director of development" means the director of development
services. Whenever the department or director of development is
referred to or designated in any statute, rule, contract, grant,
or other document, the reference or designation shall be deemed to
refer to the development services agency or director of
development services, as the case may be.

(B) As used in this chapter:

(1) "Community problems" includes, but is not limited to,
taxation, fiscal administration, governmental structure and
organization, intergovernmental cooperation, education and
training, employment needs, community planning and development,
air and water pollution, public safety and the administration of
justice, housing, mass transportation, community facilities and
services, health, welfare, recreation, open space, and the
development of human resources.

(2) "Edison center network" means the six cooperative,
industry-connected, nonprofit organizations that have met all of
the following criteria:

(a) Historically received funding under the Thomas Alva
Edison grant program;

(b) Been in existence at least fifteen years as of the
effective date of the amendment of this section;

(c) Experience delivering technical and networking services 4889
to Ohio manufacturers. 4890

(3) "Professional personnel" means either of the following: 4891

(a) Personnel who have earned a bachelor's degree from a 4892
college or university; 4893

(b) Personnel who serve as or have the working title of 4894
director, assistant director, deputy director, assistant deputy 4895
director, manager, office chief, assistant office chief, or 4896
program director. 4897

~~(3)~~(4) "Technical personnel" means any of the following: 4898

(a) Personnel who provide technical assistance according to 4899
their job description or in accordance with the Revised Code; 4900

(b) Personnel employed in the director of development 4901
services' office or the legal office, communications office, 4902
finance office, legislative affairs office, or human resources 4903
office of the development services agency; 4904

(c) Personnel employed in the technology division of the 4905
agency. 4906

Sec. 122.071. (A) The TourismOhio advisory board is hereby 4907
established to advise the director of development services and the 4908
director of the office of TourismOhio on strategies for promoting 4909
tourism in this state. The board shall consist of the chief 4910
investment officer of the nonprofit corporation formed under 4911
section 187.01 of the Revised Code or the chief investment 4912
officer's designee, the director of the office of TourismOhio, and 4913
nine members to be appointed by the governor as provided in 4914
division (B) of this section. All members of the board, except the 4915
director of the office of TourismOhio, shall be voting members. 4916

(B)(1) The governor shall, within sixty days after ~~the~~ 4917
~~effective date of this section~~ September 28, 2012, appoint to the 4918

TourismOhio advisory board one individual who is a representative 4919
of convention and visitors' bureaus, one individual who is a 4920
representative of the lodging industry, one individual who is a 4921
representative of the restaurant industry, one individual who is a 4922
representative of attractions, one individual who is a 4923
representative of special events and festivals, one individual who 4924
is a representative of agritourism, and three individuals who are 4925
representatives of the tourism industry. Of the initial 4926
appointments, two individuals shall serve a term of one year, 4927
three individuals shall serve a term of two years, and the 4928
remainder shall serve a term of three years. Thereafter, terms of 4929
office shall be for three years. Each individual appointed to the 4930
board shall be a United States citizen. 4931

(2) For purposes of division (B)(1) of this section, an 4932
individual is a "representative of the tourism industry" if the 4933
individual possesses five years or more executive-level experience 4934
in the attractions, lodging, restaurant, transportation, or retail 4935
industry or five years or more executive-level experience with a 4936
destination marketing organization. 4937

(C)(1) Each member of the TourismOhio advisory board shall 4938
hold office from the date of the member's appointment until the 4939
end of the term for which the member is appointed. Vacancies that 4940
occur on the board shall be filled in the manner prescribed for 4941
regular appointments to the board. A member appointed to fill a 4942
vacancy occurring prior to the expiration of the term for which 4943
the member's predecessor was appointed shall hold office for the 4944
remainder of that predecessor's term. A member shall continue in 4945
office subsequent to the expiration date of the member's term 4946
until the member's successor takes office or until sixty days have 4947
elapsed, whichever occurs first. Any member appointed to the board 4948
is eligible for reappointment. 4949

(2) The governor shall designate one member of the board as 4950

chairperson. 4951

(3) Members appointed to the board may be reimbursed for 4952
actual and necessary expenses incurred in connection with their 4953
official duties. 4954

Sec. 122.08. (A) There is hereby created within the 4955
~~department of~~ development services agency an office to be known as 4956
the office of small business and entrepreneurship. The office 4957
shall be under the supervision of a manager appointed by the 4958
director of development services. 4959

(B) The office shall do all of the following: 4960

(1) Act as liaison between the small business community and 4961
state governmental agencies; 4962

(2) Furnish information and technical assistance to persons 4963
and small businesses concerning the establishment and maintenance 4964
of a small business, and concerning state laws and rules relevant 4965
to the operation of a small business. In conjunction with these 4966
duties, the office shall keep a record of all proposed and 4967
currently effective state agency rules affecting small businesses, 4968
and may testify before the joint committee on agency rule review 4969
concerning any proposed rule affecting small businesses. 4970

(3) Prepare and publish the small business register under 4971
section 122.081 of the Revised Code; 4972

(4) Receive complaints from small businesses concerning 4973
governmental activity, compile and analyze those complaints, and 4974
periodically make recommendations to the governor and the general 4975
assembly on changes in state laws or agency rules needed to 4976
eliminate burdensome and unproductive governmental regulation to 4977
improve the economic climate within which small businesses 4978
operate; 4979

(5) Receive complaints or questions from small businesses and 4980

direct those businesses to the appropriate governmental agency. 4981
If, within a reasonable period of time, a complaint is not 4982
satisfactorily resolved or a question is not satisfactorily 4983
answered, the office shall, on behalf of the small business, make 4984
every effort to secure a satisfactory result. For this purpose, 4985
the office may consult with any state governmental agency and may 4986
make any suggestion or request that seems appropriate. 4987

(6) Utilize, to the maximum extent possible, the printed and 4988
electronic media to disseminate information of current concern and 4989
interest to the small business community and to make known to 4990
small businesses the services available through the office. The 4991
office shall publish such books, pamphlets, and other printed 4992
materials, and shall participate in such trade association 4993
meetings, conventions, fairs, and other meetings involving the 4994
small business community, as the manager considers appropriate. 4995

(7) Prepare a description of the activities of the office for 4996
inclusion in the ~~department of development's~~ development services 4997
agency's annual report to the governor and general assembly, ~~a~~ 4998
~~description of the activities of the office and a report of the~~ 4999
~~number of rules affecting small businesses that were recorded by~~ 5000
~~the office during the preceding calendar year;~~ 5001

(8) Operate the Ohio first-stop business connection to assist 5002
individuals in identifying and preparing applications for business 5003
licenses, permits, and certificates and to serve as ~~the central~~ a 5004
public distributor for all forms, applications, and other 5005
information related to business licensing. Each state agency, 5006
board, and commission shall cooperate in providing assistance, 5007
information, and materials to enable the connection to perform its 5008
duties under this division. 5009

(9) Provide information to individuals about the resources 5010
available on the OhioMeansJobs web site and through the local 5011
OhioMeansJobs one-stop systems established under section 6301.08 5012

of the Revised Code that connect businesses with job seekers. As 5013
used in this division, "OhioMeansJobs" has the same meaning as in 5014
section 6301.01 of the Revised Code. 5015

(C) The office may, upon the request of a state agency, 5016
assist the agency with the preparation of any rule that will 5017
affect small businesses. 5018

(D) The director of development services shall assign 5019
employees and furnish equipment and supplies to the office as the 5020
director considers necessary for the proper performance of the 5021
duties assigned to the office. 5022

Sec. 122.081. (A) The office of small business and 5023
entrepreneurship in the ~~department of~~ development services agency 5024
shall prepare and publish a "small business register" or contract 5025
with any person as provided in this section to prepare and publish 5026
the register. The small business register shall contain the 5027
following information regarding each proposed rule recorded by the 5028
office of small business and entrepreneurship: 5029

(1) The title and administrative code rule number of the 5030
proposed rule; 5031

(2) A brief summary of the proposed rule; 5032

(3) The date on which the proposed rule was recorded by the 5033
office of small business and entrepreneurship; and 5034

(4) The name, address, and telephone number of an individual 5035
or office within the agency that proposed the rule who can provide 5036
information about the proposed rule. 5037

(B) The small business register shall be published on a 5038
weekly basis. The information required under division (A) of this 5039
section shall be published in the register no later than two weeks 5040
after the proposed rule to which the information relates is 5041
recorded by the office of small business and entrepreneurship. The 5042

office of ~~small business~~ shall furnish the small business 5043
register, on a single copy or subscription basis, to any person 5044
who requests it and pays a single copy price or subscription rate 5045
fixed by the office. The office shall furnish the chairpersons of 5046
the standing committees of the senate and house of representatives 5047
having jurisdiction over small businesses with free subscriptions 5048
to the small business register. 5049

(C) Upon the request of the office of small business and 5050
entrepreneurship, the director of administrative services shall, 5051
in accordance with the competitive selection procedure of Chapter 5052
125. of the Revised Code, let a contract for the compilation, 5053
printing, and distribution of the small business register. 5054

(D) The office of small business and entrepreneurship shall 5055
adopt, and may amend or rescind, in accordance with Chapter 119. 5056
of the Revised Code, such rules as are necessary to enable it to 5057
properly carry out this section. 5058

Sec. 122.17. (A) As used in this section: 5059

(1) "Payroll" means the total taxable income paid by the 5060
employer during the employer's taxable year, or during the 5061
calendar year that includes the employer's tax period, to each 5062
employee or each home-based employee employed in the project to 5063
the extent such payroll is not used to determine the credit under 5064
section 122.171 of the Revised Code. "Payroll" excludes amounts 5065
paid before the day the taxpayer becomes eligible for the credit 5066
and retirement or other benefits paid or contributed by the 5067
employer to or on behalf of employees. 5068

(2) "Baseline payroll" means Ohio employee payroll, except 5069
that the applicable measurement period is the twelve months 5070
immediately preceding the date the tax credit authority approves 5071
the taxpayer's application or the date the tax credit authority 5072
receives the recommendation described in division (C)(2)(a) of 5073

this section, whichever occurs first, multiplied by the sum of one 5074
plus an annual pay increase factor to be determined by the tax 5075
credit authority. 5076

(3) "Ohio employee payroll" means the amount of compensation 5077
used to determine the withholding obligations in division (A) of 5078
section 5747.06 of the Revised Code and paid by the employer 5079
during the employer's taxable year, or during the calendar year 5080
that includes the employer's tax period, to ~~each~~ the following: 5081

(a) An employee employed in the project who is a resident of 5082
this state, ~~as defined in section 5747.01 of the Revised Code, to~~ 5083
~~each~~ including a qualifying work-from-home employee not designated 5084
as a home-based employee by an applicant under division (C)(1) of 5085
this section; 5086

(b) An employee employed at the project ~~site~~ location who is 5087
not a resident and whose compensation is not exempt from the tax 5088
imposed under section 5747.02 of the Revised Code pursuant to a 5089
reciprocity agreement with another state under division (A)(3) of 5090
section 5747.05 of the Revised Code, ~~or to each;~~ 5091

(c) A home-based employee employed in the project, ~~to the~~ 5092
~~extent.~~ 5093

"Ohio employee payroll" excludes any such compensation ~~to the~~ 5094
~~extent it is not~~ used to determine the credit under section 5095
122.171 of the Revised Code. ~~"Ohio employee payroll", and~~ 5096
excludes amounts paid before the day the taxpayer becomes eligible for the 5097
credit under this section. 5098

(4) "Excess payroll" means Ohio employee payroll minus 5099
baseline payroll. 5100

(5) "Home-based employee" means an employee whose services 5101
are performed primarily from the employee's residence in this 5102
state exclusively for the benefit of the project and whose rate of 5103
pay is at least one hundred thirty-one per cent of the federal 5104

minimum wage under 29 U.S.C. 206. 5105

(6) "Full-time equivalent employees" means the quotient 5106
obtained by dividing the total number of hours for which employees 5107
were compensated for employment in the project by two thousand 5108
eighty. "Full-time equivalent employees" excludes hours that are 5109
counted for a credit under section 122.171 of the Revised Code. 5110

(7) "Metric evaluation date" means the date by which the 5111
taxpayer must meet all of the commitments included in the 5112
agreement. 5113

(8) "Qualifying work-from-home employee" means an employee 5114
who is a resident of this state and whose services are supervised 5115
from the employer's project location and performed primarily from 5116
a residence of the employee located in this state. 5117

(9) "Resident" or "resident of this state" means an 5118
individual who is a resident as defined in section 5747.01 of the 5119
Revised Code. 5120

(B) The tax credit authority may make grants under this 5121
section to foster job creation in this state. Such a grant shall 5122
take the form of a refundable credit allowed against the tax 5123
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5124
5747.02 or levied under Chapter 5751. of the Revised Code. The 5125
credit shall be claimed for the taxable years or tax periods 5126
specified in the taxpayer's agreement with the tax credit 5127
authority under division (D) of this section. With respect to 5128
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 5129
Chapter 5751. of the Revised Code, the credit shall be claimed in 5130
the order required under section 5726.98, 5733.98, 5747.98, or 5131
5751.98 of the Revised Code. The amount of the credit available 5132
for a taxable year or for a calendar year that includes a tax 5133
period equals the excess payroll for that year multiplied by the 5134
percentage specified in the agreement with the tax credit 5135

authority. 5136

(C)(1) A taxpayer or potential taxpayer who proposes a 5137
project to create new jobs in this state may apply to the tax 5138
credit authority to enter into an agreement for a tax credit under 5139
this section. 5140

An application shall not propose to include both home-based 5141
employees and employees who are not home-based employees in the 5142
computation of Ohio employee payroll for the purposes of the same 5143
tax credit agreement, except that a qualifying work-from-home 5144
employee shall not be considered to be a home-based employee 5145
unless so designated by the applicant. If a taxpayer or potential 5146
taxpayer employs both home-based employees and employees who are 5147
not home-based employees in a project, the taxpayer shall submit 5148
separate applications for separate tax credit agreements for the 5149
project, one of which shall include home-based employees in the 5150
computation of Ohio employee payroll and one of which shall 5151
include all other employees in the computation of Ohio employee 5152
payroll. 5153

The director of development services shall prescribe the form 5154
of the application. After receipt of an application, the authority 5155
may enter into an agreement with the taxpayer for a credit under 5156
this section if it determines all of the following: 5157

(a) The taxpayer's project will increase payroll; 5158

(b) The taxpayer's project is economically sound and will 5159
benefit the people of this state by increasing opportunities for 5160
employment and strengthening the economy of this state; 5161

(c) Receiving the tax credit is a major factor in the 5162
taxpayer's decision to go forward with the project. 5163

(2)(a) A taxpayer that chooses to begin the project prior to 5164
receiving the determination of the authority may, upon submitting 5165
the taxpayer's application to the authority, request that the 5166

chief investment officer of the nonprofit corporation formed under 5167
section 187.01 of the Revised Code and the director review the 5168
taxpayer's application and recommend to the authority that the 5169
taxpayer's application be considered. As soon as possible after 5170
receiving such a request, the chief investment officer and the 5171
director shall review the taxpayer's application and, if they 5172
determine that the application warrants consideration by the 5173
authority, make that recommendation to the authority not later 5174
than six months after the application is received by the 5175
authority. 5176

(b) The authority shall consider any taxpayer's application 5177
for which it receives a recommendation under division (C)(2)(a) of 5178
this section. If the authority determines that the taxpayer does 5179
not meet all of the criteria set forth in division (C)(1) of this 5180
section, the authority and the development services agency shall 5181
proceed in accordance with rules adopted by the director pursuant 5182
to division (I) of this section. 5183

(D) An agreement under this section shall include all of the 5184
following: 5185

(1) A detailed description of the project that is the subject 5186
of the agreement; 5187

(2)(a) The term of the tax credit, which, except as provided 5188
in division (D)(2)(b) of this section, shall not exceed fifteen 5189
years, and the first taxable year, or first calendar year that 5190
includes a tax period, for which the credit may be claimed; 5191

(b) If the tax credit is computed on the basis of home-based 5192
employees, the term of the credit shall expire on or before the 5193
last day of the taxable or calendar year ending before the 5194
beginning of the seventh year after September 6, 2012, the 5195
effective date of H.B. 327 of the 129th general assembly. 5196

(3) A requirement that the taxpayer shall maintain operations 5197

at the project location for at least the greater of seven years or 5198
the term of the credit plus three years; 5199

(4) The percentage, as determined by the tax credit 5200
authority, of excess payroll that will be allowed as the amount of 5201
the credit for each taxable year or for each calendar year that 5202
includes a tax period; 5203

(5) The pay increase factor to be applied to the taxpayer's 5204
baseline payroll; 5205

(6) A requirement that the taxpayer annually shall report to 5206
the director of development services full-time equivalent 5207
employees, payroll, Ohio employee payroll, investment, the 5208
provision of health care benefits and tuition reimbursement if 5209
required in the agreement, and other information the director 5210
needs to perform the director's duties under this section; 5211

(7) A requirement that the director of development services 5212
annually review the information reported under division (D)(6) of 5213
this section and verify compliance with the agreement; if the 5214
taxpayer is in compliance, a requirement that the director issue a 5215
certificate to the taxpayer stating that the information has been 5216
verified and identifying the amount of the credit that may be 5217
claimed for the taxable or calendar year; 5218

(8) A provision providing that the taxpayer may not relocate 5219
a substantial number of employment positions from elsewhere in 5220
this state to the project location unless the director of 5221
development services determines that the legislative authority of 5222
the county, township, or municipal corporation from which the 5223
employment positions would be relocated has been notified by the 5224
taxpayer of the relocation. 5225

For purposes of this section, the movement of an employment 5226
position from one political subdivision to another political 5227
subdivision shall be considered a relocation of an employment 5228

position unless the employment position in the first political 5229
subdivision is replaced. The movement of a qualifying 5230
work-from-home employee to a different residence located in this 5231
state or to the project location shall not be considered a 5232
relocation of an employment position. 5233

(9) If the tax credit is computed on the basis of home-based 5234
employees, that the tax credit may not be claimed by the taxpayer 5235
until the taxable year or tax period in which the taxpayer employs 5236
at least two hundred employees more than the number of employees 5237
the taxpayer employed on June 30, 2011. 5238

(E) If a taxpayer fails to meet or comply with any condition 5239
or requirement set forth in a tax credit agreement, the tax credit 5240
authority may amend the agreement to reduce the percentage or term 5241
of the tax credit. The reduction of the percentage or term may 5242
take effect in the current taxable or calendar year. 5243

(F) Projects that consist solely of point-of-final-purchase 5244
retail facilities are not eligible for a tax credit under this 5245
section. If a project consists of both point-of-final-purchase 5246
retail facilities and nonretail facilities, only the portion of 5247
the project consisting of the nonretail facilities is eligible for 5248
a tax credit and only the excess payroll from the nonretail 5249
facilities shall be considered when computing the amount of the 5250
tax credit. If a warehouse facility is part of a 5251
point-of-final-purchase retail facility and supplies only that 5252
facility, the warehouse facility is not eligible for a tax credit. 5253
Catalog distribution centers are not considered 5254
point-of-final-purchase retail facilities for the purposes of this 5255
division, and are eligible for tax credits under this section. 5256

(G) Financial statements and other information submitted to 5257
the development services agency or the tax credit authority by an 5258
applicant or recipient of a tax credit under this section, and any 5259
information taken for any purpose from such statements or 5260

information, are not public records subject to section 149.43 of 5261
the Revised Code. However, the chairperson of the authority may 5262
make use of the statements and other information for purposes of 5263
issuing public reports or in connection with court proceedings 5264
concerning tax credit agreements under this section. Upon the 5265
request of the tax commissioner or, if the applicant or recipient 5266
is an insurance company, upon the request of the superintendent of 5267
insurance, the chairperson of the authority shall provide to the 5268
commissioner or superintendent any statement or information 5269
submitted by an applicant or recipient of a tax credit in 5270
connection with the credit. The commissioner or superintendent 5271
shall preserve the confidentiality of the statement or 5272
information. 5273

(H) A taxpayer claiming a credit under this section shall 5274
submit to the tax commissioner or, if the taxpayer is an insurance 5275
company, to the superintendent of insurance, a copy of the 5276
director of development services' certificate of verification 5277
under division (D)(7) of this section with the taxpayer's tax 5278
report or return for the taxable year or for the calendar year 5279
that includes the tax period. Failure to submit a copy of the 5280
certificate with the report or return does not invalidate a claim 5281
for a credit if the taxpayer submits a copy of the certificate to 5282
the commissioner or superintendent within the time prescribed by 5283
section 5703.0510 of the Revised Code or within thirty days after 5284
the commissioner or superintendent requests it. 5285

(I) The director of development services, after consultation 5286
with the tax commissioner and the superintendent of insurance and 5287
in accordance with Chapter 119. of the Revised Code, shall adopt 5288
rules necessary to implement this section, including rules that 5289
establish a procedure to be followed by the tax credit authority 5290
and the development services agency in the event the authority 5291
considers a taxpayer's application for which it receives a 5292

recommendation under division (C)(2)(a) of this section but does 5293
not approve it. The rules may provide for recipients of tax 5294
credits under this section to be charged fees to cover 5295
administrative costs of the tax credit program. For the purposes 5296
of these rules, a qualifying work-from-home employee shall be 5297
considered to be an employee employed at the applicant's project 5298
location. The fees collected shall be credited to the ~~business~~ 5299
~~assistance~~ tax incentives operating fund created in section 5300
122.174 of the Revised Code. At the time the director gives public 5301
notice under division (A) of section 119.03 of the Revised Code of 5302
the adoption of the rules, the director shall submit copies of the 5303
proposed rules to the chairpersons of the standing committees on 5304
economic development in the senate and the house of 5305
representatives. 5306

(J) For the purposes of this section, a taxpayer may include 5307
a partnership, a corporation that has made an election under 5308
subchapter S of chapter one of subtitle A of the Internal Revenue 5309
Code, or any other business entity through which income flows as a 5310
distributive share to its owners. A partnership, S-corporation, or 5311
other such business entity may elect to pass the credit received 5312
under this section through to the persons to whom the income or 5313
profit of the partnership, S-corporation, or other entity is 5314
distributed. The election shall be made on the annual report 5315
required under division (D)(6) of this section. The election 5316
applies to and is irrevocable for the credit for which the report 5317
is submitted. If the election is made, the credit shall be 5318
apportioned among those persons in the same proportions as those 5319
in which the income or profit is distributed. 5320

(K)(1) If the director of development services determines 5321
that a taxpayer who has received a credit under this section is 5322
not complying with the requirements of the agreement, the director 5323
shall notify the tax credit authority of the noncompliance. After 5324

receiving such a notice, and after giving the taxpayer an 5325
opportunity to explain the noncompliance, the tax credit authority 5326
may require the taxpayer to refund to this state a portion of the 5327
credit in accordance with the following: 5328

(a) If the taxpayer fails to comply with the requirement 5329
under division (D)(3) of this section, an amount determined in 5330
accordance with the following: 5331

(i) If the taxpayer maintained operations at the project 5332
location for a period less than or equal to the term of the 5333
credit, an amount not exceeding one hundred per cent of the sum of 5334
any credits allowed and received under this section; 5335

(ii) If the taxpayer maintained operations at the project 5336
location for a period longer than the term of the credit, but less 5337
than the greater of seven years or the term of the credit plus 5338
three years, an amount not exceeding seventy-five per cent of the 5339
sum of any credits allowed and received under this section. 5340

(b) If, on the metric evaluation date, the taxpayer fails to 5341
substantially meet the job creation, payroll, or investment 5342
requirements included in the agreement, an amount determined at 5343
the discretion of the authority; 5344

(c) If the taxpayer fails to substantially maintain the 5345
number of new full-time equivalent employees or amount of payroll 5346
required under the agreement at any time during the term of the 5347
agreement after the metric evaluation date, an amount determined 5348
at the discretion of the authority. 5349

(2) If a taxpayer files for bankruptcy and fails as described 5350
in division (K)(1)(a), (b), or (c) of this section, the director 5351
may immediately commence an action to recoup an amount not 5352
exceeding one hundred per cent of the sum of any credits received 5353
by the taxpayer under this section. 5354

(3) In determining the portion of the tax credit to be 5355

refunded to this state, the tax credit authority shall consider 5356
the effect of market conditions on the taxpayer's project and 5357
whether the taxpayer continues to maintain other operations in 5358
this state. After making the determination, the authority shall 5359
certify the amount to be refunded to the tax commissioner or 5360
superintendent of insurance, as appropriate. If the amount is 5361
certified to the commissioner, the commissioner shall make an 5362
assessment for that amount against the taxpayer under Chapter 5363
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 5364
amount is certified to the superintendent, the superintendent 5365
shall make an assessment for that amount against the taxpayer 5366
under Chapter 5725. or 5729. of the Revised Code. The time 5367
limitations on assessments under those chapters do not apply to an 5368
assessment under this division, but the commissioner or 5369
superintendent, as appropriate, shall make the assessment within 5370
one year after the date the authority certifies to the 5371
commissioner or superintendent the amount to be refunded. 5372

(L) On or before the first day of August each year, the 5373
director of development services shall submit a report to the 5374
governor, the president of the senate, and the speaker of the 5375
house of representatives on the tax credit program under this 5376
section. The report shall include information on the number of 5377
agreements that were entered into under this section during the 5378
preceding calendar year, a description of the project that is the 5379
subject of each such agreement, and an update on the status of 5380
projects under agreements entered into before the preceding 5381
calendar year. 5382

(M) There is hereby created the tax credit authority, which 5383
consists of the director of development services and four other 5384
members appointed as follows: the governor, the president of the 5385
senate, and the speaker of the house of representatives each shall 5386
appoint one member who shall be a specialist in economic 5387

development; the governor also shall appoint a member who is a 5388
specialist in taxation. Terms of office shall be for four years. 5389
Each member shall serve on the authority until the end of the term 5390
for which the member was appointed. Vacancies shall be filled in 5391
the same manner provided for original appointments. Any member 5392
appointed to fill a vacancy occurring prior to the expiration of 5393
the term for which the member's predecessor was appointed shall 5394
hold office for the remainder of that term. Members may be 5395
reappointed to the authority. Members of the authority shall 5396
receive their necessary and actual expenses while engaged in the 5397
business of the authority. The director of development services 5398
shall serve as chairperson of the authority, and the members 5399
annually shall elect a vice-chairperson from among themselves. 5400
Three members of the authority constitute a quorum to transact and 5401
vote on the business of the authority. The majority vote of the 5402
membership of the authority is necessary to approve any such 5403
business, including the election of the vice-chairperson. 5404

The director of development services may appoint a 5405
professional employee of the development services agency to serve 5406
as the director's substitute at a meeting of the authority. The 5407
director shall make the appointment in writing. In the absence of 5408
the director from a meeting of the authority, the appointed 5409
substitute shall serve as chairperson. In the absence of both the 5410
director and the director's substitute from a meeting, the 5411
vice-chairperson shall serve as chairperson. 5412

(N) For purposes of the credits granted by this section 5413
against the taxes imposed under sections 5725.18 and 5729.03 of 5414
the Revised Code, "taxable year" means the period covered by the 5415
taxpayer's annual statement to the superintendent of insurance. 5416

(O) On or before the first day of March of each of the five 5417
calendar years beginning with 2014, each taxpayer subject to an 5418
agreement with the tax credit authority under this section on the 5419

basis of home-based employees shall report the number of 5420
home-based employees and other employees employed by the taxpayer 5421
in this state to the development services agency. 5422

(P) On or before the first day of January of 2019, the 5423
director of development services shall submit a report to the 5424
governor, the president of the senate, and the speaker of the 5425
house of representatives on the effect of agreements entered into 5426
under this section in which the taxpayer included home-based 5427
employees in the computation of income tax revenue, as that term 5428
was defined in this section prior to the amendment of this section 5429
by H.B. 64 of the 131st general assembly. The report shall include 5430
information on the number of such agreements that were entered 5431
into in the preceding six years, a description of the projects 5432
that were the subjects of such agreements, and an analysis of 5433
nationwide home-based employment trends, including the number of 5434
home-based jobs created from July 1, 2011, through June 30, 2017, 5435
and a description of any home-based employment tax incentives 5436
provided by other states during that time. 5437

(Q) The director of development services may require any 5438
agreement entered into under this section for a tax credit 5439
computed on the basis of home-based employees to contain a 5440
provision that the taxpayer makes available health care benefits 5441
and tuition reimbursement to all employees. 5442

(R) Original agreements approved by the tax credit authority 5443
under this section in 2014 or 2015 before ~~the effective date of~~ 5444
~~this division~~ September 29, 2015, may be revised at the request of 5445
the taxpayer to conform with the amendments to this section and 5446
sections 5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised 5447
Code by H.B. 64 of the 131st general assembly, upon mutual 5448
agreement of the taxpayer and the development services agency, and 5449
approval by the tax credit authority. 5450

(S)(1) As used in division (S) of this section: 5451

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

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

(c) "Income tax revenue" has the same meaning as under this section as it existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly.

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

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

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

(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of that section taking effect on or after June 29, 2013, subtract the product from

the taxpayer's income tax revenue.	5483
(4) Division (S)(3) of this section shall not apply unless	5484
all of the following apply for the reporting period with respect	5485
to the eligible agreement:	5486
(a) The taxpayer has achieved one hundred per cent of the new	5487
employment commitment identified in the agreement.	5488
(b) If applicable, the taxpayer has achieved one hundred per	5489
cent of the new payroll commitment identified in the agreement.	5490
(c) If applicable, the taxpayer has achieved one hundred per	5491
cent of the investment commitment identified in the agreement.	5492
(5) Failure by a taxpayer to have achieved any of the	5493
applicable commitments described in divisions (S)(4)(a) to (c) of	5494
this section in a reporting period does not disqualify the	5495
taxpayer for the adjustment under division (S) of this section for	5496
an ensuing reporting period.	5497
Sec. 122.171. (A) As used in this section:	5498
(1) "Capital investment project" means a plan of investment	5499
at a project site for the acquisition, construction, renovation,	5500
or repair of buildings, machinery, or equipment, or for	5501
capitalized costs of basic research and new product development	5502
determined in accordance with generally accepted accounting	5503
principles, but does not include any of the following:	5504
(a) Payments made for the acquisition of personal property	5505
through operating leases;	5506
(b) Project costs paid before January 1, 2002;	5507
(c) Payments made to a related member as defined in section	5508
5733.042 of the Revised Code or to a consolidated elected taxpayer	5509
or a combined taxpayer as defined in section 5751.01 of the	5510
Revised Code.	5511

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

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

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

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

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

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

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

(4) "Ohio employee payroll" has the same meaning as in section 122.17 of the Revised Code.

(5) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code. 5543
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(6) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business. 5545
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(7) "Related member" has the same meaning as in section 5733.042 of the Revised Code as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, September 29, 1997. 5549
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(8) "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of taxes due from insurance companies. 5553
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(B) The tax credit authority created under section 122.17 of the Revised Code may grant a nonrefundable tax credit to an eligible business under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the determination of the director of budget and management, tax commissioner, and the superintendent of insurance in the case of an insurance company, and the recommendation and determination of the director of development services under division (C) of this section, the tax credit authority may grant the credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised Code. 5559
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The credit authorized in this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5736.02 or 5751.02 of the Revised Code, for a 5571
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period of up to fifteen calendar years. The credit amount for a 5574
taxable year or a calendar year that includes the tax period for 5575
which a credit may be claimed equals the Ohio employee payroll for 5576
that year multiplied by the percentage specified in the agreement 5577
with the tax credit authority. The credit shall be claimed in the 5578
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5579
5747.98, or 5751.98 of the Revised Code. In determining the 5580
percentage and term of the credit, the tax credit authority shall 5581
consider both the number of full-time equivalent employees and the 5582
value of the capital investment project. The credit amount may not 5583
be based on the Ohio employee payroll for a calendar year before 5584
the calendar year in which the tax credit authority specifies the 5585
tax credit is to begin, and the credit shall be claimed only for 5586
the taxable years or tax periods specified in the eligible 5587
business' agreement with the tax credit authority. In no event 5588
shall the credit be claimed for a taxable year or tax period 5589
terminating before the date specified in the agreement. 5590

If a credit allowed under this section for a taxable year or 5591
tax period exceeds the taxpayer's tax liability for that year or 5592
period, the excess may be carried forward for the three succeeding 5593
taxable or calendar years, but the amount of any excess credit 5594
allowed in any taxable year or tax period shall be deducted from 5595
the balance carried forward to the succeeding year or period. 5596

(C) A taxpayer that proposes a capital investment project to 5597
retain jobs in this state may apply to the tax credit authority to 5598
enter into an agreement for a tax credit under this section. The 5599
director of development services shall prescribe the form of the 5600
application. After receipt of an application, the authority shall 5601
forward copies of the application to the director of budget and 5602
management, the tax commissioner, and the superintendent of 5603
insurance in the case of an insurance company, each of whom shall 5604
review the application to determine the economic impact the 5605

proposed project would have on the state and the affected 5606
political subdivisions and shall submit a summary of their 5607
determinations to the authority. The authority shall also forward 5608
a copy of the application to the director of development services, 5609
who shall review the application to determine the economic impact 5610
the proposed project would have on the state and the affected 5611
political subdivisions and shall submit a summary of the 5612
director's determinations and recommendations to the authority. 5613

(D) Upon review and consideration of the determinations and 5614
recommendations described in division (C) of this section, the tax 5615
credit authority may enter into an agreement with the taxpayer for 5616
a credit under this section if the authority determines all of the 5617
following: 5618

(1) The taxpayer's capital investment project will result in 5619
the retention of employment in this state. 5620

(2) The taxpayer is economically sound and has the ability to 5621
complete the proposed capital investment project. 5622

(3) The taxpayer intends to and has the ability to maintain 5623
operations at the project site for at least the greater of (a) the 5624
term of the credit plus three years, or (b) seven years. 5625

(4) Receiving the credit is a major factor in the taxpayer's 5626
decision to begin, continue with, or complete the project. 5627

(E) An agreement under this section shall include all of the 5628
following: 5629

(1) A detailed description of the project that is the subject 5630
of the agreement, including the amount of the investment, the 5631
period over which the investment has been or is being made, the 5632
number of full-time equivalent employees at the project site, and 5633
the anticipated Ohio employee payroll to be generated. 5634

(2) The term of the credit, the percentage of the tax credit, 5635

the maximum annual value of tax credits that may be allowed each 5636
year, and the first year for which the credit may be claimed. 5637

(3) A requirement that the taxpayer maintain operations at 5638
the project site for at least the greater of (a) the term of the 5639
credit plus three years, or (b) seven years. 5640

(4) A requirement that the taxpayer retain at least five 5641
hundred full-time equivalent employees at the project site and 5642
within this state for the entire term of the credit, or a 5643
requirement that the taxpayer maintain an annual Ohio employee 5644
payroll of at least thirty-five million dollars for the entire 5645
term of the credit. 5646

(5) A requirement that the taxpayer annually report to the 5647
director of development services full-time equivalent employees, 5648
Ohio employee payroll, capital investment, and other information 5649
the director needs to perform the director's duties under this 5650
section. 5651

(6) A requirement that the director of development services 5652
annually review the annual reports of the taxpayer to verify the 5653
information reported under division (E)(5) of this section and 5654
compliance with the agreement. Upon verification, the director 5655
shall issue a certificate to the taxpayer stating that the 5656
information has been verified and identifying the amount of the 5657
credit for the taxable year or calendar year that includes the tax 5658
period. In determining the number of full-time equivalent 5659
employees, no position shall be counted that is filled by an 5660
employee who is included in the calculation of a tax credit under 5661
section 122.17 of the Revised Code. 5662

(7) A provision providing that the taxpayer may not relocate 5663
a substantial number of employment positions from elsewhere in 5664
this state to the project site unless the director of development 5665
services determines that the taxpayer notified the legislative 5666

authority of the county, township, or municipal corporation from 5667
which the employment positions would be relocated. 5668

For purposes of this section, the movement of an employment 5669
position from one political subdivision to another political 5670
subdivision shall be considered a relocation of an employment 5671
position unless the movement is confined to the project site. The 5672
transfer of an employment position from one political subdivision 5673
to another political subdivision shall not be considered a 5674
relocation of an employment position if the employment position in 5675
the first political subdivision is replaced by another employment 5676
position. 5677

(8) A waiver by the taxpayer of any limitations periods 5678
relating to assessments or adjustments resulting from the 5679
taxpayer's failure to comply with the agreement. 5680

(F) If a taxpayer fails to meet or comply with any condition 5681
or requirement set forth in a tax credit agreement, the tax credit 5682
authority may amend the agreement to reduce the percentage or term 5683
of the credit. The reduction of the percentage or term may take 5684
effect in the current taxable or calendar year. 5685

(G) Financial statements and other information submitted to 5686
the department of development services or the tax credit authority 5687
by an applicant for or recipient of a tax credit under this 5688
section, and any information taken for any purpose from such 5689
statements or information, are not public records subject to 5690
section 149.43 of the Revised Code. However, the chairperson of 5691
the authority may make use of the statements and other information 5692
for purposes of issuing public reports or in connection with court 5693
proceedings concerning tax credit agreements under this section. 5694
Upon the request of the tax commissioner, or the superintendent of 5695
insurance in the case of an insurance company, the chairperson of 5696
the authority shall provide to the commissioner or superintendent 5697
any statement or other information submitted by an applicant for 5698

or recipient of a tax credit in connection with the credit. The 5699
commissioner or superintendent shall preserve the confidentiality 5700
of the statement or other information. 5701

(H) A taxpayer claiming a tax credit under this section shall 5702
submit to the tax commissioner or, in the case of an insurance 5703
company, to the superintendent of insurance, a copy of the 5704
director of development services' certificate of verification 5705
under division (E)(6) of this section with the taxpayer's tax 5706
report or return for the taxable year or for the calendar year 5707
that includes the tax period. Failure to submit a copy of the 5708
certificate with the report or return does not invalidate a claim 5709
for a credit if the taxpayer submits a copy of the certificate to 5710
the commissioner or superintendent within the time prescribed by 5711
section 5703.0510 of the Revised Code or within thirty days after 5712
the commissioner or superintendent requests it. 5713

(I) For the purposes of this section, a taxpayer may include 5714
a partnership, a corporation that has made an election under 5715
subchapter S of chapter one of subtitle A of the Internal Revenue 5716
Code, or any other business entity through which income flows as a 5717
distributive share to its owners. A partnership, S-corporation, or 5718
other such business entity may elect to pass the credit received 5719
under this section through to the persons to whom the income or 5720
profit of the partnership, S-corporation, or other entity is 5721
distributed. The election shall be made on the annual report 5722
required under division (E)(5) of this section. The election 5723
applies to and is irrevocable for the credit for which the report 5724
is submitted. If the election is made, the credit shall be 5725
apportioned among those persons in the same proportions as those 5726
in which the income or profit is distributed. 5727

(J)(1) If the director of development services determines 5728
that a taxpayer that received a certificate under division (E)(6) 5729
of this section is not complying with the requirements of the 5730

agreement, the director shall notify the tax credit authority of 5731
the noncompliance. After receiving such a notice, and after giving 5732
the taxpayer an opportunity to explain the noncompliance, the 5733
authority may terminate the agreement and require the taxpayer, or 5734
any related member or members that claimed the tax credit under 5735
division (N) of this section, to refund to the state all or a 5736
portion of the credit claimed in previous years, as follows: 5737

(a) If the taxpayer fails to comply with the requirement 5738
under division (E)(3) of this section, an amount determined in 5739
accordance with the following: 5740

(i) If the taxpayer maintained operations at the project site 5741
for less than or equal to the term of the credit, an amount not to 5742
exceed one hundred per cent of the sum of any tax credits allowed 5743
and received under this section. 5744

(ii) If the taxpayer maintained operations at the project 5745
site longer than the term of the credit, but less than the greater 5746
of seven years or the term of the credit plus three years, the 5747
amount required to be refunded shall not exceed seventy-five per 5748
cent of the sum of any tax credits allowed and received under this 5749
section. 5750

(b) If the taxpayer fails to substantially maintain both the 5751
number of full-time equivalent employees and the amount of Ohio 5752
employee payroll required under the agreement at any time during 5753
the term of the agreement or during the post-term reporting 5754
period, an amount determined at the discretion of the authority. 5755

(2) If a taxpayer files for bankruptcy and fails as described 5756
in division (J)(1)(a) or (b) of this section, the director may 5757
immediately commence an action to recoup an amount not exceeding 5758
one hundred per cent of the sum of any credits received by the 5759
taxpayer under this section. 5760

(3) In determining the portion of the credit to be refunded 5761

to this state, the authority shall consider the effect of market 5762
conditions on the taxpayer's project and whether the taxpayer 5763
continues to maintain other operations in this state. After making 5764
the determination, the authority shall certify the amount to be 5765
refunded to the tax commissioner or the superintendent of 5766
insurance. If the taxpayer, or any related member or members who 5767
claimed the tax credit under division (N) of this section, is not 5768
an insurance company, the commissioner shall make an assessment 5769
for that amount against the taxpayer under Chapter 5726., 5733., 5770
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 5771
any related member or members that claimed the tax credit under 5772
division (N) of this section, is an insurance company, the 5773
superintendent of insurance shall make an assessment under section 5774
5725.222 or 5729.102 of the Revised Code. The time limitations on 5775
assessments under those chapters and sections do not apply to an 5776
assessment under this division, but the commissioner or 5777
superintendent shall make the assessment within one year after the 5778
date the authority certifies to the commissioner or superintendent 5779
the amount to be refunded. 5780

(K) The director of development services, after consultation 5781
with the tax commissioner and the superintendent of insurance and 5782
in accordance with Chapter 119. of the Revised Code, shall adopt 5783
rules necessary to implement this section. The rules may provide 5784
for recipients of tax credits under this section to be charged 5785
fees to cover administrative costs of the tax credit program. The 5786
fees collected shall be credited to the ~~business assistance tax~~ 5787
incentives operating fund created in section 122.174 of the 5788
Revised Code. At the time the director gives public notice under 5789
division (A) of section 119.03 of the Revised Code of the adoption 5790
of the rules, the director shall submit copies of the proposed 5791
rules to the chairpersons of the standing committees on economic 5792
development in the senate and the house of representatives. 5793

(L) On or before the first day of August of each year, the 5794
director of development services shall submit a report to the 5795
governor, the president of the senate, and the speaker of the 5796
house of representatives on the tax credit program under this 5797
section. The report shall include information on the number of 5798
agreements that were entered into under this section during the 5799
preceding calendar year, a description of the project that is the 5800
subject of each such agreement, and an update on the status of 5801
projects under agreements entered into before the preceding 5802
calendar year. 5803

(M) The aggregate amount of nonrefundable tax credits issued 5804
under this section during any calendar year for capital investment 5805
projects reviewed and approved by the tax credit authority may not 5806
exceed the following amounts: 5807

(1) For 2010, thirteen million dollars; 5808

(2) For 2011 through 2023, the amount of the limit for the 5809
preceding calendar year plus thirteen million dollars; 5810

(3) For 2024 and each year thereafter, one hundred 5811
ninety-five million dollars. 5812

The limitations in division (M) of this section do not apply 5813
to credits for capital investment projects approved by the tax 5814
credit authority before July 1, 2009. 5815

(N) This division applies only to an eligible business that 5816
is part of an affiliated group that includes a diversified savings 5817
and loan holding company or a grandfathered unitary savings and 5818
loan holding company, as those terms are defined in section 5819
5726.01 of the Revised Code. Notwithstanding any contrary 5820
provision of the agreement between such an eligible business and 5821
the tax credit authority, any credit granted under this section 5822
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5823
5747.02, or 5751.02 of the Revised Code to the eligible business, 5824

at the election of the eligible business and without any action by 5825
the tax credit authority, may be shared with any member or members 5826
of the affiliated group that includes the eligible business, which 5827
member or members may claim the credit against the taxes imposed 5828
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 5829
of the Revised Code. Credits shall be claimed by the eligible 5830
business in sequential order, as applicable, first claiming the 5831
credits to the fullest extent possible against the tax that the 5832
certificate holder is subject to, then against the tax imposed by, 5833
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 5834
lastly 5726.02 of the Revised Code. The credits may be allocated 5835
among the members of the affiliated group in such manner as the 5836
eligible business elects, but subject to the sequential order 5837
required under this division. This division applies to credits 5838
granted before, on, or after March 27, 2013, the effective date of 5839
H.B. 510 of the 129th general assembly. Credits granted before 5840
that effective date that are shared and allocated under this 5841
division may be claimed in those calendar years in which the 5842
remaining taxable years specified in the agreement end. 5843

As used in this division, "affiliated group" means a group of 5844
two or more persons with fifty per cent or greater of the value of 5845
each person's ownership interests owned or controlled directly, 5846
indirectly, or constructively through related interests by common 5847
owners during all or any portion of the taxable year, and the 5848
common owners. "Affiliated group" includes, but is not limited to, 5849
any person eligible to be included in a consolidated elected 5850
taxpayer group under section 5751.011 of the Revised Code or a 5851
combined taxpayer group under section 5751.012 of the Revised 5852
Code. 5853

(O)(1) As used in division (O) of this section: 5854

(a) "Eligible agreement" means an agreement approved by the 5855
tax credit authority under this section on or before December 31, 5856

2013. 5857

(b) "Reporting period" means a period corresponding to the 5858
annual report required under division (E)(5) of this section. 5859

(c) "Income tax revenue" has the same meaning as under 5860
division (S) of section 122.17 of the Revised Code. 5861

(2) In calendar year 2016 and thereafter, the tax credit 5862
authority shall annually determine a withholding adjustment factor 5863
to be used in the computation of income tax revenue for eligible 5864
agreements. The withholding adjustment factor shall be a numerical 5865
percentage that equals the percentage that employer income tax 5866
withholding rates have been increased or decreased as a result of 5867
changes in the income tax rates prescribed by section 5747.02 of 5868
the Revised Code by amendment of that section taking effect on or 5869
after June 29, 2013. 5870

(3) Except as provided in division (O)(4) of this section, 5871
for reporting periods ending in 2015 and thereafter for taxpayers 5872
subject to eligible agreements, the tax credit authority shall 5873
adjust the income tax revenue reported on the taxpayer's annual 5874
report by multiplying the withholding adjustment factor by the 5875
taxpayer's income tax revenue and doing one of the following: 5876

(a) If the income tax rates prescribed by section 5747.02 of 5877
the Revised Code have decreased by amendment of this section 5878
taking effect on or after June 29, 2013, add the product to the 5879
taxpayer's income tax revenue. 5880

(b) If the income tax rates prescribed by section 5747.02 of 5881
the Revised Code have increased by amendment of this section 5882
taking effect on or after June 29, 2013, subtract the product from 5883
the taxpayer's income tax revenue. 5884

(4) Division (O)(3) of this section shall not apply unless 5885
all of the following apply with respect to the eligible agreement: 5886

(a) The taxpayer has achieved one hundred per cent of the job retention commitment identified in the agreement. 5887
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(b) If applicable, the taxpayer has achieved one hundred per cent of the payroll retention commitment identified in the agreement. 5889
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(c) If applicable, the taxpayer has achieved one hundred per cent of the investment commitment identified in the agreement. 5892
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(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (O)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (O) of this section for an ensuing reporting period. 5894
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Sec. 122.174. There is hereby created in the state treasury the ~~business assistance~~ tax incentives operating fund. The fund shall consist of any amounts appropriated to it and money credited to the fund pursuant to ~~division (I) of section 121.17, division (K) of section 122.17,~~ 122.171, ~~division (K) of section 122.175,~~ division (C)(2) of section 122.85, division (C) of section 122.86, 3735.672, and division (C) of section 5709.68, or 5725.33 of the Revised Code. The director of development services shall use money in the fund to pay expenses related to the administration of (A) the business services division of the development services agency and (B) the programs described in those sections. 5899
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Sec. 122.175. (A) As used in this section: 5910

(1) "Capital investment project" means a plan of investment at a project site for the acquisition, construction, renovation, expansion, replacement, or repair of a computer data center or of computer data center equipment, but does not include any of the following: 5911
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(a) Project costs paid before a date determined by the tax 5916

credit authority for each capital investment project;	5917
(b) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.	5918 5919 5920 5921
(2) "Computer data center" means a facility used or to be used primarily to house computer data center equipment used or to be used in conducting one or more computer data center businesses, as determined by the tax credit authority.	5922 5923 5924 5925
(3) "Computer data center business" means, as may be further determined by the tax credit authority, a business that provides electronic information services as defined in division (Y)(1)(c) of section 5739.01 of the Revised Code, or that leases a facility to one or more such businesses. "Computer data center business" does not include providing electronic publishing as defined in division (LLL) of that section.	5926 5927 5928 5929 5930 5931 5932
(4) "Computer data center equipment" means tangible personal property used or to be used for any of the following:	5933 5934
(a) To conduct a computer data center business, including equipment cooling systems to manage the performance of computer data center equipment;	5935 5936 5937
(b) To generate, transform, transmit, distribute, or manage electricity necessary to operate the tangible personal property used or to be used in conducting a computer data center business;	5938 5939 5940
(c) As building and construction materials sold to construction contractors for incorporation into a computer data center.	5941 5942 5943
(5) "Eligible computer data center" means a computer data center that satisfies all of the following requirements:	5944 5945
(a) One or more taxpayers operating a computer data center	5946

business at the project site will, in the aggregate, make payments 5947
for a capital investment project of at least one hundred million 5948
dollars at the project site during one of the following cumulative 5949
periods: 5950

(i) For projects beginning in 2013, ~~five~~ six consecutive 5951
calendar years; 5952

(ii) For projects beginning in 2014, four consecutive 5953
calendar years; 5954

(iii) For projects beginning in or after 2015, three 5955
consecutive calendar years. 5956

(b) One or more taxpayers operating a computer data center 5957
business at the project site will, in the aggregate, pay annual 5958
compensation that is subject to the withholding obligation imposed 5959
under section 5747.06 of the Revised Code of at least one million 5960
five hundred thousand dollars to employees employed at the project 5961
site for each year of the agreement beginning on or after the 5962
first day of the twenty-fifth month after the agreement was 5963
entered into under this section. 5964

(6) "Person" has the same meaning as in section 5701.01 of 5965
the Revised Code. 5966

(7) "Project site," "related member," and "tax credit 5967
authority" have the same meanings as in sections 122.17 and 5968
122.171 of the Revised Code. 5969

(8) "Taxpayer" means any person subject to the taxes imposed 5970
under Chapters 5739. and 5741. of the Revised Code. 5971

(B) The tax credit authority may completely or partially 5972
exempt from the taxes levied under Chapters 5739. and 5741. of the 5973
Revised Code the sale, storage, use, or other consumption of 5974
computer data center equipment used or to be used at an eligible 5975
computer data center. Any such exemption shall extend to charges 5976

for the delivery, installation, or repair of the computer data center equipment subject to the exemption under this section. 5977
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(C) A taxpayer that proposes a capital improvement project for an eligible computer data center in this state may apply to the tax credit authority to enter into an agreement under this section authorizing a complete or partial exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code on computer data center equipment purchased by the applicant or any other taxpayer that operates a computer data center business at the project site and used or to be used at the eligible computer data center. The director of development services shall prescribe the form of the application. After receipt of an application, the authority shall forward copies of the application to the director of budget and management and the tax commissioner, each of whom shall review the application to determine the economic impact that the proposed eligible computer data center would have on the state and any affected political subdivisions and submit to the authority a summary of their determinations. The authority shall also forward a copy of the application to the director of development services who shall review the application to determine the economic impact that the proposed eligible computer data center would have on the state and the affected political subdivisions and shall submit a summary of their determinations and recommendations to the authority. 5979
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(D) Upon review and consideration of such determinations and recommendations, the tax credit authority may enter into an agreement with the applicant and any other taxpayer that operates a computer data center business at the project site for a complete or partial exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code on computer data center equipment used or to be used at an eligible computer data center if the authority determines all of the following: 6001
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(1) The capital investment project for the eligible computer data center will increase payroll and the amount of income taxes to be withheld from employee compensation pursuant to section 5747.06 of the Revised Code.

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

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

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

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

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

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

(3) A requirement that the computer data center remain an eligible computer data center during the term of the agreement and that the applicant maintain operations at the eligible computer

data center during that term. An applicant does not violate the 6040
requirement described in division (E)(3) of this section if the 6041
applicant ceases operations at the eligible computer data center 6042
during the term of the agreement but resumes those operations 6043
within eighteen months after the date of cessation. The agreement 6044
shall provide that, in such a case, the applicant and any other 6045
taxpayer that operates a computer data center business at the 6046
project site shall not claim the tax exemption authorized in the 6047
agreement for any purchase of computer data center equipment made 6048
during the period in which the applicant did not maintain 6049
operations at the eligible computer data center. 6050

(4) A requirement that, for each year of the term of the 6051
agreement beginning on or after the first day of the twenty-fifth 6052
month after the date the agreement was entered into, one or more 6053
taxpayers operating a computer data center business at the project 6054
site will, in the aggregate, pay annual compensation that is 6055
subject to the withholding obligation imposed under section 6056
5747.06 of the Revised Code of at least one million five hundred 6057
thousand dollars to employees at the eligible computer data 6058
center. 6059

(5) A requirement that each taxpayer subject to the agreement 6060
annually report to the director of development services 6061
employment, tax withholding, capital investment, and other 6062
information required by the director to perform the director's 6063
duties under this section. 6064

(6) A requirement that the director of development services 6065
annually review the annual reports of each taxpayer subject to the 6066
agreement to verify the information reported under division (E)(5) 6067
of this section and compliance with the agreement. Upon 6068
verification, the director shall issue a certificate to each such 6069
taxpayer stating that the information has been verified and that 6070
the taxpayer remains eligible for the exemption specified in the 6071

agreement. 6072

(7) A provision providing that the taxpayers subject to the 6073
agreement may not relocate a substantial number of employment 6074
positions from elsewhere in this state to the project site unless 6075
the director of development services determines that the 6076
appropriate taxpayer notified the legislative authority of the 6077
county, township, or municipal corporation from which the 6078
employment positions would be relocated. For purposes of this 6079
paragraph, the movement of an employment position from one 6080
political subdivision to another political subdivision shall be 6081
considered a relocation of an employment position unless the 6082
movement is confined to the project site. The transfer of an 6083
employment position from one political subdivision to another 6084
political subdivision shall not be considered a relocation of an 6085
employment position if the employment position in the first 6086
political subdivision is replaced by another employment position. 6087

(8) A waiver by each taxpayer subject to the agreement of any 6088
limitations periods relating to assessments or adjustments 6089
resulting from the taxpayer's failure to comply with the 6090
agreement. 6091

(F) The term of an agreement under this section shall be 6092
determined by the tax credit authority, and the amount of the 6093
exemption shall not exceed one hundred per cent of such taxes that 6094
would otherwise be owed in respect to the exempted computer data 6095
center equipment. 6096

(G) If any taxpayer subject to an agreement under this 6097
section fails to meet or comply with any condition or requirement 6098
set forth in the agreement, the tax credit authority may amend the 6099
agreement to reduce the percentage of the exemption or term during 6100
which the exemption applies to the computer data center equipment 6101
used or to be used by the noncompliant taxpayer at an eligible 6102
computer data center. The reduction of the percentage or term may 6103

take effect in the current calendar year. 6104

(H) Financial statements and other information submitted to 6105
the department of development services or the tax credit authority 6106
by an applicant for or recipient of an exemption under this 6107
section, and any information taken for any purpose from such 6108
statements or information, are not public records subject to 6109
section 149.43 of the Revised Code. However, the chairperson of 6110
the authority may make use of the statements and other information 6111
for purposes of issuing public reports or in connection with court 6112
proceedings concerning tax exemption agreements under this 6113
section. Upon the request of the tax commissioner, the chairperson 6114
of the authority shall provide to the tax commissioner any 6115
statement or other information submitted by an applicant for or 6116
recipient of an exemption under this section. The tax commissioner 6117
shall preserve the confidentiality of the statement or other 6118
information. 6119

(I) The tax commissioner shall issue a direct payment permit 6120
under section 5739.031 of the Revised Code to each taxpayer 6121
subject to an agreement under this section. Such direct payment 6122
permit shall authorize the taxpayer to pay any sales and use taxes 6123
due on purchases of computer data center equipment used or to be 6124
used in an eligible computer data center and to pay any sales and 6125
use taxes due on purchases of tangible personal property or 6126
taxable services other than computer data center equipment used or 6127
to be used in an eligible computer data center directly to the tax 6128
commissioner. Each such taxpayer shall pay pursuant to such direct 6129
payment permit all sales tax levied on such purchases under 6130
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 6131
Code and all use tax levied on such purchases under sections 6132
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 6133
consistent with the terms of the agreement entered into under this 6134
section. 6135

During the term of an agreement under this section each 6136
taxpayer subject to the agreement shall submit to the tax 6137
commissioner a return that shows the amount of computer data 6138
center equipment purchased for use at the eligible computer data 6139
center, the amount of tangible personal property and taxable 6140
services other than computer data center equipment purchased for 6141
use at the eligible computer data center, the amount of tax under 6142
Chapter 5739. or 5741. of the Revised Code that would be due in 6143
the absence of the agreement under this section, the exemption 6144
percentage for computer data center equipment specified in the 6145
agreement, and the amount of tax due under Chapter 5739. or 5741. 6146
of the Revised Code as a result of the agreement under this 6147
section. Each such taxpayer shall pay the tax shown on the return 6148
to be due in the manner and at the times as may be further 6149
prescribed by the tax commissioner. Each such taxpayer shall 6150
include a copy of the director of development services' 6151
certificate of verification issued under division (E)(6) of this 6152
section. Failure to submit a copy of the certificate with the 6153
return does not invalidate the claim for exemption if the taxpayer 6154
submits a copy of the certificate to the tax commissioner within 6155
~~sixty days after the tax commissioner requests it~~ the time 6156
prescribed by section 5703.0510 of the Revised Code. 6157

(J) If the director of development services determines that 6158
one or more taxpayers received an exemption from taxes due on the 6159
purchase of computer data center equipment purchased for use at a 6160
computer data center that no longer complies with the requirement 6161
under division (E)(3) of this section, the director shall notify 6162
the tax credit authority and, if applicable, the taxpayer that 6163
applied to enter the agreement for the exemption under division 6164
(C) of this section of the noncompliance. After receiving such a 6165
notice, and after giving each taxpayer subject to the agreement an 6166
opportunity to explain the noncompliance, the authority may 6167
terminate the agreement and require each such taxpayer to pay to 6168

the state all or a portion of the taxes that would have been owed 6169
in regards to the exempt equipment in previous years, all as 6170
determined under rules adopted pursuant to division (K) of this 6171
section. In determining the portion of the taxes that would have 6172
been owed on the previously exempted equipment to be paid to this 6173
state by a taxpayer, the authority shall consider the effect of 6174
market conditions on the eligible computer data center, whether 6175
the taxpayer continues to maintain other operations in this state, 6176
and, with respect to agreements involving multiple taxpayers, the 6177
taxpayer's level of responsibility for the noncompliance. After 6178
making the determination, the authority shall certify to the tax 6179
commissioner the amount to be paid by each taxpayer subject to the 6180
agreement. The tax commissioner shall make an assessment for that 6181
amount against each such taxpayer under Chapter 5739. or 5741. of 6182
the Revised Code. The time limitations on assessments under those 6183
chapters do not apply to an assessment under this division, but 6184
the tax commissioner shall make the assessment within one year 6185
after the date the authority certifies to the tax commissioner the 6186
amount to be paid by the taxpayer. 6187

(K) The director of development services, after consultation 6188
with the tax commissioner and in accordance with Chapter 119. of 6189
the Revised Code, shall adopt rules necessary to implement this 6190
section. The rules may provide for recipients of tax exemptions 6191
under this section to be charged fees to cover administrative 6192
costs incurred in the administration of this section. The fees 6193
collected shall be credited to the ~~business assistance tax~~ 6194
incentives operating fund created in section 122.174 of the 6195
Revised Code. At the time the director gives public notice under 6196
division (A) of section 119.03 of the Revised Code of the adoption 6197
of the rules, the director shall submit copies of the proposed 6198
rules to the chairpersons of the standing committees on economic 6199
development in the senate and the house of representatives. 6200

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

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

Sec. 122.33. The director of development services shall administer the following programs:

(A) The industrial technology and enterprise development grant program, to provide capital to acquire, construct, enlarge, improve, or equip and to sell, lease, exchange, and otherwise dispose of property, structures, equipment, and facilities within the state.

Such funding may be made to enterprises that propose to develop new products or technologies when the director finds all of the following factors to be present:

(1) The undertaking will benefit the people of the state by creating or preserving jobs and employment opportunities or improving the economic welfare of the people of the state, and

promoting the development of new technology. 6232

(2) There is reasonable assurance that the potential 6233
royalties to be derived from the sale of the product or process 6234
described in the proposal will be sufficient to repay the funding 6235
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 6236
Code and that, in making the agreement, as it relates to patents, 6237
copyrights, and other ownership rights, there is reasonable 6238
assurance that the resulting new technology will be utilized to 6239
the maximum extent possible in facilities located in Ohio. 6240

(3) The technology and research to be undertaken will allow 6241
enterprises to compete more effectively in the marketplace. Grants 6242
of capital may be in such form and conditioned upon such terms as 6243
the director deems appropriate. 6244

(B) The industrial technology and enterprise resources 6245
program to provide for the collection, dissemination, and exchange 6246
of information regarding equipment, facilities, and business 6247
planning consultation resources available in business, industry, 6248
and educational institutions and to establish methods by which 6249
small businesses may use available facilities and resources. The 6250
methods may include, but need not be limited to, leases 6251
reimbursing the educational institutions for their actual costs 6252
incurred in maintaining the facilities and agreements assigning 6253
royalties from development of successful products or processes 6254
through the use of the facilities and resources. The director 6255
shall operate this program in conjunction with the board of 6256
regents. 6257

(C) The Thomas Alva Edison grant program to provide grants to 6258
foster research, development, or technology transfer efforts 6259
involving enterprises and educational institutions that will lead 6260
to the creation of jobs. 6261

(1) Grants may be made to a nonprofit organization or a 6262

public or private educational institution, department, college, 6263
institute, faculty member, or other administrative subdivision or 6264
related entity of an educational institution when the director 6265
finds that the undertaking will benefit the people of the state by 6266
supporting research in advanced technology areas likely to improve 6267
the economic welfare of the people of the state through promoting 6268
the development of new commercial technology. 6269

(2) Grants may be made in a form and conditioned upon terms 6270
as the director considers appropriate. 6271

(3) Grants Except as provided in division (C)(4) of this 6272
section, grants made under this program shall ~~in all instances~~ be 6273
in conjunction with a contribution to the project by a cooperating 6274
enterprise which maintains or proposes to maintain a relevant 6275
research, development, or manufacturing facility in the state, by 6276
a nonprofit organization, or by an educational institution or 6277
related entity; however, funding provided by an educational 6278
institution or related entity shall not be from general revenue 6279
funds appropriated by the Ohio general assembly. No grant made 6280
under this program shall exceed the contribution made by the 6281
cooperating enterprise, nonprofit organization, or educational 6282
institution or related entity. The director may consider 6283
cooperating contributions in the form of state of the art new 6284
equipment or in other forms provided the director determines that 6285
the contribution is essential to the successful implementation of 6286
the project. The director may adopt rules or guidelines for the 6287
valuation of contributions of equipment or other property. 6288

(4) At the director's sole discretion, the requirement for a 6289
cooperating contribution under division (C)(3) of this section may 6290
be waived if the project will enable Ohio companies to access new 6291
technology applications. 6292

(5) The director may determine fields of research from which 6293
grant applications will be accepted under this program. 6294

<u>(6) For purposes of division (C) of this section:</u>	6295
<u>(a) "New technology applications" means providing existing technology proven in at least one commercial environment to companies that have not done the following:</u>	6296
<u>(i) Used the technology;</u>	6297
<u>(ii) Used the technology for the purpose it was originally created.</u>	6298
<u>(b) "Ohio companies" means companies in which the principal place of business is in this state or that propose to be engaged in research and development, manufacturing, or provisioning of products or services within the state.</u>	6299
<u>(b) "Ohio companies" means companies in which the principal place of business is in this state or that propose to be engaged in research and development, manufacturing, or provisioning of products or services within the state.</u>	6300
<u>(b) "Ohio companies" means companies in which the principal place of business is in this state or that propose to be engaged in research and development, manufacturing, or provisioning of products or services within the state.</u>	6301
<u>(b) "Ohio companies" means companies in which the principal place of business is in this state or that propose to be engaged in research and development, manufacturing, or provisioning of products or services within the state.</u>	6302
<u>(b) "Ohio companies" means companies in which the principal place of business is in this state or that propose to be engaged in research and development, manufacturing, or provisioning of products or services within the state.</u>	6303
<u>(b) "Ohio companies" means companies in which the principal place of business is in this state or that propose to be engaged in research and development, manufacturing, or provisioning of products or services within the state.</u>	6304
<u>(b) "Ohio companies" means companies in which the principal place of business is in this state or that propose to be engaged in research and development, manufacturing, or provisioning of products or services within the state.</u>	6305
Sec. 122.641. (A)(1) There is hereby created the lakes in economic distress revolving loan program to assist businesses and other entities that are adversely affected due to economic circumstances that result in the declaration of a lake as an area under economic distress by the director of natural resources under division (A)(2) of this section. The director of development services shall administer the program.	6306
(A)(1) There is hereby created the lakes in economic distress revolving loan program to assist businesses and other entities that are adversely affected due to economic circumstances that result in the declaration of a lake as an area under economic distress by the director of natural resources under division (A)(2) of this section. The director of development services shall administer the program.	6307
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(A)(1) There is hereby created the lakes in economic distress revolving loan program to assist businesses and other entities that are adversely affected due to economic circumstances that result in the declaration of a lake as an area under economic distress by the director of natural resources under division (A)(2) of this section. The director of development services shall administer the program.	6312
(2) The director of natural resources shall do both of the following:	6313
(2) The director of natural resources shall do both of the following:	6314
(a) Declare a lake as an area under economic distress. The director shall declare a lake as an area under economic distress based solely on environmental or safety issues, including the closure of a dam for safety reasons.	6315
(a) Declare a lake as an area under economic distress. The director shall declare a lake as an area under economic distress based solely on environmental or safety issues, including the closure of a dam for safety reasons.	6316
(a) Declare a lake as an area under economic distress. The director shall declare a lake as an area under economic distress based solely on environmental or safety issues, including the closure of a dam for safety reasons.	6317
(a) Declare a lake as an area under economic distress. The director shall declare a lake as an area under economic distress based solely on environmental or safety issues, including the closure of a dam for safety reasons.	6318
(b) Subsequently declare a lake as an area no longer under economic distress when the environmental or safety issues, as applicable, have been resolved.	6319
(b) Subsequently declare a lake as an area no longer under economic distress when the environmental or safety issues, as applicable, have been resolved.	6320
(b) Subsequently declare a lake as an area no longer under economic distress when the environmental or safety issues, as applicable, have been resolved.	6321
(B) There is hereby created in the state treasury the lakes in economic distress revolving loan fund. The fund shall consist of money appropriated to it, all payments of principal and	6322
(B) There is hereby created in the state treasury the lakes in economic distress revolving loan fund. The fund shall consist of money appropriated to it, all payments of principal and	6323
(B) There is hereby created in the state treasury the lakes in economic distress revolving loan fund. The fund shall consist of money appropriated to it, all payments of principal and	6324

interest on loans made from the fund, and all investment earnings 6325
on money in the fund. The director of development services shall 6326
use money in the fund to make loans under this section, provided 6327
that the loans shall be zero interest loans during the time that 6328
an applicable lake has been declared an area under economic 6329
distress under division (A)(2)(a) of this section. 6330

(C) The director shall adopt rules in accordance with Chapter 6331
119. of the Revised that do both of the following: 6332

(1) Establish requirements and procedures for the making of 6333
loans under this section, including all of the following: 6334

(a) Eligibility criteria; 6335

(b) Application procedures; 6336

(c) Criteria for approval or disapproval of loans, including 6337
a stipulation that an applicant must demonstrate that the loan 6338
will help to achieve long-term economic stability in the area; 6339

(d) Criteria for repayment of the loans, including the 6340
establishment of an interest rate that does not exceed two points 6341
less than prime after an applicable lake has been declared as an 6342
area no longer under economic distress under division (A)(2)(b) of 6343
this section. 6344

The eligibility criteria established by the director shall 6345
not require applicants to experience a reduction in gross revenue 6346
for a defined period of greater than ten per cent. 6347

Any material provided to the development services agency by 6348
an applicant is not a public record for the purposes of section 6349
149.43 of the Revised Code and shall remain confidential. 6350

(2) Establish any other provisions necessary to administer 6351
this section. 6352

(D) In administering the program, the director shall assist 6353
businesses and other entities in determining the amount of loans 6354

needed. 6355

Sec. 122.85. (A) As used in this section and in sections 6356
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 6357

(1) "Tax credit-eligible production" means a motion picture 6358
production certified by the director of development services under 6359
division (B) of this section as qualifying the motion picture 6360
company for a tax credit under section 5726.55, 5733.59, 5747.66, 6361
or 5751.54 of the Revised Code. 6362

(2) "Certificate owner" means a motion picture company to 6363
which a tax credit certificate is issued or a person to which the 6364
company has transferred under division (H) of this section the 6365
authority to claim all or a part of the tax credit authorized by 6366
that certificate. 6367

(3) "Motion picture company" means an individual, 6368
corporation, partnership, limited liability company, or other form 6369
of business association producing a motion picture. 6370

(4) "Eligible production expenditures" means expenditures 6371
made after June 30, 2009, for goods or services purchased and 6372
consumed in this state by a motion picture company directly for 6373
the production of a tax credit-eligible production. 6374

"Eligible production expenditures" includes, but is not 6375
limited to, expenditures for cast and crew wages, accommodations, 6376
costs of set construction and operations, editing and related 6377
services, photography, sound synchronization, lighting, wardrobe, 6378
makeup and accessories, film processing, transfer, sound mixing, 6379
special and visual effects, music, location fees, and the purchase 6380
or rental of facilities and equipment. 6381

(5) "Motion picture" means entertainment content created in 6382
whole or in part within this state for distribution or exhibition 6383
to the general public, including, but not limited to, 6384

feature-length films; documentaries; long-form, specials, 6385
miniseries, series, and interstitial television programming; 6386
interactive web sites; sound recordings; videos; music videos; 6387
interactive television; interactive games; video games; 6388
commercials; any format of digital media; and any trailer, pilot, 6389
video teaser, or demo created primarily to stimulate the sale, 6390
marketing, promotion, or exploitation of future investment in 6391
either a product or a motion picture by any means and media in any 6392
digital media format, film, or videotape, provided the motion 6393
picture qualifies as a motion picture. "Motion picture" does not 6394
include any television program created primarily as news, weather, 6395
or financial market reports, a production featuring current events 6396
or sporting events, an awards show or other gala event, a 6397
production whose sole purpose is fundraising, a long-form 6398
production that primarily markets a product or service or in-house 6399
corporate advertising or other similar productions, a production 6400
for purposes of political advocacy, or any production for which 6401
records are required to be maintained under 18 U.S.C. 2257 with 6402
respect to sexually explicit content. 6403

(B) For the purpose of encouraging and developing a strong 6404
film industry in this state, the director of development services 6405
may certify a motion picture produced by a motion picture company 6406
as a tax credit-eligible production. In the case of a television 6407
series, the director may certify the production of each episode of 6408
the series as a separate tax credit-eligible production. A motion 6409
picture company shall apply for certification of a motion picture 6410
as a tax credit-eligible production on a form and in the manner 6411
prescribed by the director. Each application shall include the 6412
following information: 6413

(1) The name and telephone number of the motion picture 6414
production company; 6415

(2) The name and telephone number of the company's contact 6416

person;	6417
(3) A list of the first preproduction date through the last production date in Ohio;	6418 6419
(4) The Ohio production office address and telephone number;	6420
(5) The total production budget of the motion picture;	6421
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;	6422 6423 6424
(7) The total percentage of the motion picture being shot in Ohio;	6425 6426
(8) The level of employment of cast and crew who reside in Ohio;	6427 6428
(9) A synopsis of the script;	6429
(10) The shooting script;	6430
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	6431 6432
(12) Documentation of financial ability to undertake and complete the motion picture, <u>including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget of the motion picture;</u>	6433 6434 6435 6436
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	6437 6438
(14) Any other information considered necessary by the director.	6439 6440
Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the request of the director of development services, the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to	6441 6442 6443 6444 6445

present sufficient evidence, the director may rescind the 6446
certification. Upon rescission, the director shall notify the 6447
applicant that the certification has been rescinded. Nothing in 6448
this section prohibits an applicant whose tax credit-eligible 6449
production certification has been rescinded from submitting a 6450
subsequent application for certification. 6451

(C)(1) A motion picture company whose motion picture has been 6452
certified as a tax credit-eligible production may apply to the 6453
director of development services on or after July 1, 2009, for a 6454
refundable credit against the tax imposed by section 5726.02, 6455
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 6456
consultation with the tax commissioner shall prescribe the form 6457
and manner of the application and the information or documentation 6458
required to be submitted with the application. 6459

The credit is determined as follows: 6460

(a) If the total budgeted eligible production expenditures 6461
stated in the application submitted under division (B) of this 6462
section or the actual eligible production expenditures as finally 6463
determined under division (D) of this section, whichever is least, 6464
is less than or equal to three hundred thousand dollars, no credit 6465
is allowed; 6466

(b) If the total budgeted eligible production expenditures 6467
stated in the application submitted under division (B) of this 6468
section or the actual eligible production expenditures as finally 6469
determined under division (D) of this section, whichever is least, 6470
is greater than three hundred thousand dollars, the credit equals 6471
thirty per cent of the least of such budgeted or actual eligible 6472
expenditure amounts. 6473

(2) Except as provided in division (C)(4) of this section, if 6474
the director of development services approves a motion picture 6475
company's application for a credit, the director shall issue a tax 6476

credit certificate to the company. The director in consultation 6477
with the tax commissioner shall prescribe the form and manner of 6478
issuing certificates. The director shall assign a unique 6479
identifying number to each tax credit certificate and shall record 6480
the certificate in a register devised and maintained by the 6481
director for that purpose. The certificate shall state the amount 6482
of the eligible production expenditures on which the credit is 6483
based and the amount of the credit. Upon the issuance of a 6484
certificate, the director shall certify to the tax commissioner 6485
the name of the applicant, the amount of eligible production 6486
expenditures shown on the certificate, and any other information 6487
required by the rules adopted to administer this section. 6488

(3) The amount of eligible production expenditures for which 6489
a tax credit may be claimed is subject to inspection and 6490
examination by the tax commissioner or employees of the 6491
commissioner under section 5703.19 of the Revised Code and any 6492
other applicable law. Once the eligible production expenditures 6493
are finally determined under section 5703.19 of the Revised Code 6494
and division (D) of this section, the credit amount is not subject 6495
to adjustment unless the director determines an error was 6496
committed in the computation of the credit amount. 6497

(4) No tax credit certificate may be issued before the 6498
completion of the tax credit-eligible production. Not more than 6499
forty million dollars of tax credit may be allowed per fiscal year 6500
beginning July 1, 2016, provided that, for any fiscal year in 6501
which the amount of tax credits allowed under this section is less 6502
than that maximum annual amount, the amount not allowed for that 6503
fiscal year shall be added to the maximum annual amount that may 6504
be allowed for the following fiscal year. 6505

(5) In approving applications for tax credits under this 6506
section, the director shall give priority to tax-credit eligible 6507
productions that are television series or miniseries. 6508

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

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

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

(G)(1) The director of development services in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria for determining whether a motion picture production is a tax credit-eligible production; activities that constitute the

production of a motion picture; reporting sufficient evidence of 6541
reviewable progress; expenditures that qualify as eligible 6542
production expenditures; a competitive process for approving 6543
credits; consideration of geographic distribution of credits; and 6544
implementation of the program described in division (I) of this 6545
section. The rules shall be adopted under Chapter 119. of the 6546
Revised Code. 6547

(2) ~~The~~ To cover the administrative costs of the program, the 6548
director ~~may~~ shall require ~~a reasonable~~ each applicant to pay an 6549
application fee ~~to cover administrative costs of the tax credit~~ 6550
~~program~~ equal to the lesser of ten thousand dollars or one per 6551
cent of the estimated value of the tax credit as stated in the 6552
application. The fees collected shall be credited to the ~~business~~ 6553
~~assistance~~ tax incentives operating fund created in section 6554
122.174 of the Revised Code. All grants, gifts, fees, and 6555
contributions made to the director for marketing and promotion of 6556
the motion picture industry within this state shall also be 6557
credited to the fund. ~~The director shall use money in the fund to~~ 6558
~~pay expenses related to the administration of the Ohio film office~~ 6559
~~and the credit authorized by this section and sections 5726.55,~~ 6560
~~5733.59, 5747.66, and 5751.54 of the Revised Code.~~ 6561

(H)(1) After the director of development services makes the 6562
determination required under division (D) of this section, a 6563
motion picture company to which a tax credit certificate is issued 6564
may transfer the authority to claim all or a portion of the amount 6565
of the tax credit the motion picture company is authorized to 6566
claim pursuant to that certificate under section 5726.55, 5733.59, 6567
5747.66, or 5751.54 of the Revised Code to one or more other 6568
persons. Within thirty days after a transfer under this division, 6569
the motion picture company shall submit the following information 6570
to the director, on a form prescribed by the director: 6571

(a) Information necessary for the director to identify the 6572

certificate that is the basis for the transfer; 6573

(b) The portion or amount of the tax credit transferred to 6574
each transferee; 6575

(c) The portion or amount of the tax credit that the motion 6576
picture company retains the authority to claim; 6577

(d) The tax identification number of each transferee; 6578

(e) The date of the transfer; 6579

(f) Any other information required by the director; 6580

(g) Any information required by the tax commissioner. 6581

The director shall deliver a copy of any submission received 6582
under division (H)(1) of this section to the tax commissioner. 6583

(2) A transferee may not claim a credit under section 6584
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 6585
and until the transferring motion picture company complies with 6586
division (H)(1) of this section. A transferee may claim the 6587
transferred amount of any credit or portion of a credit for the 6588
same taxable year or tax period for which the transferring motion 6589
picture company was authorized to claim the credit or portion of a 6590
credit pursuant to the certificate. A motion picture company shall 6591
make no transfer under division (H)(1) of this section after the 6592
last day of the tax period or taxable year for which the motion 6593
picture company is required to claim the credit pursuant to the 6594
certificate. 6595

A motion picture company may make not more than one transfer 6596
under division (H)(1) of this section for each tax credit 6597
certificate, but pursuant to that transaction, may allocate the 6598
authority to claim a portion of the credit to more than one 6599
transferee. A motion picture company may not authorize more than 6600
one transferee to claim the same portion of a credit. 6601

(I) The director of development services shall establish a 6602

program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from motion picture companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production.

(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the director, authorize a reimbursement payment to each motion picture company whose application was approved under division (I)(2) of this section. The payment shall equal fifty per cent of the salaries paid to film and multimedia trainees employed in the production.

Sec. 122.86. (A) As used in this section and section 5747.81 of the Revised Code:

(1) "Small business enterprise" means a corporation, pass-through entity, or other person satisfying all of the following:

(a) At the time of a qualifying investment, the enterprise meets all of the following requirements:

(i) Has no outstanding tax or other liabilities owed to the state;

(ii) Is in good standing with the secretary of state, if the

enterprise is required to be registered with the secretary; 6633

(iii) Is current with any court-ordered payments; 6634

(iv) Is not engaged in any illegal activity. 6635

(b) At the time of a qualifying investment, the enterprise's 6636
assets according to generally accepted accounting principles do 6637
not exceed fifty million dollars, or its annual sales do not 6638
exceed ten million dollars. When making this determination, the 6639
assets and annual sales of all of the enterprise's related or 6640
affiliated entities shall be included in the calculation. 6641

(c) The enterprise employs at least fifty full-time 6642
equivalent employees in this state for whom the enterprise is 6643
required to withhold income tax under section 5747.06 of the 6644
Revised Code, or more than one-half the enterprise's total number 6645
of full-time equivalent employees employed anywhere in the United 6646
States are employed in this state and are subject to that 6647
withholding requirement. 6648

(d) The enterprise, within six months after an eligible 6649
investor's qualifying investment is made, invests in or incurs 6650
cost for one or more of the following in an amount at least equal 6651
to the amount of the qualifying investment: 6652

(i) Tangible personal property, other than motor vehicles 6653
operated on public roads and highways, used in business and 6654
physically located in this state from the time of its acquisition 6655
by the enterprise until the end of the investor's holding period; 6656

(ii) Motor vehicles operated on public roads and highways if, 6657
from the time of acquisition by the enterprise until the end of 6658
the investor's holding period, the motor vehicles are purchased in 6659
this state, registered in this state under Chapter 4503. of the 6660
Revised Code, are used primarily for business purposes, and are 6661
necessary for the operation of the enterprise's business; 6662

(iii) Real property located in this state that is used in 6663
business from the time of its acquisition by the enterprise until 6664
the end of the holding period; 6665

(iv) Intangible personal property, including patents, 6666
copyrights, trademarks, service marks, or licenses used in 6667
business primarily in this state from the time of its acquisition 6668
by the enterprise until the end of the holding period; 6669

(v) Compensation for new employees of the enterprise for whom 6670
the enterprise is required to withhold income tax under section 6671
5747.06 of the Revised Code, not including increased compensation 6672
for owners, officers, or managers of the enterprise. For this 6673
purpose compensation for new employees includes compensation for 6674
newly hired or retained employees. 6675

(2) "Qualifying investment" means an investment of money made 6676
on or after July 1, 2011, to acquire capital stock or other equity 6677
interest in a small business enterprise. "Qualifying investment" 6678
does not include either of the following: 6679

(a) Any investment of money an eligible investor derives, 6680
directly or indirectly, from a grant or loan from the federal 6681
government or the state or a political subdivision, including the 6682
third frontier program under Chapter 184. of the Revised Code; 6683

(b) Any investment of money which is the basis of a tax 6684
credit granted under any other section of the Revised Code. 6685

(3) "Eligible investor" means an individual, estate, or trust 6686
subject to the tax imposed by section 5747.02 of the Revised Code, 6687
or a pass-through entity in which such an individual, estate, or 6688
trust holds a direct or indirect ownership or other equity 6689
interest. To qualify as an eligible investor, the individual, 6690
estate, trust, or pass-through entity shall not owe any 6691
outstanding tax or other liability to the state at the time of a 6692
qualifying investment. 6693

(4) "Holding period" means the two-year period beginning on 6694
the day a qualifying investment is made. 6695

(5) "Pass-through entity" has the same meaning as in section 6696
5733.04 of the Revised Code. 6697

(B) Any eligible investor that makes a qualifying investment 6698
in a small business enterprise on or after July 1, 2011, may apply 6699
to the director of development services to obtain a small business 6700
investment certificate from the director. Alternatively, a small 6701
business enterprise may apply on behalf of eligible investors to 6702
obtain the certificates for those investors. The director, in 6703
consultation with the tax commissioner, shall prescribe the form 6704
or manner in which an applicant shall apply for the certificate, 6705
devise the form of the certificate, and prescribe any records or 6706
other information an applicant shall furnish with the application 6707
to evidence the qualifying investment. The applicant shall state 6708
the amount of the intended investment. The applicant shall pay an 6709
application fee equal to the greater of one-tenth of one per cent 6710
of the amount of the intended investment or one hundred dollars. 6711

A small business investment certificate entitles the 6712
certificate holder to receive a tax credit under section 5747.81 6713
of the Revised Code if the certificate holder qualifies for the 6714
credit as otherwise provided in this section. If the certificate 6715
holder is a pass-through entity, the certificate entitles the 6716
entity's equity owners to receive their distributive or 6717
proportionate shares of the credit. In any fiscal biennium, an 6718
eligible investor may not apply for small business investment 6719
certificates representing intended investment amounts in excess of 6720
ten million dollars. Such certificates are not transferable. 6721

The director of development services may reserve small 6722
business investment certificates to qualifying applicants in the 6723
order in which the director receives applications, but may issue 6724
the certificates as the applications are completed. An application 6725

is completed when the director has validated that an eligible 6726
investor has made a qualified investment and the small business 6727
enterprise has made the appropriate reinvestment of the qualified 6728
investment pursuant to the requirements of division (A)(1)(d) of 6729
this section. To qualify for a certificate, an eligible investor 6730
must satisfy both of the following, subject to the limitation on 6731
the amount of qualifying investments for which certificates may be 6732
issued under division (C) of this section: 6733

(1) The eligible investor makes a qualifying investment on or 6734
after July 1, 2011. 6735

(2) The eligible investor pledges not to sell or otherwise 6736
dispose of the qualifying investment before the conclusion of the 6737
applicable holding period. 6738

(C)(1) The amount of any eligible investor's qualifying 6739
investments for which small business investment certificates may 6740
be issued for a fiscal biennium shall not exceed ten million 6741
dollars. 6742

(2) The director of development services shall not issue a 6743
small business investment certificate to an eligible investor 6744
representing an amount of qualifying investment in excess of the 6745
amount of the intended investment indicated on the investor's 6746
application for the certificate. 6747

(3) The director of development services shall not issue 6748
small business investment certificates in a total amount that 6749
would cause the tax credits claimed in any fiscal biennium to 6750
exceed one hundred million dollars. 6751

(4) The director of development services may issue a small 6752
business investment certificate only if both of the following 6753
apply at the time of issuance: 6754

(a) The small business enterprise meets all the requirements 6755
listed in divisions (A)(1)(a)(i) to (iv) of this section; 6756

(b) The eligible investor does not owe any outstanding tax or other liability to the state. 6757
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(D) Before the end of the applicable holding period of a 6759
qualifying investment, each enterprise in which a qualifying 6760
investment was made for which a small business investment 6761
certificate has been issued, upon the request of the director of 6762
development services, shall provide to the director records or 6763
other evidence satisfactory to the director that the enterprise is 6764
a small business enterprise for the purposes of this section. Each 6765
enterprise shall also provide annually to the director records or 6766
evidence regarding the number of jobs created or retained in the 6767
state. No credit may be claimed under this section and section 6768
5747.81 of the Revised Code if the director finds that an 6769
enterprise is not a small business enterprise for the purposes of 6770
this section. The director shall compile and maintain a register 6771
of small business enterprises qualifying under this section and 6772
shall certify the register to the tax commissioner. The director 6773
shall also compile and maintain a record of the number of jobs 6774
created or retained as a result of qualifying investments made 6775
pursuant to this section. 6776

(E) After the conclusion of the applicable holding period for 6777
a qualifying investment, a person to whom a small business 6778
investment certificate has been issued under this section may 6779
claim a credit as provided under section 5747.81 of the Revised 6780
Code. 6781

(F) The director of development services, in consultation 6782
with the tax commissioner, may adopt rules for the administration 6783
of this section, including rules governing the following: 6784

(1) Documents, records, or other information eligible 6785
investors shall provide to the director; 6786

(2) Any information a small business enterprise shall provide 6787

for the purposes of this section and section 5747.81 of the Revised Code; 6788
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(3) Determination of the number of full-time equivalent employees of a small business enterprise; 6790
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(4) Verification of a small business enterprise's investment in tangible personal property and intangible personal property under division (A)(1)(d) of this section, including when such investments have been made and where the property is used in business; 6792
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(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code. 6797
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~~There is hereby created in the state treasury the InvestOhio support fund. The fund shall consist of the fees (G) Application fees paid under division (B) of this section and shall be used by the development services agency to pay the costs of administering the small business investment certificate program established under this section credited to the tax incentives operating fund created in section 122.174 of the Revised Code.~~ 6800
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Sec. 123.01. (A) The department of administrative services, in addition to those powers enumerated in Chapters 124. and 125. of the Revised Code and provided elsewhere by law, shall exercise the following powers: 6807
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(1) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency; 6811
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(2) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the 6814
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Revised Code;	6818
(3) To erect, supervise, and maintain all public monuments and memorials erected by the state, except where the supervision and maintenance is otherwise provided by law;	6819 6820 6821
(4) To procure, by lease, storage accommodations for a state agency;	6822 6823
(5) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses may be granted to any person or entity, shall be for a period not to exceed fifteen years, and shall be executed for the state by the director of administrative services, provided that the director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.17 of the Revised Code.	6824 6825 6826 6827 6828 6829 6830 6831 6832 6833 6834 6835 6836
(6) To lease space for the use of a state agency;	6837
(7) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;	6838 6839
(8) To exercise general custodial care of all real property of the state;	6840 6841
(9) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;	6842 6843 6844 6845
(10) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof	6846 6847

under a lease-purchase plan, buildings, structures, and other 6848
improvements for any public purpose, and, in conjunction 6849
therewith, to grant leases, easements, or licenses for lands under 6850
the control of a state agency for a period not to exceed forty 6851
years. The lease-purchase plan shall provide that at the end of 6852
the lease period, the buildings, structures, and related 6853
improvements, together with the land on which they are situated, 6854
shall become the property of the state without cost. 6855

(a) Whenever any building, structure, or other improvement is 6856
to be so leased by a state agency, the department shall retain 6857
either basic plans, specifications, bills of materials, and 6858
estimates of cost with sufficient detail to afford bidders all 6859
needed information or, alternatively, all of the following plans, 6860
details, bills of materials, and specifications: 6861

(i) Full and accurate plans suitable for the use of mechanics 6862
and other builders in the improvement; 6863

(ii) Details to scale and full sized, so drawn and 6864
represented as to be easily understood; 6865

(iii) Accurate bills showing the exact quantity of different 6866
kinds of material necessary to the construction; 6867

(iv) Definite and complete specifications of the work to be 6868
performed, together with such directions as will enable a 6869
competent mechanic or other builder to carry them out and afford 6870
bidders all needed information; 6871

(v) A full and accurate estimate of each item of expense and 6872
of the aggregate cost thereof. 6873

(b) The department shall give public notice, in such 6874
newspaper, in such form, and with such phraseology as the director 6875
of administrative services prescribes, published once each week 6876
for four consecutive weeks, of the time when and place where bids 6877
will be received for entering into an agreement to lease to a 6878

state agency a building, structure, or other improvement. The last 6879
publication shall be at least eight days preceding the day for 6880
opening the bids. The bids shall contain the terms upon which the 6881
builder would propose to lease the building, structure, or other 6882
improvement to the state agency. The form of the bid approved by 6883
the department shall be used, and a bid is invalid and shall not 6884
be considered unless that form is used without change, alteration, 6885
or addition. Before submitting bids pursuant to this section, any 6886
builder shall comply with Chapter 153. of the Revised Code. 6887

(c) On the day and at the place named for receiving bids for 6888
entering into lease agreements with a state agency, the director 6889
of administrative services shall open the bids and shall publicly 6890
proceed immediately to tabulate the bids upon duplicate sheets. No 6891
lease agreement shall be entered into until the bureau of workers' 6892
compensation has certified that the person to be awarded the lease 6893
agreement has complied with Chapter 4123. of the Revised Code, 6894
until, if the builder submitting the lowest and best bid is a 6895
foreign corporation, the secretary of state has certified that the 6896
corporation is authorized to do business in this state, until, if 6897
the builder submitting the lowest and best bid is a person 6898
nonresident of this state, the person has filed with the secretary 6899
of state a power of attorney designating the secretary of state as 6900
its agent for the purpose of accepting service of summons in any 6901
action brought under Chapter 4123. of the Revised Code, and until 6902
the agreement is submitted to the attorney general and the 6903
attorney general's approval is certified thereon. Within thirty 6904
days after the day on which the bids are received, the department 6905
shall investigate the bids received and shall determine that the 6906
bureau and the secretary of state have made the certifications 6907
required by this section of the builder who has submitted the 6908
lowest and best bid. Within ten days of the completion of the 6909
investigation of the bids, the department shall award the lease 6910
agreement to the builder who has submitted the lowest and best bid 6911

and who has been certified by the bureau and secretary of state as 6912
required by this section. If bidding for the lease agreement has 6913
been conducted upon the basis of basic plans, specifications, 6914
bills of materials, and estimates of costs, upon the award to the 6915
builder the department, or the builder with the approval of the 6916
department, shall appoint an architect or engineer licensed in 6917
this state to prepare such further detailed plans, specifications, 6918
and bills of materials as are required to construct the building, 6919
structure, or improvement. The department shall adopt such rules 6920
as are necessary to give effect to this section. The department 6921
may reject any bid. Where there is reason to believe there is 6922
collusion or combination among bidders, the bids of those 6923
concerned therein shall be rejected. 6924

(11) To acquire by purchase, gift, devise, or grant and to 6925
transfer, lease, or otherwise dispose of all real property 6926
required to assist in the development of a conversion facility as 6927
defined in section 5709.30 of the Revised Code as that section 6928
existed before its repeal by Amended Substitute House Bill 95 of 6929
the 125th general assembly; 6930

(12) To lease for a period not to exceed forty years, 6931
notwithstanding any other division of this section, the 6932
state-owned property located at 408-450 East Town Street, 6933
Columbus, Ohio, formerly the state school for the deaf, to a 6934
developer in accordance with this section. "Developer," as used in 6935
this section, has the same meaning as in section 123.77 of the 6936
Revised Code. 6937

Such a lease shall be for the purpose of development of the 6938
land for use by senior citizens by constructing, altering, 6939
renovating, repairing, expanding, and improving the site as it 6940
existed on June 25, 1982. A developer desiring to lease the land 6941
shall prepare for submission to the department a plan for 6942
development. Plans shall include provisions for roads, sewers, 6943

water lines, waste disposal, water supply, and similar matters to 6944
meet the requirements of state and local laws. The plans shall 6945
also include provision for protection of the property by insurance 6946
or otherwise, and plans for financing the development, and shall 6947
set forth details of the developer's financial responsibility. 6948

The department may employ, as employees or consultants, 6949
persons needed to assist in reviewing the development plans. Those 6950
persons may include attorneys, financial experts, engineers, and 6951
other necessary experts. The department shall review the 6952
development plans and may enter into a lease if it finds all of 6953
the following: 6954

(a) The best interests of the state will be promoted by 6955
entering into a lease with the developer; 6956

(b) The development plans are satisfactory; 6957

(c) The developer has established the developer's financial 6958
responsibility and satisfactory plans for financing the 6959
development. 6960

The lease shall contain a provision that construction or 6961
renovation of the buildings, roads, structures, and other 6962
necessary facilities shall begin within one year after the date of 6963
the lease and shall proceed according to a schedule agreed to 6964
between the department and the developer or the lease will be 6965
terminated. The lease shall contain such conditions and 6966
stipulations as the director considers necessary to preserve the 6967
best interest of the state. Moneys received by the state pursuant 6968
to this lease shall be paid into the general revenue fund. The 6969
lease shall provide that at the end of the lease period the 6970
buildings, structures, and related improvements shall become the 6971
property of the state without cost. 6972

(13) To manage the use of space owned and controlled by the 6973
department by doing all of the following: 6974

(a) Biennially implementing, by state agency location, a census of agency employees assigned space; 6975
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(b) Periodically in the discretion of the director of administrative services: 6977
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(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department; 6979
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(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics. 6983
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(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings; 6986
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(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus. 6988
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(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility. 6990
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(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code. 6994
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(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:	7005 7006
(a) Identifying available energy efficiency and conservation opportunities;	7007 7008
(b) Providing for interchange of information among purchasing agencies;	7009 7010
(c) Identifying laws, policies, rules, and procedures that should be modified;	7011 7012
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	7013 7014 7015 7016 7017
(e) Providing technical assistance and training to state employees involved in the purchasing process;	7018 7019
(f) Working with the development services agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.	7020 7021 7022 7023
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured	7024 7025 7026 7027 7028 7029 7030 7031 7032 7033 7034 7035

during the model year that begins during the fiscal year. 7036

Each state agency, department, division, bureau, office, 7037
unit, commission, board, authority, quasi-governmental entity, 7038
institution, and state institution of higher education shall 7039
determine its fleet average fuel economy by dividing the total 7040
number of passenger vehicles acquired during the fiscal year, 7041
except for those passenger vehicles acquired for use in law 7042
enforcement or emergency rescue work, by a sum of terms, each of 7043
which is a fraction created by dividing the number of passenger 7044
vehicles of a given make, model, and year, except for passenger 7045
vehicles acquired for use in law enforcement or emergency rescue 7046
work, acquired during the fiscal year by the fuel economy measured 7047
by the administrator of the United States environmental protection 7048
agency, for the given make, model, and year of vehicle, that 7049
constitutes an average fuel economy for combined city and highway 7050
driving. 7051

As used in division (A)(16) of this section, "acquired" means 7052
leased for a period of sixty continuous days or more, or 7053
purchased. 7054

(B) This section and section 125.02 of the Revised Code shall 7055
not interfere with any of the following: 7056

(1) The power of the adjutant general to purchase military 7057
supplies, or with the custody of the adjutant general of property 7058
leased, purchased, or constructed by the state and used for 7059
military purposes, or with the functions of the adjutant general 7060
as director of state armories; 7061

(2) The power of the director of transportation in acquiring 7062
rights-of-way for the state highway system, or the leasing of 7063
lands for division or resident district offices, or the leasing of 7064
lands or buildings required in the maintenance operations of the 7065
department of transportation, or the purchase of real property for 7066

garage sites or division or resident district offices, or in 7067
preparing plans and specifications for and constructing such 7068
buildings as the director may require in the administration of the 7069
department; 7070

(3) The power of the director of public safety and the 7071
registrar of motor vehicles to purchase or lease real property and 7072
buildings to be used solely as locations to which a deputy 7073
registrar is assigned pursuant to division (B) of section 4507.011 7074
of the Revised Code and from which the deputy registrar is to 7075
conduct the deputy registrar's business, the power of the director 7076
of public safety to purchase or lease real property and buildings 7077
to be used as locations for division or district offices as 7078
required in the maintenance of operations of the department of 7079
public safety, and the power of the superintendent of the state 7080
highway patrol in the purchase or leasing of real property and 7081
buildings needed by the patrol, to negotiate the sale of real 7082
property owned by the patrol, to rent or lease real property owned 7083
or leased by the patrol, and to make or cause to be made repairs 7084
to all property owned or under the control of the patrol; 7085

(4) The power of the division of liquor control in the 7086
leasing or purchasing of retail outlets and warehouse facilities 7087
for the use of the division; 7088

(5) The power of the director of development services to 7089
enter into leases of real property, buildings, and office space to 7090
be used solely as locations for the state's foreign offices to 7091
carry out the purposes of section 122.05 of the Revised Code; 7092

(6) The power of the director of environmental protection to 7093
enter into environmental covenants, to grant and accept easements, 7094
or to sell property pursuant to division (G) of section 3745.01 of 7095
the Revised Code; 7096

(7) The power of the department of public safety under 7097

section 5502.01 of the Revised Code to direct security measures 7098
and operations for the Vern Riffe center, James A. Rhodes state 7099
office tower, and the capitol square, as defined in section 105.41 7100
of the Revised Code. The department of administrative services 7101
shall implement all security measures and operations at the Vern 7102
Riffe center and the James A. Rhodes state office tower as 7103
directed by the department of public safety. 7104

(C) Purchases for, and the custody and repair of, buildings 7105
under the management and control of the capitol square review and 7106
advisory board, the opportunities for Ohioans with disabilities 7107
agency, the bureau of workers' compensation, or the departments of 7108
public safety, job and family services, mental health and 7109
addiction services, developmental disabilities, and rehabilitation 7110
and correction; buildings of educational and benevolent 7111
institutions under the management and control of boards of 7112
trustees; and purchases or leases for, and the custody and repair 7113
of, office space used for the purposes of ~~the joint legislative~~ 7114
~~ethics committee~~ any agency of the legislative branch of state 7115
government are not subject to the control and jurisdiction of the 7116
department of administrative services. 7117

If ~~the joint legislative ethics committee~~ an agency of the 7118
legislative branch of state government, except the capitol square 7119
review and advisory board, so requests, the ~~committee~~ agency and 7120
the director of administrative services may enter into a contract 7121
under which the department of administrative services agrees to 7122
perform any services requested by the ~~committee~~ agency that the 7123
department is authorized under this section to perform. 7124

(D) Any instrument by which real property is acquired 7125
pursuant to this section shall identify the agency of the state 7126
that has the use and benefit of the real property as specified in 7127
section 5301.012 of the Revised Code. 7128

~~Sec. 152.08 123.011.~~ (A) The Ohio building authority 7129
~~department of administrative services may:~~ 7130

(1) ~~Acquire, by gift, grant, or purchase, and hold and~~ 7131
~~mortgage, real estate and interests therein and personal property~~ 7132
~~suitable for its purposes, provided that no land used by the~~ 7133
~~authority pursuant to section 152.05 of the Revised Code shall be~~ 7134
~~mortgaged by the authority;~~ 7135

(2) ~~Purchase, construct, reconstruct, equip, furnish,~~ 7136
~~improve, alter, enlarge, maintain, repair, and operate buildings,~~ 7137
~~facilities, and other properties for the purposes set forth in~~ 7138
~~section 152.04 of the Revised Code. The authority shall construct,~~ 7139
~~operate, and maintain its buildings, facilities, and other~~ 7140
~~properties in a healthy, safe, and sanitary manner.~~ 7141

(3) ~~Issue revenue bonds to secure funds to accomplish its~~ 7142
~~purposes, the principal of and interest on and all other payments~~ 7143
~~required to be made by the trust agreement or indenture securing~~ 7144
~~such bonds to be paid solely from revenues accruing to the~~ 7145
~~authority through the operation of its buildings, facilities, and~~ 7146
~~other properties;~~ 7147

(4) ~~Enter into contracts and execute all instruments~~ 7148
~~necessary in the conduct of its business;~~ 7149

(5) ~~Fix, alter, and charge rentals and other charges for the~~ 7150
~~use and occupancy of its buildings, facilities, and other~~ 7151
~~properties and enter into leases with the persons specified in~~ 7152
~~section 152.04 of the Revised Code;~~ 7153

(6) ~~Employ financial consultants, appraisers, consulting~~ 7154
~~engineers, architects, superintendents, managers, construction and~~ 7155
~~accounting experts, attorneys at law, and other employees and~~ 7156
~~agents as are necessary, in its judgment, and fix their~~ 7157
~~compensation;~~ 7158

~~(7)(2)~~ Provide for the persons occupying its buildings, 7159
facilities, and other properties, health clinics, medical 7160
services, food services, and such other services as such persons 7161
cannot provide for themselves; and, if the ~~authority~~ department 7162
determines that it is more advantageous, it may enter into 7163
contracts with persons, firms, or corporations or with any 7164
governmental agency, board, commission, or department to provide 7165
any of such clinics or services; 7166

~~(8)~~ Pledge, hypothecate, or otherwise encumber such of its 7167
rentals or other charges as may be agreed as security for its 7168
obligations, and enter into trust agreements or indentures for the 7169
benefit of its bondholders; 7170

~~(9)~~ Borrow money or accept advances, loans, gifts, grants, 7171
devises, or bequests from, and enter into contracts or agreements 7172
with, any federal agency or other governmental or private source, 7173
and hold and apply advances, loans, gifts, grants, devises, or 7174
bequests according to the terms thereof. Such advances, loans, 7175
gifts, grants, or devises of real estate may be in fee simple or 7176
of any lesser estate and may be subject to any reasonable 7177
reservations. Any advances or loans received from any federal or 7178
other governmental or private source may be repaid in accordance 7179
with the terms of such advance or loan. 7180

~~(10)~~ Conduct investigations into housing and living 7181
conditions in order to be able to purchase, construct, or 7182
reconstruct suitable buildings and facilities to fulfill its 7183
purpose, and determine the best locations within the state for its 7184
buildings, facilities, and other properties; 7185

~~(11)~~ Enter into lawful arrangements with the appropriate 7186
federal or state department or agency, county, township, municipal 7187
government, or other political subdivision, or public agency for 7188
the planning and installation of streets, roads, alleys, public 7189
parks and recreation areas, public utility facilities, and other 7190

necessary appurtenances to its projects;	7191
(12) Purchase fire, extended coverage, and liability insurance for its property, and insurance covering the authority and its officers and employees for liability for damage or injury to persons or property;	7192
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(13) Sell, lease, release, or otherwise dispose of property owned by the authority and not needed for the purposes of the authority and grant such easements across the property of the authority as will not interfere with its use of its property;	7196
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(14) Establish rules and regulations for the use and operation of its buildings, facilities, and other properties;	7200
	7201
(15) Do all other acts necessary to the fulfillment of its purposes.	7202
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(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.	7204
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(C) Any person may possess a firearm in a motor vehicle in the parking garage at the Riffe center for government and the arts in Columbus, if the person's possession of the firearm in the motor vehicle is not in violation of section 2923.16 of the Revised Code or any other provision of the Revised Code. Any person may store or leave a firearm in a locked motor vehicle that is parked in the parking garage at the Riffe center for government and the arts in Columbus, if the person's transportation and possession of the firearm in the motor vehicle while traveling to the garage was not in violation of section 2923.16 of the Revised Code or any other provision of the Revised Code.	7208
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Sec. 123.20. (A) There is hereby created the Ohio facilities construction commission. The commission shall administer the	7219
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design and construction of improvements to public facilities of 7221
the state in accordance with this chapter, the provision of 7222
financial assistance to school districts for the acquisition or 7223
construction of classroom facilities in accordance with Chapter 7224
3318. of the Revised Code, and any other applicable provisions of 7225
the Revised Code. 7226

The commission is a body corporate and politic, an agency of 7227
state government and an instrumentality of the state, performing 7228
essential governmental functions of this state. The carrying out 7229
of the purposes and the exercise by the commission of its powers 7230
are essential public functions and public purposes of the state. 7231
The commission may, in its own name, sue and be sued, enter into 7232
contracts, and perform all the powers and duties given to it by 7233
the Revised Code, but it does not have and shall not exercise the 7234
power of eminent domain. In its discretion and as it determines 7235
appropriate, the commission may delegate to any of its members, 7236
executive director, or other employees any of the commission's 7237
powers and duties to carry out its functions. 7238

(B) The commission shall consist of seven members, three of 7239
whom shall be voting members+. The voting members shall be the 7240
director of the office of budget and management ~~and~~, the director 7241
of administrative services, ~~or their designees~~, and ~~a member~~ an 7242
additional administrative department head listed in section 121.03 7243
of the Revised Code whom the governor shall appoint. Each voting 7244
member of the commission may designate an employee of the member's 7245
agency to serve on the member's behalf. 7246

The nonvoting members shall be two members of the senate 7247
appointed by the president of the senate and two members of the 7248
house of representatives appointed by the speaker of the house of 7249
representatives. The nonvoting members who are senators shall not 7250
be members of the same political party, and the nonvoting members 7251

who are representatives shall not be members of the same political party. 7252
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Not later than the thirty-first day of January of an odd-numbered year, the president of the senate and the speaker of the house of representatives shall appoint the nonvoting members of the commission to serve for the duration of that general assembly. A seat on the commission becomes vacant if the nonvoting member who held the seat ceases to serve in the chamber of the general assembly from which the nonvoting member was appointed. A vacancy in a nonvoting seat on the commission shall be filled in the manner provided for original appointments not later than the thirty-first day after the day the seat becomes vacant. 7254
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Members of the commission or their designees shall serve without compensation. 7264
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~~Within sixty days after the effective date of this section, the commission shall meet and organize by electing voting members as the chairperson and vice chairperson of the commission, who shall hold their offices until the next organizational meeting of the commission.~~ Organizational meetings of the commission shall be held at the first meeting of each calendar year. At each organizational meeting, the commission shall elect from among its voting members a chairperson and vice-chairperson, who shall serve until the next annual organizational meeting. The commission shall adopt rules pursuant to Chapter 119. of the Revised Code for the conduct of its internal business and shall keep a journal of its proceedings. Including the organizational meeting, the commission shall meet at least once each calendar year. 7266
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Two voting members of the commission constitute a quorum, and the affirmative vote of two members is necessary for approval of any action taken by the commission. A vacancy in the membership of the commission does not impair a quorum from exercising all the rights and performing all the duties of the commission. Meetings 7279
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of the commission may be held anywhere in the state and shall be held in compliance with section 121.22 of the Revised Code.

~~(C) Within sixty days after the effective date of this section, the governor shall appoint a member to the commission. The initial appointment shall be for a term ending three years after the effective date of this section, with subsequent terms ending three years after they begin, on the same day of the same month as the initial term.~~

~~A vacancy for the member appointed by the governor shall be filled in the same manner as provided for the original appointment. The appointed member shall hold office for the remainder of the term for which the vacancy existed. After the expiration of the term, the appointed member shall continue in office for a period of sixty days or until the appointed member's successor takes office, whichever period is shorter.~~

~~(D)~~ The commission shall file an annual report of its activities and finances, including a report of the expenditures and progress of the classroom facilities assistance program under Chapter 3318. of the Revised Code, with the governor, speaker of the house of representatives, president of the senate, and chairpersons of the house and senate finance committees.

~~(E)~~(D) The commission shall be exempt from the requirements of sections 101.82 to 101.87 of the Revised Code.

Sec. 123.21. (A) The Except as otherwise provided in division (D) of this section, the Ohio facilities construction commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under this chapter or any other provision of the Revised Code, including any of the following:

(1) Prepare Except as otherwise provided in section 123.211

of the Revised Code, prepare, or contract to be prepared, by 7314
licensed engineers or architects, surveys, general and detailed 7315
plans, specifications, bills of materials, and estimates of cost 7316
for any projects, improvements, or public buildings to be 7317
constructed by state agencies that may be authorized by 7318
legislative appropriations or any other funds made available 7319
therefor, provided that the construction of the projects, 7320
improvements, or public buildings is a statutory duty of the 7321
commission. This section does not require the independent 7322
employment of an architect or engineer as provided by section 7323
153.01 of the Revised Code in the cases to which section 153.01 of 7324
the Revised Code applies. ~~This section does not affect or alter~~ 7325
~~the existing powers of the director of transportation.~~ 7326

(2) ~~Have~~ Except as otherwise provided in section 123.211 of 7327
the Revised Code, have general supervision over the construction 7328
of any projects, improvements, or public buildings constructed for 7329
a state agency and over the inspection of materials prior to their 7330
incorporation into those projects, improvements, or buildings. 7331

(3) ~~Make~~ Except as otherwise provided in section 123.211 of 7332
the Revised Code, make contracts for and supervise the design and 7333
construction of any projects and improvements or the construction 7334
and repair of buildings under the control of a state agency. All 7335
such contracts may be based in whole or in part on the unit price 7336
or maximum estimated cost, with payment computed and made upon 7337
actual quantities or units. 7338

(4) Adopt, amend, and rescind rules pertaining to the 7339
administration of the construction of the public works of the 7340
state as required by law, in accordance with Chapter 119. of the 7341
Revised Code. 7342

(5) Contract with, retain the services of, or designate, and 7343
fix the compensation of, such agents, accountants, consultants, 7344
advisers, and other independent contractors as may be necessary or 7345

desirable to carry out the programs authorized under this chapter, 7346
or authorize the executive director to perform such powers and 7347
duties. 7348

(6) Receive and accept any gifts, grants, donations, and 7349
pledges, and receipts therefrom, to be used for the programs 7350
authorized under this chapter. 7351

(7) Make and enter into all contracts, commitments, and 7352
agreements, and execute all instruments, necessary or incidental 7353
to the performance of its duties and the execution of its rights 7354
and powers under this chapter, or authorize the executive director 7355
to perform such powers and duties. 7356

(8) Debar a contractor as provided in section 153.02 of the 7357
Revised Code. 7358

(9) Enter into and administer cooperative agreements for 7359
cultural projects, as provided in sections 123.28 and 123.281 of 7360
the Revised Code. 7361

(B) The commission shall appoint and fix the compensation of 7362
an executive director who shall serve at the pleasure of the 7363
commission. The executive director shall exercise all powers that 7364
the commission possesses, supervise the operations of the 7365
commission, and perform such other duties as delegated by the 7366
commission. The executive director also shall employ and fix the 7367
compensation of such employees as will facilitate the activities 7368
and purposes of the commission, who shall serve at the pleasure of 7369
the executive director. The employees of the commission are exempt 7370
from Chapter 4117. of the Revised Code and are not considered 7371
public employees as defined in section 4117.01 of the Revised 7372
Code. Any agreement entered into prior to July 1, 2012, between 7373
the office of collective bargaining and the exclusive 7374
representative for employees of the commission is binding and 7375
shall continue to have effect. 7376

(C) The attorney general shall serve as the legal 7377
representative for the commission and may appoint other counsel as 7378
necessary for that purpose in accordance with section 109.07 of 7379
the Revised Code. 7380

(D)(1) This section does not affect or alter the existing 7381
powers of the director of transportation. 7382

(2) Nothing in this chapter authorizes the commission to let 7383
or administer any contract let by the department of administrative 7384
services. A contract awarded by the department of administrative 7385
services takes precedence over the commission's authority under 7386
this chapter. 7387

Sec. 124.38. (A) Each of the following shall be entitled for 7388
each completed eighty hours of service to sick leave of four and 7389
six-tenths hours with pay: 7390

~~(A)(1) Employees in the various offices of the county, 7391
municipal, and civil service township service, other than 7392
superintendents and management employees, as defined in section 7393
5126.20 of the Revised Code, of county boards of developmental 7394
disabilities; 7395~~

~~(B) Employees of any state college or university; 7396~~

~~(C)(2) Any employee of any board of education for whom sick 7397
leave is not provided by section 3319.141 of the Revised Code, 7398
provided that the employee is not a substitute, adult education 7399
instructor who is scheduled to work the full-time equivalent of 7400
less than one hundred twenty days per school year, or a person who 7401
is employed on an as-needed, seasonal, or intermittent basis. 7402~~

(B)(1) Employees of any state college or university shall be 7403
entitled for each completed eighty hours of service, excluding 7404
overtime hours worked, to sick leave of three and one-tenth hours 7405
with pay. 7406

(2) No state college or university shall do either of the following: 7407
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(a) Notwithstanding any section of the Revised Code to the contrary, provide paid sick leave in an amount greater than the sick leave provided by division (B)(1) of this section; 7409
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(b) Notwithstanding division (A) of section 4117.10 of the Revised Code, agree to a provision in a collective bargaining agreement that is modified, renewed, extended, or entered into on or after the effective date of this amendment that provides paid sick leave in an amount greater than the sick leave provided by division (B)(1) of this section. 7412
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(C) Employees may use sick leave, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease that could be communicated to other employees, and illness, injury, or death in the employee's immediate family. Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work. 7418
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(D) The previously accumulated sick leave of an employee who has been separated from the public service shall be placed to the employee's credit upon the employee's re-employment in the public service, provided that the re-employment takes place within ten years of the date on which the employee was last terminated from public service. This ten-year period shall be tolled for any period during which the employee holds elective public office, whether by election or by appointment. 7427
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(E) An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave up to the maximum of the sick 7435
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leave accumulation permitted in the public agency to which the 7438
employee transfers. 7439

(F) The appointing authorities of the various offices of the 7440
county service may permit all or any part of a person's accrued 7441
but unused sick leave acquired during service with any regional 7442
council of government established in accordance with Chapter 167. 7443
of the Revised Code to be credited to the employee upon a transfer 7444
as if the employee were transferring from one public agency to 7445
another under this section. 7446

(G) The appointing authority of each employing unit shall 7447
require an employee to furnish a satisfactory written, signed 7448
statement to justify the use of sick leave. If medical attention 7449
is required, a certificate stating the nature of the illness from 7450
a licensed physician shall be required to justify the use of sick 7451
leave. Falsification of either a written, signed statement or a 7452
physician's certificate shall be grounds for disciplinary action, 7453
including dismissal. 7454

(H) This section does not interfere with existing unused sick 7455
leave credit in any agency of government where attendance records 7456
are maintained and credit has been given employees for unused sick 7457
leave. 7458

(I) Notwithstanding this section or any other section of the 7459
Revised Code, any appointing authority of a county office, 7460
department, commission, board, or body may, upon notification to 7461
the board of county commissioners, establish alternative schedules 7462
of sick leave for employees of the appointing authority for whom 7463
the state employment relations board has not established an 7464
appropriate bargaining unit pursuant to section 4117.06 of the 7465
Revised Code, as long as the alternative schedules are not 7466
inconsistent with the provisions of at least one collective 7467
bargaining agreement covering other employees of that appointing 7468
authority, if such a collective bargaining agreement exists. If no 7469

such collective bargaining agreement exists, an appointing 7470
authority may, upon notification to the board of county 7471
commissioners, establish an alternative schedule of sick leave for 7472
its employees that does not diminish the sick leave benefits 7473
granted by this section. 7474

Sec. 124.384. (A) Except as otherwise provided in this 7475
section, employees whose salaries or wages are paid by warrant of 7476
the director of budget and management and who have accumulated 7477
sick leave under section 124.38 or 124.382 of the Revised Code 7478
shall be paid for a percentage of their accumulated balances, upon 7479
separation for any reason, including death but excluding 7480
retirement, at their last base rate of pay at the rate of one hour 7481
of pay for every two hours of accumulated balances. An employee 7482
who retires in accordance with any retirement plan offered by the 7483
state shall be paid upon retirement for each hour of the 7484
employee's accumulated sick leave balance at a rate of fifty-five 7485
per cent of the employee's last base rate of pay. 7486

An employee serving in a temporary work level who elects to 7487
convert unused sick leave to cash shall do so at the base rate of 7488
pay of the employee's normal classification. If an employee dies, 7489
the employee's unused sick leave shall be paid in accordance with 7490
section 2113.04 of the Revised Code or to the employee's estate. 7491

In order to be eligible for the payment authorized by this 7492
section, an employee shall have at least one year of state service 7493
and shall request all or a portion of that payment no later than 7494
three years after separation from state service. No person is 7495
eligible to receive all or a portion of the payment authorized by 7496
this section at any time later than three years after the person's 7497
separation from state service. 7498

(B) ~~Except as otherwise provided in this division,~~ a A person 7499
initially employed on or after July 5, 1987, by a state agency in 7500

which the employees' salaries or wages are paid directly by 7501
warrant of the director of budget and management shall receive 7502
payment under this section only for sick leave accumulated while 7503
employed by state agencies in which the employees' salaries or 7504
wages are paid directly by warrant of the director of budget and 7505
management. ~~A Additionally, a person initially employed on or~~ 7506
~~after July 5, 1987, but before October 1, 2017,~~ by the state 7507
department of education as an unclassified employee shall receive 7508
payment under this section ~~only for sick leave accumulated while~~ 7509
~~employed by state agencies in which the employees' salaries or~~ 7510
~~wages are paid directly by warrant of the director of budget and~~ 7511
~~management and~~ for sick leave placed to the employee's credit 7512
under division (E)(2) of section 124.382 of the Revised Code. 7513

(C) For employees paid in accordance with section 124.152 of 7514
the Revised Code and those employees listed in divisions (B)(2) 7515
and (4) of section 124.14 of the Revised Code, the director of 7516
administrative services, with the approval of the director of 7517
budget and management, may establish a plan for early payment of 7518
accrued sick leave and vacation leave. 7519

Sec. 124.823. The department of administrative services shall 7520
establish a ~~pilot program under which it includes medical high~~ 7521
~~deductible health plan that qualifies under section 223 of the~~ 7522
~~Internal Revenue Code along with a health savings accounts account~~ 7523
as part of any package of health care benefit options offered to 7524
state employees and state elected officials paid by warrant of the 7525
director of budget and management. Except for the provisions in 7526
divisions (A) and (B) of section 3924.64 of the Revised Code 7527
concerning designation of an administrator, ~~a medical~~ the health 7528
savings account ~~established as part of the program~~ is subject to 7529
sections 3924.64 to 3924.74 of the Revised Code. 7530

The department is not required to offer the ~~medical~~ high 7531

deductible health plan with a health savings account option to any 7532
state employee who is covered under a collective bargaining 7533
agreement entered into pursuant to Chapter 4117. of the Revised 7534
Code, but ~~a medical savings account~~ the option may be part of a 7535
package of health care benefit options offered pursuant to a 7536
collective bargaining agreement. The department may ~~limit~~ 7537
~~enrollment in the medical savings account program and may~~ require 7538
state employees enrolled in ~~it~~ the high deductible health plan to 7539
contribute to their ~~medical~~ health savings accounts. The 7540
department shall make both individual and family coverage 7541
available through the ~~accounts~~ high deductible health plan. The 7542
~~program~~ high deductible health plan shall not increase the cost of 7543
providing health insurance to state employees. ~~The department may~~ 7544
~~end the program at any time not sooner than two years after it is~~ 7545
~~established, except that the department may not end the program~~ 7546
~~prior to providing six months' notice to the speaker of the house~~ 7547
~~of representatives, president of the senate, minority leader of~~ 7548
~~the house and minority leader of the senate, and the chairs of the~~ 7549
~~standing committees of the senate and house of representatives~~ 7550
~~with primary responsibility for health and insurance legislation.~~ 7551

A state employee who chooses the ~~medical~~ high deductible 7552
health plan with a health savings account option shall have any 7553
state health, medical, hospital, dental, surgical, and vision 7554
benefits for which the employee is eligible provided through the 7555
~~medical savings account~~ plan. The department, under section 124.81 7556
or 124.82 of the Revised Code, shall contract for or otherwise 7557
provide a the high-deductible ~~policy or contract~~ health plan with 7558
a health savings account through which those benefits can be paid. 7559

~~The An~~ employee ~~for whom a medical~~ who chooses the high 7560
deductible health plan with a health savings account ~~is opened~~ 7561
shall at the time the account is opened choose an administrator 7562
from a list of administrators designated by the department, one of 7563

which may be the insurer from which the department purchases the 7564
high-deductible ~~policy or contract~~ health plan. If the employee 7565
fails to choose an administrator, the department shall designate 7566
an administrator. 7567

If an elected state official whose term commenced prior to 7568
the establishment of the ~~program~~ high deductible health plan with 7569
a health savings account elects to participate in the ~~medical~~ 7570
~~savings account program plan~~, participation shall commence at the 7571
beginning of the term following establishment of the ~~program~~ plan. 7572
7573

Sec. 124.93. (A) As used in this section, "physician" means 7574
any person who holds a valid ~~certificate~~ license to practice 7575
medicine and surgery or osteopathic medicine and surgery issued 7576
under Chapter 4731. of the Revised Code. 7577

(B) No health insuring corporation that, on or after July 1, 7578
1993, enters into or renews a contract with the department of 7579
administrative services under section 124.82 of the Revised Code, 7580
because of a physician's race, color, religion, sex, national 7581
origin, disability or military status as defined in section 7582
4112.01 of the Revised Code, age, or ancestry, shall refuse to 7583
contract with that physician for the provision of health care 7584
services under section 124.82 of the Revised Code. 7585

Any health insuring corporation that violates this division 7586
is deemed to have engaged in an unlawful discriminatory practice 7587
as defined in section 4112.02 of the Revised Code and is subject 7588
to Chapter 4112. of the Revised Code. 7589

(C) Each health insuring corporation that, on or after July 7590
1, 1993, enters into or renews a contract with the department of 7591
administrative services under section 124.82 of the Revised Code 7592
and that refuses to contract with a physician for the provision of 7593
health care services under that section shall provide that 7594

physician with a written notice that clearly explains the reason 7595
or reasons for the refusal. The notice shall be sent to the 7596
physician by regular mail within thirty days after the refusal. 7597

Any health insuring corporation that fails to provide notice 7598
in compliance with this division is deemed to have engaged in an 7599
unfair and deceptive act or practice in the business of insurance 7600
as defined in section 3901.21 of the Revised Code and is subject 7601
to sections 3901.19 to 3901.26 of the Revised Code. 7602

Sec. 125.03. Any state agency wanting to purchase automatic 7603
data processing, computer services as defined in section 2913.01 7604
of the Revised Code, electronic publishing services, or electronic 7605
information services, or any consulting services related to 7606
information technology, the aggregate cost of which would amount 7607
to more than fifty thousand dollars over the next succeeding 7608
five-year period, shall make the purchase by competitive selection 7609
and with the approval of the controlling board. In its request for 7610
approval, the agency shall provide the board with a comparative 7611
analysis of the cost of similar systems utilized by other states 7612
and a description of the measures it took to find the most 7613
cost-effective system. The comparative analysis shall not be 7614
considered a public record under section 149.43 of the Revised 7615
Code unless the request is approved by the board and the agency 7616
has awarded the contract. 7617

Sec. 125.035. (A) Except as otherwise provided in the Revised 7618
Code, a state agency wanting to purchase supplies or services 7619
shall make the purchase subject to the requirements of an 7620
applicable first or second requisite procurement program described 7621
in this section, or obtain a determination from the department of 7622
administrative services that the purchase is not subject to a 7623
first or second requisite procurement program. State agencies 7624
shall submit a purchase request to the department of 7625

administrative services unless the department has determined the request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.

(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request:

(1) Ohio penal industries within the department of rehabilitation and correction; and

(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code.

(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so:

(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code;

(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;

(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;

(4) ~~Office of support services~~ Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code;

(5) Ohio facilities construction commission established in

section 123.20 of the Revised Code; and 7656

(6) Any other program within, or administered by, a state 7657
agency that, by law, requires purchases to be made by, or with the 7658
approval of, the state agency. 7659

(D) Upon receipt of a purchase request, the department of 7660
administrative services shall provide the requesting agency a 7661
notification of receipt of the purchase request. The department 7662
then shall determine whether the request can be fulfilled through 7663
a first requisite procurement program. In making the 7664
determination, the department may consult with each of the first 7665
requisite procurement programs. When the department has made its 7666
determination, it shall: 7667

(1) Direct the requesting agency to obtain the desired 7668
supplies or services through the proper first requisite 7669
procurement program; 7670

(2) Provide the agency with a waiver from the use of the 7671
applicable first requisite procurement programs under sections 7672
125.609 or 5147.07 of the Revised Code; or 7673

(3) Determine whether the purchase can be fulfilled through a 7674
second requisite procurement program under division (E) of this 7675
section. 7676

(E) In making the determination that a purchase is subject to 7677
a second requisite procurement program, the department shall 7678
identify potentially applicable programs and notify each program 7679
of the requested purchase. The notified second requisite 7680
procurement program shall respond to the department within two 7681
business days with regard to its ability to provide the requested 7682
purchase. If the second requisite procurement program can provide 7683
the requested purchase, the department shall direct the requesting 7684
agency to make the requested purchase from the appropriate second 7685
requisite procurement program. If the department has not received 7686

notification from a second requisite procurement program within 7687
two business days and the department has made the determination 7688
that the purchase is not subject to a second requisite procurement 7689
program, the department shall provide a waiver to the requesting 7690
agency. 7691

(F) Within five business days after receipt of a request, the 7692
department shall notify the requesting agency of its determination 7693
and provide any waiver under divisions (D) or (E) of this section. 7694
If the department fails to respond within five business days or 7695
fails to provide an explanation for any further delay within that 7696
time, the requesting agency may use direct purchasing authority to 7697
make the requested purchase, subject to the requirements of 7698
division (G) of this section and section 127.16 of the Revised 7699
Code. 7700

(G) As provided in sections 125.02 and 125.05 of the Revised 7701
Code and subject to such rules as the director of administrative 7702
services may adopt, the department may issue a release and permit 7703
to the agency to secure supplies or services. A release and permit 7704
shall specify the supplies or services to which it applies, the 7705
time during which it is operative, and the reason for its 7706
issuance. A release and permit for telephone, other 7707
telecommunications, and computer services shall be provided in 7708
accordance with section 125.18 of the Revised Code and shall 7709
specify the type of services to be rendered, the number and type 7710
of hardware to be used, and may specify the amount of such 7711
services to be performed. No requesting agency shall proceed with 7712
such purchase until it has received an approved release and permit 7713
from the director of administrative services or the director's 7714
designee. 7715

Sec. 125.04. (A) Except for the requirements of division (B) 7716
of this section, section 125.092, and division (B) of section 7717

125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 7718
to 125.15 of the Revised Code do not apply to or affect state 7719
institutions of higher education. 7720

(B)(1) As used in this division: 7721

(a) "Chartered nonpublic school" has the same meaning as in 7722
section 3310.01 of the Revised Code. 7723

(b) "Emergency medical service organization" has the same 7724
meaning as in section 4765.01 of the Revised Code. 7725

(c) "Governmental agency" means a political subdivision or 7726
special district in this state established by or under law, or any 7727
combination of these entities; the United States or any 7728
department, division, or agency of the United States; one or more 7729
other states or groups of states; other purchasing consortia; and 7730
any agency, commission, or authority established under an 7731
interstate compact or agreement. 7732

(d) "Political subdivision" means any county, township, 7733
municipal corporation, school district, conservancy district, 7734
township park district, park district created under Chapter 1545. 7735
of the Revised Code, regional transit authority, regional airport 7736
authority, regional water and sewer district, or port authority. 7737
"Political subdivision" also includes any other political 7738
subdivision described in the Revised Code that has been approved 7739
by the department of administrative services to participate in the 7740
department's contracts under this division. 7741

(e) "Private fire company" has the same meaning as in section 7742
9.60 of the Revised Code. 7743

(f) "State institution of higher education" has the meaning 7744
defined in section 3345.011 of the Revised Code. 7745

(2) Subject to division (C) of this section, the department 7746
of administrative services may permit a state institution of 7747

higher education, governmental agency, political subdivision, 7748
county board of elections, private fire company, private, 7749
nonprofit emergency medical service organization, or chartered 7750
nonpublic school to participate in contracts into which the 7751
department has entered for the purchase of supplies and services. 7752
The department may charge the entity a reasonable fee to cover the 7753
administrative costs the department incurs as a result of 7754
participation by the entity in such a purchase contract. 7755

A political subdivision desiring to participate in such 7756
purchase contracts shall file with the department a certified copy 7757
of an ordinance or resolution of the legislative authority or 7758
governing board of the political subdivision. The resolution or 7759
ordinance shall request that the political subdivision be 7760
authorized to participate in such contracts and shall agree that 7761
the political subdivision will be bound by such terms and 7762
conditions as the department prescribes and that it will directly 7763
pay the vendor under each purchase contract. A board of elections 7764
desiring to participate in such purchase contracts shall file with 7765
the purchasing authority a written request for inclusion in the 7766
program. A private fire company, private, nonprofit emergency 7767
medical service organization, or chartered nonpublic school 7768
desiring to participate in such purchase contracts shall file with 7769
the department a written request for inclusion in the program 7770
signed by the chief officer of the company, organization, or 7771
chartered nonpublic school. A governmental agency desiring to 7772
participate in such purchase contracts shall file with the 7773
department a written request for inclusion in the program. A state 7774
institution of higher education desiring to participate in such 7775
purchase contracts shall file with the department a certified copy 7776
of resolution of the board of trustees or similar authorizing 7777
body. The resolution shall request that the state institution of 7778
higher education be authorized to participate in such contracts. 7779

A request for inclusion shall include an agreement to be 7780
bound by such terms and conditions as the department prescribes 7781
and to make direct payments to the vendor under each purchase 7782
contract. 7783

The department shall include in its annual report, an 7784
estimate of the purchases made by state institutions of higher 7785
education, governmental agencies, political subdivisions, county 7786
boards of elections, private fire companies, private, nonprofit 7787
emergency medical service organizations, and chartered nonpublic 7788
schools from contracts pursuant to this division. The department 7789
may require such entities to file a report with the department, as 7790
often as it finds necessary, stating how many such contracts the 7791
entities participated in within a specified period of time, and 7792
any other information the department requires. 7793

(3) Purchases made by a political subdivision or a county 7794
board of elections under this division are exempt from any 7795
competitive selection procedures otherwise required by law. No 7796
political subdivision shall make any purchase under this division 7797
when bids have been received for such purchase by the subdivision, 7798
unless such purchase can be made upon the same terms, conditions, 7799
and specifications at a lower price under this division. 7800

(C) A political subdivision as defined in division (B) of 7801
this section or a county board of elections may purchase supplies 7802
or services from another party, including a political subdivision, 7803
instead of through participation in contracts described in 7804
division (B) of this section if the political subdivision or 7805
county board of elections can purchase those supplies or services 7806
from the other party upon equivalent terms, conditions, and 7807
specifications but at a lower price than it can through those 7808
contracts. Purchases that a political subdivision or county board 7809
of elections makes under this division are exempt from any 7810
competitive selection procedures otherwise required by law. A 7811

political subdivision or county board of elections that makes any 7812
purchase under this division shall maintain sufficient information 7813
regarding the purchase to verify that the political subdivision or 7814
county board of elections satisfied the conditions for making a 7815
purchase under this division. Nothing in this division restricts 7816
any action taken by a county or township as authorized by division 7817
(B)(1) of section 9.48 of the Revised Code. 7818

(D) This section does not apply to supplies or services 7819
purchased by a state agency directly as provided in section 125.05 7820
of the Revised Code, or to purchases of supplies or services for 7821
the emergency management agency or other state agencies as 7822
provided in section 125.061 of the Revised Code. 7823

Sec. 125.051. (A) As used in this section, "advertising" 7824
includes advertising in print or electronic newspapers, journals, 7825
or magazines and advertising broadcast over radio or television or 7826
placed on the internet. 7827

(B) Any advertising purchased by a state governmental entity 7828
for the same purpose that, in the aggregate, exceeds fifty 7829
thousand dollars during the fiscal year, shall be subject to 7830
controlling board approval. 7831

Sec. 125.061. (A) As used in this section: 7832

(1) "Emergency" has the same meaning as defined in section 7833
5502.21 of the Revised Code. 7834

(2) "State procurement emergency" means a situation that 7835
creates all of the following: 7836

(a) A threat to public health, safety, or welfare; 7837

(b) An immediate and serious need for supplies or services 7838
that cannot be met through normal procurement methods required by 7839
state law; and 7840

(c) A serious threat of harm to the functioning of state government, the preservation or protection of property, or the health or safety of any person. 7841
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~~(B) During the period of an emergency as defined in section 5502.21 of the Revised Code, the department of administrative services may suspend, for the emergency management agency established in section 5502.22 of the Revised Code or any other state agency participating in response and recovery activities as defined in section 5502.21 of the Revised Code, the purchasing and contracting requirements contained in Chapter 125. and any requirement of Chapter 153. of the Revised Code that otherwise would apply to the agency. The director of public safety or the executive director of the emergency management agency shall make the request for the suspension of these requirements to the department of administrative services concurrently with the request to the governor or the president of the United States for the declaration of an emergency. The governor also shall include in any proclamation the governor issues declaring an emergency language requesting the suspension of those requirements during the period of the emergency.~~ 7844
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~~(B) Before any purchase may be made under a suspension authorized by this section, the director of administrative services shall send notice of the suspension as approved under division (A) of this section to the director of budget and management and to the members of the controlling board. The notice shall provide details of the request for suspension and shall include a copy of the director's approval.~~ 7861
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(C) During the period of a state procurement emergency, the department of administrative services may suspend, for any state agency, the purchasing and contracting requirements contained in Chapter 125. of the Revised Code that would otherwise be required of the agency. 7868
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(1) The director or administrative head of the state agency 7873
where the state procurement emergency exists shall request the 7874
department of administrative services to suspend the purchasing 7875
and contracting requirements in Chapter 125. of the Revised Code. 7876

(2) The request shall include information detailing the 7877
immediacy of the state procurement emergency and a description of 7878
the necessary supplies or services that cannot be timely purchased 7879
through normal procurement methods otherwise required by state 7880
law. 7881

(3) Whenever practical, the agency shall obtain a release and 7882
permit from the department of administrative services under 7883
section 125.035 of the Revised Code before making purchases under 7884
this division. 7885

(D) Before any purchase may be made under a suspension 7886
authorized by this section, the director of administrative 7887
services shall send notice of the suspension as approved by the 7888
director to the director of budget and management and to the 7889
members of the controlling board. The notice shall provide details 7890
of the request for suspension and shall include a copy of the 7891
director's approval. 7892

(E) Purchases made by state agencies under this section are 7893
exempt from the requirements of section 127.16 of the Revised 7894
Code, except that state agencies making purchases under this 7895
section shall file a report with the president of the controlling 7896
board describing all such purchases made by the agency during the 7897
period covered by the emergency declaration or state procurement 7898
emergency. The report shall be filed within ninety days after the 7899
declaration or state procurement emergency condition expires. 7900

Sec. 125.18. (A) There is hereby established the office of 7901
information technology within the department of administrative 7902
services. The office shall be under the supervision of a state 7903

chief information officer to be appointed by the director of 7904
administrative services and subject to removal at the pleasure of 7905
the director. The chief information officer is an assistant 7906
director of administrative services. 7907

(B) Under the direction of the director of administrative 7908
services, the state chief information officer shall lead, oversee, 7909
and direct state agency activities related to information 7910
technology development and use. In that regard, the state chief 7911
information officer shall do all of the following: 7912

(1) Coordinate and superintend statewide efforts to promote 7913
common use and development of technology by state agencies. The 7914
office of information technology shall establish policies and 7915
standards that govern and direct state agency participation in 7916
statewide programs and initiatives. 7917

(2) Establish policies and standards for the acquisition and 7918
use of common information technology by state agencies, including, 7919
but not limited to, hardware, software, technology services, and 7920
security, and the extension of the service life of information 7921
technology systems, with which state agencies shall comply; 7922

(3) Establish criteria and review processes to identify state 7923
agency information technology projects or purchases that require 7924
alignment or oversight. As appropriate, the department of 7925
administrative services shall provide the governor and the 7926
director of budget and management with notice and advice regarding 7927
the appropriate allocation of resources for those projects. The 7928
state chief information officer may require state agencies to 7929
provide, and may prescribe the form and manner by which they must 7930
provide, information to fulfill the state chief information 7931
officer's alignment and oversight role; 7932

(4) Establish policies and procedures for the security of 7933
personal information that is maintained and destroyed by state 7934

agencies;	7935
(5) Employ a chief information security officer who is	7936
responsible for the implementation of the policies and procedures	7937
described in division (B)(4) of this section and for coordinating	7938
the implementation of those policies and procedures in all of the	7939
state agencies;	7940
(6) Employ a chief privacy officer who is responsible for	7941
advising state agencies when establishing policies and procedures	7942
for the security of personal information and developing education	7943
and training programs regarding the state's security procedures;	7944
(7) Establish policies on the purchasing, use, and	7945
reimbursement for use of handheld computing and telecommunications	7946
devices by state agency employees;	7947
(8) Establish policies for the reduction of printing and the	7948
use of electronic records by state agencies;	7949
(9) Establish policies for the reduction of energy	7950
consumption by state agencies;	7951
(10) Compute the amount of revenue attributable to the	7952
amortization of all equipment purchases and capitalized systems	7953
from information technology service delivery and major information	7954
technology purchases operating appropriation items and major	7955
computer purchases capital appropriation items that is recovered	7956
as part of the information technology services rates the	7957
department of administrative services charges and deposits into	7958
the information technology fund created in section 125.15 of the	7959
Revised Code;	7960
(11) Regularly review and make recommendations regarding	7961
improving the infrastructure of the state's cybersecurity	7962
operations with existing resources and through partnerships	7963
between government, business, and institutions of higher	7964
education;	7965

(12) Assist, as needed, with general state efforts to grow the cybersecurity industry in this state.

(C)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer.

(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system.

(D) When a state agency requests a purchase of information technology supplies or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for noncompliance with information technology direction, plans, policies, standards, or project-alignment criteria.

(E) The office of information technology may operate technology services for state agencies in accordance with this chapter.

Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee to an individual who uses an electronic licensing system operated by the office to apply for or renew a license or registration in an amount determined by the office not to exceed three dollars and fifty cents. The director of administrative services may collect the fee or require a state agency for which the system is being operated to collect the fee. Amounts received under this division shall be deposited in the professions

licensing system fund created in division (I) of this section. 7997

(F) With the approval of the director of administrative 7998
services, the office of information technology may establish 7999
cooperative agreements with federal and local government agencies 8000
and state agencies that are not under the authority of the 8001
governor for the provision of technology services and the 8002
development of technology projects. 8003

(G) The office of information technology may operate a 8004
program to make information technology purchases. The director of 8005
administrative services may recover the cost of operating the 8006
program from all participating government entities by issuing 8007
intrastate transfer voucher billings for the procured technology 8008
or through any pass-through billing method agreed to by the 8009
director of administrative services, the director of budget and 8010
management, and the participating government entities that will 8011
receive the procured technology. 8012

If the director of administrative services chooses to recover 8013
the program costs through intrastate transfer voucher billings, 8014
the participating government entities shall process the intrastate 8015
transfer vouchers to pay for the cost. Amounts received under this 8016
section for the information technology purchase program shall be 8017
deposited to the credit of the information technology governance 8018
fund created in section 125.15 of the Revised Code. 8019

(H) Upon request from the director of administrative 8020
services, the director of budget and management may transfer cash 8021
from the information technology fund created in section 125.15 of 8022
the Revised Code to the major information technology purchases 8023
fund in an amount not to exceed the amount computed under division 8024
(B)(10) of this section. The major information technology 8025
purchases fund is hereby created in the state treasury. 8026

(I) There is hereby created in the state treasury the 8027

professions licensing system fund. The fund shall be used to 8028
operate the electronic licensing system referenced in division (E) 8029
of this section. 8030

(J) As used in this section: 8031

(1) "Personal information" has the same meaning as in section 8032
149.45 of the Revised Code. 8033

(2) "State agency" means every organized body, office, or 8034
agency established by the laws of the state for the exercise of 8035
any function of state government, other than any state-supported 8036
institution of higher education, the office of the auditor of 8037
state, treasurer of state, secretary of state, or attorney 8038
general, the adjutant general's department, the bureau of workers' 8039
compensation, the industrial commission, the public employees 8040
retirement system, the Ohio police and fire pension fund, the 8041
state teachers retirement system, the school employees retirement 8042
system, the state highway patrol retirement system, the general 8043
assembly or any legislative agency, the capitol square review 8044
advisory board, or the courts or any judicial agency. 8045

Sec. 125.22. (A) The department of administrative services 8046
shall establish the central service agency to perform routine 8047
support for the following boards and commissions: 8048

(1) Architects board; 8049

(2) ~~Barber board;~~ 8050

~~(3) State chiropractic board;~~ 8051

~~(4)(3) State cosmetology and barber board of ~~cosmetology~~;~~ 8052

~~(5)(4) Accountancy board;~~ 8053

~~(6)(5) State dental board;~~ 8054

~~(7) State board of optometry;~~ 8055

~~(8)(6) Ohio occupational therapy, physical therapy, and~~ 8056

athletic trainers board;	8057
(9)(7) State board of registration for professional engineers and surveyors;	8058 8059
(10) State board of sanitarian registration;	8060
(11)(8) Board of embalmers and funeral directors;	8061
(12)(9) State board of psychology;	8062
(13) Ohio optical dispensers board;	8063
(14) Board of speech pathology and audiology;	8064
(15)(10) Counselor, social worker, and marriage and family therapist board;	8065 8066
(16)(11) State veterinary medical licensing board;	8067
(17) Ohio board of dietetics;	8068
(18)(12) Commission on Hispanic-Latino affairs;	8069
(19) Ohio respiratory care board;	8070
(20)(13) Ohio commission on African-American males;	8071
(21)(14) Chemical dependency professionals board;	8072
<u>(15) State vision professionals board;</u>	8073
<u>(16) State speech and hearing professionals board.</u>	8074
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	8075 8076 8077 8078 8079 8080
(a) Preparing and processing payroll and other personnel documents;	8081 8082
(b) Preparing and processing vouchers, purchase orders,	8083

encumbrances, and other accounting documents;	8084
(c) Maintaining ledgers of accounts and balances;	8085
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	8086 8087
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	8088 8089 8090
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	8091 8092 8093
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	8094 8095 8096 8097
(C) The director of administrative services shall be the appointing authority for the agency.	8098 8099
(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.	8100 8101 8102
(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the state treasury to the credit of the central service agency fund, which is hereby created. All expenses incurred by the agency in	8103 8104 8105 8106 8107 8108 8109 8110 8111 8112 8113

performing services for the boards or commissions shall be paid 8114
from the fund. 8115

(F) Nothing in this section shall be construed as a grant of 8116
authority for the central service agency to initiate or deny 8117
personnel or fiscal actions for the boards and commissions. 8118

Sec. 125.28. (A) The director of administrative services 8119
shall determine the reimbursable cost of space in state-owned or 8120
state-leased facilities and shall collect reimbursements for that 8121
cost. 8122

(B) The director may provide building maintenance services 8123
and ~~minor construction project management~~ tenant improvement 8124
services to any state agency and may collect reimbursements for 8125
the cost of providing those services. 8126

(C) All money collected by the department of administrative 8127
services, for operating expenses of facilities owned or maintained 8128
by the department, or for tenant improvement services, shall be 8129
deposited into the state treasury to the credit of the building 8130
management fund, which is hereby created. ~~All money collected by~~ 8131
~~the department for minor construction project management services~~ 8132
~~shall be deposited into the state treasury to the credit of the~~ 8133
~~minor construction project management fund, which is hereby~~ 8134
~~created.~~ All money collected for depreciation and related costs 8135
shall be deposited into the building improvement fund created 8136
under section 125.27 of the Revised Code or deposited into the 8137
building management fund and then transferred by the director of 8138
budget and management to the building improvement fund. 8139

Sec. 125.32. (A) The department of administrative services 8140
may establish an enterprise data management and analytics program 8141
to gather, combine, and analyze data provided by one or more 8142
agencies to measure the outcome of state-funded programs, develop 8143

policies to promote the effective, efficient, and best use of 8144
state resources, and to identify, prevent, or eliminate the 8145
fraudulent use of state funds, state resources, or state programs. 8146
Participating state agencies may use data gathered under the 8147
program for these purposes. 8148

(B) A state agency shall provide data for use under the 8149
program. A state agency that provides data under the program shall 8150
comply with the data-sharing protocol adopted under division (D) 8151
of this section. Notwithstanding any other provision of the 8152
Revised Code, a state agency's provision of data under the program 8153
is considered a permitted use of the data under the Revised Code 8154
and the state agency is not in violation of any contrary provision 8155
of the Revised Code by providing the data. 8156

(C)(1) A state agency that provides data under the program 8157
retains ownership over the data. Notwithstanding any other 8158
provision of the Revised Code, only the state agency that provides 8159
data under the program may be required under the law of this state 8160
to respond to requests for records or information regarding the 8161
provided data, including public records requests, subpoenas, 8162
warrants, and investigatory requests. 8163

(2) Participating state agencies shall maintain the 8164
confidentiality of data gathered under the program in accordance 8165
with confidentiality laws applicable to the data when in the 8166
possession of the state agency that provided the data. Employees 8167
of the department of administrative services or another state 8168
agency who gain access to another state agency's confidential data 8169
under the program are subject to any confidentiality requirements 8170
or duty to maintain confidentiality of the data established by law 8171
applicable to the state agency that provided the data. The results 8172
of the data analysis shall be compared against the confidentiality 8173
laws applicable to the source data to determine if the results 8174

retain any attributes of the source data that bring the results 8175
within the scope of any of the confidentiality obligations that 8176
applied to the source data. If so, the data analysis results are 8177
subject to those applicable confidentiality obligations and, in 8178
the event of a conflict between applicable confidentiality 8179
obligations, the most stringent of those obligations shall 8180
control. 8181

(D) In consultation with state agencies participating under 8182
the program, the department of administrative services shall 8183
develop a data-sharing protocol and a security plan for the 8184
program. The security plan shall state how the data is to be 8185
protected. The data-sharing protocol shall include at least the 8186
following: 8187

(1) How participating state agencies may use confidential 8188
data in accordance with confidentiality laws applicable to the 8189
provided data; 8190

(2) Who has authority to access data gathered under the 8191
program; and 8192

(3) How participating state agencies shall make, verify, and 8193
retain corrections to personal information gathered under the 8194
program. 8195

Any collection of data derived under the program that is a 8196
"system" with "personal information" as defined in section 1347.01 8197
of the Revised Code shall comply with Chapter 1347. of the Revised 8198
Code. 8199

Sec. 125.66. (A) As used in this section and section 125.661 8200
of the Revised Code: 8201

(1) "Social service intermediary" means a nonprofit 8202
organization exempt from federal income taxation under section 8203
501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a 8204

wholly-owned subsidiary of a nonprofit organization, that delivers 8205
or contracts for the delivery of social services, raises capital 8206
to finance the delivery of social services, and provides ongoing 8207
project management and investor relations for these activities. 8208

(2) "State agency" has the same meaning as in section 9.23 of 8209
the Revised Code. 8210

(B) There is hereby established the pay for success 8211
contracting program. Under the program, the director of 8212
administrative services may enter into multi-year contracts with 8213
social service intermediaries to achieve certain social goals in 8214
this state. 8215

(C) A contract entered into under the program shall include 8216
provisions that do all of the following: 8217

(1) Require the department of administrative services, in 8218
consultation with an agency of this state that administers 8219
programs or services related to the contract's subject matter, to 8220
specify performance targets to be met by the social service 8221
intermediary; 8222

(2) Specify the process or methodology that an independent 8223
evaluator contracted by the department of administrative services 8224
under section 125.661 of the Revised Code must use to evaluate the 8225
social service intermediary's progress toward meeting each 8226
performance target; 8227

(3) Require the department of administrative services to pay 8228
the social service intermediary in installments at times 8229
determined by the director of administrative services that are 8230
specified in the contract and are consistent with applicable state 8231
law; 8232

(4) Require the installment payments to the social service 8233
intermediary to be based on the social service intermediary's 8234
progress toward achieving each performance target, as determined 8235

by the independent evaluator contracted by the department of 8236
administrative services under section 125.661 of the Revised Code; 8237

(5) Specify the maximum amount a social service intermediary 8238
may earn for its progress toward achieving performance targets 8239
specified under division (C)(1) of this section; 8240

(6) Require the department of administrative services to 8241
ensure, in accordance with applicable state and federal laws, that 8242
the social service intermediary has access to any data in the 8243
possession of a state agency, including historical data, that the 8244
social service intermediary requests for the purpose of performing 8245
contractual duties. 8246

Sec. 125.661. If the director of administrative services 8247
contracts with a social service intermediary under section 125.66 8248
of the Revised Code, the director also shall contract with a 8249
person or government entity to evaluate the social service 8250
intermediary's progress toward meeting each performance target 8251
specified in the contract pursuant to division (C)(1) of section 8252
125.66 of the Revised Code. The director shall choose an evaluator 8253
that is independent from the social service intermediary, ensuring 8254
that both parties do not have common owners or administrators, 8255
managers, or employees. 8256

Sec. 126.071. No state agency shall agree to any monetary 8257
settlement that obligates payment from any fund within the state 8258
treasury except pursuant to a previous appropriation of the 8259
general assembly and approval of the controlling board. 8260

Sec. 126.11. (A)(1) The director of budget and management 8261
shall, upon consultation with the treasurer of state, coordinate 8262
and approve the scheduling of initial sales of publicly offered 8263
securities of the state and of publicly offered fractionalized 8264
interests in or securitized issues of public obligations of the 8265

state. The director shall from time to time develop and distribute 8266
to state issuers an approved sale schedule for each of the 8267
obligations covered by division (A) or (B) of this section. 8268
Division (A) of this section applies only to those obligations on 8269
which the state or a state agency is the direct obligor or obligor 8270
on any backup security or related credit enhancement facility or 8271
source of money subject to state appropriations that is intended 8272
for payment of those obligations. 8273

(2) The issuers of obligations pursuant to section 151.03, 8274
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 8275
Revised Code shall submit to the director: 8276

(a) For review and approval: the projected sale date, amount, 8277
and type of obligations proposed to be sold; their purpose, 8278
security, and source of payment; the proposed structure and 8279
maturity schedule; the trust agreement and any supplemental 8280
agreements; and any credit enhancement facilities or interest rate 8281
hedges for the obligations; 8282

(b) For review and comment: the authorizing order or 8283
resolution; preliminary and final offering documents; method of 8284
sale; preliminary and final pricing information; and any written 8285
reports or recommendations of financial advisors or consultants 8286
relating to those obligations; 8287

(c) Promptly after each sale of those obligations: final 8288
terms, including sale price, maturity schedule and yields, and 8289
sources and uses; names of the original purchasers or 8290
underwriters; a copy of the final offering document and of the 8291
transcript of proceedings; and any other pertinent information 8292
requested by the director. 8293

(3) The issuer of obligations pursuant to section 151.06 or 8294
151.40 or Chapter 154. of the Revised Code shall submit to the 8295
director: 8296

(a) For review and mutual agreement: the projected sale date, 8297
amount, and type of obligations proposed to be sold; their 8298
purpose, security, and source of payment; the proposed structure 8299
and maturity schedule; the trust agreement and any supplemental 8300
agreements; and any credit enhancement facilities or interest rate 8301
hedges for the obligations; 8302

(b) For review and comment: the authorizing order or 8303
resolution; preliminary and final offering documents; method of 8304
sale; preliminary and final pricing information; and any written 8305
reports or recommendations of financial advisors or consultants 8306
relating to those obligations; 8307

(c) Promptly after each sale of those obligations: final 8308
terms, including sale price, maturity schedule and yields, and 8309
sources and uses; names of the original purchasers or 8310
underwriters; a copy of the final offering document and of the 8311
transcript of proceedings; and any other pertinent information 8312
requested by the director. 8313

(4) The issuers of obligations pursuant to Chapter 166., 8314
4981., 5540., or 6121., or section 5531.10, of the Revised Code 8315
shall submit to the director: 8316

(a) For review and comment: the projected sale date, amount, 8317
and type of obligations proposed to be sold; the purpose, 8318
security, and source of payment; and preliminary and final 8319
offering documents; 8320

(b) Promptly after each sale of those obligations: final 8321
terms, including a maturity schedule; names of the original 8322
purchasers or underwriters; a copy of the complete continuing 8323
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 8324
rule as from time to time in effect; and any other pertinent 8325
information requested by the director. 8326

(5) Not later than thirty days after the end of a fiscal 8327

year, each issuer of obligations subject to divisions (A) and (B) 8328
of this section shall submit to the director and to the treasurer 8329
of state a sale plan for the then current fiscal year for each 8330
type of obligation, projecting the amount and term of each 8331
issuance, the method of sale, and the month of sale. 8332

(B) Issuers of obligations pursuant to section 3318.085 or 8333
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 8334
Code shall submit to the director copies of the preliminary and 8335
final offering documents upon their availability if not previously 8336
submitted pursuant to division (A) of this section. 8337

(C) State agencies or state issuers seeking new legislation 8338
or changes to existing law relating to public obligations for 8339
which the state or a state agency is the direct obligor, or 8340
obligor on any backup security or related credit enhancement 8341
facility, shall timely submit the legislation or changes to the 8342
director for review and comment. 8343

(D) Not later than the first day of January of each year, 8344
every state agency obligated to make payments on outstanding 8345
public obligations with respect to which fractionalized interests 8346
have been publicly issued, such as certificates of participation, 8347
shall submit a report to the director of the amounts payable from 8348
state appropriations under those public obligations during the 8349
then current and next two fiscal years, identifying the 8350
appropriation or intended appropriation from which payment is 8351
expected to be made. 8352

~~(D)~~(E)(1) Information relating generally to the historic, 8353
current, or future demographics or economy or financial condition 8354
or funds or general operations of the state, and descriptions of 8355
any state contractual obligations relating to public obligations, 8356
to be contained in any offering document, continuing disclosure 8357
document, or written presentation prepared, approved, or provided, 8358
or committed to be provided, by an issuer in connection with the 8359

original issuance and sale of, or rating, remarketing, or credit 8360
enhancement facilities relating to, public obligations referred to 8361
in division (A) of this section shall be approved as to format and 8362
accuracy by the director before being presented, published, or 8363
disseminated in preliminary, draft, or final form, or publicly 8364
filed in paper, electronic, or other format. 8365

(2) Except for information described in division ~~(D)~~(E)(1) of 8366
this section that is to be contained in an offering document, 8367
continuing disclosure document, or written presentation, division 8368
~~(D)~~(E)(1) of this section does not inhibit direct communication 8369
between an issuer and a rating agency, remarketing agent, or 8370
credit enhancement provider concerning an issuance of public 8371
obligations referred to in division (A) of this section or matters 8372
associated with that issuance. 8373

(3) The materials approved and provided pursuant to division 8374
~~(D)~~(E) of this section are the information relating to the 8375
particular subjects provided by the state or state agencies that 8376
are required or contemplated by any applicable state or federal 8377
securities laws and any commitments by the state or state agencies 8378
made under those laws. Reliance for the purpose should not be 8379
placed on any other information publicly provided, in any format 8380
including electronic, by any state agency for other purposes, 8381
including general information provided to the public or to 8382
portions of the public. A statement to that effect shall be 8383
included in those materials so approved or provided. 8384

~~(E)~~(F) Issuers of obligations referred to in division (A) of 8385
this section may take steps, by formal agreement, covenants in the 8386
proceedings, or otherwise, as may be necessary or appropriate to 8387
comply or permit compliance with applicable lawful disclosure 8388
requirements relating to those obligations, and may, subject to 8389
division ~~(D)~~(E) of this section, provide, make available, or file 8390
copies of any required disclosure materials as necessary or 8391

appropriate. Any such formal agreement or covenant relating to 8392
subjects referred to in division ~~(D)~~(E) of this section, and any 8393
description of that agreement or covenant to be contained in any 8394
offering document, shall be approved by the director before being 8395
entered into or published or publicly disseminated in preliminary, 8396
draft, or final form or publicly filed in paper, electronic, or 8397
other format. The director shall be responsible for making all 8398
filings in compliance with those requirements relating to direct 8399
obligations of the state, including fractionalized interests in 8400
those obligations. 8401

~~(F)~~(G) No state agency or official shall, without the 8402
approval of the director of budget and management and either the 8403
general assembly or the state controlling board, do either of the 8404
following: 8405

(1) Enter into or commit to enter into a public obligation 8406
under which fractionalized interests in the payments are to be 8407
publicly offered, which payments are anticipated to be made from 8408
money from any source appropriated or to be appropriated by the 8409
general assembly or in which the provision stated in section 9.94 8410
of the Revised Code is not included; 8411

(2) Except as otherwise expressly authorized for the purpose 8412
by law, agree or commit to provide, from money from any source to 8413
be appropriated in the future by the general assembly, financial 8414
assistance to or participation in the costs of capital facilities, 8415
or the payment of debt charges, directly or by way of a credit 8416
enhancement facility, a reserve, rental payments, or otherwise, on 8417
obligations issued to pay costs of capital facilities. 8418

~~(G)~~(H) As used in this section, "interest rate hedge" has the 8419
same meaning as in section 9.98 of the Revised Code; "credit 8420
enhancement facilities," "debt charges," "fractionalized interests 8421
in public obligations," "obligor," "public issuer," and 8422
"securities" have the same meanings as in section 133.01 of the 8423

Revised Code; "public obligation" has the same meaning as in 8424
division (GG)(2) of section 133.01 of the Revised Code; 8425
"obligations" means securities or public obligations or 8426
fractionalized interests in them; "issuers" means issuers of 8427
securities or state obligors on public obligations; "offering 8428
document" means an official statement, offering circular, private 8429
placement memorandum, or prospectus, or similar document; and 8430
"director" means the director of budget and management or the 8431
employee of the office of budget and management designated by the 8432
director for the purpose. 8433

Sec. 126.22. The director of budget and management may: 8434

(A) Perform accounting services for and design and implement 8435
accounting systems with state agencies; 8436

(B) Provide other accounting services, including the 8437
maintenance and periodic auditing of the financial records of and 8438
submission of vouchers by state agencies, provision of assistance 8439
in the analysis of the financial position of state agencies, and 8440
preparation and submission of reports; 8441

(C) Change any accounting code appearing in appropriations 8442
acts of the general assembly; 8443

(D) Correct accounting errors committed by any state agency 8444
or state institution of higher education, including, but not 8445
limited to, the reestablishment of encumbrances cancelled in 8446
error. 8447

Sec. 126.35. (A) The director of budget and management shall 8448
draw warrants or process electronic funds transfers against the 8449
treasurer of state pursuant to all requests for payment that the 8450
director has approved under section 126.07 of the Revised Code. 8451

(B) Unless a cash assistance payment is to be made by 8452
electronic benefit transfer, payment by the director of budget and 8453

management to a participant in the Ohio works first program 8454
pursuant to Chapter 5107. of the Revised Code, ~~a recipient of~~ 8455
~~disability financial assistance pursuant to Chapter 5115. of the~~ 8456
~~Revised Code,~~ or a recipient of cash assistance provided under the 8457
refugee assistance program established under section 5101.49 of 8458
the Revised Code shall be made by direct deposit to the account of 8459
the participant or recipient in the financial institution 8460
designated under section 329.03 of the Revised Code. Payment by 8461
the director of budget and management to a recipient of benefits 8462
distributed through the medium of electronic benefit transfer 8463
pursuant to section 5101.33 of the Revised Code shall be by 8464
electronic benefit transfer. Payment by the director of budget and 8465
management as compensation to an employee of the state who has, 8466
pursuant to section 124.151 of the Revised Code, designated a 8467
financial institution and account for the direct deposit of such 8468
payments shall be made by direct deposit to the account of the 8469
employee. Payment to any other payee who has designated a 8470
financial institution and account for the direct deposit of such 8471
payment may be made by direct deposit to the account of the payee 8472
in the financial institution as provided in section 9.37 of the 8473
Revised Code. Accounts maintained by the director of budget and 8474
management or the director's agent in a financial institution for 8475
the purpose of effectuating payment by direct deposit or 8476
electronic benefit transfer shall be maintained in accordance with 8477
section 135.18 of the Revised Code. 8478

(C) All other payments from the state treasury shall be made 8479
by paper warrants, electronic funds transfers, or by direct 8480
deposit payable to the respective payees. The director of budget 8481
and management may mail the paper warrants to the respective 8482
payees or distribute them through other state agencies, whichever 8483
the director determines to be the better procedure. 8484

Sec. 131.23. The various political subdivisions of this state 8485

may issue bonds, and any indebtedness created by that issuance 8486
shall not be subject to the limitations or included in the 8487
calculation of indebtedness prescribed by sections 133.05, 133.06, 8488
133.07, and 133.09 of the Revised Code, but the bonds may be 8489
issued only under the following conditions: 8490

(A) The subdivision desiring to issue the bonds shall obtain 8491
from the county auditor a certificate showing the total amount of 8492
delinquent taxes due and unpayable to the subdivision at the last 8493
semiannual tax settlement. 8494

(B) The fiscal officer of that subdivision shall prepare a 8495
statement, from the books of the subdivision, verified by the 8496
fiscal officer under oath, which shall contain the following facts 8497
of the subdivision: 8498

(1) The total bonded indebtedness; 8499

(2) The aggregate amount of notes payable or outstanding 8500
accounts of the subdivision, incurred prior to the commencement of 8501
the current fiscal year, which shall include all evidences of 8502
indebtedness issued by the subdivision except notes issued in 8503
anticipation of bond issues and the indebtedness of any 8504
nontax-supported public utility; 8505

~~(3) Except in the case of school districts, the aggregate 8506
current year's requirement for disability financial assistance 8507
provided under Chapter 5115. of the Revised Code that the 8508
subdivision is unable to finance except by the issue of bonds; 8509~~

~~(4) The indebtedness outstanding through the issuance of any 8510
bonds or notes pledged or obligated to be paid by any delinquent 8511
taxes; 8512~~

~~(5)~~(4) The total of any other indebtedness; 8513

~~(6)~~(5) The net amount of delinquent taxes unpledged to pay 8514
any bonds, notes, or certificates, including delinquent 8515

assessments on improvements on which the bonds have been paid; 8516

~~(7)~~(6) The budget requirements for the fiscal year for bond 8517
and note retirement; 8518

~~(8)~~(7) The estimated revenue for the fiscal year. 8519

(C) The certificate and statement provided for in divisions 8520
(A) and (B) of this section shall be forwarded to the tax 8521
commissioner together with a request for authority to issue bonds 8522
of the subdivision in an amount not to exceed seventy per cent of 8523
the net unobligated delinquent taxes and assessments due and owing 8524
to the subdivision, as set forth in division (B)~~(6)~~(5) of this 8525
section. 8526

(D) No subdivision may issue bonds under this section in 8527
excess of a sufficient amount to pay the indebtedness of the 8528
subdivision as shown by division (B)(2) of this section ~~and,~~ 8529
~~except in the case of school districts, to provide funds for~~ 8530
~~disability financial assistance as shown by division (B)(3) of~~ 8531
~~this section.~~ 8532

(E) The tax commissioner shall grant to the subdivision 8533
authority requested by the subdivision as restricted by divisions 8534
(C) and (D) of this section and shall make a record of the 8535
certificate, statement, and grant in a record book devoted solely 8536
to such recording and which shall be open to inspection by the 8537
public. 8538

(F) The commissioner shall immediately upon issuing the 8539
authority provided in division (E) of this section notify the 8540
proper authority having charge of the retirement of bonds of the 8541
subdivision by forwarding a copy of the grant of authority and of 8542
the statement provided for in division (B) of this section. 8543

(G) Upon receipt of authority, the subdivision shall proceed 8544
according to law to issue the amount of bonds authorized by the 8545
commissioner, and authorized by the taxing authority, provided the 8546

taxing authority of that subdivision may submit, by resolution, to 8547
the electors of that subdivision the question of issuing the 8548
bonds. The resolution shall make the declarations and statements 8549
required by section 133.18 of the Revised Code. The county auditor 8550
and taxing authority shall thereupon proceed as set forth in 8551
divisions (C) and (D) of that section. The election on the 8552
question of issuing the bonds shall be held under divisions (E), 8553
(F), and (G) of that section, except that publication of the 8554
notice of the election shall be made on two separate days prior to 8555
the election in a newspaper of general circulation in the 8556
subdivision or as provided in section 7.16 of the Revised Code. If 8557
the board of elections operates and maintains a web site, notice 8558
of the election also shall be posted on that web site for thirty 8559
days prior to the election. The bonds may be exchanged at their 8560
face value with creditors of the subdivision in liquidating the 8561
indebtedness described and enumerated in division (B)(2) of this 8562
section or may be sold as provided in Chapter 133. of the Revised 8563
Code, and in either event shall be uncontestable. 8564

(H) The per cent of delinquent taxes and assessments 8565
collected for and to the credit of the subdivision after the 8566
exchange or sale of bonds as certified by the commissioner shall 8567
be paid to the authority having charge of the sinking fund of the 8568
subdivision, which money shall be placed in a separate fund for 8569
the purpose of retiring the bonds so issued. The proper authority 8570
of the subdivisions shall provide for the levying of a tax 8571
sufficient in amount to pay the debt charges on all such bonds 8572
issued under this section. 8573

(I) This section is for the sole purpose of assisting the 8574
various subdivisions in paying their unsecured indebtedness, ~~and~~ 8575
~~providing funds for disability financial assistance.~~ The bonds 8576
issued under authority of this section shall not be used for any 8577
other purpose, and any exchange for other purposes, or the use of 8578

the money derived from the sale of the bonds by the subdivision 8579
for any other purpose, is misapplication of funds. 8580

(J) The bonds authorized by this section shall be redeemable 8581
or payable in not to exceed ten years from date of issue and shall 8582
not be subject to or considered in calculating the net 8583
indebtedness of the subdivision. The budget commission of the 8584
county in which the subdivision is located shall annually allocate 8585
such portion of the then delinquent levy due the subdivision which 8586
is unpledged for other purposes to the payment of debt charges on 8587
the bonds issued under authority of this section. 8588

(K) The issue of bonds under this section shall be governed 8589
by Chapter 133. of the Revised Code, respecting the terms used, 8590
forms, manner of sale, and redemption except as otherwise provided 8591
in this section. 8592

The board of county commissioners of any county may issue 8593
bonds authorized by this section and distribute the proceeds of 8594
the bond issues to any or all of the cities and townships of the 8595
county, ~~according to their relative needs for disability financial~~ 8596
~~assistance as determined by the county.~~ 8597

All sections of the Revised Code inconsistent with or 8598
prohibiting the exercise of the authority conferred by this 8599
section are inoperative respecting bonds issued under this 8600
section. 8601

Sec. 131.33. (A) No state agency shall incur an obligation 8602
which exceeds the agency's current appropriation authority. Except 8603
as provided in division (D) of this section, unexpended balances 8604
of appropriations shall, at the close of the period for which the 8605
appropriations are made, revert to the funds from which the 8606
appropriations were made, except that the director of budget and 8607
management shall transfer such unexpended balances from the first 8608
fiscal year to the second fiscal year of an agency's 8609

appropriations to the extent necessary for voided warrants to be 8610
reissued pursuant to division (C) of section 126.37 of the Revised 8611
Code. 8612

Except as provided in this section, appropriations made to a 8613
specific fiscal year shall be expended only to pay liabilities 8614
incurred within that fiscal year. 8615

(B) All payrolls shall be charged to the allotments of the 8616
fiscal quarters in which the applicable payroll vouchers are 8617
certified by the director of budget and management in accordance 8618
with section 126.07 of the Revised Code. As used in this division, 8619
"payrolls" means any payment made in accordance with section 8620
125.21 of the Revised Code. 8621

(C) Legal liabilities from prior fiscal years for which there 8622
is no reappropriation authority shall be discharged from the 8623
unencumbered balances of current appropriations. 8624

(D)(1) Federal grant funds obligated by the department of job 8625
and family services for financial allocations to county family 8626
services agencies and local ~~workforce investment~~ boards may, at 8627
the discretion of the director of job and family services, be 8628
available for expenditure for the duration of the federal grant 8629
period of obligation and liquidation, as follows: 8630

(a) At the end of the state fiscal year, all unexpended 8631
county family services agency and local ~~workforce investment~~ board 8632
financial allocations obligated from federal grant funds may 8633
continue to be valid for expenditure during subsequent state 8634
fiscal years. 8635

(b) The financial allocations described in division (D)(1)(a) 8636
of this section shall be reconciled at the end of the federal 8637
grant period of availability or as required by federal law, 8638
regardless of the state fiscal year of the appropriation. 8639

(2) The director of job and family services may adopt rules 8640

in accordance with section 111.15 of the Revised Code, as if they 8641
were internal management rules, as necessary to implement division 8642
(D) of this section. 8643

(3) As used in division (D) of this section: 8644

(a) "County family services agency" has the same meaning as 8645
in section 307.981 of the Revised Code. 8646

(b) "~~Local workforce investment board~~" ~~means a local~~ 8647
~~workforce investment board established under section 117 of the~~ 8648
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832,~~ 8649
~~as amended~~ has the same meaning as in section 6301.01 of the 8650
Revised Code. 8651

Sec. 131.35. (A) With respect to the federal funds received 8652
into any fund of the state from which transfers may be made under 8653
division (D) of section 127.14 of the Revised Code: 8654

(1) No state agency may make expenditures of any federal 8655
funds, whether such funds are advanced prior to expenditure or as 8656
reimbursement, unless such expenditures are made pursuant to 8657
specific appropriations of the general assembly, are authorized by 8658
the controlling board pursuant to division (A)(5) of this section, 8659
or are authorized by an executive order issued in accordance with 8660
section 107.17 of the Revised Code, and until an allotment has 8661
been approved by the director of budget and management. All 8662
federal funds received by a state agency shall be reported to the 8663
director within fifteen days of the receipt of such funds or the 8664
notification of award, whichever occurs first. The director shall 8665
prescribe the forms and procedures to be used when reporting the 8666
receipt of federal funds. 8667

(2) If the federal funds received are greater than the amount 8668
of such funds appropriated by the general assembly for a specific 8669
purpose, the total appropriation of federal and state funds for 8670

such purpose shall remain at the amount designated by the general assembly, except that the expenditure of federal funds received in excess of such specific appropriation may be authorized by the controlling board, subject to division (D) of this section.

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

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

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

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

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

(2) If the receipts received into any fund are greater than

the amount appropriated, the appropriation for that fund shall 8702
remain at the amount designated by the general assembly or, 8703
subject to division (D) of this section, as increased and approved 8704
by the controlling board. 8705

(3) Additional funds may be created by the controlling board 8706
to receive revenues not anticipated in an appropriations act for 8707
the biennium in which such new revenues are received. ~~Expenditures~~ 8708
Subject to division (D) of this section, expenditures from such 8709
additional funds may be authorized by the controlling board, but 8710
such authorization shall not extend beyond the end of the biennium 8711
in which such funds are created. 8712

(C) The controlling board shall not authorize more than ten 8713
per cent of additional spending from the occupational licensing 8714
and regulatory fund, created in section 4743.05 of the Revised 8715
Code, in excess of any appropriation made by the general assembly 8716
to a licensing agency except an appropriation for costs related to 8717
the examination or reexamination of applicants for a license. As 8718
used in this division, "licensing agency" and "license" have the 8719
same meanings as in section 4745.01 of the Revised Code. 8720

(D)(1) The amount of any expenditure authorized under 8721
division (A)(2) or (4) or (B)(2) or (3) of this section for a 8722
specific or related purpose or item in any fiscal year shall not 8723
exceed ten per cent of the amount appropriated by the general 8724
assembly for that specific or related purpose or item for that 8725
fiscal year, or ten million dollars, whichever amount is less. 8726

(2) The controlling board may not create any additional funds 8727
under division (A)(4) or (B)(3) of this section if the revenue 8728
received that was not anticipated in an appropriation act exceeds 8729
ten million dollars. 8730

Sec. 131.44. (A) As used in this section: 8731

- (1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance. 8732
8733
- (2) "Total fund balance" means the sum of the unencumbered balance in the general revenue fund on the last day of the preceding fiscal year plus the balance in the budget stabilization fund. 8734
8735
8736
8737
- (3) "Required year-end balance" means the sum of the following: 8738
8739
- (a) Eight and one-half per cent of the general revenue fund revenues for the preceding fiscal year; 8740
8741
- (b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year; 8742
8743
8744
- (c) "Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year; 8745
8746
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- (d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for the current biennium that the director of budget and management has determined will be encumbered or disbursed; 8750
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8753
- (e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code. 8754
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- (4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted 8760
8761

appropriations made by the general assembly from the general 8762
revenue fund and includes both of the following: 8763

(a) Appropriations made and transfers of appropriations from 8764
the first fiscal year to the second fiscal year of the biennium in 8765
provisions of acts of the general assembly signed by the governor 8766
but not yet effective; 8767

(b) Transfers of appropriations from the first fiscal year to 8768
the second fiscal year of the biennium approved by the controlling 8769
board. 8770

(5) "Estimated general revenue fund revenue" means the most 8771
recent such estimate available to the director of budget and 8772
management. 8773

(B)(1) Not later than the thirty-first day of July each year, 8774
the director of budget and management shall determine the surplus 8775
revenue that existed on the preceding thirtieth day of June and 8776
transfer from the general revenue fund, to the extent of the 8777
unobligated, unencumbered balance on the preceding thirtieth day 8778
of June in excess of one-half of one per cent of the general 8779
revenue fund revenues in the preceding fiscal year, the following: 8780

(a) First, to the budget stabilization fund, any amount 8781
necessary for the balance of the budget stabilization fund to 8782
equal eight and one-half per cent of the general revenue fund 8783
revenues of the preceding fiscal year; 8784

(b) Then, to the income tax reduction fund, which is hereby 8785
created in the state treasury, an amount equal to the surplus 8786
revenue. 8787

(2) Not later than the thirty-first day of July each year, 8788
the director shall determine the percentage that the balance in 8789
the income tax reduction fund is of the amount of revenue that the 8790
director estimates will be received from the tax levied under 8791
section 5747.02 of the Revised Code in the current fiscal year 8792

without regard to any reduction under division (B) of that 8793
section. If that percentage exceeds thirty-five one hundredths of 8794
one per cent, the director shall certify the percentage to the tax 8795
commissioner not later than the thirty-first day of July. 8796

(C) The director of budget and management shall transfer 8797
money in the income tax reduction fund to the general revenue 8798
fund, the local government fund, and the public library fund as 8799
necessary to offset revenue reductions resulting from the 8800
reductions in taxes required under division (B) of section 5747.02 8801
of the Revised Code in the respective amounts and percentages 8802
prescribed by division (A) of section 5747.03 and divisions ~~(B)~~(A) 8803
and ~~(C)~~(B) of section 131.51 of the Revised Code as if the amount 8804
transferred had been collected as taxes under Chapter 5747. of the 8805
Revised Code. If no reductions in taxes are made under that 8806
division that affect revenue received in the current fiscal year, 8807
the director shall not transfer money from the income tax 8808
reduction fund to the general revenue fund, the local government 8809
fund, and the public library fund. 8810

~~Sec. 131.51. (A) On or before July 5, 2013, the tax 8811
commissioner shall compute the following amounts and certify those 8812
amounts to the director of budget and management:~~ 8813

~~(1) A percentage calculated by multiplying one hundred by the 8814
quotient obtained by dividing the total amount credited to the 8815
local government fund in fiscal year 2013 by the total amount of 8816
tax revenue credited to the general revenue fund in fiscal year 8817
2013. The percentage shall be rounded to the nearest one hundredth 8818
of one per cent.~~ 8819

~~(2) A percentage calculated by multiplying one hundred by the 8820
quotient obtained by dividing the total amount credited to the 8821
public library fund in fiscal year 2013 by the total amount of tax 8822
revenue credited to the general revenue fund in fiscal year 2013.~~ 8823

~~The percentage shall be rounded to the nearest one hundredth of
one per cent.~~ 8824
8825

~~(B)~~ On or before the seventh day of each month, the director 8826
of budget and management shall credit to the local government fund 8827
~~an amount equal to the product obtained by multiplying the~~ 8828
~~percentage calculated under division (A)(1) of this section by one~~ 8829
~~and sixty-six one-hundredths per cent of the total tax revenue~~ 8830
credited to the general revenue fund during the preceding month. 8831
In determining the total tax revenue credited to the general 8832
revenue fund during the preceding month, the director shall 8833
include amounts transferred from the fund during the preceding 8834
month under this division and division ~~(C)~~(B) of this section. 8835
Money shall be distributed from the local government fund as 8836
required under ~~section~~ sections 5747.50 and 5747.503 of the 8837
Revised Code during the same month in which it is credited to the 8838
fund. 8839

~~(C)~~(B) On or before the seventh day of each month, the 8840
director of budget and management shall credit to the public 8841
library fund ~~an amount equal to the product obtained by~~ 8842
~~multiplying the percentage calculated under division (A)(2) of~~ 8843
~~this section by one and sixty-six one-hundredths per cent of the~~ 8844
total tax revenue credited to the general revenue fund during the 8845
preceding month. In determining the total tax revenue credited to 8846
the general revenue fund during the preceding month, the director 8847
shall include amounts transferred from the fund during the 8848
preceding month under this division and division ~~(B)~~(A) of this 8849
section. Money shall be distributed from the public library fund 8850
as required under section 5747.47 of the Revised Code during the 8851
same month in which it is credited to the fund. 8852

~~(D)~~(C) The director of budget and management shall develop a 8853
schedule identifying the specific tax revenue sources to be used 8854
to make the monthly transfers required under divisions ~~(B)~~(A) and 8855

~~(C)~~(B) of this section. The director may, from time to time, 8856
revise the schedule as the director considers necessary. 8857

Sec. 133.022. (A) As used in this section: 8858

(1) "Large local educational agency" and "qualified school 8859
construction bond" have the same meaning as in section 54F of the 8860
Internal Revenue Code, 26 U.S.C. 54F. 8861

(2) "National limit" means, as applicable, the limitation on 8862
the aggregate amount of qualified school construction bonds that 8863
may be issued by the states each calendar year under section 54F 8864
of the Internal Revenue Code. 8865

(3) "State portion" means the portion of the national limit 8866
allocated to this state pursuant to section 54F of the Internal 8867
Revenue Code. 8868

(B)(1) To provide for the orderly and prompt issuance of 8869
qualified school construction bonds, the Ohio ~~school~~ facilities 8870
construction commission, in consultation with the director of 8871
budget and management, shall allocate the state portion among 8872
those issuers authorized to issue qualified school construction 8873
bonds. The Ohio ~~school~~ facilities construction commission may also 8874
accept from any large local educational agency the allocation 8875
received by that agency under section 54F(d)(2) of the Internal 8876
Revenue Code and reallocate it to any issuer or issuers authorized 8877
to issue obligations, including any large local educational 8878
agency. 8879

(2) The factors to be considered when making allocations of 8880
the state portion or reallocations of any amounts received by a 8881
large local educational agency include the following: 8882

(a) The interests of the state with regard to education and 8883
economic development; 8884

(b) The need and ability of each issuer to issue obligations. 8885

(3) The Ohio ~~school~~ facilities construction commission, in 8886
consultation with the director of budget and management, shall 8887
establish procedures for making allocations, including those from 8888
any carryover of the state portion, and shall adopt guidelines to 8889
carry out the purposes of this section. 8890

Sec. 133.06. (A) A school district shall not incur, without a 8891
vote of the electors, net indebtedness that exceeds an amount 8892
equal to one-tenth of one per cent of its tax valuation, except as 8893
provided in divisions (G) and (H) of this section and in division 8894
(D) of section 3313.372 of the Revised Code, or as prescribed in 8895
section 3318.052 or 3318.44 of the Revised Code, or as provided in 8896
division (J) of this section. 8897

(B) Except as provided in divisions (E), (F), and (I) of this 8898
section, a school district shall not incur net indebtedness that 8899
exceeds an amount equal to nine per cent of its tax valuation. 8900

(C) A school district shall not submit to a vote of the 8901
electors the question of the issuance of securities in an amount 8902
that will make the district's net indebtedness after the issuance 8903
of the securities exceed an amount equal to four per cent of its 8904
tax valuation, unless the superintendent of public instruction, 8905
acting under policies adopted by the state board of education, and 8906
the tax commissioner, acting under written policies of the 8907
commissioner, consent to the submission. A request for the 8908
consents shall be made at least one hundred twenty days prior to 8909
the election at which the question is to be submitted. 8910

The superintendent of public instruction shall certify to the 8911
district the superintendent's and the tax commissioner's decisions 8912
within thirty days after receipt of the request for consents. 8913

If the electors do not approve the issuance of securities at 8914
the election for which the superintendent of public instruction 8915
and tax commissioner consented to the submission of the question, 8916

the school district may submit the same question to the electors 8917
on the date that the next special election may be held under 8918
section 3501.01 of the Revised Code without submitting a new 8919
request for consent. If the school district seeks to submit the 8920
same question at any other subsequent election, the district shall 8921
first submit a new request for consent in accordance with this 8922
division. 8923

(D) In calculating the net indebtedness of a school district, 8924
none of the following shall be considered: 8925

(1) Securities issued to acquire school buses and other 8926
equipment used in transporting pupils or issued pursuant to 8927
division (D) of section 133.10 of the Revised Code; 8928

(2) Securities issued under division (F) of this section, 8929
under section 133.301 of the Revised Code, and, to the extent in 8930
excess of the limitation stated in division (B) of this section, 8931
under division (E) of this section; 8932

(3) Indebtedness resulting from the dissolution of a joint 8933
vocational school district under section 3311.217 of the Revised 8934
Code, evidenced by outstanding securities of that joint vocational 8935
school district; 8936

(4) Loans, evidenced by any securities, received under 8937
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 8938

(5) Debt incurred under section 3313.374 of the Revised Code; 8939

(6) Debt incurred pursuant to division (B)(5) of section 8940
3313.37 of the Revised Code to acquire computers and related 8941
hardware; 8942

(7) Debt incurred under section 3318.042 of the Revised Code. 8943

(E) A school district may become a special needs district as 8944
to certain securities as provided in division (E) of this section. 8945

(1) A board of education, by resolution, may declare its 8946

school district to be a special needs district by determining both 8947
of the following: 8948

(a) The student population is not being adequately serviced 8949
by the existing permanent improvements of the district. 8950

(b) The district cannot obtain sufficient funds by the 8951
issuance of securities within the limitation of division (B) of 8952
this section to provide additional or improved needed permanent 8953
improvements in time to meet the needs. 8954

(2) The board of education shall certify a copy of that 8955
resolution to the superintendent of public instruction with a 8956
statistical report showing all of the following: 8957

(a) The history of and a projection of the growth of the tax 8958
valuation; 8959

(b) The projected needs; 8960

(c) The estimated cost of permanent improvements proposed to 8961
meet such projected needs. 8962

(3) The superintendent of public instruction shall certify 8963
the district as an approved special needs district if the 8964
superintendent finds both of the following: 8965

(a) The district does not have available sufficient 8966
additional funds from state or federal sources to meet the 8967
projected needs. 8968

(b) The projection of the potential average growth of tax 8969
valuation during the next five years, according to the information 8970
certified to the superintendent and any other information the 8971
superintendent obtains, indicates a likelihood of potential 8972
average growth of tax valuation of the district during the next 8973
five years of an average of not less than one and one-half per 8974
cent per year. The findings and certification of the 8975
superintendent shall be conclusive. 8976

(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:

(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

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

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

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

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

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

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

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

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

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

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

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

(G)(1) The board of education may contract with an architect, 9039
professional engineer, or other person experienced in the design 9040
and implementation of energy conservation measures for an analysis 9041
and recommendations pertaining to installations, modifications of 9042
installations, or remodeling that would significantly reduce 9043
energy consumption in buildings owned by the district. The report 9044
shall include estimates of all costs of such installations, 9045
modifications, or remodeling, including costs of design, 9046
engineering, installation, maintenance, repairs, measurement and 9047
verification of energy savings, and debt service, forgone residual 9048
value of materials or equipment replaced by the energy 9049
conservation measure, as defined by the Ohio ~~school~~ facilities 9050
construction commission, a baseline analysis of actual energy 9051
consumption data for the preceding three years with the utility 9052
baseline based on only the actual energy consumption data for the 9053
preceding twelve months, and estimates of the amounts by which 9054
energy consumption and resultant operational and maintenance 9055
costs, as defined by the commission, would be reduced. 9056

If the board finds after receiving the report that the amount 9057
of money the district would spend on such installations, 9058
modifications, or remodeling is not likely to exceed the amount of 9059
money it would save in energy and resultant operational and 9060
maintenance costs over the ensuing fifteen years, the board may 9061
submit to the commission a copy of its findings and a request for 9062
approval to incur indebtedness to finance the making or 9063
modification of installations or the remodeling of buildings for 9064
the purpose of significantly reducing energy consumption. 9065

The ~~school~~ facilities construction commission, in 9066
consultation with the auditor of state, may deny a request under 9067
this division by the board of education of any school district 9068
that is in a state of fiscal watch pursuant to division (A) of 9069
section 3316.03 of the Revised Code, if it determines that the 9070

expenditure of funds is not in the best interest of the school 9071
district. 9072

No district board of education of a school district that is 9073
in a state of fiscal emergency pursuant to division (B) of section 9074
3316.03 of the Revised Code shall submit a request without 9075
submitting evidence that the installations, modifications, or 9076
remodeling have been approved by the district's financial planning 9077
and supervision commission established under section 3316.05 of 9078
the Revised Code. 9079

No board of education of a school district that, for three or 9080
more consecutive years, has been declared to be in a state of 9081
academic emergency under section 3302.03 of the Revised Code, as 9082
that section existed prior to March 22, 2013, and has failed to 9083
meet adequate yearly progress, or has met any condition set forth 9084
in division (A) of section 3302.10 of the Revised Code shall 9085
submit a request without first receiving approval to incur 9086
indebtedness from the district's academic distress commission 9087
established under that section, for so long as such commission 9088
continues to be required for the district. 9089

(2) The ~~school~~ facilities construction commission shall 9090
approve the board's request provided that the following conditions 9091
are satisfied: 9092

(a) The commission determines that the board's findings are 9093
reasonable. 9094

(b) The request for approval is complete. 9095

(c) The installations, modifications, or remodeling are 9096
consistent with any project to construct or acquire classroom 9097
facilities, or to reconstruct or make additions to existing 9098
classroom facilities under sections 3318.01 to 3318.20 or sections 9099
3318.40 to 3318.45 of the Revised Code. 9100

Upon receipt of the commission's approval, the district may 9101

issue securities without a vote of the electors in a principal 9102
amount not to exceed nine-tenths of one per cent of its tax 9103
valuation for the purpose of making such installations, 9104
modifications, or remodeling, but the total net indebtedness of 9105
the district without a vote of the electors incurred under this 9106
and all other sections of the Revised Code, except section 9107
3318.052 of the Revised Code, shall not exceed one per cent of the 9108
district's tax valuation. 9109

(3) So long as any securities issued under this division 9110
remain outstanding, the board of education shall monitor the 9111
energy consumption and resultant operational and maintenance costs 9112
of buildings in which installations or modifications have been 9113
made or remodeling has been done pursuant to this division. Except 9114
as provided in division (G)(4) of this section, the board shall 9115
maintain and annually update a report in a form and manner 9116
prescribed by the ~~school~~ facilities construction commission 9117
documenting the reductions in energy consumption and resultant 9118
operational and maintenance cost savings attributable to such 9119
installations, modifications, or remodeling. The resultant 9120
operational and maintenance cost savings shall be certified by the 9121
school district treasurer. The report shall be submitted annually 9122
to the commission. 9123

(4) If the ~~school~~ facilities construction commission verifies 9124
that the certified annual reports submitted to the commission by a 9125
board of education under division (G)(3) of this section fulfill 9126
the guarantee required under division (B) of section 3313.372 of 9127
the Revised Code for three consecutive years, the board of 9128
education shall no longer be subject to the annual reporting 9129
requirements of division (G)(3) of this section. 9130

(H) With the consent of the superintendent of public 9131
instruction, a school district may incur without a vote of the 9132
electors net indebtedness that exceeds the amounts stated in 9133

divisions (A) and (G) of this section for the purpose of paying 9134
costs of permanent improvements, if and to the extent that both of 9135
the following conditions are satisfied: 9136

(1) The fiscal officer of the school district estimates that 9137
receipts of the school district from payments made under or 9138
pursuant to agreements entered into pursuant to section 725.02, 9139
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 9140
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the 9141
Revised Code, or distributions under division (C) of section 9142
5709.43 or division (B) of section 5709.47 of the Revised Code, or 9143
any combination thereof, are, after accounting for any appropriate 9144
coverage requirements, sufficient in time and amount, and are 9145
committed by the proceedings, to pay the debt charges on the 9146
securities issued to evidence that indebtedness and payable from 9147
those receipts, and the taxing authority of the district confirms 9148
the fiscal officer's estimate, which confirmation is approved by 9149
the superintendent of public instruction; 9150

(2) The fiscal officer of the school district certifies, and 9151
the taxing authority of the district confirms, that the district, 9152
at the time of the certification and confirmation, reasonably 9153
expects to have sufficient revenue available for the purpose of 9154
operating such permanent improvements for their intended purpose 9155
upon acquisition or completion thereof, and the superintendent of 9156
public instruction approves the taxing authority's confirmation. 9157

The maximum maturity of securities issued under division (H) 9158
of this section shall be the lesser of twenty years or the maximum 9159
maturity calculated under section 133.20 of the Revised Code. 9160

(I) A school district may incur net indebtedness by the 9161
issuance of securities in accordance with the provisions of this 9162
chapter in excess of the limit specified in division (B) or (C) of 9163
this section when necessary to raise the school district portion 9164
of the basic project cost and any additional funds necessary to 9165

participate in a project under Chapter 3318. of the Revised Code, 9166
including the cost of items designated by the ~~school~~ facilities 9167
construction commission as required locally funded initiatives, 9168
the cost of other locally funded initiatives in an amount that 9169
does not exceed fifty per cent of the district's portion of the 9170
basic project cost, and the cost for site acquisition. The 9171
commission shall notify the superintendent of public instruction 9172
whenever a school district will exceed either limit pursuant to 9173
this division. 9174

(J) A school district whose portion of the basic project cost 9175
of its classroom facilities project under sections 3318.01 to 9176
3318.20 of the Revised Code is greater than or equal to one 9177
hundred million dollars may incur without a vote of the electors 9178
net indebtedness in an amount up to two per cent of its tax 9179
valuation through the issuance of general obligation securities in 9180
order to generate all or part of the amount of its portion of the 9181
basic project cost if the controlling board has approved the 9182
~~school~~ facilities construction commission's conditional approval 9183
of the project under section 3318.04 of the Revised Code. The 9184
school district board and the Ohio ~~school~~ facilities construction 9185
commission shall include the dedication of the proceeds of such 9186
securities in the agreement entered into under section 3318.08 of 9187
the Revised Code. No state moneys shall be released for a project 9188
to which this section applies until the proceeds of any bonds 9189
issued under this section that are dedicated for the payment of 9190
the school district portion of the project are first deposited 9191
into the school district's project construction fund. 9192

Sec. 133.061. (A) This section applies only to a school 9193
district that satisfies all of the following conditions: 9194

(1) The district, prior to ~~the effective date of this section~~ 9195
June 30, 2007, undertook a classroom facilities project under 9196

section 3318.37 of the Revised Code. 9197

(2) The district will undertake a subsequent classroom 9198
facilities project under section 3318.37 of the Revised Code that 9199
will consist of a single building housing grades six through 9200
twelve. 9201

(3) The district's project described in division (A)(2) of 9202
this section will include locally funded initiatives that are not 9203
required by the Ohio ~~school~~ facilities construction commission. 9204

(4) The district's project described in division (A)(2) of 9205
this section will commence within two years after ~~the effective~~ 9206
~~date of this section~~ June 30, 2007. 9207

(B) Notwithstanding any other provision of law to the 9208
contrary, a school district to which this section applies may 9209
incur net indebtedness by the issuance of securities in accordance 9210
with the provisions of this chapter in excess of the limit 9211
specified in division (B) or (C) of section 133.06 of the Revised 9212
Code when necessary to raise the school district portion of the 9213
basic project cost and any additional funds necessary to 9214
participate in the classroom facilities project described in 9215
division (A)(2) of this section, including the cost of items 9216
designated by the Ohio ~~school~~ facilities construction commission 9217
as required locally funded initiatives, the cost for site 9218
acquisition, and the cost of the locally funded initiatives that 9219
are not required by the commission described in division (A)(3) of 9220
this section, as long as the district's total net indebtedness 9221
after the issuance of those securities does not exceed one hundred 9222
twenty-five per cent of the limit prescribed in division (B) of 9223
section 133.06 of the Revised Code and the electors of the 9224
district approve the issuance of those securities. 9225

The ~~school~~ facilities construction commission shall notify 9226
the superintendent of public instruction whenever a school 9227

district will exceed either limit pursuant to this section. 9228

Sec. 135.143. (A) The treasurer of state may invest or 9229
execute transactions for any part or all of the interim funds of 9230
the state in the following classifications of obligations: 9231

(1) United States treasury bills, notes, bonds, or any other 9232
obligations or securities issued by the United States treasury or 9233
any other obligation guaranteed as to principal and interest by 9234
the United States; 9235

(2) Bonds, notes, debentures, or any other obligations or 9236
securities issued by any federal government agency or 9237
instrumentality; 9238

(3)(a) Bonds, notes, and other obligations of the state of 9239
Ohio, including, but not limited to, any obligations issued by the 9240
treasurer of state, the Ohio public facilities commission, the 9241
Ohio building authority, the Ohio housing finance agency, the Ohio 9242
water development authority, and the Ohio turnpike infrastructure 9243
commission; 9244

(b) Bonds, notes, and other obligations of any state or 9245
political subdivision thereof rated in the three highest 9246
categories by at least one nationally recognized standard rating 9247
service and purchased through a registered securities broker or 9248
dealer, provided the treasurer of state is not the sole purchaser 9249
of the bonds, notes, or other obligations at original issuance. 9250

(4)(a) Written repurchase agreements with any eligible Ohio 9251
financial institution that is a member of the federal reserve 9252
system or federal home loan bank, or any registered United States 9253
government securities dealer, under the terms of which agreement 9254
the treasurer of state purchases and the eligible financial 9255
institution or dealer agrees unconditionally to repurchase any of 9256
the securities that are listed in division (A)(1), (2), or (6) of 9257

this section. The market value of securities subject to these 9258
transactions must exceed the principal value of the repurchase 9259
agreement by an amount specified by the treasurer of state, and 9260
the securities must be delivered into the custody of the treasurer 9261
of state or the qualified trustee or agent designated by the 9262
treasurer of state. The agreement shall contain the requirement 9263
that for each transaction pursuant to the agreement, the 9264
participating institution or dealer shall provide all of the 9265
following information: 9266

(i) The par value of the securities; 9267

(ii) The type, rate, and maturity date of the securities; 9268

(iii) A numerical identifier generally accepted in the 9269
securities industry that designates the securities. 9270

(b) The treasurer of state also may sell any securities, 9271
listed in division (A)(1), (2), or (6) of this section, regardless 9272
of maturity or time of redemption of the securities, under the 9273
same terms and conditions for repurchase, provided that the 9274
securities have been fully paid for and are owned by the treasurer 9275
of state at the time of the sale. 9276

(5) Securities lending agreements with any eligible financial 9277
institution that is a member of the federal reserve system or 9278
federal home loan bank or any recognized United States government 9279
securities dealer, under the terms of which agreements the 9280
treasurer of state lends securities and the eligible financial 9281
institution or dealer agrees to simultaneously exchange similar 9282
securities or cash, equal value for equal value. 9283

Securities and cash received as collateral for a securities 9284
lending agreement are not interim funds of the state. The 9285
investment of cash collateral received pursuant to a securities 9286
lending agreement may be invested only in such instruments 9287
specified by the treasurer of state in accordance with a written 9288

investment policy.	9289
(6) Various forms of commercial paper issued by any entity	9290
that is organized under the laws of the United States or a state,	9291
which notes are rated in the two highest categories by two	9292
nationally recognized standard rating services, provided that the	9293
total amount invested under this section in any commercial paper	9294
at any time shall not exceed forty per cent of the state's total	9295
average portfolio, as determined and calculated by the treasurer	9296
of state;	9297
(7) Bankers acceptances, maturing in two hundred seventy days	9298
or less, provided that the total amount invested in bankers	9299
acceptances at any time shall not exceed ten per cent of the	9300
state's total average portfolio, as determined and calculated by	9301
the treasurer of state;	9302
(8) Certificates of deposit in eligible institutions applying	9303
for interim moneys as provided in section 135.08 of the Revised	9304
Code, including linked deposits as provided in sections 135.61 to	9305
135.67 of the Revised Code, agricultural linked deposits as	9306
provided in sections 135.71 to 135.76 of the Revised Code,	9307
<u>business linked deposits as provided in sections 135.77 to 135.774</u>	9308
<u>of the Revised Code,</u> and housing linked deposits as provided in	9309
sections 135.81 to 135.87 of the Revised Code;	9310
(9) The state treasurer's investment pool authorized under	9311
section 135.45 of the Revised Code;	9312
(10) Debt interests, other than commercial paper described in	9313
division (A)(6) of this section, rated in the three highest	9314
categories by two nationally recognized standard rating services	9315
and issued by entities that are organized under the laws of the	9316
United States or a state, or issued by foreign nations	9317
diplomatically recognized by the United States government, or any	9318
instrument based on, derived from, or related to such interests,	9319

provided that: 9320

(a) The investments in debt interests other than commercial 9321
paper shall not exceed in the aggregate twenty-five per cent of 9322
the state's portfolio. 9323

(b) The investments in debt interests issued by foreign 9324
nations shall not exceed in the aggregate two per cent of the 9325
state's portfolio. 9326

The treasurer of state shall invest under division (A)(10) of 9327
this section in a debt interest issued by a foreign nation only if 9328
the debt interest is backed by the full faith and credit of that 9329
foreign nation, and provided that all interest and principal shall 9330
be denominated and payable in United States funds. 9331

(c) When added to the investment in commercial paper, the 9332
investments in the debt interests of a single issuer shall not 9333
exceed in the aggregate five per cent of the state's portfolio. 9334

(d) For purposes of division (A)(10) of this section, a debt 9335
interest is rated in the three highest categories by two 9336
nationally recognized standard rating services if either the debt 9337
interest itself or the issuer of the debt interest is rated, or is 9338
implicitly rated, in the three highest categories by two 9339
nationally recognized standard rating services. 9340

(e) For purposes of division (A)(10) of this section, the 9341
"state's portfolio" means the state's total average portfolio, as 9342
determined and calculated by the treasurer of state. 9343

(11) No-load money market mutual funds rated in the highest 9344
category by one nationally recognized standard rating service or 9345
consisting exclusively of obligations described in division 9346
(A)(1), (2), or (6) of this section and repurchase agreements 9347
secured by such obligations. 9348

(12) Obligations issued by, or on behalf of, an Ohio 9349

political subdivision under Chapter 133. of the Revised Code or 9350
Section 12 of Article XVIII, Ohio Constitution, and identified in 9351
an agreement described in division (G) of this section. 9352

(B) Whenever, during a period of designation, the treasurer 9353
of state classifies public moneys as interim moneys, the treasurer 9354
of state shall notify the state board of deposit of such action. 9355
The notification shall be given within thirty days after such 9356
classification and, in the event the state board of deposit does 9357
not concur in such classification or in the investments or 9358
deposits made under this section, the board may order the 9359
treasurer of state to sell or liquidate any of the investments or 9360
deposits, and any such order shall specifically describe the 9361
investments or deposits and fix the date upon which they are to be 9362
sold or liquidated. Investments or deposits so ordered to be sold 9363
or liquidated shall be sold or liquidated for cash by the 9364
treasurer of state on the date fixed in such order at the then 9365
current market price. Neither the treasurer of state nor the 9366
members of the state board of deposit shall be held accountable 9367
for any loss occasioned by sales or liquidations of investments or 9368
deposits at prices lower than their cost. Any loss or expense 9369
incurred in making these sales or liquidations is payable as other 9370
expenses of the treasurer's office. 9371

(C) If any securities or obligations invested in by the 9372
treasurer of state pursuant to this section are registrable either 9373
as to principal or interest, or both, such securities or 9374
obligations shall be registered in the name of the treasurer of 9375
state. 9376

(D) The treasurer of state is responsible for the safekeeping 9377
of all securities or obligations under this section. Any such 9378
securities or obligations may be deposited for safekeeping as 9379
provided in section 113.05 of the Revised Code. 9380

(E) Interest earned on any investments or deposits authorized 9381

by this section shall be collected by the treasurer of state and 9382
credited by the treasurer of state to the proper fund of the 9383
state. 9384

(F) Whenever investments or deposits acquired under this 9385
section mature and become due and payable, the treasurer of state 9386
shall present them for payment according to their tenor, and shall 9387
collect the moneys payable thereon. The moneys so collected shall 9388
be treated as public moneys subject to sections 135.01 to 135.21 9389
of the Revised Code. 9390

(G) The treasurer of state and any entity issuing obligations 9391
referred to in division (A)(12) of this section, which obligations 9392
mature within one year from the original date of issuance, may 9393
enter into an agreement providing for: 9394

(1) The purchase of those obligations by the treasurer of 9395
state on terms and subject to conditions set forth in the 9396
agreement; 9397

(2) The payment to the treasurer of state of a reasonable fee 9398
as consideration for the agreement of the treasurer of state to 9399
purchase those obligations; provided, however, that the treasurer 9400
of state shall not be authorized to enter into any such agreement 9401
with a board of education of a school district that has an 9402
outstanding obligation with respect to a loan received under 9403
authority of section 3313.483 of the Revised Code. 9404

(H) For purposes of division (G) of this section, a fee shall 9405
not be considered reasonable unless it is set to recover only the 9406
direct costs, a reasonable estimate of the indirect costs 9407
associated with the purchasing of obligations under division (G) 9408
of this section and any reselling of the obligations or any 9409
interest in the obligations, including interests in a fund 9410
comprised of the obligations, and the administration thereof. No 9411
money from the general revenue fund shall be used to subsidize the 9412

purchase or resale of these obligations. 9413

(I) All money collected by the treasurer of state from the 9414
fee imposed by division (G) of this section shall be deposited to 9415
the credit of the state political subdivision obligations fund, 9416
which is hereby created in the state treasury. Money credited to 9417
the fund shall be used solely to pay the treasurer of state's 9418
direct and indirect costs associated with purchasing and reselling 9419
obligations under division (G) of this section. 9420

(J) As used in this section, "political subdivision" means a 9421
county, township, municipal corporation, school district, or other 9422
body corporate and politic responsible for governmental activities 9423
in a geographic area smaller than that of the state. 9424

Sec. 135.182. (A) As used in this section: 9425

(1) "Public depository" means that term as defined in section 9426
135.01 of the Revised Code, but also means an institution that 9427
receives or holds any public deposits as defined in section 135.31 9428
of the Revised Code. 9429

(2) "Public depositor" means that term as defined in section 9430
135.01 of the Revised Code, but also includes a county and any 9431
municipal corporation that has adopted a charter under Article 9432
XVIII, Ohio Constitution. 9433

(3) "Public deposits," "public moneys," and "treasurer" mean 9434
those terms as defined in section 135.01 of the Revised Code, but 9435
also have the same meanings as are set forth in section 135.31 of 9436
the Revised Code. 9437

(B)(1) Not later than July 1, 2017, the treasurer of state 9438
shall create the Ohio pooled collateral program. Under this 9439
program, each institution designated as a public depository that 9440
selects the pledging method prescribed in division (A)(2) of 9441
section 135.18 or division (A)(2) of section 135.37 of the Revised 9442

Code shall pledge to the treasurer of state a single pool of 9443
eligible securities for the benefit of all public depositors at 9444
the public depository to secure the repayment of all uninsured 9445
public deposits at the public depository, provided that at all 9446
times the total market value of the securities so pledged is at 9447
least equal to either of the following: 9448

(a) One hundred two per cent of the total amount of all 9449
uninsured public deposits; 9450

(b) An amount determined by rules adopted by the treasurer of 9451
state that set forth the criteria for determining the aggregate 9452
market value of the pool of eligible securities pledged by a 9453
public depository pursuant to division (B) of this section. Such 9454
criteria shall include, but are not limited to, prudent capital 9455
and liquidity management by the public depository and the safety 9456
and soundness of the public depository as determined by a 9457
third-party rating organization. 9458

(2) The treasurer of state shall monitor the eligibility, 9459
market value, and face value of the pooled securities pledged by 9460
the public depository. Each public depository shall carry in its 9461
accounting records at all times a general ledger or other 9462
appropriate account of the total amount of all public deposits to 9463
be secured by the pool, as determined at the opening of business 9464
each day, and the total market value of securities pledged to 9465
secure such deposits, and report such information to the treasurer 9466
of state in a manner and frequency as determined by the treasurer 9467
of state pursuant to rules adopted by the treasurer of state. A 9468
public depositor shall be responsible for periodically confirming 9469
the accuracy of its account balances with the treasurer of state; 9470
otherwise, the treasurer of state shall be the sole public 9471
depositor responsible for monitoring and ensuring the sufficiency 9472
of securities pledged under this section. 9473

(C) The public depository shall designate a qualified trustee 9474

approved by the treasurer of state and place with such trustee for 9475
safekeeping the eligible securities pledged pursuant to division 9476
(B) of this section. The trustee shall hold the eligible 9477
securities in an account indicating the treasurer of state's 9478
security interest in the eligible securities. The treasurer of 9479
state shall give written notice of the trustee to all public 9480
depositors for which such securities are pledged. The trustee 9481
shall report to the treasurer of state information relating to the 9482
securities pledged to secure such public deposits in a manner and 9483
frequency as determined by the treasurer of state. 9484

(D) In order for a public depository to receive public moneys 9485
under this section, the public depository and the treasurer of 9486
state shall first execute an agreement that sets forth the entire 9487
arrangement among the parties and that meets the requirements 9488
described in 12 U.S.C. 1823(e). In addition, the agreement shall 9489
authorize the treasurer of state to obtain control of the 9490
collateral pursuant to division (D) of section 1308.24 of the 9491
Revised Code. 9492

(E) The securities or other obligations described in division 9493
(D) of section 135.18 of the Revised Code shall be eligible as 9494
collateral for the purposes of division (B) of this section, 9495
provided no such securities or obligations pledged as collateral 9496
are at any time in default as to either principal or interest. 9497

(F) Any federal reserve bank or branch thereof located in 9498
this state or federal home loan bank, without compliance with 9499
Chapter 1111. of the Revised Code and without becoming subject to 9500
any other law of this state relative to the exercise by 9501
corporations of trust powers generally, is qualified to act as 9502
trustee for the safekeeping of securities, under this section. Any 9503
institution mentioned in section 135.03 or 135.32 of the Revised 9504
Code that holds a certificate of qualification issued by the 9505
superintendent of financial institutions or any institution 9506

complying with sections 1111.04, 1111.05, and 1111.06 of the Revised Code is qualified to act as trustee for the safekeeping of securities under this section, other than those belonging to itself or to an affiliate as defined in section 1101.01 of the Revised Code.

(G) The public depository may substitute, exchange, or release eligible securities deposited with the qualified trustee pursuant to this section, provided that such substitution, exchange, or release is effectuated pursuant to written authorization from the treasurer of state, and such action does not reduce the total market value of the securities to an amount that is less than the amount established pursuant to division (B) of this section.

(H) Notwithstanding the fact that a public depository is required to pledge eligible securities in certain amounts to secure public deposits, a qualified trustee has no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a public depository. This applies in all situations including, but not limited to, a substitution or exchange of securities, but excluding those situations effectuated by division (I) of this section in which the trustee is required to determine face and market value.

(I) The qualified trustee shall enter into a custodial agreement with the treasurer of state and public depository in which the trustee agrees to comply with entitlement orders originated by the treasurer of state without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the treasurer of state shall have the treasurer's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails

to pay over any part of the public deposits made therein as 9539
provided by law and secured pursuant to division (B) of this 9540
section, the treasurer of state shall give written notice of this 9541
failure to the qualified trustee holding the pool of securities 9542
pledged against the public deposits, and at the same time shall 9543
send a copy of this notice to the public depository. Upon receipt 9544
of this notice, the trustee shall transfer to the treasurer of 9545
state for sale, the pooled securities that are necessary to 9546
produce an amount equal to the public deposits made by the public 9547
depositor and not paid over, less the portion of the deposits 9548
covered by any federal deposit insurance, plus any accrued 9549
interest due on the deposits. The treasurer of state shall sell 9550
any of the bonds or other securities so transferred. When a sale 9551
of bonds or other securities has been so made and upon payment to 9552
the public depositor of the purchase money, the treasurer of state 9553
shall transfer such bonds or securities whereupon the absolute 9554
ownership of such bonds or securities shall pass to the 9555
purchasers. Any surplus after deducting the amount due to the 9556
public depositor and expenses of sale shall be paid to the public 9557
depository. 9558

(J) Any charges or compensation of a qualified trustee for 9559
acting as such under this section shall be paid by the public 9560
depository and in no event shall be chargeable to the public 9561
depositor or to any officer of the public depositor. The charges 9562
or compensation shall not be a lien or charge upon the securities 9563
deposited for safekeeping prior or superior to the rights to and 9564
interests in the securities of the public depositor. The treasurer 9565
and the treasurer's bonders or surety shall be relieved from any 9566
liability to the public depositor or to the public depository for 9567
the loss or destruction of any securities deposited with a 9568
qualified trustee pursuant to this section. 9569

(K)(1) The following information is confidential and not a 9570

public record under section 149.43 of the Revised Code: 9571

(a) All reports or other information obtained or created 9572
about a public depository for purposes of division (B)(1)(b) of 9573
this section: 9574

(b) The identity of a public depositor's public depository; 9575

(c) The identity of a public depository's public depositors. 9576

(2) Nothing in this section prevents the treasurer of state 9577
from releasing or exchanging such confidential information as 9578
required by law or for the operation of the pooled collateral 9579
program. 9580

(L) The treasurer of state may impose reasonable fees, 9581
including late fees, upon public depositories participating in the 9582
pooled collateral program to defray the actual and necessary 9583
expenses incurred by the treasurer in connection with the program. 9584
All such fees collected by the treasurer shall be deposited into 9585
the state treasury to the credit of the administrative fund 9586
created in section 113.20 of the Revised Code. 9587

(M) The treasurer of state may adopt rules necessary for the 9588
implementation of this section and sections 135.18 and 135.181 of 9589
the Revised Code. Such rules shall be adopted in accordance with 9590
Chapter 119. of the Revised Code. 9591

Sec. 135.45. (A) Subject to division (B) of this section, a 9592
treasurer, governing board, or investing authority of a 9593
subdivision may pay public moneys of the subdivision into the Ohio 9594
subdivision's fund, which may be established in the custody of the 9595
treasurer of state. The treasurer of state shall invest the moneys 9596
in the fund as in separately managed accounts and pooled accounts, 9597
including the state treasurer's investment pool, in the same 9598
manner, in the same types of instruments, and subject to the same 9599
limitations provided for the deposit and investment of interim 9600

moneys of the state, except that the fund shall not be invested in 9601
the linked deposits authorized under sections 135.61 to 135.67 of 9602
the Revised Code. 9603

(B)(1) On and after July 1, 1997, a treasurer, governing 9604
board, or investing authority of a subdivision that has not 9605
entered into an agreement with the treasurer of state under 9606
division (C) of this section shall not invest public moneys of the 9607
subdivision in a pooled account of the Ohio subdivision's fund 9608
under division (B)(6) of section 135.14 of the Revised Code or 9609
division (A)(6) of section 135.35 of the Revised Code if the ~~fund~~ 9610
pool does not maintain the highest letter or numerical rating 9611
provided by at least one nationally recognized standard rating 9612
service. 9613

(2) Upon receipt of notice that the ~~fund~~ pool does not 9614
maintain the highest letter or numerical rating required under 9615
division (B)(1) of this section, the treasurer of state shall have 9616
ninety days to obtain the required highest letter or numerical 9617
rating. If the treasurer of state fails to obtain the required 9618
highest letter or numerical rating, the treasurer of state shall 9619
have an additional one hundred eighty days to develop a plan to 9620
dissolve the ~~fund~~ pool. The plan shall include reasonable 9621
standards for the equitable return of public moneys in the ~~fund~~ 9622
pool to those subdivisions participating in the ~~fund~~ pool. 9623

(3) Treasurers, governing boards, or investing authorities of 9624
subdivisions participating in the ~~fund~~ pool shall not be required 9625
to divest in the ~~fund~~ pool during the initial one hundred eighty 9626
days following the treasurer of state's receipt of notice under 9627
division (B)(2) of this section. 9628

(C) A treasurer, governing board, or investing authority of a 9629
subdivision that wishes to invest public moneys of the subdivision 9630
in a separately managed account or pooled account of the Ohio 9631
subdivision's fund may enter into an agreement with the treasurer 9632

of state that sets forth the manner in which the money is to be 9633
invested. The treasurer of state shall invest the moneys in 9634
accordance with the agreement, subject to the limitations set 9635
forth in division (A) of this section. For purposes of this 9636
division, the limitation on investments in debt interests provided 9637
in division (A)(10)(a) of section 135.143 of the Revised Code 9638
shall not apply to a subdivision's excess reserves. 9639

(D) The treasurer of state shall adopt such rules as are 9640
necessary for the implementation of this section, including the 9641
efficient administration of and accounting for the separately 9642
managed accounts and pooled accounts, including the state 9643
treasurer's investment pool, including and the specification of 9644
minimum amounts which that may be paid into the pool such pools 9645
and minimum periods of time for which such payments shall be 9646
retained in the pool pools. The rules shall provide for the 9647
administrative expenses of the separately managed accounts and 9648
pooled accounts, including the state treasurer's investment pool, 9649
to be paid from its the earnings and for the interest earnings in 9650
excess of such expenses to be credited to the several treasurers, 9651
governing boards, and investing authorities participating in the a 9652
pool in a manner which equitably reflects the differing amounts of 9653
their respective investments in the pool and the differing periods 9654
of time for which such amounts are in the pool. 9655

~~(D) Upon creating the pool, the~~ (E) The treasurer of state 9656
shall give bond with sufficient sureties, payable to the 9657
treasurers, governing boards, and investing authorities of 9658
subdivisions participating in the pool fund, for the benefit of 9659
the subdivisions whose moneys are paid into the pool fund for 9660
investment, in the total penal sum of two hundred fifty thousand 9661
dollars, conditioned for the faithful discharge of his the 9662
treasurer of state's duties in relation to the pool fund. 9663

~~(E)(F) The treasurer of state and his bondsmen~~ the treasurer 9664

of state's bonders or surety are liable for the loss of any 9665
interim moneys of the state and subdivisions invested under this 9666
section ~~through the state treasurer's investment pool~~ to the same 9667
extent the treasurer of state and ~~his bondsmen~~ the treasurer of 9668
state's bonders or surety are liable for the loss of public moneys 9669
under section 135.19 of the Revised Code. 9670

~~(F)~~(G) As used in this section: 9671

(1) "Interim moneys" and "governing board" have the same 9672
meanings as in section 135.01 of the Revised Code. 9673

(2)(a) "Subdivision" has the same meaning as in section 9674
135.01 of the Revised Code, but also includes a county, ~~or~~ a 9675
municipal corporation that has adopted a charter under Article 9676
XVIII, Ohio Constitution, or any government entity for which the 9677
fund is a permissible investment. 9678

(b) "Public moneys of a subdivision" has the same meaning as 9679
in section 135.01 of the Revised Code, but also includes "public 9680
moneys" as defined in section 135.31 of the Revised Code, and 9681
funds held in the custody of the treasurer of state 9682
notwithstanding any limitations on the permissible investments of 9683
such funds. 9684

(3) "Treasurer" has the same meaning as in sections 135.01 9685
and 135.31 of the Revised Code. 9686

(4) "Investing authority" has the same meaning as in section 9687
135.31 of the Revised Code. 9688

(5) "Excess reserves" means the amount of a subdivision's 9689
public moneys that exceed the average of a subdivision's annual 9690
operating expenses in the immediately preceding three fiscal 9691
years. 9692

Sec. 135.63. The treasurer of state may invest in linked 9693
deposits under sections 135.61 to 135.67, short-term installment 9694

loan linked deposits under sections 135.68 to 135.70, agricultural 9695
linked deposits under sections 135.71 to 135.76, business linked 9696
deposits under sections 135.77 to 135.774, housing linked deposits 9697
under sections 135.81 to 135.87, assistive technology device 9698
linked deposits under sections 135.91 to 135.97, and SaveNOW 9699
linked deposits under sections 135.101 to 135.106 of the Revised 9700
Code, provided that at the time of placement of any such linked 9701
deposit the combined amount of investments in all such linked 9702
deposits is not more than twelve per cent of the state's total 9703
average investment portfolio as determined by the treasurer of 9704
state. When deciding whether to invest in any such linked 9705
deposits, the treasurer of state shall give priority to the 9706
investment, liquidity, and cash flow needs of the state. 9707

Sec. 135.71. As used in sections 135.71 to 135.76 of the 9708
Revised Code: 9709

(A) "Eligible agricultural business" means any person engaged 9710
in agriculture that has all of the following characteristics: 9711

(1) Is headquartered and domiciled in this state; 9712

(2) Maintains land or facilities for agricultural purposes in 9713
this state provided that the land or facilities within this state 9714
comprise not less than fifty-one per cent of the total of all 9715
lands or facilities maintained by the person; 9716

(3) Is organized for profit. 9717

(B) "Eligible lending institution" means a financial 9718
institution that is eligible to make commercial loans, agrees to 9719
participate in the agricultural linked deposit program, and is any 9720
of the following: 9721

(1) Is a public depository of state funds under section 9722
135.03 of the Revised Code; ~~or~~ 9723

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 9724

Code, is an institution of the farm credit system organized under 9725
the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C.A. 9726
2001, as amended; 9727

(3) Notwithstanding sections 135.01 to 135.21 of the Revised 9728
Code, is a federal credit union, a foreign credit union licensed 9729
pursuant to section 1733.39 of the Revised Code, or a credit union 9730
as defined in section 1733.01 of the Revised Code, located in this 9731
state. 9732

(C) "Agricultural linked deposit" means a certificate of 9733
deposit placed by the treasurer of state with an eligible lending 9734
institution under section 135.74 of the Revised Code, share 9735
certificates issued by an eligible lending institution that are 9736
purchased by the treasurer of state, or an investment in bonds, 9737
notes, debentures, or other obligations or securities issued by 9738
the federal farm credit bank with regard to an eligible lending 9739
institution. 9740

(D) "Loan" means a contractual agreement under which an 9741
eligible lending institution agrees to lend money in the form of 9742
an upfront lump sum, a line of credit, or any other reasonable 9743
arrangement approved by the treasurer of state. 9744

Sec. 135.77. As used in sections 135.77 to 135.774 of the 9745
Revised Code: 9746

(A) "Business linked deposit" means share certificates issued 9747
by an eligible lending institution that are purchased by the 9748
treasurer of state in accordance with sections 135.772 to 135.774 9749
of the Revised Code. 9750

(B) "Eligible lending institution" means a federal credit 9751
union, a foreign credit union licensed pursuant to section 1733.39 9752
of the Revised Code, or a credit union as defined in section 9753
1733.01 of the Revised Code, located in this state. 9754

(C) "Eligible small business" means any person that has all 9755
of the following characteristics: 9756

(1) Is domiciled in this state; 9757

(2) Maintains offices and operating facilities exclusively in 9758
this state and transacts business in this state; 9759

(3) Employs fewer than one hundred fifty employees, the 9760
majority of whom are residents of this state; 9761

(4) Is organized for profit; 9762

(5) Is able to save or create one full-time job or two 9763
part-time jobs in this state for every fifty thousand dollars 9764
borrowed. 9765

(D) "Full-time job" means a job with regular hours of service 9766
totaling at least forty hours per week or any other standard of 9767
service accepted as full-time by the employee's employer. 9768

(E) "Loan" means a contractual agreement under which an 9769
eligible lending institution agrees to lend money in the form of 9770
an upfront lump sum, a line of credit, or any other reasonable 9771
arrangement approved by the treasurer of state. 9772

(F) "Part-time job" means a job with regular hours of service 9773
totaling fewer than forty hours per week or any other standard of 9774
service accepted as part-time by the employee's employer. 9775

Sec. 135.771. The general assembly finds that small 9776
businesses play an important role in creating jobs in this state. 9777
Accordingly, it is declared to be the public policy of the state 9778
through the business linked deposit program to foster economic 9779
growth and development within Ohio's small businesses, and to 9780
protect the jobs of this state. 9781

Sec. 135.772. (A) In accordance with section 135.64 of the 9782
Revised Code, an eligible lending institution that desires to 9783

receive a business linked deposit shall accept and review 9784
applications for loans from eligible small businesses and forward 9785
to the treasurer of state a linked deposit loan package. 9786

(B) No loan issued pursuant to sections 135.77 to 135.774 of 9787
the Revised Code shall exceed four hundred thousand dollars. 9788

Sec. 135.773. In accordance with section 135.65 of the 9789
Revised Code, the treasurer of state may accept or reject a 9790
business linked deposit loan package, or any portion thereof, and 9791
shall enter into a deposit agreement regarding any accepted loan 9792
packages. 9793

Sec. 135.774. (A) Upon the placement of a business linked 9794
deposit with an eligible lending institution, such institution is 9795
required to lend such funds to each approved eligible small 9796
business listed in the linked deposit loan package required by 9797
section 135.772 of the Revised Code and in accordance with the 9798
deposit agreement required by section 135.773 of the Revised Code. 9799
The loan shall be at a rate that reflects the following percentage 9800
rate reduction below the present borrowing rate applicable to each 9801
eligible small business: 9802

(1) Three per cent if the present borrowing rate is greater 9803
than five per cent; 9804

(2) Two and one-tenth per cent if the present borrowing rate 9805
is equal to or less than five per cent. 9806

A certification of compliance with this section in the form 9807
and manner as prescribed by the treasurer of state shall be 9808
required of the eligible lending institution. 9809

(B) The treasurer of state shall take any and all steps 9810
necessary to implement the business linked deposit program and 9811
monitor compliance of eligible lending institutions and eligible 9812
small businesses, including the development of guidelines as 9813

necessary. 9814

(C) The state and the treasurer of state are not liable to 9815
any eligible lending institution in any manner for payment of the 9816
principal or interest on the loan to an eligible small business. 9817
Any delay in payments or default on the part of an eligible small 9818
business does not in any manner affect the deposit agreement 9819
between the eligible lending institution and the treasurer of 9820
state. 9821

Sec. 135.78. (A) As used in this section: 9822

(1) "Eligible lending institution" has the same meaning as in 9823
section 135.77 of the Revised Code. 9824

(2) "Prevailing interest rate" means a current interest rate 9825
benchmark selected by the treasurer of state that banks are 9826
willing to pay to hold deposits for a specific time period, as 9827
measured by a third-party organization. 9828

(3) "Treasurer's assessment rate" means a number not 9829
exceeding ten per cent that is calculated in a manner determined 9830
by the treasurer of state and that seeks to account for the effect 9831
that varying tax treatment among different types of financial 9832
institutions has on the ability of financial institutions to pay 9833
competitive interest rates to hold deposits. 9834

(B) The treasurer of state shall, in accordance with Chapter 9835
111. of the Revised Code, adopt rules addressing the participation 9836
of eligible lending institutions in the agricultural linked 9837
deposit program under sections 135.71 to 135.76 of the Revised 9838
Code and the business linked deposit program under sections 135.77 9839
to 135.774 of the Revised Code, including, but not limited to, the 9840
manner in which an eligible lending institution is designated and 9841
the linked deposits are placed, held, and collateralized. 9842
Participation of eligible lending institutions in those linked 9843

deposit programs shall not begin until these rules have been 9844
adopted. 9845

(C) Notwithstanding any provision of law to the contrary, the 9846
treasurer of state, in the treasurer's sole discretion, may 9847
require an eligible lending institution that holds public deposits 9848
under sections 135.71 to 135.76 or 135.77 to 135.774 of the 9849
Revised Code to pay interest at a rate not lower than the product 9850
of the prevailing interest rate multiplied by the sum of one plus 9851
the treasurer's assessment rate. The treasurer may adopt rules 9852
necessary for the implementation of this division. The rules shall 9853
be adopted in accordance with Chapter 119. of the Revised Code. 9854

Sec. 147.08. A notary public is entitled to charge the 9855
following fees: 9856

(A) For the protest of a bill of exchange or promissory note, 9857
one dollar and actual necessary expenses in going beyond the 9858
corporate limits of a municipal corporation to make presentment or 9859
demand; 9860

(B) For recording an instrument required to be recorded by a 9861
notary public, ten cents for each one hundred words; 9862

(C) For taking and certifying acknowledgments of deeds, 9863
mortgages, liens, powers of attorney, and other instruments of 9864
writing, ~~and for taking and certifying depositions,~~ administering 9865
oaths, and other official services, ~~the same fees as are allowed~~ 9866
~~by section 2319.27 of the Revised Code or by law to clerks of the~~ 9867
~~courts of common pleas for like services~~ a fee set by the notary; 9868

(D) For taking and certifying depositions, the same fees as 9869
are allowed by section 2319.27 of the Revised Code; 9870

(E) For taking and certifying an affidavit, one dollar and 9871
fifty cents. 9872

Sec. 147.541. The words "acknowledged before me" means that: 9873

(A) The person acknowledging appeared before the person 9874
taking the acknowledgment, including by visually appearing through 9875
the use of any electronic communications devices approved by the 9876
secretary of state; 9877

(B) ~~He~~ The person acknowledging acknowledged ~~he executed~~ 9878
executing the instrument, including through the use of an 9879
electronic signature from technology approved by the secretary of 9880
state; 9881

(C) In the case of: 9882

(1) A natural person, ~~he~~ the person executed the instrument 9883
for the purposes therein stated; 9884

(2) A corporation, the officer or agent acknowledged ~~he held~~ 9885
holding the position or title set forth in the instrument and 9886
certificate, ~~he~~ the officer or agent signed the instrument on 9887
behalf of the corporation by proper authority, and the instrument 9888
was the act of the corporation for the purpose therein stated; 9889

(3) A partnership, the partner or agent acknowledged ~~he~~ 9890
~~signed~~ signing the instrument on behalf of the partnership by 9891
proper authority and ~~he~~ the partner or agent executed the 9892
instrument as the act of the partnership for the purposes therein 9893
stated; 9894

(4) A person acknowledging as principal by an attorney in 9895
fact, ~~he~~ the attorney in fact executed the instrument by proper 9896
authority as the act of the principal for the purposes therein 9897
stated; 9898

(5) A person acknowledging as a public officer, trustee, 9899
administrator, guardian, or other representative, ~~he~~ the person 9900
signed the instrument by proper authority and ~~he~~ the person 9901
executed the instrument in the capacity and for the purposes 9902

therein stated; and 9903

(D) The person taking the acknowledgment either knew or had 9904
satisfactory evidence that the person acknowledging was the person 9905
named in the instrument or certificate. 9906

Sec. 147.542. (A) A notary public, otherwise commissioned and 9907
appointed under this chapter, may use an electronic communications 9908
device, including a web site application, approved by the 9909
secretary of state to satisfy the acknowledgment requirements 9910
under sections 147.51 to 147.58 of the Revised Code and to 9911
electronically sign as the notary public. A notary public shall 9912
not use an electronic communications device to meet these 9913
requirements for a notarial act that is a deposition. 9914

(B) The secretary of state shall establish standards for 9915
approving an electronic communications device that may be used by 9916
a notary public. The office of information technology in the 9917
department of administrative services shall provide assistance to 9918
the secretary relating to the equipment, security, and 9919
technological aspects of the standards established. 9920

Sec. 147.543. (A) Before a currently commissioned and 9921
appointed notary public may use an electronic communications 9922
device to satisfy the acknowledgment requirements under sections 9923
147.51 to 147.58 of the Revised Code, the notary public shall 9924
submit a registration form established by the secretary of state 9925
to be commissioned as an electronic notary public. The secretary 9926
may establish a reasonable fee, not to exceed five dollars, for 9927
submitting and processing the registration form. The registration 9928
form shall include all of the following information and be 9929
transmitted electronically to the secretary of state: 9930

(1) The notary public's full legal name and official notary 9931
public name; 9932

<u>(2) A description of the technology the notary public will use to create an electronic signature in performing official acts;</u>	9933
<u>(3) Certification of compliance with electronic notary public standards developed in accordance with division (B) of section 147.542 of the Revised Code;</u>	9934
<u>(4) The electronic mail address of the notary public;</u>	9935
<u>(5) The signature of the notary public applying to use the electronic signature described in the form;</u>	9936
<u>(6) Any decrypting instructions, codes, keys, or software that allow the registration to be read; and</u>	9937
<u>(7) Any other information the secretary of state may require.</u>	9938
<u>(B) The secretary of state may deny a registration for an electronic notary public if any of the required information is missing or incorrect on the registration form, or if the technology the notary public identifies as being the technology the notary public will use is not approved by the secretary.</u>	9939
<u>(C) An electronic notary public's term shall expire and may be renewed at the same time the notary public's commission expires under section 147.03 of the Revised Code.</u>	9940
<u>(D) Nothing in division (A) of this section shall be construed to prevent a registered and commissioned electronic notary public from using updated technology during the term of the notary public's commission. If the notary public uses updated technology, the notary public shall notify the secretary of state electronically within ninety days of installation or use of the updated technology and provide a brief description of that technology.</u>	9941
Sec. 149.43. (A) As used in this section:	9942
(1) "Public record" means records kept by any public office,	9943
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including, but not limited to, state, county, city, village, 9962
township, and school district units, and records pertaining to the 9963
delivery of educational services by an alternative school in this 9964
state kept by the nonprofit or for-profit entity operating the 9965
alternative school pursuant to section 3313.533 of the Revised 9966
Code. "Public record" does not mean any of the following: 9967

(a) Medical records; 9968

(b) Records pertaining to probation and parole proceedings or 9969
to proceedings related to the imposition of community control 9970
sanctions and post-release control sanctions; 9971

(c) Records pertaining to actions under section 2151.85 and 9972
division (C) of section 2919.121 of the Revised Code and to 9973
appeals of actions arising under those sections; 9974

(d) Records pertaining to adoption proceedings, including the 9975
contents of an adoption file maintained by the department of 9976
health under sections 3705.12 to 3705.124 of the Revised Code; 9977

(e) Information in a record contained in the putative father 9978
registry established by section 3107.062 of the Revised Code, 9979
regardless of whether the information is held by the department of 9980
job and family services or, pursuant to section 3111.69 of the 9981
Revised Code, the office of child support in the department or a 9982
child support enforcement agency; 9983

(f) Records specified in division (A) of section 3107.52 of 9984
the Revised Code; 9985

(g) Trial preparation records; 9986

(h) Confidential law enforcement investigatory records; 9987

(i) Records containing information that is confidential under 9988
section 2710.03 or 4112.05 of the Revised Code; 9989

(j) DNA records stored in the DNA database pursuant to 9990
section 109.573 of the Revised Code; 9991

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	9992 9993 9994 9995
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	9996 9997 9998 9999
(m) Intellectual property records;	10000
(n) Donor profile records;	10001
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	10002 10003
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	10004 10005 10006 10007 10008 10009 10010
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	10011 10012 10013 10014 10015
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	10016 10017
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided	10018 10019 10020 10021

to the board or director, statements made by board members during 10022
meetings of the board or by persons participating in the 10023
director's review, and all work products of the board or director, 10024
and in the case of a child fatality review board, child fatality 10025
review data submitted by the board to the department of health or 10026
a national child death review database, other than the report 10027
prepared pursuant to division (A) of section 307.626 of the 10028
Revised Code; 10029

(t) Records provided to and statements made by the executive 10030
director of a public children services agency or a prosecuting 10031
attorney acting pursuant to section 5153.171 of the Revised Code 10032
other than the information released under that section; 10033

(u) Test materials, examinations, or evaluation tools used in 10034
an examination for licensure as a nursing home administrator that 10035
the board of executives of long-term services and supports 10036
administers under section 4751.04 of the Revised Code or contracts 10037
under that section with a private or government entity to 10038
administer; 10039

(v) Records the release of which is prohibited by state or 10040
federal law; 10041

(w) Proprietary information of or relating to any person that 10042
is submitted to or compiled by the Ohio venture capital authority 10043
created under section 150.01 of the Revised Code; 10044

(x) Financial statements and data any person submits for any 10045
purpose to the Ohio housing finance agency or the controlling 10046
board in connection with applying for, receiving, or accounting 10047
for financial assistance from the agency, and information that 10048
identifies any individual who benefits directly or indirectly from 10049
financial assistance from the agency; 10050

(y) Records listed in section 5101.29 of the Revised Code; 10051

(z) Discharges recorded with a county recorder under section 10052

317.24 of the Revised Code, as specified in division (B)(2) of 10053
that section; 10054

(aa) Usage information including names and addresses of 10055
specific residential and commercial customers of a municipally 10056
owned or operated public utility; 10057

(bb) Records described in division (C) of section 187.04 of 10058
the Revised Code that are not designated to be made available to 10059
the public as provided in that division; 10060

(cc) Information and records that are made confidential, 10061
privileged, and not subject to disclosure under divisions (B) and 10062
(C) of section 2949.221 of the Revised Code; 10063

(dd) Personal information, as defined in section 149.45 of 10064
the Revised Code; 10065

(ee) The confidential name, address, and other personally 10066
identifiable information of a program participant in the address 10067
confidentiality program established under sections 111.41 to 10068
111.47 of the Revised Code, including the contents of any 10069
application for absent voter's ballots, absent voter's ballot 10070
identification envelope statement of voter, or provisional ballot 10071
affirmation completed by a program participant who has a 10072
confidential voter registration record, and records or portions of 10073
records pertaining to that program that identify the number of 10074
program participants that reside within a precinct, ward, 10075
township, municipal corporation, county, or any other geographic 10076
area smaller than the state. As used in this division, 10077
"confidential address" and "program participant" have the meaning 10078
defined in section 111.41 of the Revised Code. 10079

(ff) Orders for active military service of an individual 10080
serving or with previous service in the armed forces of the United 10081
States, including a reserve component, or the Ohio organized 10082
militia, except that, such order becomes a public record on the 10083

day that is fifteen years after the published date or effective 10084
date of the call to order; 10085

(gg) In the case of a drug overdose fatality review committee 10086
acting under sections 307.631 to 307.639 of the Revised Code, 10087
information, documents, or reports presented to the committee, 10088
statements made by committee members during meetings of the 10089
committee, all work products of the committee, and data submitted 10090
by the committee to the department of health, other than the 10091
report prepared pursuant to section 307.636 of the Revised Code. 10092

(2) "Confidential law enforcement investigatory record" means 10093
any record that pertains to a law enforcement matter of a 10094
criminal, quasi-criminal, civil, or administrative nature, but 10095
only to the extent that the release of the record would create a 10096
high probability of disclosure of any of the following: 10097

(a) The identity of a suspect who has not been charged with 10098
the offense to which the record pertains, or of an information 10099
source or witness to whom confidentiality has been reasonably 10100
promised; 10101

(b) Information provided by an information source or witness 10102
to whom confidentiality has been reasonably promised, which 10103
information would reasonably tend to disclose the source's or 10104
witness's identity; 10105

(c) Specific confidential investigatory techniques or 10106
procedures or specific investigatory work product; 10107

(d) Information that would endanger the life or physical 10108
safety of law enforcement personnel, a crime victim, a witness, or 10109
a confidential information source. 10110

(3) "Medical record" means any document or combination of 10111
documents, except births, deaths, and the fact of admission to or 10112
discharge from a hospital, that pertains to the medical history, 10113
diagnosis, prognosis, or medical condition of a patient and that 10114

is generated and maintained in the process of medical treatment. 10115

(4) "Trial preparation record" means any record that contains 10116
information that is specifically compiled in reasonable 10117
anticipation of, or in defense of, a civil or criminal action or 10118
proceeding, including the independent thought processes and 10119
personal trial preparation of an attorney. 10120

(5) "Intellectual property record" means a record, other than 10121
a financial or administrative record, that is produced or 10122
collected by or for faculty or staff of a state institution of 10123
higher learning in the conduct of or as a result of study or 10124
research on an educational, commercial, scientific, artistic, 10125
technical, or scholarly issue, regardless of whether the study or 10126
research was sponsored by the institution alone or in conjunction 10127
with a governmental body or private concern, and that has not been 10128
publicly released, published, or patented. 10129

(6) "Donor profile record" means all records about donors or 10130
potential donors to a public institution of higher education 10131
except the names and reported addresses of the actual donors and 10132
the date, amount, and conditions of the actual donation. 10133

(7) "Peace officer, parole officer, probation officer, 10134
bailiff, prosecuting attorney, assistant prosecuting attorney, 10135
correctional employee, community-based correctional facility 10136
employee, youth services employee, firefighter, EMT, investigator 10137
of the bureau of criminal identification and investigation, or 10138
federal law enforcement officer residential and familial 10139
information" means any information that discloses any of the 10140
following about a peace officer, parole officer, probation 10141
officer, bailiff, prosecuting attorney, assistant prosecuting 10142
attorney, correctional employee, community-based correctional 10143
facility employee, youth services employee, firefighter, EMT, 10144
investigator of the bureau of criminal identification and 10145
investigation, or federal law enforcement officer: 10146

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, an investigator of the bureau of criminal identification and investigation, or federal law enforcement officer, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law

enforcement officer by the peace officer's, parole officer's, 10179
probation officer's, bailiff's, prosecuting attorney's, assistant 10180
prosecuting attorney's, correctional employee's, community-based 10181
correctional facility employee's, youth services employee's, 10182
firefighter's, EMT's, investigator of the bureau of criminal 10183
identification and investigation's, or federal law enforcement 10184
officer's employer; 10185

(e) The identity and amount of any charitable or employment 10186
benefit deduction made by the peace officer's, parole officer's, 10187
probation officer's, bailiff's, prosecuting attorney's, assistant 10188
prosecuting attorney's, correctional employee's, community-based 10189
correctional facility employee's, youth services employee's, 10190
firefighter's, EMT's, investigator of the bureau of criminal 10191
identification and investigation's, or federal law enforcement 10192
officer's employer from the peace officer's, parole officer's, 10193
probation officer's, bailiff's, prosecuting attorney's, assistant 10194
prosecuting attorney's, correctional employee's, community-based 10195
correctional facility employee's, youth services employee's, 10196
firefighter's, EMT's, investigator of the bureau of criminal 10197
identification and investigation's, or federal law enforcement 10198
officer's compensation unless the amount of the deduction is 10199
required by state or federal law; 10200

(f) The name, the residential address, the name of the 10201
employer, the address of the employer, the social security number, 10202
the residential telephone number, any bank account, debit card, 10203
charge card, or credit card number, or the emergency telephone 10204
number of the spouse, a former spouse, or any child of a peace 10205
officer, parole officer, probation officer, bailiff, prosecuting 10206
attorney, assistant prosecuting attorney, correctional employee, 10207
community-based correctional facility employee, youth services 10208
employee, firefighter, EMT, investigator of the bureau of criminal 10209
identification and investigation, or federal law enforcement 10210

officer; 10211

(g) A photograph of a peace officer who holds a position or 10212
has an assignment that may include undercover or plain clothes 10213
positions or assignments as determined by the peace officer's 10214
appointing authority. 10215

As used in divisions (A)(7) and (B)(9) of this section, 10216
"peace officer" has the same meaning as in section 109.71 of the 10217
Revised Code and also includes the superintendent and troopers of 10218
the state highway patrol; it does not include the sheriff of a 10219
county or a supervisory employee who, in the absence of the 10220
sheriff, is authorized to stand in for, exercise the authority of, 10221
and perform the duties of the sheriff. 10222

As used in divisions (A)(7) and (B)(9) of this section, 10223
"correctional employee" means any employee of the department of 10224
rehabilitation and correction who in the course of performing the 10225
employee's job duties has or has had contact with inmates and 10226
persons under supervision. 10227

As used in divisions (A)(7) and (B)(9) of this section, 10228
"youth services employee" means any employee of the department of 10229
youth services who in the course of performing the employee's job 10230
duties has or has had contact with children committed to the 10231
custody of the department of youth services. 10232

As used in divisions (A)(7) and (B)(9) of this section, 10233
"firefighter" means any regular, paid or volunteer, member of a 10234
lawfully constituted fire department of a municipal corporation, 10235
township, fire district, or village. 10236

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 10237
means EMTs-basic, EMTs-I, and paramedics that provide emergency 10238
medical services for a public emergency medical service 10239
organization. "Emergency medical service organization," 10240
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 10241

section 4765.01 of the Revised Code. 10242

As used in divisions (A)(7) and (B)(9) of this section, 10243
"investigator of the bureau of criminal identification and 10244
investigation" has the meaning defined in section 2903.11 of the 10245
Revised Code. 10246

As used in divisions (A)(7) and (B)(9) of this section, 10247
"federal law enforcement officer" has the meaning defined in 10248
section 9.88 of the Revised Code. 10249

(8) "Information pertaining to the recreational activities of 10250
a person under the age of eighteen" means information that is kept 10251
in the ordinary course of business by a public office, that 10252
pertains to the recreational activities of a person under the age 10253
of eighteen years, and that discloses any of the following: 10254

(a) The address or telephone number of a person under the age 10255
of eighteen or the address or telephone number of that person's 10256
parent, guardian, custodian, or emergency contact person; 10257

(b) The social security number, birth date, or photographic 10258
image of a person under the age of eighteen; 10259

(c) Any medical record, history, or information pertaining to 10260
a person under the age of eighteen; 10261

(d) Any additional information sought or required about a 10262
person under the age of eighteen for the purpose of allowing that 10263
person to participate in any recreational activity conducted or 10264
sponsored by a public office or to use or obtain admission 10265
privileges to any recreational facility owned or operated by a 10266
public office. 10267

(9) "Community control sanction" has the same meaning as in 10268
section 2929.01 of the Revised Code. 10269

(10) "Post-release control sanction" has the same meaning as 10270
in section 2967.01 of the Revised Code. 10271

(11) "Redaction" means obscuring or deleting any information 10272
that is exempt from the duty to permit public inspection or 10273
copying from an item that otherwise meets the definition of a 10274
"record" in section 149.011 of the Revised Code. 10275

(12) "Designee" and "elected official" have the same meanings 10276
as in section 109.43 of the Revised Code. 10277

(B)(1) Upon request and subject to division (B)(8) of this 10278
section, all public records responsive to the request shall be 10279
promptly prepared and made available for inspection to any person 10280
at all reasonable times during regular business hours. Subject to 10281
division (B)(8) of this section, upon request, a public office or 10282
person responsible for public records shall make copies of the 10283
requested public record available at cost and within a reasonable 10284
period of time. If a public record contains information that is 10285
exempt from the duty to permit public inspection or to copy the 10286
public record, the public office or the person responsible for the 10287
public record shall make available all of the information within 10288
the public record that is not exempt. When making that public 10289
record available for public inspection or copying that public 10290
record, the public office or the person responsible for the public 10291
record shall notify the requester of any redaction or make the 10292
redaction plainly visible. A redaction shall be deemed a denial of 10293
a request to inspect or copy the redacted information, except if 10294
federal or state law authorizes or requires a public office to 10295
make the redaction. 10296

(2) To facilitate broader access to public records, a public 10297
office or the person responsible for public records shall organize 10298
and maintain public records in a manner that they can be made 10299
available for inspection or copying in accordance with division 10300
(B) of this section. A public office also shall have available a 10301
copy of its current records retention schedule at a location 10302
readily available to the public. If a requester makes an ambiguous 10303

or overly broad request or has difficulty in making a request for 10304
copies or inspection of public records under this section such 10305
that the public office or the person responsible for the requested 10306
public record cannot reasonably identify what public records are 10307
being requested, the public office or the person responsible for 10308
the requested public record may deny the request but shall provide 10309
the requester with an opportunity to revise the request by 10310
informing the requester of the manner in which records are 10311
maintained by the public office and accessed in the ordinary 10312
course of the public office's or person's duties. 10313

(3) If a request is ultimately denied, in part or in whole, 10314
the public office or the person responsible for the requested 10315
public record shall provide the requester with an explanation, 10316
including legal authority, setting forth why the request was 10317
denied. If the initial request was provided in writing, the 10318
explanation also shall be provided to the requester in writing. 10319
The explanation shall not preclude the public office or the person 10320
responsible for the requested public record from relying upon 10321
additional reasons or legal authority in defending an action 10322
commenced under division (C) of this section. 10323

(4) Unless specifically required or authorized by state or 10324
federal law or in accordance with division (B) of this section, no 10325
public office or person responsible for public records may limit 10326
or condition the availability of public records by requiring 10327
disclosure of the requester's identity or the intended use of the 10328
requested public record. Any requirement that the requester 10329
disclose the requester's identity or the intended use of the 10330
requested public record constitutes a denial of the request. 10331

(5) A public office or person responsible for public records 10332
may ask a requester to make the request in writing, may ask for 10333
the requester's identity, and may inquire about the intended use 10334
of the information requested, but may do so only after disclosing 10335

to the requester that a written request is not mandatory and that 10336
the requester may decline to reveal the requester's identity or 10337
the intended use and when a written request or disclosure of the 10338
identity or intended use would benefit the requester by enhancing 10339
the ability of the public office or person responsible for public 10340
records to identify, locate, or deliver the public records sought 10341
by the requester. 10342

(6) If any person chooses to obtain a copy of a public record 10343
in accordance with division (B) of this section, the public office 10344
or person responsible for the public record may require that 10345
person to pay in advance the cost involved in providing the copy 10346
of the public record in accordance with the choice made by the 10347
person seeking the copy under this division. The public office or 10348
the person responsible for the public record shall permit that 10349
person to choose to have the public record duplicated upon paper, 10350
upon the same medium upon which the public office or person 10351
responsible for the public record keeps it, or upon any other 10352
medium upon which the public office or person responsible for the 10353
public record determines that it reasonably can be duplicated as 10354
an integral part of the normal operations of the public office or 10355
person responsible for the public record. When the person seeking 10356
the copy makes a choice under this division, the public office or 10357
person responsible for the public record shall provide a copy of 10358
it in accordance with the choice made by the person seeking the 10359
copy. Nothing in this section requires a public office or person 10360
responsible for the public record to allow the person seeking a 10361
copy of the public record to make the copies of the public record. 10362

(7)(a) Upon a request made in accordance with division (B) of 10363
this section and subject to division (B)(6) of this section, a 10364
public office or person responsible for public records shall 10365
transmit a copy of a public record to any person by United States 10366
mail or by any other means of delivery or transmission within a 10367

reasonable period of time after receiving the request for the 10368
copy. The public office or person responsible for the public 10369
record may require the person making the request to pay in advance 10370
the cost of postage if the copy is transmitted by United States 10371
mail or the cost of delivery if the copy is transmitted other than 10372
by United States mail, and to pay in advance the costs incurred 10373
for other supplies used in the mailing, delivery, or transmission. 10374

(b) Any public office may adopt a policy and procedures that 10375
it will follow in transmitting, within a reasonable period of time 10376
after receiving a request, copies of public records by United 10377
States mail or by any other means of delivery or transmission 10378
pursuant to division (B)(7) of this section. A public office that 10379
adopts a policy and procedures under division (B)(7) of this 10380
section shall comply with them in performing its duties under that 10381
division. 10382

(c) In any policy and procedures adopted under division 10383
(B)(7) of this section: 10384

(i) A public office may limit the number of records requested 10385
by a person that the office will physically deliver by United 10386
States mail or by another delivery service to ten per month, 10387
unless the person certifies to the office in writing that the 10388
person does not intend to use or forward the requested records, or 10389
the information contained in them, for commercial purposes; 10390

(ii) A public office that chooses to provide some or all of 10391
its public records on a web site that is fully accessible to and 10392
searchable by members of the public at all times, other than 10393
during acts of God outside the public office's control or 10394
maintenance, and that charges no fee to search, access, download, 10395
or otherwise receive records provided on the web site, may limit 10396
to ten per month the number of records requested by a person that 10397
the office will deliver in a digital format, unless the requested 10398
records are not provided on the web site and unless the person 10399

certifies to the office in writing that the person does not intend 10400
to use or forward the requested records, or the information 10401
contained in them, for commercial purposes. 10402

(iii) For purposes of division (B)(7) of this section, 10403
"commercial" shall be narrowly construed and does not include 10404
reporting or gathering news, reporting or gathering information to 10405
assist citizen oversight or understanding of the operation or 10406
activities of government, or nonprofit educational research. 10407

(8) A public office or person responsible for public records 10408
is not required to permit a person who is incarcerated pursuant to 10409
a criminal conviction or a juvenile adjudication to inspect or to 10410
obtain a copy of any public record concerning a criminal 10411
investigation or prosecution or concerning what would be a 10412
criminal investigation or prosecution if the subject of the 10413
investigation or prosecution were an adult, unless the request to 10414
inspect or to obtain a copy of the record is for the purpose of 10415
acquiring information that is subject to release as a public 10416
record under this section and the judge who imposed the sentence 10417
or made the adjudication with respect to the person, or the 10418
judge's successor in office, finds that the information sought in 10419
the public record is necessary to support what appears to be a 10420
justiciable claim of the person. 10421

(9)(a) Upon written request made and signed by a journalist 10422
on or after December 16, 1999, a public office, or person 10423
responsible for public records, having custody of the records of 10424
the agency employing a specified peace officer, parole officer, 10425
probation officer, bailiff, prosecuting attorney, assistant 10426
prosecuting attorney, correctional employee, community-based 10427
correctional facility employee, youth services employee, 10428
firefighter, EMT, investigator of the bureau of criminal 10429
identification and investigation, or federal law enforcement 10430
officer shall disclose to the journalist the address of the actual 10431

personal residence of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer and, if the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B)(9)(a) of this section also applies to journalist requests for customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in, connected with, or employed by any news

medium, including a newspaper, magazine, press association, news 10464
agency, or wire service, a radio or television station, or a 10465
similar medium, for the purpose of gathering, processing, 10466
transmitting, compiling, editing, or disseminating information for 10467
the general public. 10468

(C)(1) If a person allegedly is aggrieved by the failure of a 10469
public office or the person responsible for public records to 10470
promptly prepare a public record and to make it available to the 10471
person for inspection in accordance with division (B) of this 10472
section or by any other failure of a public office or the person 10473
responsible for public records to comply with an obligation in 10474
accordance with division (B) of this section, the person allegedly 10475
aggrieved may do only one of the following, and not both: 10476

(a) File a complaint with the clerk of the court of claims or 10477
the clerk of the court of common pleas under section 2743.75 of 10478
the Revised Code; 10479

(b) Commence a mandamus action to obtain a judgment that 10480
orders the public office or the person responsible for the public 10481
record to comply with division (B) of this section, that awards 10482
court costs and reasonable attorney's fees to the person that 10483
instituted the mandamus action, and, if applicable, that includes 10484
an order fixing statutory damages under division (C)(2) of this 10485
section. The mandamus action may be commenced in the court of 10486
common pleas of the county in which division (B) of this section 10487
allegedly was not complied with, in the supreme court pursuant to 10488
its original jurisdiction under Section 2 of Article IV, Ohio 10489
Constitution, or in the court of appeals for the appellate 10490
district in which division (B) of this section allegedly was not 10491
complied with pursuant to its original jurisdiction under Section 10492
3 of Article IV, Ohio Constitution. 10493

(2) If a requester transmits a written request by hand 10494
delivery or certified mail to inspect or receive copies of any 10495

public record in a manner that fairly describes the public record 10496
or class of public records to the public office or person 10497
responsible for the requested public records, except as otherwise 10498
provided in this section, the requester shall be entitled to 10499
recover the amount of statutory damages set forth in this division 10500
if a court determines that the public office or the person 10501
responsible for public records failed to comply with an obligation 10502
in accordance with division (B) of this section. 10503

The amount of statutory damages shall be fixed at one hundred 10504
dollars for each business day during which the public office or 10505
person responsible for the requested public records failed to 10506
comply with an obligation in accordance with division (B) of this 10507
section, beginning with the day on which the requester files a 10508
mandamus action to recover statutory damages, up to a maximum of 10509
one thousand dollars. The award of statutory damages shall not be 10510
construed as a penalty, but as compensation for injury arising 10511
from lost use of the requested information. The existence of this 10512
injury shall be conclusively presumed. The award of statutory 10513
damages shall be in addition to all other remedies authorized by 10514
this section. 10515

The court may reduce an award of statutory damages or not 10516
award statutory damages if the court determines both of the 10517
following: 10518

(a) That, based on the ordinary application of statutory law 10519
and case law as it existed at the time of the conduct or 10520
threatened conduct of the public office or person responsible for 10521
the requested public records that allegedly constitutes a failure 10522
to comply with an obligation in accordance with division (B) of 10523
this section and that was the basis of the mandamus action, a 10524
well-informed public office or person responsible for the 10525
requested public records reasonably would believe that the conduct 10526
or threatened conduct of the public office or person responsible 10527

for the requested public records did not constitute a failure to 10528
comply with an obligation in accordance with division (B) of this 10529
section; 10530

(b) That a well-informed public office or person responsible 10531
for the requested public records reasonably would believe that the 10532
conduct or threatened conduct of the public office or person 10533
responsible for the requested public records would serve the 10534
public policy that underlies the authority that is asserted as 10535
permitting that conduct or threatened conduct. 10536

(3) In a mandamus action filed under division (C)(1) of this 10537
section, the following apply: 10538

(a)(i) If the court orders the public office or the person 10539
responsible for the public record to comply with division (B) of 10540
this section, the court shall determine and award to the relator 10541
all court costs, which shall be construed as remedial and not 10542
punitive. 10543

(ii) If the court makes a determination described in division 10544
(C)(3)(b)(iii) of this section, the court shall determine and 10545
award to the relator all court costs, which shall be construed as 10546
remedial and not punitive. 10547

(b) If the court renders a judgment that orders the public 10548
office or the person responsible for the public record to comply 10549
with division (B) of this section or if the court determines any 10550
of the following, the court may award reasonable attorney's fees 10551
to the relator, subject to the provisions of division (C)(4) of 10552
this section: 10553

(i) The public office or the person responsible for the 10554
public records failed to respond affirmatively or negatively to 10555
the public records request in accordance with the time allowed 10556
under division (B) of this section. 10557

(ii) The public office or the person responsible for the 10558

public records promised to permit the relator to inspect or 10559
receive copies of the public records requested within a specified 10560
period of time but failed to fulfill that promise within that 10561
specified period of time. 10562

(iii) The public office or the person responsible for the 10563
public records acted in bad faith when the office or person 10564
voluntarily made the public records available to the relator for 10565
the first time after the relator commenced the mandamus action, 10566
but before the court issued any order concluding whether or not 10567
the public office or person was required to comply with division 10568
(B) of this section. No discovery may be conducted on the issue of 10569
the alleged bad faith of the public office or person responsible 10570
for the public records. This division shall not be construed as 10571
creating a presumption that the public office or the person 10572
responsible for the public records acted in bad faith when the 10573
office or person voluntarily made the public records available to 10574
the relator for the first time after the relator commenced the 10575
mandamus action, but before the court issued any order described 10576
in this division. 10577

(c) The court shall not award attorney's fees to the relator 10578
if the court determines both of the following: 10579

(i) That, based on the ordinary application of statutory law 10580
and case law as it existed at the time of the conduct or 10581
threatened conduct of the public office or person responsible for 10582
the requested public records that allegedly constitutes a failure 10583
to comply with an obligation in accordance with division (B) of 10584
this section and that was the basis of the mandamus action, a 10585
well-informed public office or person responsible for the 10586
requested public records reasonably would believe that the conduct 10587
or threatened conduct of the public office or person responsible 10588
for the requested public records did not constitute a failure to 10589
comply with an obligation in accordance with division (B) of this 10590

section; 10591

(ii) That a well-informed public office or person responsible 10592
for the requested public records reasonably would believe that the 10593
conduct or threatened conduct of the public office or person 10594
responsible for the requested public records would serve the 10595
public policy that underlies the authority that is asserted as 10596
permitting that conduct or threatened conduct. 10597

(4) All of the following apply to any award of reasonable 10598
attorney's fees awarded under division (C)(3)(b) of this section: 10599

(a) The fees shall be construed as remedial and not punitive. 10600

(b) The fees awarded shall not exceed the total of the 10601
reasonable attorney's fees incurred before the public record was 10602
made available to the relator and the fees described in division 10603
(C)(4)(c) of this section. 10604

(c) Reasonable attorney's fees shall include reasonable fees 10605
incurred to produce proof of the reasonableness and amount of the 10606
fees and to otherwise litigate entitlement to the fees. 10607

(d) The court may reduce the amount of fees awarded if the 10608
court determines that, given the factual circumstances involved 10609
with the specific public records request, an alternative means 10610
should have been pursued to more effectively and efficiently 10611
resolve the dispute that was subject to the mandamus action filed 10612
under division (C)(1) of this section. 10613

(5) If the court does not issue a writ of mandamus under 10614
division (C) of this section and the court determines at that time 10615
that the bringing of the mandamus action was frivolous conduct as 10616
defined in division (A) of section 2323.51 of the Revised Code, 10617
the court may award to the public office all court costs, 10618
expenses, and reasonable attorney's fees, as determined by the 10619
court. 10620

(D) Chapter 1347. of the Revised Code does not limit the 10621
provisions of this section. 10622

(E)(1) To ensure that all employees of public offices are 10623
appropriately educated about a public office's obligations under 10624
division (B) of this section, all elected officials or their 10625
appropriate designees shall attend training approved by the 10626
attorney general as provided in section 109.43 of the Revised 10627
Code. In addition, all public offices shall adopt a public records 10628
policy in compliance with this section for responding to public 10629
records requests. In adopting a public records policy under this 10630
division, a public office may obtain guidance from the model 10631
public records policy developed and provided to the public office 10632
by the attorney general under section 109.43 of the Revised Code. 10633
Except as otherwise provided in this section, the policy may not 10634
limit the number of public records that the public office will 10635
make available to a single person, may not limit the number of 10636
public records that it will make available during a fixed period 10637
of time, and may not establish a fixed period of time before it 10638
will respond to a request for inspection or copying of public 10639
records, unless that period is less than eight hours. 10640

(2) The public office shall distribute the public records 10641
policy adopted by the public office under division (E)(1) of this 10642
section to the employee of the public office who is the records 10643
custodian or records manager or otherwise has custody of the 10644
records of that office. The public office shall require that 10645
employee to acknowledge receipt of the copy of the public records 10646
policy. The public office shall create a poster that describes its 10647
public records policy and shall post the poster in a conspicuous 10648
place in the public office and in all locations where the public 10649
office has branch offices. The public office may post its public 10650
records policy on the internet web site of the public office if 10651
the public office maintains an internet web site. A public office 10652

that has established a manual or handbook of its general policies 10653
and procedures for all employees of the public office shall 10654
include the public records policy of the public office in the 10655
manual or handbook. 10656

(F)(1) The bureau of motor vehicles may adopt rules pursuant 10657
to Chapter 119. of the Revised Code to reasonably limit the number 10658
of bulk commercial special extraction requests made by a person 10659
for the same records or for updated records during a calendar 10660
year. The rules may include provisions for charges to be made for 10661
bulk commercial special extraction requests for the actual cost of 10662
the bureau, plus special extraction costs, plus ten per cent. The 10663
bureau may charge for expenses for redacting information, the 10664
release of which is prohibited by law. 10665

(2) As used in division (F)(1) of this section: 10666

(a) "Actual cost" means the cost of depleted supplies, 10667
records storage media costs, actual mailing and alternative 10668
delivery costs, or other transmitting costs, and any direct 10669
equipment operating and maintenance costs, including actual costs 10670
paid to private contractors for copying services. 10671

(b) "Bulk commercial special extraction request" means a 10672
request for copies of a record for information in a format other 10673
than the format already available, or information that cannot be 10674
extracted without examination of all items in a records series, 10675
class of records, or database by a person who intends to use or 10676
forward the copies for surveys, marketing, solicitation, or resale 10677
for commercial purposes. "Bulk commercial special extraction 10678
request" does not include a request by a person who gives 10679
assurance to the bureau that the person making the request does 10680
not intend to use or forward the requested copies for surveys, 10681
marketing, solicitation, or resale for commercial purposes. 10682

(c) "Commercial" means profit-seeking production, buying, or 10683

selling of any good, service, or other product. 10684

(d) "Special extraction costs" means the cost of the time 10685
spent by the lowest paid employee competent to perform the task, 10686
the actual amount paid to outside private contractors employed by 10687
the bureau, or the actual cost incurred to create computer 10688
programs to make the special extraction. "Special extraction 10689
costs" include any charges paid to a public agency for computer or 10690
records services. 10691

(3) For purposes of divisions (F)(1) and (2) of this section, 10692
"surveys, marketing, solicitation, or resale for commercial 10693
purposes" shall be narrowly construed and does not include 10694
reporting or gathering news, reporting or gathering information to 10695
assist citizen oversight or understanding of the operation or 10696
activities of government, or nonprofit educational research. 10697

(G) A request by a defendant, counsel of a defendant, or any 10698
agent of a defendant in a criminal action that public records 10699
related to that action be made available under this section shall 10700
be considered a demand for discovery pursuant to the Criminal 10701
Rules, except to the extent that the Criminal Rules plainly 10702
indicate a contrary intent. The defendant, counsel of the 10703
defendant, or agent of the defendant making a request under this 10704
division shall serve a copy of the request on the prosecuting 10705
attorney, director of law, or other chief legal officer 10706
responsible for prosecuting the action. 10707

Sec. 149.60. (A) As used in this section: 10708

(1) "Local government" means bodies corporate and politic 10709
responsible for governmental activities only in geographical areas 10710
smaller than that of the state. 10711

(2) "Open format" has the meaning defined in section 149.61 10712
of the Revised Code. 10713

(3) "Public record" has the meaning defined in section 149.43 10714
of the Revised Code. 10715

(B)(1) The general assembly recognizes that public-use data 10716
from public offices offers an avenue toward open and transparent 10717
government, stimulates business innovation, and can help public 10718
offices become more effective. It is the intent of the general 10719
assembly to facilitate the ability of the public easily to find, 10720
download, and use public records and data sets of public records 10721
that are generated and held by public offices. With these goals in 10722
mind, the general assembly creates the DataOhio board, which shall 10723
do all of the following: 10724

(a) Recommend categories of public records that public 10725
offices should make available to the public online in an open 10726
format; 10727

(b) Recommend technology standards for open data use in the 10728
state that reflect the most current standards used nationally and 10729
in other states; 10730

(c) Recommend accounting standards for financial data of 10731
public offices to facilitate comparison across public offices and 10732
services; 10733

(d) Recommend metadata definitional standards for 10734
nonfinancial data of public offices to facilitate comparison and 10735
use of this data across public offices; and 10736

(e) Consider the participation and affiliation of 10737
data.Ohio.gov with data.gov, the official online data catalog of 10738
the United States government, and make a recommendation regarding 10739
this consideration. 10740

(2) The DataOhio board shall deliver a report of its findings 10741
and recommendations to the general assembly and to the auditor of 10742
state not later than one year after the effective date of this 10743
section, and thereafter shall deliver to them a report of its 10744

<u>findings and recommendations by the thirty-first day of March each</u>	10745
<u>year.</u>	10746
<u>(C) The DataOhio board shall consist of the following members</u>	10747
<u>or their designees:</u>	10748
<u>(1) The governor;</u>	10749
<u>(2) The attorney general;</u>	10750
<u>(3) The auditor of state;</u>	10751
<u>(4) The secretary of state;</u>	10752
<u>(5) The treasurer of state;</u>	10753
<u>(6) The speaker of the house of representatives;</u>	10754
<u>(7) The president of the senate;</u>	10755
<u>(8) One member who represents newspapers, to be appointed by</u>	10756
<u>the Ohio newspaper association;</u>	10757
<u>(9) One member who represents businesses that use data sets</u>	10758
<u>of public records, to be appointed by the chairperson after the</u>	10759
<u>chairperson is selected;</u>	10760
<u>(10) The chancellor of the Ohio board of regents;</u>	10761
<u>(11) The state librarian;</u>	10762
<u>(12) One member who represents data consumers, to be</u>	10763
<u>appointed by the chairperson after the chairperson is selected;</u>	10764
<u>(13) One member who is an officer of a municipal corporation,</u>	10765
<u>to be appointed by the Ohio municipal league;</u>	10766
<u>(14) One member who is an officer of a township, to be</u>	10767
<u>appointed by the Ohio township association;</u>	10768
<u>(15) One member who is an officer of a county, to be</u>	10769
<u>appointed by the county commissioners association of Ohio;</u>	10770
<u>(16) One member who represents nonprofit think tanks that use</u>	10771
<u>data sets of public records, to be appointed by the chairperson</u>	10772

after the chairperson is selected; and 10773

(17) One member who represents national organizations that 10774
encourage open government records, to be appointed by the 10775
chairperson after the chairperson is selected. 10776

The board also shall consist of one or more ex officio, 10777
nonvoting members or their designees appointed by the chairperson 10778
after the chairperson is selected. 10779

(D) The state library of Ohio shall provide necessary meeting 10780
facilities to the board. The initial meeting of the board shall be 10781
held at the call of the state librarian and not later than thirty 10782
days after the effective date of this section. At its initial 10783
meeting, the board shall select a chairperson from among its 10784
members. The chairperson shall select a member of the board to 10785
serve as the board's secretary. 10786

(E) The board shall meet at least ten times per year at the 10787
call of the chairperson and shall provide reasonable notice to the 10788
public before each meeting. The board shall designate a portion of 10789
each meeting to be devoted to inviting suggestions from the public 10790
regarding the provision of data sets of public records by state 10791
agencies and local governments. 10792

(F) The presence of a majority of the members of the board 10793
constitutes a quorum for the conduct of its business. The 10794
concurrence of at least a majority of the members of the board is 10795
necessary for any action to be taken by the board. 10796

(G) Members of the board shall serve without compensation but 10797
shall be reimbursed for the actual and necessary expenses they 10798
incur in the performance of their duties. 10799

Sec. 149.61. (A) As used in this section: 10800

(1) "Open format" means that a public record, or the data 10801
contained in the public record, is capable of being searched, 10802

viewed, and downloaded by the public, in an open, nonproprietary 10803
format that is machine readable. 10804

(2) "Public record" has the meaning defined in section 149.43 10805
of the Revised Code. 10806

(3) "Public records policy" means the policy required by 10807
division (E) of section 149.43 of the Revised Code. 10808

(B) A public office that posts a public record on its web 10809
site, or on a public web site maintained or authorized by the 10810
state, shall make its best efforts to post the public record in an 10811
open format. 10812

(C) A public office that opts in to posting public records 10813
online in an open format shall include in the public office's 10814
public records policy a statement indicating which public records 10815
the public office posts in accordance with the requirements of 10816
division (B) of this section. The public office shall make its 10817
best effort to continue to post public records online in an open 10818
format in accordance with its public records policy. A public 10819
office shall submit to the DataOhio board, not later than thirty 10820
days after amending its public records policy regarding public 10821
records posted in accordance with the requirements of division (B) 10822
of this section, the portion of its public records policy that 10823
states which public records are so posted. 10824

(D) Nothing in this section requires a public office to post 10825
public records to a web site or prohibits a public office from 10826
opting out of posting public records online after opting in. A 10827
public office's decision regarding which public records to post in 10828
accordance with the requirements of division (B) of this section, 10829
if any, is solely within the discretion of the public office. A 10830
public office's decision in this regard is final and may not be 10831
modified except by action of the public office. 10832

Sec. 151.03. This section applies to obligations as defined 10833
in this section. 10834

(A) As used in this section: 10835

(1) "Costs of capital facilities" includes related direct 10836
administrative expenses and allocable portions of direct costs of 10837
the using school district and the Ohio ~~school~~ facilities 10838
construction commission. 10839

(2) "Net state lottery proceeds" means the amount determined 10840
by the director of budget and management to be an excess amount to 10841
the credit of the state lottery fund and to be transferred to the 10842
lottery profits education fund, and moneys from time to time in 10843
the lottery profits education fund, all as provided for and 10844
referred to in section 3770.06 of the Revised Code. 10845

(3) "Ohio ~~school~~ facilities construction commission" and 10846
"school district" have the same meanings as in section 3318.01 of 10847
the Revised Code. 10848

(4) "Obligations" means obligations as defined in section 10849
151.01 of the Revised Code issued to pay costs of capital 10850
facilities for a system of common schools throughout the state. 10851

(5) "Using school district" means the school district, or two 10852
or more school districts acting jointly, that are the ultimate 10853
users of the capital facilities for a system of common schools 10854
financed with net proceeds of obligations. 10855

(B) The issuing authority shall issue obligations to pay 10856
costs of capital facilities for a system of common schools 10857
throughout the state pursuant to Section 2n of Article VIII, Ohio 10858
Constitution, section 151.01 of the Revised Code, and this 10859
section. The issuing authority, upon the certification by the Ohio 10860
~~school~~ facilities construction commission to it of the amount of 10861
moneys needed in the school building program assistance fund 10862

created by section 3318.25 of the Revised Code for purposes of 10863
that fund, shall issue obligations in the amount determined to be 10864
required by the issuing authority. 10865

(C) Net proceeds of obligations shall be deposited into the 10866
school building program assistance fund created by section 3318.25 10867
of the Revised Code. 10868

(D) There is hereby created in the state treasury the "common 10869
schools capital facilities bond service fund." All moneys received 10870
by the state and required by the bond proceedings, consistent with 10871
sections 151.01 and 151.03 of the Revised Code, to be deposited, 10872
transferred, or credited to the bond service fund, and all other 10873
moneys transferred or allocated to or received for the purposes of 10874
that fund, shall be deposited and credited to the bond service 10875
fund, subject to any applicable provisions of the bond proceedings 10876
but without necessity for any act of appropriation. During the 10877
period beginning with the date of the first issuance of 10878
obligations and continuing during the time that any obligations 10879
are outstanding in accordance with their terms, so long as moneys 10880
in the bond service fund are insufficient to pay debt service when 10881
due on those obligations payable from that fund (except the 10882
principal amounts of bond anticipation notes payable from the 10883
proceeds of renewal notes or bonds anticipated) and due in the 10884
particular fiscal year, a sufficient amount of revenues of the 10885
state, including net state lottery proceeds, is committed and, 10886
without necessity for further act of appropriation, shall be paid 10887
to the bond service fund for the purpose of paying that debt 10888
service when due. 10889

Sec. 153.01. (A) Whenever any building or structure for the 10890
use of the state or any institution supported in whole or in part 10891
by the state or in or upon the public works of the state that is 10892
administered by the Ohio facilities construction commission or by 10893

any other state officer or state agency authorized by law to 10894
administer a project, including an educational institution listed 10895
in section 3345.50 of the Revised Code, is to be erected or 10896
constructed, whenever additions, alterations, or structural or 10897
other improvements are to be made, or whenever heating, cooling, 10898
or ventilating plants or other equipment is to be installed or 10899
material supplied therefor, the estimated cost of which amounts to 10900
two hundred thousand dollars or more, or the amount determined 10901
pursuant to section 153.53 of the Revised Code or more, each 10902
officer, board, or other authority upon which devolves the duty of 10903
constructing, erecting, altering, or installing the same, referred 10904
to in sections 153.01 to 153.60 of the Revised Code as the public 10905
authority, shall cause to be made, by an architect or engineer 10906
whose contract of employment shall be prepared and approved by the 10907
attorney general, the following: 10908

(1) Full and accurate plans, suitable for the use of 10909
mechanics and other builders in the construction, improvement, 10910
addition, alteration, or installation; 10911

(2) Details to scale and full-sized, so drawn and represented 10912
as to be easily understood; 10913

(3) Definite and complete specifications of the work to be 10914
performed, together with directions that will enable a competent 10915
mechanic or other builder to carry them out and afford bidders all 10916
needful information; 10917

(4) A full and accurate estimate of each item of expense and 10918
the aggregate cost of those items of expense; 10919

(5) A life-cycle cost analysis; 10920

(6) Further data as may be required by the Ohio facilities 10921
construction commission. 10922

(B)(1) Division (A) of this section shall not be required 10923
with respect to a construction management contract entered into 10924

with a construction manager at risk as described in section 9.334 10925
of the Revised Code or a design-build contract entered into with a 10926
design-build firm as described in section 153.693 of the Revised 10927
Code. 10928

(2) Nothing in this chapter shall interfere with the power of 10929
the director of transportation to prepare plans for, acquire 10930
rights-of-way for, construct, or maintain roads, highways, or 10931
bridges, or to let contracts for those purposes. 10932

(3) Nothing in this chapter shall interfere with the power of 10933
the director of administrative services to prepare plans for, 10934
maintain, equip, furnish, improve, renovate, repair, remodel, or 10935
rehabilitate existing facilities or to let contracts for those 10936
purposes. 10937

Sec. 153.02. (A) The executive director of the Ohio 10938
facilities construction commission, may debar a contractor from 10939
contract awards for public improvements as referred to in section 10940
153.01 of the Revised Code or for projects as defined in section 10941
3318.01 of the Revised Code, upon proof that the contractor has 10942
done any of the following: 10943

(1) Defaulted on a contract requiring the execution of a 10944
takeover agreement as set forth in division (B) of section 153.17 10945
of the Revised Code; 10946

(2) Knowingly failed during the course of a contract to 10947
maintain the coverage required by the bureau of workers' 10948
compensation; 10949

(3) Knowingly failed during the course of a contract to 10950
maintain the contractor's drug-free workplace program as required 10951
by the contract; 10952

(4) Knowingly failed during the course of a contract to 10953
maintain insurance required by the contract or otherwise by law, 10954

resulting in a substantial loss to the owner, as owner is referred 10955
to in section 153.01 of the Revised Code, or to the commission and 10956
school district board, as provided in division (F) of section 10957
3318.08 of the Revised Code; 10958

(5) Misrepresented the firm's qualifications in the selection 10959
process set forth in sections 153.65 to 153.71 or section 3318.10 10960
of the Revised Code; 10961

(6) Been convicted of a criminal offense related to the 10962
application for or performance of any public or private contract, 10963
including, but not limited to, embezzlement, theft, forgery, 10964
bribery, falsification or destruction of records, receiving stolen 10965
property, and any other offense that directly reflects on the 10966
contractor's business integrity; 10967

(7) Been convicted of a criminal offense under state or 10968
federal antitrust laws; 10969

(8) Deliberately or willfully submitted false or misleading 10970
information in connection with the application for or performance 10971
of a public contract; 10972

(9) Been debarred from bidding on or participating in a 10973
contract with any state or federal agency. 10974

(B) When the executive director debars a contractor that is a 10975
partnership, association, or corporation, the executive director 10976
also may debar any partner of the partnership or any officer or 10977
director of the association or corporation, as applicable. 10978

(C) When the executive director reasonably believes that 10979
grounds for debarment exist, the executive director shall send the 10980
contractor a notice of proposed debarment indicating the grounds 10981
for the proposed debarment and the procedure for requesting a 10982
hearing on the proposed debarment. The hearing shall be conducted 10983
in accordance with Chapter 119. of the Revised Code. If the 10984
contractor does not respond with a request for a hearing in the 10985

manner specified in Chapter 119. of the Revised Code, the 10986
executive director shall issue the debarment decision without a 10987
hearing and shall notify the contractor of the decision by 10988
certified mail, return receipt requested. 10989

~~(C)~~(D) The executive director shall determine the length of 10990
the debarment period and may rescind the debarment at any time 10991
upon notification to the contractor. During the period of 10992
debarment, the contractor is not eligible to bid for or 10993
participate in any contract for a public improvement as referred 10994
to in section 153.01 of the Revised Code or for a project as 10995
defined in section 3318.01 of the Revised Code. After the 10996
debarment period expires, the contractor shall be eligible to bid 10997
for and participate in such contracts. 10998

~~(D)~~(E) The executive director shall maintain a list of all 10999
contractors currently debarred under this section. Any 11000
governmental entity awarding a contract for construction of a 11001
public improvement or project may use a contractor's presence on 11002
the debarment list to determine whether a contractor is 11003
responsible or best under section 9.312 or any other section of 11004
the Revised Code in the award of a contract. 11005

(F) As used in this section, "contractor" means a 11006
construction contracting business, a subcontractor of a 11007
construction contracting business, a supplier of materials, or a 11008
manufacturer of materials. 11009

Sec. 154.11. The issuing authority may authorize and issue 11010
obligations for the refunding, including funding and retirement, 11011
of any obligations previously issued under this chapter and any 11012
other bonds or notes previously issued ~~under Chapter 152. of the~~ 11013
~~Revised Code to pay the costs of capital facilities.~~ Such 11014
obligations may be issued in amounts sufficient for payment of the 11015
principal amount of the prior obligations, any redemption premiums 11016

thereon, principal maturities of any such obligations maturing 11017
prior to the redemption of the remaining obligations on a parity 11018
therewith, interest accrued or to accrue to the maturity dates or 11019
dates of redemption of such obligations, and any expenses incurred 11020
or to be incurred in connection with such issuance and such 11021
refunding, funding, and retirement. Subject to the bond 11022
proceedings therefor, the portion of proceeds of the sale of 11023
obligations issued under this section to be applied to bond 11024
service charges on the prior obligations shall be credited to the 11025
bond service fund for those prior obligations. Obligations 11026
authorized under this section shall be deemed to be issued for 11027
those purposes for which those prior obligations were issued and 11028
are subject to the provisions of Chapter 154. of the Revised Code 11029
pertaining to other obligations, except as otherwise indicated by 11030
this section and except for division (A) of section 154.02 of the 11031
Revised Code, provided that, unless otherwise authorized by the 11032
general assembly, any limitations imposed by the general assembly 11033
pursuant to that division with respect to bond service charges 11034
applicable to the prior obligations shall be applicable to the 11035
obligations issued under this section to refund, fund, or retire 11036
those prior obligations. 11037

Sec. 166.08. (A) As used in this chapter: 11038

(1) "Bond proceedings" means the resolution, order, trust 11039
agreement, indenture, lease, and other agreements, amendments and 11040
supplements to the foregoing, or any one or more or combination 11041
thereof, authorizing or providing for the terms and conditions 11042
applicable to, or providing for the security or liquidity of, 11043
obligations issued pursuant to this section, and the provisions 11044
contained in such obligations. 11045

(2) "Bond service charges" means principal, including 11046
mandatory sinking fund requirements for retirement of obligations, 11047

and interest, and redemption premium, if any, required to be paid 11048
by the state on obligations. 11049

(3) "Bond service fund" means the applicable fund and 11050
accounts therein created for and pledged to the payment of bond 11051
service charges, which may be, or may be part of, the economic 11052
development bond service fund created by division (S) of this 11053
section including all moneys and investments, and earnings from 11054
investments, credited and to be credited thereto. 11055

(4) "Issuing authority" means the treasurer of state, or the 11056
officer who by law performs the functions of such officer. 11057

(5) "Obligations" means bonds, notes, or other evidence of 11058
obligation including interest coupons pertaining thereto, issued 11059
pursuant to this section. 11060

(6) "Pledged receipts" means all receipts of the state 11061
representing the gross profit on the sale of spirituous liquor, as 11062
referred to in division (B)(4) of section 4301.10 of the Revised 11063
Code, after paying all costs and expenses of the division of 11064
liquor control and providing an adequate working capital reserve 11065
for the division of liquor control as provided in that division, 11066
but excluding the sum required by the second paragraph of section 11067
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 11068
paid into the state treasury; moneys accruing to the state from 11069
the lease, sale, or other disposition, or use, of project 11070
facilities, and from the repayment, including interest, of loans 11071
made from proceeds received from the sale of obligations; accrued 11072
interest received from the sale of obligations; income from the 11073
investment of the special funds; and any gifts, grants, donations, 11074
and pledges, and receipts therefrom, available for the payment of 11075
bond service charges. 11076

(7) "Special funds" or "funds" means, except where the 11077
context does not permit, the bond service fund, and any other 11078

funds, including reserve funds, created under the bond 11079
proceedings, and the economic development bond service fund 11080
created by division (S) of this section to the extent provided in 11081
the bond proceedings, including all moneys and investments, and 11082
earnings from investment, credited and to be credited thereto. 11083

(B) Subject to the limitations provided in section 166.11 of 11084
the Revised Code, the issuing authority, upon the certification by 11085
the director of development or, ~~with respect to eligible advanced~~ 11086
~~energy projects~~ prior to the effective date of this amendment, 11087
upon certification by the Ohio air quality development authority 11088
regarding eligible advanced energy projects, to the issuing 11089
authority of the amount of moneys or additional moneys needed in 11090
the facilities establishment fund, the loan guarantee fund, the 11091
innovation Ohio loan fund, the innovation Ohio loan guarantee 11092
fund, the research and development loan fund, the logistics and 11093
distribution infrastructure fund, the advanced energy research and 11094
development fund, or the advanced energy research and development 11095
taxable fund, as applicable, for the purpose of paying, or making 11096
loans for, allowable costs from the facilities establishment fund, 11097
allowable innovation costs from the innovation Ohio loan fund, 11098
allowable costs from the research and development loan fund, 11099
allowable costs from the logistics and distribution infrastructure 11100
fund, allowable costs from the advanced energy research and 11101
development fund, or allowable costs from the advanced energy 11102
research and development taxable fund, as applicable, or needed 11103
for capitalized interest, for funding reserves, and for paying 11104
costs and expenses incurred in connection with the issuance, 11105
carrying, securing, paying, redeeming, or retirement of the 11106
obligations or any obligations refunded thereby, including payment 11107
of costs and expenses relating to letters of credit, lines of 11108
credit, insurance, put agreements, standby purchase agreements, 11109
indexing, marketing, remarketing and administrative arrangements, 11110
interest swap or hedging agreements, and any other credit 11111

enhancement, liquidity, remarketing, renewal, or refunding 11112
arrangements, all of which are authorized by this section, or 11113
providing moneys for the loan guarantee fund or the innovation 11114
Ohio loan guarantee fund, as provided in this chapter or needed 11115
for the purposes of funds established in accordance with or 11116
pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 11117
122.561, 122.57, and 122.80 of the Revised Code which are within 11118
the authorization of Section 13 of Article VIII, Ohio 11119
Constitution, or, prior to the effective date of this amendment, 11120
with respect to certain eligible advanced energy projects, Section 11121
2p of Article VIII, Ohio Constitution, shall issue obligations of 11122
the state under this section in the required amount; provided that 11123
such obligations may be issued to satisfy the covenants in 11124
contracts of guarantee made under section 166.06 or 166.15 of the 11125
Revised Code, notwithstanding limitations otherwise applicable to 11126
the issuance of obligations under this section. The proceeds of 11127
such obligations, except for the portion to be deposited in 11128
special funds, including reserve funds, as may be provided in the 11129
bond proceedings, shall as provided in the bond proceedings be 11130
deposited by the director of development to the facilities 11131
establishment fund, the loan guarantee fund, the innovation Ohio 11132
loan guarantee fund, the innovation Ohio loan fund, the research 11133
and development loan fund, or the logistics and distribution 11134
infrastructure fund, or be deposited by the Ohio air quality 11135
development authority prior to the effective date of this 11136
amendment to the advanced energy research and development fund or 11137
the advanced energy research and development taxable fund. Bond 11138
proceedings for project financing obligations may provide that the 11139
proceeds derived from the issuance of such obligations shall be 11140
deposited into such fund or funds provided for in the bond 11141
proceedings and, to the extent provided for in the bond 11142
proceedings, such proceeds shall be deemed to have been deposited 11143
into the facilities establishment fund and transferred to such 11144

fund or funds. The issuing authority may appoint trustees, paying 11145
agents, and transfer agents and may retain the services of 11146
financial advisors, accounting experts, and attorneys, and retain 11147
or contract for the services of marketing, remarketing, indexing, 11148
and administrative agents, other consultants, and independent 11149
contractors, including printing services, as are necessary in the 11150
issuing authority's judgment to carry out this section. The costs 11151
of such services are allowable costs payable from the facilities 11152
establishment fund or the research and development loan fund, 11153
allowable innovation costs payable from the innovation Ohio loan 11154
fund, ~~or~~ allowable costs payable from the logistics and 11155
distribution infrastructure fund, or allowable costs payable prior 11156
to the effective date of this amendment from the advanced energy 11157
research and development fund⁷, or the advanced energy research and 11158
development taxable fund, as applicable. 11159

(C) The holders or owners of such obligations shall have no 11160
right to have moneys raised by taxation obligated or pledged, and 11161
moneys raised by taxation shall not be obligated or pledged, for 11162
the payment of bond service charges. Such holders or owners shall 11163
have no rights to payment of bond service charges from any moneys 11164
accruing to the state from the lease, sale, or other disposition, 11165
or use, of project facilities, or from payment of the principal of 11166
or interest on loans made, or fees charged for guarantees made, or 11167
from any money or property received by the director, treasurer of 11168
state, or the state under Chapter 122. of the Revised Code, or 11169
from any other use of the proceeds of the sale of the obligations, 11170
and no such moneys may be used for the payment of bond service 11171
charges, except for accrued interest, capitalized interest, and 11172
reserves funded from proceeds received upon the sale of the 11173
obligations and except as otherwise expressly provided in the 11174
applicable bond proceedings pursuant to written directions by the 11175
director. The right of such holders and owners to payment of bond 11176
service charges is limited to all or that portion of the pledged 11177

receipts and those special funds pledged thereto pursuant to the 11178
bond proceedings in accordance with this section, and each such 11179
obligation shall bear on its face a statement to that effect. 11180

(D) Obligations shall be authorized by resolution or order of 11181
the issuing authority and the bond proceedings shall provide for 11182
the purpose thereof and the principal amount or amounts, and shall 11183
provide for or authorize the manner or agency for determining the 11184
principal maturity or maturities, not exceeding twenty-five years 11185
from the date of issuance, the interest rate or rates or the 11186
maximum interest rate, the date of the obligations and the dates 11187
of payment of interest thereon, their denomination, and the 11188
establishment within or without the state of a place or places of 11189
payment of bond service charges. Sections 9.98 to 9.983 of the 11190
Revised Code are applicable to obligations issued under this 11191
section, subject to any applicable limitation under section 166.11 11192
of the Revised Code. The purpose of such obligations may be stated 11193
in the bond proceedings in terms describing the general purpose or 11194
purposes to be served. The bond proceedings also shall provide, 11195
subject to the provisions of any other applicable bond 11196
proceedings, for the pledge of all, or such part as the issuing 11197
authority may determine, of the pledged receipts and the 11198
applicable special fund or funds to the payment of bond service 11199
charges, which pledges may be made either prior or subordinate to 11200
other expenses, claims, or payments, and may be made to secure the 11201
obligations on a parity with obligations theretofore or thereafter 11202
issued, if and to the extent provided in the bond proceedings. The 11203
pledged receipts and special funds so pledged and thereafter 11204
received by the state are immediately subject to the lien of such 11205
pledge without any physical delivery thereof or further act, and 11206
the lien of any such pledges is valid and binding against all 11207
parties having claims of any kind against the state or any 11208
governmental agency of the state, irrespective of whether such 11209
parties have notice thereof, and shall create a perfected security 11210

interest for all purposes of Chapter 1309. of the Revised Code, 11211
without the necessity for separation or delivery of funds or for 11212
the filing or recording of the bond proceedings by which such 11213
pledge is created or any certificate, statement or other document 11214
with respect thereto; and the pledge of such pledged receipts and 11215
special funds is effective and the money therefrom and thereof may 11216
be applied to the purposes for which pledged without necessity for 11217
any act of appropriation. Every pledge, and every covenant and 11218
agreement made with respect thereto, made in the bond proceedings 11219
may therein be extended to the benefit of the owners and holders 11220
of obligations authorized by this section, and to any trustee 11221
therefor, for the further security of the payment of the bond 11222
service charges. 11223

(E) The bond proceedings may contain additional provisions as 11224
to: 11225

(1) The redemption of obligations prior to maturity at the 11226
option of the issuing authority at such price or prices and under 11227
such terms and conditions as are provided in the bond proceedings; 11228

(2) Other terms of the obligations; 11229

(3) Limitations on the issuance of additional obligations; 11230

(4) The terms of any trust agreement or indenture securing 11231
the obligations or under which the same may be issued; 11232

(5) The deposit, investment and application of special funds, 11233
and the safeguarding of moneys on hand or on deposit, without 11234
regard to Chapter 131. or 135. of the Revised Code, but subject to 11235
any special provisions of this chapter, with respect to particular 11236
funds or moneys, provided that any bank or trust company which 11237
acts as depository of any moneys in the special funds may furnish 11238
such indemnifying bonds or may pledge such securities as required 11239
by the issuing authority; 11240

(6) Any or every provision of the bond proceedings being 11241

binding upon such officer, board, commission, authority, agency, 11242
department, or other person or body as may from time to time have 11243
the authority under law to take such actions as may be necessary 11244
to perform all or any part of the duty required by such provision; 11245

(7) Any provision that may be made in a trust agreement or 11246
indenture; 11247

(8) Any other or additional agreements with the holders of 11248
the obligations, or the trustee therefor, relating to the 11249
obligations or the security therefor, including the assignment of 11250
mortgages or other security obtained or to be obtained for loans 11251
under section 122.43, 166.07, or 166.16 of the Revised Code. 11252

(F) The obligations may have the great seal of the state or a 11253
facsimile thereof affixed thereto or printed thereon. The 11254
obligations and any coupons pertaining to obligations shall be 11255
signed or bear the facsimile signature of the issuing authority. 11256
Any obligations or coupons may be executed by the person who, on 11257
the date of execution, is the proper issuing authority although on 11258
the date of such bonds or coupons such person was not the issuing 11259
authority. If the issuing authority whose signature or a facsimile 11260
of whose signature appears on any such obligation or coupon ceases 11261
to be the issuing authority before delivery thereof, such 11262
signature or facsimile is nevertheless valid and sufficient for 11263
all purposes as if the former issuing authority had remained the 11264
issuing authority until such delivery; and if the seal to be 11265
affixed to obligations has been changed after a facsimile of the 11266
seal has been imprinted on such obligations, such facsimile seal 11267
shall continue to be sufficient as to such obligations and 11268
obligations issued in substitution or exchange therefor. 11269

(G) All obligations are negotiable instruments and securities 11270
under Chapter 1308. of the Revised Code, subject to the provisions 11271
of the bond proceedings as to registration. The obligations may be 11272
issued in coupon or in registered form, or both, as the issuing 11273

authority determines. Provision may be made for the registration 11274
of any obligations with coupons attached thereto as to principal 11275
alone or as to both principal and interest, their exchange for 11276
obligations so registered, and for the conversion or reconversion 11277
into obligations with coupons attached thereto of any obligations 11278
registered as to both principal and interest, and for reasonable 11279
charges for such registration, exchange, conversion, and 11280
reconversion. 11281

(H) Obligations may be sold at public sale or at private 11282
sale, as determined in the bond proceedings. 11283

Obligations issued to provide moneys for the loan guarantee 11284
fund or the innovation Ohio loan guarantee fund may, as determined 11285
by the issuing authority, be sold at private sale, and without 11286
publication of a notice of sale. 11287

(I) Pending preparation of definitive obligations, the 11288
issuing authority may issue interim receipts or certificates which 11289
shall be exchanged for such definitive obligations. 11290

(J) In the discretion of the issuing authority, obligations 11291
may be secured additionally by a trust agreement or indenture 11292
between the issuing authority and a corporate trustee which may be 11293
any trust company or bank having a place of business within the 11294
state. Any such agreement or indenture may contain the resolution 11295
or order authorizing the issuance of the obligations, any 11296
provisions that may be contained in any bond proceedings, and 11297
other provisions which are customary or appropriate in an 11298
agreement or indenture of such type, including, but not limited 11299
to: 11300

(1) Maintenance of each pledge, trust agreement, indenture, 11301
or other instrument comprising part of the bond proceedings until 11302
the state has fully paid the bond service charges on the 11303
obligations secured thereby, or provision therefor has been made; 11304

(2) In the event of default in any payments required to be 11305
made by the bond proceedings, or any other agreement of the 11306
issuing authority made as a part of the contract under which the 11307
obligations were issued, enforcement of such payments or agreement 11308
by mandamus, the appointment of a receiver, suit in equity, action 11309
at law, or any combination of the foregoing; 11310

(3) The rights and remedies of the holders of obligations and 11311
of the trustee, and provisions for protecting and enforcing them, 11312
including limitations on rights of individual holders of 11313
obligations; 11314

(4) The replacement of any obligations that become mutilated 11315
or are destroyed, lost, or stolen; 11316

(5) Such other provisions as the trustee and the issuing 11317
authority agree upon, including limitations, conditions, or 11318
qualifications relating to any of the foregoing. 11319

(K) Any holders of obligations or trustees under the bond 11320
proceedings, except to the extent that their rights are restricted 11321
by the bond proceedings, may by any suitable form of legal 11322
proceedings, protect and enforce any rights under the laws of this 11323
state or granted by such bond proceedings. Such rights include the 11324
right to compel the performance of all duties of the issuing 11325
authority, the director of development, the Ohio air quality 11326
development authority, or the division of liquor control required 11327
by this chapter or the bond proceedings; to enjoin unlawful 11328
activities; and in the event of default with respect to the 11329
payment of any bond service charges on any obligations or in the 11330
performance of any covenant or agreement on the part of the 11331
issuing authority, the director of development, the Ohio air 11332
quality development authority, or the division of liquor control 11333
in the bond proceedings, to apply to a court having jurisdiction 11334
of the cause to appoint a receiver to receive and administer the 11335
pledged receipts and special funds, other than those in the 11336

custody of the treasurer of state, which are pledged to the 11337
payment of the bond service charges on such obligations or which 11338
are the subject of the covenant or agreement, with full power to 11339
pay, and to provide for payment of bond service charges on, such 11340
obligations, and with such powers, subject to the direction of the 11341
court, as are accorded receivers in general equity cases, 11342
excluding any power to pledge additional revenues or receipts or 11343
other income or moneys of the issuing authority or the state or 11344
governmental agencies of the state to the payment of such 11345
principal and interest and excluding the power to take possession 11346
of, mortgage, or cause the sale or otherwise dispose of any 11347
project facilities. 11348

Each duty of the issuing authority and the issuing 11349
authority's officers and employees, and of each governmental 11350
agency and its officers, members, or employees, undertaken 11351
pursuant to the bond proceedings or any agreement or lease, 11352
lease-purchase agreement, or loan made under authority of this 11353
chapter, and in every agreement by or with the issuing authority, 11354
is hereby established as a duty of the issuing authority, and of 11355
each such officer, member, or employee having authority to perform 11356
such duty, specifically enjoined by the law resulting from an 11357
office, trust, or station within the meaning of section 2731.01 of 11358
the Revised Code. 11359

The person who is at the time the issuing authority, or the 11360
issuing authority's officers or employees, are not liable in their 11361
personal capacities on any obligations issued by the issuing 11362
authority or any agreements of or with the issuing authority. 11363

(L) The issuing authority may authorize and issue obligations 11364
for the refunding, including funding and retirement, and advance 11365
refunding with or without payment or redemption prior to maturity, 11366
of any obligations previously issued by the issuing authority. 11367
Such obligations may be issued in amounts sufficient for payment 11368

of the principal amount of the prior obligations, any redemption 11369
premiums thereon, principal maturities of any such obligations 11370
maturing prior to the redemption of the remaining obligations on a 11371
parity therewith, interest accrued or to accrue to the maturity 11372
dates or dates of redemption of such obligations, and any 11373
allowable costs including expenses incurred or to be incurred in 11374
connection with such issuance and such refunding, funding, and 11375
retirement. Subject to the bond proceedings therefor, the portion 11376
of proceeds of the sale of obligations issued under this division 11377
to be applied to bond service charges on the prior obligations 11378
shall be credited to an appropriate account held by the trustee 11379
for such prior or new obligations or to the appropriate account in 11380
the bond service fund for such obligations. Obligations authorized 11381
under this division shall be deemed to be issued for those 11382
purposes for which such prior obligations were issued and are 11383
subject to the provisions of this section pertaining to other 11384
obligations, except as otherwise provided in this section; 11385
provided that, unless otherwise authorized by the general 11386
assembly, any limitations imposed by the general assembly pursuant 11387
to this section with respect to bond service charges applicable to 11388
the prior obligations shall be applicable to the obligations 11389
issued under this division to refund, fund, advance refund or 11390
retire such prior obligations. 11391

(M) The authority to issue obligations under this section 11392
includes authority to issue obligations in the form of bond 11393
anticipation notes and to renew the same from time to time by the 11394
issuance of new notes. The holders of such notes or interest 11395
coupons pertaining thereto shall have a right to be paid solely 11396
from the pledged receipts and special funds that may be pledged to 11397
the payment of the bonds anticipated, or from the proceeds of such 11398
bonds or renewal notes, or both, as the issuing authority provides 11399
in the resolution or order authorizing such notes. Such notes may 11400
be additionally secured by covenants of the issuing authority to 11401

the effect that the issuing authority and the state will do such 11402
or all things necessary for the issuance of such bonds or renewal 11403
notes in appropriate amount, and apply the proceeds thereof to the 11404
extent necessary, to make full payment of the principal of and 11405
interest on such notes at the time or times contemplated, as 11406
provided in such resolution or order. For such purpose, the 11407
issuing authority may issue bonds or renewal notes in such 11408
principal amount and upon such terms as may be necessary to 11409
provide funds to pay when required the principal of and interest 11410
on such notes, notwithstanding any limitations prescribed by or 11411
for purposes of this section. Subject to this division, all 11412
provisions for and references to obligations in this section are 11413
applicable to notes authorized under this division. 11414

The issuing authority in the bond proceedings authorizing the 11415
issuance of bond anticipation notes shall set forth for such bonds 11416
an estimated interest rate and a schedule of principal payments 11417
for such bonds and the annual maturity dates thereof, and for 11418
purposes of any limitation on bond service charges prescribed 11419
under division (A) of section 166.11 of the Revised Code, the 11420
amount of bond service charges on such bond anticipation notes is 11421
deemed to be the bond service charges for the bonds anticipated 11422
thereby as set forth in the bond proceedings applicable to such 11423
notes, but this provision does not modify any authority in this 11424
section to pledge receipts and special funds to, and covenant to 11425
issue bonds to fund, the payment of principal of and interest and 11426
any premium on such notes. 11427

(N) Obligations issued under this section are lawful 11428
investments for banks, societies for savings, savings and loan 11429
associations, deposit guarantee associations, trust companies, 11430
trustees, fiduciaries, insurance companies, including domestic for 11431
life and domestic not for life, trustees or other officers having 11432
charge of sinking and bond retirement or other special funds of 11433

political subdivisions and taxing districts of this state, the 11434
commissioners of the sinking fund of the state, the administrator 11435
of workers' compensation, the state teachers retirement system, 11436
the public employees retirement system, the school employees 11437
retirement system, and the Ohio police and fire pension fund, 11438
notwithstanding any other provisions of the Revised Code or rules 11439
adopted pursuant thereto by any governmental agency of the state 11440
with respect to investments by them, and are also acceptable as 11441
security for the deposit of public moneys. 11442

(O) Unless otherwise provided in any applicable bond 11443
proceedings, moneys to the credit of or in the special funds 11444
established by or pursuant to this section may be invested by or 11445
on behalf of the issuing authority only in notes, bonds, or other 11446
obligations of the United States, or of any agency or 11447
instrumentality of the United States, obligations guaranteed as to 11448
principal and interest by the United States, obligations of this 11449
state or any political subdivision of this state, and certificates 11450
of deposit of any national bank located in this state and any 11451
bank, as defined in section 1101.01 of the Revised Code, subject 11452
to inspection by the superintendent of banks. If the law or the 11453
instrument creating a trust pursuant to division (J) of this 11454
section expressly permits investment in direct obligations of the 11455
United States or an agency of the United States, unless expressly 11456
prohibited by the instrument, such moneys also may be invested in 11457
no-front-end-load money market mutual funds consisting exclusively 11458
of obligations of the United States or an agency of the United 11459
States and in repurchase agreements, including those issued by the 11460
fiduciary itself, secured by obligations of the United States or 11461
an agency of the United States; and in common trust funds 11462
established in accordance with section 1111.20 of the Revised Code 11463
and consisting exclusively of any such securities, notwithstanding 11464
division (A)(4) of that section. The income from such investments 11465
shall be credited to such funds as the issuing authority 11466

determines, and such investments may be sold at such times as the 11467
issuing authority determines or authorizes. 11468

(P) Provision may be made in the applicable bond proceedings 11469
for the establishment of separate accounts in the bond service 11470
fund and for the application of such accounts only to the 11471
specified bond service charges on obligations pertinent to such 11472
accounts and bond service fund and for other accounts therein 11473
within the general purposes of such fund. Unless otherwise 11474
provided in any applicable bond proceedings, moneys to the credit 11475
of or in the several special funds established pursuant to this 11476
section shall be disbursed on the order of the treasurer of state, 11477
provided that no such order is required for the payment from the 11478
bond service fund when due of bond service charges on obligations. 11479

(Q) The issuing authority may pledge all, or such portion as 11480
the issuing authority determines, of the pledged receipts to the 11481
payment of bond service charges on obligations issued under this 11482
section, and for the establishment and maintenance of any 11483
reserves, as provided in the bond proceedings, and make other 11484
provisions therein with respect to pledged receipts as authorized 11485
by this chapter, which provisions are controlling notwithstanding 11486
any other provisions of law pertaining thereto. 11487

(R) The issuing authority may covenant in the bond 11488
proceedings, and any such covenants are controlling 11489
notwithstanding any other provision of law, that the state and 11490
applicable officers and governmental agencies of the state, 11491
including the general assembly, so long as any obligations are 11492
outstanding, shall: 11493

(1) Maintain statutory authority for and cause to be charged 11494
and collected wholesale and retail prices for spirituous liquor 11495
sold by the state or its agents so that the pledged receipts are 11496
sufficient in amount to meet bond service charges, and the 11497
establishment and maintenance of any reserves and other 11498

requirements provided for in the bond proceedings, and, as 11499
necessary, to meet covenants contained in contracts of guarantee 11500
made under section 166.06 of the Revised Code; 11501

(2) Take or permit no action, by statute or otherwise, that 11502
would impair the exemption from federal income taxation of the 11503
interest on the obligations. 11504

(S) There is hereby created the economic development bond 11505
service fund, which shall be in the custody of the treasurer of 11506
state but shall be separate and apart from and not a part of the 11507
state treasury. All moneys received by or on account of the 11508
issuing authority or state agencies and required by the applicable 11509
bond proceedings, consistent with this section, to be deposited, 11510
transferred, or credited to a bond service fund or the economic 11511
development bond service fund, and all other moneys transferred or 11512
allocated to or received for the purposes of the fund, shall be 11513
deposited and credited to such fund and to any separate accounts 11514
therein, subject to applicable provisions of the bond proceedings, 11515
but without necessity for any act of appropriation. During the 11516
period beginning with the date of the first issuance of 11517
obligations and continuing during such time as any such 11518
obligations are outstanding, and so long as moneys in the 11519
pertinent bond service funds are insufficient to pay all bond 11520
services charges on such obligations becoming due in each year, a 11521
sufficient amount of the gross profit on the sale of spirituous 11522
liquor included in pledged receipts are committed and shall be 11523
paid to the bond service fund or economic development bond service 11524
fund in each year for the purpose of paying the bond service 11525
charges becoming due in that year without necessity for further 11526
act of appropriation for such purpose and notwithstanding anything 11527
to the contrary in Chapter 4301. of the Revised Code. The economic 11528
development bond service fund is a trust fund and is hereby 11529
pledged to the payment of bond service charges to the extent 11530

provided in the applicable bond proceedings, and payment thereof 11531
from such fund shall be made or provided for by the treasurer of 11532
state in accordance with such bond proceedings without necessity 11533
for any act of appropriation. 11534

(T) The obligations, the transfer thereof, and the income 11535
therefrom, including any profit made on the sale thereof, shall at 11536
all times be free from taxation within the state. 11537

Sec. 166.11. (A) The aggregate amount of debt service payable 11538
in any calendar year on project financing obligations issued under 11539
section 166.08 of the Revised Code, exclusive of make-whole call 11540
redemptions or other optional prepayments, shall not exceed fifty 11541
million dollars. The aggregate principal amount of obligations, 11542
exclusive of project financing obligations, that may be issued 11543
under section 166.08 of the Revised Code is six hundred thirty 11544
million dollars, plus the principal amount of any such obligations 11545
retired by payment, the amounts held or obligations pledged for 11546
the payment of the principal amount of any such obligations 11547
outstanding, amounts in special funds held as reserves to meet 11548
bond service charges, and amounts of obligations issued to provide 11549
moneys required to meet payments from the loan guarantee fund 11550
created in section 166.06 of the Revised Code and the innovation 11551
Ohio loan guarantee fund created in section 166.15 of the Revised 11552
Code. Of that six hundred thirty million dollars, not more than 11553
eighty-four million principal amount of obligations may be issued 11554
for eligible advanced energy projects and not more than one 11555
hundred million principal amount of obligations may be issued for 11556
eligible logistics and distribution projects. No portion of the 11557
eighty-four million principal amount for eligible advanced energy 11558
projects may be issued after the effective date of this amendment. 11559
The terms of the obligations issued under section 166.08 of the 11560
Revised Code, other than obligations issued to meet guarantees 11561
that cannot be satisfied from amounts then held in the loan 11562

guarantee fund or the innovation Ohio loan guarantee fund, shall 11563
be such that the aggregate amount of moneys used from profit from 11564
the sale of spirituous liquor, and not from other sources, in any 11565
fiscal year shall not exceed sixty-three million dollars. For 11566
purposes of the preceding sentence, "other sources" include the 11567
annual investment income on special funds to the extent it will be 11568
available for payment of any bond service charges in lieu of use 11569
of profit from the sale of spirituous liquor, and shall be 11570
estimated on the basis of the expected funding of those special 11571
funds and assumed investment earnings thereon at a rate equal to 11572
the weighted average yield on investments of those special funds 11573
determined as of any date within sixty days immediately preceding 11574
the date of issuance of the bonds in respect of which the 11575
determination is being made. Amounts received in any fiscal year 11576
under section 6341 of the Internal Revenue Code, 26 U.S.C. 6341, 11577
shall not be included when determining the sixty-three million 11578
dollar limit. The determinations required by this division shall 11579
be made by the treasurer of state at the time of issuance of an 11580
issue of obligations and shall be conclusive for purposes of such 11581
issue of obligations from and after their issuance and delivery. 11582

(B) The aggregate amount of the guaranteed portion of the 11583
unpaid principal of loans guaranteed under sections 166.06 and 11584
166.15 of the Revised Code and the unpaid principal of loans made 11585
under sections 166.07, 166.16, and 166.21 of the Revised Code may 11586
not at any time exceed eight hundred million dollars. Of that 11587
eight hundred million dollars, the aggregate amount of the 11588
guaranteed portion of the unpaid principal of loans guaranteed 11589
under sections 166.06 and 166.15 of the Revised Code shall not at 11590
any time exceed two hundred million dollars. However, the 11591
limitations established under this division do not apply to loans 11592
made with proceeds from the issuance and sale of project financing 11593
obligations. 11594

Sec. 166.50. "Microbusiness" means an independently owned and operated for-profit business entity, including any affiliates, that has fewer than twenty full-time employees or full-time equivalent employees and is located in this state.

For purposes of this section:

(A) "Full-time employee" means an employee who, with respect to a calendar month, is employed an average of at least thirty hours of service per week.

(B) The number of full-time equivalent employees for a calendar month is determined by calculating the aggregate number of hours of service for that calendar month for employees who were not full-time employees and dividing that number by one hundred twenty.

Sec. 167.03. (A) The council shall have the power to:

(1) Study such area governmental problems common to two or more members of the council as it deems appropriate, including but not limited to matters affecting health, safety, welfare, education, economic conditions, and regional development;

(2) Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;

(3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;

(4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;

(5) Operate a public safety answering point in accordance

with Chapter 128. of the Revised Code; 11624

(6) Perform planning directly by personnel of the council, or 11625
under contracts between the council and other public or private 11626
planning agencies. 11627

(B) The council may: 11628

(1) Review, evaluate, comment upon, and make recommendations, 11629
relative to the planning and programming, and the location, 11630
financing, and scheduling of public facility projects within the 11631
region and affecting the development of the area; 11632

(2) Act as an areawide agency to perform comprehensive 11633
planning for the programming, locating, financing, and scheduling 11634
of public facility projects within the region and affecting the 11635
development of the area and for other proposed land development or 11636
uses, which projects or uses have public metropolitan wide or 11637
interjurisdictional significance; 11638

(3) Act as an agency for coordinating, based on metropolitan 11639
wide comprehensive planning and programming, local public 11640
policies, and activities affecting the development of the region 11641
or area. 11642

(C) The council may, by appropriate action of the governing 11643
bodies of the members, perform such other functions and duties as 11644
are performed or capable of performance by the members and 11645
necessary or desirable for dealing with problems of mutual 11646
concern. 11647

(D) The authority granted to the council by this section or 11648
in any agreement by the members thereof shall not displace any 11649
existing municipal, county, regional, or other planning commission 11650
or planning agency in the exercise of its statutory powers. 11651

(E) A council, with an educational service center as its 11652
fiscal agent, that is established to provide health care benefits 11653

to the council members' officers and employees and their 11654
dependents may contract to administer and coordinate a self-funded 11655
health benefit program of a nonprofit corporation organized under 11656
Chapter 1702. of the Revised Code. 11657

Sec. 173.01. The department of aging shall: 11658

(A) Be the designated state agency to administer programs of 11659
the federal government relating to the aged, requiring action 11660
within the state, that are not the specific responsibility of 11661
another state agency under federal or state statutes. The 11662
department shall be the sole state agency to administer funds 11663
granted by the federal government under the "Older Americans Act 11664
of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended. The department 11665
shall not supplant or take over for the counties or municipal 11666
corporations or from other state agencies or facilities any of the 11667
specific responsibilities borne by them on November 23, 1973. The 11668
department shall cooperate with such federal and state agencies, 11669
counties, and municipal corporations and private agencies or 11670
facilities within the state in furtherance of the purposes as set 11671
forth in this chapter. 11672

(B) Administer state funds appropriated for its use for 11673
administration and for grants and may use appropriated state funds 11674
as state match for federal grants. All federal funds received 11675
shall be reported to the director of budget and management. 11676

(C) Review all proposed plans, programs, and rules primarily 11677
affecting persons sixty years of age or older, and shall be sent a 11678
copy of all proposed and final rules, as well as proposals for 11679
plans and programs that primarily affect persons sixty years of 11680
age or older and notices of all hearings on such rules, plans, and 11681
programs. Any state agency proposing a plan, program, or rule that 11682
primarily affects persons sixty years of age or older shall submit 11683
a copy of such proposal to the department for its written 11684

comments. No such proposed plan, program, or rule shall take 11685
effect until the department's comments have been requested. The 11686
department shall review the proposal and submit a written comment 11687
on such proposal to the agency making the proposal, within thirty 11688
days from the date the department receives the proposal. If the 11689
department does not agree that the proposed plan, program, or rule 11690
shall take effect as proposed, the department shall set forth in 11691
writing its reasons and its suggestions for changes in the 11692
proposed plan, program, or rule. If the agency making the proposal 11693
does not choose to comply with the suggestions of the department, 11694
the agency making the proposal shall send the department, no later 11695
than thirty days before the proposal becomes final, written notice 11696
of its intention not to comply with such suggestions and its 11697
reason for such noncompliance. 11698

This section does not apply to plans or revisions adopted 11699
under section 5101.46 of the Revised Code. 11700

(D) Plan, initiate, coordinate, and evaluate statewide 11701
programs, services, and activities for elderly people; 11702

(E) Disseminate information concerning the problems of 11703
elderly people and establish and maintain a central clearinghouse 11704
of information on public programs at all levels of government that 11705
would be of interest or benefit to the elderly; 11706

(F) Report annually to the governor and the general assembly 11707
on the department's programs; 11708

(G) Have authority to contract with public or private groups 11709
to perform services for the department; 11710

~~(H) Conduct investigations under section 3721.17 of the 11711
Revised Code;~~ 11712

~~(I) Hire investigators to conduct investigations of alleged 11713
violations of sections 3721.10 to 3721.17 of the Revised Code 11714
pursuant to section 3721.17 of the Revised Code;~~ 11715

~~(J)~~ Adopt rules under Chapter 119. of the Revised Code to govern investigations conducted under section 3721.17 of the Revised Code; 11716
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~~(K)~~ Adopt rules pursuant to in accordance with Chapter 119. of the Revised Code to govern the operation of services and facilities for the elderly that are provided, operated, contracted for, or supported by the department, and determine that those services and facilities are operated in conformity with the rules; 11719
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~~(L)~~(I) Determine the needs of the elderly and represent their interests at all levels of government; 11724
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~~(M)~~(J) Establish and operate a state long-term care ombudsman program pursuant to ~~section 307(a)(12)(A)~~ sections 307 and 712 of the "Older Americans Act of 1965," ~~as amended by the~~ "Comprehensive Older Americans Act Amendments of 1978," 92 Stat. 1524, 42 U.S.C.A. 3027, and amendments thereto 42 U.S.C. 3027 and 3058. 11726
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Sec. 173.14. As used in sections 173.14 to ~~173.27~~ 173.28 of the Revised Code: 11732
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(A)(1) Except as otherwise provided in division (A)(2) of this section, "long-term care facility" includes any residential facility that provides personal care services for more than twenty-four hours for one or more unrelated adults, including all of the following: 11734
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(a) A "nursing home," "residential care facility," or "home for the aging," as those terms are defined in section 3721.01 of the Revised Code; 11739
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(b) A facility authorized to provide extended care services under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, including a long-term acute care hospital that provides medical and rehabilitative care to 11742
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patients who require an average length of stay greater than 11746
twenty-five days and is classified by the centers for medicare and 11747
medicaid services as a long-term care hospital pursuant to 42 11748
C.F.R. 412.23(e); 11749

(c) A county home or district home operated pursuant to 11750
Chapter 5155. of the Revised Code; 11751

(d) A residential facility licensed under section 5119.34 of 11752
the Revised Code that provides accommodations, supervision, and 11753
personal care services for three to sixteen unrelated adults or 11754
accommodations and personal care services for only one or two 11755
adults who are receiving payments under the residential state 11756
supplement program established under section 5119.41 of the 11757
Revised Code; 11758

(e) A facility approved by the veterans administration under 11759
section 104(a) of the "Veterans Health Care Amendments of 1983," 11760
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 11761
the placement and care of veterans. 11762

(2) "Long-term care facility" does not include a residential 11763
facility licensed under section 5123.19 of the Revised Code. 11764

(B) "Resident" means a resident of a long-term care facility 11765
and, where appropriate, includes a prospective, previous, or 11766
deceased resident of a long-term care facility. 11767

(C) "Community-based long-term care services" means health 11768
and social services provided to persons in their own homes or in 11769
community care settings, and includes any of the following: 11770

(1) Case management; 11771

(2) Home health care; 11772

(3) Homemaker services; 11773

(4) Chore services; 11774

(5) Respite care; 11775

(6) Adult day care;	11776
(7) Home-delivered meals;	11777
(8) Personal care;	11778
(9) Physical, occupational, and speech therapy;	11779
(10) Transportation;	11780
(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.	11781 11782 11783
(D) "Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services.	11784 11785 11786 11787
(E) "Sponsor" means an adult relative, friend, or guardian who has an interest in or responsibility for the welfare of a resident or a recipient.	11788 11789 11790
(F) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.	11791 11792
(G) "Regional long-term care ombudsman program" means an entity, either public or private and nonprofit, designated as a regional long-term care ombudsman program by the state long-term care ombudsman.	11793 11794 11795 11796
(H) "Representative of the office of the state long-term care ombudsman program" means the state long-term care ombudsman or a member of the ombudsman's staff, or a person certified as a representative of the office under section 173.21 of the Revised Code.	11797 11798 11799 11800 11801
(I) "Area agency on aging" means an area agency on aging established under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C.A. 3001, as amended.	11802 11803 11804

(J) "Long-term care provider" means a long-term care facility 11805
or a provider of community-based long-term care services. 11806

(K) "Advocacy visit" means a visit by a representative of the 11807
office of the state long-term care ombudsman program to a 11808
long-term care provider, a resident, or a recipient when the 11809
purpose of the visit is one or more of the following: 11810

(1) To establish a regular presence that creates awareness of 11811
the availability of the office of the long-term care ombudsman 11812
program; 11813

(2) To increase awareness of the services the office 11814
provides; 11815

(3) To address any other matter not related to the 11816
representative's investigation of a specific complaint. 11817

An advocacy visit may unexpectedly involve addressing 11818
uncomplicated complaints or lead to an investigation of a 11819
complaint when needed. 11820

Sec. 173.15. The state long-term care ombudsman program 11821
established by the department of aging pursuant to division ~~(M)~~(J) 11822
of section 173.01 of the Revised Code shall be known as "the 11823
office of the state long-term care ombudsman program." It shall 11824
consist of the state long-term care ombudsman ~~and his,~~ the 11825
ombudsman's staff, and regional long-term care ombudsman programs. 11826
In establishing and operating the office, the department shall 11827
consider the views of area agencies on aging, individuals age 11828
sixty or older, and agencies and other entities that provide 11829
services to individuals age sixty and older. 11830

The department of aging shall appoint the state ombudsman, 11831
who shall serve at the pleasure of the department. The department 11832
shall appoint as state ombudsman an individual who has no conflict 11833
of interest with the position and is capable of administering the 11834

office impartially, has an understanding of long-term care issues, 11835
and has experience related to the concerns of residents and 11836
recipients, such as experience in the fields of aging, health 11837
care, and long-term care; work with community programs and health 11838
care providers; and work with and involvement in volunteer 11839
programs. No individual or entity whose interests are in conflict 11840
with the responsibilities of the state ombudsman shall be involved 11841
in ~~his~~ the ombudsman's appointment. 11842

The department shall ensure that no employee or 11843
representative of the office and no individual involved in the 11844
designation of the head of any regional long-term care ombudsman 11845
program has any interest that is, or may be, in conflict with the 11846
interests and concerns of the office and shall ensure that 11847
mechanisms are in place to remedy any conflicts. 11848

For purposes of this section, conflicts of interest may 11849
include, but are not limited to, employment by a long-term care 11850
~~facility or a provider of community-based long-term care services~~ 11851
within two years prior to being employed by or associated with the 11852
office of the state long-term care ombudsman program, affiliation 11853
with or financial interest in a long-term care ~~facility or a~~ 11854
~~provider of community-based long-term care services~~, and 11855
affiliation with or financial interest in a membership 11856
organization of long-term care providers. 11857

Sec. 173.17. (A) The state long-term care ombudsman shall do 11858
all of the following: 11859

(1) Appoint a staff and direct and administer the work of the 11860
staff; 11861

(2) ~~Supervise the nursing home investigative unit established~~ 11862
~~under division (I) of section 173.01 of the Revised Code;~~ 11863

~~(3) Oversee the performance and operation of the office of~~ 11864

the state long-term care ombudsman program, including the 11865
operation of regional long-term care ombudsman programs; 11866

~~(4)~~(3) Establish and maintain a statewide uniform reporting 11867
system to collect and analyze information relating to complaints 11868
and conditions in long-term care facilities and complaints 11869
regarding the provision of community-based long-term care services 11870
for the purpose of identifying and resolving significant problems; 11871

~~(5)~~(4) Provide for public forums to discuss concerns and 11872
problems relating to action, inaction, or decisions that may 11873
adversely affect the health, safety, welfare, or rights of 11874
residents ~~and~~ recipients of services by providers of long-term 11875
~~care~~ and their representatives with respect to services by 11876
long-term care providers, public agencies and entities, and social 11877
service agencies. This may include any of the following: 11878
conducting public hearings; sponsoring workshops and conferences; 11879
holding meetings for the purpose of obtaining information about 11880
residents and recipients, discussing and publicizing their needs, 11881
and advocating solutions to their problems; and promoting the 11882
development of citizen organizations. 11883

~~(6)~~(5) Encourage, cooperate with, and assist in the 11884
development and operation of services to provide current, 11885
objective, and verified information about long-term care; 11886

~~(7)~~(6) Develop and implement, with the assistance of regional 11887
programs, a continuing program to publicize, through the media and 11888
civic organizations, the office, its purposes, and its methods of 11889
operation; 11890

~~(8)~~(7) Maintain written descriptions of the duties and 11891
qualifications of representatives of the office; 11892

~~(9)~~(8) Evaluate and make known concerns and issues regarding 11893
long-term care by doing all of the following: 11894

(a) Preparing an annual report containing information and 11895

findings regarding the types of problems experienced by residents 11896
and recipients and the complaints made by or on behalf of 11897
residents and recipients. The report shall include recommendations 11898
for policy, regulatory, and legislative changes to solve problems, 11899
resolve complaints, and improve the quality of care and life for 11900
residents and recipients ~~and~~. The report shall be submitted to the 11901
governor, the speaker of the house of representatives, the 11902
president of the senate, the ~~directors~~ director of health ~~and, the~~ 11903
medicaid director, the director of job and family services, the 11904
director of mental health and addiction services, and the 11905
~~commissioner of the administration on~~ assistant secretary for 11906
aging of the United States department of health and human 11907
services. 11908

(b) Monitoring and analyzing the development and 11909
implementation of federal, state, and local laws, rules, and 11910
policies regarding long-term care services in this state and 11911
recommending to officials changes the office considers appropriate 11912
in ~~these~~ those laws, rules, and policies; 11913

(c) Providing information and making recommendations to 11914
public agencies, members of the general assembly, and others 11915
regarding problems and concerns of residents and recipients. 11916

~~(10)~~(9) Conduct training for employees and volunteers on the 11917
ombudsman's staff and for representatives of the office employed 11918
by regional programs; 11919

~~(11)~~(10) Monitor the training of representatives of the 11920
office who provide volunteer services to regional programs, and 11921
provide technical assistance to the regional programs in 11922
conducting the training; 11923

~~(12)~~(11) Issue certificates attesting to the successful 11924
completion of training and specifying the level of responsibility 11925
for which a representative of the office who has completed 11926

training is qualified; 11927

~~(13)~~(12) Register as a residents' rights advocate with the 11928
department of health under division (B) of section 3701.07 of the 11929
Revised Code; 11930

(13) Conduct advocacy visits and authorize other 11931
representatives of the office of the state long-term care 11932
ombudsman program to conduct advocacy visits; 11933

(14) Perform other duties specified by the department of 11934
aging. 11935

(B) The state ombudsman may delegate to any member of the 11936
ombudsman's staff any of the ombudsman's authority or duties ~~under 11937
set forth in~~ sections 173.14 to ~~173.26~~ 173.28 of the Revised Code 11938
~~to any member of the ombudsman's staff other than any authority or 11939
duty required by federal law to be exercised or performed by the 11940
ombudsman.~~ The state ombudsman is responsible for any authority or 11941
duties the ombudsman delegates. 11942

Sec. 173.19. (A) The office of the state long-term care 11943
ombudsman program, through the state long-term care ombudsman and 11944
the regional long-term care ombudsman programs, shall receive, 11945
investigate, and attempt to resolve complaints made by residents, 11946
recipients, sponsors, ~~providers of~~ long-term care providers, or 11947
any person acting on behalf of a resident or recipient, relating 11948
to either of the following: 11949

(1) The health, safety, welfare, or civil rights of a 11950
resident or recipient or any violation of a resident's rights 11951
described in sections 3721.10 to 3721.17 of the Revised Code; 11952

(2) Any action or inaction or decision by ~~a provider of 11953
long-term care or representative of a provider, a governmental 11954
entity, or a private social service agency~~ any of the following 11955
that may adversely affect the health, safety, welfare, or rights 11956

of a resident or recipient: a long-term care provider or a 11957
representative of a long-term care provider; a medicaid managed 11958
care organization, as defined in section 5167.01 of the Revised 11959
Code; a government entity; or a private social service agency. 11960

(B) The department of aging shall adopt rules in accordance 11961
with Chapter 119. of the Revised Code regarding the handling of 11962
complaints received under this section, including procedures for 11963
conducting investigations of complaints. The rules shall include 11964
procedures to ensure that no representative of the office 11965
investigates any complaint involving a ~~provider~~ of long-term care 11966
provider with which the representative was once employed or 11967
associated. 11968

The state ombudsman and regional programs shall establish 11969
procedures for handling complaints consistent with the 11970
department's rules. Complaints shall be dealt with in accordance 11971
with the procedures established under this division. 11972

(C) The office of the state long-term care ombudsman program 11973
may decline to investigate any complaint if it determines any of 11974
the following: 11975

(1) That the complaint is frivolous, vexatious, or not made 11976
in good faith; 11977

(2) That the complaint was made so long after the occurrence 11978
of the incident on which it is based that it is no longer 11979
reasonable to conduct an investigation; 11980

(3) That an adequate investigation cannot be conducted 11981
because of insufficient funds, insufficient staff, lack of staff 11982
expertise, or any other reasonable factor that would result in an 11983
inadequate investigation despite a good faith effort; 11984

(4) That an investigation by the office would create a real 11985
or apparent conflict of interest. 11986

(D) If a regional long-term care ombudsman program declines 11987
to investigate a complaint, it shall refer the complaint to the 11988
state long-term care ombudsman. 11989

(E) Each complaint to be investigated by a regional program 11990
shall be assigned to a representative of the office of the state 11991
long-term care ombudsman program. If the representative determines 11992
that the complaint is valid, the representative shall assist the 11993
parties in attempting to resolve it. If the representative is 11994
unable to resolve it, the representative shall refer the complaint 11995
to the state ombudsman. 11996

In order to carry out the duties of sections 173.14 to ~~173.26~~ 11997
173.28 of the Revised Code, a representative has the right to 11998
private communication with residents and their sponsors and access 11999
to long-term care facilities, including the right to tour resident 12000
areas unescorted and the right to tour facilities unescorted as 12001
reasonably necessary to the investigation of a complaint. Access 12002
to facilities shall be during reasonable hours or, during 12003
investigation of a complaint, at other times appropriate to the 12004
complaint. 12005

When community-based long-term care services are provided at 12006
a location other than the recipient's home, a representative has 12007
the right to private communication with the recipient and the 12008
recipient's sponsors and access to the community-based long-term 12009
care site, including the right to tour the site unescorted. Access 12010
to the site shall be during reasonable hours or, during the 12011
investigation of a complaint, at other times appropriate to the 12012
complaint. 12013

(F) The state ombudsman shall determine whether complaints 12014
referred to the ombudsman under division (D) or (E) of this 12015
section warrant investigation. The ombudsman's determination in 12016
this matter is final. 12017

(G) No long-term care provider or other entity, no person employed by a long-term care provider or other entity, and no other individual shall do either of the following: 12018
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12020

(1) Knowingly deny a representative of the office of the state long-term care ombudsman program the right to private communication or access described in division (E) of this section; 12021
12022
12023

(2) Engage in willful interference. 12024

As used in division (G)(2) of this section, "willful interference" means any action or inaction that is intended to prevent, interfere with, or impede a representative of the office of the state long-term care ombudsman program from exercising any of the rights or performing any of the duties of an ombudsman set forth in sections 173.14 to 173.28 of the Revised Code. 12025
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Sec. 173.20. (A) If consent is given and unless otherwise prohibited by law, a representative of the office of the state long-term care ombudsman program shall have access to any records, including medical records, of a resident or a recipient that are reasonably necessary for investigation of a complaint. Consent may be given in any of the following ways: 12031
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12033
12034
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(1) In writing by the resident or recipient; 12037

(2) Orally by the resident or recipient, witnessed in writing at the time it is given by one other person, ~~and, if the records involved are being maintained by a long term care provider, also by an employee of the long term care provider designated under division (E)(1) of this section;~~ 12038
12039
12040
12041
12042

(3) In writing by the guardian of the resident or recipient; 12043

(4) In writing by the attorney in fact of the resident or recipient, if the resident or recipient has authorized the attorney in fact to give such consent; 12044
12045
12046

(5) In writing by the executor or administrator of the estate 12047

of a deceased resident or recipient. 12048

(B) If consent to access to records is not refused by a 12049
resident or recipient or the resident's or recipient's legal 12050
representative but cannot be obtained and any of the following 12051
circumstances exist, a representative of the office of the state 12052
long-term care ombudsman program, on approval of the state 12053
long-term care ombudsman, may inspect the records of a resident or 12054
a recipient, including medical records, that are reasonably 12055
necessary for investigation of a complaint: 12056

(1) The resident or recipient is unable to express written or 12057
oral consent and there is no guardian or attorney in fact; 12058

(2) There is a guardian or attorney in fact, but the guardian 12059
or attorney in fact cannot be contacted within three working days; 12060

(3) There is a guardianship or durable power of attorney, but 12061
its existence is unknown by the long-term care provider and the 12062
representative of the office at the time of the investigation; 12063

(4) There is no executor or administrator of the estate of a 12064
deceased resident or recipient. 12065

(C) If a representative of the office of the state long-term 12066
care ombudsman program has been refused access to records by a 12067
guardian or attorney in fact, but has reasonable cause to believe 12068
that the guardian or attorney in fact is not acting in the best 12069
interests of the resident or recipient, the representative may, on 12070
approval of the state long-term care ombudsman, inspect the 12071
records of the resident or recipient, including medical records, 12072
that are reasonably necessary for investigation of a complaint. 12073

(D) A representative of the office of the state long-term 12074
care ombudsman program shall have access to any records of a 12075
long-term care provider reasonably necessary to an investigation 12076
conducted under this section, including but not limited to: 12077
incident reports, dietary records, policies and procedures of a 12078

facility required to be maintained under section 5165.06 of the Revised Code, admission agreements, staffing schedules, any document depicting the actual staffing pattern of the provider, any financial records that are matters of public record, resident council and grievance committee minutes, and any waiting list maintained by a facility in accordance with section 5165.08 of the Revised Code, or any similar records or lists maintained by a provider of community-based long-term care services. Pursuant to division (E)(2) of this section, a representative shall be permitted to make or obtain copies of any of these records after giving the long-term care provider twenty-four hours' notice. A long-term care provider may impose a charge for providing copies of records under this division that does not exceed the actual and necessary expense of making the copies.

~~The state ombudsman shall take whatever action is necessary to ensure that any copy of a record made or obtained under this division is returned to the long-term care provider no later than three years after the date the investigation for which the copy was made or obtained is completed.~~

~~(E)(1) Each long-term care provider shall designate one or more of its employees to be responsible for witnessing the giving of oral consent under division (A) of this section. In the event that a designated employee is not available when a resident or recipient attempts to give oral consent, the provider shall designate another employee to witness the consent.~~

(2) Each long-term care provider shall designate one or more of its employees to be responsible for releasing records for copying to representatives of the office of the state long-term care ombudsman program who request permission to make or obtain copies of records specified in division (D) of this section. In the event that a designated employee is not available when a representative of the office makes the request, the long-term care

provider shall designate another employee to release the records 12111
for copying. 12112

(F) A long-term care provider or any employee of such a 12113
provider is immune from civil or criminal liability or action 12114
taken pursuant to a professional disciplinary procedure for the 12115
release or disclosure of records to a representative of the office 12116
pursuant to this section. 12117

(G) A state or local government agency or entity with records 12118
relevant to a complaint or investigation being conducted by a 12119
representative of the office shall provide the representative 12120
access to the records. 12121

(H) The state ombudsman, with the approval of the director of 12122
aging, may issue a subpoena to compel any person the ombudsman 12123
reasonably believes may be able to provide information to appear 12124
before the ombudsman or the ombudsman's designee and give sworn 12125
testimony and to produce documents, books, records, papers, or 12126
other evidence the state ombudsman believes is relevant to the 12127
investigation. On the refusal of a witness to be sworn or to 12128
answer any question put to the witness, or if a person disobeys a 12129
subpoena, the ombudsman shall apply to the Franklin county court 12130
of common pleas for a contempt order, as in the case of 12131
disobedience of the requirements of a subpoena issued from the 12132
court, or a refusal to testify in the court. 12133

(I) The state ombudsman may petition the court of common 12134
pleas in the county in which a long-term care facility is located 12135
to issue an injunction against any long-term care facility in 12136
violation of sections 3721.10 to 3721.17 of the Revised Code. 12137

(J) ~~Any~~ To the extent permitted by federal law, a 12138
representative of the office may report to an appropriate 12139
authority any suspected violation of Chapter 3721. of the Revised 12140
~~Code~~ state law discovered during the course of an advocacy visit 12141

~~or investigation may be reported to the department of health. Any~~ 12142
~~suspected criminal violation discovered during the course of an~~ 12143
~~investigation shall be reported to the attorney general or other~~ 12144
~~appropriate law enforcement authorities.~~ 12145

(K) The department of aging shall adopt rules in accordance 12146
with Chapter 119. of the Revised Code for referral by the state 12147
ombudsman and regional long-term care ombudsman programs of 12148
complaints to other public agencies or entities. A public agency 12149
or entity to which a complaint is referred shall keep the state 12150
ombudsman or regional program handling the complaint advised and 12151
notified in writing in a timely manner of the disposition of the 12152
complaint to the extent permitted by law. 12153

Sec. 173.21. (A) The office of the state long-term care 12154
ombudsman program, through the state long-term care ombudsman and 12155
the regional long-term care ombudsman programs, shall require each 12156
representative of the office to complete a training and 12157
certification program in accordance with this section and to meet 12158
the continuing education requirements established under this 12159
section. 12160

(B) The department of aging shall adopt rules ~~under in~~ 12161
accordance with Chapter 119. of the Revised Code specifying the 12162
content of training programs for representatives of the office of 12163
the state long-term care ombudsman program. Training for 12164
representatives other than those who are volunteers providing 12165
services through regional long-term care ombudsman programs shall 12166
include instruction regarding federal, state, and local laws, 12167
rules, and policies on long-term care facilities and 12168
community-based long-term care services; investigative techniques; 12169
and other topics considered relevant by the department and shall 12170
consist of the following: 12171

(1) A minimum of forty clock hours of basic instruction, 12172

which shall be completed before the trainee is permitted to handle 12173
complaints without the supervision of a representative of the 12174
office certified under this section; 12175

(2) An additional sixty clock hours of instruction, which 12176
shall be completed within the first fifteen months of employment; 12177

(3) An internship of twenty clock hours, which shall be 12178
completed within the first twenty-four months of employment, 12179
including instruction in, and observation of, basic nursing care 12180
and long-term care provider operations and procedures. The 12181
internship shall be performed at a site that has been approved as 12182
an internship site by the state long-term care ombudsman. 12183

(4) One of the following, which shall be completed within the 12184
first twenty-four months of employment: 12185

(a) Observation of a survey conducted by the director of 12186
health to certify a nursing facility to participate in the 12187
medicaid program; 12188

(b) Observation of an inspection conducted by the director of 12189
mental health and addiction services to license a residential 12190
facility under section 5119.34 of the Revised Code that provides 12191
accommodations, supervision, and personal care services for three 12192
to sixteen unrelated adults. 12193

(5) Any other training considered appropriate by the 12194
department. 12195

(C) Any person who for a period of at least six months prior 12196
to June 11, 1990, served as an ombudsman through the long-term 12197
care ombudsman program established by the department of aging 12198
under ~~division (M)~~ of section 173.01 of the Revised Code shall not 12199
be required to complete a training program. Such a person and 12200
persons who complete a training program shall take an examination 12201
administered by the department of aging. On attainment of a 12202
passing score, the person shall be certified by the department as 12203

a representative of the office. The department shall issue the 12204
person an identification card, which the representative shall show 12205
at the request of any person with whom the representative deals 12206
while performing the representative's duties and which shall be 12207
surrendered at the time the representative separates from the 12208
office. 12209

(D) The state ombudsman and each regional program shall 12210
conduct training programs for volunteers on their respective 12211
staffs in accordance with the rules of the department of aging 12212
adopted under division (B) of this section. Training programs may 12213
be conducted that train volunteers to complete some, but not all, 12214
of the duties of a representative of the office. Each regional 12215
office shall bear the cost of training its representatives who are 12216
volunteers. On completion of a training program, the 12217
representative shall take an examination administered by the 12218
department of aging. On attainment of a passing score, a volunteer 12219
shall be certified by the department as a representative 12220
authorized to perform services specified in the certification. The 12221
department shall issue an identification card, which the 12222
representative shall show at the request of any person with whom 12223
the representative deals while performing the representative's 12224
duties and which shall be surrendered at the time the 12225
representative separates from the office. Except as a supervised 12226
part of a training program, no volunteer shall perform any duty 12227
unless ~~he~~ the volunteer is certified as a representative having 12228
received appropriate training for that duty. 12229

(E) The state ombudsman shall provide technical assistance to 12230
regional programs conducting training programs for volunteers and 12231
shall monitor the training programs. 12232

(F) Prior to scheduling an observation of a certification 12233
survey or licensing inspection for purposes of division (B)(4) of 12234
this section, the state ombudsman shall obtain permission to have 12235

the survey or inspection observed from both ~~the director of health~~ 12236
~~and~~ the long-term care facility at which the survey or inspection 12237
is to take place and, as the case may be, the director of health 12238
or director of mental health and addiction services. 12239

(G) The department of aging shall establish continuing 12240
education requirements for representatives of the office. 12241

Sec. 173.22. (A) The collection, compilation, analysis, and 12242
dissemination of information by the office of the state long-term 12243
care ombudsman program shall be performed in a manner that 12244
protects complainants, individuals providing information about a 12245
complaint, public entities, and confidential records of residents 12246
or recipients. The identity of a resident or recipient, a 12247
complainant who is not a resident or recipient, or an individual 12248
providing information about a complaint shall not be disclosed 12249
without the written consent of the resident or recipient, 12250
complainant, or individual, or ~~his~~ a legal representative of any 12251
of the foregoing, or except as required by court order. 12252

The investigative files, ~~including any proprietary records of~~ 12253
~~a long term care provider contained in the files,~~ of the office 12254
and any records contained in those files, including any 12255
proprietary records of a long-term care provider or records 12256
relating to advocacy visits, are not public records subject to 12257
inspection or copying under section 149.43 of the Revised Code and 12258
are exempt from the provisions of Chapter 1347. of the Revised 12259
Code. Information contained in investigative and other files 12260
maintained by the state long-term care ombudsman and regional 12261
long-term care ombudsman programs shall be disclosed only at the 12262
discretion of the state ombudsman ~~or the regional program~~ 12263
~~maintaining the records~~ or if disclosure is required by court 12264
order. 12265

(B) No report prepared by the state ombudsman or a regional 12266

program shall include any information that violates the 12267
confidentiality requirements of this section. Proprietary records 12268
of a specific long-term care provider are subject to the 12269
confidentiality requirements of this section. 12270

Sec. 173.24. (A) As used in this section, ~~"employee:~~ 12271

(1) "Employee" and "employer" have the same meanings as in 12272
section 4113.51 of the Revised Code. 12273

(2) "Retaliatory action" includes physical, mental, or verbal 12274
abuse; change of room assignment; withholding of services; failure 12275
to provide care in a timely manner; discharge; and termination of 12276
employment. 12277

(B) An employee providing information to or participating in 12278
good faith in registering a complaint with the office of the state 12279
long-term care ombudsman program or participating in the 12280
investigation of a complaint or in administrative or judicial 12281
proceedings resulting from a complaint registered with the office 12282
shall have the full protection against disciplinary or retaliatory 12283
action provided by division (G) of section 3721.17 and by sections 12284
4113.51 to 4113.53 of the Revised Code. 12285

(C) No long-term care provider or other entity, no person 12286
employed by a long-term care provider, or other entity, or 12287
employee of such other entity and no other individual shall 12288
knowingly subject any resident or, recipient, employee, 12289
representative of the office of the state long-term care ombudsman 12290
program, or another individual to any form of retaliation, 12291
reprisal, discipline, or discrimination for ~~providing~~ doing any of 12292
the following: 12293

(1) Providing information to the office ~~or for participating;~~ 12294

(2) Participating in registering a complaint with the 12295
office; 12296

~~(3) Cooperating with or participating in the investigation of a complaint, by the office or in administrative or judicial proceedings resulting from a complaint registered with the office. Retaliatory actions include, but are not limited to, physical, mental, or verbal abuse; change of room assignment; the withholding of services; and failure to provide care in a timely manner.~~

Sec. 173.27. (A) As used in this section: 12304

(1) "Applicant" means a person who is under final consideration for employment by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. "Applicant" includes a person who is under final consideration for employment as the state long-term care ombudsman or the head of a regional long-term care ombudsman program. "Applicant" does not include a person seeking to provide ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(4) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. "Employee" includes the person employed as the state long-term care ombudsman and a person employed as the head of a regional long-term care ombudsman program. "Employee" does not include a person who provides ombudsman services to residents and recipients

as a volunteer without receiving or expecting to receive any form 12328
of remuneration other than reimbursement for actual expenses. 12329

(5) "Responsible party" means the following: 12330

(a) In the case of an applicant who is under final 12331
consideration for employment as the state long-term care ombudsman 12332
or the person employed as the state long-term care ombudsman, the 12333
director of aging; 12334

(b) In the case of any other applicant who is under final 12335
consideration for employment with the state long-term care 12336
ombudsman program or any other employee of the state long-term 12337
care ombudsman program, the state long-term care ombudsman; 12338

(c) In the case of an applicant who is under final 12339
consideration for employment with a regional long-term care 12340
ombudsman program (including as the head of the regional program) 12341
or an employee of a regional long-term care ombudsman program 12342
(including the head of a regional program), the regional long-term 12343
care ombudsman program. 12344

(B) A responsible party may not employ an applicant or 12345
continue to employ an employee in a position that involves 12346
providing ombudsman services to residents and recipients if any of 12347
the following apply: 12348

(1) A review of the databases listed in division (D) of this 12349
section reveals any of the following: 12350

(a) That the applicant or employee is included in one or more 12351
of the databases listed in divisions (D)(1) to (5) of this 12352
section; 12353

(b) That there is in the state nurse aide registry 12354
established under section 3721.32 of the Revised Code a statement 12355
detailing findings by the director of health that the applicant or 12356
employee abused, neglected, or ~~abused~~ exploited a long-term care 12357

facility or residential care facility resident or misappropriated 12358
property of such a resident; 12359

(c) That the applicant or employee is included in one or more 12360
of the databases, if any, specified in rules adopted under this 12361
section and the rules prohibit the responsible party from 12362
employing an applicant or continuing to employ an employee 12363
included in such a database in a position that involves providing 12364
ombudsman services to residents and recipients. 12365

(2) After the applicant or employee is provided, pursuant to 12366
division (E)(2)(a) of this section, a copy of the form prescribed 12367
pursuant to division (C)(1) of section 109.572 of the Revised Code 12368
and the standard impression sheet prescribed pursuant to division 12369
(C)(2) of that section, the applicant or employee fails to 12370
complete the form or provide the applicant's or employee's 12371
fingerprint impressions on the standard impression sheet. 12372

(3) Unless the applicant or employee meets standards 12373
specified in rules adopted under this section, the applicant or 12374
employee is found by a criminal records check required by this 12375
section to have been convicted of, pleaded guilty to, or been 12376
found eligible for intervention in lieu of conviction for a 12377
disqualifying offense. 12378

(C) A responsible party or a responsible party's designee 12379
shall inform each applicant of both of the following at the time 12380
of the applicant's initial application for employment in a 12381
position that involves providing ombudsman services to residents 12382
and recipients: 12383

(1) That a review of the databases listed in division (D) of 12384
this section will be conducted to determine whether the 12385
responsible party is prohibited by division (B)(1) of this section 12386
from employing the applicant in the position; 12387

(2) That, unless the database review reveals that the 12388

applicant may not be employed in the position, a criminal records 12389
check of the applicant will be conducted and the applicant is 12390
required to provide a set of the applicant's fingerprint 12391
impressions as part of the criminal records check. 12392

(D) As a condition of any applicant's being employed by a 12393
responsible party in a position that involves providing ombudsman 12394
services to residents and recipients, the responsible party or 12395
designee shall conduct a database review of the applicant in 12396
accordance with rules adopted under this section. If rules adopted 12397
under this section so require, the responsible party or designee 12398
shall conduct a database review of an employee in accordance with 12399
the rules as a condition of the responsible party continuing to 12400
employ the employee in a position that involves providing 12401
ombudsman services to residents and recipients. A database review 12402
shall determine whether the applicant or employee is included in 12403
any of the following: 12404

(1) The excluded parties list system that is maintained by 12405
the United States general services administration pursuant to 12406
subpart 9.4 of the federal acquisition regulation and available at 12407
the federal web site known as the system for award management; 12408

(2) The list of excluded individuals and entities maintained 12409
by the office of inspector general in the United States department 12410
of health and human services pursuant to section 1128 of the 12411
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 12412
amended, and section 1156 of the "Social Security Act," 96 Stat. 12413
388 (1982), 42 U.S.C. 1320c-5, as amended; 12414

(3) The registry of developmental disabilities employees 12415
established under section 5123.52 of the Revised Code; 12416

(4) The internet-based sex offender and child-victim offender 12417
database established under division (A)(11) of section 2950.13 of 12418
the Revised Code; 12419

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;	12420 12421
(6) The state nurse aide registry established under section 3721.32 of the Revised Code;	12422 12423
(7) Any other database, if any, specified in rules adopted under this section.	12424 12425
(E)(1) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the responsible party or designee shall request that the superintendent obtain information from the federal bureau of	12426 12427 12428 12429 12430 12431 12432 12433 12434 12435 12436 12437 12438 12439 12440 12441 12442 12443 12444 12445 12446 12447 12448 12449 12450 12451

investigation as part of the criminal records check. Even if an 12452
applicant or employee for whom a criminal records check request is 12453
required by this section presents proof of having been a resident 12454
of this state for the five-year period, the responsible party or 12455
designee may request that the superintendent include information 12456
from the federal bureau of investigation in the criminal records 12457
check. 12458

(2) A responsible party or designee shall do all of the 12459
following: 12460

(a) Provide to each applicant and employee for whom a 12461
criminal records check request is required by this section a copy 12462
of the form prescribed pursuant to division (C)(1) of section 12463
109.572 of the Revised Code and a standard impression sheet 12464
prescribed pursuant to division (C)(2) of that section; 12465

(b) Obtain the completed form and standard impression sheet 12466
from the applicant or employee; 12467

(c) Forward the completed form and standard impression sheet 12468
to the superintendent. 12469

(3) A responsible party shall pay to the bureau of criminal 12470
identification and investigation the fee prescribed pursuant to 12471
division (C)(3) of section 109.572 of the Revised Code for each 12472
criminal records check the responsible party or the responsible 12473
party's designee requests under this section. The responsible 12474
party may charge an applicant a fee not exceeding the amount the 12475
responsible party pays to the bureau under this section if the 12476
responsible party or designee notifies the applicant at the time 12477
of initial application for employment of the amount of the fee. 12478

(F)(1) A responsible party may employ conditionally an 12479
applicant for whom a criminal records check is required by this 12480
section prior to obtaining the results of the criminal records 12481
check if both of the following apply: 12482

(a) The responsible party is not prohibited by division 12483
(B)(1) of this section from employing the applicant in a position 12484
that involves providing ombudsman services to residents and 12485
recipients; 12486

(b) The responsible party or designee requests the criminal 12487
records check in accordance with division (E) of this section not 12488
later than five business days after the applicant begins 12489
conditional employment. 12490

(2) A responsible party shall terminate the employment of an 12491
applicant employed conditionally under division (F)(1) of this 12492
section if the results of the criminal records check, other than 12493
the results of any request for information from the federal bureau 12494
of investigation, are not obtained within the period ending sixty 12495
days after the date the request for the criminal records check is 12496
made. Regardless of when the results of the criminal records check 12497
are obtained, if the results indicate that the applicant has been 12498
convicted of, pleaded guilty to, or been found eligible for 12499
intervention in lieu of conviction for a disqualifying offense, 12500
the responsible party shall terminate the applicant's employment 12501
unless the applicant meets standards specified in rules adopted 12502
under this section that permit the responsible party to employ the 12503
applicant and the responsible party chooses to employ the 12504
applicant. Termination of employment under this division shall be 12505
considered just cause for discharge for purposes of division 12506
(D)(2) of section 4141.29 of the Revised Code if the applicant 12507
makes any attempt to deceive the responsible party or designee 12508
about the applicant's criminal record. 12509

(G) The report of any criminal records check conducted 12510
pursuant to a request made under this section is not a public 12511
record for the purposes of section 149.43 of the Revised Code and 12512
shall not be made available to any person other than the 12513
following: 12514

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;	12515 12516 12517
(2) The responsible party or designee;	12518
(3) In the case of a criminal records check conducted for an applicant who is under final consideration for employment with a regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a representative of the office of the state long-term care ombudsman program who is responsible for monitoring the regional program's compliance with this section;	12519 12520 12521 12522 12523 12524 12525 12526 12527
(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	12528 12529
(a) A denial of employment of the applicant or employee;	12530
(b) Employment or unemployment benefits of the applicant or employee;	12531 12532
(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.	12533 12534
(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:	12535 12536 12537 12538 12539 12540
(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of	12541 12542 12543 12544

its reliance on the report, even if the information in the report 12545
is determined later to have been incomplete or inaccurate. 12546

(2) If the responsible party employed the applicant in good 12547
faith on a conditional basis pursuant to division (F) of this 12548
section, the responsible party shall not be found negligent solely 12549
because it employed the applicant prior to receiving the report of 12550
a criminal records check requested under this section. 12551

(3) If the responsible party in good faith employed the 12552
applicant or employee because the applicant or employee meets 12553
standards specified in rules adopted under this section, the 12554
responsible party shall not be found negligent solely because the 12555
applicant or employee has been convicted of, pleaded guilty to, or 12556
been found eligible for intervention in lieu of conviction for a 12557
disqualifying offense. 12558

(I) The state long-term care ombudsman may not act as the 12559
director of aging's designee for the purpose of this section. The 12560
head of a regional long-term care ombudsman program may not act as 12561
the regional program's designee for the purpose of this section if 12562
the head is the employee for whom a database review or criminal 12563
records check is being conducted. 12564

(J) The director of aging shall adopt rules in accordance 12565
with Chapter 119. of the Revised Code to implement this section. 12566

(1) The rules may do the following: 12567

(a) Require employees to undergo database reviews and 12568
criminal records checks under this section; 12569

(b) If the rules require employees to undergo database 12570
reviews and criminal records checks under this section, exempt one 12571
or more classes of employees from the requirements; 12572

(c) For the purpose of division (D)(7) of this section, 12573
specify other databases that are to be checked as part of a 12574

database review conducted under this section. 12575

(2) The rules shall specify all of the following: 12576

(a) The procedures for conducting database reviews under this section; 12577
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 12579
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(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 12583
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(d) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a position that involves providing ombudsman services to residents and recipients if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 12588
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Sec. 173.28. (A)~~(1)~~ As used in this ~~division~~ section, "incident" means the occurrence of a violation with respect to a resident or recipient, ~~as those terms are defined in section 173.14 of the Revised Code~~. A violation is a separate incident for each day it occurs and for each resident who is subject to it. 12596
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(B)(1) In lieu of the fine that may be imposed under division (A) of section 173.99 of the Revised Code for a criminal offense, the director of aging may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, ~~or~~ a person 12601
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employed by a long-term care provider or other entity, or an individual for a violation of division (C) of section 173.24 of the Revised Code. The fine shall not exceed one thousand dollars per incident. 12605
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(2) In lieu of the fine that may be imposed under division (C) of section 173.99 of the Revised Code for a criminal offense, the director may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, ~~or~~ a person employed by a long-term care provider or other entity, or an individual for ~~violating a violation of division (E)(G)(1) or (2) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ombudsman program the access required by that division.~~ The fine shall not exceed five hundred dollars for each day the violation continued. 12609
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~~(B)~~(C) On request of the director, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division ~~(A)~~(B)(1) or (2) of this section that remains unpaid thirty days after the violator's final appeal is exhausted. 12619
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~~(C)~~(D) All fines collected under this section shall be deposited into the state treasury to the credit of the state long-term care ombudsman program fund created under section 173.26 of the Revised Code. 12624
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Sec. 173.38. (A) As used in this section: 12628

(1) "Applicant" means a person who is under final consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer. 12629
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- (2) "Area agency on aging" has the same meaning as in section 12635
173.14 of the Revised Code. 12636
- (3) "Chief administrator of a responsible party" includes a 12637
consumer when the consumer is a responsible party. 12638
- (4) "Community-based long-term care services" means 12639
community-based long-term care services, as defined in section 12640
173.14 of the Revised Code, that are provided under a program the 12641
department of aging administers. 12642
- (5) "Consumer" means an individual who receives 12643
community-based long-term care services. 12644
- (6) "Criminal records check" has the same meaning as in 12645
section 109.572 of the Revised Code. 12646
- (7)(a) "Direct-care position" means an employment position in 12647
which an employee has either or both of the following: 12648
- (i) In-person contact with one or more consumers; 12649
- (ii) Access to one or more consumers' personal property or 12650
records. 12651
- (b) "Direct-care position" does not include a person whose 12652
sole duties are transporting individuals under Chapter 306. of the 12653
Revised Code. 12654
- (8) "Disqualifying offense" means any of the offenses listed 12655
or described in divisions (A)(3)(a) to (e) of section 109.572 of 12656
the Revised Code. 12657
- (9) "Employee" means a person employed by a responsible party 12658
in a full-time, part-time, or temporary direct-care position and a 12659
person who works in such a position due to being referred to a 12660
responsible party by an employment service. "Employee" does not 12661
include a person who works in a direct-care position as a 12662
volunteer. 12663
- (10) "PASSPORT administrative agency" has the same meaning as 12664

in section 173.42 of the Revised Code. 12665

(11) "Provider" has the same meaning as in section 173.39 of 12666
the Revised Code. 12667

(12) "Responsible party" means the following: 12668

(a) An area agency on aging in the case of either of the 12669
following: 12670

(i) A person who is an applicant because the person is under 12671
final consideration for employment with the agency in a full-time, 12672
part-time, or temporary direct-care position or is referred to the 12673
agency by an employment service for such a position; 12674

(ii) A person who is an employee because the person is 12675
employed by the agency in a full-time, part-time, or temporary 12676
direct-care position or works in such a position due to being 12677
referred to the agency by an employment service. 12678

(b) A PASSPORT administrative agency in the case of either of 12679
the following: 12680

(i) A person who is an applicant because the person is under 12681
final consideration for employment with the agency in a full-time, 12682
part-time, or temporary direct-care position or is referred to the 12683
agency by an employment service for such a position; 12684

(ii) A person who is an employee because the person is 12685
employed by the agency in a full-time, part-time, or temporary 12686
direct-care position or works in such a position due to being 12687
referred to the agency by an employment service. 12688

(c) A provider in the case of either of the following: 12689

(i) A person who is an applicant because the person is under 12690
final consideration for employment with the provider in a 12691
full-time, part-time, or temporary direct-care position or is 12692
referred to the provider by an employment service for such a 12693
position; 12694

(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.

(e) A consumer in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service.

(13) "Subcontractor" has the meaning specified in rules adopted under this section.

(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 173.381 or 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. If a provider or subcontractor also is a waiver agency, the provider or subcontractor may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 5164.342 of the Revised Code rather than this section.

(C) No responsible party shall employ an applicant or continue to employ an employee in a direct-care position if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or ~~abused~~ exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from

employing an applicant or continuing to employ an employee 12757
included in such a database in a direct-care position. 12758

(2) After the applicant or employee is provided, pursuant to 12759
division (F)(2)(a) of this section, a copy of the form prescribed 12760
pursuant to division (C)(1) of section 109.572 of the Revised Code 12761
and the standard impression sheet prescribed pursuant to division 12762
(C)(2) of that section, the applicant or employee fails to 12763
complete the form or provide the applicant's or employee's 12764
fingerprint impressions on the standard impression sheet. 12765

(3) Unless the applicant or employee meets standards 12766
specified in rules adopted under this section, the applicant or 12767
employee is found by a criminal records check required by this 12768
section to have been convicted of, pleaded guilty to, or been 12769
found eligible for intervention in lieu of conviction for a 12770
disqualifying offense. 12771

(D) Except as provided by division (G) of this section, the 12772
chief administrator of a responsible party shall inform each 12773
applicant of both of the following at the time of the applicant's 12774
initial application for employment or referral to the responsible 12775
party by an employment service for a direct-care position: 12776

(1) That a review of the databases listed in division (E) of 12777
this section will be conducted to determine whether the 12778
responsible party is prohibited by division (C)(1) of this section 12779
from employing the applicant in the direct-care position; 12780

(2) That, unless the database review reveals that the 12781
applicant may not be employed in the direct-care position, a 12782
criminal records check of the applicant will be conducted and the 12783
applicant is required to provide a set of the applicant's 12784
fingerprint impressions as part of the criminal records check. 12785

(E) As a condition of employing any applicant in a 12786
direct-care position, the chief administrator of a responsible 12787

party shall conduct a database review of the applicant in 12788
accordance with rules adopted under this section. If rules adopted 12789
under this section so require, the chief administrator of a 12790
responsible party shall conduct a database review of an employee 12791
in accordance with the rules as a condition of continuing to 12792
employ the employee in a direct-care position. However, a chief 12793
administrator is not required to conduct a database review of an 12794
applicant or employee if division (G) of this section applies. A 12795
database review shall determine whether the applicant or employee 12796
is included in any of the following: 12797

(1) The excluded parties list system that is maintained by 12798
the United States general services administration pursuant to 12799
subpart 9.4 of the federal acquisition regulation and available at 12800
the federal web site known as the system for award management; 12801

(2) The list of excluded individuals and entities maintained 12802
by the office of inspector general in the United States department 12803
of health and human services pursuant to the "Social Security 12804
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 12805

(3) The registry of developmental disabilities employees 12806
established under section 5123.52 of the Revised Code; 12807

(4) The internet-based sex offender and child-victim offender 12808
database established under division (A)(11) of section 2950.13 of 12809
the Revised Code; 12810

(5) The internet-based database of inmates established under 12811
section 5120.66 of the Revised Code; 12812

(6) The state nurse aide registry established under section 12813
3721.32 of the Revised Code; 12814

(7) Any other database, if any, specified in rules adopted 12815
under this section. 12816

(F)(1) As a condition of employing any applicant in a 12817

direct-care position, the chief administrator of a responsible 12818
party shall request that the superintendent of the bureau of 12819
criminal identification and investigation conduct a criminal 12820
records check of the applicant. If rules adopted under this 12821
section so require, the chief administrator of a responsible party 12822
shall request that the superintendent conduct a criminal records 12823
check of an employee at times specified in the rules as a 12824
condition of continuing to employ the employee in a direct-care 12825
position. However, the chief administrator is not required to 12826
request the criminal records check of the applicant or employee if 12827
division (G) of this section applies or the responsible party is 12828
prohibited by division (C)(1) of this section from employing the 12829
applicant or continuing to employ the employee in a direct-care 12830
position. If an applicant or employee for whom a criminal records 12831
check request is required by this section does not present proof 12832
of having been a resident of this state for the five-year period 12833
immediately prior to the date the criminal records check is 12834
requested or provide evidence that within that five-year period 12835
the superintendent has requested information about the applicant 12836
or employee from the federal bureau of investigation in a criminal 12837
records check, the chief administrator shall request that the 12838
superintendent obtain information from the federal bureau of 12839
investigation as part of the criminal records check. Even if an 12840
applicant or employee for whom a criminal records check request is 12841
required by this section presents proof of having been a resident 12842
of this state for the five-year period, the chief administrator 12843
may request that the superintendent include information from the 12844
federal bureau of investigation in the criminal records check. 12845

(2) The chief administrator shall do all of the following: 12846

(a) Provide to each applicant and employee for whom a 12847
criminal records check request is required by this section a copy 12848
of the form prescribed pursuant to division (C)(1) of section 12849

109.572 of the Revised Code and a standard impression sheet	12850
prescribed pursuant to division (C)(2) of that section;	12851
(b) Obtain the completed form and standard impression sheet	12852
from the applicant or employee;	12853
(c) Forward the completed form and standard impression sheet	12854
to the superintendent.	12855
(3) A responsible party shall pay to the bureau of criminal	12856
identification and investigation the fee prescribed pursuant to	12857
division (C)(3) of section 109.572 of the Revised Code for each	12858
criminal records check the responsible party requests under this	12859
section. A responsible party may charge an applicant a fee not	12860
exceeding the amount the responsible party pays to the bureau	12861
under this section if both of the following apply:	12862
(a) The responsible party notifies the applicant at the time	12863
of initial application for employment of the amount of the fee and	12864
that, unless the fee is paid, the applicant will not be considered	12865
for employment.	12866
(b) The medicaid program does not pay the responsible party	12867
for the fee it pays to the bureau under this section.	12868
(G) Divisions (D) to (F) of this section do not apply with	12869
regard to an applicant or employee if the applicant or employee is	12870
referred to a responsible party by an employment service that	12871
supplies full-time, part-time, or temporary staff for direct-care	12872
positions and both of the following apply:	12873
(1) The chief administrator of the responsible party receives	12874
from the employment service confirmation that a review of the	12875
databases listed in division (E) of this section was conducted of	12876
the applicant or employee.	12877
(2) The chief administrator of the responsible party receives	12878
from the employment service, applicant, or employee a report of	12879

the results of a criminal records check of the applicant or 12880
employee that has been conducted by the superintendent within the 12881
one-year period immediately preceding the following: 12882

(a) In the case of an applicant, the date of the applicant's 12883
referral by the employment service to the responsible party; 12884

(b) In the case of an employee, the date by which the 12885
responsible party would otherwise have to request a criminal 12886
records check of the employee under division (F) of this section. 12887

(H)(1) A responsible party may employ conditionally an 12888
applicant for whom a criminal records check request is required by 12889
this section prior to obtaining the results of the criminal 12890
records check if the responsible party is not prohibited by 12891
division (C)(1) of this section from employing the applicant in a 12892
direct-care position and either of the following applies: 12893

(a) The chief administrator of the responsible party requests 12894
the criminal records check in accordance with division (F) of this 12895
section not later than five business days after the applicant 12896
begins conditional employment. 12897

(b) The applicant is referred to the responsible party by an 12898
employment service, the employment service or the applicant 12899
provides the chief administrator of the responsible party a letter 12900
that is on the letterhead of the employment service, the letter is 12901
dated and signed by a supervisor or another designated official of 12902
the employment service, and the letter states all of the 12903
following: 12904

(i) That the employment service has requested the 12905
superintendent to conduct a criminal records check regarding the 12906
applicant; 12907

(ii) That the requested criminal records check is to include 12908
a determination of whether the applicant has been convicted of, 12909
pleaded guilty to, or been found eligible for intervention in lieu 12910

of conviction for a disqualifying offense; 12911

(iii) That the employment service has not received the 12912
results of the criminal records check as of the date set forth on 12913
the letter; 12914

(iv) That the employment service promptly will send a copy of 12915
the results of the criminal records check to the chief 12916
administrator of the responsible party when the employment service 12917
receives the results. 12918

(2) If a responsible party employs an applicant conditionally 12919
pursuant to division (H)(1)(b) of this section, the employment 12920
service, on its receipt of the results of the criminal records 12921
check, promptly shall send a copy of the results to the chief 12922
administrator of the responsible party. 12923

(3) A responsible party that employs an applicant 12924
conditionally pursuant to division (H)(1)(a) or (b) of this 12925
section shall terminate the applicant's employment if the results 12926
of the criminal records check, other than the results of any 12927
request for information from the federal bureau of investigation, 12928
are not obtained within the period ending sixty days after the 12929
date the request for the criminal records check is made. 12930
Regardless of when the results of the criminal records check are 12931
obtained, if the results indicate that the applicant has been 12932
convicted of, pleaded guilty to, or been found eligible for 12933
intervention in lieu of conviction for a disqualifying offense, 12934
the responsible party shall terminate the applicant's employment 12935
unless the applicant meets standards specified in rules adopted 12936
under this section that permit the responsible party to employ the 12937
applicant and the responsible party chooses to employ the 12938
applicant. Termination of employment under this division shall be 12939
considered just cause for discharge for purposes of division 12940
(D)(2) of section 4141.29 of the Revised Code if the applicant 12941
makes any attempt to deceive the responsible party about the 12942

applicant's criminal record.	12943
(I) The report of any criminal records check conducted	12944
pursuant to a request made under this section is not a public	12945
record for the purposes of section 149.43 of the Revised Code and	12946
shall not be made available to any person other than the	12947
following:	12948
(1) The applicant or employee who is the subject of the	12949
criminal records check or the applicant's or employee's	12950
representative;	12951
(2) The chief administrator of the responsible party	12952
requesting the criminal records check or the administrator's	12953
representative;	12954
(3) The administrator of any other facility, agency, or	12955
program that provides community-based long-term care services that	12956
is owned or operated by the same entity that owns or operates the	12957
responsible party that requested the criminal records check;	12958
(4) The employment service that requested the criminal	12959
records check;	12960
(5) The director of aging or a person authorized by the	12961
director to monitor a responsible party's compliance with this	12962
section;	12963
(6) The medicaid director and the staff of the department of	12964
medicaid who are involved in the administration of the medicaid	12965
program if any of the following apply:	12966
(a) In the case of a criminal records check requested by a	12967
provider or subcontractor, the provider or subcontractor also is a	12968
waiver agency;	12969
(b) In the case of a criminal records check requested by an	12970
employment service, the employment service makes the request for	12971
an applicant or employee the employment service refers to a	12972

provider or subcontractor that also is a waiver agency; 12973

(c) The criminal records check is requested by a consumer who 12974
is acting as a responsible party. 12975

(7) A court, hearing officer, or other necessary individual 12976
involved in a case dealing with any of the following: 12977

(a) A denial of employment of the applicant or employee; 12978

(b) Employment or unemployment benefits of the applicant or 12979
employee; 12980

(c) A civil or criminal action regarding the medicaid program 12981
or a program the department of aging administers. 12982

(J) In a tort or other civil action for damages that is 12983
brought as the result of an injury, death, or loss to person or 12984
property caused by an applicant or employee who a responsible 12985
party employs in a direct-care position, all of the following 12986
shall apply: 12987

(1) If the responsible party employed the applicant or 12988
employee in good faith and reasonable reliance on the report of a 12989
criminal records check requested under this section, the 12990
responsible party shall not be found negligent solely because of 12991
its reliance on the report, even if the information in the report 12992
is determined later to have been incomplete or inaccurate. 12993

(2) If the responsible party employed the applicant in good 12994
faith on a conditional basis pursuant to division (H) of this 12995
section, the responsible party shall not be found negligent solely 12996
because it employed the applicant prior to receiving the report of 12997
a criminal records check requested under this section. 12998

(3) If the responsible party in good faith employed the 12999
applicant or employee because the applicant or employee meets 13000
standards specified in rules adopted under this section, the 13001
responsible party shall not be found negligent solely because the 13002

applicant or employee has been convicted of, pleaded guilty to, or
been found eligible for intervention in lieu of conviction for a
disqualifying offense.

(K) The director of aging shall adopt rules in accordance
with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and
criminal records checks under this section;

(b) If the rules require employees to undergo database
reviews and criminal records checks under this section, exempt one
or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section,
specify other databases that are to be checked as part of a
database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this
section;

(c) If the rules require employees to undergo database
reviews and criminal records checks under this section, the times
at which the database reviews and criminal records checks are to
be conducted;

(d) If the rules specify other databases to be checked as
part of the database reviews, the circumstances under which a
responsible party is prohibited from employing an applicant or
continuing to employ an employee who is found by a database review
to be included in one or more of those databases;

(e) Standards that an applicant or employee must meet for a
responsible party to be permitted to employ the applicant or
continue to employ the employee in a direct-care position if the

applicant or employee is found by a criminal records check 13033
required by this section to have been convicted of, pleaded guilty 13034
to, or been found eligible for intervention in lieu of conviction 13035
for a disqualifying offense. 13036

Sec. 173.381. (A) As used in this section: 13037

(1) "Community-based long-term care services" means 13038
community-based long-term care services, as defined in section 13039
173.14 of the Revised Code, that are provided under a program the 13040
department of aging administers. 13041

(2) "Community-based long-term care services certificate" 13042
means a certificate issued under section 173.391 of the Revised 13043
Code. 13044

(3) "Community-based long-term care services contract or 13045
grant" means a contract or grant awarded under section 173.392 of 13046
the Revised Code. 13047

(4) "Criminal records check" has the same meaning as in 13048
section 109.572 of the Revised Code. 13049

(5) "Disqualifying offense" means any of the offenses listed 13050
or described in divisions (A)(3)(a) to (e) of section 109.572 of 13051
the Revised Code. 13052

(6) "Provider" has the same meaning as in section 173.39 of 13053
the Revised Code. 13054

(7) "Self-employed provider" means a provider who works for 13055
the provider's self and has no employees. 13056

(B) This section does not apply to any individual who is 13057
subject to a database review or criminal records check under 13058
section 3701.881 of the Revised Code. 13059

(C)(1) The department of aging or its designee shall take the 13060
following actions when the circumstances specified in division 13061

(C)(2) of this section apply:	13062
(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider;	13063 13064
(b) Revoke a self-employed provider's community-based long-term care services certificate;	13065 13066
(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider;	13067 13068
(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014.	13069 13070 13071
(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section:	13072 13073 13074
(a) A review of the databases listed in division (E) of this section reveals any of the following:	13075 13076
(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;	13077 13078 13079
(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider <u>abused</u> , neglected, or abused <u>exploited</u> a long-term care facility or residential care facility resident or misappropriated property of such a resident;	13080 13081 13082 13083 13084 13085
(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database.	13086 13087 13088 13089 13090
(b) After the self-employed provider is provided, pursuant to	13091

division (F)(2)(a) of this section, a copy of the form prescribed 13092
pursuant to division (C)(1) of section 109.572 of the Revised Code 13093
and the standard impression sheet prescribed pursuant to division 13094
(C)(2) of that section, the self-employed provider fails to 13095
complete the form or provide the self-employed provider's 13096
fingerprint impressions on the standard impression sheet. 13097

(c) Unless the self-employed provider meets standards 13098
specified in rules adopted under this section, the self-employed 13099
provider is found by a criminal records check required by this 13100
section to have been convicted of, pleaded guilty to, or been 13101
found eligible for intervention in lieu of conviction for a 13102
disqualifying offense. 13103

(D) The department of aging or its designee shall inform each 13104
self-employed provider of both of the following at the time of the 13105
self-employed provider's initial application for a community-based 13106
long-term care services certificate or initial bid for a 13107
community-based long-term care services contract or grant: 13108

(1) That a review of the databases listed in division (E) of 13109
this section will be conducted to determine whether the department 13110
or its designee is required by division (C) of this section to 13111
refuse to issue or award a community-based long-term care services 13112
certificate or community-based long-term care services contract or 13113
grant to the self-employed provider; 13114

(2) That, unless the database review reveals that the 13115
department or its designee is required to refuse to issue or award 13116
a community-based long-term care services certificate or 13117
community-based long-term care services contract or grant to the 13118
self-employed provider, a criminal records check of the 13119
self-employed provider will be conducted and the self-employed 13120
provider is required to provide a set of the self-employed 13121
provider's fingerprint impressions as part of the criminal records 13122
check. 13123

(E) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall conduct a database review of the self-employed provider in accordance with rules adopted under this section. If rules adopted under this section so require, the department or its designee shall conduct a database review of a self-employed provider in accordance with the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. A database review shall determine whether the self-employed provider is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted

under this section. 13155

(F)(1) As a condition of issuing or awarding a 13156
community-based long-term care services certificate or 13157
community-based long-term care services contract or grant to a 13158
self-employed provider, the department of aging or its designee 13159
shall request that the superintendent of the bureau of criminal 13160
identification and investigation conduct a criminal records check 13161
of the self-employed provider. If rules adopted under this section 13162
so require, the department or its designee shall request that the 13163
superintendent conduct a criminal records check of a self-employed 13164
provider at times specified in the rules as a condition of not 13165
revoking or terminating the self-employed provider's 13166
community-based long-term care services certificate or 13167
community-based long-term care services contract or grant. 13168
However, the department or its designee is not required to request 13169
the criminal records check of the self-employed provider if the 13170
department or its designee, because of circumstances specified in 13171
division (C)(2)(a) of this section, is required to refuse to issue 13172
or award a community-based long-term care services certificate or 13173
community-based long-term care services contract or grant to the 13174
self-employed provider or to revoke or terminate the self-employed 13175
provider's certificate or contract or grant. 13176

If a self-employed provider for whom a criminal records check 13177
request is required by this section does not present proof of 13178
having been a resident of this state for the five-year period 13179
immediately prior to the date the criminal records check is 13180
requested or provide evidence that within that five-year period 13181
the superintendent has requested information about the 13182
self-employed provider from the federal bureau of investigation in 13183
a criminal records check, the department or its designee shall 13184
request that the superintendent obtain information from the 13185
federal bureau of investigation as part of the criminal records 13186

check. Even if a self-employed provider for whom a criminal 13187
records check request is required by this section presents proof 13188
of having been a resident of this state for the five-year period, 13189
the department or its designee may request that the superintendent 13190
include information from the federal bureau of investigation in 13191
the criminal records check. 13192

(2) The department or its designee shall do all of the 13193
following: 13194

(a) Provide to each self-employed provider for whom a 13195
criminal records check request is required by this section a copy 13196
of the form prescribed pursuant to division (C)(1) of section 13197
109.572 of the Revised Code and a standard impression sheet 13198
prescribed pursuant to division (C)(2) of that section; 13199

(b) Obtain the completed form and standard impression sheet 13200
from the self-employed provider; 13201

(c) Forward the completed form and standard impression sheet 13202
to the superintendent. 13203

(3) The department or its designee shall pay to the bureau of 13204
criminal identification and investigation the fee prescribed 13205
pursuant to division (C)(3) of section 109.572 of the Revised Code 13206
for each criminal records check of a self-employed provider the 13207
department or its designee requests under this section. The 13208
department or its designee may charge the self-employed provider a 13209
fee that does not exceed the amount the department or its designee 13210
pays to the bureau. 13211

(G) The report of any criminal records check of a 13212
self-employed provider conducted pursuant to a request made under 13213
this section is not a public record for the purposes of section 13214
149.43 of the Revised Code and shall not be made available to any 13215
person other than the following: 13216

(1) The self-employed provider or the self-employed 13217

provider's representative;	13218
(2) The department of aging, the department's designee, or a representative of the department or its designee;	13219 13220
(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or provides, community-based long-term care services under a component of the medicaid program that the department of aging administers;	13221 13222 13223 13224 13225
(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	13226 13227
(a) A refusal to issue or award a community-based long-term services certificate or community-based long-term care services contract or grant to the self-employed provider;	13228 13229 13230
(b) A revocation or termination of the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant;	13231 13232 13233
(c) A civil or criminal action regarding a program the department of aging administers.	13234 13235
(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by a self-employed provider, both of the following shall apply:	13236 13237 13238 13239
(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the	13240 13241 13242 13243 13244 13245 13246 13247

report, even if the information in the report is determined later 13248
to have been incomplete or inaccurate. 13249

(2) If the department or its designee in good faith issued or 13250
awarded a community-based long-term care services certificate or 13251
community-based long-term care services contract or grant to the 13252
self-employed provider or did not revoke or terminate the 13253
self-employed provider's certificate or contract or grant because 13254
the self-employed provider meets standards specified in rules 13255
adopted under this section, the department and its designee shall 13256
not be found negligent solely because the self-employed provider 13257
has been convicted of, pleaded guilty to, or been found eligible 13258
for intervention in lieu of conviction for a disqualifying 13259
offense. 13260

(I) The director of aging shall adopt rules in accordance 13261
with Chapter 119. of the Revised Code to implement this section. 13262

(1) The rules may do the following: 13263

(a) Require self-employed providers who have been issued or 13264
awarded community-based long-term care services certificates or 13265
community-based long-term care services contracts or grants to 13266
undergo database reviews and criminal records checks under this 13267
section; 13268

(b) If the rules require self-employed providers who have 13269
been issued or awarded community-based long-term care services 13270
certificates or community-based long-term care services contracts 13271
or grants to undergo database reviews and criminal records checks 13272
under this section, exempt one or more classes of such 13273
self-employed providers from the requirements; 13274

(c) For the purpose of division (E)(7) of this section, 13275
specify other databases that are to be checked as part of a 13276
database review conducted under this section. 13277

(2) The rules shall specify all of the following: 13278

(a) The procedures for conducting database reviews under this section;	13279 13280
(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	13281 13282 13283 13284 13285 13286
(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed provider is found by a database review to be included in one or more of those databases;	13287 13288 13289 13290 13291 13292 13293 13294 13295
(d) Standards that a self-employed provider must meet for the department or its designee to be permitted to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or not to revoke or terminate the self-employed provider's certificate or contract or grant if the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	13296 13297 13298 13299 13300 13301 13302 13303 13304 13305
Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the Revised Code:	13306 13307
(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised	13308 13309

Code to administer programs on behalf of the department of aging.	13310
(2) "Department of aging-administered medicaid waiver component" means each of the following:	13311
(a) The medicaid-funded component of the PASSPORT program created under section 173.52 of the Revised Code;	13312
(b) The choices program created under section 173.53 of the Revised Code;	13313
(c) The medicaid-funded component of the assisted living program created under section 173.54 of the Revised Code;	13314
(d) Any other medicaid waiver component, as defined in section 5166.01 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of medicaid under section 5162.35 of the Revised Code.	13315
(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:	13316
(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;	13317
(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5164.02 of the Revised Code:	13318
(i) Home health services;	13319
(ii) Private duty nursing services;	13320
(iii) Durable medical equipment;	13321
(iv) Services of a clinical nurse specialist;	13322
(v) Services of a certified nurse practitioner.	13323
(c) Services available to a participant of the PACE program.	13324

(4) "Long-term care consultation" or "consultation" means the
consultation service made available by the department of aging or
a program administrator through the long-term care consultation
program established pursuant to this section.

(5) "Nursing facility" has the same meaning as in section
5165.01 of the Revised Code.

(6) "PACE program" means the component of the medicaid
program the department of aging administers pursuant to section
173.50 of the Revised Code.

(7) "PASSPORT administrative agency" means an entity under
contract with the department of aging to provide administrative
services regarding the PASSPORT program.

(8) "Program administrator" means an area agency on aging or
other entity under contract with the department of aging to
administer the long-term care consultation program in a geographic
region specified in the contract.

(9) "Representative" means a person acting on behalf of an
individual ~~specified in division (G) of this section~~ who is the
subject of a long-term care consultation. A representative may be
a family member, attorney, hospital social worker, or any other
person chosen to act on behalf of the individual.

(B) The department of aging shall develop a long-term care
consultation program whereby individuals or their representatives
are provided with long-term care consultations and receive through
these professional consultations information about options
available to meet long-term care needs and information about
factors to consider in making long-term care decisions. The
long-term care consultations ~~provided under the program~~ may be
provided at any appropriate time, ~~as permitted or required under~~
~~this section and the rules adopted under it~~, including either
prior to or after the individual who is the subject of a

consultation has been admitted to a nursing facility or granted 13369
assistance in receiving home and community-based services covered 13370
by medicaid components the department of aging administers. 13371

(C) The long-term care consultation program shall be 13372
administered by the department of aging, except that the 13373
department may have the program administered on a regional basis 13374
by one or more program administrators. The department and each 13375
program administrator shall administer the program in such a 13376
manner that all of the following are included: 13377

(1) Coordination and collaboration with respect to all 13378
available funding sources for long-term care services; 13379

(2) Assessments of individuals regarding their long-term care 13380
service needs; 13381

(3) Assessments of individuals regarding their on-going 13382
eligibility for long-term care services; 13383

(4) Procedures for assisting individuals in obtaining access 13384
to, and coordination of, health and supportive services, including 13385
department of aging-administered medicaid waiver components; 13386

(5) Priorities for using available resources efficiently and 13387
effectively. 13388

(D) The program's long-term care consultations shall be 13389
provided by individuals certified by the department under section 13390
173.422 of the Revised Code. 13391

(E) The information provided through a long-term care 13392
consultation shall be appropriate to the individual's needs and 13393
situation and shall address all of the following: 13394

(1) The availability of any long-term care options open to 13395
the individual; 13396

(2) Sources and methods of both public and private payment 13397
for long-term care services; 13398

(3) Factors to consider when choosing among the available programs, services, and benefits;	13399 13400
(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.	13401 13402 13403
(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5119.40, 5123.021, and 5165.03 of the Revised Code and may be provided concurrently with the assessment required under section 173.546 or 5165.04 of the Revised Code.	13404 13405 13406 13407 13408 13409
(G)(1) Unless an exemption specified <u>Except as provided</u> in division (I) of this section is applicable, each of the following shall be provided with a long term care consultation:	13410 13411 13412
(a) An individual who applies or indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for the individual's care in a nursing facility:	13413 13414 13415 13416
(b) An individual who requests a long term care consultation:	13417
(c) An individual identified by the department or a program administrator as being likely to benefit from a long term care consultation.	13418 13419 13420
(2) In addition to the individuals specified in division (G)(1) of this section, a long term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility <u>a long-term care consultation shall be provided to each individual for whom the department or a program administrator determines such a consultation is appropriate.</u>	13421 13422 13423 13424 13425 13426 13427
(H)(1) Except as provided in division (H)(2) or (3) of this	13428

~~section, a A long-term care consultation provided pursuant to 13429
division (G) of this section shall be provided as follows: 13430~~

~~(a) If the individual for whom the consultation is being 13431
provided has applied for medicaid and the consultation is being 13432
provided concurrently with the assessment required under section 13433
5165.04 of the Revised Code, the consultation shall be completed 13434
in accordance with within the applicable time frames specified in 13435
that section for providing a level of care determination based on 13436
the assessment. 13437~~

~~(b) In all other cases, the consultation shall be provided 13438
not later than five calendar days after the department or program 13439
administrator receives notice of the reason for which the 13440
consultation is to be provided pursuant to division (G) of this 13441
section. 13442~~

~~(2) An individual or the individual's representative may 13443
request that a long term care consultation be provided on a date 13444
that is later than the date required under division (H)(1)(a) or 13445
(b) of this section. 13446~~

~~(3) If a long term care consultation cannot be completed 13447
within the number of days required by division (H)(1) or (2) of 13448
this section, the department or program administrator may do any 13449
of the following: 13450~~

~~(a) In the case of an individual specified in division (G)(1) 13451
of this section, exempt the individual from the consultation 13452
pursuant to rules that may be adopted under division (L) of this 13453
section; 13454~~

~~(b) In the case of an applicant for admission to a nursing 13455
facility, provide the consultation after the individual is 13456
admitted to the nursing facility; 13457~~

~~(c) In the case of a resident of a nursing facility, provide 13458
the consultation as soon as practicable rules adopted under this 13459~~

section. 13460

(I) An individual is not required to be provided a long-term 13461
care consultation ~~under division (G)(1) of this section~~ if any of 13462
the following ~~apply~~ is the case: 13463

(1) The department or a program administrator has attempted 13464
to provide the consultation, but the individual or the 13465
individual's representative refuses to cooperate; 13466

(2) The individual is to receive care in a nursing facility 13467
under a contract for continuing care, as defined in section 173.13 13468
of the Revised Code; 13469

(3) The individual has a contractual right to admission to a 13470
nursing facility operated as part of a system of continuing care 13471
in conjunction with one or more facilities that provide a less 13472
intensive level of services, including a residential care facility 13473
licensed under Chapter 3721. of the Revised Code, a residential 13474
facility licensed under section 5119.34 of the Revised Code that 13475
provides accommodations, supervision, and personal care services 13476
for three to sixteen unrelated adults, or an independent living 13477
arrangement; 13478

(4) The individual is to receive continual care in a home for 13479
the aged exempt from taxation under section 5701.13 of the Revised 13480
Code; 13481

(5) The individual is seeking admission to a facility that is 13482
not a nursing facility with a provider agreement under section 13483
5165.07, 5165.511, or 5165.512 of the Revised Code; 13484

(6) ~~The individual is~~ Pursuant to rules that may be adopted 13485
under this section, the department or a program administrator has 13486
exempted the individual from receiving the long-term care 13487
consultation ~~requirement by the department or the program~~ 13488
~~administrator pursuant to rules that may be adopted under division~~ 13489
~~(L) of this section.~~ 13490

(J) As part of the long-term care consultation program, the department or a program administrator ~~shall~~ may assist an individual or individual's representative in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the department of aging administers. The assistance ~~shall~~ may include providing for the conduct of assessments or other evaluations and the development of individualized plans of care or services under section 173.424 of the Revised Code.

(K) No nursing facility for which an operator has a provider agreement under section 5165.07, 5165.511, or 5165.512 of the Revised Code shall admit ~~any individual~~ as a resident any individual described in division (G) of this section, unless the nursing facility has received evidence that a long-term care consultation has been completed for the individual or division (I) of this section is applicable to the individual.

(L) The director of aging ~~may~~ shall adopt ~~any~~ rules ~~the director considers necessary~~ for the implementation and administration of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code ~~and~~. The rules may specify any or all of the following:

(1) Procedures for providing long-term care consultations ~~pursuant to this section;~~

(2) Information to be provided through long-term care consultations regarding long-term care services that are available;

(3) Criteria and procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;

(4) Criteria for exempting individuals from ~~the~~ receiving a

long-term care consultation requirement ;	13522
(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;	13523 13524 13525 13526
(6) Criteria for identifying nursing facility residents who would benefit from the provision of <u>individuals for whom a long-term care consultation is appropriate, including nursing facility residents who would benefit from the consultation</u> ;	13527 13528 13529 13530
(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;	13531 13532 13533
(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;	13534 13535 13536 13537
(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section;	13538 13539
<u>(10) Time frames for providing or completing a long-term care consultation;</u>	13540 13541
<u>(11) Any other standards or procedures the director considers necessary for the program.</u>	13542 13543
(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from <u>for whom</u> a long-term care consultation <u>is appropriate</u> , the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the	13544 13545 13546 13547 13548 13549 13550 13551

department of health, department of medicaid, or nursing facility 13552
holding the data shall grant access to the data on receipt of the 13553
request from the department of aging or program administrator. 13554

(N)(1) The director of aging, after providing notice and an 13555
opportunity for a hearing, may fine a nursing facility an amount 13556
determined by rules the director shall adopt in accordance with 13557
Chapter 119. of the Revised Code for any of the following reasons: 13558

(a) The nursing facility ~~admits an individual, without~~ 13559
~~evidence that a long term care consultation has been provided, as~~ 13560
~~required by this section~~ violates division (K) of this section; 13561

(b) The nursing facility denies a person attempting to 13562
provide a long-term care consultation access to the facility or a 13563
resident of the facility; 13564

(c) The nursing facility denies the department of aging or a 13565
program administrator access to the facility or a resident of the 13566
facility, as the department or administrator considers necessary 13567
to administer the program. 13568

(2) In accordance with section 5162.66 of the Revised Code, 13569
all fines collected under division (N)(1) of this section shall be 13570
deposited into the state treasury to the credit of the residents 13571
protection fund. 13572

Sec. 173.424. If, under federal law, an individual's 13573
eligibility for the home and community-based services covered by 13574
medicaid components the department of aging administers is 13575
dependent on the conduct of an assessment or other evaluation of 13576
the individual's needs and capabilities and the development of an 13577
individualized plan of care or services, the department shall 13578
develop and implement all procedures necessary to comply with the 13579
federal law. The procedures ~~shall~~ may include the use of long-term 13580
care consultations. 13581

Sec. 173.48. (A)(1) The department of aging may charge annual 13582
fees to long-term care facilities for the publication of the Ohio 13583
long-term care consumer guide, as well as late penalties if 13584
applicable. The department may contract with any person or 13585
government entity to collect the fees on its behalf. All fees 13586
collected under this section shall be deposited in accordance with 13587
division (B) of this section. 13588

(2) ~~The~~ Except as provided in division (A)(3) of this 13589
section, the annual fees charged under this section shall not 13590
exceed the following amounts: 13591

(a) For each long-term care facility that is a nursing home, 13592
six hundred fifty dollars; 13593

(b) For each long-term care facility that is a residential 13594
care facility: 13595

(i) Until June 30, 2016, three hundred dollars; 13596

(ii) Beginning July 1, 2016, three hundred fifty dollars. 13597

(3) ~~Fees~~ The department, by rule adopted in accordance with 13598
Chapter 119. of the Revised Code, may establish deadlines for the 13599
payment of the annual fees charged under this section. If the 13600
annual fee is not received by the department within ninety days of 13601
any deadline established by the department, the rules may require 13602
a long-term care facility to pay a late penalty equal to and in 13603
addition to the amount of the annual fee charged under this 13604
section. 13605

(4) Unless prohibited by federal law, fees paid by a 13606
long-term care facility that is a nursing facility, including late 13607
penalties, shall be reimbursed through the medicaid program. 13608

(B) There is hereby created in the state treasury the 13609
long-term care consumer guide fund. Money collected from the fees 13610
charged for the publication of the Ohio long-term care consumer 13611

guide under division (A) of this section and any late penalties 13612
shall be credited to the fund. The department shall use money in 13613
the fund for costs associated with publishing the Ohio long-term 13614
care consumer guide, including, but not limited to, costs incurred 13615
in conducting or providing for the conduct of customer 13616
satisfaction surveys. 13617

Sec. 173.51. As used in sections 173.51 to 173.56 of the 13618
Revised Code: 13619

"Area agency on aging" has the same meaning as in section 13620
173.14 of the Revised Code. 13621

"Assisted living program" means the program that consists of 13622
a medicaid-funded component created under section 173.54 of the 13623
Revised Code and a state-funded component created under section 13624
173.543 of the Revised Code and provides assisted living services 13625
to individuals who meet the program's applicable eligibility 13626
requirements. 13627

"Assisted living services" means the following home and 13628
community-based services: personal care, homemaker, chore, 13629
attendant care, companion, medication oversight, and therapeutic 13630
social and recreational programming. 13631

"Assisted living waiver" means the federal medicaid waiver 13632
granted by the United States secretary of health and human 13633
services that authorizes the medicaid-funded component of the 13634
assisted living program. 13635

~~"Choices program" means the program created under section 13636
173.53 of the Revised Code. 13637~~

"County or district home" means a county or district home 13638
operated under Chapter 5155. of the Revised Code. 13639

"Long-term care consultation program" means the program the 13640
department of aging is required to develop under section 173.42 of 13641

the Revised Code. 13642

"Long-term care consultation program administrator" or 13643
"administrator" means the department of aging or, if the 13644
department contracts with an area agency on aging or other entity 13645
to administer the long-term care consultation program for a 13646
particular area, that agency or entity. 13647

"Medicaid waiver component" has the same meaning as in 13648
section 5166.01 of the Revised Code. 13649

"Nursing facility" has the same meaning as in section 5165.01 13650
of the Revised Code. 13651

"PASSPORT program" means the preadmission screening system 13652
providing options and resources today program (PASSPORT) that 13653
consists of a medicaid-funded component created under section 13654
173.52 of the Revised Code and a state-funded component created 13655
under section 173.522 of the Revised Code and provides home and 13656
community-based services as an alternative to nursing facility 13657
placement for individuals who are aged and disabled and meet the 13658
program's applicable eligibility requirements. 13659

"PASSPORT waiver" means the federal medicaid waiver granted 13660
by the United States secretary of health and human services that 13661
authorizes the medicaid-funded component of the PASSPORT program. 13662

"Representative" means a person acting on behalf of an 13663
applicant for the medicaid-funded component or state-funded 13664
component of the assisted living program. A representative may be 13665
a family member, attorney, hospital social worker, or any other 13666
person chosen to act on behalf of an applicant. 13667

"Residential care facility" has the same meaning as in 13668
section 3721.01 of the Revised Code. 13669

"Unified long-term services and support medicaid waiver 13670
component" means the medicaid waiver component authorized by 13671

section 5166.14 of the Revised Code. 13672

Sec. 173.55. (A) As used in this section: 13673

(1) "Department of aging-administered medicaid waiver
component" means ~~each~~ both of the following: 13674
13675

(a) The medicaid-funded component of the PASSPORT program; 13676

(b) ~~The choices program;~~ 13677

~~(c)~~ The medicaid-funded component of the assisted living
program. 13678
13679

(2) "PACE program" means the component of the medicaid 13680
program the department of aging administers pursuant to section 13681
173.50 of the Revised Code. 13682

(B) If the department of aging determines that there are 13683
insufficient funds to enroll all individuals who have applied and 13684
been determined eligible for department of aging-administered 13685
medicaid waiver components and the PACE program, the department 13686
shall establish a unified waiting list for the components and 13687
program. Only individuals eligible for a department of 13688
aging-administered medicaid waiver component or the PACE program 13689
may be placed on the unified waiting list. An individual who may 13690
be enrolled in a department of aging-administered medicaid waiver 13691
component or the PACE program through a home first component 13692
established under section 173.501, 173.521, or 173.542 of the 13693
Revised Code may be so enrolled without being placed on the 13694
unified waiting list. 13695

Sec. 173.99. (A) ~~A long term care provider, person employed~~ 13696
~~by a long term care provider, other entity, or employee of such~~ 13697
~~other entity that~~ Whoever violates division (C) of section 173.24 13698
of the Revised Code is subject to a fine not to exceed one 13699
thousand dollars for each violation. 13700

(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(C) ~~A long term care provider, other entity, or person employed by a long term care provider or other entity that~~ Whoever violates division ~~(E)(G)(1) or (2)~~ of section 173.19 of the Revised Code ~~by denying a representative of the office of the state long term care ombudsman program the access required by that division~~ is subject to a fine not to exceed five hundred dollars for each violation.

(D) Whoever violates division (C) of section 173.44 of the Revised Code is subject to a fine of one hundred dollars.

Sec. 174.02. (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, ~~money transferred from the housing trust reserve fund pursuant to section 174.09 of the Revised Code,~~ and all grants, gifts, loan repayments, and contributions of money made from any source to the development services agency for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development services shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The development services agency shall administer the fund. The Ohio housing finance agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the development services agency shall use the remaining money in the fund for implementing and administering its programs and duties under sections 174.03 to 174.06 of the Revised

Code. Use of all money drawn from the fund is subject to the 13732
following restrictions: 13733

(1)(a) Not more than five per cent of the current year 13734
appropriation authority for the fund shall be allocated between 13735
grants to community development corporations for the community 13736
development corporation grant program and grants and loans to the 13737
Ohio community development finance fund, a private nonprofit 13738
corporation. 13739

(b) In any year in which the amount in the fund exceeds one 13740
hundred thousand dollars and at least that much is allocated for 13741
the uses described in this section, not less than one hundred 13742
thousand dollars shall be used to provide training, technical 13743
assistance, and capacity building assistance to nonprofit 13744
development organizations. 13745

(2) Not more than ten per cent of any current year 13746
appropriation authority for the fund shall be used for the 13747
emergency shelter housing grants program to make grants to 13748
private, nonprofit organizations and municipal corporations, 13749
counties, and townships for emergency shelter housing for the 13750
homeless and emergency shelter facilities serving unaccompanied 13751
youth seventeen years of age and younger. The grants shall be 13752
distributed pursuant to rules the director adopts and qualify as 13753
matching funds for funds obtained pursuant to the McKinney Act, 13754
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 13755

(3) In any fiscal year in which the amount in the fund 13756
exceeds the amount awarded pursuant to division (A)(1)(b) of this 13757
section by at least two hundred fifty thousand dollars, at least 13758
two hundred fifty thousand dollars from the fund shall be provided 13759
to the department of aging for the resident services coordinator 13760
program as established in section 173.08 of the Revised Code. 13761

(4) Of all current year appropriation authority for the fund, 13762

not more than five per cent shall be used for administration. 13763

(5) Not less than forty-five per cent of the funds awarded 13764
during any one fiscal year shall be for grants and loans to 13765
nonprofit organizations under section 174.03 of the Revised Code. 13766

(6) Not less than fifty per cent of the funds awarded during 13767
any one fiscal year, excluding the amounts awarded pursuant to 13768
divisions (A)(1), (2), and (7) of this section, shall be for 13769
grants and loans for activities that provide housing and housing 13770
assistance to families and individuals in rural areas and small 13771
cities that are not eligible to participate as a participating 13772
jurisdiction under the "HOME Investment Partnerships Act," 104 13773
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 13774

(7) No money in the fund shall be used to pay for any legal 13775
services other than the usual and customary legal services 13776
associated with the acquisition of housing. 13777

(8) Money in the fund may be used as matching money for 13778
federal funds received by the state, counties, municipal 13779
corporations, and townships for the activities listed in section 13780
174.03 of the Revised Code. 13781

(9) In any fiscal year from 2018 to 2021 in which the amount 13782
in the fund exceeds sixty million dollars, six million dollars 13783
shall be provided to the department of mental health and addiction 13784
services to expand the housing component of the community 13785
transition program for the purpose of advancing housing 13786
opportunities for individuals exiting residential opiate addiction 13787
treatment who lack affordable, suitable housing. 13788

(B) If, after the second quarter of any year, it appears to 13789
the director of development services that the full amount of the 13790
money in the fund designated in that year for activities that 13791
provide housing and housing assistance to families and individuals 13792
in rural areas and small cities under division (A) of this section 13793

will not be used for that purpose, the director may reallocate all 13794
or a portion of that amount for other housing activities. In 13795
determining whether or how to reallocate money under this 13796
division, the director may consult with and shall receive advice 13797
from the housing trust fund advisory committee. 13798

Sec. 183.51. (A) As used in this section and in the 13799
applicable bond proceedings unless otherwise provided: 13800

(1) "Bond proceedings" means the resolutions, orders, 13801
indentures, purchase and sale and trust and other agreements 13802
including any amendments or supplements to them, and credit 13803
enhancement facilities, and amendments and supplements to them, or 13804
any one or more or combination of them, authorizing, awarding, or 13805
providing for the terms and conditions applicable to or providing 13806
for the security or liquidity of, the particular obligations, and 13807
the provisions contained in those obligations. 13808

(2) "Bond service fund" means the bond service fund created 13809
in the bond proceedings for the obligations. 13810

(3) "Capital facilities" means, as applicable, capital 13811
facilities or projects as referred to in section 151.03 or 151.04 13812
of the Revised Code. 13813

(4) "Consent decree" means the consent decree and final 13814
judgment entered November 25, 1998, in the court of common pleas 13815
of Franklin county, Ohio, as the same may be amended or 13816
supplemented from time to time. 13817

(5) "Cost of capital facilities" has the same meaning as in 13818
section 151.01 of the Revised Code, as applicable. 13819

(6) "Credit enhancement facilities," "financing costs," and 13820
"interest" or "interest equivalent" have the same meanings as in 13821
section 133.01 of the Revised Code. 13822

(7) "Debt service" means principal, including any mandatory 13823

sinking fund or redemption requirements for retirement of 13824
obligations, interest and other accreted amounts, interest 13825
equivalent, and any redemption premium, payable on obligations. If 13826
not prohibited by the applicable bond proceedings, "debt service" 13827
may include costs relating to credit enhancement facilities that 13828
are related to and represent, or are intended to provide a source 13829
of payment of or limitation on, other debt service. 13830

(8) "Improvement fund" means, as applicable, the school 13831
building program assistance fund created in section 3318.25 of the 13832
Revised Code and the higher education improvement fund created in 13833
section 154.21 of the Revised Code. 13834

(9) "Issuing authority" means the buckeye tobacco settlement 13835
financing authority created in section 183.52 of the Revised Code. 13836

(10) "Net proceeds" means amounts received from the sale of 13837
obligations, excluding amounts used to refund or retire 13838
outstanding obligations, amounts required to be deposited into 13839
special funds pursuant to the applicable bond proceedings, and 13840
amounts to be used to pay financing costs. 13841

(11) "Obligations" means bonds, notes, or other evidences of 13842
obligation of the issuing authority, including any appertaining 13843
interest coupons, issued by the issuing authority under this 13844
section and Section 2i of Article VIII, Ohio Constitution, for the 13845
purpose of providing funds to the state, in exchange for the 13846
assignment and sale described in division (B) of this section, for 13847
the purpose of paying costs of capital facilities for: (a) housing 13848
branches and agencies of state government limited to facilities 13849
for a system of common schools throughout the state and (b) 13850
state-supported or state-assisted institutions of higher 13851
education. 13852

(12) "Pledged receipts" means, as and to the extent provided 13853
for in the applicable bond proceedings: 13854

(a) Pledged tobacco settlement receipts;	13855
(b) Accrued interest received from the sale of obligations;	13856
(c) Income from the investment of the special funds;	13857
(d) Additional or any other specific revenues or receipts	13858
lawfully available to be pledged, and pledged, pursuant to the	13859
bond proceedings, including but not limited to amounts received	13860
under credit enhancement facilities, to the payment of debt	13861
service.	13862
(13) "Pledged tobacco settlement receipts" means all amounts	13863
received by the issuing authority pursuant to division (B) of this	13864
section.	13865
(14) "Principal amount" means the aggregate of the amount as	13866
stated or provided for in the applicable bond proceedings as the	13867
amount on which interest or interest equivalent on particular	13868
obligations is initially calculated. "Principal amount" does not	13869
include any premium paid to the issuing authority by the initial	13870
purchaser of the obligations. "Principal amount" of a capital	13871
appreciation bond, as defined in division (C) of section 3334.01	13872
of the Revised Code, means its original face amount and not its	13873
accrued value, and "principal amount" of a zero coupon bond, as	13874
defined in division (J) of section 3334.01 of the Revised Code,	13875
means the discounted offering price at which the bond is initially	13876
sold to the public, disregarding any purchase price discount to	13877
the original purchaser, if provided in or for pursuant to the bond	13878
proceedings.	13879
(15) "Special funds" or "funds," unless the context indicates	13880
otherwise, means the bond service fund, and any other funds,	13881
including any reserve funds, created under the bond proceedings	13882
and stated to be special funds in those proceedings, including	13883
moneys and investments, and earnings from investments, credited	13884
and to be credited to the particular fund. "Special funds" does	13885

not include any improvement fund or investment earnings on amounts 13886
in any improvement fund, or other funds created by the bond 13887
proceedings that are not stated by those proceedings to be special 13888
funds. 13889

(B) The state may assign and sell to the issuing authority, 13890
and the issuing authority may accept and purchase, all or a 13891
portion of the amounts to be received by the state under the 13892
tobacco master settlement agreement for a purchase price payable 13893
by the issuing authority to the state consisting of the net 13894
proceeds of obligations and any residual interest, if any. Any 13895
such assignment and sale shall be irrevocable in accordance with 13896
its terms during the period any obligations secured by amounts so 13897
assigned and sold are outstanding under the applicable bond 13898
proceedings, and shall constitute a contractual obligation to the 13899
holders or owners of those obligations. Any such assignment and 13900
sale shall also be treated as an absolute transfer and true sale 13901
for all purposes, and not as a pledge or other security interest. 13902
The characterization of any such assignment and sale as a true 13903
sale and absolute transfer shall not be negated or adversely 13904
affected by only a portion of the amounts to be received under the 13905
tobacco master settlement agreement being transferred, the 13906
acquisition or retention by the state of a residual interest, the 13907
participation of any state officer or employee as a member or 13908
officer of, or providing staff support to, the issuing authority, 13909
any responsibility of an officer or employee of the state for 13910
collecting the amounts to be received under the tobacco master 13911
settlement agreement or otherwise enforcing that agreement or 13912
retaining any legal title to or interest in any portion of the 13913
amounts to be received under that agreement for the purpose of 13914
these collection activities, any characterization of the issuing 13915
authority or its obligations for purposes of accounting, taxation, 13916
or securities regulation, or by any other factors whatsoever. A 13917
true sale shall exist under this section regardless of whether the 13918

issuing authority has any recourse against the state or any other 13919
term of the bond proceedings or the treatment or characterization 13920
of the transfer as a financing for any purpose. Upon and following 13921
the assignment and sale, the state shall not have any right, 13922
title, or interest in the portion of the receipts under the 13923
tobacco master settlement agreement so assigned and sold, other 13924
than any residual interest that may be described in the applicable 13925
bond proceedings for those obligations, and that portion, if any, 13926
shall be the property of the issuing authority and not of the 13927
state, and shall be paid directly to the issuing authority, and 13928
shall be owned, received, held, and disbursed by the issuing 13929
authority and not by the state. 13930

The state may covenant, pledge, and agree in the bond 13931
proceedings, with and for the benefit of the issuing authority, 13932
the holders and owners of obligations, and providers of any credit 13933
enhancement facilities, that it shall: (1) maintain statutory 13934
authority for, and cause to be collected and paid directly to the 13935
issuing authority or its assignee, the pledged receipts, (2) 13936
enforce the rights of the issuing authority to receive the 13937
receipts under the tobacco master settlement agreement assigned 13938
and sold to the issuing authority, (3) not materially impair the 13939
rights of the issuing authority to fulfill the terms of its 13940
agreements with the holders or owners of outstanding obligations 13941
under the bond proceedings, (4) not materially impair the rights 13942
and remedies of the holders or owners of outstanding obligations 13943
or materially impair the security for those outstanding 13944
obligations, and (5) enforce Chapter 1346. of the Revised Code, 13945
the tobacco master settlement agreement, and the consent decree to 13946
effectuate the collection of the pledged tobacco settlement 13947
receipts. The bond proceedings may provide or authorize the manner 13948
for determining material impairment of the security for any 13949
outstanding obligations, including by assessing and evaluating the 13950
pledged receipts in the aggregate. 13951

As further provided for in division (H) of this section, the 13952
bond proceedings may also include such other covenants, pledges, 13953
and agreements by the state to protect and safeguard the security 13954
and rights of the holders and owners of the obligations, and of 13955
the providers of any credit enhancement facilities, including, 13956
without limiting the generality of the foregoing, any covenant, 13957
pledge, or agreement customary in transactions involving the 13958
issuance of securities the debt service on which is payable from 13959
or secured by amounts received under the tobacco master settlement 13960
agreement. Notwithstanding any other provision of law, any 13961
covenant, pledge, and agreement of the state, if and when made in 13962
the bond proceedings, shall be controlling and binding upon, and 13963
enforceable against the state in accordance with its terms for so 13964
long as any obligations are outstanding under the applicable bond 13965
proceedings. The bond proceedings may also include limitations on 13966
the remedies available to the issuing authority, the holders and 13967
owners of the obligations, and the providers of any credit 13968
enhancement facilities, including, without limiting the generality 13969
of the foregoing, a provision that those remedies may be limited 13970
to injunctive relief in circumstances where there has been no 13971
prior determination by a court of competent jurisdiction that the 13972
state has not enforced Chapter 1346. of the Revised Code, the 13973
tobacco master settlement agreement, or the consent decree as may 13974
have been covenanted or agreed in the bond proceedings under 13975
division (B)(5) of this section. 13976

Nothing in this section or the bond proceedings shall 13977
preclude or limit, or be construed to preclude or limit, the state 13978
from regulating or authorizing or permitting the regulation of 13979
smoking or from taxing and regulating the sale of cigarettes or 13980
other tobacco products, or from defending or prosecuting cases or 13981
other actions relating to the sale or use of cigarettes or other 13982
tobacco products. Except as otherwise may be agreed in writing by 13983
the attorney general, nothing in this section or the bond 13984

proceedings shall modify or limit, or be construed to modify or 13985
limit, the responsibility, power, judgment, and discretion of the 13986
attorney general to protect and discharge the duties, rights, and 13987
obligations of the state under the tobacco master settlement 13988
agreement, the consent decree, or Chapter 1346. of the Revised 13989
Code. 13990

The governor and the director of budget and management, in 13991
consultation with the attorney general, on behalf of the state, 13992
and any member or officer of the issuing authority as authorized 13993
by that issuing authority, on behalf of the issuing authority, may 13994
take any action and execute any documents, including any purchase 13995
and sale agreements, necessary to effect the assignment and sale 13996
and the acceptance of the assignment and title to the receipts 13997
including, providing irrevocable direction to the escrow agent 13998
acting under the tobacco master settlement agreement to transfer 13999
directly to the issuing authority the amounts to be received under 14000
that agreement that are subject to such assignment and sale. Any 14001
purchase and sale agreement or other bond proceedings may contain 14002
the terms and conditions established by the state and the issuing 14003
authority to carry out and effectuate the purposes of this 14004
section, including, without limitation, covenants binding the 14005
state in favor of the issuing authority and its assignees and the 14006
owners of the obligations. Any such purchase and sale agreement 14007
shall be sufficient to effectuate such purchase and sale without 14008
regard to any other laws governing other property sales or 14009
financial transactions by the state. 14010

Not later than two years following the date on which there 14011
are no longer any obligations outstanding under the bond 14012
proceedings, all assets of the issuing authority shall vest in the 14013
state, the issuing authority shall execute any necessary 14014
assignments or instruments, including any assignment of any right, 14015
title, or ownership to the state for receipt of amounts under the 14016

tobacco master settlement agreement, and the issuing authority 14017
shall be dissolved. 14018

(C) The issuing authority is authorized to issue and to sell 14019
obligations as provided in this section. The aggregate principal 14020
amount of obligations issued under this section shall not exceed 14021
six billion dollars, exclusive of obligations issued under 14022
division (M)(1) of this section to refund, renew, or advance 14023
refund other obligations issued or incurred. At least seventy-five 14024
per cent of the aggregate net proceeds of the obligations issued 14025
under the authority of this section, exclusive of obligations 14026
issued to refund, renew, or advance refund other obligations, 14027
shall be paid to the state for deposit into the school building 14028
program assistance fund created in section 3318.25 of the Revised 14029
Code. 14030

(D) Each issue of obligations shall be authorized by 14031
resolution or order of the issuing authority. The bond proceedings 14032
shall provide for or authorize the manner for determining the 14033
principal amount or maximum principal amount of obligations of an 14034
issue, the principal maturity or maturities, the interest rate or 14035
rates, the date of and the dates of payment of interest on the 14036
obligations, their denominations, and the place or places of 14037
payment of debt service which may be within or outside the state. 14038
Unless otherwise provided by law, the latest principal maturity 14039
may not be later than the earlier of the thirty-first day of 14040
December of the fiftieth calendar year after the year of issuance 14041
of the particular obligations or of the fiftieth calendar year 14042
after the year in which the original obligation to pay was issued 14043
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 14044
the Revised Code apply to the obligations. 14045

The purpose of the obligations may be stated in the bond 14046
proceedings in general terms, such as, as applicable, "paying 14047
costs of capital facilities for a system of common schools" and 14048

"paying costs of facilities for state-supported and state-assisted 14049
institutions of higher education." Unless otherwise provided in 14050
the bond proceedings or in division (C) of this section, the net 14051
proceeds from the issuance of the obligations shall be paid to the 14052
state for deposit into the applicable improvement fund. In 14053
addition to the investments authorized in Chapter 135. of the 14054
Revised Code, the net proceeds held in an improvement fund may be 14055
invested by the treasurer of state in guaranteed investment 14056
contracts with providers rated at the time of any investment in 14057
the three highest rating categories by two nationally recognized 14058
rating agencies, all subject to the terms and conditions set forth 14059
in those agreements or the bond proceedings. Notwithstanding 14060
anything to the contrary in Chapter 3318. of the Revised Code, net 14061
proceeds of obligations deposited into the school building program 14062
assistance fund created in section 3318.25 of the Revised Code may 14063
be used to pay basic project costs under that chapter at the times 14064
determined by the Ohio ~~school~~ facilities construction commission 14065
without regard to whether those expenditures are in proportion to 14066
the state's and the school district's respective shares of that 14067
basic project cost; provided that this shall not result in any 14068
change in the state or school district shares of the basic project 14069
costs as determined under that chapter. As used in the preceding 14070
sentence, "Ohio ~~school~~ facilities construction commission" and 14071
"basic project costs" have the same meanings as in section 3318.01 14072
of the Revised Code. 14073

(E) The issuing authority may, without need for any other 14074
approval, appoint or provide for the appointment of paying agents, 14075
bond registrars, securities depositories, credit enhancement 14076
providers or counterparties, clearing corporations, and transfer 14077
agents, and retain or contract for the services of underwriters, 14078
investment bankers, financial advisers, accounting experts, 14079
marketing, remarketing, indexing, and administrative agents, other 14080
consultants, and independent contractors, including printing 14081

services, as are necessary in the judgment of the issuing 14082
authority to carry out the issuing authority's functions under 14083
this section and section 183.52 of the Revised Code. The attorney 14084
general as counsel to the issuing authority shall represent the 14085
authority in the execution of its powers and duties, and shall 14086
institute and prosecute all actions on its behalf. The issuing 14087
authority, in consultation with the attorney general, shall select 14088
counsel, and the attorney general shall appoint the counsel 14089
selected, for the purposes of carrying out the functions under 14090
this section and related sections of the Revised Code. Financing 14091
costs are payable, as may be provided in the bond proceedings, 14092
from the proceeds of the obligations, from special funds, or from 14093
other moneys available for the purpose, including as to future 14094
financing costs, from the pledged receipts. 14095

(F) The issuing authority may irrevocably pledge and assign 14096
all, or such portion as the issuing authority determines, of the 14097
pledged receipts to the payment of the debt service charges on 14098
obligations issued under this section, and for the establishment 14099
and maintenance of any reserves, as provided in the bond 14100
proceedings, and make other provisions in the bond proceedings 14101
with respect to pledged receipts as authorized by this section, 14102
which provisions are controlling notwithstanding any other 14103
provisions of law pertaining to them. Any and all pledged receipts 14104
received by the issuing authority and required by the bond 14105
proceedings, consistent with this section, to be deposited, 14106
transferred, or credited to the bond service fund, and all other 14107
money transferred or allocated to or received for the purposes of 14108
that fund, shall be deposited and credited to the bond service 14109
fund created in the bond proceedings for the obligations, subject 14110
to any applicable provisions of those bond proceedings, but 14111
without necessity for any act of appropriation. Those pledged 14112
receipts shall immediately be subject to the lien of that pledge 14113
without any physical delivery thereof or further act, and shall 14114

not be subject to other court judgments. The lien of the pledge of 14115
those pledged receipts shall be valid and binding against all 14116
parties having claims of any kind against the issuing authority, 14117
irrespective of whether those parties have notice thereof. The 14118
pledge shall create a perfected security interest for all purposes 14119
of Chapter 1309. of the Revised Code and a perfected lien for 14120
purposes of any other interest, all without the necessity for 14121
separation or delivery of funds or for the filing or recording of 14122
the applicable bond proceedings by which that pledge is created or 14123
any certificate, statement, or other document with respect 14124
thereto. The pledge of the pledged receipts shall be effective and 14125
the money therefrom and thereof may be applied to the purposes for 14126
which pledged. 14127

(G) Obligations may be further secured, as determined by the 14128
issuing authority, by an indenture or a trust agreement between 14129
the issuing authority and a corporate trustee, which may be any 14130
trust company or bank having a place of business within the state. 14131
Any indenture or trust agreement may contain the resolution or 14132
order authorizing the issuance of the obligations, any provisions 14133
that may be contained in any bond proceedings, and other 14134
provisions that are customary or appropriate in an agreement of 14135
that type, including, but not limited to: 14136

(1) Maintenance of each pledge, indenture, trust agreement, 14137
or other instrument comprising part of the bond proceedings until 14138
the issuing authority has fully paid or provided for the payment 14139
of debt service on the obligations secured by it; 14140

(2) In the event of default in any payments required to be 14141
made by the bond proceedings, enforcement of those payments or 14142
agreements by mandamus, the appointment of a receiver, suit in 14143
equity, action at law, or any combination of them; 14144

(3) The rights and remedies of the holders or owners of 14145
obligations and of the trustee and provisions for protecting and 14146

enforcing them, including limitations on rights of individual holders and owners. 14147
14148

(H) The bond proceedings may contain additional provisions 14149
customary or appropriate to the financing or to the obligations or 14150
to particular obligations including, but not limited to, 14151
provisions for: 14152

(1) The redemption of obligations prior to maturity at the 14153
option of the issuing authority or of the holder or upon the 14154
occurrence of certain conditions, and at a particular price or 14155
prices and under particular terms and conditions; 14156

(2) The form of and other terms of the obligations; 14157

(3) The establishment, deposit, investment, and application 14158
of special funds, and the safeguarding of moneys on hand or on 14159
deposit, in lieu of the applicability of provisions of Chapter 14160
131. or 135. of the Revised Code, but subject to any special 14161
provisions of this section with respect to the application of 14162
particular funds or moneys. Any financial institution that acts as 14163
a depository of any moneys in special funds or other funds under 14164
the bond proceedings may furnish indemnifying bonds or pledge 14165
securities as required by the issuing authority. 14166

(4) Any or every provision of the bond proceedings being 14167
binding upon the issuing authority and upon such governmental 14168
agency or entity, officer, board, authority, agency, department, 14169
institution, district, or other person or body as may from time to 14170
time be authorized to take actions as may be necessary to perform 14171
all or any part of the duty required by the provision; 14172

(5) The maintenance of each pledge or instrument comprising 14173
part of the bond proceedings until the issuing authority has fully 14174
paid or provided for the payment of the debt service on the 14175
obligations or met other stated conditions; 14176

(6) In the event of default in any payments required to be 14177

made by the bond proceedings, or by any other agreement of the 14178
issuing authority made as part of a contract under which the 14179
obligations were issued or secured, including a credit enhancement 14180
facility, the enforcement of those payments by mandamus, a suit in 14181
equity, an action at law, or any combination of those remedial 14182
actions; 14183

(7) The rights and remedies of the holders or owners of 14184
obligations or of book-entry interests in them, and of third 14185
parties under any credit enhancement facility, and provisions for 14186
protecting and enforcing those rights and remedies, including 14187
limitations on rights of individual holders or owners; 14188

(8) The replacement of mutilated, destroyed, lost, or stolen 14189
obligations; 14190

(9) The funding, refunding, or advance refunding, or other 14191
provision for payment, of obligations that will then no longer be 14192
outstanding for purposes of this section or of the applicable bond 14193
proceedings; 14194

(10) Amendment of the bond proceedings; 14195

(11) Any other or additional agreements with the owners of 14196
obligations, and such other provisions as the issuing authority 14197
determines, including limitations, conditions, or qualifications, 14198
relating to any of the foregoing or the activities of the issuing 14199
authority in connection therewith. 14200

The bond proceedings shall make provision for the payment of 14201
the expenses of the enforcement activity of the attorney general 14202
referred to in division (B) of this section from the amounts from 14203
the tobacco master settlement agreement assigned and sold to the 14204
issuing authority under that division or from the proceeds of 14205
obligations, or a combination thereof, which may include provision 14206
for both annual payments and a special fund providing reserve 14207
amounts for the payment of those expenses. 14208

The issuing authority shall not, and shall covenant in the 14209
bond proceedings that it shall not, be authorized to and shall not 14210
file a voluntary petition under the United States Bankruptcy Code, 14211
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 14212
similar bankruptcy proceeding under state law including, without 14213
limitation, consenting to the appointment of a receiver or trustee 14214
or making a general or specific assignment for the benefit of 14215
creditors, and neither any public officer or any organization, 14216
entity, or other person shall authorize the issuing authority to 14217
be or become a debtor under the United States Bankruptcy Code or 14218
take any of those actions under the United States Bankruptcy Code 14219
or state law. The state hereby covenants, and the issuing 14220
authority shall covenant, with the holders or owners of the 14221
obligations, that the state shall not permit the issuing authority 14222
to file a voluntary petition under the United States Bankruptcy 14223
Code or take any of those actions under the United States 14224
Bankruptcy Code or state law during the period obligations are 14225
outstanding and for any additional period for which the issuing 14226
authority covenants in the bond proceedings, which additional 14227
period may, but need not, be a period of three hundred sixty-seven 14228
days or more. 14229

(I) The obligations requiring execution by or for the issuing 14230
authority shall be signed as provided in the bond proceedings, and 14231
may bear the official seal of the issuing authority or a facsimile 14232
thereof. Any obligation may be signed by the individual who, on 14233
the date of execution, is the authorized signer even though, on 14234
the date of the obligations, that individual is not an authorized 14235
signer. In case the individual whose signature or facsimile 14236
signature appears on any obligation ceases to be an authorized 14237
signer before delivery of the obligation, that signature or 14238
facsimile is nevertheless valid and sufficient for all purposes as 14239
if that individual had remained the authorized signer until 14240
delivery. 14241

(J) Obligations are investment securities under Chapter 1308. 14242
of the Revised Code. Obligations may be issued in bearer or in 14243
registered form, registrable as to principal alone or as to both 14244
principal and interest, or both, or in certificated or 14245
uncertificated form, as the issuing authority determines. 14246
Provision may be made for the exchange, conversion, or transfer of 14247
obligations and for reasonable charges for registration, exchange, 14248
conversion, and transfer. Pending preparation of final 14249
obligations, the issuing authority may provide for the issuance of 14250
interim instruments to be exchanged for the final obligations. 14251

(K) Obligations may be sold at public sale or at private 14252
sale, in such manner, and at such price at, above, or below par, 14253
all as determined by and provided by the issuing authority in the 14254
bond proceedings. 14255

(L) Except to the extent that rights are restricted by the 14256
bond proceedings, any owner of obligations or provider of or 14257
counterparty to a credit enhancement facility may by any suitable 14258
form of legal proceedings protect and enforce any rights relating 14259
to obligations or that facility under the laws of this state or 14260
granted by the bond proceedings. Those rights include the right to 14261
compel the performance of all applicable duties of the issuing 14262
authority and the state. Each duty of the issuing authority and 14263
that issuing authority's officers, staff, and employees, and of 14264
each state entity or agency, or using district or using 14265
institution, and its officers, members, staff, or employees, 14266
undertaken pursuant to the bond proceedings, is hereby established 14267
as a duty of the entity or individual having authority to perform 14268
that duty, specifically enjoined by law and resulting from an 14269
office, trust, or station within the meaning of section 2731.01 of 14270
the Revised Code. The individuals who are from time to time 14271
members of the issuing authority, or their designees acting 14272
pursuant to section 183.52 of the Revised Code, or the issuing 14273

authority's officers, staff, agents, or employees, when acting 14274
within the scope of their employment or agency, shall not be 14275
liable in their personal capacities on any obligations or 14276
otherwise under the bond proceedings, or for otherwise exercising 14277
or carrying out any purposes or powers of the issuing authority. 14278

(M)(1) Subject to any applicable limitations in division (C) 14279
of this section, the issuing authority may also authorize and 14280
provide for the issuance of: 14281

(a) Obligations in the form of bond anticipation notes, and 14282
may authorize and provide for the renewal of those notes from time 14283
to time by the issuance of new notes. The holders of notes or 14284
appertaining interest coupons have the right to have debt service 14285
on those notes paid solely from the moneys and special funds, and 14286
all or any portion of the pledged receipts, that are or may be 14287
pledged to that payment, including the proceeds of bonds or 14288
renewal notes or both, as the issuing authority provides in the 14289
bond proceedings authorizing the notes. Notes may be additionally 14290
secured by covenants of the issuing authority to the effect that 14291
the issuing authority will do all things necessary for the 14292
issuance of bonds or renewal notes in such principal amount and 14293
upon such terms as may be necessary to provide moneys to pay when 14294
due the debt service on the notes, and apply their proceeds to the 14295
extent necessary, to make full and timely payment of debt service 14296
on the notes as provided in the applicable bond proceedings. In 14297
the bond proceedings authorizing the issuance of bond anticipation 14298
notes the issuing authority shall set forth for the bonds 14299
anticipated an estimated schedule of annual principal payments the 14300
latest of which shall be no later than provided in division (D) of 14301
this section. While the notes are outstanding there shall be 14302
deposited, as shall be provided in the bond proceedings for those 14303
notes, from the sources authorized for payment of debt service on 14304
the bonds, amounts sufficient to pay the principal of the bonds 14305

anticipated as set forth in that estimated schedule during the 14306
time the notes are outstanding, which amounts shall be used solely 14307
to pay the principal of those notes or of the bonds anticipated. 14308

(b) Obligations for the refunding, including funding and 14309
retirement, and advance refunding, with or without payment or 14310
redemption prior to maturity, of any obligations previously issued 14311
under this section and any bonds or notes previously issued for 14312
the purpose of paying costs of capital facilities for: (i) 14313
state-supported or state-assisted institutions of higher education 14314
as authorized by sections 151.01 and 151.04 of the Revised Code, 14315
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 14316
and (ii) housing branches and agencies of state government limited 14317
to facilities for a system of common schools throughout the state 14318
as authorized by sections 151.01 and 151.03 of the Revised Code, 14319
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 14320
Refunding obligations may be issued in amounts sufficient to pay 14321
or to provide for repayment of the principal amount, including 14322
principal amounts maturing prior to the redemption of the 14323
remaining prior obligations or bonds or notes, any redemption 14324
premium, and interest accrued or to accrue to the maturity or 14325
redemption date or dates, payable on the prior obligations or 14326
bonds or notes, and related financing costs and any expenses 14327
incurred or to be incurred in connection with that issuance and 14328
refunding. Subject to the applicable bond proceedings, the portion 14329
of the proceeds of the sale of refunding obligations issued under 14330
division (M)(1)(b) of this section to be applied to debt service 14331
on the prior obligations or bonds or notes shall be credited to an 14332
appropriate separate account in the bond service fund and held in 14333
trust for the purpose by the issuing authority or by a corporate 14334
trustee, and may be invested as provided in the bond proceedings. 14335
Obligations authorized under this division shall be considered to 14336
be issued for those purposes for which the prior obligations or 14337
bonds or notes were issued. 14338

(2) The principal amount of refunding, advance refunding, or 14339
renewal obligations issued pursuant to division (M) of this 14340
section shall be in addition to the amount authorized in division 14341
(C) of this section. 14342

(N) Obligations are lawful investments for banks, savings and 14343
loan associations, credit union share guaranty corporations, trust 14344
companies, trustees, fiduciaries, insurance companies, including 14345
domestic for life and domestic not for life, trustees or other 14346
officers having charge of sinking and bond retirement or other 14347
special funds of the state and political subdivisions and taxing 14348
districts of this state, notwithstanding any other provisions of 14349
the Revised Code or rules adopted pursuant to those provisions by 14350
any state agency with respect to investments by them, and are also 14351
acceptable as security for the repayment of the deposit of public 14352
moneys. The exemptions from taxation in Ohio as provided for in 14353
particular sections of the Ohio Constitution and section 5709.76 14354
of the Revised Code apply to the obligations. 14355

(O)(1) Unless otherwise provided or provided for in any 14356
applicable bond proceedings, moneys to the credit of or in a 14357
special fund shall be disbursed on the order of the issuing 14358
authority. No such order is required for the payment, from the 14359
bond service fund or other special fund, when due of debt service 14360
or required payments under credit enhancement facilities. 14361

(2) Payments received by the issuing authority under interest 14362
rate hedges entered into as credit enhancement facilities under 14363
this section shall be deposited as provided in the applicable bond 14364
proceedings. 14365

(P) The obligations shall not be general obligations of the 14366
state and the full faith and credit, revenue, and taxing power of 14367
the state shall not be pledged to the payment of debt service on 14368
them or to any guarantee of the payment of that debt service. The 14369
holders or owners of the obligations shall have no right to have 14370

any moneys obligated or pledged for the payment of debt service 14371
except as provided in this section and in the applicable bond 14372
proceedings. The rights of the holders and owners to payment of 14373
debt service are limited to all or that portion of the pledged 14374
receipts, and those special funds, pledged to the payment of debt 14375
service pursuant to the bond proceedings in accordance with this 14376
section, and each obligation shall bear on its face a statement to 14377
that effect. 14378

(Q) Each bond service fund is a trust fund and is hereby 14379
pledged to the payment of debt service on the applicable 14380
obligations. Payment of that debt service shall be made or 14381
provided for by the issuing authority in accordance with the bond 14382
proceedings without necessity for any act of appropriation. The 14383
bond proceedings may provide for the establishment of separate 14384
accounts in the bond service fund and for the application of those 14385
accounts only to debt service on specific obligations, and for 14386
other accounts in the bond service fund within the general 14387
purposes of that fund. 14388

(R) Subject to the bond proceedings pertaining to any 14389
obligations then outstanding in accordance with their terms, the 14390
issuing authority may in the bond proceedings pledge all, or such 14391
portion as the issuing authority determines, of the moneys in the 14392
bond service fund to the payment of debt service on particular 14393
obligations, and for the establishment and maintenance of any 14394
reserves for payment of particular debt service. 14395

(S)(1) Unless otherwise provided in any applicable bond 14396
proceedings, moneys to the credit of special funds may be invested 14397
by or on behalf of the issuing authority only in one or more of 14398
the following: 14399

(a) Notes, bonds, or other direct obligations of the United 14400
States or of any agency or instrumentality of the United States, 14401
or in no-front-end-load money market mutual funds consisting 14402

exclusively of those obligations, or in repurchase agreements, 14403
including those issued by any fiduciary, secured by those 14404
obligations, or in collective investment funds consisting 14405
exclusively of those obligations; 14406

(b) Obligations of this state or any political subdivision of 14407
this state; 14408

(c) Certificates of deposit of any national bank located in 14409
this state and any bank, as defined in section 1101.01 of the 14410
Revised Code, subject to inspection by the superintendent of 14411
financial institutions; 14412

(d) The treasurer of state's pooled investment program under 14413
section 135.45 of the Revised Code; 14414

(e) Other investment agreements or repurchase agreements that 14415
are consistent with the ratings on the obligations. 14416

(2) The income from investments referred to in division 14417
(S)(1) of this section shall be credited to special funds or 14418
otherwise as the issuing authority determines in the bond 14419
proceedings. Those investments may be sold or exchanged at times 14420
as the issuing authority determines, provides for, or authorizes. 14421

(T) The treasurer of state shall have responsibility for 14422
keeping records, making reports, and making payments, relating to 14423
any arbitrage rebate requirements under the applicable bond 14424
proceedings. 14425

(U) The issuing authority shall make quarterly reports to the 14426
general assembly of the amounts in, and activities of, each 14427
improvement fund, including amounts and activities on the subfund 14428
level. Each report shall include a detailed description and 14429
analysis of the amount of proceeds remaining in each fund from the 14430
sale of obligations pursuant to this section, and any other 14431
deposits, credits, interest earnings, disbursements, expenses, 14432
transfers, or activities of each fund. 14433

(V) The costs of the annual audit of the authority conducted 14434
pursuant to section 117.112 of the Revised Code are payable, as 14435
may be provided in the bond proceedings, from the proceeds of the 14436
obligations, from special funds, or from other moneys available 14437
for the purpose, including as to future financing costs, from the 14438
pledged receipts. 14439

Sec. 190.01. "The Health Care Compact" is hereby ratified, 14440
enacted into law, and entered into by the state of Ohio as a party 14441
to the compact with any other state that has legally joined in the 14442
compact as follows: 14443

Whereas, the separation of powers, both between the branches 14444
of the Federal government and between Federal and State authority, 14445
is essential to the preservation of individual liberty; 14446

Whereas, the Constitution creates a Federal government of 14447
limited and enumerated powers, and reserves to the States or to 14448
the people those powers not granted to the Federal government; 14449

Whereas, the Federal government has enacted many laws that 14450
have preempted State laws with respect to Health Care, and placed 14451
increasing strain on State budgets, impairing other 14452
responsibilities such as education, infrastructure, and public 14453
safety; 14454

Whereas, the Member States seek to protect individual liberty 14455
and personal control over Health Care decisions, and believe the 14456
best method to achieve these ends is by vesting regulatory 14457
authority over Health Care in the States; 14458

Whereas, by acting in concert, the Member States may express 14459
and inspire confidence in the ability of each Member State to 14460
govern Health Care effectively; and 14461

Whereas, the Member States recognize that consent of Congress 14462
may be more easily secured if the Member States collectively seek 14463

consent through an interstate compact; 14464

NOW THEREFORE, the Member States hereto resolve, and by the 14465
adoption into law under their respective State Constitutions of 14466
this Health Care Compact, agree, as follows: 14467

Sec. 1. Definitions. As used in this Compact, unless the 14468
context clearly indicates otherwise: 14469

"Commission" means the Interstate Advisory Health Care 14470
Commission. 14471

"Effective Date" means the date upon which this Compact shall 14472
become effective for purposes of the operation of State and 14473
Federal law in a Member State, which shall be the later of: 14474

(a) the date upon which this Compact shall be adopted under 14475
the laws of the Member State, and 14476

(b) the date upon which this Compact receives the consent of 14477
Congress pursuant to Article I, Section 10, of the United States 14478
Constitution, after at least two Member States adopt this Compact. 14479

"Health Care" means care, services, supplies, or plans 14480
related to the health of an individual and includes but is not 14481
limited to: 14482

(a) preventive, diagnostic, therapeutic, rehabilitative, 14483
maintenance, or palliative care and counseling, service, 14484
assessment, or procedure with respect to the physical or mental 14485
condition or functional status of an individual or that affects 14486
the structure or function of the body, and 14487

(b) sale or dispensing of a drug, device, equipment, or other 14488
item in accordance with a prescription, and 14489

(c) an individual or group plan that provides, or pays the 14490
cost of, care, services, or supplies related to the health of an 14491
individual, except any care, services, supplies, or plans provided 14492
by the United States Department of Defense and United States 14493

Department of Veteran Affairs, or provided to Native Americans. 14494

"Member State" means a State that is signatory to this 14495

Compact and has adopted it under the laws of that State. 14496

"Member State Base Funding Level" means a number equal to the 14497

total Federal spending on Health Care in the Member State during 14498

Federal fiscal year 2010. On or before the Effective Date, each 14499

Member State shall determine the Member State Base Funding Level 14500

for its State, and that number shall be binding upon that Member 14501

State. The preliminary estimate of Member State Base Funding Level 14502

for the State of Ohio is \$35,043,000,000. 14503

"Member State Current Year Funding Level" means the Member 14504

State Base Funding Level multiplied by the Member State Current 14505

Year Population Adjustment Factor multiplied by the Current Year 14506

Inflation Adjustment Factor. 14507

"Member State Current Year Population Adjustment Factor" 14508

means the average population of the Member State in the current 14509

year less the average population of the Member State in Federal 14510

fiscal year 2010, divided by the average population of the Member 14511

State in Federal fiscal year 2010, plus 1. Average population in a 14512

Member State shall be determined by the United States Census 14513

Bureau. 14514

"Current Year Inflation Adjustment Factor" means the Total 14515

Gross Domestic Product Deflator in the current year divided by the 14516

Total Gross Domestic Product Deflator in Federal fiscal year 2010. 14517

Total Gross Domestic Product Deflator shall be determined by the 14518

Bureau of Economic Analysis of the United States Department of 14519

Commerce. 14520

Sec. 2. Pledge. The Member States shall take joint and 14521

separate action to secure the consent of the United States 14522

Congress to this Compact in order to return the authority to 14523

regulate Health Care to the Member States consistent with the 14524

goals and principles articulated in this Compact. The Member 14525
States shall improve Health Care policy within their respective 14526
jurisdictions and according to the judgment and discretion of each 14527
Member State. 14528

Sec. 3. Legislative Power. The legislatures of the Member 14529
States have the primary responsibility to regulate Health Care in 14530
their respective States. 14531

Sec. 4. State Control. Each Member State, within its State, 14532
may suspend by legislation the operation of all federal laws, 14533
rules, regulations, and orders regarding Health Care that are 14534
inconsistent with the laws and regulations adopted by the Member 14535
State pursuant to this Compact. Federal and State laws, rules, 14536
regulations, and orders regarding Health Care will remain in 14537
effect unless a Member State expressly suspends them pursuant to 14538
its authority under this Compact. For any federal law, rule, 14539
regulation, or order that remains in effect in a Member State 14540
after the Effective Date, that Member State shall be responsible 14541
for the associated funding obligations in its State. 14542

Sec. 5. Funding. 14543

(a) Each Federal fiscal year, each Member State shall have 14544
the right to Federal monies up to an amount equal to its Member 14545
State Current Year Funding Level for that Federal fiscal year, 14546
funded by Congress as mandatory spending and not subject to annual 14547
appropriation, to support the exercise of Member State authority 14548
under this Compact. This funding shall not be conditional on any 14549
action of or regulation, policy, law, or rule being adopted by the 14550
Member State. 14551

(b) By the start of each Federal fiscal year, Congress shall 14552
establish an initial Member State Current Year Funding Level for 14553
each Member State, based upon reasonable estimates. The final 14554
Member State Current Year Funding Level shall be calculated, and 14555

funding shall be reconciled by the United States Congress based 14556
upon information provided by each Member State and audited by the 14557
United States Government Accountability Office. 14558

Sec. 6. Interstate Advisory Health Care Commission. 14559

(a) The Interstate Advisory Health Care Commission is 14560
established. The Commission consists of members appointed by each 14561
Member State through a process to be determined by each Member 14562
State. A Member State may not appoint more than two members to the 14563
Commission and may withdraw membership from the Commission at any 14564
time. Each Commission member is entitled to one vote. The 14565
Commission shall not act unless a majority of the members are 14566
present, and no action shall be binding unless approved by a 14567
majority of the Commission's total membership. 14568

(b) The Commission may elect from among its membership a 14569
Chairperson. The Commission may adopt and publish bylaws and 14570
policies that are not inconsistent with this Compact. The 14571
Commission shall meet at least once a year, and may meet more 14572
frequently. 14573

(c) The Commission may study issues of Health Care regulation 14574
that are of particular concern to the Member States. The 14575
Commission may make non-binding recommendations to the Member 14576
States. The legislatures of the Member States may consider these 14577
recommendations in determining the appropriate Health Care 14578
policies in their respective States. 14579

(d) The Commission shall collect information and data to 14580
assist the Member States in their regulation of Health Care, 14581
including assessing the performance of various State Health Care 14582
programs and compiling information on the prices of Health Care. 14583
The Commission shall make this information and data available to 14584
the legislatures of the Member States. Notwithstanding any other 14585
provision in this Compact, no Member State shall disclose to the 14586

Commission the health information of any individual, nor shall the 14587
Commission disclose the health information of any individual. 14588

(e) The Commission shall be funded by the Member States as 14589
agreed to by the Member States. The Commission shall have the 14590
responsibilities and duties as may be conferred upon it by 14591
subsequent action of the respective legislatures of the Member 14592
States in accordance with the terms of this Compact. 14593

(f) The Commission shall not take any action within a Member 14594
State that contravenes any State law of that Member State. 14595

Sec. 7. Congressional Consent. This Compact shall be 14596
effective on its adoption by at least two Member States and 14597
consent of the United States Congress. This Compact shall be 14598
effective unless the United States Congress, in consenting to this 14599
Compact, alters the fundamental purposes of this Compact, which 14600
are: 14601

(a) To secure the right of the Member States to regulate 14602
Health Care in their respective States pursuant to this Compact 14603
and to suspend the operation of any conflicting federal laws, 14604
rules, regulations, and orders within their States; and 14605

(b) To secure Federal funding for Member States that choose 14606
to invoke their authority under this Compact, as prescribed by 14607
Section 5 above. 14608

Sec. 8. Amendments. The Member States, by unanimous 14609
agreement, may amend this Compact from time to time without the 14610
prior consent or approval of Congress and any amendment shall be 14611
effective unless, within one year, the Congress disapproves that 14612
amendment. Any State may join this Compact after the date on which 14613
Congress consents to the Compact by adoption into law under its 14614
State Constitution. 14615

Sec. 9. Withdrawal; Dissolution. Any Member State may 14616
withdraw from this Compact by adopting a law to that effect, but 14617

no such withdrawal shall take effect until six months after the 14618
Governor of the withdrawing Member State has given notice of the 14619
withdrawal to the other Member States. A withdrawing State shall 14620
be liable for any obligations that it may have incurred prior to 14621
the date on which its withdrawal becomes effective. This Compact 14622
shall be dissolved upon the withdrawal of all but one of the 14623
Member States. 14624

Sec. 190.02. Not later than thirty days after "The Health 14625
Care Compact" entered into under section 190.01 of the Revised 14626
Code is ratified by the United States congress, the governor shall 14627
appoint a member to the interstate advisory health care commission 14628
created under the compact. The governor shall fill a vacancy not 14629
later than thirty days after the vacancy occurs. 14630

Sec. 191.04. (A) In accordance with federal laws governing 14631
the confidentiality of individually identifiable health 14632
information, including the "Health Insurance Portability and 14633
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 14634
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 14635
by the United States department of health and human services to 14636
implement the act, a state agency may exchange protected health 14637
information with another state agency relating to eligibility for 14638
or enrollment in a health plan or relating to participation in a 14639
government program providing public benefits if the exchange of 14640
information is necessary for either or both of the following: 14641

(1) Operating a health plan; 14642

(2) Coordinating, or improving the administration or 14643
management of, the health care-related functions of at least one 14644
government program providing public benefits. 14645

(B) For fiscal years 2013 through ~~2017~~ 2019 only, a state 14646
agency also may exchange personally identifiable information with 14647

another state agency for purposes related to and in support of a 14648
health transformation initiative identified by the executive 14649
director of the office of health transformation pursuant to 14650
division (C) of section 191.06 of the Revised Code. 14651

(C) With respect to a state agency that uses or discloses 14652
personally identifiable information, all of the following 14653
conditions apply: 14654

(1) The state agency shall use or disclose the information 14655
only as permitted or required by state and federal law. In 14656
addition, if the information is obtained during fiscal year 2013, 14657
2014, or 2015 from an exchange of personally identifiable 14658
information permitted under division (B) of this section, the 14659
agency shall also use or disclose the information in accordance 14660
with all operating protocols that apply to the use or disclosure. 14661

(2) If the state agency is a state agency other than the 14662
department of medicaid and it uses or discloses protected health 14663
information that is related to a medicaid recipient and obtained 14664
from the department of medicaid or another agency operating a 14665
component of the medicaid program, the state agency shall comply 14666
with all state and federal laws that apply to the department of 14667
medicaid when that department, as the state's single state agency 14668
to supervise the medicaid program, uses or discloses protected 14669
health information. 14670

(3) A state agency shall implement administrative, physical, 14671
and technical safeguards for the purpose of protecting the 14672
confidentiality, integrity, and availability of personally 14673
identifiable information the creation, receipt, maintenance, or 14674
transmittal of which is affected or governed by this section. 14675

(4) If a state agency discovers an unauthorized use or 14676
disclosure of unsecured protected health information or unsecured 14677
individually identifiable health information, the state agency 14678

shall, not later than seventy-two hours after the discovery, do 14679
all of the following: 14680

(a) Identify the individuals who are the subject of the 14681
protected health information or individually identifiable health 14682
information; 14683

(b) Report the discovery and the names of all individuals 14684
identified pursuant to division (C)(4)(a) of this section to all 14685
other state agencies and the executive director of the office of 14686
health transformation or the executive director's designee; 14687

(c) Mitigate, to the extent reasonably possible, any 14688
potential adverse effects of the unauthorized use or disclosure. 14689

(5) A state agency shall make available to the executive 14690
director of the office of health transformation or the executive 14691
director's designee, and to any other state or federal 14692
governmental entity required by law to have access on that 14693
entity's request, all internal practices, records, and 14694
documentation relating to personally identifiable information it 14695
receives, uses, or discloses that is affected or governed by this 14696
section. 14697

(6) On termination or expiration of an operating protocol and 14698
if feasible, a state agency shall return or destroy all personally 14699
identifiable information received directly from or received on 14700
behalf of another state agency. If the personally identifiable 14701
information is not returned or destroyed, the state agency 14702
maintaining the information shall extend the protections set forth 14703
in this section for as long as it is maintained. 14704

(7) If a state agency enters into a subcontract or, when 14705
required by 45 C.F.R. 164.502(e)(2), a business associate 14706
agreement, the subcontract or business associate agreement shall 14707
require the subcontractor or business associate to comply with the 14708
terms of this section as if the subcontractor or business 14709

associate were a state agency. 14710

Sec. 191.06. (A) The provisions of this section shall apply 14711
only for fiscal years 2013 through ~~2017~~ 2019. 14712

(B) The executive director of the office of health 14713
transformation or the executive director's designee may facilitate 14714
the coordination of operations and exchange of information between 14715
state agencies. The purpose of the executive director's authority 14716
under this section is to support agency collaboration for health 14717
transformation purposes, including modernization of the medicaid 14718
program, streamlining of health and human services programs in 14719
this state, and improving the quality, continuity, and efficiency 14720
of health care and health care support systems in this state. 14721

(C) In furtherance of the authority of the executive director 14722
of the office of health transformation under division (B) of this 14723
section, the executive director or the executive director's 14724
designee shall identify each health transformation initiative in 14725
this state that involves the participation of two or more state 14726
agencies and that permits or requires an interagency agreement to 14727
be entered into for purposes of specifying each participating 14728
agency's role in coordinating, operating, or funding the 14729
initiative, or facilitating the exchange of data or other 14730
information for the initiative. The executive director shall 14731
publish a list of the identified health transformation initiatives 14732
on the internet web site maintained by the office of health 14733
transformation. 14734

(D) For each health transformation initiative that is 14735
identified under division (C) of this section, the executive 14736
director or the executive director's designee shall, in 14737
consultation with each participating agency, adopt one or more 14738
operating protocols. Notwithstanding any law enacted by the 14739
general assembly or rule adopted by a state agency, the provisions 14740

in a protocol shall supersede any provisions in an interagency 14741
agreement, including an interagency agreement entered into under 14742
section 5101.10 or 5162.35 of the Revised Code, that differ from 14743
the provisions of the protocol. 14744

(E)(1) An operating protocol adopted under division (D) of 14745
this section shall include both of the following: 14746

(a) All terms necessary to meet the requirements of "other 14747
arrangements" between a covered entity and a business associate 14748
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 14749

(b) If known, the date on which the protocol will terminate 14750
or expire. 14751

(2) In addition, a protocol may specify the extent to which 14752
each participating agency is responsible and accountable for 14753
completing the tasks necessary for successful completion of the 14754
initiative, including tasks relating to the following components 14755
of the initiative: 14756

(a) Workflow; 14757

(b) Funding; 14758

(c) Exchange of data or other information that is 14759
confidential pursuant to state or federal law. 14760

(F) An operating protocol adopted under division (D) of this 14761
section shall have the same force and effect as an interagency 14762
agreement or data sharing agreement, and each participating agency 14763
shall comply with it. 14764

Sec. 305.05. The board of county commissioners shall organize 14765
~~en~~ not later than the second Monday of January of each year, by 14766
the election of one of its members as president for a term of one 14767
year. The member so elected shall preside at all regular and 14768
special sessions of the board. If the position of president 14769
becomes vacant during the year, the board shall select one of its 14770

members to preside. 14771

Sec. 305.40. (A) There is hereby created the county hub 14772
program to combat opioid addiction. The purposes of the program 14773
are as follows: 14774

(1) To strengthen county and community efforts to prevent and 14775
treat opioid addiction; 14776

(2) To educate youth and adults about the dangers of opioid 14777
addiction and the negative effects it has on society; 14778

(3) To promote family building and workforce development as 14779
ways of combatting opioid addiction in communities; 14780

(4) To encourage community engagement in efforts to address 14781
the purposes specified in divisions (A)(1) to (3) of this section. 14782

(B) As part of the program, each county shall have an entity 14783
that is responsible for organizing and coordinating, in that 14784
county, efforts to address the program's purposes. This entity 14785
shall be known as the "hub coordinating agency." A county's board 14786
of county commissioners shall designate, by resolution, the hub 14787
coordinating agency for the county. A hub coordinating agency may 14788
be any of the following: 14789

(1) A board of alcohol, drug addiction, and mental health 14790
services; 14791

(2) An opioid prevention coalition or organization; 14792

(3) A post-prison re-entry coalition or organization; 14793

(4) A faith-based coalition or organization; 14794

(5) A community addiction services provider. 14795

(C) A hub coordinating agency shall use funds appropriated to 14796
it to address the program's purposes described in division (A) of 14797
this section. Those funds shall not be used to do any of the 14798
following: 14799

<u>(1) Fund capital improvements or building construction;</u>	14800
<u>(2) Pay for maintenance of buildings or equipment;</u>	14801
<u>(3) Make cash payments to service recipients;</u>	14802
<u>(4) Pay for vehicle purchases or leases;</u>	14803
<u>(5) Pay for professional or credentialing fees or licenses</u>	14804
<u>for any person or entity;</u>	14805
<u>(6) Pay fines or penalties;</u>	14806
<u>(7) Pay for food or beverages.</u>	14807
<u>(D) Not later than January 1, 2020, each hub coordinating</u>	14808
<u>agency shall submit a report to the department of mental health</u>	14809
<u>and addiction services summarizing its work on, and progress</u>	14810
<u>toward, addressing each of the program's purposes specified in</u>	14811
<u>division (A) of this section. The department shall aggregate all</u>	14812
<u>reports it has received and submit a statewide report to the</u>	14813
<u>governor and general assembly. The copy submitted to the general</u>	14814
<u>assembly shall be submitted in accordance with section 101.68 of</u>	14815
<u>the Revised Code.</u>	14816
 Sec. 307.283. (A) As used in this section:	14817
 (1) "Grant revenue" means revenues from a tax imposed under	14818
section 5739.026 or 5741.023 of the Revised Code that are	14819
allocated for the purpose of division (A)(4) of section 5739.026	14820
of the Revised Code.	14821
 (2) "Available grant revenue" means the amount certified	14822
under division (B)(2) of this section, less the amount of any	14823
grants previously awarded for the year under division (C) of this	14824
section.	14825
 (3) "Grant" means a payment award for the year to a	14826
government agency for a permanent improvement project in the	14827
amount specified by the community improvements board.	14828

(4) "Government agency" means the county, the state, or a 14829
political subdivision, including a school district, any part of 14830
which is located in the county, ~~or the state.~~ 14831

(5) "Debt service charges" means interest, principal, and 14832
premium on grant award bonds. 14833

(6) "Grant award bonds" means bonds or notes issued under 14834
section ~~133.312~~ 307.284 of the Revised Code. 14835

(7) "Year" means a calendar year. 14836

(8) "Permanent improvement project" means any permanent 14837
improvement to be undertaken for which the government agency that 14838
receives a grant is authorized to expend the proceeds of that 14839
grant. Any permanent improvement to be undertaken by the state or 14840
a political subdivision shall be located in the county. A 14841
permanent improvement to be undertaken by a school district shall 14842
be located in that school district. 14843

(9) "School district" means a city, local, or exempted 14844
village school district. 14845

(B) Each year the community improvements board shall convene 14846
and determine and certify to the board of county commissioners 14847
each of the following: 14848

(1) The estimated grant revenue to be transferred to the 14849
community improvement fund during the current year. 14850

(2) The total amount of grants that may be awarded during the 14851
current year. Except as provided in division (D) of this section, 14852
the total amount of grants that may be awarded during any year may 14853
not exceed the sum of the unencumbered balance in the community 14854
improvements fund on the first day of the year plus the estimated 14855
grant revenue for the current year, less the debt service charges 14856
certified under division (B)(3) of this section. 14857

(3) With respect to outstanding grant award bonds, the total 14858

debt service charges for the current year and each of the ensuing 14859
nine years. 14860

(C) Upon the making of such certifications, the 14861
community-improvements board may award grants for the year for any 14862
one or more permanent improvement projects. For each grant 14863
awarded, the board shall certify to the board of county 14864
commissioners the project for which the grant is awarded, the 14865
amount of the grant, and the government agency to which the grant 14866
is to be paid. The board shall include in the certification, a 14867
statement instructing the board of county commissioners with 14868
respect to whether and in what proportion or amount the grant is 14869
to be reduced or whether the grant is to be paid in full in the 14870
event the actual grant revenues for the current year are less than 14871
the estimated grant revenues for the year. By a unanimous vote the 14872
board of county commissioners may disallow a grant awarded under 14873
this division, in which case it shall certify its determination to 14874
the community improvements board, and the grant shall not be paid 14875
in the current year as otherwise required under division (E) of 14876
this section. 14877

Except as provided in division (D) of this section, the board 14878
may not award any grant in any year that exceeds the available 14879
grant revenue. The board may award grants to more than one 14880
government agency for the same project and may award grants for 14881
the same project in more than one year. 14882

(D) The community improvements board may award grants in 14883
excess of the available grant revenue for any one or more 14884
permanent improvement projects, but the sum of the grants awarded 14885
for the year under this division shall not exceed the available 14886
grant revenue, adjusted to reflect the sum of any grants that are 14887
not to be paid, as determined under the certification made under 14888
division (D)(3) of this section, plus the amount by which the 14889
amount certified under division (D)(1) of this section exceeds the 14890

amount certified under division (D)(2) of this section. For each 14891
grant awarded under this division, the board shall certify to the 14892
board of county commissioners the project for which the grant is 14893
awarded, the amount of the grant, and the government agency to 14894
which the grant is to be paid. The board of county commissioners 14895
may disallow a grant awarded under this division, in which case it 14896
shall certify its determination to the community improvements 14897
board, and the grant shall not be paid in the current year as 14898
otherwise required under division (E) of this section. If the 14899
community improvements board elects to award a grant under this 14900
division, at the time it makes the certifications required by 14901
division (B) of this section it shall make the following 14902
additional certifications: 14903

(1) The estimated grant revenue to be transferred to the 14904
community improvement fund during each of the nine ensuing years; 14905

(2) The estimated total debt service charges, exclusive of 14906
principal, for the current year and each of the nine ensuing years 14907
on grant award bonds that would have to be issued during the 14908
current year in order to pay a grant awarded under this division; 14909

(3) Which, if any, of the grants awarded under division 14910
~~(B)~~(C) of this section should not be paid if a grant award made 14911
under this division is paid. 14912

(E) Except as otherwise provided by divisions (C) and (D) of 14913
this section, the board of county commissioners shall pay each 14914
government agency from the county's community improvement fund, 14915
the amount of its grant award in accordance with the certification 14916
of the community improvement board. If the balance in the fund is 14917
insufficient to make the payment of any grant in the amount 14918
specified in the certification, the board of county commissioners 14919
may issue grant award bonds in the amount of such insufficiency 14920
and make the balance of the payment from the proceeds of such 14921
bonds. The proceeds of a payment received under this division may 14922

be expended solely for the permanent improvement project for which 14923
the grant was awarded. 14924

(F) If a board of county commissioners disallows a grant 14925
under division (C) or (D) of this section, the community 14926
improvements board may reconvene for the purpose of awarding 14927
grants under this section. For the purpose of making grant awards 14928
as provided under this division, any grant that the board of 14929
county commissioners disallows shall be considered not to have 14930
been awarded. 14931

(G) Before the community improvements board may approve 14932
funding for a permanent improvement project that has been rejected 14933
by a separate prior vote of the electorate, there must have 14934
occurred a subsequent separate vote of the electorate reversing 14935
the prior result. 14936

Sec. 307.631. A board of county commissioners may appoint a 14937
health commissioner of the board of health of a city or general 14938
health district that is entirely or partially located in the 14939
county in which the board of county commissioners is located to 14940
establish a drug overdose fatality review committee to review drug 14941
overdose deaths and opioid-involved deaths. The boards of county 14942
commissioners of two or more counties may, by adopting a joint 14943
resolution passed by a majority of the members of each 14944
participating board of county commissioners, create a regional 14945
drug overdose fatality review committee to serve all participating 14946
counties. The joint resolution shall appoint, for each county 14947
participating as part of the regional review committee, one health 14948
commissioner from a board of health of a city or general health 14949
district located at least in part in each county. The health 14950
commissioners appointed shall select one of their number as the 14951
health commissioner to establish the regional review committee. 14952
The regional review committee may be established in the same 14953

manner as provided for single county review committees. 14954

In any county that has a body acting as a drug overdose 14955
fatality review committee on the effective date of this section, 14956
the board of county commissioners of that county, in lieu of 14957
having a health commissioner establish a drug overdose fatality 14958
review committee, may appoint that body to function as the drug 14959
overdose fatality review committee for the county. The body shall 14960
have the same duties, obligations, and protections as a drug 14961
overdose fatality review committee appointed by a health 14962
commissioner. The board of county commissioners or an individual 14963
designated by the board shall convene the body as required by 14964
section 307.634 of the Revised Code. 14965

Sec. 307.632. (A) If a health commissioner of the board of 14966
health of a city or a general health district is appointed under 14967
section 307.631 of the Revised Code to establish a drug overdose 14968
fatality review committee, the commissioner shall select five 14969
members to serve on the review committee along with the 14970
commissioner. The review committee shall consist of the following: 14971

(1) A county coroner or designee; 14972

(2) The chief of police of a police department or the sheriff 14973
that serves the greatest population in the county or region or a 14974
designee of the chief or sheriff; 14975

(3) A public health official or designee; 14976

(4) The executive director of a board of alcohol, drug 14977
addiction, and mental health services or designee; 14978

(5) A physician authorized under Chapter 4731. of the Revised 14979
Code to practice medicine and surgery or osteopathic medicine and 14980
surgery. 14981

(B) The majority of the members of a review committee may 14982
invite additional members to serve on the committee. The 14983

additional members invited under this division shall serve for a 14984
period of time determined by a majority of the members described 14985
in division (A) of this section. An additional member shall have 14986
the same authority, duties, and responsibilities as members 14987
described in division (A) of this section. 14988

(C) A vacancy in a drug overdose review committee shall be 14989
filled in the same manner as the original appointment. 14990

(D) A drug overdose fatality review committee member shall 14991
not receive any compensation for, and shall not be paid for any 14992
expenses incurred pursuant to, fulfilling the member's duties on 14993
the committee unless compensation for, or payment for expenses 14994
incurred pursuant to, those duties is received pursuant to a 14995
member's regular employment. 14996

Sec. 307.633. The purpose of a drug overdose fatality review 14997
committee established under section 307.631 of the Revised Code is 14998
to decrease the incidence of preventable overdose deaths by doing 14999
all of the following: 15000

(A) Promoting cooperation, collaboration, and communication 15001
between all groups, professions, agencies, or entities engaged in 15002
drug abuse prevention, education, or treatment efforts; 15003

(B) Maintaining a comprehensive database of all overdose 15004
deaths that occur in the county or region served by the review 15005
committee in order to develop an understanding of the causes and 15006
incidence of those deaths; 15007

(C) Recommending and developing plans for implementing local 15008
service and program changes and changes to the groups, 15009
professions, agencies, or entities that serve local residents that 15010
might prevent overdose deaths; 15011

(D) Advising the department of health of aggregate data, 15012
trends, and patterns concerning overdose deaths. 15013

Sec. 307.634. If a drug overdose fatality review committee is 15014
established under section 307.631 of the Revised Code, the board 15015
of county commissioners, or if a regional drug overdose fatality 15016
review committee is established, the group of health commissioners 15017
appointed to select the health commissioner to establish the 15018
regional review committee, shall designate either the health 15019
commissioner that establishes the review committee or a 15020
representative of the health commissioner to convene meetings and 15021
be the chairperson of the review committee. If a regional review 15022
committee includes a county with more than one health district, 15023
the regional review committee meeting shall be convened in that 15024
county. If more than one of the counties participating on the 15025
regional review committee has more than one health district, the 15026
person convening the meeting shall select one of the counties with 15027
more than one health district as the county in which to convene 15028
the meeting. 15029

Sec. 307.635. A drug overdose fatality review committee may 15030
not conduct a review of a death while an investigation of the 15031
death or prosecution of a person for causing the death is pending 15032
unless the prosecuting attorney agrees to allow the review. The 15033
law enforcement agency conducting the criminal investigation, on 15034
the conclusion of the investigation, and the prosecuting attorney 15035
prosecuting the case, on the conclusion of the prosecution, shall 15036
notify the chairperson of the review committee of the conclusion. 15037

Sec. 307.636. (A) A drug overdose fatality review committee 15038
shall establish a system for collecting and maintaining 15039
information necessary for the review of drug overdose or 15040
opioid-involved deaths in the county or region. In an effort to 15041
ensure confidentiality, each committee shall do all of the 15042
following: 15043

<u>(1) Maintain all records in a secure location;</u>	15044
<u>(2) Develop security measures to prevent unauthorized access to records containing information that could reasonably identify any person;</u>	15045 15046 15047
<u>(3) Develop a system for storing, processing, indexing, retrieving, and destroying information obtained in the course of reviewing a drug overdose or opioid-involved death.</u>	15048 15049 15050
<u>(B) For each drug overdose or opioid-involved death reviewed by a committee, the committee shall collect all of the following:</u>	15051 15052
<u>(1) Demographic information of the deceased, including age, sex, race, and ethnicity;</u>	15053 15054
<u>(2) The year in which the death occurred;</u>	15055
<u>(3) The geographic location of the death;</u>	15056
<u>(4) The cause of death;</u>	15057
<u>(5) Any factors contributing to the death;</u>	15058
<u>(6) Any other information the committee considers relevant.</u>	15059
<u>(C) By the first day of April of each year, the person convening a drug overdose fatality review committee shall prepare and submit to the Ohio department of health in the manner and format prescribed by the department a report that includes all of the following information for the previous calendar year:</u>	15060 15061 15062 15063 15064
<u>(1) The total number of drug overdose or opioid-involved deaths in the county or region;</u>	15065 15066
<u>(2) The total number of drug overdose or opioid-involved deaths reviewed by the committee;</u>	15067 15068
<u>(3) A summary of demographic information for the deaths reviewed, including age, sex, race, and ethnicity;</u>	15069 15070
<u>(4) A summary of any trends or patterns identified by the committee.</u>	15071 15072

The report shall specify the number of drug overdose or opioid-involved deaths that were not reviewed during the previous calendar year. 15073
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The report shall include recommendations for actions that might prevent other deaths, as well as any other information the review committee determines should be included. 15076
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(D) Reports prepared under division (C) of this section shall be considered public records under section 149.43 of the Revised Code. 15079
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Sec. 307.637. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a drug overdose fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information. 15082
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(1) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity. 15089
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(2) With respect to a request made to any other individual or entity, the summary shall contain only information available and reasonably drawn from any record involving the person that the individual or entity develops in the normal course of business. 15093
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(3) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any additional information, documents, or reports available to the review committee. 15097
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(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall 15101
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provide any information regarding the death of a person to a drug overdose fatality review committee while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.635 of the Revised Code to allow review of the death.

Sec. 307.638. (A) An individual or public or private entity providing information, documents, or reports to a drug overdose fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, documents, or reports to the review committee.

(B) Each member of a review committee is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the review committee.

Sec. 307.639. Any information, document, or report presented to a drug overdose fatality review committee, all statements made by review committee members during meetings of the review committee, all work products of the review committee, and data submitted by the review committee to the department of health, other than the report prepared pursuant to section 307.636 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the exercise of the proper functions of the review committee and the department.

Sec. 307.678. (A) As used in this section: 15128

(1) ~~"Stadium" means an open air structure designed and developed to provide a venue for public entertainment, cultural activities and recreation, or any combination thereof, including concerts, athletic and sporting events, and other events and~~

~~exhibitions, together with concession, locker room, parking, 15133
restroom, and storage facilities, walkways, and other auxiliary 15134
facilities, whether included within or separate from the 15135
structure, and all real and personal property and interests 15136
therein related to the use of the structure for those purposes. 15137~~

~~(2) "Bureau" means a nonprofit corporation that is organized 15138
under the laws of this state that is, or has among its functions 15139
acting as, a convention and visitors' bureau, and that currently 15140
receives revenue from existing lodging taxes. 15141~~

~~(3)(2) "Cooperating parties" means the parties to a 15142
cooperative agreement. 15143~~

~~(4)(3) "Cooperative agreement" means an agreement entered 15144
into pursuant to ~~division (B) of~~ or as contemplated by this 15145
section. 15146~~

~~(4) "Credit enhancement facilities" has the same meaning as 15147
in section 133.01 of the Revised Code. 15148~~

~~(5) "Corporation" means a nonprofit corporation that is 15149
organized under the laws of this state and has corporate authority 15150
under its organizational instruments to acquire, construct, 15151
reconstruct, equip, finance, furnish, otherwise improve, own, 15152
lease, or operate a stadium. 15153~~

~~(6) "Debt charges" has the same meaning as in section 133.01 15154
of the Revised Code, except that "obligations" shall be 15155
substituted for "securities" wherever "securities" appears in that 15156
section. 15157~~

~~(7)(6) "Eligible county" means a county ~~having a population 15158
of at least three hundred seventy five thousand, but not more than 15159
four hundred thousand, according to the most recent federal 15160
decennial census~~ within the boundaries of which any part of a 15161
tourism development district is located. 15162~~

(7) "Eligible transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code, within the boundaries of which any part of a tourism development district is located.

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

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

(10) "Host municipal corporation" means a municipal corporation, ~~having a population of at least seventy thousand but~~

~~not more than eighty thousand according to the most recent federal~~ 15195
~~decennial census,~~ within the boundaries of which a ~~stadium~~ any 15196
part of a tourism development district is located. 15197

(11) "Host school district" means ~~the~~ a school district 15198
within the boundaries of which a ~~stadium~~ any part of a tourism 15199
development district is located. 15200

(12) "Incremental sales tax growth" has the same meaning as 15201
in section 5739.213 of the Revised Code, except that, in the case 15202
of an eligible county, "incremental sales tax growth" shall 15203
include only the amount of taxes levied under sections 5739.021 15204
and 5739.026 of the Revised Code credited to the county's general 15205
fund. 15206

(13) "Issuer" means a port authority, a new community 15207
authority, or any other issuer, as defined in section 133.01 of 15208
the Revised Code, and any corporation. 15209

~~(13)~~(14) "Maintenance and repair costs" means costs and 15210
expenses incurred by a cooperating party from the party's own 15211
revenues for maintaining or repairing a project. 15212

(15) "Net lodging tax proceeds" means the proceeds of an 15213
existing lodging tax that remain after deduction by an eligible 15214
county of the real and actual costs of administering the tax and 15215
any portion of such proceeds required to be returned to a 15216
municipal corporation or township under division (A)(1) of section 15217
5739.09 of the Revised Code. 15218

(16) "Net tourism development district revenues" means the 15219
tourism development district revenues remaining after deduction by 15220
the host municipal corporation of an amount, not to exceed one 15221
percent of any admissions tax revenues, prescribed in any 15222
legislation by which, or agreement pursuant to which, tourism 15223
development district revenues are pledged, or agreed to be pledged 15224
or contributed, by an eligible county, an eligible transit 15225

authority, or a host municipal corporation, or any combination thereof, in accordance with division (B), (E), (F), or (G) of this section. 15226
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(17) "New community authority" means a new community authority established under section 349.03 of the Revised Code by an organizational board of commissioners that is or includes the board of county commissioners of an eligible county or the legislative authority of a host municipal corporation. 15229
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(18) "Obligations" means obligations that are issued or incurred by an issuer pursuant to Chapter 133., 349., or 4582. of the Revised Code, or otherwise, for the purpose of funding or paying, or reimbursing persons for the funding or payment of, project costs, and that evidence the issuer's obligation to repay borrowed money, including interest thereon, or to pay other money obligations of the issuer at any future time, including, without limitation, bonds, notes, anticipatory securities as defined in section 133.01 of the Revised Code, certificates of indebtedness, commercial paper, or installment sale, lease, lease-purchase, or similar agreements. "Obligations" does not include credit enhancement facilities. 15234
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~~(14)~~(19) "Person" includes an individual, corporation, limited liability company, business trust, estate, trust, partnership, association, eligible county, eligible transit authority, host municipal corporation, port authority, new community authority, and any other political subdivision of the state. 15246
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(20) "Port authority" means a port authority created under Chapter 4582. of the Revised Code. 15252
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~~(15)~~(21) "Project" means acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, equipping, furnishing, or otherwise improving a stadium tourism 15254
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facility or any component or element thereof. 15257

~~(16)~~(22) "Project cost" means the cost of acquiring, 15258
constructing, reconstructing, rehabilitating, remodeling, 15259
renovating, enlarging, equipping, financing, refinancing, 15260
furnishing, or otherwise improving a project, including, without 15261
limitation, financing costs; the cost of architectural, 15262
engineering, and other professional services, designs, plans, 15263
specifications, surveys, and estimates of costs; financing or 15264
refinancing obligations issued by, or reimbursing money advanced 15265
by, any cooperating party or any other person, where the proceeds 15266
of the obligations or money advanced was used to pay any other 15267
cost described in this division; inspections and testing; any 15268
indemnity or surety bond or premium related to insurance 15269
pertaining to development of the project; all related direct and 15270
indirect administrative costs and costs of placing a project in 15271
service; fees and expenses of trustees, escrow agents, 15272
depositories, and paying agents for any obligations; interest on 15273
obligations during the planning, design, and development of a 15274
project and for up to eighteen months thereafter; funding ~~of~~ and 15275
replenishing reserves for the payment of debt charges on any 15276
obligations; ~~and~~ all other expenses necessary or incident to 15277
planning, or determining the feasibility or practicability of, a 15278
project, including, without limitation, advocating the enactment 15279
of legislation to facilitate the development and financing of a 15280
project; and any other costs of a project that are authorized to 15281
be financed by the issuer of obligations at the time the 15282
obligations are issued. 15283

(23) "Taxing authority" means the board of county 15284
commissioners of an eligible county, the legislative authority, as 15285
that term is defined in section 5739.01 of the Revised Code, of an 15286
eligible transit authority, or the legislative authority of a host 15287
municipal corporation. 15288

(24) "Tourism development district" means an area designated 15289
by a host municipal corporation under section 715.014 of the 15290
Revised Code. 15291

(25) "Tourism development district revenues" means money 15292
received or receivable by a host municipal corporation from 15293
incremental sales tax growth pursuant to section 5739.213 of the 15294
Revised Code, from a tax levied by the host municipal corporation 15295
pursuant to division (C) of section 5739.101 of the Revised Code, 15296
from a tax levied by the host municipal corporation pursuant to 15297
section 5739.08 or 5739.09 of the Revised Code on the provision of 15298
lodging by hotels located in the tourism development district, 15299
from a tax levied by the host municipal corporation with respect 15300
to admission to any tourism facility or parking or any other 15301
activity occurring at any location in the tourism development 15302
district, or from any tax levied by an eligible county, eligible 15303
transit authority, or host municipal corporation with respect to 15304
activities occurring, or property located, in the tourism 15305
development district, if and to the extent that revenue from any 15306
such tax is authorized to be used, or is not prohibited by law 15307
from being used, to foster and develop tourism in the tourism 15308
development district and is authorized, contracted, pledged or 15309
assigned by the respective taxing authority to be used to fund or 15310
pay, or to reimburse other persons for funding or payment of, 15311
project costs or maintenance and repair costs. 15312

(26) "Tourism facility" means any permanent improvement, as 15313
defined in section 133.01 of the Revised Code, located in a 15314
tourism development district. 15315

(B) ~~On or before December 31, 2015,~~ the The board of county 15316
commissioners of an eligible county, an eligible transit 15317
authority, a host municipal corporation, the board of education of 15318
a host school district, a port authority, a bureau, a new 15319
community authority, and ~~a corporation~~ any other person, or any 15320

combination thereof, may enter into a cooperative agreement for 15321
any purpose authorized under this section and under which any of 15322
the following apply: 15323

(1) The board of county commissioners of the eligible county 15324
and the bureau agree to make available to a cooperating party or 15325
any other person net lodging tax proceeds of an existing lodging 15326
tax, not to exceed five hundred thousand dollars each year, to 15327
fund or pay, or to reimburse other persons for funding or payment 15328
of, project costs or debt charges on obligations issued by a 15329
cooperating party to fund, finance, or refinance the payment of 15330
project costs;. 15331

(2) The board of county commissioners of the eligible county 15332
agrees, for the purpose of funding or paying or supporting, or for 15333
reimbursing other persons for funding or payment of, project 15334
costs, including debt charges on obligations, may do either of the 15335
following: 15336

(a) Make available to a cooperating party or other person an 15337
amount equal to incremental sales tax growth or all or a portion 15338
of the county's tourism development district revenues; 15339

(b) Provide credit enhancement facilities in connection with 15340
the funding or payment of project costs, including debt charges on 15341
obligations, or any portion or combination thereof. 15342

(3) The taxing authority of an eligible transit authority 15343
agrees to make available to a cooperating party or any other 15344
person an amount equal to incremental sales tax growth or all or a 15345
portion of the transit authority's tourism development district 15346
revenues. 15347

(4) The host municipal corporation agrees to make available 15348
credit enhancement facilities or net tourism development district 15349
revenues, or any portion or combination thereof, to fund, pay, or 15350
support, or to reimburse other persons for funding or payment of, 15351

project costs, including debt charges on obligations, or 15352
maintenance and repair costs, or both. Any agreement to use net 15353
tourism development district revenues to pay or reimburse other 15354
persons for payment of maintenance and repair costs shall be 15355
subject to authorization by any cooperating party providing such 15356
funding to the host municipal corporation and to annual 15357
appropriation for such purpose by the legislative authority of the 15358
host municipal corporation and shall be subordinate to any 15359
covenant made to or by an issuer in connection with the issuance 15360
of obligations or credit enhancement facilities to pay project 15361
costs. 15362

(5) The cooperating parties agree, subject to any conditions 15363
or limitations provided in the cooperative agreement, to ~~each~~ any 15364
of the following: 15365

(a) The conveyance, grant, or transfer to a cooperating party 15366
or any other person of ownership of, property interests in, and 15367
rights to use ~~a stadium, either~~ real or personal property to 15368
create a tourism facility or with respect to a tourism facility as 15369
the ~~stadium~~ facility exists at the time of the agreement or as it 15370
may be improved by a project; 15371

(b) The respective responsibilities of each cooperating party 15372
for the management, operation, maintenance, repair, and 15373
replacement of a ~~stadium~~ tourism facility, including any project 15374
undertaken with respect to the ~~stadium~~ facility, which may include 15375
authorization for a cooperating party to contract with any other 15376
person for any such purpose; 15377

(c) The respective responsibilities of each cooperating party 15378
for the development and financing of a project, including, without 15379
limitation, the cooperating party or parties that shall be 15380
responsible for contracting for the development of a project and 15381
administering contracts entered into ~~which~~ by the party or parties 15382
~~enter into~~ for that purpose; 15383

(d) The respective responsibilities of each cooperating party 15384
to provide money, credit enhancement facilities, or both, whether 15385
by issuing obligations or otherwise, for the funding, payment, 15386
financing, or refinancing, or reimbursement to a cooperating party 15387
or other person for the funding, payment, financing, or 15388
refinancing, of project costs; 15389

(e) The respective responsibilities of each cooperating 15390
party, ~~or any other person~~, to provide money, credit enhancement 15391
facilities, or other security for the payment of debt charges on 15392
obligations or to fund or replenish reserves or otherwise provide 15393
for the payment of maintenance and repair costs. 15394

(C) Any conveyance, grant, or transfer of ownership of, 15395
property interests in, or rights to use a ~~stadium, and any~~ 15396
~~contract for the development, management, operation, maintenance,~~ 15397
~~repair, or replacement of a stadium~~ tourism development facility 15398
or project, including any project undertaken with respect to an 15399
existing ~~stadium~~ tourism facility, that is contemplated by a 15400
cooperative agreement may be made or entered into by a cooperating 15401
party, in such manner and upon such terms as the cooperating 15402
parties may agree, ~~without any requirement of bidding and without~~ 15403
regard to ownership of the ~~stadium~~ tourism facility or project, 15404
notwithstanding any other provision of law that may otherwise 15405
apply, including, without limitation, any requirement for notice, 15406
competitive bidding or selection, or the provision of security. A 15407
~~project constitutes a "port authority facility" within the meaning~~ 15408
~~of division (D) of section 4582.01 and division (E) of section~~ 15409
~~4582.21 of the Revised Code and shall be considered a permanent~~ 15410
~~improvement for one purpose under Chapter 133. of the Revised~~ 15411
~~Code.~~ 15412

(D) Regardless of whether a cooperative agreement has been 15413
executed and delivered, the board of county commissioners may 15414
amend any previously adopted resolution providing for the levy of 15415

an existing lodging tax to permit the use of any portion of the 15416
net lodging tax proceeds from such tax as provided in this 15417
section, and a host municipal corporation may amend any previously 15418
passed ordinance providing for the levy of lodging taxes under 15419
section 5739.08 or 5739.09 of the Revised Code to permit the use 15420
of any portion of such lodging taxes as provided in this section. 15421

(E)(1) Notwithstanding any other provision of law, and after 15422
deducting the real and actual costs of administering an existing 15423
lodging tax and any portion of such tax required to be returned to 15424
any municipal corporation or township as provided in division 15425
(A)(1) of section 5739.09 of the Revised Code, the: 15426

(a) The board of county commissioners of an eligible county 15427
may provide credit enhancement facilities in connection with any 15428
project, including, without limitation, for the provision of any 15429
infrastructure necessary to support a tourism facility. 15430

(b) The board of county commissioners of an eligible county 15431
and a bureau may agree to make available, and a cooperating party 15432
or other person may use, proceeds of an existing lodging tax for 15433
the funding or payment of project costs, including, without 15434
limitation, the payment of debt charges on obligations. Either the 15435
board or the bureau, or both, may pledge proceeds of an existing 15436
lodging tax to the payment of debt charges on obligations. The 15437
total amount of existing lodging tax proceeds made available for 15438
such use or so pledged each year shall not exceed five hundred 15439
thousand dollars. The lien of any such pledge shall be effective 15440
against all persons when it is made, without the requirement for 15441
the filing of any notice, and any proceeds of an existing lodging 15442
tax so pledged and required to be used to pay debt charges on 15443
obligations shall be paid by the county or bureau at the times, in 15444
the amounts, and to such payee, including, without limitation, a 15445
corporate trustee or paying agent, required for such obligations. 15446
The board of county commissioners may amend any previously adopted 15447

~~resolution providing for the levy of an existing lodging tax to~~ 15448
~~permit the use of the proceeds of the existing lodging tax as~~ 15449
~~provided in this division to any person, on such terms and~~ 15450
~~conditions as the board and the bureau may determine and agree,~~ 15451
~~net lodging tax proceeds.~~ 15452

~~(E)(c) The board of county commissioners of an eligible~~ 15453
~~county may agree to make available to any person, on such terms~~ 15454
~~and conditions as the board may determine and agree, incremental~~ 15455
~~sales tax growth and all or a portion of the county's tourism~~ 15456
~~development district revenues.~~ 15457

~~(2) Any amount made available under division (E)(1)(b) or (c)~~ 15458
~~of this section shall be used to fund or pay, or to reimburse~~ 15459
~~other persons for funding or payment of, project costs, including,~~ 15460
~~without limitation, the payment of debt charges on obligations,~~ 15461
~~the provision of credit enhancement facilities and the funding,~~ 15462
~~and funding and replenishing reserves for that purpose or, subject~~ 15463
~~to annual appropriation, to pay, or reimburse other persons for~~ 15464
~~payment of, repair and maintenance costs.~~ 15465

~~(3) The board of county commissioners, the bureau, or both,~~ 15466
~~may pledge net lodging tax proceeds, and the board of county~~ 15467
~~commissioners may pledge incremental sales tax growth and any~~ 15468
~~tourism development district revenues, or any part or portion or~~ 15469
~~combination thereof, to the payment of debt charges on obligations~~ 15470
~~and the funding, or to fund or replenish reserves for that~~ 15471
~~purpose; provided that, the total amount of net lodging tax~~ 15472
~~proceeds made available for such use each year shall not exceed~~ 15473
~~five hundred thousand dollars.~~ 15474

~~The lien of any such pledge shall be effective against all~~ 15475
~~persons when it is made, without the requirement for the filing of~~ 15476
~~any notice, and any such net lodging tax proceeds, incremental~~ 15477
~~sales tax growth, and tourism development district revenues, or~~ 15478
~~any part or portion or combination thereof, so pledged and~~ 15479

required to pay debt charges on obligations, to provide any credit 15480
enhancement facilities or to fund, or to fund or replenish 15481
reserves, or any combination thereof, shall be paid by the county 15482
or bureau at the times, in the amounts, and to such payee, 15483
including, without limitation, a corporate trustee or paying 15484
agent, to which the board of county commissioners and bureau agree 15485
with respect to net lodging tax proceeds and to which the board of 15486
county commissioners agree with respect to incremental sales tax 15487
growth or tourism development district revenues. 15488

(F) Notwithstanding any other provision of law, a host 15489
municipal corporation may agree to make available to any person, 15490
on such terms and conditions to which it may determine and agree, 15491
and any person may use, net tourism development district revenues, 15492
or any part or portion thereof, to fund or pay, or to reimburse 15493
other persons for funding or payment of, project costs, including, 15494
without limitation, the payment of debt charges on obligations and 15495
the funding, and funding and replenishing reserves for that 15496
purpose, or, subject to annual appropriation, to pay, or to 15497
reimburse other persons for payment of maintenance and repair 15498
costs, and the host municipal corporation may pledge net tourism 15499
development district revenues, or any part or portion thereof, to 15500
the payment of debt charges on obligations and to fund and 15501
replenish reserves for that purpose and may provide credit 15502
enhancement facilities. The lien of any such pledge shall be 15503
effective against all persons when it is made, without the 15504
requirement for the filing of any notice, and any net tourism 15505
development district revenues so pledged and required to pay debt 15506
charges on obligations or to fund and replenish reserves shall be 15507
paid by the host municipal corporation at the times, in the 15508
amounts, and to such payee, including, without limitation, a 15509
corporate trustee or paying agent, to which the host municipal 15510
corporation agrees. 15511

(G) Notwithstanding any other provision of law, an eligible transit authority may agree to make available, on such terms and conditions to which it may determine and agree, to any person, and any person may use, incremental sales tax growth and tourism development district revenues, or any part or portion or combination thereof, to fund or pay, or to reimburse other persons for funding or payment of, project costs, including, without limitation, the payment of debt charges on obligations and the funding and replenishing of reserves for that purpose, or, subject to annual appropriation, to pay, or to reimburse any other person for payment of, maintenance and repair costs, and the eligible transit authority may pledge incremental sales tax growth and tourism development district revenues, or any part or portion or combination thereof, to the payment of debt charges on obligations and the funding and replenishing of reserves for that purpose. The lien of any such pledge shall be effective against all persons when it is made, without the requirement for the filing of any notice, and any incremental sales tax growth and tourism development district revenues, or any part or portion or combination thereof, so pledged and required to pay debt charges on obligations or to fund and replenish reserves shall be paid by the eligible transit authority at the times, in the amounts, and to such payee, including, without limitation, a corporate trustee or paying agent, to which the eligible transit authority agrees.

(H) Except as provided herein with respect to agreements for the payment or reimbursement of maintenance and repair costs, if the term of an agreement made pursuant to division (B), (E), (F), or (G) of this section extends beyond the end of the fiscal year of the eligible county, eligible transit authority, or host municipal corporation in which it is made, the agreement shall be subject to section 5705.44 of the Revised Code, and subject to the certification required by that section, the amount due under any such agreement in each succeeding fiscal year shall be included in

the annual appropriation measure of the eligible county, eligible transit authority, or host municipal corporation for each such fiscal year as a fixed charge. The obligation of an eligible county, eligible transit authority, or host municipal corporation, and of each official thereof, to include the amount required to be paid in any such fiscal year in its annual appropriation measure as a fixed charge and to make such payments from and to the extent of the amounts so pledged, or agreed to be contributed or pledged, shall be a duty specially enjoined by law and resulting from an office, trust, or station under section 2731.01 of the Revised Code, enforceable by writ of mandamus.

(I)(1) Each tourism facility and project constitutes a "port authority facility" within the meaning of division (D) of section 4582.01 and division (E) of section 4582.21 of the Revised Code, and a port authority may issue obligations under Chapter 4582. of the Revised Code, subject only to the procedures and requirements applicable to its issuance of revenue bonds as provided in division (A)(4) of section 4582.06 of the Revised Code or of port authority revenue bonds as provided in division (A)(8) of section 4582.31 of the Revised Code. For the purpose of issuing any such obligations, any net lodging tax proceeds, net tourism development district revenues, amounts provided pursuant to any credit enhancement facilities, and revenue from any other tax pledged, assigned, or otherwise obligated to be contributed to the payment of the obligations shall be treated as revenues of the port authority for the purposes of division (A)(4) of section 4582.06 of the Revised Code and revenues, as defined in section 4582.21 of the Revised Code. Any obligations issued under division (I)(1) of this section shall be considered revenue bonds issued under division (A)(4) of section 4582.06 of the Revised Code or port authority revenue bonds issued under division (A)(8) of section 4582.31 and section 4582.48 of the Revised Code for all purposes. In addition to all other powers available to a port authority

under this section or under Chapter 4582. of the Revised Code with 15578
respect to the issuance of or provision for the security for 15579
payment of debt charges on obligations, and with respect to any 15580
tourism facility or project, the port authority may take any of 15581
the actions contemplated by Chapter 4582. of the Revised Code, 15582
including, without limitation, any actions contemplated by section 15583
4582.06, 4582.31, or 4582.47 of the Revised Code. Obligations 15584
issued by a port authority pursuant to division (I)(1) of this 15585
section shall be special obligations of the port authority and do 15586
not constitute bonded indebtedness, a general obligation, debt, or 15587
a pledge of the full faith and credit of the state, the port 15588
authority, or any other political subdivision of the state. 15589

(2) Each tourism facility and project constitutes "community 15590
facilities" within the meaning of division (I) of section 349.01 15591
of the Revised Code, and a new community authority may issue 15592
obligations pursuant to Chapter 349. of the Revised Code subject 15593
only to the procedures and requirements applicable to its issuance 15594
of bonds or notes as used in and pursuant to section 349.08 of the 15595
Revised Code. For the purpose of issuing any such obligations, net 15596
lodging tax proceeds, net tourism development district revenues, 15597
and revenue from any other tax pledged, assigned, or otherwise 15598
obligated to be contributed to the payment of the obligations 15599
shall be treated as an income source, as defined in section 349.01 15600
of the Revised Code. Any obligations issued under division (I)(2) 15601
of this section shall be considered bonds issued under section 15602
349.08 of the Revised Code. In addition to all other powers 15603
available to a new community authority under division (I)(2) of 15604
this section or under Chapter 349. of the Revised Code with 15605
respect to the issuance of or provision for the security for 15606
payment of debt charges on obligations, and with respect to any 15607
tourism facility or project, the new community authority may take 15608
any of the actions contemplated by Chapter 349. of the Revised 15609
Code. Obligations issued by a new community authority pursuant to 15610

division (I)(2) of this section shall be special obligations of 15611
the new community authority and do not constitute bonded 15612
indebtedness, a general obligation, debt, or a pledge of the full 15613
faith and credit of the state, the new community authority, or any 15614
other political subdivision of the state. 15615

(J) Each project for which funding or payment of project 15616
costs is provided, in whole or in part, by the issuance of 15617
obligations secured by a pledge of net lodging tax proceeds or net 15618
tourism development district revenues, or both, and any agreement 15619
to provide credit enhancement facilities or to fund or pay, and 15620
the funding or payment of, such project costs and any maintenance 15621
and repair costs of the project from net lodging taxes and net 15622
tourism development district revenues, are hereby determined, 15623
regardless of the ownership, leasing, or use of the project by any 15624
person, to constitute implementing and participating in the 15625
development of sites and facilities within the meaning of Section 15626
2p of Article VIII, Ohio Constitution, including division (D)(3) 15627
of that section, and any such obligations are hereby determined to 15628
be issued, and any such credit enhancement facilities and 15629
agreements to fund or pay, and funding and payment of, project 15630
costs and any maintenance and repair costs of the project, are 15631
determined to be made, under authority of Section 2p of Article 15632
VIII, Ohio Constitution, for and in furtherance of site and 15633
facility development purposes within the meaning of division (E) 15634
of that section, pursuant to provision made by law for the 15635
procedure for incurring and issuing obligations, separately or in 15636
combination with other obligations, and refunding, retiring, and 15637
evidencing obligations, and pursuant to division (F) of Section 2p 15638
of Article VIII, Ohio Constitution, such that provision for the 15639
payment of debt charges on the obligations, credit enhancement 15640
facilities, or both, the purposes and uses to which and the manner 15641
in which the proceeds of those obligations or credit enhancement 15642
facilities or money from other sources are to be or may be 15643

applied, and other implementation of those development purposes as 15644
referred to in this section, including the manner determined by an 15645
issuer to participate for those purposes, are not subject to 15646
Sections 4 and 6 of Article VIII, Ohio Constitution. 15647

No obligations may be issued under this section to fund or 15648
pay maintenance and repair costs. 15649

(K) No obligations may be issued under this section unless 15650
the issuer's fiscal officer determines that the net lodging tax 15651
proceeds, net tourism development district revenues, or both, 15652
pledged, assigned, or otherwise obligated to be contributed to the 15653
payment of debt charges on such obligations and all other 15654
obligations issued, outstanding and payable therefrom, are 15655
expected to be sufficient to pay all debt charges on all such 15656
obligations except to any extent that such debt charges are to be 15657
paid from proceeds of obligations or refunding obligations 15658
deposited or to be deposited into a pledged fund or account, 15659
including any reserve fund or account, or investment earnings 15660
thereon. 15661

(L)(1) A board of county commissioners shall not repeal, 15662
rescind, or reduce the levy of an existing lodging tax or the 15663
source of any other revenue to the extent its proceeds are revenue 15664
from that tax or source is pledged to the payment of debt charges 15665
on obligations, and any such lodging tax or other revenue source 15666
shall not be subject to repeal, rescission, or reduction by 15667
initiative, referendum, or subsequent enactment of legislation by 15668
the general assembly, so long as there remain outstanding any 15669
obligations as to which the payment of debt charges is secured by 15670
a pledge of the existing lodging tax or other revenue source. 15671

(F)(2) The legislative authority of a host municipal 15672
corporation shall not repeal, rescind, or reduce the levy of any 15673
tax the proceeds of which constitute tourism development district 15674
revenues if its proceeds are pledged to the payment of debt 15675

charges on obligations, and any such tax shall not be subject to 15676
repeal, rescission, or reduction by initiative, referendum, or 15677
subsequent enactment of legislation by the general assembly, so 15678
long as there remain outstanding any obligations as to which the 15679
payment of debt charges is secured by a pledge of those net 15680
tourism development district revenues. 15681

(3) A transit authority shall not repeal, rescind, or reduce 15682
the levy of any tax the proceeds of which are pledged to the 15683
payment of debt charges on obligations, and any such tax shall not 15684
be subject to repeal, rescission, or reduction by initiative, 15685
referendum, or subsequent enactment of legislation by the general 15686
assembly, so long as there remain outstanding any obligations as 15687
to which the payment of debt charges is secured by the pledge of 15688
such tax proceeds. 15689

(M) A pledge of the proceeds of an existing lodging tax under 15690
division (D) of this section shall, assignment, or other agreement 15691
to contribute net lodging tax proceeds or other revenues or credit 15692
enhancement facilities made by an eligible county under division 15693
(B) or (E) of this section; a pledge, assignment, or other 15694
agreement to contribute net tourism development district revenues 15695
or credit enhancement facilities made by a host municipality under 15696
division (B) or (F) of this section; and a pledge, assignment, or 15697
other agreement made by an eligible county or eligible transit 15698
authority or agreement to contribute revenue from taxes that 15699
constitute tourism development district revenues under division 15700
(B), (E), or (G) of this section, do not constitute bonded 15701
indebtedness of the eligible county, or indebtedness for the 15702
purposes of Chapter 133. of the Revised Code, of an eligible 15703
county, eligible transit authority, or host municipal corporation. 15704

(G)(N) The authority provided by this section is supplemental 15705
to, and is not intended to limit in any way, any legal authority 15706
that a cooperating party or any other person may have under any 15707

other provision of law. 15708

Sec. 307.93. (A) The boards of county commissioners of two or 15709
more adjacent counties may contract for the joint establishment of 15710
a multicounty correctional center, and the board of county 15711
commissioners of a county or the boards of two or more counties 15712
may contract with any municipal corporation or municipal 15713
corporations located in that county or those counties for the 15714
joint establishment of a municipal-county or multicounty-municipal 15715
correctional center. The center shall augment county and, where 15716
applicable, municipal jail programs and facilities by providing 15717
custody and rehabilitative programs for those persons under the 15718
charge of the sheriff of any of the contracting counties or of the 15719
officer or officers of the contracting municipal corporation or 15720
municipal corporations having charge of persons incarcerated in 15721
the municipal jail, workhouse, or other correctional facility who, 15722
in the opinion of the sentencing court, need programs of custody 15723
and rehabilitation not available at the county or municipal jail 15724
and by providing custody and rehabilitative programs in accordance 15725
with division (C) of this section, if applicable. The contract may 15726
include, but need not be limited to, provisions regarding the 15727
acquisition, construction, maintenance, repair, termination of 15728
operations, and administration of the center. The acquisition of 15729
the facility, to the extent appropriate, may include the leasing 15730
of the Ohio river valley facility or a specified portion of that 15731
facility pursuant to division (B)(3) of this section. The contract 15732
shall prescribe the manner of funding of, and debt assumption for, 15733
the center and the standards and procedures to be followed in the 15734
operation of the center. Except as provided in division ~~(H)~~(G) of 15735
this section, the contracting counties and municipal corporations 15736
shall form a corrections commission to oversee the administration 15737
of the center. Members of the commission shall consist of the 15738
sheriff of each participating county, a member of the board of 15739

county commissioners of each participating county, the chief of 15740
police of each participating municipal corporation, and the mayor 15741
or city manager of each participating municipal corporation. Any 15742
of the foregoing officers may appoint a designee to serve in the 15743
officer's place on the corrections commission. ~~The~~ 15744

The standards and procedures prescribed under this division 15745
shall be formulated and agreed to by the commission and may be 15746
amended at any time during the life of the contract by agreement 15747
of ~~the parties to the contract upon the advice~~ a majority of the 15748
voting members of the commission or by other means set forth in 15749
the contract between the contracting counties and municipal 15750
corporations. The standards and procedures formulated by the 15751
commission and amendments to them shall include, but need not be 15752
limited to, designation of the person in charge of the center, 15753
designation of a fiscal agent, the categories of employees to be 15754
employed at the center, the appointing authority of the center, 15755
and the standards of treatment and security to be maintained at 15756
the center. The person in charge of, and all persons employed to 15757
work at, the center shall have all the powers of police officers 15758
that are necessary for the proper performance of the duties 15759
relating to their positions at the center. 15760

(B)(1) Upon the establishment of a corrections commission 15761
under division (A) of this section, the judges specified in this 15762
division shall form a judicial advisory board for the purpose of 15763
making recommendations to the corrections commission on issues of 15764
bed allocation, expansion of the center that the corrections 15765
commission oversees, and other issues concerning the 15766
administration of sentences or any other matter determined to be 15767
appropriate by the board. The judges who shall form the judicial 15768
advisory board for a corrections commission are the administrative 15769
judge of the general division of the court of common pleas of each 15770
county participating in the corrections center, the presiding 15771

judge of the municipal court of each municipal corporation 15772
participating in the corrections center, and the presiding judge 15773
of each county court of each county participating in the 15774
corrections center. If the number of the foregoing members of the 15775
board is even, the county auditor or the county auditor of the 15776
most populous county if the board serves more than one county 15777
shall also be a member of the board. Any of the foregoing judges 15778
may appoint a designee to serve in the judge's place on the 15779
judicial advisory board, provided that the designee shall be a 15780
judge of the same court as the judge who makes the appointment. 15781
The judicial advisory board for a corrections commission shall 15782
meet with the corrections commission at least once each year. 15783

(2) Each board of county commissioners that enters a contract 15784
under division (A) of this section may appoint a building 15785
commission pursuant to section 153.21 of the Revised Code. If any 15786
commissions are appointed, they shall function jointly in the 15787
construction of a multicounty or multicounty-municipal 15788
correctional center with all the powers and duties authorized by 15789
law. 15790

(3) Subject to the limitation described in this division, the 15791
boards of county commissioners that contract or have contracted 15792
for the joint establishment of a multicounty correctional center 15793
under division (A) of this section, or the boards of county 15794
commissioners of the counties and legislative authorities of the 15795
municipal corporations that contract or have contracted for the 15796
joint establishment of a municipal-county or multicounty-municipal 15797
correctional center under that division, may enter into an 15798
agreement with the director of administrative services pursuant to 15799
which the contracting counties and municipal corporations shall 15800
use the Ohio river valley facility or a specified portion of that 15801
facility as the multicounty correctional center, municipal-county 15802
correctional center, or multicounty-municipal correctional center 15803

covered by the contract entered into under division (A) of this 15804
section. A contract with the director of administrative services 15805
may be entered into under this division only if one or more of the 15806
contracting counties is adjacent to Scioto county. 15807

The department may enter into an agreement as described in 15808
this division at any time on or after the effective date of this 15809
amendment or, if the department had entered into an agreement with 15810
the board of county commissioners of Lawrence county pursuant to 15811
section 341.121 of the Revised Code for the use by the sheriff of 15812
that county of a specified portion of the facility as a jail for 15813
Lawrence county, at any time on or after the date that control of 15814
the specified portion of the facility reverts to the state under 15815
division (B)(4) or (C) of that section. 15816

(C) Prior to the acceptance for custody and rehabilitation 15817
into a center established under this section of any persons who 15818
are designated by the department of rehabilitation and correction, 15819
who plead guilty to or are convicted of a felony of the fourth or 15820
fifth degree, and who satisfy the other requirements listed in 15821
section 5120.161 of the Revised Code, the corrections commission 15822
of a center established under this section shall enter into an 15823
agreement with the department of rehabilitation and correction 15824
under section 5120.161 of the Revised Code for the custody and 15825
rehabilitation in the center of persons who are designated by the 15826
department, who plead guilty to or are convicted of a felony of 15827
the fourth or fifth degree, and who satisfy the other requirements 15828
listed in that section, in exchange for a per diem fee per person. 15829
Persons incarcerated in the center pursuant to an agreement 15830
entered into under this division shall be subject to supervision 15831
and control in the manner described in section 5120.161 of the 15832
Revised Code. This division does not affect the authority of a 15833
court to directly sentence a person who is convicted of or pleads 15834
guilty to a felony to the center in accordance with section 15835

2929.16 of the Revised Code. 15836

(D) Pursuant to section 2929.37 of the Revised Code, each 15837
board of county commissioners and the legislative authority of 15838
each municipal corporation that enters into a contract under 15839
division (A) of this section may require a person who was 15840
convicted of an offense, who is under the charge of the sheriff of 15841
their county or of the officer or officers of the contracting 15842
municipal corporation or municipal corporations having charge of 15843
persons incarcerated in the municipal jail, workhouse, or other 15844
correctional facility, and who is confined in the multicounty, 15845
municipal-county, or multicounty-municipal correctional center as 15846
provided in that division, to reimburse the applicable county or 15847
municipal corporation for its expenses incurred by reason of the 15848
person's confinement in the center. 15849

(E) Notwithstanding any contrary provision in this section or 15850
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 15851
corrections commission of a center may establish a policy that 15852
complies with section 2929.38 of the Revised Code and that 15853
requires any person who is not indigent and who is confined in the 15854
multicounty, municipal-county, or multicounty-municipal 15855
correctional center to pay a reception fee, a fee for medical 15856
treatment or service requested by and provided to that person, or 15857
the fee for a random drug test assessed under division (E) of 15858
section 341.26 of the Revised Code. 15859

(F)(1) The corrections commission of a center established 15860
under this section may establish a commissary for the center. The 15861
commissary may be established either in-house or by another 15862
arrangement. If a commissary is established, all persons 15863
incarcerated in the center shall receive commissary privileges. A 15864
person's purchases from the commissary shall be deducted from the 15865
person's account record in the center's business office. The 15866
commissary shall provide for the distribution to indigent persons 15867

incarcerated in the center of necessary hygiene articles and 15868
writing materials. 15869

(2) If a commissary is established, the corrections 15870
commission of a center established under this section shall 15871
establish a commissary fund for the center. The management of 15872
funds in the commissary fund shall be strictly controlled in 15873
accordance with procedures adopted by the auditor of state. 15874
Commissary fund revenue over and above operating costs and reserve 15875
shall be considered profits. All profits from the commissary fund 15876
shall be used to purchase supplies and equipment for the benefit 15877
of persons incarcerated in the center and to pay salary and 15878
benefits for employees of the center, or for any other persons, 15879
who work in or are employed for the sole purpose of providing 15880
service to the commissary. The corrections commission shall adopt 15881
rules and regulations for the operation of any commissary fund it 15882
establishes. 15883

(G) In lieu of forming a corrections commission to administer 15884
a multicounty correctional center or a municipal-county or 15885
multicounty-municipal correctional center, the boards of county 15886
commissioners and the legislative authorities of the municipal 15887
corporations contracting to establish the center may also agree to 15888
contract for the private operation and management of the center as 15889
provided in section 9.06 of the Revised Code, but only if the 15890
center houses only misdemeanor inmates. In order to enter into a 15891
contract under section 9.06 of the Revised Code, all the boards 15892
and legislative authorities establishing the center shall approve 15893
and be parties to the contract. 15894

(H) If a person who is convicted of or pleads guilty to an 15895
offense is sentenced to a term in a multicounty correctional 15896
center or a municipal-county or multicounty-municipal correctional 15897
center or is incarcerated in the center in the manner described in 15898
division (C) of this section, or if a person who is arrested for 15899

an offense, and who has been denied bail or has had bail set and 15900
has not been released on bail is confined in a multicounty 15901
correctional center or a municipal-county or multicounty-municipal 15902
correctional center pending trial, at the time of reception and at 15903
other times the officer, officers, or other person in charge of 15904
the operation of the center determines to be appropriate, the 15905
officer, officers, or other person in charge of the operation of 15906
the center may cause the convicted or accused offender to be 15907
examined and tested for tuberculosis, HIV infection, hepatitis, 15908
including but not limited to hepatitis A, B, and C, and other 15909
contagious diseases. The officer, officers, or other person in 15910
charge of the operation of the center may cause a convicted or 15911
accused offender in the center who refuses to be tested or treated 15912
for tuberculosis, HIV infection, hepatitis, including but not 15913
limited to hepatitis A, B, and C, or another contagious disease to 15914
be tested and treated involuntarily. 15915

(I) As used in this section, ~~"multicounty-municipal":~~ 15916

(1) "Multicounty-municipal" means more than one county and a 15917
municipal corporation, or more than one municipal corporation and 15918
a county, or more than one municipal corporation and more than one 15919
county. 15920

(2) "Ohio river valley facility" has the same meaning as in 15921
section 341.121 of the Revised Code. 15922

Sec. 307.984. (A) To enhance the administration, delivery, 15923
and effectiveness of family services duties and workforce 15924
development activities, a board of county commissioners may enter 15925
into one or more regional plans of cooperation with the following: 15926

(1) One or more other boards of county commissioners; 15927

(2) The chief elected official or officials of one or more 15928
municipal corporations that are ~~the type of local area~~ areas as 15929

defined in ~~division (A)(1) of~~ section 6301.01 of the Revised Code; 15930

(3) Both boards of county commissioners and such chief 15931
elected officials. 15932

(B) A regional plan of cooperation must specify how the 15933
private and government entities included in the plan will 15934
coordinate and enhance the administration, delivery, and 15935
effectiveness of family services duties and workforce development 15936
activities. 15937

Sec. 317.32. The county recorder shall charge and collect the 15938
following fees, to include, except as otherwise provided in 15939
division (A)(2) of this section, base fees for the recorder's 15940
services and housing trust fund fees collected pursuant to section 15941
317.36 of the Revised Code: 15942

(A)(1) Except as otherwise provided in division (A)(2) of 15943
this section, for recording and indexing an instrument if the 15944
photocopy or any similar process is employed: 15945

(a) For a deed or other instrument of writing for the 15946
absolute and unconditional sale or conveyance of lands, tenements, 15947
and hereditaments, a base fee of thirty-five dollars and a housing 15948
trust fund fee of thirty-five dollars; 15949

(b) For a mortgage or assignment of rents, a base fee of one 15950
hundred dollars and a housing trust fund fee of one hundred 15951
dollars; 15952

(c) For an instrument that conveys or affects an interest in 15953
utilities, minerals, crude oil, or natural gas, a base fee of 15954
fourteen dollars for the first two pages and a housing trust fund 15955
fee of fourteen dollars, and a base fee of four dollars and a 15956
housing trust fund fee of four dollars for each subsequent page, 15957
~~size eight and one half inches by fourteen inches, or fraction of 15958
a page, including the caption page, of such instrument and for 15959~~

entering any reference cited in such an instrument, a base fee of 15960
two dollars and a housing trust fund fee of two dollars; 15961

(d) For all other instruments, a base fee of thirty-five 15962
dollars and a housing trust fund fee of thirty-five dollars, 15963
unless a different fee is prescribed by law elsewhere in the 15964
Revised Code. 15965

(2) For recording and indexing an instrument described in 15966
division (D) of section 317.08 of the Revised Code if the 15967
photocopy or any similar process is employed, a fee of 15968
~~twenty-eight~~ fifty dollars ~~for the first two pages~~ to be deposited 15969
as specified elsewhere in this division, ~~and a fee of eight~~ 15970
~~dollars to be deposited in the same manner for each subsequent~~ 15971
~~page, size eight and one half inches by fourteen inches, or~~ 15972
~~fraction of a page, including the caption page, of that~~ 15973
~~instrument.~~ If the county recorder's technology fund has been 15974
established under section 317.321 of the Revised Code, of the 15975
~~twenty-eight~~ fifty dollars, ~~fourteen~~ twenty-five dollars shall be 15976
deposited into the county treasury to the credit of the county 15977
recorder's technology fund and ~~fourteen~~ twenty-five dollars shall 15978
be deposited into the county treasury to the credit of the county 15979
general fund. If the county recorder's technology fund has not 15980
been established, the ~~twenty-eight~~ fifty dollars shall be 15981
deposited into the county treasury to the credit of the county 15982
general fund. 15983

(B) For certifying a photocopy from the record previously 15984
recorded, a base fee of one dollar and a housing trust fund fee of 15985
one dollar per page, size eight and one-half inches by fourteen 15986
inches, or fraction of a page; for each certification if the 15987
recorder's seal is required, except as to instruments issued by 15988
the armed forces of the United States, a base fee of fifty cents 15989
and a housing trust fund fee of fifty cents; 15990

(C) ~~For~~ Except as provided in division (A)(1)(c) of this 15991

~~section, for entering any marginal each~~ reference by separate 15992
~~regarding a~~ recorded instrument, a base fee of ~~two~~ five dollars 15993
and a housing trust fund fee of ~~two~~ five dollars ~~for each marginal~~ 15994
~~reference set out in that instrument,~~ in addition to the fees set 15995
forth in division (A)(1) of this section; 15996

(D) For indexing in the real estate mortgage records, 15997
pursuant to section 1309.519 of the Revised Code, financing 15998
statements covering crops growing or to be grown, timber to be 15999
cut, minerals or the like, including oil and gas, accounts subject 16000
to section 1309.301 of the Revised Code, or fixture filings made 16001
pursuant to section 1309.334 of the Revised Code, a base fee of 16002
two dollars and a housing trust fund fee of two dollars for each 16003
name indexed; 16004

(E) For filing zoning resolutions, including text and maps, 16005
in the office of the recorder as required under sections 303.11 16006
and 519.11 of the Revised Code, a base fee of twenty-five dollars 16007
and a housing trust fund fee of twenty-five dollars, regardless of 16008
the size or length of the resolutions; 16009

(F) For filing zoning amendments, including text and maps, in 16010
the office of the recorder as required under sections 303.12 and 16011
519.12 of the Revised Code, a base fee of ten dollars and a 16012
housing trust fund fee of ten dollars regardless of the size or 16013
length of the amendments; 16014

(G) For photocopying a document, other than at the time of 16015
recording and indexing as provided for in division (A)(1) or (2) 16016
of this section, a base fee of one dollar and a housing trust fund 16017
fee of one dollar per page, size eight and one-half inches by 16018
fourteen inches, or fraction thereof; 16019

(H) For local facsimile transmission of a document, a base 16020
fee of one dollar and a housing trust fund fee of one dollar per 16021
page, size eight and one-half inches by fourteen inches, or 16022

fraction thereof; for long distance facsimile transmission of a 16023
document, a base fee of two dollars and a housing trust fund fee 16024
of two dollars per page, size eight and one-half inches by 16025
fourteen inches, or fraction thereof; 16026

(I) For recording a declaration executed pursuant to section 16027
2133.02 of the Revised Code or a durable power of attorney for 16028
health care executed pursuant to section 1337.12 of the Revised 16029
Code, or both a declaration and a durable power of attorney for 16030
health care, a base fee of at least fourteen dollars but not more 16031
than twenty dollars and a housing trust fund fee of at least 16032
fourteen dollars but not more than twenty dollars. 16033

In any county in which the recorder employs the photostatic 16034
or any similar process for recording maps, plats, or prints, the 16035
recorder shall determine, charge, and collect for the recording or 16036
rerecording of any map, plat, or print, a base fee of five cents 16037
and a housing trust fund fee of five cents per square inch, for 16038
each square inch of the map, plat, or print filed for that 16039
recording or rerecording, with a minimum base fee of twenty 16040
dollars and a minimum housing trust fund fee of twenty dollars; 16041
for certifying a copy from the record, a base fee of two cents and 16042
a housing trust fund fee of two cents per square inch of the 16043
record, with a minimum base fee of two dollars and a minimum 16044
housing trust fund fee of two dollars. 16045

The fees provided in this section shall be paid upon the 16046
presentation of the instruments for record or upon the application 16047
for any certified copy of the record, except that the payment of 16048
fees for providing copies of instruments conveying or 16049
extinguishing agricultural easements to the office of farmland 16050
preservation in the department of agriculture under division (H) 16051
of section 5301.691 of the Revised Code shall be governed by that 16052
division. 16053

The fees provided for in this section shall not apply to the 16054

recording, indexing, or making of a certified copy or to the 16055
filing of any instrument by a county land reutilization 16056
corporation, its wholly owned subsidiary, or any other electing 16057
subdivision as defined in section 5722.01 of the Revised Code. 16058

Sec. 317.321. (A) Not later than the first day of October of 16059
any year, the county recorder may submit to the board of county 16060
commissioners a proposal for funding any of the following: 16061

(1) The acquisition and maintenance of imaging and other 16062
technological equipment and contract services therefor; 16063

(2) To reserve funds for the office's future technology needs 16064
if the county recorder has no immediate plans for the acquisition 16065
of imaging and other technological equipment or contract services, 16066
or to use the county recorder's technology fund as a dedicated 16067
revenue source to repay debt to purchase any imaging and other 16068
technological equipment before the accumulation of adequate 16069
resources to purchase the equipment with cash. 16070

(3) Subject to division (G) of this section, for other 16071
expenses associated with the acquisition and maintenance of 16072
imaging and other technological equipment and contract services. 16073

(B) The proposal shall be in writing and shall include at 16074
least the following: 16075

(1) A request that an amount not to exceed eight dollars of 16076
the total base fees collected for filing or recording a document 16077
for which a fee is charged as required by division (A)(1) of 16078
section 317.32 or by section 1309.525 or 5310.15 of the Revised 16079
Code be placed in the county treasury to the credit of the county 16080
recorder's technology fund; 16081

(2) Except as provided in division (E)(3) of this section, 16082
the number of years, not to exceed five, for which the county 16083
recorder requests that the amount requested under division (A)(1) 16084

of this section be given the designation specified in that 16085
division; 16086

(3) An estimate of the total amount of fees that will be 16087
generated for filing or recording a document for which a fee is 16088
charged as required by division (A)(1) or (2) of section 317.32 of 16089
the Revised Code or by section 1309.525 or 5310.15 of the Revised 16090
Code; 16091

(4) An estimate of the total amount of fees for filing or 16092
recording a document for which a fee is charged as required by 16093
division (A)(1) or (2) of section 317.32 or by section 1309.525 or 16094
5310.15 of the Revised Code that will be credited to the county 16095
recorder's technology fund if the request submitted under division 16096
(B)(1) of this section is approved by the board of county 16097
commissioners. 16098

(C) A proposal for the purposes of division (A)(1) of this 16099
section shall include a description or summary of the imaging and 16100
other technological equipment that the county recorder proposes to 16101
acquire and maintain, and the nature of contract services that the 16102
county recorder proposes to utilize, if the proposal is for those 16103
purposes. A proposal for the purposes of division (A)(2) of this 16104
section shall explain the general future technology needs of the 16105
office for imaging and other technological equipment, or for 16106
revenue to repay debt, if the proposal is for those purposes. A 16107
proposal for the purposes of division (A)(3) of this section shall 16108
identify the other expenses associated with the acquisition and 16109
maintenance of imaging and other technological equipment and 16110
contract services that the county recorder proposes to pay with 16111
moneys in the county recorder's technology fund, if the proposal 16112
is for those purposes. 16113

(D) The board of county commissioners shall receive a 16114
proposal and the clerk shall enter it on the journal. At the same 16115
time, the board shall establish a date, not sooner than fifteen or 16116

later than thirty days after the board receives the proposal, on 16117
which to meet with the recorder to review the proposal. 16118

(E)(1) Except as provided in division (E)(3) of this section, 16119
not later than the fifteenth day of December of any year in which 16120
a proposal is submitted under division (A) of this section, the 16121
board of county commissioners shall approve, reject, or modify the 16122
proposal and notify the county recorder of its action on the 16123
proposal. If the board rejects or modifies the proposal, it shall 16124
make a written finding that the request is for a purpose other 16125
than for a purpose in division (A) of this section, or that the 16126
amount requested is excessive as determined by the board. 16127

(2) A proposal submitted under division (A) of this section 16128
that was approved by the board of county commissioners before, and 16129
is in effect on, ~~the effective date of this amendment~~ September 16130
29, 2013, shall continue in effect until January 1, ~~2019~~ 2029, 16131
notwithstanding the number of years of funding specified in the 16132
approved proposal. 16133

(3) A proposal submitted under division (A) of this section 16134
between October 1, 2013, and October 1, ~~2017~~ 2027, may request 16135
that an amount that does not exceed three dollars be credited to 16136
the county recorder's technology fund, in addition to the amount 16137
previously approved by the board of county commissioners in a 16138
proposal described in division (E)(2) of this section. The 16139
proposal may be submitted each year during that time period, but 16140
shall be limited to funding in the following fiscal year. If the 16141
total of the amount under division (E)(2) of this section and the 16142
amount requested under this division does not exceed eight 16143
dollars, the board shall approve the proposal and notify the 16144
county recorder of its approval. 16145

(4) If the total amount of fees provided for in divisions 16146
(B), (E)(2), and (E)(3) of this section is less than eight 16147
dollars, a proposal requesting additional fees may be submitted to 16148

the board of county commissioners under division (E)(1) of this 16149
section, as long as the total amount of the fees in divisions (B) 16150
and (E)(2), (3), and (4) of this section that are to be credited 16151
to the county recorder's technology fund does not exceed eight 16152
dollars, and the proposal is for a number of years, not to exceed 16153
five. 16154

(5) When a proposal is approved by the board of county 16155
commissioners under division (E) of this section, the county 16156
recorder's technology fund is established in the county treasury, 16157
and, beginning on the following first day of January, the fees 16158
approved shall be deposited in that fund. 16159

(F) The acquisition and maintenance of imaging and other 16160
technological equipment, and other associated expenses and 16161
contract services therefor, shall be specifically governed by 16162
sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 16163
and 5705.38, and by division (D) of section 5705.41 of the Revised 16164
Code. 16165

(G) If the use of the county recorder's technology fund for 16166
the purposes of division (A)(3) of this section includes 16167
associated expenses for personnel, the use of the fund for 16168
personnel shall be strictly confined to personnel directly related 16169
to imaging and other technological equipment, and any compensation 16170
increases for those personnel shall not exceed the average of the 16171
annual aggregate percentage increase or decrease in the 16172
compensation fixed by the board of county commissioners for their 16173
employees, and for the officers in section 325.27 of the Revised 16174
Code. Use of the fund for compensation bonuses, or for recognizing 16175
outstanding employee performance in a manner described in section 16176
325.25 of the Revised Code, is prohibited. 16177

(H) If a county is under a fiscal caution under section 16178
118.025 of the Revised Code, or is under a fiscal watch or fiscal 16179
emergency as defined in section 118.01 of the Revised Code, the 16180

board of county commissioners, notwithstanding sections 5705.14 to 16181
5705.16 of the Revised Code, may transfer from the county 16182
recorder's technology fund any moneys the board deems necessary. 16183

Sec. 319.11. The county auditor shall, ~~on or before ninety~~ 16184
~~days after the close of the fiscal year,~~ prepare a financial 16185
report of the county for the preceding fiscal year in such form as 16186
prescribed by the auditor of state and by such date as required 16187
under section 117.38 of the Revised Code. Upon completing the 16188
report, the county auditor shall publish notice that the report 16189
has been completed and is available for public inspection at the 16190
office of the county auditor. The notice shall be published once 16191
in a newspaper of general circulation in the county. If there is 16192
no newspaper of general circulation in the county, then 16193
publication is required in the newspaper of general circulation in 16194
an adjoining county that has the largest circulation in that 16195
adjoining county. The report shall contain at least the 16196
information required by section 117.38 of the Revised Code, and a 16197
copy shall be filed with the auditor of state. 16198

No county auditor shall fail or neglect to prepare the report 16199
or publish notice of completion of the report as required by this 16200
section. 16201

Sec. 319.26. (A)(1) If a county auditor purposely, knowingly, 16202
or recklessly fails to perform a fiscal duty expressly imposed by 16203
law with respect to the fiscal duties of the office of county 16204
auditor or purposely, knowingly, or recklessly commits any act 16205
expressly prohibited by law with respect to the fiscal duties of 16206
the office of county auditor, the county treasurer or a county 16207
commissioner may submit a sworn affidavit alleging the violation, 16208
together with evidence supporting the allegations, to the auditor 16209
of state. The sworn affidavit and evidence shall be submitted in 16210
the format prescribed by rule of the auditor of state under 16211

section 117.45 of the Revised Code. A person who makes a false 16212
statement in a sworn affidavit, for purposes of this section, is 16213
guilty of falsification under section 2921.13 of the Revised Code. 16214

(2) The auditor of state shall review the sworn affidavit and 16215
the evidence. Within ~~ten business~~ thirty calendar days after 16216
receiving the sworn affidavit, unless, for good cause, additional 16217
time is required, the auditor of state shall determine whether 16218
clear and convincing evidence supports the allegations. If the 16219
auditor of state finds that no allegation is supported by clear 16220
and convincing evidence, the auditor of state shall submit those 16221
findings in writing to the county auditor and the person 16222
initiating the sworn affidavit. If the auditor of state finds by 16223
clear and convincing evidence that an allegation is supported by 16224
the evidence, the auditor of state shall submit those findings in 16225
writing to the attorney general, the county auditor, and the 16226
person who initiated the sworn affidavit. The findings shall 16227
include a copy of the sworn affidavit and the evidence submitted 16228
under division (A)(1) of this section. 16229

(3)(a) The attorney general shall review the auditor of 16230
state's findings and the sworn affidavit and evidence. Within ten 16231
business days after receiving the sworn affidavit and evidence, 16232
unless, for good cause, additional time is required, the attorney 16233
general shall determine whether clear and convincing evidence 16234
supports the allegations. If the attorney general finds that no 16235
allegation is supported by clear and convincing evidence, the 16236
attorney general, by certified mail, shall notify the auditor of 16237
state, the county auditor, and the person who initiated the sworn 16238
affidavit, that no complaint for the removal of the county auditor 16239
from public office will be filed. 16240

(b) If the attorney general finds by clear and convincing 16241
evidence that an allegation is supported by the evidence, the 16242
attorney general, by certified mail, shall notify the auditor of 16243

state, the county auditor, and the person who initiated the sworn affidavit of that fact, and shall commence an action for the removal of the county auditor from public office under division (B) of this section.

(c) Nothing in this section is intended to limit the authority of the attorney general to enter into mediation, settlement, or resolution of any alleged violation before or following the commencement of an action under this section.

(B)(1)(a) The attorney general has a cause of action for removal of a county auditor who purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of county auditor or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of county auditor. Not later than forty-five days after sending a notice under division (A)(3)(b) of this section, the attorney general shall cause an action to be commenced against the county auditor by filing a complaint for the removal of the county auditor from public office. If any money is due, the attorney general shall join the sureties on the county auditor's bond as parties. The court of common pleas of the county in which the county auditor holds office has exclusive original jurisdiction of the action. The action shall proceed de novo as in the trial of a civil action. The court is not restricted to the evidence that was presented to the auditor of state and the attorney general before the action was filed. The action is governed by the Rules of Civil Procedure.

(b) If the court finds by clear and convincing evidence that the county auditor purposely, knowingly, or recklessly failed to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of county auditor or purposely, knowingly, or recklessly committed any act expressly prohibited by

law with respect to the fiscal duties of that office, the court 16276
shall issue an order removing the county auditor from office and 16277
any order necessary for the preservation or restitution of public 16278
funds. 16279

(2) Except as otherwise provided in this division, an action 16280
for removal from office under this section is stayed during the 16281
pendency of any criminal action concerning a violation of an 16282
existing or former municipal ordinance or law of this or any other 16283
state or the United States that is substantially equivalent to any 16284
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 16285
conduct in office, if the person charged in the criminal action 16286
committed the violation while serving as a county auditor and the 16287
conduct constituting the violation was related to the duties of 16288
the office of county auditor or to the person's actions as the 16289
county auditor. The stay may be lifted upon motion of the 16290
prosecuting attorney in the related criminal action. 16291

(3) Prior to or at the hearing, upon a showing of good cause, 16292
the court may issue an order restraining the county auditor from 16293
entering the county auditor's office and from conducting the 16294
affairs of the office pending the hearing on the complaint. If 16295
such an order is issued, the court may continue the order until 16296
the conclusion of the hearing and any appeals under this section. 16297

(4) The board of county commissioners shall be responsible 16298
for the payment of reasonable attorney's fees for counsel for the 16299
county auditor. If judgment is entered against the county auditor, 16300
the court shall order the county auditor to reimburse the board 16301
for attorney's fees and costs up to a reasonable amount, as 16302
determined by the court. Expenses incurred by the board in a 16303
removal action shall be paid out of the county general fund. 16304

(C) The judgment of the court is final and conclusive unless 16305
reversed, vacated, or modified on appeal. An appeal may be taken 16306
by any party, and shall proceed as in the case of appeals in civil 16307

actions and in accordance with the Rules of Appellate Procedure. 16308
Upon the filing of a notice of appeal by any party to the 16309
proceedings, the court of appeals shall hear the case as an 16310
expedited appeal under Rule 11.2 of the Rules of Appellate 16311
Procedure. The county auditor has the right of review or appeal to 16312
the supreme court. 16313

(D) If a final judgment for removal from public office is 16314
entered against the county auditor, the office shall be deemed 16315
vacated, and the vacancy shall be filled as provided in section 16316
305.02 of the Revised Code. Except as otherwise provided by law, 16317
an individual removed from public office under this section is not 16318
entitled to hold any public office for four years following the 16319
date of the final judgment, and is not entitled to hold any public 16320
office until any repayment or restitution required by the court is 16321
satisfied. 16322

(E) For the purposes of this section: 16323

(1) A person acts purposely when it is the person's specific 16324
intention to cause a certain result, or, when the gist of the 16325
offense is a prohibition against conduct of a certain nature, 16326
regardless of what the person intends to accomplish thereby, it is 16327
the person's specific intention to engage in conduct of that 16328
nature. 16329

(2) A person acts knowingly, regardless of the person's 16330
purpose, when the person is aware that the person's conduct will 16331
probably cause a certain result or will probably be of a certain 16332
nature. A person has knowledge of circumstances when the person is 16333
aware that such circumstances probably exist. 16334

(3) A person acts recklessly when, with heedless indifference 16335
to the consequences, the person perversely disregards a known risk 16336
that the person's conduct is likely to cause a certain result or 16337
is likely to be of a certain nature. A person is reckless with 16338

respect to circumstances when, with heedless indifference to the 16339
consequences, the person perversely disregards a known risk that 16340
such circumstances are likely to exist. 16341

(F) The proceedings provided for in this section may be used 16342
as an alternative to the removal proceedings prescribed under 16343
sections 3.07 to 3.10 of the Revised Code or other methods of 16344
removal authorized by law. 16345

Sec. 319.54. (A) On all moneys collected by the county 16346
treasurer on any tax duplicate of the county, other than estate 16347
tax duplicates, and on all moneys received as advance payments of 16348
personal property and classified property taxes, the county 16349
auditor, on settlement with the treasurer and tax commissioner, on 16350
or before the date prescribed by law for such settlement or any 16351
lawful extension of such date, shall be allowed as compensation 16352
for the county auditor's services the following percentages: 16353

(1) On the first one hundred thousand dollars, two and 16354
one-half per cent; 16355

(2) On the next two million dollars, eight thousand three 16356
hundred eighteen ten-thousandths of one per cent; 16357

(3) On the next two million dollars, six thousand six hundred 16358
fifty-five ten-thousandths of one per cent; 16359

(4) On all further sums, one thousand six hundred sixty-three 16360
ten-thousandths of one per cent. 16361

If any settlement is not made on or before the date 16362
prescribed by law for such settlement or any lawful extension of 16363
such date, the aggregate compensation allowed to the auditor shall 16364
be reduced one per cent for each day such settlement is delayed 16365
after the prescribed date. No penalty shall apply if the auditor 16366
and treasurer grant all requests for advances up to ninety per 16367
cent of the settlement pursuant to section 321.34 of the Revised 16368

Code. The compensation allowed in accordance with this section on 16369
settlements made before the dates prescribed by law, or the 16370
reduced compensation allowed in accordance with this section on 16371
settlements made after the date prescribed by law or any lawful 16372
extension of such date, shall be apportioned ratably by the 16373
auditor and deducted from the shares or portions of the revenue 16374
payable to the state as well as to the county, townships, 16375
municipal corporations, and school districts. 16376

(B) For the purpose of reimbursing county auditors for the 16377
expenses associated with the increased number of applications for 16378
reductions in real property taxes under sections 323.152 and 16379
4503.065 of the Revised Code that result from the amendment of 16380
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 16381
there shall be paid from the state's general revenue fund to the 16382
county treasury, to the credit of the real estate assessment fund 16383
created by section 325.31 of the Revised Code, an amount equal to 16384
one per cent of the total annual amount of property tax relief 16385
reimbursement paid to that county under sections 323.156 and 16386
4503.068 of the Revised Code for the preceding tax year. Payments 16387
made under this division shall be made at the same times and in 16388
the same manner as payments made under section 323.156 of the 16389
Revised Code. 16390

(C) From all moneys collected by the county treasurer on any 16391
tax duplicate of the county, other than estate tax duplicates, and 16392
on all moneys received as advance payments of personal property 16393
and classified property taxes, there shall be paid into the county 16394
treasury to the credit of the real estate assessment fund created 16395
by section 325.31 of the Revised Code, an amount to be determined 16396
by the county auditor, which shall not exceed the percentages 16397
prescribed in divisions (C)(1) and (2) of this section. 16398

(1) For payments made after June 30, 2007, and before 2011, 16399
the following percentages: 16400

(a) On the first five hundred thousand dollars, four per cent;	16401 16402
(b) On the next five million dollars, two per cent;	16403
(c) On the next five million dollars, one per cent;	16404
(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;	16405 16406
(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.	16407 16408
(2) For payments made in or after 2011, the following percentages:	16409 16410
(a) On the first five hundred thousand dollars, four per cent;	16411 16412
(b) On the next ten million dollars, two per cent;	16413
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	16414 16415
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	16416 16417 16418 16419
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	16420 16421 16422 16423
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually <u>annually</u> with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:	16424 16425 16426 16427 16428
(1) Four per cent on the first one hundred thousand dollars;	16429

(2) One-half of one per cent on all additional sums. 16430

Such percentages shall be computed upon the amount collected 16431
and reported at each ~~semiannual~~ annual settlement, and shall be 16432
for the use of the general fund of the county. 16433

(F) On all cigarette license moneys collected by the county 16434
treasurer, the county auditor, on settlement semiannually with the 16435
treasurer, shall be allowed as compensation for the auditor's 16436
services in the issuing of such licenses one-half of one per cent 16437
of such moneys, to be apportioned ratably and deducted from the 16438
shares of the revenue payable to the county and subdivisions, for 16439
the use of the general fund of the county. 16440

(G) The county auditor shall charge and receive fees as 16441
follows: 16442

(1) For deeds of land sold for taxes to be paid by the 16443
purchaser, five dollars; 16444

(2) For the transfer or entry of land, lot, or part of lot, 16445
or the transfer or entry on or after January 1, 2000, of a used 16446
manufactured home or mobile home as defined in section 5739.0210 16447
of the Revised Code, fifty cents for each transfer or entry, to be 16448
paid by the person requiring it; 16449

(3) For receiving statements of value and administering 16450
section 319.202 of the Revised Code, one dollar, or ten cents for 16451
each one hundred dollars or fraction of one hundred dollars, 16452
whichever is greater, of the value of the real property 16453
transferred or, for sales occurring on or after January 1, 2000, 16454
the value of the used manufactured home or used mobile home, as 16455
defined in section 5739.0210 of the Revised Code, transferred, 16456
except no fee shall be charged when the transfer is made: 16457

(a) To or from the United States, this state, or any 16458
instrumentality, agency, or political subdivision of the United 16459
States or this state; 16460

- (b) Solely in order to provide or release security for a debt or obligation; 16461
16462
- (c) To confirm or correct a deed previously executed and recorded or when a current owner on any record made available to the general public on the internet or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property is a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation and is changing the current owner name listed on any record made available to the general public on the internet or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property to the initials of the current owner as prescribed in division (B)(1) of section 319.28 of the Revised Code; 16463
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- (d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either; 16478
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- (e) On sale for delinquent taxes or assessments; 16481
- (f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order; 16482
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- (g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation; 16485
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- (h) By a subsidiary corporation to its parent corporation for 16491

no consideration, nominal consideration, or in sole consideration	16492
of the cancellation or surrender of the subsidiary's stock;	16493
(i) By lease, whether or not it extends to mineral or mineral	16494
rights, unless the lease is for a term of years renewable forever;	16495
(j) When the value of the real property or the manufactured	16496
or mobile home or the value of the interest that is conveyed does	16497
not exceed one hundred dollars;	16498
(k) Of an occupied residential property, including a	16499
manufactured or mobile home, being transferred to the builder of a	16500
new residence or to the dealer of a new manufactured or mobile	16501
home when the former residence is traded as part of the	16502
consideration for the new residence or new manufactured or mobile	16503
home;	16504
(l) To a grantee other than a dealer in real property or in	16505
manufactured or mobile homes, solely for the purpose of, and as a	16506
step in, the prompt sale of the real property or manufactured or	16507
mobile home to others;	16508
(m) To or from a person when no money or other valuable and	16509
tangible consideration readily convertible into money is paid or	16510
to be paid for the real estate or manufactured or mobile home and	16511
the transaction is not a gift;	16512
(n) Pursuant to division (B) of section 317.22 of the Revised	16513
Code, or section 2113.61 of the Revised Code, between spouses or	16514
to a surviving spouse pursuant to section 5302.17 of the Revised	16515
Code as it existed prior to April 4, 1985, between persons	16516
pursuant to section 5302.17 or 5302.18 of the Revised Code on or	16517
after April 4, 1985, to a person who is a surviving, survivorship	16518
tenant pursuant to section 5302.17 of the Revised Code on or after	16519
April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	16520
(o) To a trustee acting on behalf of minor children of the	16521
deceased;	16522

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	16523 16524
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	16525 16526
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	16527 16528 16529 16530 16531
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	16532 16533 16534 16535
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	16536 16537
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	16538 16539 16540 16541
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	16542 16543 16544 16545
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	16546 16547
(x) Between persons pursuant to section 5302.18 of the Revised Code;	16548 16549
(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned subsidiary, to a third party.	16550 16551 16552

(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to be charged to the owner of a home on the delinquent manufactured home tax list or the property owner of land on the delinquent tax list or the delinquent vacant land tax list.

The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G)(3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code.

The real property transfer fee provided for in division (G)(3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery.

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

Sec. 319.63. (A) During the first thirty days of each calendar quarter, the county auditor shall pay to the treasurer of state all amounts that the county recorder collected as housing trust fund fees pursuant to section 317.36 of the Revised Code during the previous calendar quarter. If payment is made to the treasurer of state within the first thirty days of the quarter, the county auditor may retain an administrative fee of one per

cent of the amount of the trust fund fees collected during the 16584
previous calendar quarter. 16585

(B) The treasurer of state shall deposit the ~~first fifty~~ 16586
~~million dollars~~ of housing trust fund fees received each year 16587
pursuant to this section into the low- and moderate-income housing 16588
trust fund created under section 174.02 of the Revised Code. ~~The~~ 16589
~~treasurer of state shall deposit any amounts received each year in~~ 16590
~~excess of fifty million dollars into the housing trust reserve~~ 16591
~~fund created under section 174.09 of the Revised Code, unless the~~ 16592
~~cash balance of the housing trust reserve fund is greater than~~ 16593
~~fifteen million dollars. In that event, the treasurer of state~~ 16594
~~shall deposit any amounts received each year in excess of fifty~~ 16595
~~million dollars into the state general revenue fund.~~ 16596

(C) The county auditor shall deposit the administrative fee 16597
that the auditor is permitted to retain pursuant to division (A) 16598
of this section into the county general fund for the county 16599
recorder to use in administering the trust fund fee. 16600

Sec. 321.26. (A) The county treasurer, on settlement with the 16601
county auditor, on or before the date prescribed for such 16602
settlement or any lawful extension of such date, shall be allowed 16603
as fees on all ~~moneys collected by him on any tax duplicates other~~ 16604
~~than the inheritance duplicate and on all moneys received by him~~ 16605
~~as advance payments of personal and classified property taxes,~~ 16606
qualifying collections the following percentages: 16607

(1) For settlement dates or any lawful extension of such 16608
dates occurring before January 1, 2018: 16609

(a) On the first one hundred thousand dollars, two and nine 16610
thousand nine hundred forty-seven ten-thousandths of one per cent; 16611

~~(2)~~(b) On the next two million dollars, nine thousand nine 16612
hundred eighty-two ten-thousandths of one per cent; 16613

~~(3)(c)~~ On the next two million dollars, seven thousand nine hundred eighty-six ten-thousandths of one per cent; 16614
16615

~~(4)(d)~~ On all further sums, one thousand nine hundred ninety-six ten-thousandths of one per cent. 16616
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(2) For settlement dates or any lawful extension of such dates occurring on or after January 1, 2018: 16618
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(a) On the first five million dollars or an amount as adjusted pursuant to division (B) of this section, nine thousand four hundred ninety-five ten-thousandths of one per cent; 16620
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16622

(b) On all further sums, one thousand nine hundred ninety-six ten-thousandths of one per cent. 16623
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If qualifying collections for a year are less than five million dollars or the amount as adjusted under division (B) of this section, the fee shall equal the product of five million dollars or that adjusted amount, as applicable, multiplied by nine thousand four hundred ninety-five ten-thousandths of one per cent. 16625
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(B) In January of each year, beginning in 2019, if the sum of qualifying charges for all counties in the preceding year exceeded the sum of qualifying charges for all counties in the second preceding year, the tax commissioner shall multiply the percentage by which that sum increased, rounded to the nearest one-tenth of one per cent, by the dollar amount described in division (A)(2)(a) of this section that is applicable to the preceding year. 16630
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For settlement dates or any lawful extension of such dates occurring in 2019 or any year thereafter, the tax commissioner shall adjust the dollar amount described in division (A)(2)(a) of this section applicable to the preceding year by adding the resulting product to that dollar amount and rounding the resulting sum to the nearest ten thousand dollars. That adjusted amount shall apply to each year beginning in the calendar year in which 16638
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the commissioner makes such an adjustment and to each ensuing 16645
calendar year until a calendar year in which the commissioner 16646
makes a new adjustment under this division. 16647

The tax commissioner shall not make an adjustment under this 16648
division for a year in which the qualifying charges in the 16649
preceding year did not exceed the qualifying charges in the second 16650
preceding year, the rounded percentage calculated under this 16651
division does not exceed zero per cent, or the rounded resulting 16652
sum equals zero. 16653

On or before the first day of February of each year, the tax 16654
commissioner shall certify to each county auditor and county 16655
treasurer the dollar amount under division (A)(2)(a) of this 16656
section applicable to settlement dates or any lawful extension of 16657
such dates occurring in that year. 16658

(C) In the event any settlement prescribed by law is not made 16659
on or before the date prescribed by law for such settlement, on or 16660
before the dates prescribed by any lawful extension thereof, the 16661
aggregate compensation allowed to the county treasurer shall be 16662
reduced one per cent for each day such settlement is delayed after 16663
the prescribed date. No penalty shall apply in the event the 16664
auditor and treasurer grant all requests for advances up to ninety 16665
per cent of the settlement pursuant to section 321.34 of the 16666
Revised Code. The compensation allowed in accordance with this 16667
section on settlements made on or before the dates prescribed by 16668
law, or the reduced compensation allowed in accordance with this 16669
section on settlements made after the date prescribed by law or 16670
any lawful extension of such date, shall be apportioned ratably by 16671
the auditor and deducted from the shares or portion of the revenue 16672
payable to the state as well as to the county, township, 16673
corporations, and school districts. On all other moneys collected 16674
by the treasurer as fees or as advance payments, except moneys 16675
received from the treasurer of state, ~~his~~ the treasurer's 16676

predecessors in office, ~~his~~ the treasurer's legal representatives, 16677
or the sureties of such predecessors, and except moneys received 16678
from the proceeds of the bonds of the county or of any municipal 16679
corporation, five-tenths per cent, to be paid upon the warrant of 16680
the auditor out of the general fund of the county. 16681

(D) As used in this section: 16682

(1) "Qualifying collections" means moneys collected by a 16683
county treasurer on any tax duplicates other than the inheritance 16684
tax duplicate. 16685

(2) "Qualifying charges" means taxes charged and payable 16686
against real and public utility property for the current tax year 16687
after making the reduction required by section 319.301 of the 16688
Revised Code. 16689

Sec. 321.27. (A) On settlement ~~semiannually~~ annually with the 16690
county auditor, the county treasurer shall be allowed as fees on 16691
all moneys collected by ~~him~~ the treasurer on inheritance estate 16692
tax duplicates, the following percentages: three per cent on the 16693
first one hundred thousand dollars; two per cent on the next one 16694
hundred thousand dollars; five tenths per cent on all additional 16695
sums. Such percentages shall be computed upon the amount collected 16696
and reported at each ~~semiannual~~ annual settlement, and shall be 16697
for the use of the general fund of the county. 16698

(B) On ~~such~~ settlement semiannually with the county auditor, 16699
the county treasurer shall ~~also~~ be allowed as fees on all 16700
cigarette license moneys collected by ~~him,~~ the treasurer one-half 16701
per cent on the amount received, to be paid upon the warrant of 16702
the auditor and ~~by him~~ apportioned ratably and deducted from the 16703
shares of revenue payable to the county and subdivisions of the 16704
county under section 5743.15 of the Revised Code, for the use of 16705
the general fund of the county. 16706

Sec. 321.37. (A)(1) If a county treasurer purposely, 16707
knowingly, or recklessly fails to perform a fiscal duty expressly 16708
imposed by law with respect to the fiscal duties of the office of 16709
county treasurer or purposely, knowingly, or recklessly commits 16710
any act expressly prohibited by law with respect to the fiscal 16711
duties of the office of county treasurer, the county auditor or a 16712
county commissioner may submit a sworn affidavit alleging the 16713
violation, together with evidence supporting the allegations, to 16714
the auditor of state. The sworn affidavit and evidence shall be 16715
submitted in the format prescribed by rule of the auditor of state 16716
under section 117.45 of the Revised Code. A person who makes a 16717
false statement in a sworn affidavit, for purposes of this 16718
section, is guilty of falsification under section 2921.13 of the 16719
Revised Code. 16720

(2) The auditor of state shall review the sworn affidavit and 16721
the evidence. Within ~~ten business~~ thirty calendar days after 16722
receiving the sworn affidavit and evidence, unless, for good 16723
cause, additional time is required, the auditor of state shall 16724
determine whether clear and convincing evidence supports the 16725
allegations. If the auditor of state finds that no allegation is 16726
supported by clear and convincing evidence, the auditor of state 16727
shall submit those findings in writing to the county treasurer and 16728
the person who initiated the sworn affidavit. If the auditor of 16729
state finds by clear and convincing evidence that an allegation is 16730
supported by the evidence, the auditor of state shall submit those 16731
findings in writing to the attorney general, the county treasurer, 16732
and the person who initiated the sworn affidavit. The findings 16733
shall include a copy of the sworn affidavit and the evidence 16734
submitted under division (A)(1) of this section. 16735

(3)(a) The attorney general shall review the auditor of 16736
state's findings and the sworn affidavit and evidence. Within ten 16737
business days after receiving them, unless, for good cause, 16738

additional time is required, the attorney general shall determine 16739
whether clear and convincing evidence supports the allegations. If 16740
the attorney general finds that no allegation is supported by 16741
clear and convincing evidence, the attorney general, by certified 16742
mail, shall notify the auditor of state, the county treasurer, and 16743
the person who initiated the sworn affidavit, that no complaint 16744
for the removal of the county treasurer from public office will be 16745
filed. 16746

(b) If the attorney general finds by clear and convincing 16747
evidence that an allegation is supported by the evidence, the 16748
attorney general, by certified mail, shall notify the auditor of 16749
state, the county treasurer, and the person who initiated the 16750
sworn affidavit of that fact, and shall commence an action for the 16751
removal of the county treasurer from public office under division 16752
(B) of this section. 16753

(c) Nothing in this section is intended to limit the 16754
authority of the attorney general to enter into mediation, 16755
settlement, or resolution of any alleged violation before or 16756
following the commencement of an action under this section. 16757

(B)(1)(a) The attorney general has a cause of action for 16758
removal of a county treasurer who purposely, knowingly, or 16759
recklessly fails to perform a fiscal duty expressly imposed by law 16760
with respect to the fiscal duties of the office of county 16761
treasurer or purposely, knowingly, or recklessly commits any act 16762
expressly prohibited by law with respect to the fiscal duties of 16763
the office of county treasurer. Not later than forty-five days 16764
after sending a notice under division (A)(3)(b) of this section, 16765
the attorney general shall cause an action to be commenced against 16766
the county treasurer by filing a complaint for the removal of the 16767
county treasurer from public office. If any money is due, the 16768
attorney general shall join the sureties on the county treasurer's 16769
bond as parties. The court of common pleas of the county in which 16770

the county treasurer holds office has exclusive original 16771
jurisdiction of the action. The action shall proceed de novo as in 16772
the trial of a civil action. The court is not restricted to the 16773
evidence that was presented to the auditor of state and the 16774
attorney general before the action was filed. The action is 16775
governed by the Rules of Civil Procedure. 16776

(b) If the court finds by clear and convincing evidence that 16777
the county treasurer purposely, knowingly, or recklessly failed to 16778
perform a fiscal duty expressly imposed by law with respect to the 16779
fiscal duties of the office of county treasurer or purposely, 16780
knowingly, or recklessly committed any act expressly prohibited by 16781
law with respect to the fiscal duties of that office, the court 16782
shall issue an order removing the county treasurer from office and 16783
any order necessary for the preservation or restitution of public 16784
funds. 16785

(2) Except as otherwise provided in this division, an action 16786
for removal from office under this section is stayed during the 16787
pendency of any criminal action concerning a violation of an 16788
existing or former municipal ordinance or law of this or any other 16789
state or the United States that is substantially equivalent to any 16790
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 16791
conduct in office, if the person charged in the criminal action 16792
committed the violation while serving as a county treasurer and 16793
the conduct constituting the violation was related to the duties 16794
of the office of county treasurer or to the person's actions as 16795
the county treasurer. The stay may be lifted upon motion of the 16796
prosecuting attorney in the related criminal action. 16797

(3) Prior to or at the hearing, upon a showing of good cause, 16798
the court may issue an order restraining the county treasurer from 16799
entering the county treasurer's office and from conducting the 16800
affairs of the office pending the hearing on the complaint. If 16801
such an order is issued, the court may continue the order until 16802

the conclusion of the hearing and any appeals under this section. 16803

(4) The board of county commissioners shall be responsible 16804
for the payment of reasonable attorney's fees for counsel for the 16805
county treasurer. If judgment is entered against the county 16806
treasurer, the court shall order the county treasurer to reimburse 16807
the board for attorney's fees and costs up to a reasonable amount, 16808
as determined by the court. Expenses incurred by the board in a 16809
removal action shall be paid out of the county general fund. 16810

(C) The judgment of the court is final and conclusive unless 16811
reversed, vacated, or modified on appeal. An appeal may be taken 16812
by any party, and shall proceed as in the case of appeals in civil 16813
actions and in accordance with the Rules of Appellate Procedure. 16814
Upon the filing of a notice of appeal by any party to the 16815
proceedings, the court of appeals shall hear the case as an 16816
expedited appeal under Rule 11.2 of the Rules of Appellate 16817
Procedure. The county treasurer has the right of review or appeal 16818
to the supreme court. 16819

(D) If a final judgment for removal from public office is 16820
entered against the county treasurer, the office shall be deemed 16821
vacated, and the vacancy shall be filled as provided in section 16822
305.02 of the Revised Code. Except as otherwise provided by law, 16823
an individual removed from public office under this section is not 16824
entitled to hold any public office for four years following the 16825
date of the final judgment, and is not entitled to hold any public 16826
office until any repayment or restitution required by the court is 16827
satisfied. 16828

(E) For the purposes of this section: 16829

(1) A person acts purposely when it is the person's specific 16830
intention to cause a certain result, or, when the gist of the 16831
offense is a prohibition against conduct of a certain nature, 16832
regardless of what the person intends to accomplish thereby, it is 16833

the person's specific intention to engage in conduct of that nature. 16834
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(2) A person acts knowingly, regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. 16836
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(3) A person acts recklessly when, with heedless indifference to the consequences, the person perversely disregards a known risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person perversely disregards a known risk that such circumstances are likely to exist. 16841
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(F) The proceedings provided for in this section may be used as an alternative to the removal proceedings prescribed under sections 3.07 to 3.10 of the Revised Code or other methods of removal authorized by law. 16848
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Sec. 321.46. (A) To enhance the background and working knowledge of county treasurers in governmental accounting, portfolio reporting and compliance, investments, cybersecurity, and cash management, the auditor of state and the treasurer of state shall conduct education programs for persons elected for the first time to the office of county treasurer and shall hold biennial continuing education courses for persons who continue to hold the office of county treasurer. 16852
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Initial education programs for newly elected county treasurers shall be held between the first day of December and the first Monday of September next following that person's election to the office of county treasurer. Similar initial education programs may also be provided to any county treasurer who is appointed to 16860
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fill a vacancy or who is elected at a special election. 16865

(B)(1) The auditor of state shall determine the manner and 16866
content of the initial education programs in the subject areas of 16867
governmental accounting and portfolio reporting and compliance. In 16868
those areas, newly elected county treasurers shall take at least 16869
thirteen hours of education before taking office. 16870

(2) The treasurer of state shall determine the manner and 16871
content of the initial education programs in the subject areas of 16872
investments and cash management. In those areas, newly elected 16873
county treasurers shall take at least thirteen hours of education 16874
before taking office. 16875

(3)(a) After completing one year in office, a county 16876
treasurer shall take not less than twenty-four hours of continuing 16877
education during each biennial cycle. For purposes of division 16878
(B)(3)(a) of this section, a biennial cycle for continuing 16879
education shall be every two calendar years after the treasurer's 16880
first year in office. The treasurer of state shall determine the 16881
manner and content of the continuing education courses in the 16882
subject areas of investments, cash management, the collection of 16883
taxes, ethics, and any other subject area that the treasurer of 16884
state determines is reasonably related to the duties of the office 16885
of the county treasurer. The auditor of state shall determine the 16886
manner and content of the continuing education courses in the 16887
subject areas of governmental accounting, portfolio reporting and 16888
compliance, office management, cybersecurity, and any other 16889
subject area that the auditor of state determines is reasonably 16890
related to the duties of the office of the county treasurer. 16891

(b) A county treasurer who accumulates more than twenty-four 16892
hours of continuing education in a biennial cycle described in 16893
division (B)(3)(a) of this section may credit the hours in excess 16894
of twenty-four hours to the next biennial cycle. However, 16895
regardless of the total number of hours earned, no more than six 16896

hours in continuing education determined by the treasurer of state 16897
pursuant to division (B)(3)(a) of this section and six hours in 16898
continuing education determined by the auditor of state pursuant 16899
to that division shall be carried over to the next biennial cycle. 16900

(c) A county treasurer who participates in a training program 16901
or seminar established under section 109.43 of the Revised Code 16902
may apply the three hours of training to the twenty-four hours of 16903
continuing education required in a biennial cycle under division 16904
(B)(3)(a) of this section. 16905

(C) The auditor of state and the treasurer of state may each 16906
charge counties a registration fee that will meet actual and 16907
necessary expenses of the training of county treasurers, including 16908
instructor fees, site acquisition costs, and the cost of course 16909
materials. The necessary personal expenses of county treasurers as 16910
a result of attending the initial education programs and 16911
continuing education courses shall be borne by the counties the 16912
treasurers represent. 16913

(D) The auditor of state and the treasurer of state may allow 16914
any other interested person to attend any of the initial education 16915
programs or continuing education courses held pursuant to this 16916
section, provided that before attending any such program or 16917
course, the interested person shall pay to either the auditor of 16918
state or the treasurer of state, as appropriate, the full 16919
registration fee set for the program or course. 16920

(E)(1) If a county treasurer fails to complete the initial 16921
education programs required by this section before taking office, 16922
the treasurer's authority to invest county funds and to manage the 16923
county portfolio immediately is suspended, and this authority is 16924
transferred to the county's investment advisory committee until 16925
full compliance with the initial education programs is determined 16926
by the treasurer of state. 16927

(2) If a county treasurer fails to complete continuing education as required by this section, the county treasurer is subject to divisions (B) to (E) of section 321.47 of the Revised Code, including possible suspension of the treasurer's authority to invest county funds and to manage the county portfolio and transfer of this authority to the county's investment advisory committee. 16928
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(F)(1) Notwithstanding divisions (B) and (E) of this section, a county treasurer who fails to complete the initial education programs or continuing education required by this section shall invest only in the Ohio subdivisions fund pursuant to division (A)(6) of section 135.35 of the Revised Code, in no load money market mutual funds pursuant to division (A)(5) of section 135.35 of the Revised Code, or in time certificates of deposit or savings or deposit accounts pursuant to division (A)(3) of section 135.35 of the Revised Code. 16935
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(2) A county treasurer who has failed to complete the initial education programs required by this section and invests in other than the investments permitted by division (F)(1) of this section immediately shall have the county treasurer's authority to invest county funds and to manage the county portfolio suspended, and this authority shall be transferred to the county's investment advisory committee until full compliance with the initial education programs is determined by the treasurer of state. 16944
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(3) If a county treasurer fails to complete continuing education required by this section and invests in other than the investments permitted by division (F)(1) of this section, the county treasurer is subject to divisions (B) to (E) of section 321.47 of the Revised Code, including possible suspension of the treasurer's authority to invest county funds and to manage the county portfolio and transfer of this authority to the county's investment advisory committee. 16952
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(G)(1) There is hereby created in the state treasury the 16960
county treasurer education fund, to be used by the treasurer of 16961
state for actual and necessary expenses of initial education 16962
programs and continuing education held pursuant to this section 16963
and section 135.22 of the Revised Code. All registration fees 16964
collected by the treasurer of state under this section and section 16965
135.22 of the Revised Code shall be paid into that fund. 16966

(2) All registration fees collected by the auditor of state 16967
under this section shall be paid into the auditor of state 16968
training program fund established under section 117.44 of the 16969
Revised Code. 16970

(H) The treasurer of state, with the advice and consent of 16971
the auditor of state, may adopt reasonable rules not inconsistent 16972
with this section for the implementation of this section. 16973

Sec. 323.01. Except as otherwise provided, as used in Chapter 16974
323. of the Revised Code: 16975

(A) "Subdivision" means any county, township, school 16976
district, or municipal corporation. 16977

(B) "Municipal corporation" includes charter municipalities. 16978

(C) "Taxes" means the total amount of all charges against an 16979
entry appearing on a tax list and the duplicate thereof that was 16980
prepared and certified in accordance with section 319.28 of the 16981
Revised Code, including taxes levied against real estate; taxes on 16982
property whose value is certified pursuant to section 5727.23 of 16983
the Revised Code; recoupment charges applied pursuant to section 16984
5713.35 of the Revised Code; all assessments; penalties and 16985
interest charged pursuant to section 323.121 of the Revised Code; 16986
charges added pursuant to section 319.35 of the Revised Code; and 16987
all of such charges which remain unpaid from any previous tax 16988
year. 16989

(D) "Current taxes" means all taxes charged against an entry on the general tax list and duplicate of real and public utility property that have not appeared on such list and duplicate for any prior tax year and any penalty thereon charged by division (A) of section 323.121 of the Revised Code. Current taxes, whether or not they have been certified delinquent, become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty.

(E) "Delinquent taxes" means:

(1) Any taxes charged against an entry on the general tax list and duplicate of real and public utility property that were charged against an entry on such list and duplicate for a prior tax year and any penalties and interest charged against such taxes.

(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second installment of such taxes without penalty, whether or not they have been certified delinquent, and any penalties and interest charged against such taxes.

(F) "Current tax year" means, with respect to particular taxes, the calendar year in which the first installment of taxes is due prior to any extension granted under section 323.17 of the Revised Code.

(G) "Liquidated claim" means:

(1) Any sum of money due and payable, upon a written contractual obligation executed between the subdivision and the taxpayer, but excluding any amount due on general and special assessment bonds and notes;

~~(2) Any sum of money due and payable, for disability financial assistance provided under Chapter 5115. of the Revised~~

~~Code that is furnished to or in behalf of a subdivision, provided 17021
that such claim is recognized by a resolution or ordinance of the 17022
legislative body of such subdivision; 17023~~

(3) Any sum of money advanced and paid to or received and 17024
used by a subdivision, pursuant to a resolution or ordinance of 17025
such subdivision or its predecessor in interest, and the moral 17026
obligation to repay which sum, when in funds, shall be recognized 17027
by resolution or ordinance by the subdivision. 17028

Sec. 323.32. As used in this section, "railroad note" means a 17029
note issued pursuant to a court order in the reorganization of a 17030
railroad company under section 77 of the Bankruptcy Act. 17031

Notwithstanding any other provision of law to the contrary, 17032
with respect to all payments received in settlement of claims 17033
arising from delinquent property tax charges and ordered to be 17034
paid by a railroad company under a plan of reorganization as 17035
ordered by a federal district court in accordance with provisions 17036
of Chapter VIII of the "Federal Bankruptcy Act," 11 U.S.C.A. 17037
201-208, the following provisions shall apply: 17038

(A) Except as provided in division (H) of this section, all 17039
of such payments shall be made payable, and delivered, to the 17040
county in which the taxing district sharing in a claim for 17041
delinquent taxes is located. Any notes included in such payment 17042
shall be issued to such county treasurer, who shall be the 17043
custodian of all of said notes, and who shall be liable therefor 17044
upon ~~his~~ the treasurer's bond until such time as said notes 17045
mature, are sold, or otherwise lawfully pass from ~~his~~ the 17046
treasurer's custody. 17047

(B) Upon receipt of a payment by cash or check, the county 17048
treasurer shall immediately cause such funds to be paid into the 17049
county treasury and credited to a special fund established for 17050
this purpose, which shall be known as the "undivided bankruptcy 17051

claims fund." All of such moneys so received, including any earned 17052
interest, shall be credited to said fund. 17053

(C) When the total claim for each county has been satisfied 17054
by the receipt of cash or notes, or both, the county auditor shall 17055
remit from the tax list and duplicate of real and public utility 17056
property in each county, all charges appearing thereon in the name 17057
of the railroad company for which such payment has been made, 17058
which are delinquent and unpaid from any year previous to the tax 17059
year 1977. 17060

(D) At any time that funds are present in the undivided 17061
bankruptcy claims fund, either upon initial settlement or at any 17062
later time, the county auditor shall, forthwith, distribute by 17063
auditors' warrant, such funds to the various taxing districts of 17064
the county, in which the property taxes, from which the claim in 17065
bankruptcy has derived, were originally charged. The funds so 17066
distributed shall be apportioned among the various taxing 17067
authorities within each taxing district in the same proportions as 17068
the said taxes were originally levied, taking into account the 17069
various rates of taxation levied for different purposes for each 17070
year in which such taxes were charged and remained unpaid, and any 17071
unpaid special assessments, including compound interest thereon at 17072
the rate of six per cent per annum to January 1, 1978. 17073

In making such distribution, the auditor shall, first, deduct 17074
an amount equal to one per cent of the total amount to be 17075
distributed, as fees for services of the county auditor and 17076
treasurer in making collection and distribution of the claim in 17077
bankruptcy. Such deduction shall be in lieu of all fees provided 17078
for in sections 319.54 and 321.26 of the Revised Code. The amount 17079
so deducted shall be credited to the general fund of the county. 17080

If any funds received pursuant to this section represent 17081
taxes which, if collected, would have resulted from any general or 17082
emergency levy which has since expired, such funds may be credited 17083

to the general operating fund and expended as though they are 17084
proceeds from a current levy, and if any of such funds represent 17085
taxes from any current general bond retirement levy or one which 17086
has since expired, said funds may be credited to the current bond 17087
retirement fund and used to service any current bond indebtedness, 17088
or may be credited to the general operating fund of the district, 17089
if so designated by a majority of the members of the taxing 17090
authority of the taxing district. 17091

(E) Except as provided in division (H) of this section, when, 17092
as a part of the settlement of a claim in bankruptcy of a 17093
reorganized railroad company a county receives notes on behalf of 17094
a taxing authority in partial payment of said claim, the county 17095
treasurer shall, within a reasonable length of time, notify the 17096
taxing authority of each taxing district sharing in the claim that 17097
such notes are in ~~his~~ the treasurer's custody. Within sixty days 17098
of receipt of such notice, each taxing authority shall decide by a 17099
resolution approved by a majority of its members whether: 17100

(1) The notes shall remain in custody of the county 17101
treasurer, as issued, and allowed to mature according to the terms 17102
presented on their face with the proceeds to be distributed upon 17103
maturity pursuant to division (D) of this section; or 17104

(2) The railroad notes shall be exchanged for several new 17105
notes in denominations equal to the proportionate share, or 17106
portion thereof, of the taxing district having a share in the 17107
claim in bankruptcy as determined in division (D) of this section. 17108
The new notes shall be distributed, upon receipt, to each taxing 17109
authority in full satisfaction of its claim or in full 17110
satisfaction of the portion of its claim represented by the notes 17111
so received. If notes cannot be issued in denominations equal to 17112
the taxing district's proportionate share, the treasurer shall 17113
certify to the taxing authority of the district the amount of 17114
notes held by the treasurer on behalf of the district and for 17115

which notes cannot be issued pursuant to the taxing authority's 17116
decision under this subdivision. Upon receipt of such 17117
certification, the taxing authority may borrow money and issue 17118
notes against such certification in the same manner as is provided 17119
by division (F) of this section. 17120

If a taxing authority elects the option provided under 17121
division (E)(1) of this section, it may at any subsequent time 17122
elect instead the option provided under division (E)(2) of this 17123
section by resolution approved by a majority of its members. The 17124
election of the option provided under division (E)(2) of this 17125
section becomes final upon receipt by the taxing authority of the 17126
new notes or certification distributed by the county treasurer 17127
under such division. 17128

Each taxing authority shall certify a copy of any resolution 17129
adopted under this division to the county treasurer who shall take 17130
appropriate action as directed by each taxing authority. 17131

(F) A taxing authority having possession of any railroad note 17132
or a treasurer's certification issued under division (E)(2) of 17133
this section may, by approval of a majority of its members, borrow 17134
money and issue its note in anticipation of the revenue payable on 17135
maturity of the railroad note and pledge the railroad note or the 17136
proceeds thereof. Such anticipation note shall mature no later 17137
than the railroad note and shall be in an amount no greater than 17138
seventy per cent of the face amount of said railroad note. By like 17139
action a taxing authority may sell any railroad note in its 17140
possession at public or private offering for not less than the 17141
prevailing market price. Such a sale or borrowing shall be exempt 17142
from all other requirements and limitations of the Revised Code, 17143
including the requirements of the Uniform Bond Law. 17144

(1) If a taxing authority desires to issue delinquent tax 17145
bonds pursuant to section 131.23 of the Revised Code prior to 17146
either receipt of any payment from a railroad in bankruptcy or 17147

utilization of the authority granted in this section, the taxing 17148
authority may determine whether or not the net amount of 17149
delinquent taxes unpledged for purposes of division (B)~~(6)~~(5) of 17150
section 131.23 of the Revised Code shall include all or part of 17151
the delinquent taxes owed by a railroad, or, if notes have been 17152
received pursuant to this section, the unpaid principal amount of 17153
such notes. If the taxing authority determines that any such 17154
railroad delinquencies or note amount shall be included under 17155
section 131.23 of the Revised Code, the amount which may be 17156
borrowed pursuant to this section may not exceed seventy per cent 17157
of the total face amount of railroad notes remaining after 17158
deducting the amount so included. 17159

(2) If a taxing authority desires to issue delinquent tax 17160
bonds pursuant to section 131.23 of the Revised Code after 17161
utilization of the authority granted in this section, the net 17162
amount of delinquent taxes unpledged for purposes of division 17163
(B)~~(6)~~(5) of section 131.23 of the Revised Code may not include 17164
the principal amount of railroad notes which have been borrowed 17165
against or sold pursuant to this section. 17166

(G) When a taxing authority receives a railroad note, the 17167
face amount of such note shall not be considered as revenue for 17168
any purpose in the year in which the note is received. Upon sale 17169
or maturity of the note, any proceeds not pledged pursuant to 17170
division (F) of this section shall be considered as unanticipated 17171
revenue from a new source and all of the provisions of law 17172
pertaining to such revenue, including section 5705.36 of the 17173
Revised Code, shall apply. 17174

(H) When there are present in a county nonrepresented taxing 17175
districts as provided in amended substitute house bill 336~~7~~ of the 17176
112th general assembly, all of the provisions of this section 17177
shall apply to such districts, except as follows: 17178

(1) Payments by cash or check may be made payable, and 17179

delivered, directly to the treasurer of the taxing district. Any 17180
notes included in the settlement of the district's claim may be 17181
issued, and delivered, directly to said treasurer. 17182

Upon receipt of any of such payments, the treasurer of the 17183
taxing district shall certify, to the county treasurer of the 17184
county in which the district is located, the fact of such receipt 17185
and the amounts so received. 17186

(2) If the claim of a nonrepresented taxing district is not 17187
paid directly to the treasurer of the district but is included 17188
with payments for the remainder of the county, cash payments 17189
included in the initial settlement shall be distributed as 17190
provided in divisions (B) and (D) of this section. Any notes 17191
received as payment shall be exchanged and distributed to 17192
nonrepresented taxing districts upon receipt. 17193

Sec. 329.03. (A) As used in this section, "applicant" or 17194
"recipient" means ~~any~~ either of the following: 17195

(1) An applicant for or participant in the Ohio works first 17196
program established under Chapter 5107. of the Revised Code; 17197

~~(2) An applicant for or recipient of disability financial 17198
assistance under Chapter 5115. of the Revised Code;~~ 17199

~~(3) An applicant for or recipient of cash assistance provided 17200
under the refugee assistance program established under section 17201
5101.49 of the Revised Code. 17202~~

(B) Each county department of job and family services shall 17203
establish a direct deposit system under which cash assistance 17204
payments to recipients who agree to direct deposit are made by 17205
electronic transfer to an account in a financial institution 17206
designated under this section. No financial institution shall 17207
impose any charge for such an account that the institution does 17208
not impose on its other customers for the same type of account. 17209

Direct deposit does not affect the exemption of Ohio works first
~~and disability financial assistance~~ from attachment, garnishment,
or other like process afforded by ~~sections~~ section 5107.75 ~~and~~
~~5115.06~~ of the Revised Code.

(C) Each county department of job and family services shall
do all of the following:

(1) Inform each applicant or recipient that the applicant or
recipient must choose whether to receive cash assistance payments
under the direct deposit system established under this section or
under the electronic benefit transfer system established under
section 5101.33 of the Revised Code;

(2) Inform each applicant and recipient of the conditions
under which the applicant or recipient may change the system used
to receive the cash assistance payments;

(3) Inform each applicant or recipient of the procedures
governing the direct deposit system;

(4) If an applicant or recipient chooses to receive cash
assistance payments under the direct deposit system, obtain from
the applicant or recipient an authorization form to designate a
financial institution equipped for and authorized by law to accept
direct deposits by electronic transfer and the account into which
the applicant or recipient wishes the payments to be made;

(5) If an applicant or recipient chooses to receive cash
assistance payments under the electronic benefit transfer system
established under section 5101.33 of the Revised Code, obtain from
the applicant or recipient a signed form to that effect.

The department may require a recipient to complete a new
authorization form whenever the department considers it necessary.

A recipient's designation of a financial institution and
account shall remain in effect until withdrawn in writing or

dishonored by the financial institution, except that no change may 17240
be made in the authorization form until the next eligibility 17241
redetermination of the recipient unless the county department 17242
determines that good cause exists for an earlier change or the 17243
financial institution dishonors the recipient's account. 17244

(D) An applicant or recipient without an account who 17245
completes an authorization form to receive cash assistance 17246
payments by direct deposit shall have ten days after receiving the 17247
authorization form to designate an account suitable for direct 17248
deposit. If within the required time the applicant or recipient 17249
does not make the designation, the recipient shall receive cash 17250
assistance payments under the electronic benefit transfer system 17251
established under section 5101.33 of the Revised Code. 17252

(E) The director of job and family services may adopt rules 17253
governing direct deposit systems established under this section. 17254

Sec. 329.04. (A) The county department of job and family 17255
services shall have, exercise, and perform the following powers 17256
and duties: 17257

(1) Perform any duties assigned by the state department of 17258
job and family services or department of medicaid regarding the 17259
provision of public family services, including the provision of 17260
the following services to prevent or reduce economic or personal 17261
dependency and to strengthen family life: 17262

(a) Services authorized by a Title IV-A program, as defined 17263
in section 5101.80 of the Revised Code; 17264

(b) Social services authorized by Title XX of the "Social 17265
Security Act" and provided for by section 5101.46 or 5101.461 of 17266
the Revised Code; 17267

(c) If the county department is designated as the child 17268
support enforcement agency, services authorized by Title IV-D of 17269

the "Social Security Act" and provided for by Chapter 3125. of the 17270
Revised Code. The county department may perform the services 17271
itself or contract with other government entities, and, pursuant 17272
to division (C) of section 2301.35 and section 2301.42 of the 17273
Revised Code, private entities, to perform the Title IV-D 17274
services. 17275

(d) Duties assigned under section 5162.031 of the Revised 17276
Code. 17277

(2) Administer disability financial assistance, as required 17278
by the state department of job and family services under section 17279
5115.03 of the Revised Code; 17280

(3) Administer burials insofar as the administration of 17281
burials was, prior to September 12, 1947, imposed upon the board 17282
of county commissioners and if otherwise required by state law; 17283

(4) Cooperate with state and federal authorities in any 17284
matter relating to family services and to act as the agent of such 17285
authorities; 17286

(5) Submit an annual account of its work and expenses to the 17287
board of county commissioners and to the state department of job 17288
and family services and department of medicaid at the close of 17289
each fiscal year; 17290

(6) Exercise any powers and duties relating to family 17291
services duties or workforce development activities imposed upon 17292
the county department of job and family services by law, by 17293
resolution of the board of county commissioners, or by order of 17294
the governor, when authorized by law, to meet emergencies during 17295
war or peace; 17296

(7) Enter into a plan of cooperation with the board of county 17297
commissioners under section 307.983, consult with the board in the 17298
development of the transportation work plan developed under 17299
section 307.985, establish with the board procedures under section 17300

307.986 for providing services to children whose families relocate 17301
frequently, and comply with the contracts the board enters into 17302
under sections 307.981 and 307.982 of the Revised Code that affect 17303
the county department; 17304

(8) For the purpose of complying with a grant agreement the 17305
board of county commissioners enters into under sections 307.98 17306
and 5101.21 of the Revised Code, exercise the powers and perform 17307
the duties the grant agreement assigns to the county department; 17308

~~(9) If the county department is designated as the workforce 17309
development agency, provide the workforce development activities 17310
specified in the contract required by section 330.05 of the 17311
Revised Code. 17312~~

(B) The powers and duties of a county department of job and 17313
family services are, and shall be exercised and performed, under 17314
the control and direction of the board of county commissioners. 17315
The board may assign to the county department any power or duty of 17316
the board regarding family services duties and workforce 17317
development activities. If the new power or duty necessitates the 17318
state department of job and family services or department of 17319
medicaid changing its federal cost allocation plan, the county 17320
department may not implement the power or duty unless the United 17321
States department of health and human services approves the 17322
changes. 17323

Sec. 329.051. The county department of job and family 17324
services shall make voter registration applications as prescribed 17325
by the secretary of state under section 3503.10 of the Revised 17326
Code available to persons who are applying for, receiving 17327
assistance from, or participating in any of the following: 17328

~~(A) The disability financial assistance program established 17329
under Chapter 5115. of the Revised Code; 17330~~

(B) The medicaid program;	17331
(C) <u>(B)</u> The Ohio works first program established under Chapter 5107. of the Revised Code;	17332 17333
(D) <u>(C)</u> The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.	17334 17335
Sec. 329.06. (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code , the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:	17336 17337 17338 17339 17340 17341 17342 17343 17344 17345 17346 17347 17348 17349 17350
(1) Consumers of family services;	17351
(2) The public children services agency;	17352
(3) The child support enforcement agency;	17353
(4) The county family and children first council;	17354
(5) Public and private colleges and universities;	17355
(6) Public entities that provide family services, including boards of health, boards of education, the county board of developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;	17356 17357 17358 17359

(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	17360 17361 17362 17363
(8) Labor organizations;	17364
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	17365 17366 17367 17368
(B) The county family services planning committee shall do all of the following:	17369 17370
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	17371 17372 17373 17374 17375 17376
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	17377 17378 17379 17380 17381
(a) Return of assistance groups to participation in either program after ceasing to participate;	17382 17383
(b) Teen pregnancy rates among the programs' participants;	17384
(c) The other types of assistance the programs' participants receive, including medicaid, publicly funded child care under Chapter 5104. of the Revised Code, supplemental nutrition assistance program benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised	17385 17386 17387 17388 17389

Code;	17390
(d) Other issues the committee considers appropriate.	17391
The committee shall make recommendations to the board of	17392
county commissioners and county department of job and family	17393
services regarding the committee's findings.	17394
(3) Conduct public hearings on proposed county profiles for	17395
the provision of social services under section 5101.46 of the	17396
Revised Code;	17397
(4) At the request of the board, make recommendations and	17398
provide assistance regarding the family services provided in the	17399
county;	17400
(5) At any other time the committee considers appropriate,	17401
consult with the board and make recommendations regarding the	17402
family services provided in the county. The committee's	17403
recommendations may address the following:	17404
(a) Implementation and administration of family service	17405
programs;	17406
(b) Use of federal, state, and local funds available for	17407
family service programs;	17408
(c) Establishment of goals to be achieved by family service	17409
programs;	17410
(d) Evaluation of the outcomes of family service programs;	17411
(e) Any other matter the board considers relevant to the	17412
provision of family services.	17413
(C) If there is a committee in existence in a county on	17414
October 1, 1997, that the board of county commissioners determines	17415
is capable of fulfilling the responsibilities of a county family	17416
services planning committee, the board may designate the committee	17417
as the county's family services planning committee and the	17418
committee shall serve in that capacity.	17419

Sec. 340.03. (A) Subject to rules issued by the director of 17420
mental health and addiction services after consultation with 17421
relevant constituencies as required by division (A)(10) of section 17422
5119.21 of the Revised Code, each board of alcohol, drug 17423
addiction, and mental health services shall: 17424

(1) Serve as the community addiction and mental health 17425
planning agency for the county or counties under its jurisdiction, 17426
and in so doing it shall: 17427

(a) Evaluate the need for facility services, addiction 17428
services, mental health services, and recovery supports; 17429

(b) In cooperation with other local and regional planning and 17430
funding bodies and with relevant ethnic organizations, evaluate 17431
strengths and challenges and set priorities for addiction 17432
services, mental health services, and recovery supports. A board 17433
shall include treatment and prevention services when setting 17434
priorities for addiction services and mental health services. When 17435
a board sets priorities for addiction services, the board shall 17436
consult with the county commissioners of the counties in the 17437
board's service district regarding the services described in 17438
section 340.15 of the Revised Code and shall give priority to 17439
those services, except that those services shall not have a 17440
priority over services provided to pregnant women under programs 17441
developed in relation to the mandate established in section 17442
5119.17 of the Revised Code. 17443

(c) In accordance with guidelines issued by the director of 17444
mental health and addiction services under division (F) of section 17445
5119.22 of the Revised Code, annually develop and submit to the 17446
department of mental health and addiction services a community 17447
addiction and mental health plan that addresses both of the 17448
following: 17449

(i) The needs of all residents of the district currently 17450

receiving inpatient services in state-operated hospitals, the 17451
needs of other populations as required by state or federal law or 17452
programs, and the needs of all children subject to a determination 17453
made pursuant to section 121.38 of the Revised Code; 17454

(ii) The department's priorities for facility services, 17455
addiction services, mental health services, and recovery supports 17456
during the period for which the plan will be in effect. The 17457
department shall inform all of the boards of the department's 17458
priorities in a timely manner that enables the boards to know the 17459
department's priorities before the boards develop and submit the 17460
plans. 17461

In alcohol, drug addiction, and mental health service 17462
districts that have separate alcohol and drug addiction services 17463
and community mental health boards, the alcohol and drug addiction 17464
services board shall submit a community addiction plan and the 17465
community mental health board shall submit a community mental 17466
health plan. Each board shall consult with its counterpart in 17467
developing its plan and address the interaction between the local 17468
addiction and mental health systems and populations with regard to 17469
needs and priorities in developing its plan. 17470

The department shall approve or disapprove the plan, in whole 17471
or in part, in accordance with division (G) of section 5119.22 of 17472
the Revised Code. Eligibility for state and federal funding shall 17473
be contingent upon an approved plan or relevant part of a plan. 17474

If a board determines that it is necessary to amend an 17475
approved plan, the board shall submit a proposed amendment to the 17476
director. The director shall approve or disapprove all or part of 17477
the amendment in accordance with division (H) of section 5119.22 17478
of the Revised Code. 17479

The board shall operate in accordance with the plan approved 17480
by the department. 17481

(d) Promote, arrange, and implement working agreements with 17482
social agencies, both public and private, and with judicial 17483
agencies. 17484

(2) Investigate, or request another agency to investigate, 17485
any complaint alleging abuse or neglect of any person receiving 17486
addiction services, mental health services, or recovery supports 17487
from a community addiction services provider or community mental 17488
health services provider or alleging abuse or neglect of a 17489
resident receiving addiction services or with mental illness or 17490
severe mental disability residing in a residential facility 17491
licensed under section 5119.34 of the Revised Code. If the 17492
investigation substantiates the charge of abuse or neglect, the 17493
board shall take whatever action it determines is necessary to 17494
correct the situation, including notification of the appropriate 17495
authorities. Upon request, the board shall provide information 17496
about such investigations to the department. 17497

(3) For the purpose of section 5119.36 of the Revised Code, 17498
cooperate with the director of mental health and addiction 17499
services in visiting and evaluating whether the certifiable 17500
services and supports of a community addiction services provider 17501
or community mental health services provider satisfy the 17502
certification standards established by rules adopted under that 17503
section; 17504

(4) In accordance with criteria established under division 17505
(D) of section 5119.22 of the Revised Code, conduct program audits 17506
that review and evaluate the quality, effectiveness, and 17507
efficiency of addiction services, mental health services, and 17508
recovery supports provided by community addiction services 17509
providers and community mental health services providers under 17510
contract with the board and submit the board's findings and 17511
recommendations to the department of mental health and addiction 17512
services; 17513

(5) In accordance with section 5119.34 of the Revised Code, 17514
review an application for a residential facility license and 17515
provide to the department of mental health and addiction services 17516
any information about the applicant or facility that the board 17517
would like the department to consider in reviewing the 17518
application; 17519

(6) Audit, in accordance with rules adopted by the auditor of 17520
state pursuant to section 117.20 of the Revised Code, at least 17521
annually all programs, addiction services, mental health services, 17522
and recovery supports provided under contract with the board. In 17523
so doing, the board may contract for or employ the services of 17524
private auditors. A copy of the fiscal audit report shall be 17525
provided to the director of mental health and addiction services, ~~the auditor of state,~~ 17526
and the county auditor of each county in the 17527
board's district. 17528

(7) Recruit and promote local financial support for addiction 17529
services, mental health services, and recovery supports from 17530
private and public sources; 17531

(8) In accordance with guidelines issued by the department as 17532
necessary to comply with state and federal laws pertaining to 17533
financial assistance, approve fee schedules and related charges or 17534
adopt a unit cost schedule or other methods of payment for 17535
addiction services, mental health services, and recovery supports 17536
provided by community addiction services providers and community 17537
mental health services providers that have contracted with the 17538
board under section 340.036 of the Revised Code; 17539

(9) Submit to the director and the county commissioners of 17540
the county or counties served by the board, and make available to 17541
the public, an annual report of the addiction services, mental 17542
health services, and recovery supports under the jurisdiction of 17543
the board, including a fiscal accounting; 17544

(10) Establish a method for evaluating referrals for court-ordered treatment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to court-ordered treatment and whether alternatives to hospitalization are available and appropriate;

(11) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the list of addiction services, mental health services, and recovery supports submitted and approved in accordance with division (B) of section 340.08 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for the services and supports, which may include prior authorization in appropriate circumstances. In accordance with section 340.037 of the Revised Code, the board may provide addiction services and mental health services directly to a severely mentally disabled person when life or safety is endangered and when no community addiction services provider or community mental health services provider is available to provide the service.

(12) Ensure that housing built, subsidized, renovated, rented, owned, or leased by the board or a community addiction services provider or community mental health services provider has been approved as meeting minimum fire safety standards and that persons residing in the housing have access to appropriate and necessary services, including culturally relevant services, from a community addiction services provider or community mental health

services provider. This division does not apply to residential 17577
facilities licensed pursuant to section 5119.34 of the Revised 17578
Code. 17579

(13) Establish a mechanism for obtaining advice and 17580
involvement of persons receiving addiction services, mental health 17581
services, or recovery supports on matters pertaining to services 17582
and supports in the alcohol, drug addiction, and mental health 17583
service district; 17584

(14) Perform the duties required by rules adopted under 17585
section 5119.22 of the Revised Code regarding referrals by the 17586
board or community mental health services providers under contract 17587
with the board of individuals with mental illness or severe mental 17588
disability to class two residential facilities licensed under 17589
section 5119.34 of the Revised Code and effective arrangements for 17590
ongoing mental health services for the individuals. The board is 17591
accountable in the manner specified in the rules for ensuring that 17592
the ongoing mental health services are effectively arranged for 17593
the individuals. 17594

(B) Each board of alcohol, drug addiction, and mental health 17595
services shall establish such rules, operating procedures, 17596
standards, and bylaws, and perform such other duties as may be 17597
necessary or proper to carry out the purposes of this chapter. 17598

(C) A board of alcohol, drug addiction, and mental health 17599
services may receive by gift, grant, devise, or bequest any 17600
moneys, lands, or property for the benefit of the purposes for 17601
which the board is established, and may hold and apply it 17602
according to the terms of the gift, grant, or bequest. All money 17603
received, including accrued interest, by gift, grant, or bequest 17604
shall be deposited in the treasury of the county, the treasurer of 17605
which is custodian of the alcohol, drug addiction, and mental 17606
health services funds to the credit of the board and shall be 17607
available for use by the board for purposes stated by the donor or 17608

grantor. 17609

(D) No member or employee of a board of alcohol, drug 17610
addiction, and mental health services shall be liable for injury 17611
or damages caused by any action or inaction taken within the scope 17612
of the member's official duties or the employee's employment, 17613
whether or not such action or inaction is expressly authorized by 17614
this section or any other section of the Revised Code, unless such 17615
action or inaction constitutes willful or wanton misconduct. 17616
Chapter 2744. of the Revised Code applies to any action or 17617
inaction by a member or employee of a board taken within the scope 17618
of the member's official duties or employee's employment. For the 17619
purposes of this division, the conduct of a member or employee 17620
shall not be considered willful or wanton misconduct if the member 17621
or employee acted in good faith and in a manner that the member or 17622
employee reasonably believed was in or was not opposed to the best 17623
interests of the board and, with respect to any criminal action or 17624
proceeding, had no reasonable cause to believe the conduct was 17625
unlawful. 17626

(E) The meetings held by any committee established by a board 17627
of alcohol, drug addiction, and mental health services shall be 17628
considered to be meetings of a public body subject to section 17629
121.22 of the Revised Code. 17630

Sec. 340.033. The array of addiction services and recovery 17631
supports for all levels of opioid and co-occurring drug addiction 17632
required by section 340.032 of the Revised Code to be included in 17633
a community-based continuum of care established under that section 17634
shall include, ~~except as otherwise authorized by a waiver issued~~ 17635
~~under division (A)(2) of section 5119.221 of the Revised Code,~~ at 17636
least ambulatory and sub-acute detoxification, non-intensive and 17637
intensive outpatient services, medication-assisted treatment, peer 17638
support, residential services, recovery housing pursuant to 17639

section 340.034 of the Revised Code, and multiple paths to 17640
recovery such as twelve-step approaches. The services and supports 17641
shall be made available in the service district of each board of 17642
alcohol, drug addiction, and mental health services, except ~~that~~ 17643
sub-acute as provided by either of the following: 17644

(A) Sub-acute detoxification and residential services may be 17645
made available through a contract with one or more providers of 17646
sub-acute detoxification or residential services located in other 17647
service districts. ~~The~~ 17648

(B) To the extent authorized by a waiver issued under 17649
division (A)(2) of section 5119.221 of the Revised Code, 17650
ambulatory detoxification and medication-assisted treatment may be 17651
made available through a contract with one or more community 17652
addiction services providers located not more than thirty miles 17653
beyond the borders of the board's service district. 17654

The services and supports shall be made available in a manner 17655
that ensures that recipients are able to access the services and 17656
supports they need for opioid and co-occurring drug addiction in 17657
an integrated manner and in accordance with their assessed needs 17658
when changing or obtaining additional addiction services or 17659
recovery supports for such addiction. An individual seeking a 17660
service or support for opioid and co-occurring drug addiction 17661
included in a community-based continuum of care shall not be 17662
denied the service or support on the basis of the individual's 17663
prior experience with the service or support. 17664

Sec. 341.12. (A) In a county not having a sufficient jail or 17665
staff, subject to division (B) of this section, the sheriff shall 17666
convey any person charged with the commission of an offense, 17667
sentenced to imprisonment in the county jail, or in custody upon 17668
civil process to a jail in any county the sheriff considers most 17669

convenient and secure. As used in this paragraph, any county 17670
includes a contiguous county in an adjoining state. 17671

The sheriff may call such aid as is necessary in guarding, 17672
transporting, or returning such person. Whoever neglects or 17673
refuses to render such aid, when so called upon, shall forfeit and 17674
pay the sum of ten dollars, to be recovered by an action in the 17675
name and for the use of the county. 17676

Such sheriff and the sheriff's assistants shall receive such 17677
compensation for their services as the county auditor of the 17678
county from which such person was removed considers reasonable. 17679
The compensation shall be paid from the county treasury on the 17680
warrant of the auditor. 17681

The receiving sheriff shall not, pursuant to this section, 17682
convey the person received to any county other than the one from 17683
which the person was removed. 17684

(B)(1) If Lawrence county does not have sufficient jail space 17685
in the county or staff based upon the minimum standards for jails 17686
in Ohio promulgated pursuant to section 5120.10 of the Revised 17687
Code, instead of conveying a person in a category described in 17688
division (A) of this section to a jail in any county pursuant to 17689
that division, the Lawrence county sheriff may convey the person 17690
to the Ohio river valley facility in accordance with section 17691
341.121 of the Revised Code if an agreement for the Lawrence 17692
county sheriff's use of a portion of that facility entered into 17693
under that section then is in effect. 17694

(2) If a county other than Lawrence county does not have 17695
sufficient jail space or staff based upon the minimum standards 17696
for jails in Ohio promulgated pursuant to section 5120.10 of the 17697
Revised Code and has entered into an agreement to jail persons 17698
with the Lawrence county sheriff, instead of conveying a person in 17699
a category described in division (A) of this section to a jail in 17700

any county pursuant to that division, the sheriff of the other 17701
county may convey the person to the Ohio river valley facility in 17702
accordance with section 341.121 of the Revised Code if an 17703
agreement for the Lawrence county sheriff's use of a portion of 17704
that facility entered into under that section then is in effect. 17705

(3) As used in divisions (B)(1) and (2) of this section, 17706
"Ohio river valley facility" has the same meaning as in section 17707
341.121 of the Revised Code. 17708

Sec. 341.121. (A) As used in this section, "Ohio river valley 17709
facility" means the former Ohio river valley juvenile correctional 17710
facility in Franklin Furnace, Scioto county, that formerly was 17711
operated by the department of youth services. 17712

(B) The board of county commissioners of Lawrence county and 17713
the director of administrative services may enter into an 17714
agreement pursuant to which the sheriff of Lawrence county may use 17715
a specified portion of the Ohio river valley facility as a jail 17716
for Lawrence county. The agreement shall not provide for transfer 17717
of ownership of any portion of the Ohio river valley facility to 17718
Lawrence county. If the board and the department enter into an 17719
agreement of this nature, on and after the effective date of the 17720
agreement, all of the following apply: 17721

(1) The sheriff of Lawrence county may use the specified 17722
portion of the Ohio river valley facility for the confinement of 17723
persons charged with a violation of a law or municipal ordinance, 17724
sentenced or ordered to confinement for such a violation in a 17725
jail, or in custody upon civil process, if the violation occurred 17726
or the person was taken into custody under the civil process 17727
within Lawrence county or within another county that has entered 17728
into an agreement with the sheriff pursuant to division (B)(2) of 17729
section 341.12 of the Revised Code for the confinement of such 17730
persons; 17731

(2) Any use of the specified portion of the Ohio river valley facility for the confinement of a juvenile who is alleged to be or is adjudicated a delinquent child or juvenile traffic offender shall be in accordance with Chapter 2152. of the Revised Code;

(3) If the sheriff of Lawrence county uses the specified portion of the Ohio river valley facility for one or more of the purposes listed in division (B)(1) of this section and division (B)(2) of section 341.12 of the Revised Code, all of the following apply during that use of that portion of the facility and during the period covered by the agreement entered into pursuant to division (B) of this section:

(a) The sheriff has charge of the specified portion of the facility pursuant to that agreement and all persons confined in it, and shall keep those persons safely, attend to that portion of the facility, and regulate that portion of the facility according to the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code;

(b) The sheriff has all responsibilities and duties regarding the operation and management of the specified portion of the facility, including, but not limited to, safe and secure operation of and staffing for the jail facility, food services, medical services, and other programs, services, and treatment of persons confined in it, and conveyance to and from that portion of the facility of persons who are to be or who have been confined in it, in the same manner as if that facility was a Lawrence county jail;

(c) The sheriff may enter into one or more shared service agreements with any other entity leasing buildings at the Ohio river valley facility regarding any of the responsibilities and duties described in division (B)(3)(b) of this section or regarding any other service related to the operation of the facility;

(d) All provisions of Chapter 341. of the Revised Code, 17763
except for sections 341.13 to 341.18 of the Revised Code, apply 17764
with respect to the specified portion of the Ohio river valley 17765
facility and to the sheriff in the same manner as if that portion 17766
of the facility was a Lawrence county jail, and sections 341.13 to 17767
341.18 of the Revised Code apply with respect to that portion of 17768
the facility and the sheriff if that portion of the facility is 17769
used for confinement of persons from a county other than Lawrence 17770
county pursuant to an agreement as described in division (B)(2) of 17771
section 341.12 of the Revised Code; 17772

(e) Lawrence county has all responsibility for the costs of 17773
operation of the specified portion of the facility, and for all 17774
potential liability related to the use or operation of that 17775
portion of the facility and damages to it, in the same manner as 17776
if that facility was a Lawrence county jail; 17777

(f) The sheriff has all responsibility for investigating 17778
crimes and quelling disturbances that occur in the specified 17779
portion of the facility, and for assisting in the prosecution of 17780
such crimes, and the prosecuting attorney of Lawrence county and 17781
prosecutors of municipal corporations located in Lawrence county 17782
have responsibility for prosecution of such crimes, in the same 17783
manner as if that facility was a Lawrence county jail; 17784

(g) The sheriff's use of the specified portion of the 17785
facility shall be in accordance with the terms of the agreement, 17786
to the extent that the terms are not in conflict with divisions 17787
(B)(1), (2), and (3) of this section. 17788

~~(5)~~(4) If the sheriff of Lawrence county uses the specified 17789
portion of the Ohio river valley facility for one or more of the 17790
purposes listed in division (B)(1) of this section and division 17791
(B)(2) of section 341.12 of the Revised Code and subsequently 17792
ceases to use the specified portion of the facility for those 17793
purposes, the sheriff shall vacate the facility and control of the 17794

specified portion of the facility immediately shall revert to the 17795
state. 17796

(C) If, prior to the effective date of this amendment, the 17797
board of county commissioners of Lawrence county and the director 17798
of administrative services entered into an agreement under 17799
division (B) of this section for the use by the sheriff of 17800
Lawrence county of a specified portion of the Ohio river valley 17801
facility as a jail for the county and if, as of that effective 17802
date, either party has failed to comply with the terms of the 17803
agreement, both of the following apply: 17804

(1) On the effective date of this amendment, control of the 17805
specified portion of the facility immediately shall revert to the 17806
state. 17807

(2) On and after the effective date of this amendment, the 17808
sheriff has no authority to use the specified portion of the 17809
facility as a jail for Lawrence county. 17810

Sec. 341.25. (A) The sheriff may establish a commissary for 17811
the jail. The commissary may be established either in-house or by 17812
another arrangement. If a commissary is established, all persons 17813
incarcerated in the jail shall receive commissary privileges. A 17814
person's purchases from the commissary shall be deducted from the 17815
person's account record in the jail's business office. The 17816
commissary shall provide for the distribution to indigent persons 17817
incarcerated in the jail necessary hygiene articles and writing 17818
materials. 17819

(B)(1) If a commissary is established, the sheriff shall 17820
establish a commissary fund for the jail. The management of funds 17821
in the commissary fund shall be strictly controlled in accordance 17822
with procedures adopted by the auditor of state. Commissary 17823

(2) Commissary fund revenue over and above operating costs 17824

and reserve shall be considered profits. ~~All~~ 17825

(3) All profits from the commissary fund shall be used to for 17826
the following: 17827

(a) To purchase supplies and equipment, and to provide life 17828
skills training and education or treatment services, or both, for 17829
the benefit of persons incarcerated in the jail, ~~and to;~~ 17830

(b) To pay salary and benefits for employees of the sheriff 17831
who work in or are employed for the purpose of providing service 17832
to the commissary; 17833

(c) To purchase technology designed to prevent contraband 17834
from entering the jail. The 17835

(4) The sheriff shall adopt rules for the operation of any 17836
commissary fund the sheriff establishes. 17837

Sec. 349.03. (A) Proceedings for the organization of a new 17838
community authority shall be initiated by a petition filed by the 17839
developer in the office of the clerk of the organizational board 17840
of commissioners. Such petition shall be signed by the developer 17841
and may be signed by each proximate city. The legislative 17842
authorities of each such proximate city shall act in behalf of 17843
such city. Such petition shall contain: 17844

(1) The name of the proposed new community authority; 17845

(2) The address where the principal office of the authority 17846
will be located or the manner in which the location will be 17847
selected; 17848

(3) A map and a full and accurate description of the 17849
boundaries of the new community district together with a 17850
description of the properties within such boundaries, if any, 17851
which will not be included in the new community district. 17852

The total acreage included in such district ~~shall not be less~~ 17853

~~than one thousand acres, all of which acreage shall be owned by,~~ 17854
or under the control through leases of at least seventy-five 17855
years' duration, options, or contracts to purchase, of the 17856
developer, if the developer is a private entity, unless one of the 17857
following applies: 17858

(a) The district is wholly contained within municipal 17859
corporations. 17860

(b) More than one-half of the proposed district is, at the 17861
time of filing the petition under this section, contained within a 17862
joint economic development district created under sections 715.70 17863
to 715.83 of the Revised Code. 17864

(4) A statement setting forth the zoning regulations proposed 17865
for zoning the area within the boundaries of the new community 17866
district for comprehensive development as a new community, and if 17867
the area has been zoned for such development, a certified copy of 17868
the applicable zoning regulations therefor; 17869

(5) A current plan indicating the proposed development 17870
program for the new community district, the land acquisition and 17871
land development activities, community facilities, services 17872
proposed to be undertaken by the new community authority under 17873
such program, the proposed method of financing such activities and 17874
services, including a description of the bases, timing, and manner 17875
of collecting any proposed community development charges, and the 17876
projected total residential population of, and employment within, 17877
the new community; 17878

(6) A suggested number of members, consistent with section 17879
349.04 of the Revised Code, for the board of trustees; 17880

(7) A preliminary economic feasibility analysis, including 17881
the area development pattern and demand, location and proposed new 17882
community district size, present and future socio-economic 17883
conditions, public services provision, financial plan, and the 17884

developer's management capability; 17885

(8) A statement that the development will comply with all 17886
applicable environmental laws and regulations. 17887

Upon the filing of such petition, the organizational board of 17888
commissioners shall determine whether such petition complies with 17889
the requirements of this section as to form and substance. The 17890
board in subsequent proceedings may at any time permit the 17891
petition to be amended in form and substance to conform to the 17892
facts by correcting any errors in the description of the proposed 17893
new community district or in any other particular. 17894

Upon the determination of the organizational board of 17895
commissioners that a sufficient petition has been filed in 17896
accordance with this section, the board shall fix the time and 17897
place of a hearing on the petition for the establishment of the 17898
proposed new community authority. Such hearing shall be held not 17899
less than ninety-five nor more than one hundred fifteen days after 17900
the petition filing date, except that if the petition has been 17901
signed by all proximate cities or if the organizational board of 17902
commissioners is the legislative authority of the only proximate 17903
city for the proposed new community district, such hearing shall 17904
be held not less than thirty nor more than forty-five days after 17905
the petition filing date. The clerk of the organizational board of 17906
commissioners with which the petition was filed shall give notice 17907
thereof by publication once each week for three consecutive weeks, 17908
or as provided in section 7.16 of the Revised Code, in a newspaper 17909
of general circulation in any county of which a portion is within 17910
the proposed new community district. Except where the 17911
organizational board of commissioners is the legislative authority 17912
of the only proximate city for the proposed new community 17913
district, such clerk shall also give written notice of the date, 17914
time, and place of the hearing and furnish a certified copy of the 17915
petition to the clerk of the legislative authority of each 17916

proximate city which has not signed such petition. Except where 17917
the organizational board of commissioners is the legislative 17918
authority of the only proximate city for the proposed new 17919
community district, in the event that the legislative authority of 17920
a proximate city which did not sign the petition does not approve 17921
by ordinance, resolution, or motion the establishment of the 17922
proposed new community authority and does not deliver such 17923
ordinance, resolution, or motion to the clerk of the 17924
organizational board of commissioners with which the petition was 17925
filed within ninety days following the date of the first 17926
publication of the notice of the public hearing, the 17927
organizational board of commissioners shall cancel such public 17928
hearing and terminate the proceedings for the establishment of the 17929
new community authority. 17930

Upon the hearing, if the organizational board of 17931
commissioners determines by resolution that the proposed new 17932
community district will be conducive to the public health, safety, 17933
convenience, and welfare, and is intended to result in the 17934
development of a new community, the board shall by its resolution, 17935
declare the new community authority to be organized and a body 17936
politic and corporate with the corporate name designated in the 17937
resolution, and define the boundary of the new community district. 17938
In addition, the resolution shall provide the method of selecting 17939
the board of trustees of the new community authority and fix the 17940
surety for their bonds in accordance with section 349.04 of the 17941
Revised Code. 17942

If the organizational board of commissioners finds that the 17943
establishment of the district will not be conducive to the public 17944
health, safety, convenience, or welfare, or is not intended to 17945
result in the development of a new community, it shall reject the 17946
petition thereby terminating the proceedings for the establishment 17947
of the new community authority. 17948

(B) At any time after the creation of a new community authority, the developer may file an application with the clerk of the organizational board of commissioners with which the original petition was filed, setting forth a general description of territory it desires to add or to delete from such district, that such change will be conducive to the public health, safety, convenience, and welfare, and will be consistent with the development of a new community and will not jeopardize the plan of the new community. If the developer is not a municipal corporation, port authority, or county, all of such an addition to such a district shall be owned by, or under the control through leases of at least seventy-five years' duration, options, or contracts to purchase, of the developer. Upon the filing of the application, the organizational board of commissioners shall follow the same procedure as required by this section in relation to the petition for the establishment of the proposed new community.

(C) If all or any part of the new community district is annexed to one or more existing municipal corporations, their legislative authorities may appoint persons to replace any appointed citizen member of the board of trustees. The number of such trustees to be replaced by the municipal corporation shall be the number, rounded to the lowest integer, bearing the proportionate relationship to the number of existing appointed citizen members as the acreage of the new community district within such municipal corporation bears to the total acreage of the new community district. If any such municipal corporation chooses to replace an appointed citizen member, it shall do so by ordinance, the term of the trustee being replaced shall terminate thirty days from the date of passage of such ordinance, and the trustee to be replaced shall be determined by lot. Each newly appointed member shall assume the term of the member's predecessor.

Sec. 503.56. (A) As used in this section:	17982
(1) "Tourism development district" means a district designated by a township under this section.	17983 17984
(2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.	17985 17986 17987
(3) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district. A business "operates within the proposed district" if the business would be subject to a tax levied in the proposed tourism development district pursuant to division (A)(2)(C) of section 5739.101 of the Revised Code.	17988 17989 17990 17991 17992 17993 17994 17995
(4) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the authority to make decisions legally binding upon a business. The signature of any owner of a business operates as the signature of the business.	17996 17997 17998 17999 18000 18001 18002
(5) "Eligible township" means a township wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on the effective date of the enactment of this section <u>September 29, 2015</u> .	18003 18004 18005 18006 18007 18008 18009
(B)(1) The board of trustees of an eligible township, by resolution, may declare an unincorporated area of the township to	18010 18011

be a tourism development district for the purpose of fostering and 18012
developing tourism in the district if all of the following 18013
criteria are met: 18014

(a) The district's area does not exceed ~~two~~ six hundred 18015
acres. 18016

(b) All territory in the district is contiguous. 18017

(c) Before adopting that resolution or ordinance, the board 18018
holds at least two public hearings concerning the creation of the 18019
tourism development district. 18020

(d) Before adopting the resolution or ordinance, the board 18021
receives a petition signed by every record owner of a parcel of 18022
real property located in the proposed district and the owner of 18023
every business that operates in the proposed district. 18024

(e) The board adopts the resolution on or before December 31, 18025
~~2018~~ 2020. 18026

(2) The petition described in division (B)(1)(d) of this 18027
section shall include an explanation of the taxes and charges that 18028
may be levied or imposed in the proposed district. 18029

(3) The board shall certify the resolution to the tax 18030
commissioner within five days after its adoption, along with a 18031
description of the boundaries of the district authorized in the 18032
resolution. That description shall include sufficient information 18033
for the commissioner to determine if the address of a vendor is 18034
within the boundaries of the district. 18035

(4) Subject to the limitations of division (B)(1)(a) and (b) 18036
of this section, the board of trustees of an eligible township may 18037
enlarge the territory of an existing tourism development district 18038
in the manner prescribed for the creation of a district under 18039
divisions (B)(1) to (3) of this section, except that the petition 18040
described in division (B)(1)(d) of this section must be signed by 18041

every record owner of a parcel of real property located in the 18042
area proposed to be added to the district and the owner of every 18043
business that operates in the area proposed to be added to the 18044
district. 18045

(C) For the purpose of fostering and developing tourism in a 18046
tourism development district, a lessor leasing real property in a 18047
tourism development district may impose and collect a uniform fee 18048
on each parcel of real property leased by the lessor, to be paid 18049
by each of the person's lessees. A lessee is subject to such a fee 18050
only if the lease separately states the amount of the fee. Before 18051
a lessor may impose and collect such a fee, the lessor shall file 18052
a copy of such lease with the fiscal officer of the township that 18053
designated the tourism development district. A lessor that imposes 18054
such a fee shall remit all collections of the fee to the fiscal 18055
officer of the township in which the real property is located. 18056

The board shall establish all regulations necessary to 18057
provide for the administration and remittance of such fees. The 18058
regulations may prescribe the time for payment of the fee, and may 18059
provide for the imposition of a penalty or interest, or both, for 18060
late remittances, provided that the penalty does not exceed ten 18061
per cent of the amount of fee due, and the rate at which interest 18062
accrues does not exceed the rate per annum prescribed pursuant to 18063
section 5703.47 of the Revised Code. The regulations shall 18064
provide, after deducting the real and actual costs of 18065
administering the fee, that the revenue be used exclusively for 18066
fostering and developing tourism within the tourism development 18067
district. 18068

(D) The board of trustees of an eligible township that has 18069
designated a tourism development district under this section may 18070
levy one or both of the taxes authorized under section 503.57 or 18071
5739.101 of the Revised Code. 18072

(E) On or before the first day of each January and ~~June~~ July, 18073

beginning after the designation of the tourism development 18074
district, the fiscal officer of the township shall certify a list 18075
of vendors located within the tourism development district to the 18076
tax commissioner, which shall include the name, address, and 18077
vendor's license number for each vendor. 18078

Sec. 503.70. (A) As used in this section, "advertising" means 18079
internet banners and icons that may contain links to commercial 18080
internet web sites. Advertising does not include spyware, malware, 18081
or any viruses or programs considered to be malicious. 18082

(B) A board of township trustees may, by resolution, 18083
authorize the use of commercial advertising on the township's web 18084
site. The use of commercial advertising must comply with state and 18085
federal law, including section 9.03 of the Revised Code, and any 18086
federal regulations or guidelines on the use of commercial 18087
advertising on the .gov internet domain or other federally 18088
controlled public domains. 18089

(C) The resolution shall specify the manner of making 18090
requests for proposals that identify advertisers whose 18091
advertisements will meet the criteria specified in the request for 18092
proposals and any requirements and limitations specified in the 18093
resolution. 18094

(D) The board of township trustees may enter into a contract 18095
with a qualified advertiser for the placement of commercial 18096
advertising on the township's web site in exchange for a fee paid 18097
by the advertiser to the township general fund. 18098

Sec. 505.94. (A) A board of township trustees may, by 18099
resolution, require the registration of all transient vendors 18100
within the unincorporated territory of the township and may 18101
regulate the time, place, and manner in which these vendors may 18102
sell, offer for sale, or solicit orders for future delivery of 18103

goods, ~~or the board may, by resolution, prohibit these activities~~ 18104
~~within that territory. A board of township trustees also may, by~~ 18105
~~resolution, prohibit solicitation at any residence at which the~~ 18106
~~owner or tenant has posted a sign on the property prohibiting~~ 18107
~~solicitation or for which the owner or tenant has filed a no~~ 18108
~~solicitation registration form with the township, on a form~~ 18109
~~prescribed by the board.~~ If the board requires the registration of 18110
all transient vendors, it may establish a reasonable registration 18111
fee, not to exceed one hundred fifty dollars for a registration 18112
period, and this registration shall be valid for a period of at 18113
least ninety days after the date of registration. ~~Any~~ 18114

Any board of township trustees that provides for the 18115
registration and regulation, ~~or prohibition,~~ of transient vendors 18116
under this section shall notify the prosecuting attorney of the 18117
county in which the township is located of its registration and 18118
regulatory requirements ~~or prohibition~~. No transient vendor shall 18119
fail to register or to comply with regulations ~~or prohibitions~~ 18120
established by a board of township trustees under this division. 18121

This division does not authorize a board of township trustees 18122
to apply a resolution it adopts under this division to any person 18123
invited by an owner or tenant to visit the owner's or tenant's 18124
premises to sell, offer for sale, or solicit orders for future 18125
delivery of goods. 18126

(B) As used in this section: 18127

(1) "Goods" means goods, wares, services, merchandise, 18128
periodicals, and other articles or publications. 18129

(2) "Transient vendor" means any person who opens a temporary 18130
place of business for the sale of goods or who, on the streets or 18131
while traveling about the township, sells or offers for sale 18132
goods, ~~or~~ solicits orders for future delivery of goods ~~where~~ 18133
~~payment is required prior to the delivery of the goods, or~~ 18134

attempts to arrange an appointment for a future estimate or sales call. "Transient vendor" does not include any person who represents any entity exempted from taxation under section 5709.04 of the Revised Code, ~~that notifies the board of township trustees that its representatives are present in the township for the purpose of selling or offering for sale goods, or soliciting orders for future delivery of goods, or attempting to arrange an appointment for a future estimate or sales call, and does not include a or any~~ person licensed under Chapter 4707. of the Revised Code.

Sec. 507.12. (A) To enhance the background and working knowledge of township fiscal officers in government accounting, budgeting and financing, financial report preparation, cybersecurity, and the rules adopted by the auditor of state, the auditor of state shall conduct education programs and continuing education courses for individuals elected or appointed for the first time to the office of township fiscal officer, and shall conduct continuing education courses for individuals who continue to hold the office in a subsequent term. The Ohio township association also may conduct such initial education programs and continuing education courses if approved by the auditor of state. The auditor of state, in conjunction with the Ohio township association, shall determine the manner and content of the initial education programs and continuing education courses.

(B) A newly elected or appointed township fiscal officer shall complete at least six hours of initial education programs before commencing, or during the first year of, office. A township fiscal officer who participates in a training program held under section 117.44 of the Revised Code may apply those hours taken before commencing office to the six hours of initial education programs required under this division.

(C)(1) In addition to the six hours of initial education 18166
required under division (B) of this section, a newly elected 18167
township fiscal officer shall complete at least a total of 18168
eighteen continuing education hours during the township fiscal 18169
officer's first term of office. 18170

(2) A township fiscal officer who is elected to a subsequent 18171
term of office shall complete twelve hours of continuing education 18172
courses in each subsequent term of office. 18173

(3) The auditor of state shall adopt rules specifying the 18174
initial education programs and continuing education courses that 18175
are required for a township fiscal officer who has been appointed 18176
to fill a vacancy. The requirements shall be proportionally 18177
equivalent, based on the time remaining in the vacated office, to 18178
the requirements for a newly elected township fiscal officer. 18179

(4) At least two hours of ethics instruction shall be 18180
included in the continuing education hours required by divisions 18181
(C)(1) and (2) of this section. 18182

(5) A township fiscal officer who participates in a training 18183
program or seminar established under section 109.43 of the Revised 18184
Code may apply the three hours of training to the continuing 18185
education hours required by divisions (C)(1) and (2) of this 18186
section. 18187

(D)(1) A certified public accountant who serves as a township 18188
fiscal officer may apply to the continuing education hours 18189
required by division (C) of this section any hours of continuing 18190
education completed under section 4701.11 of the Revised Code 18191
after being elected or appointed as a township fiscal officer. 18192

(2) A township fiscal officer may apply to the continuing 18193
education hours required by division (C) of this section any hours 18194
of continuing education completed under section 135.22 of the 18195
Revised Code after being elected or appointed as a township fiscal 18196

officer. 18197

(3) A township fiscal officer who teaches an approved 18198
continuing education course under division (C) of this section is 18199
entitled to credit for the course in the same manner as if the 18200
township fiscal officer had attended the course. 18201

(E) The auditor of state shall adopt rules for verifying the 18202
completion of initial education programs and continuing education 18203
courses required under this section. The auditor of state shall 18204
issue a certificate of completion to each township fiscal officer 18205
who completes the initial education programs and continuing 18206
education courses. The auditor of state shall issue a "failure to 18207
complete" notice to any township fiscal officer who is required to 18208
complete initial education programs and continuing education 18209
courses under this section, but who fails to do so. The notice is 18210
for informational purposes only and does not affect any 18211
individual's ability to hold the office of township fiscal 18212
officer. 18213

(F) Each board of township trustees shall approve a 18214
reasonable amount requested by the township fiscal officer to 18215
cover the costs the township fiscal officer is required to incur 18216
to meet the requirements of this section, including registration 18217
fees, lodging and meal expenses, and travel expenses. 18218

Sec. 507.13. (A)(1) If a township fiscal officer purposely, 18219
knowingly, or recklessly fails to perform a fiscal duty expressly 18220
imposed by law with respect to the fiscal duties of the office of 18221
township fiscal officer or purposely, knowingly, or recklessly 18222
commits any act expressly prohibited by law with respect to the 18223
fiscal duties of that office, four residents of the township may 18224
submit sworn affidavits alleging the violation, together with 18225
evidence supporting the allegations, to the auditor of state. The 18226
sworn affidavits and evidence shall be submitted in the format 18227

prescribed by rule of the auditor of state under section 117.45 of 18228
the Revised Code. A person who makes a false statement in a sworn 18229
affidavit, for purposes of this section, is guilty of 18230
falsification under section 2921.13 of the Revised Code. 18231

(2) The auditor of state shall review the sworn affidavits 18232
and the evidence. Within ~~ten business~~ thirty calendar days after 18233
receiving the sworn affidavits, unless, for good cause, additional 18234
time is required, the auditor of state shall determine whether 18235
clear and convincing evidence supports the allegations. If the 18236
auditor of state finds that no allegation is supported by clear 18237
and convincing evidence, the auditor of state shall submit those 18238
findings in writing to the township fiscal officer and the persons 18239
who initiated the sworn affidavits. If the auditor of state finds 18240
by clear and convincing evidence that an allegation is supported 18241
by the evidence, the auditor of state shall submit those findings 18242
in writing to the attorney general, the township fiscal officer, 18243
and the persons who initiated the sworn affidavits. The findings 18244
shall include a copy of the sworn affidavits and the evidence 18245
submitted under division (A)(1) of this section. 18246

(3)(a) The attorney general shall review the auditor of 18247
state's findings and the sworn affidavits and evidence. Within ten 18248
business days after receiving the sworn affidavits and evidence, 18249
unless, for good cause, additional time is required, the attorney 18250
general shall determine whether clear and convincing evidence 18251
supports the allegations. If the attorney general finds that no 18252
allegation is supported by clear and convincing evidence, the 18253
attorney general, by certified mail, shall notify the auditor of 18254
state, the township fiscal officer, and the persons who initiated 18255
the sworn affidavits, that no complaint for the removal of the 18256
township fiscal officer from public office will be filed. 18257

(b) If the attorney general finds by clear and convincing 18258
evidence that an allegation is supported by the evidence, the 18259

attorney general, by certified mail, shall notify the auditor of 18260
state, the township fiscal officer, and the persons who initiated 18261
the sworn affidavits of that fact, and shall commence an action 18262
for the removal of the township fiscal officer from public office 18263
under division (B) of this section. 18264

(c) Nothing in this section is intended to limit the 18265
authority of the attorney general to enter into mediation, 18266
settlement, or resolution of any alleged violation before or 18267
following the commencement of an action under this section. 18268

(B)(1)(a) The attorney general has a cause of action for 18269
removal of a township fiscal officer who purposely, knowingly, or 18270
recklessly fails to perform a fiscal duty expressly imposed by law 18271
with respect to the office of township fiscal officer or 18272
purposely, knowingly, or recklessly commits any act expressly 18273
prohibited by law with respect to the fiscal duties of the office 18274
of township fiscal officer. Not later than forty-five days after 18275
sending a notice under division (A)(3)(b) of this section, the 18276
attorney general shall cause an action to be commenced against the 18277
township fiscal officer by filing a complaint for the removal of 18278
the township fiscal officer from public office. If any money is 18279
due, the attorney general shall join the sureties on the township 18280
fiscal officer's bond as parties. The court of common pleas of the 18281
county in which the township fiscal officer holds office has 18282
exclusive original jurisdiction of the action. The action shall 18283
proceed de novo as in the trial of a civil action. The court is 18284
not restricted to the evidence that was presented to the auditor 18285
of state and the attorney general before the action was filed. The 18286
action is governed by the Rules of Civil Procedure. 18287

(b) If the court finds by clear and convincing evidence that 18288
the township fiscal officer purposely, knowingly, or recklessly 18289
failed to perform a fiscal duty expressly imposed by law with 18290
respect to the fiscal duties of the office of township fiscal 18291

officer or purposely, knowingly, or recklessly committed any act 18292
expressly prohibited by law with respect to the fiscal duties of 18293
that office, the court shall issue an order removing the township 18294
fiscal officer from office and any order necessary for the 18295
preservation or restitution of public funds. 18296

(2) Except as otherwise provided in this division, an action 18297
for removal from office under this section is stayed during the 18298
pendency of any criminal action concerning a violation of an 18299
existing or former municipal ordinance or law of this or any other 18300
state or the United States that is substantially equivalent to any 18301
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 18302
conduct in office, if the person charged in the criminal action 18303
committed the violation while serving as a township fiscal officer 18304
and the conduct constituting the violation was related to the 18305
duties of the office of fiscal officer or to the person's actions 18306
as the township fiscal officer. The stay may be lifted upon motion 18307
of the prosecuting attorney in the related criminal action. 18308

(3) Prior to or at the hearing, upon a showing of good cause, 18309
the court may issue an order restraining the township fiscal 18310
officer from entering the township fiscal officer's office and 18311
from conducting the affairs of the office pending the hearing on 18312
the complaint. If such an order is issued, the court may continue 18313
the order until the conclusion of the hearing and any appeals 18314
under this section. 18315

(4) The board of township trustees shall be responsible for 18316
the payment of reasonable attorney's fees for counsel for the 18317
township fiscal officer. If judgment is entered against the 18318
township fiscal officer, the court shall order the township fiscal 18319
officer to reimburse the board for attorney's fees and costs up to 18320
a reasonable amount, as determined by the court. Expenses incurred 18321
by the board in a removal action shall be paid out of the township 18322
general fund. 18323

(C) The judgment of the court is final and conclusive unless 18324
reversed, vacated, or modified on appeal. An appeal may be taken 18325
by any party, and shall proceed as in the case of appeals in civil 18326
actions and in accordance with the Rules of Appellate Procedure. 18327
Upon the filing of a notice of appeal by any party to the 18328
proceedings, the court of appeals shall hear the case as an 18329
expedited appeal under Rule 11.2 of the Rules of Appellate 18330
Procedure. The township fiscal officer has the right of review or 18331
appeal to the supreme court. 18332

(D) If a final judgment for removal from public office is 18333
entered against the township fiscal officer, the office shall be 18334
deemed vacated, and the vacancy shall be filled as provided in 18335
section 503.24 of the Revised Code. Except as otherwise provided 18336
by law, an individual removed from public office under this 18337
section is not entitled to hold any public office for four years 18338
following the date of the final judgment, and is not entitled to 18339
hold any public office until any repayment or restitution required 18340
by the court is satisfied. 18341

(E) For the purposes of this section: 18342

(1) A person acts purposely when it is the person's specific 18343
intention to cause a certain result, or, when the gist of the 18344
offense is a prohibition against conduct of a certain nature, 18345
regardless of what the person intends to accomplish thereby, it is 18346
the person's specific intention to engage in conduct of that 18347
nature. 18348

(2) A person acts knowingly, regardless of the person's 18349
purpose, when the person is aware that the person's conduct will 18350
probably cause a certain result or will probably be of a certain 18351
nature. A person has knowledge of circumstances when the person is 18352
aware that such circumstances probably exist. 18353

(3) A person acts recklessly when, with heedless indifference 18354

to the consequences, the person perversely disregards a known risk 18355
that the person's conduct is likely to cause a certain result or 18356
is likely to be of a certain nature. A person is reckless with 18357
respect to circumstances when, with heedless indifference to the 18358
consequences, the person perversely disregards a known risk that 18359
such circumstances are likely to exist. 18360

(F) The proceedings provided for in this section may be used 18361
as an alternative to the removal proceedings prescribed under 18362
sections 3.07 to 3.10 of the Revised Code or other methods of 18363
removal authorized by law. 18364

Sec. 703.20. (A) Villages may surrender their corporate 18365
powers upon the petition to the legislative authority or, in the 18366
alternative, to the board of elections of the village as provided 18367
in division (B)(1) of this section, of at least ~~forty~~ thirty per 18368
cent of the electors thereof, to be determined by the number 18369
voting at the last regular municipal ~~election~~ election and by an 18370
affirmative vote of a majority of ~~such~~ the electors at a special 18371
election, which shall be provided for by the legislative 18372
authority, ~~and or,~~ in the alternative, at a general or special 18373
election as provided for by the board of elections under division 18374
(B)(1) of this section. The election shall be conducted, 18375
canvassed, and the result certified and made known as at regular 18376
municipal elections. If the result of the election is in favor of 18377
~~such~~ the surrender, the village clerk or, in the alternative, the 18378
board of elections shall certify the result to the secretary of 18379
state, the auditor of state, and the county recorder, who shall 18380
record it in their respective offices, ~~and thereupon the.~~ The 18381
corporate powers of ~~such~~ the village shall cease upon the 18382
recording of the certified election results in the county 18383
recorder's office. 18384

(B)(1) If the legislative authority of a village fails to act 18385

upon the petition within thirty days after receipt of the 18386
petition, the electors may present the petition to the board of 18387
elections to determine the validity and sufficiency of the 18388
signatures. The petition shall be governed by the rules of section 18389
3501.38 of the Revised Code. The petition shall be filed with the 18390
board of elections of the county in which the largest portion of 18391
the population of the village resides. If the petition is 18392
sufficient, the board of elections shall submit the question 18393
"Shall the village of surrender its corporate powers?" 18394
for the approval or rejection of the electors of the village at 18395
the next general or special election, in any year, occurring after 18396
the period ending ninety days after the filing of the petition 18397
with the board. If the result of the election is in favor of the 18398
surrender, the board of elections shall certify the results to the 18399
secretary of state, the auditor of state, and the county recorder, 18400
who shall record it in their respective offices. The corporate 18401
powers of the village shall cease upon the recording of the 18402
certified election results in the county recorder's office. 18403

(2) In addition to filing the petition with the board of 18404
elections as provided in division (B)(1) of this section, a copy 18405
of the petition shall be filed with the board of township trustees 18406
of each township affected by the surrender. 18407

(C) The auditor of state shall assist in facilitating a 18408
timely and systematic manner for complying with the requirements 18409
of section 703.21 of the Revised Code. 18410

Sec. 703.21. (A) The surrender of corporate powers by a 18411
village under section 703.20 or 703.201 of the Revised Code does 18412
not affect vested rights or accrued liabilities of the village, or 18413
the power to settle claims, dispose of property, or levy and 18414
collect taxes to pay existing obligations. But, after the 18415
presentation of the petition mentioned in section 703.20 of the 18416

Revised Code or receipt of the audit report and notice mentioned 18417
in section 703.201 of the Revised Code, the legislative authority 18418
of the village shall not create any new liability until the result 18419
of the election under section 703.20 of the Revised Code is 18420
declared or the decision of the court of common pleas under 18421
division (C) of section 703.201 of the Revised Code is declared, 18422
or thereafter, if the result, in either case, is for the surrender 18423
of the village's corporate powers. If the auditor of state 18424
notifies the village that the attorney general may file a legal 18425
action under section 703.201 of the Revised Code, but the attorney 18426
general does not file such an action, the village shall not create 18427
any new liability for thirty days after receipt of the auditor of 18428
state's notice. 18429

(B) Due and unpaid taxes may be collected after the surrender 18430
of corporate powers, and all moneys or property remaining after 18431
the surrender belongs to the township or townships located wholly 18432
or partly within the village, subject to the agreements entered 18433
into as provided for in this section for the timely transfer of 18434
real and personal property and subject to the report of an audit 18435
or, at the discretion of the auditor of state, an agreed-upon 18436
procedure audit performed by the auditor of state under section 18437
117.11 or 117.114 of the Revised Code. The auditor of state shall 18438
commence the audit or agreed-upon procedure audit within thirty 18439
days after receipt of the notice of dissolution as provided in 18440
division (E) of section 117.10 of the Revised Code. Cash balances 18441
shall be transferred at the completion of the audit or agreed-upon 18442
procedure audit performed by the auditor of state. ~~If~~ Except as 18443
otherwise provided by agreement of the affected village and 18444
townships, if more than one township is to receive the remaining 18445
money or property, the money and property shall be divided among 18446
the townships in proportion to the amount of territory that each 18447
township has within the village boundaries as compared to the 18448
total territory within the village. 18449

(C)(1) Village real and personal property, other than 18450
electric and water and sewer utility property, shall be 18451
transferred in a timely manner in accordance with agreements 18452
between or among the affected village and township or townships. 18453
If no such agreements have been reached within sixty days after 18454
the certificate of dissolution is filed with the county recorder, 18455
title to real and personal property other than any electric and 18456
water and sewer utility property vests by operation of law in the 18457
affected township or townships. If more than one township is 18458
affected, and agreements have not been reached within sixty days 18459
after the certificate of dissolution is filed, title vests by 18460
operation of law in proportion to the amount of territory that 18461
each township has within the village boundaries as compared to the 18462
total territory within the village. 18463

(2) Any agreements entered into under this section regarding 18464
the transfer of real property shall be recorded with the county 18465
recorder of the county in which the affected real property is 18466
situated, along with affidavits stating facts relating to title as 18467
provided for in section 5301.252 of the Revised Code. The county 18468
recorder shall make appropriate notations in the county records to 18469
reflect the conveyance of the village's interest in real property 18470
in accordance with the recorded agreements resulting from the 18471
surrender of corporate powers. The notations shall include a 18472
reference to the county's recorded certificate of dissolution. 18473

In the absence of any agreements and upon the recording of 18474
affidavits relating to title, the county recorder shall make 18475
appropriate notations in the county records to reflect the 18476
conveyance of the village's interest in real property and to 18477
evidence that title vested by operation of law in the township or 18478
townships as otherwise provided for in this section and as a 18479
result of the surrender of corporate powers. The recording of a 18480
certificate of dissolution or a certified copy of it, any 18481

agreements regarding the transfer of real property, and supporting 18482
affidavits serve as sufficient evidence of a transfer of title 18483
from the former village to a township or townships. These 18484
documents shall be recorded in the same manner as a deed of 18485
conveyance, except that the affected township or townships are 18486
exempt from any fees specified under section 317.32 of the Revised 18487
Code. 18488

(3) Cash balances shall be transferred at the completion of 18489
the audit, or, at the discretion of the auditor of state, the 18490
agreed-upon procedure audit performed by the auditor of state. 18491

(D)(1) Electric and water and sewer utility property shall be 18492
transferred by agreement entered into by the village and the 18493
entity that will be taking over the electric and water and sewer 18494
utility property and assets. Cash balances shall be transferred at 18495
the completion of the audit, or, at the discretion of the auditor 18496
of state, the agreed-upon procedure audit performed by the auditor 18497
of state. The provision of utility and other services shall be 18498
uninterrupted during the transition period following the surrender 18499
of corporate powers. 18500

(2) Following the filing of the certificate of dissolution, 18501
if it is determined that a county, or a regional water and sewer 18502
district organized under Chapter 6119. of the Revised Code, is 18503
obligated to assume utility property and assets by default, the 18504
board of county commissioners or board of trustees of the 18505
district, as appropriate, may petition the court of common pleas 18506
of the county in which the village was located, for an order to 18507
revise the current user fees, rates, and charges charged, or 18508
assessments levied, by the utility. The board of county 18509
commissioners or board of trustees of the district shall file with 18510
the petition a systems audit of the utility. The systems audit 18511
shall address the financial solvency of the utility; the utility's 18512
debt service obligations and operating revenue stream, including 18513

user fees, rates, charges, and assessments; the utility's 18514
compliance with operating permit requirements; the necessary 18515
system maintenance, upgrades, and operational modifications and 18516
their associated costs for the utility; outstanding, pending, or 18517
potential enforcement actions against the utility; and any other 18518
relevant matters impacting the operational viability and financial 18519
solvency of the utility. 18520

(3) When considering whether to grant the order, the court 18521
shall review the systems audit and any other relevant evidence. 18522
The order of the court shall assure that the operational viability 18523
and financial solvency of the utility is maintained, and that an 18524
unreasonable financial burden is not placed upon the county or 18525
district due to the acquisition of the utility property and 18526
assets. 18527

(4) The systems audit required by this section shall not 18528
prevent the auditor of state from conducting the audit, or, at the 18529
discretion of the auditor of state, the agreed-upon procedure 18530
audit, required by this section. 18531

(E) As used in divisions (C) and (D) of this section, 18532
"certificate of dissolution" means the certified election results 18533
approving the surrender of corporate powers as recorded by the 18534
county recorder under section 703.20 of the Revised Code. 18535

After the surrender of corporate powers, all resolutions of 18536
the township or townships into which the village's territory was 18537
dissolved shall apply throughout the township's newly included 18538
territory. 18539

Sec. 705.22. At the end of each year the legislative 18540
authority of a municipal corporation shall have an annual report 18541
printed, in pamphlet form, giving: 18542

(A) The classified statement of all receipts, expenditures, 18543

assets, and liabilities of the municipal corporation; 18544

(B) A detailed comparison of such receipts and expenditures 18545
with those of the preceding year; 18546

(C) A summary of the proceedings of the legislative authority 18547
and a summary of the operations of the administrative departments 18548
for the previous twelve months. 18549

A copy of this report shall be furnished to ~~the auditor of~~ 18550
~~state,~~ the municipal library, and any citizen of the municipal 18551
corporation who applies ~~therefor~~ for the report at the office of 18552
the clerk. Similar reports may be printed quarterly. All meetings 18553
of the legislative authority or committees thereof shall be 18554
public, and any citizen of the municipal corporation shall have 18555
access to the minutes and records thereof at all reasonable times. 18556

Sec. 715.014. (A) As used in this section: 18557

(1) "Tourism development district" means a district 18558
designated by a municipal corporation under this section. 18559

(2) "Territory of a tourism development district" means all 18560
of the area included within the territorial boundaries of a 18561
tourism development district. 18562

(3) "Business" and "owner" have the same meanings as in 18563
section 503.56 of the Revised Code. 18564

(4) "Eligible municipal corporation" means a municipal 18565
corporation wholly or partly located in a county having a 18566
population greater than three hundred seventy-five thousand but 18567
less than four hundred thousand that levies taxes under section 18568
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 18569
which does not exceed one-half of one per cent on ~~the effective~~ 18570
~~date of the enactment of this section~~ September 29, 2015. 18571

(5) "Fiscal officer" means the city auditor, village clerk, 18572
or other municipal officer having the duties and functions of a 18573

city auditor or village clerk. 18574

(B)(1) The legislative authority of an eligible municipal 18575
corporation, by resolution or ordinance, may declare an area of 18576
the municipal corporation to be a tourism development district for 18577
the purpose of fostering and developing tourism in the district if 18578
all of the following criteria are met: 18579

(a) The district's area does not exceed ~~two~~ six hundred 18580
acres. 18581

(b) All territory in the district is contiguous. 18582

(c) Before adopting the resolution or ordinance, the 18583
legislative authority holds at least two public hearings 18584
concerning the creation of the tourism development district. 18585

(d) Before adopting the resolution or ordinance, the 18586
legislative authority receives a petition signed by every record 18587
owner of a parcel of real property located in the proposed 18588
district and the owner of every business that operates in the 18589
proposed district. 18590

(e) The legislative authority adopts the resolution or 18591
ordinance on or before December 31, ~~2018~~ 2020. 18592

(2) The petition described in division (B)(1)(d) of this 18593
section shall include an explanation of the taxes and charges that 18594
may be levied or imposed in the proposed district. 18595

(3) The legislative authority shall certify the resolution or 18596
ordinance to the tax commissioner within five days after its 18597
adoption, along with a description of the boundaries of the 18598
district authorized in the resolution. That description shall 18599
include sufficient information for the commissioner to determine 18600
if the address of a vendor is within the boundaries of the 18601
district. 18602

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 18603

of this section, the legislative authority of an eligible 18604
municipal corporation may enlarge the territory of an existing 18605
tourism development district in the manner prescribed for the 18606
creation of a district under divisions (B)(1) to (3) of this 18607
section, except that the petition described in division (B)(1)(d) 18608
of this section must be signed by every record owner of a parcel 18609
of real property located in the area proposed to be added to the 18610
district and the owner of every business that operates in the area 18611
proposed to be added to the district. 18612

(C) For the purpose of fostering and developing tourism in a 18613
tourism development district, a lessor leasing real property in a 18614
tourism development district may impose and collect a uniform fee 18615
on each parcel of real property leased by the lessor, to be paid 18616
by each of the person's lessees. A lessee is subject to such a fee 18617
only if the lease separately states the amount of the fee. Before 18618
a lessor may impose and collect such a fee, the lessor shall file 18619
a copy of such lease with the fiscal officer. A lessor that 18620
imposes such a fee shall remit all collections of the fee to the 18621
municipal corporation in which the real property is located. 18622

The legislative authority of that municipal corporation shall 18623
establish all regulations necessary to provide for the 18624
administration and remittance of such fees. The regulations may 18625
prescribe the time for payment of the fee, and may provide for the 18626
imposition of a penalty or interest, or both, for late 18627
remittances, provided that the penalty does not exceed ten per 18628
cent of the amount of fee due, and the rate at which interest 18629
accrues does not exceed the rate per annum prescribed pursuant to 18630
section 5703.47 of the Revised Code. The regulations shall 18631
provide, after deducting the real and actual costs of 18632
administering the fee, that the revenue be used exclusively for 18633
fostering and developing tourism within the tourism development 18634
district. 18635

(D) The legislative authority of an eligible municipal corporation that has designated a tourism development district may levy the tax authorized under section 5739.101 of the Revised Code. Nothing in this section limits the power of the legislative authority of a municipal corporation to levy a tax on the basis of admissions in a tourism development district pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution.

(E) On or before the first day of each January and ~~June~~ July, beginning after the designation of the tourism development district, the fiscal officer shall certify a list of vendors located within the tourism development district to the tax commissioner, which shall include the name, address, and vendor's license number for each vendor.

Sec. 718.02. This section applies to any taxpayer engaged in a business or profession in a municipal corporation that imposes an income tax in accordance with this chapter, unless the taxpayer is an individual who resides in the municipal corporation or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the Revised Code.

(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and

tangible personal property owned or used by the taxpayer in the 18667
business or profession during the same period, wherever situated. 18668

As used in the preceding paragraph, tangible personal or real 18669
property shall include property rented or leased by the taxpayer 18670
and the value of such property shall be determined by multiplying 18671
the annual rental thereon by eight; 18672

(2) Wages, salaries, and other compensation paid during the 18673
taxable period to individuals employed in the business or 18674
profession for services performed in the municipal corporation to 18675
wages, salaries, and other compensation paid during the same 18676
period to individuals employed in the business or profession, 18677
wherever the individual's services are performed, excluding 18678
compensation from which taxes are not required to be withheld 18679
under section 718.011 of the Revised Code; 18680

(3) Total gross receipts of the business or profession from 18681
sales and rentals made and services performed during the taxable 18682
period in the municipal corporation to total gross receipts of the 18683
business or profession during the same period from sales, rentals, 18684
and services, wherever made or performed. 18685

(B)(1) If the apportionment factors described in division (A) 18686
of this section do not fairly represent the extent of a taxpayer's 18687
business activity in a municipal corporation, the taxpayer may 18688
request, or the tax administrator of the municipal corporation may 18689
require, that the taxpayer use, with respect to all or any portion 18690
of the income of the taxpayer, an alternative apportionment method 18691
involving one or more of the following: 18692

(a) Separate accounting; 18693

(b) The exclusion of one or more of the factors; 18694

(c) The inclusion of one or more additional factors that 18695
would provide for a more fair apportionment of the income of the 18696
taxpayer to the municipal corporation; 18697

(d) A modification of one or more of the factors.	18698
(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax administrator denies the request in an assessment issued within the period prescribed by division (A) of section 718.12 of the Revised Code.	18699 18700 18701 18702 18703 18704 18705
(3) A tax administrator may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 718.12 of the Revised Code.	18706 18707 18708 18709 18710
(4) Nothing in division (B) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by a tax administrator or otherwise agreed upon by both the tax administrator and taxpayer before January 1, 2016.	18711 18712 18713 18714
(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:	18715 18716 18717 18718
(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:	18719 18720
(a) The employer;	18721
(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;	18722 18723 18724
(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.	18725 18726 18727

(2) Any location at which a trial, appeal, hearing, 18728
investigation, inquiry, review, court-martial, or similar 18729
administrative, judicial, or legislative matter or proceeding is 18730
being conducted, provided that the compensation is paid for 18731
services performed for, or on behalf of, the employer or that the 18732
employee's presence at the location directly or indirectly 18733
benefits the employer; 18734

(3) Any other location, if the tax administrator determines 18735
that the employer directed the employee to perform the services at 18736
the other location in lieu of a location described in division 18737
(C)(1) or (2) of this section solely in order to avoid or reduce 18738
the employer's municipal income tax liability. If a tax 18739
administrator makes such a determination, the employer may dispute 18740
the determination by establishing, by a preponderance of the 18741
evidence, that the tax administrator's determination was 18742
unreasonable. 18743

(D) For the purposes of division (A)(3) of this section, 18744
receipts from sales and rentals made and services performed shall 18745
be situated to a municipal corporation as follows: 18746

(1) Gross receipts from the sale of tangible personal 18747
property shall be situated to the municipal corporation ~~in which~~ 18748
~~the sale originated. For the purposes of this division, a sale of~~ 18749
~~property originates in a municipal corporation~~ only if, regardless 18750
of where title passes, the property meets ~~any~~ either of the 18751
following criteria: 18752

(a) The property is shipped to or delivered within the 18753
municipal corporation from a stock of goods located within the 18754
municipal corporation. 18755

(b) The property is delivered within the municipal 18756
corporation from a location outside the municipal corporation, 18757
provided the taxpayer is regularly engaged through its own 18758

employees in the solicitation or promotion of sales within such 18759
municipal corporation and the sales result from such solicitation 18760
or promotion. 18761

~~(c) The property is shipped from a place within the municipal 18762
corporation to purchasers outside the municipal corporation,
provided that the taxpayer is not, through its own employees,
regularly engaged in the solicitation or promotion of sales at the 18764
place where delivery is made. 18765
18766~~

(2) Gross receipts from the sale of services shall be sitused 18767
to the municipal corporation to the extent that such services are 18768
performed in the municipal corporation. 18769

(3) To the extent included in income, gross receipts from the 18770
sale of real property located in the municipal corporation shall 18771
be sitused to the municipal corporation. 18772

(4) To the extent included in income, gross receipts from 18773
rents and royalties from real property located in the municipal 18774
corporation shall be sitused to the municipal corporation. 18775

(5) Gross receipts from rents and royalties from tangible 18776
personal property shall be sitused to the municipal corporation 18777
based upon the extent to which the tangible personal property is 18778
used in the municipal corporation. 18779

(E) The net profit received by an individual taxpayer from 18780
the rental of real estate owned directly by the individual or by a 18781
disregarded entity owned by the individual shall be subject to tax 18782
only by the municipal corporation in which the property generating 18783
the net profit is located and the municipal corporation in which 18784
the individual taxpayer that receives the net profit resides. 18785

A municipal corporation shall allow such taxpayers to elect 18786
to use separate accounting for the purpose of calculating net 18787
profit sitused under this division to the municipal corporation in 18788
which the property is located. 18789

(F)(1) Except as provided in division (F)(2) of this section, 18790
commissions received by a real estate agent or broker relating to 18791
the sale, purchase, or lease of real estate shall be sitused to 18792
the municipal corporation in which the real estate is located. Net 18793
profit reported by the real estate agent or broker shall be 18794
allocated to a municipal corporation based upon the ratio of the 18795
commissions the agent or broker received from the sale, purchase, 18796
or lease of real estate located in the municipal corporation to 18797
the commissions received from the sale, purchase, or lease of real 18798
estate everywhere in the taxable year. 18799

(2) An individual who is a resident of a municipal 18800
corporation that imposes a municipal income tax shall report the 18801
individual's net profit from all real estate activity on the 18802
individual's annual tax return for that municipal corporation. The 18803
individual may claim a credit for taxes the individual paid on 18804
such net profit to another municipal corporation to the extent 18805
that such a credit is allowed under the municipal income tax 18806
ordinance, or rules of the municipal corporation of residence. 18807

(G) If, in computing a taxpayer's adjusted federal taxable 18808
income, the taxpayer deducted any amount with respect to a stock 18809
option granted to an employee, and if the employee is not required 18810
to include in the employee's income any such amount or a portion 18811
thereof because it is exempted from taxation under divisions 18812
(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a 18813
municipal corporation to which the taxpayer has apportioned a 18814
portion of its net profit, the taxpayer shall add the amount that 18815
is exempt from taxation to the taxpayer's net profit that was 18816
apportioned to that municipal corporation. In no case shall a 18817
taxpayer be required to add to its net profit that was apportioned 18818
to that municipal corporation any amount other than the amount 18819
upon which the employee would be required to pay tax were the 18820
amount related to the stock option not exempted from taxation. 18821

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section.

(H) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

Sec. 718.051. (A)(1) Any taxpayer subject to municipal income taxation with respect to the taxpayer's net profit from a business or profession may file any municipal income tax return, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio business gateway.

(2) Taxpayers utilizing the Ohio business gateway may file separate returns for each municipal corporation to which the taxpayer's net profit is apportioned or may file a single return that reflects the total tax due to all of the municipal corporations to which the taxpayer's net profit is apportioned.

(B) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio business gateway.

(C) Nothing in this section affects the due dates for filing employer withholding tax returns.

(D) No municipal corporation shall be required to pay any fee or charge for the operation or maintenance of the Ohio business gateway.

(E) The use of the Ohio business gateway by municipal corporations, taxpayers, or other persons pursuant to this section

does not affect the legal rights of municipalities or taxpayers as 18852
otherwise permitted by law. This state shall not be a party to the 18853
administration of municipal income taxes or to an appeal of a 18854
municipal income tax matter, except as otherwise specifically 18855
provided by law. 18856

(F) Not later than the fifteenth day and the last day of each 18857
month, the tax commissioner shall distribute all taxes collected, 18858
and provide copies of all returns and schedules submitted, through 18859
the Ohio business gateway since the previous distribution to the 18860
appropriate municipal corporations. 18861

(G)(1) The tax commissioner shall adopt rules establishing: 18862

(a) The format of documents to be used by taxpayers to file 18863
returns and make payments through the Ohio business gateway; and 18864

(b) The information taxpayers must submit when filing 18865
municipal income tax returns through the Ohio business gateway. 18866

The commissioner shall not adopt rules under this division 18867
that conflict with the requirements of section 718.05 of the 18868
Revised Code. 18869

(2) The commissioner shall consult with the Ohio business 18870
gateway steering committee before adopting the rules described in 18871
division ~~(F)~~(G)(1) of this section. 18872

~~(G)~~(H) Nothing in this section shall be construed as limiting 18873
or removing the authority of any municipal corporation to 18874
administer, audit, and enforce the provisions of its municipal 18875
income tax. 18876

Sec. 718.27. (A) As used in this section: 18877

(1) "Applicable law" means this chapter, the resolutions, 18878
ordinances, codes, directives, instructions, and rules adopted by 18879
a municipal corporation provided such resolutions, ordinances, 18880
codes, directives, instructions, and rules impose or directly or 18881

indirectly address the levy, payment, remittance, or filing 18882
requirements of a municipal income tax. 18883

(2) "Income tax," "estimated income tax," and "withholding 18884
tax" means any income tax, estimated income tax, and withholding 18885
tax imposed by a municipal corporation pursuant to applicable law, 18886
including at any time before January 1, 2016. 18887

(3) A "return" includes any tax return, report, 18888
reconciliation, schedule, and other document required to be filed 18889
with a tax administrator or municipal corporation by a taxpayer, 18890
employer, any agent of the employer, or any other payer pursuant 18891
to applicable law, including at any time before January 1, 2016. 18892

(4) "Federal short-term rate" means the rate of the average 18893
market yield on outstanding marketable obligations of the United 18894
States with remaining periods to maturity of three years or less, 18895
as determined under section 1274 of the Internal Revenue Code, for 18896
July of the current year. 18897

(5) "Interest rate as described in division (A) of this 18898
section" means the federal short-term rate, rounded to the nearest 18899
whole number per cent, plus five per cent. The rate shall apply 18900
for the calendar year next following the July of the year in which 18901
the federal short-term rate is determined in accordance with 18902
division (A)(4) of this section. 18903

(6) "Unpaid estimated income tax" means estimated income tax 18904
due but not paid by the date the tax is required to be paid under 18905
applicable law. 18906

(7) "Unpaid income tax" means income tax due but not paid by 18907
the date the income tax is required to be paid under applicable 18908
law. 18909

(8) "Unpaid withholding tax" means withholding tax due but 18910
not paid by the date the withholding tax is required to be paid 18911
under applicable law. 18912

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the municipal corporation on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules, as adopted before January 1, 2016, of the municipal corporation to which the return is to be filed or the payment is to be made.

(C) Each municipal corporation levying a tax on income may impose on a taxpayer, employer, any agent of the employer, and any other payer, and must attempt to collect, the interest amounts and penalties prescribed under division (C) of this section when the taxpayer, employer, any agent of the employer, or any other payer for any reason fails, in whole or in part, to make to the municipal corporation timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the municipal corporation any return required to be filed.

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax,

unpaid estimated income tax, and unpaid withholding tax. 18944

(2)(a) With respect to unpaid income tax and unpaid estimated 18945
income tax, a municipal corporation may impose a penalty equal to 18946
fifteen per cent of the amount not timely paid. 18947

(b) With respect to any unpaid withholding tax, a municipal 18948
corporation may impose a penalty ~~equal to~~ not exceeding fifty per 18949
cent of the amount not timely paid. 18950

(3) With respect to returns other than estimated income tax 18951
returns, a municipal corporation may impose a penalty of 18952
twenty-five dollars for each failure to timely file each return, 18953
regardless of the liability shown thereon for each month, or any 18954
fraction thereof, during which the return remains unfiled 18955
regardless of the liability shown thereon. The penalty shall not 18956
exceed one hundred fifty dollars for each failure. 18957

(D)(1) With respect to the income taxes, estimated income 18958
taxes, withholding taxes, and returns, no municipal corporation 18959
shall impose, seek to collect, or collect any penalty, amount of 18960
interest, charges, or additional fees not described in this 18961
section. 18962

(2) With respect to the income taxes, estimated income taxes, 18963
withholding taxes, and returns not described in division (A) of 18964
this section, nothing in this section requires a municipal 18965
corporation to refund or credit any penalty, amount of interest, 18966
charges, or additional fees that the municipal corporation has 18967
properly imposed or collected before January 1, 2016. 18968

(E) Nothing in this section limits the authority of a 18969
municipal corporation to abate or partially abate penalties or 18970
interest imposed under this section when the tax administrator 18971
determines, in the tax administrator's sole discretion, that such 18972
abatement is appropriate. 18973

(F) By the thirty-first day of October of each year the 18974

municipal corporation shall publish the rate described in division 18975
(A) of this section applicable to the next succeeding calendar 18976
year. 18977

(G) The municipal corporation may impose on the taxpayer, 18978
employer, any agent of the employer, or any other payer the 18979
municipal corporation's post-judgment collection costs and fees, 18980
including attorney's fees. 18981

Sec. 733.78. (A) As used in this section, "fiscal officer" 18982
means a village fiscal officer, a village clerk-treasurer, a 18983
village clerk, a city auditor, a city treasurer or, in the case of 18984
a municipal corporation having a charter that designates an 18985
officer who, by virtue of the charter, has duties and functions 18986
similar to those of the city or village officers referred to in 18987
this section, the officer so designated by the charter. 18988

(B)(1) If a fiscal officer purposely, knowingly, or 18989
recklessly fails to perform a fiscal duty expressly imposed by law 18990
with respect to the fiscal duties of the office of fiscal officer 18991
or purposely, knowingly, or recklessly commits any act expressly 18992
prohibited by law with respect to the fiscal duties of the office 18993
of fiscal officer, a member of the legislative authority of the 18994
municipal corporation may submit a sworn affidavit alleging the 18995
violation, together with evidence supporting the allegations, to 18996
the auditor of state. The sworn affidavit and evidence shall be 18997
submitted in the format prescribed by rule of the auditor of state 18998
under section 117.45 of the Revised Code. A person who makes a 18999
false statement in a sworn affidavit, for purposes of this 19000
section, is guilty of falsification under section 2921.13 of the 19001
Revised Code. 19002

(2) The auditor of state shall review the sworn affidavit and 19003
the evidence. Within ~~ten business~~ thirty calendar days after 19004
receiving the sworn affidavit and evidence, unless, for good 19005

cause, additional time is required, the auditor of state shall 19006
determine whether clear and convincing evidence supports the 19007
allegations. If the auditor of state finds that no allegation is 19008
supported by clear and convincing evidence, the auditor of state 19009
shall submit those findings in writing to the fiscal officer and 19010
the person who initiated the sworn affidavit. If the auditor of 19011
state finds by clear and convincing evidence that an allegation is 19012
supported by the evidence, the auditor of state shall submit those 19013
findings in writing to the attorney general, the fiscal officer, 19014
and the person who initiated the sworn affidavit. The findings 19015
shall include a copy of the sworn affidavit and the evidence 19016
submitted under division (B)(1) of this section. 19017

(3)(a) The attorney general shall review the auditor of 19018
state's findings and the sworn affidavit and evidence. Within ten 19019
business days after receiving them, unless, for good cause, 19020
additional time is required, the attorney general shall determine 19021
whether clear and convincing evidence supports the allegations. If 19022
the attorney general finds that no allegation is supported by 19023
clear and convincing evidence, the attorney general, by certified 19024
mail, shall notify the auditor of state, the fiscal officer, and 19025
the person who initiated the sworn affidavit that no complaint for 19026
the removal of the fiscal officer from public office will be 19027
filed. 19028

(b) If the attorney general finds by clear and convincing 19029
evidence that an allegation is supported by the evidence, the 19030
attorney general, by certified mail, shall notify the auditor of 19031
state, the fiscal officer, and the person who initiated the sworn 19032
affidavit of that fact, and shall commence an action for the 19033
removal of the fiscal officer from public office under division 19034
(C) of this section. 19035

(c) Nothing in this section is intended to limit the 19036
authority of the attorney general to enter into mediation, 19037

settlement, or resolution of any alleged violation before or 19038
following the commencement of an action under this section. 19039

(C)(1)(a) The attorney general has a cause of action for 19040
removal of a fiscal officer who purposely, knowingly, or 19041
recklessly fails to perform a fiscal duty expressly imposed by law 19042
with respect to the fiscal duties of the office of fiscal officer 19043
or purposely, knowingly, or recklessly commits any act expressly 19044
prohibited by law with respect to the fiscal duties of the office 19045
of fiscal officer. Not later than forty-five days after sending a 19046
notice under division (B)(3)(b) of this section, the attorney 19047
general shall cause an action to be commenced against the fiscal 19048
officer by filing a complaint for the removal of the fiscal 19049
officer from public office. If any money is due, the attorney 19050
general shall join the sureties on the fiscal officer's bond as 19051
parties. The court of common pleas of the county in which the 19052
fiscal officer holds office has exclusive original jurisdiction of 19053
the action. The action shall proceed de novo as in the trial of a 19054
civil action. The court is not restricted to the evidence that was 19055
presented to the auditor of state and the attorney general before 19056
the action was filed. The action is governed by the Rules of Civil 19057
Procedure. 19058

(b) If the court finds by clear and convincing evidence that 19059
the fiscal officer purposely, knowingly, or recklessly failed to 19060
perform a fiscal duty expressly imposed by law with respect to the 19061
fiscal duties of the office of fiscal officer or purposely, 19062
knowingly, or recklessly committed any act expressly prohibited by 19063
law with respect to the fiscal duties of that office, the court 19064
shall issue an order removing the fiscal officer from office and 19065
any order necessary for the preservation or restitution of public 19066
funds. 19067

(2) Except as otherwise provided in this division, an action 19068
for removal from office under this section is stayed during the 19069

pendency of any criminal action concerning a violation of an 19070
existing or former municipal ordinance or law of this or any other 19071
state or the United States that is substantially equivalent to any 19072
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 19073
conduct in office, if the person charged in the criminal action 19074
committed the violation while serving as a fiscal officer and the 19075
conduct constituting the violation was related to the duties of 19076
the office of fiscal officer or to the person's actions as the 19077
fiscal officer. The stay may be lifted upon motion of the 19078
prosecuting attorney in the related criminal action. 19079

(3) Prior to or at the hearing, upon a showing of good cause, 19080
the court may issue an order restraining the fiscal officer from 19081
entering the fiscal officer's office and from conducting the 19082
affairs of the office pending the hearing on the complaint. If 19083
such an order is issued, the court may continue the order until 19084
the conclusion of the hearing and any appeals under this section. 19085

(4) The legislative authority of the municipal corporation 19086
shall be responsible for the payment of reasonable attorney's fees 19087
for counsel for the fiscal officer. If judgment is entered against 19088
the fiscal officer, the court shall order the fiscal officer to 19089
reimburse the legislative authority for attorney's fees and costs 19090
up to a reasonable amount, as determined by the court. 19091

(D) The judgment of the court is final and conclusive unless 19092
reversed, vacated, or modified on appeal. An appeal may be taken 19093
by any party, and shall proceed as in the case of appeals in civil 19094
actions and in accordance with the Rules of Appellate Procedure. 19095
Upon the filing of a notice of appeal by any party to the 19096
proceedings, the court of appeals shall hear the case as an 19097
expedited appeal under Rule 11.2 of the Rules of Appellate 19098
Procedure. The fiscal officer has the right of review or appeal to 19099
the supreme court. 19100

(E) If a final judgment for removal from public office is 19101

entered against the fiscal officer, the office shall be deemed 19102
vacated, and the vacancy shall be filled as provided in section 19103
733.31 of the Revised Code. Except as otherwise provided by law, 19104
an individual removed from public office under this section is not 19105
entitled to hold any public office for four years following the 19106
date of the final judgment, and is not entitled to hold any public 19107
office until any repayment or restitution required by the court is 19108
satisfied. 19109

(F) If a municipal corporation's charter establishes a 19110
procedure for the removal of officers from office that conflicts 19111
with the removal procedure established by this section, the 19112
procedure for the removal of officers in the charter prevails. 19113

(G) For the purposes of this section: 19114

(1) A person acts purposely when it is the person's specific 19115
intention to cause a certain result, or, when the gist of the 19116
offense is a prohibition against conduct of a certain nature, 19117
regardless of what the person intends to accomplish thereby, it is 19118
the person's specific intention to engage in conduct of that 19119
nature. 19120

(2) A person acts knowingly, regardless of the person's 19121
purpose, when the person is aware that the person's conduct will 19122
probably cause a certain result or will probably be of a certain 19123
nature. A person has knowledge of circumstances when the person is 19124
aware that such circumstances probably exist. 19125

(3) A person acts recklessly when, with heedless indifference 19126
to the consequences, the person perversely disregards a known risk 19127
that the person's conduct is likely to cause a certain result or 19128
is likely to be of a certain nature. A person is reckless with 19129
respect to circumstances when, with heedless indifference to the 19130
consequences, the person perversely disregards a known risk that 19131
such circumstances are likely to exist. 19132

(H) The proceedings provided for in this section may be used 19133
as an alternative to the removal proceedings prescribed under 19134
sections 3.07 to 3.10 of the Revised Code or other methods of 19135
removal authorized by law. 19136

Sec. 733.81. (A) As used in this section, "fiscal officer" 19137
means the city auditor, city treasurer, village fiscal officer, 19138
village clerk-treasurer, village clerk, and, in the case of a 19139
municipal corporation having a charter that designates an officer 19140
who, by virtue of the charter, has duties and functions similar to 19141
those of the city or village officers referred to in this section, 19142
the officer so designated by the charter. 19143

(B) To enhance the background and working knowledge of fiscal 19144
officers in government accounting, budgeting and financing, 19145
financial report preparation, cybersecurity, and the rules adopted 19146
by the auditor of state, the auditor of state shall conduct 19147
education programs and continuing education courses for 19148
individuals elected or appointed for the first time to the office 19149
of fiscal officer, and shall conduct continuing education courses 19150
for individuals who continue to hold the office in a subsequent 19151
term. The Ohio municipal league also may conduct such initial 19152
education programs and continuing education courses if approved by 19153
the auditor of state. The auditor of state, in conjunction with 19154
the Ohio municipal league, shall determine the manner and content 19155
of the initial education programs and continuing education 19156
courses. 19157

(C) A newly elected or appointed fiscal officer shall 19158
complete at least six hours of initial education programs before 19159
commencing, or during the first year of, office. A fiscal officer 19160
who participates in a training program held under section 117.44 19161
of the Revised Code may apply those hours taken before commencing 19162
office to the six hours of initial education programs required 19163

under this division. 19164

(D)(1) In addition to the six hours of initial education 19165
required under division (B) of this section, a newly elected 19166
fiscal officer shall complete at least a total of eighteen 19167
continuing education hours during the fiscal officer's first term 19168
of office. 19169

(2) A fiscal officer who is elected to a subsequent term of 19170
office shall complete twelve hours of continuing education courses 19171
in each subsequent term of office. 19172

(3) The auditor of state shall adopt rules specifying the 19173
initial education programs and continuing education courses that 19174
are required for a fiscal officer who has been appointed to fill a 19175
vacancy. The requirements shall be proportionally equivalent, 19176
based on the time remaining in the vacated office, to the 19177
requirements for a newly elected fiscal officer. 19178

(4) At least two hours of ethics instruction shall be 19179
included in the continuing education hours required by divisions 19180
(D)(1) and (2) of this section. 19181

(5) A fiscal officer who participates in a training program 19182
or seminar established under section 109.43 of the Revised Code 19183
may apply the three hours of training to the continuing education 19184
hours required by divisions (D)(1) and (2) of this section. 19185

(E)(1) A certified public accountant who serves as a fiscal 19186
officer may apply to the continuing education hours required by 19187
division (D) of this section any hours of continuing education 19188
completed under section 4701.11 of the Revised Code after being 19189
elected or appointed as a fiscal officer. 19190

(2) A fiscal officer may apply to the continuing education 19191
hours required by division (D) of this section any hours of 19192
continuing education completed under section 135.22 of the Revised 19193
Code after being elected or appointed as a fiscal officer. 19194

(3) A fiscal officer who teaches an approved continuing education course under division (D) of this section is entitled to credit for the course in the same manner as if the fiscal officer had attended the course.

(F) The auditor of state shall adopt rules for verifying the completion of initial education programs and continuing education courses required under this section for each category of fiscal officer. The auditor of state shall issue a certificate of completion to each fiscal officer who completes the initial education programs and continuing education courses. The auditor of state shall issue a "failure to complete" notice to any fiscal officer who is required to complete initial education programs and continuing education courses under this section, but who fails to do so. The notice is for informational purposes only and does not affect any individual's ability to hold the office to which the individual was elected or appointed.

(G) The legislative authority of a municipal corporation shall approve a reasonable amount requested by the fiscal officer to cover the costs the fiscal officer is required to incur to meet the requirements of this section, including registration fees, lodging and meal expenses, and travel expenses.

Sec. 763.01. As used in this chapter:

(A) "Private entity" means an entity other than a government entity.

(B) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code.

~~(C) "Workforce Investment Act" means the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended.~~

Sec. 763.07. To enhance the administration, delivery, and

effectiveness of family services duties and workforce development 19225
activities, the chief elected official of a municipal corporation 19226
that, is a local area for the purpose of Chapter 6301. of the 19227
Revised Code, ~~is the type of local area defined in division (A)(1)~~ 19228
~~of section 6301.01 of the Revised Code~~ may enter into a regional 19229
plan of cooperation with one or more boards of county 19230
commissioners pursuant to section 307.984 of the Revised Code. A 19231
regional plan of cooperation must specify how the private and 19232
government entities subject to the plan will coordinate and 19233
enhance the administration, delivery, and effectiveness of family 19234
services duties and workforce development activities. 19235

Sec. 901.04. (A) The department of agriculture may solicit or 19236
accept from any public or private source and shall deposit in the 19237
state treasury to the credit of the agro Ohio fund any grant, 19238
gift, devise, or bequest of money made to or for the use of the 19239
department in fulfilling its statutory duties or for promoting any 19240
part of the public welfare that is under the supervision and 19241
control of the department. The department may also accept and hold 19242
on behalf of this state any grant, gift, devise, or bequest of 19243
other property made to or for the use of the department or for 19244
promoting any part of the public welfare that is under the 19245
supervision and control of the department. The department may 19246
contract for and carry out the terms and conditions of any devise, 19247
grant, gift, or donation that may be so made. 19248

(B) There is hereby created in the state treasury the agro 19249
Ohio fund, to which shall be credited all sums received under 19250
division (A) of this section, divisions (A)(2) and (C) of section 19251
2105.09 of the Revised Code, and ~~section~~ sections 4503.503 and 19252
4503.504 of the Revised Code. ~~All money received under divisions~~ 19253
~~(A)(2) and (C) of section 2105.09 of the Revised Code shall be~~ 19254
~~used for the benefit of agriculture. All~~ 19255

(C) All money received under section 4503.504 of the Revised Code shall be used for the benefit of sustainable agriculture markets in the state as determined by the director of agriculture.

~~(C) The director may use all or any portion of the moneys in the agro Ohio fund to award grants for the purpose of promoting agriculture in this state. With respect to such grants that consist of moneys other than federal moneys, the director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:~~

~~(1) Specific purposes for which grants may be awarded;~~

~~(2) Procedures for soliciting grant applications, applying for grants, awarding grants, and otherwise administering grants;~~

~~(3) Eligibility criteria for receiving grants that must be satisfied by applicants for the grants;~~

~~(4) Any other procedures and requirements that are necessary to administer a grant program.~~

~~(D) Federal moneys deposited into Federal money credited to the agro Ohio fund shall be used in accordance with any terms that federal law prescribes for their use. All other money credited to the fund shall be used for the purpose of promoting agriculture in the state as determined by the director.~~

Sec. 901.43. (A) The director of agriculture may authorize any department of agriculture laboratory to perform a laboratory service for any person, organization, political subdivision, state agency, federal agency, or other entity, whether public or private. The director shall adopt and enforce rules to provide for the rendering of a laboratory service.

(B) The director may charge a reasonable fee for the performance of a laboratory service, except when the service is performed on an official sample taken by the director acting

pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 19286
Revised Code; by a board of health acting as the licensor of 19287
retail food establishments or food service operations under 19288
Chapter 3717. of the Revised Code; or by the director of health 19289
acting as the licensor of food service operations under Chapter 19290
3717. of the Revised Code. The director of agriculture shall adopt 19291
rules specifying what constitutes an official sample. 19292

The director shall publish a list of laboratory services 19293
offered, together with the fee for each service. 19294

(C) The director may enter into a contract with any person, 19295
organization, political subdivision, state agency, federal agency, 19296
or other entity for the provision of a laboratory service. 19297

(D)(1) The director may adopt rules establishing standards 19298
for accreditation of laboratories and laboratory services and in 19299
doing so may adopt by reference existing or recognized standards 19300
or practices. 19301

(2) The director may inspect and accredit laboratories and 19302
laboratory services, and may charge a reasonable fee for the 19303
inspections and accreditation. 19304

(E)(1) There is hereby created in the state treasury the 19305
animal and consumer protection laboratory fund. Moneys from the 19306
following sources shall be deposited into the state treasury to 19307
the credit of the fund: all moneys collected by the director under 19308
this section that are from fees generated by a laboratory service 19309
performed by the department and related to the diseases of 19310
animals, all moneys so collected that are from fees generated for 19311
the inspection and accreditation of laboratories and laboratory 19312
services related to the diseases of animals, all moneys collected 19313
by the director under this section that are from fees generated by 19314
a laboratory service performed by the consumer protection 19315
laboratory, all moneys so collected that are from fees generated 19316

for the inspection and accreditation of laboratories and 19317
laboratory services not related to weights and measures, money 19318
received by the director under sections 947.01 to 947.06 of the 19319
Revised Code, and all moneys collected under Chapters 942., 943., 19320
and 953. of the Revised Code. The director may use the moneys held 19321
in the fund to pay the expenses necessary to operate the animal 19322
industry laboratory and the consumer protection laboratory, 19323
including the purchase of supplies and equipment. 19324

(2) All moneys collected by the director under this section 19325
that are from fees generated by a laboratory service performed by 19326
the weights and measures laboratory, and all moneys so collected 19327
that are from fees generated for the inspection and accreditation 19328
of laboratories and laboratory services related to weights and 19329
measures, shall be deposited in the state treasury to the credit 19330
of the weights and measures laboratory fund, which is hereby 19331
created in the state treasury. The moneys held in the fund may be 19332
used to pay the expenses necessary to operate the division of 19333
weights and measures, including the purchase of supplies and 19334
equipment. 19335

Sec. 909.10. (A) No person shall ship or move bee colonies or 19336
any used beekeeping equipment into this state from any other state 19337
or country without an inspection certificate issued by an 19338
authorized inspector from the state or country wherein shipment or 19339
movement originated. The certificate shall identify all pathogens 19340
and parasites diagnosed and any controls that were implemented. 19341

In the absence of inspection facilities in another state or 19342
country, the director of agriculture may issue a permit 19343
authorizing the shipment or movement of the bee colonies or used 19344
beekeeping equipment into this state, provided that upon entry the 19345
bees or equipment is inspected by the department of agriculture. 19346
The cost of the inspection shall be paid upon completion in an 19347

amount determined by rule of the director. The inspection fees 19348
shall be paid to the director and deposited by ~~him~~ the director 19349
with the treasurer of state to the credit of the ~~general revenue~~ 19350
plant pest program fund created in section 927.54 of the Revised 19351
Code. 19352

If any serious bee diseases are diagnosed, appropriate 19353
controls and eradication measures immediately shall be implemented 19354
by the person shipping or owning the bee colonies or used 19355
beekeeping equipment. If the person shipping or owning the bee 19356
colonies or equipment does not implement any controls or 19357
eradication measures within forty-eight hours from the inspection, 19358
the bee colonies or equipment shall be removed from this state at 19359
the cost of the person shipping or owning them. 19360

(B) Any person selling, shipping, or moving into this state 19361
any queen bees or packaged bees shall submit to the director an 19362
inspection report issued by an authorized inspector from the state 19363
or country wherein shipment or movement originated. One such 19364
report shall be submitted annually thirty days prior to the 19365
initial sale, shipment, or movement of queen bees or packaged bees 19366
of that year. The report shall identify any pathogens and 19367
parasites diagnosed and any controls that were implemented. If any 19368
serious bee diseases have not been controlled or if inspection 19369
reports are not provided as required under this section, such 19370
shipments shall be prohibited from entering this state. 19371

(C) The director may deny entry of the bee colonies or used 19372
equipment if ~~he~~ the director determines they are a threat to the 19373
bee population of this state. 19374

(D) No person shall ship or move into this state any 19375
Africanized honey bees. 19376

Sec. 911.11. The director of agriculture may require any 19377
person intending to work or working in a bakery to submit to a 19378

thorough examination for the purpose of ascertaining whether the
person is afflicted with any contagious, infectious, or other
disease or physical ailment, which may render employment
detrimental to the public health. All such examinations shall be
made by a qualified physician ~~certified~~ licensed under section
4731.14 of the Revised Code, by a physician assistant, by a
clinical nurse specialist, by a certified nurse practitioner, or
by a certified nurse-midwife. Any written documentation of the
examination shall be completed by the individual who did the
examination.

Sec. 924.01. As used in sections 924.01 to 924.16 and 924.40
to 924.55 of the Revised Code:

(A) "Agricultural commodity" means any food, fiber, feed,
animal, or plant, or group of foods, fibers, feeds, animals, or
plants that the director of agriculture determines to be of the
same nature, in either a natural or a processed state.
"Agricultural commodity" does not include grain as defined in
section 924.20 of the Revised Code or soybeans.

(B) "Distributor" means any person who sells, offers for
sale, markets, or distributes an agricultural commodity that the
person has purchased or acquired directly from a producer, or that
the person markets on behalf of a producer.

(C) "Handler" means any person who is in the business of
packing, grading, selling, offering for sale, or marketing any
agricultural commodity in commercial quantities as defined in a
marketing program.

(D) "Marketing program" means a program that is established
by order of the director pursuant to this chapter, to improve or
expand the market for an agricultural commodity.

(E) "Operating committee" means a committee established to

administer a marketing program for an agricultural commodity. 19409

(F) "Person" means any natural person, partnership, sole 19410
proprietorship, limited liability company, corporation, society, 19411
agricultural cooperative as defined in section 1729.01 of the 19412
Revised Code, association, or fiduciary. 19413

(G) "Processor" means any person who is in the business of 19414
grading, packaging, packing, canning, freezing, dehydrating, 19415
fermenting, distilling, extracting, preserving, grinding, 19416
crushing, juicing, or in any other way preserving or changing the 19417
form of any agricultural commodity. 19418

(H) "Producer" means any person who is in the business of 19419
producing, or causing to be produced, any agricultural commodity 19420
for commercial sale, except that when used in reference to nursery 19421
stock, "producer" also means a distributor, processor, handler, or 19422
retailer of nursery stock. 19423

Sec. 924.09. (A) Each operating committee may make 19424
assessments upon the marketable agricultural commodity for which 19425
the marketing program was established. 19426

(B) No operating committee shall levy any assessment: 19427

(1) That was not approved by the producers affected by the 19428
program; 19429

(2) That exceeds two cents per bushel of corn ~~or soybeans~~ or 19430
two per cent of the average market price of any other agricultural 19431
commodity during the preceding marketing year as defined for the 19432
commodity by the United States department of agriculture or, if 19433
there is no such definition, by the director of agriculture; 19434

(3) Against any producer who is not eligible to vote in a 19435
referendum for the marketing program that the operating committee 19436
administers. 19437

(C) The director may require a producer, processor, 19438

distributor, or handler of an agricultural commodity for which a 19439
marketing program has been established under sections 924.01 to 19440
924.16 of the Revised Code to withhold assessments from any 19441
amounts that the producer, processor, distributor, or handler owes 19442
to producers of the commodity and, notwithstanding division (B)(3) 19443
of this section, to remit them to the operating committee. Any 19444
processor, distributor, or handler who pays for any producer any 19445
assessment that is levied under authority of this section may 19446
deduct the amount of the assessment from any moneys that the 19447
processor, distributor, or handler owes to the producer. 19448

(D) No operating committee shall use any assessments that it 19449
levies for any political or legislative purpose, or for 19450
preferential treatment of one person to the detriment of any other 19451
person affected by the marketing program. 19452

(E) The operating committee of each marketing program shall 19453
refund to a producer the assessments that it collects from the 19454
producer not later than sixty days after receipt of a valid 19455
application by the producer for a refund, provided that the 19456
producer complies with the procedures for a refund that were 19457
included in the program under division (B)(3) of section 924.04 of 19458
the Revised Code. 19459

(F) Each application for a refund of assessments levied for a 19460
program established after April 10, 1985 shall be made on a form 19461
provided by the director of agriculture. Each operating committee 19462
for such a program shall ensure that refund forms are available 19463
where assessments for its program are withheld. 19464

A producer, processor, distributor, or handler marketing 19465
cattle subject to the "Beef Promotion and Research Act," as 19466
amended, shall remit the assessment for the national cattlemen's 19467
beef promotion and research board, as specified in the "Beef 19468
Promotion and Research Act," 99 Stat. 1597 (1985), 7 U.S.C. 19469
2904(8), to the state beef marketing program if the state beef 19470

marketing program is a qualified state beef council as defined by 19471
that act. Division (E) of this section does not apply to such 19472
assessments collected by the state beef marketing program on 19473
behalf of the national cattlemen's beef promotion and research 19474
board pursuant to the "Beef Promotion and Research Act," as 19475
amended, for which the producers that pay the assessments receive 19476
credits from the board. 19477

Sec. 924.211. (A) There is hereby established the soybean 19478
marketing program. Except as provided under divisions (B) and (C) 19479
of this section, the procedures, requirements, and other 19480
provisions that are established under sections 924.20 to 924.30 of 19481
the Revised Code and rules that apply to the grain marketing 19482
program shall apply to the soybean marketing program. For purposes 19483
of that application, references in those sections to "grain" are 19484
deemed to be replaced with references to "soybeans." 19485

(B) The soybean marketing program operating committee shall 19486
consist of eighteen members. Fourteen of those members shall be 19487
elected in accordance with section 924.22 of the Revised Code. The 19488
director of agriculture shall appoint the remaining four members, 19489
who shall be from the united soybean board from this state. The 19490
appointed members of the board shall be voting members of the 19491
committee. 19492

(C) With regard to the levying of assessments under section 19493
924.26 of the Revised Code, the assessment on soybeans shall be 19494
one-half of one per cent of the per-bushel price of soybeans at 19495
the first point of sale. 19496

Sec. 927.55. The fees required by section 927.53 of the 19497
Revised Code do not apply to: 19498

(A) A person who produces for sale either within this state 19499
or within any state in which such plants and parts do not require 19500

a certificate of inspection as a condition of entry, only nonhardy 19501
plants and plant parts, vegetable plants, herbs, or forced floral 19502
plants, of whatever nature, while in bloom; 19503

(B) A person who conducts the sale of nursery stock as a fund 19504
raiser for a nonprofit organization or nonprofit purpose for no 19505
more than two days per year, who is not a nurseryman, dealer, or 19506
collector, and who makes no more than two ~~hundred~~ thousand dollars 19507
in ~~sales~~ revenue from the sale of nursery stock during a calendar 19508
year; 19509

(C) Any public or private arboretum operated not for profit, 19510
which exchanges inspected nursery stock in limited quantities for 19511
experimental or permanent arboretum plantings. 19512

Sec. 939.02. The director of agriculture shall do all of the 19513
following: 19514

(A) Provide administrative leadership to soil and water 19515
conservation districts in planning, budgeting, staffing, and 19516
administering district programs and the training of district 19517
supervisors and personnel in their duties, responsibilities, and 19518
authorities as prescribed in this chapter and Chapter 940. of the 19519
Revised Code; 19520

(B) Administer this chapter and Chapter 940. of the Revised 19521
Code pertaining to state responsibilities and provide staff 19522
assistance to the Ohio soil and water conservation commission in 19523
exercising its statutory responsibilities; 19524

(C) Assist in expediting state responsibilities for watershed 19525
development and other natural resource conservation works of 19526
improvement; 19527

(D) Coordinate the development and implementation of 19528
cooperative programs and working agreements between soil and water 19529
conservation districts and the department of agriculture or other 19530

agencies of local, state, and federal government; 19531

(E) Subject to the approval of the Ohio soil and water 19532
conservation commission, adopt rules in accordance with Chapter 19533
119. of the Revised Code that do or comply with all of the 19534
following: 19535

(1) Establish technically feasible and economically 19536
reasonable standards to achieve a level of management and 19537
conservation practices in farming operations that will abate wind 19538
or water erosion of the soil or abate the degradation of the 19539
waters of the state by residual farm products, manure, or soil 19540
sediment, including attached substances, and establish criteria 19541
for determination of the acceptability of such management and 19542
conservation practices; 19543

(2) Establish procedures for administration of rules for 19544
agricultural pollution abatement and for enforcement of those 19545
rules; 19546

(3) Specify the pollution abatement practices eligible for 19547
state cost sharing and determine the conditions for eligibility, 19548
the construction standards and specifications, the useful life, 19549
the maintenance requirements, and the limits of cost sharing for 19550
those practices. Eligible practices shall be limited to practices 19551
that address agricultural operations and that require expenditures 19552
that are likely to exceed the economic returns to the owner or 19553
operator and that abate soil erosion or degradation of the waters 19554
of the state by residual farm products, manure, or soil sediment, 19555
including attached pollutants. 19556

(4) Establish procedures for administering grants to owners 19557
or operators of agricultural land or animal feeding operations for 19558
the implementation of operation and management plans; 19559

(5) Do both of the following with regard to composting 19560
conducted in conjunction with agricultural operations: 19561

(a) Establish methods, techniques, or practices for 19562
composting dead animals, or particular types of dead animals, that 19563
are to be used at such operations, as the director considers to be 19564
necessary or appropriate; 19565

(b) Establish requirements and procedures governing the 19566
review and approval or disapproval of composting plans by the 19567
supervisors of soil and water conservation districts under 19568
division (R) of section 940.06 of the Revised Code. 19569

(6) Establish best management practices for inclusion in 19570
operation and management plans; 19571

(7) Establish the amount of civil penalties assessed by the 19572
director under division ~~(B)~~(A) of section 939.07 of the Revised 19573
Code for violation of rules adopted under division (E) of this 19574
section; 19575

(8) Not conflict with air or water quality standards adopted 19576
pursuant to section 3704.03 or 6111.041 of the Revised Code. 19577
Compliance with rules adopted under this section does not affect 19578
liability for noncompliance with air or water quality standards 19579
adopted pursuant to section 3704.03 or 6111.041 of the Revised 19580
Code. The application of a level of management and conservation 19581
practices recommended under this section to control windblown soil 19582
from farming operations creates a presumption of compliance with 19583
section 3704.03 of the Revised Code as that section applies to 19584
windblown soil. 19585

(F) Cost share with landowners on practices established 19586
pursuant to division (E)(3) of this section as moneys are 19587
appropriated and available for that purpose. Any practice for 19588
which cost share is provided shall be maintained for its useful 19589
life. Failure to maintain a cost share practice for its useful 19590
life shall subject the landowner to full repayment to the 19591
department. 19592

(G) Employ field assistants and other employees that are 19593
necessary for the performance of the work prescribed by Chapter 19594
940. of the Revised Code, for performance of work of the 19595
department under this chapter, and as agreed to under working 19596
agreements or contractual arrangements with soil and water 19597
conservation districts, prescribe their duties, and fix their 19598
compensation in accordance with schedules that are provided by law 19599
for the compensation of state employees. All such employees of the 19600
department, unless specifically exempted by law, shall be employed 19601
subject to the classified civil service laws in force at the time 19602
of employment. 19603

(H) In connection with new or relocated projects involving 19604
highways, underground cables, pipelines, railroads, and other 19605
improvements affecting soil and water resources, including surface 19606
and subsurface drainage: 19607

(1) Provide engineering service that is mutually agreeable to 19608
the Ohio soil and water conservation commission and the director 19609
to aid in the design and installation of soil and water 19610
conservation practices as a necessary component of such projects; 19611

(2) Maintain close liaison between the owners of lands on 19612
which the projects are executed, soil and water conservation 19613
districts, and authorities responsible for such projects; 19614

(3) Review plans for such projects to ensure their compliance 19615
with standards developed under division (E) of this section in 19616
cooperation with the department of transportation or with any 19617
other interested agency that is engaged in soil or water 19618
conservation projects in the state in order to minimize adverse 19619
impacts on soil and water resources adjacent to or otherwise 19620
affected by these projects; 19621

(4) Recommend measures to retard erosion and protect soil and 19622
water resources through the installation of water impoundment or 19623

other soil and water conservation practices;	19624
(5) Cooperate with other agencies and subdivisions of the state to protect the agricultural status of rural lands adjacent to such projects and control adverse impacts on soil and water resources.	19625 19626 19627 19628
(I) Collect, analyze, inventory, and interpret all available information pertaining to the origin, distribution, extent, use, and conservation of the soil resources of the state;	19629 19630 19631
(J) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;	19632 19633 19634 19635
(K) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be on terms that are mutually agreeable to the districts and the department of agriculture.	19636 19637 19638 19639 19640 19641
(L) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;	19642 19643 19644
(M) When necessary for the purposes of this chapter or Chapter 940. of the Revised Code, develop or approve operation and management plans. The director may designate an employee of the department to develop or approve operation and management plans in lieu of the director.	19645 19646 19647 19648 19649
This section does not restrict the manure of domestic or farm animals defecated on land outside an animal feeding operation or runoff from that land into the waters of the state.	19650 19651 19652
Sec. 940.15. (A) Except as provided in division (B) of this	19653

section, within the limits of funds appropriated to the department 19654
of agriculture and the soil and water conservation district 19655
assistance fund created in this section, there shall be paid in 19656
each calendar year to each soil and water conservation district ~~an~~ 19657
a matching amount not to exceed one dollar for each one dollar 19658
received ~~in~~ by a district as follows: 19659

(1) In accordance with section 940.12 of the Revised Code, 19660
~~received from~~ 19661

(2) From tax levies in excess of the ten-mill levy limitation 19662
approved for the benefit of soil and water conservation districts, 19663
~~received pursuant~~ 19664

(3) Pursuant to a contract entered into under section 19665
6117.021 of the Revised Code, ~~or received from~~ 19666

(4) From an appropriation by a municipal corporation or a 19667
township to a maximum of eight thousand dollars, provided that the 19668
Ohio soil and water conservation commission may approve payment to 19669
a district in an amount in excess of eight thousand dollars in any 19670
calendar year upon receipt of a request and justification from the 19671
district. ~~The~~ 19672

The county auditor shall credit such payments to the special 19673
fund established pursuant to section 940.12 of the Revised Code 19674
for the soil and water conservation district. The department may 19675
make advances at least quarterly to each district on the basis of 19676
the estimated contribution of the state to each district. Moneys 19677
received by each district shall be expended for the purposes of 19678
the district. 19679

(B) ~~Money~~ The amount paid to a soil and water conservation 19680
district under division (A)(3) of this section ~~that results from a~~ 19681
~~board of county commissioners' compensation to the district~~ 19682
~~pursuant to a contract entered into under section 6117.021 of the~~ 19683
~~Revised Code in calendar years 2015, 2016, and 2017, 2018, and~~ 19684

~~2019 shall not exceed the matching amount of money paid to the district under that division during calendar year 2013 that resulted from the board of county commissioners' having used the proceeds of~~ was based on a contract entered into between the district and the board of county commissioners and a district of a type similar to ~~that which~~ a contract that is authorized by section 6117.021 of the Revised Code, ~~directly or indirectly, for matching funds in calendar year 2013, but.~~ However, the matching amount may exceed that 2013 amount to the extent that other sources of local matching funds specified by division (A) of this section are used by the district for local matching funds in state fiscal years ~~2015, 2016, and 2017,~~ 2018, and 2019.

(C) For the purpose of providing money to soil and water conservation districts under this section, there is hereby created in the state treasury the soil and water conservation district assistance fund consisting of money credited to it under sections 3714.073 and 3734.901 and division (A)(4) of section 3734.57 of the Revised Code.

Sec. 941.12. (A) ~~Except as provided in rules adopted under section 941.41 of the Revised Code, no animal shall be ordered destroyed by the director of agriculture, in accordance with this chapter, until that animal has been appraised in accordance with divisions (B) and (C) of this section. This section does not apply to any animal that is adulterated with residues and ordered destroyed by the director.~~

~~(B) The director of agriculture shall appraise, based on current market value, any animal destroyed by his order under this chapter, and~~ If an animal is ordered destroyed by the director of agriculture under this chapter, the director shall take an inventory of each animal that is destroyed and record sufficient information in order for an appraisal to be conducted, if

necessary. 19716

(B)(1) Within thirty days after receiving a destruction order 19717
issued under this chapter, the owner of the animal subject to the 19718
order that seeks indemnification for the animal shall do both of 19719
the following: 19720

(a) Request the information recorded under division (A) of 19721
this section and have an appraisal of the animal conducted at the 19722
owner's expense; 19723

(b) Request that the department of agriculture conduct an 19724
appraisal of the animal. If an appraisal is requested, the 19725
director shall order the appraisal to be conducted. 19726

(2) If the owner and the department do not agree on the value 19727
of the animal ordered destroyed, the two shall select a third 19728
disinterested person, at the owner's expense, to appraise the 19729
animal. The appraisal conducted by that person is the value of the 19730
animal for purposes of indemnification. 19731

(3) If an appraisal is not conducted under division (B)(1)(a) 19732
of this section or requested under division (B)(1)(b) of this 19733
section within thirty days of receiving the destruction order 19734
issued under this chapter, the owner waives the right to 19735
indemnification of the animal. 19736

(C) Once the value of the animal ordered destroyed is 19737
determined, the director may indemnify the owner of the animal if, 19738
upon the request of the director, the director of budget and 19739
management provides written notification to the director of 19740
agriculture that there is an unencumbered balance in the 19741
appropriation for the current biennium sufficient to pay the 19742
indemnity. The amount of indemnity ~~shall be~~ is the appraised value 19743
of the animal, less any salvage value and indemnity received from 19744
another agency. In no case shall the state indemnity payment 19745
exceed fifty dollars per head for a grade animal or one hundred 19746

dollars per head for a registered purebred animal. 19747

~~(C) For the purpose of indemnification, the value of any 19748
animal ordered destroyed shall be determined by an appraisal made 19749
by a representative chosen by the owner and a representative 19750
chosen by the department of agriculture. In the event of a 19751
disagreement as to the amount of the appraisal, a third 19752
disinterested person shall be selected, at the owner's expense, by 19753
the two, to act with them in the appraisal of the animal. 19754~~

(D) The director of agriculture may refuse to pay an 19755
indemnity for any animal ordered destroyed if the owner has been 19756
convicted of or pleads guilty to a violation of any of the 19757
provisions of this chapter or the rules promulgated thereunder. 19758

Sec. 941.55. (A) Notwithstanding ~~sections~~ section 941.11 and 19759
~~941.12~~ of the Revised Code, every bovine animal that is ordered 19760
destroyed because of tuberculosis following a tuberculosis test 19761
made in accordance with section 941.54 of the Revised Code shall 19762
be slaughtered in an establishment approved by the department of 19763
agriculture no later than fifteen days after it is ordered 19764
destroyed, unless an extension of time is granted by the 19765
department. 19766

(B) A post mortem examination shall be made by a veterinarian 19767
authorized by the department, and a report of the examination 19768
shall be filed within five days after the examination on forms 19769
provided by the department. 19770

Sec. 943.23. (A) A captive whitetail deer licensee shall 19771
comply with the requirements established in sections 943.20 to 19772
943.26 of the Revised Code and in rules. The director of 19773
agriculture may suspend or revoke a license issued under section 19774
943.03 or 943.031 of the Revised Code regarding monitored captive 19775
deer, captive deer with status, or captive deer with certified 19776

chronic wasting disease status if the licensee fails to comply 19777
with those requirements. 19778

(B)(1) The director, after providing an opportunity for an 19779
adjudication hearing under Chapter 119. of the Revised Code, may 19780
assess a civil penalty against a person who has violated or is in 19781
violation of section 943.20 of the Revised Code. If the director 19782
assesses a civil penalty, the director shall do so as follows: 19783

(a) If, within five years of the violation, the director has 19784
not previously assessed a civil penalty against the person under 19785
this section, in an amount not exceeding five hundred dollars; 19786

(b) If, within five years of the violation, the director has 19787
previously assessed one civil penalty against the person under 19788
this section, in an amount not exceeding two thousand five hundred 19789
dollars; 19790

(c) If, within five years of the violation, the director has 19791
previously assessed two or more civil penalties against the person 19792
under this section, in an amount not exceeding ten thousand 19793
dollars. 19794

(2) Money collected under division (B)(1) of this section 19795
shall be deposited in the state treasury to the credit of the 19796
captive deer fund created in section 943.26 of the Revised Code. 19797

Sec. 947.06. (A) The director of agriculture shall adopt 19798
rules, subject to Chapter 119. of the Revised Code, to implement, 19799
administer, and enforce this chapter. No person shall violate such 19800
a rule of the director. 19801

(B) In cooperation with law enforcement officers in this and 19802
other states, the director shall develop a uniform procedure for 19803
notifying livestock marketing and slaughtering establishments of 19804
reported livestock thefts and of any brands or other identifying 19805
marks on such livestock. 19806

(C) Moneys received by the director under sections 947.01 to 19807
947.06 of the Revised Code shall be deposited in the ~~brand~~ 19808
~~registration state treasury to the credit of the animal and~~ 19809
~~consumer protection laboratory fund, which is hereby~~ created in 19810
~~the state treasury. The director shall spend moneys from the fund~~ 19811
~~to pay the costs and expenses of administering sections 947.01 to~~ 19812
~~947.06~~ section 901.43 of the Revised Code. 19813

Sec. 1121.10. (A) As often as the superintendent of financial 19814
institutions considers necessary, but at least once each 19815
twenty-four-month cycle, the superintendent, or any deputy or 19816
examiner appointed by the superintendent for that purpose, shall 19817
thoroughly examine the records and affairs of each bank. The 19818
examination shall include a review of both of the following: 19819

(1) Compliance with law; 19820

(2) Other matters the superintendent determines. 19821

(B) The superintendent may examine the records and affairs of 19822
any of the following as the superintendent considers necessary: 19823

(1) Any party to a proposed reorganization for which the 19824
superintendent's approval is required by section 1115.11 or 19825
1115.14 of the Revised Code; 19826

(2) Any bank, savings and loan association, or savings bank 19827
proposing to convert to a bank doing business under authority 19828
granted by the superintendent for which the superintendent's 19829
approval is required by section 1115.01 of the Revised Code; 19830

(3) Any person proposing to acquire control of a bank for 19831
which the superintendent's approval is required by section 1115.06 19832
of the Revised Code, or who acquired control of a bank without the 19833
approval of the superintendent when that approval was required by 19834
section 1115.06 of the Revised Code, was the bank of which control 19835
is to be, or was, acquired; 19836

(4) Any bank proposing to establish or acquire a branch for which the superintendent's approval is required by section 1117.02 of the Revised Code;

(5) Any foreign bank that maintains, or proposes to establish, one or more offices in this state;

(6) Any trust company.

(C) The board of directors or holders of a majority of the shares of a bank or trust company may request the superintendent conduct a special examination of the records and affairs of the bank or trust company. The superintendent has sole discretion over the scope and timing of a special examination, and may impose restrictions and limitations on the use of the results of a special examination in addition to the restrictions and limitations otherwise imposed by law. The fee for a special examination shall be paid by the bank or trust company examined in accordance with section 1121.29 of the Revised Code.

(D) The superintendent may conduct all aspects of an examination concurrently or may divide the examination into constituent parts and conduct them at various times.

(E) The superintendent shall preserve the report of each examination, including related correspondence received and copies of related correspondence sent, for ~~twenty~~ ten years after the examination date.

Sec. 1121.24. (A) If, under Chapters 1101. to 1127. of the Revised Code, a proposed action or transaction is subject to the approval of the superintendent of financial institutions or an opportunity for the superintendent to disapprove, and if the person proposing the action or transaction is required to submit an application or notice to the superintendent, then the application or notice is not complete and the superintendent shall

not accept it for processing until the person pays the fee 19867
established pursuant to division (C) of section 1121.29 of the 19868
Revised Code. 19869

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 19870
a proposed action or transaction is subject to the approval of the 19871
superintendent or an opportunity for the superintendent to 19872
disapprove and the superintendent must make that determination 19873
within a certain time, and if the person proposing the action or 19874
transaction is required to submit an application or notice to the 19875
superintendent, then the time in which the superintendent must 19876
make the determination does not begin to run until the 19877
superintendent has determined the application or notice is 19878
complete and has accepted it for processing. 19879

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 19880
either of the following: 19881

(a) The superintendent from denying, or issuing a disapproval 19882
of, an application or notice, prior to the superintendent's 19883
acceptance of the application or notice for processing, on the 19884
basis that the person who submitted the application or notice 19885
failed to include all of the items and address all of the issues 19886
required for the application or notice, if both of the following 19887
apply: 19888

(i) The superintendent advised the person that the 19889
application or notice was incomplete. 19890

(ii) After being advised by the superintendent that the 19891
application or notice was incomplete, the person did not, within a 19892
reasonable period of time, complete the application or notice. 19893

(b) The superintendent from denying, or issuing a disapproval 19894
of, an application or notice on the basis that the person who 19895
submitted the application or notice failed to provide the 19896
information necessary for the superintendent to adequately 19897

consider the application or notice after the superintendent's 19898
acceptance of the application or notice for processing, if both of 19899
the following apply: 19900

(i) After having begun processing the application or notice, 19901
the superintendent determined and advised the person that 19902
additional information was necessary to adequately consider the 19903
application or notice. 19904

(ii) After being advised by the superintendent that 19905
additional information was necessary to adequately consider the 19906
application or notice, the person did not, within a reasonable 19907
period of time, provide that information. 19908

~~(B)~~(C) A determination by the superintendent that an 19909
application or notice is complete and is accepted for processing 19910
means only that the application or notice, on its face, appears to 19911
include all of the items and to address all of the matters that 19912
are required. A determination by the superintendent that an 19913
application or notice is complete and is accepted for processing 19914
is not an assessment of the substance of the application or 19915
notice, or of the sufficiency of the information provided. 19916

Sec. 1121.29. (A)(1) Each bank, savings and loan association, 19917
and savings bank subject to inspection and examination by the 19918
superintendent of financial institutions and transacting business 19919
on the thirty-first day of December, or their successors in 19920
interest, shall pay to the treasurer of state assessments as 19921
provided in this section. The superintendent shall make each 19922
assessment based on the total assets as shown on the books of the 19923
bank, savings and loan association, or savings bank as of the 19924
thirty-first day of December of the previous year. The 19925
superintendent shall collect the assessment on an annual or 19926
periodic basis, as provided by the superintendent. All assessments 19927
shall be paid within fourteen days after receiving an invoice for 19928

payment of the assessment. 19929

(2) After determining the budget of the division of financial institutions for examination and regulation of banks, savings and loan associations, and savings banks, but prior to establishing the schedule of assessments under this division necessary to fund that budget, the superintendent shall consider any necessary cash reserves and any amounts collected but not yet expended or encumbered by the superintendent in the previous fiscal year's budget and remaining in the banks fund pursuant to division (C) of section 1121.30 of the Revised Code. 19930
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(3) The superintendent shall establish the actual schedule of assessments on an annual basis, present the schedule to the banking commission for confirmation, and forward copies of the current year's schedule to banks, savings and loan associations, and savings banks doing business under authority granted by the superintendent, or their successors in interest. 19939
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If during the period between the banking commission's confirmation of the schedule of assessments and the completion of the fiscal year in which those assessments will be collected, the banking commission determines additional money is required to adequately fund the operations of the division of financial institutions for that fiscal year, the banking commission may, by the affirmative vote of two-thirds of its members, increase the schedule of assessments for that fiscal year. The superintendent shall promptly notify each bank, savings and loan association, and savings bank of the increased assessment, and each bank, savings and loan association, and savings bank shall pay the increased assessment as made and invoiced by the superintendent. 19945
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(4) A bank, savings and loan association, or savings bank authorized by the superintendent to commence business in the period between assessments shall pay the actual reasonable costs 19957
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of the division's examinations and visitations. The bank, savings and loan association, or savings bank shall pay the costs within fourteen days after receiving an invoice for payment. 19960
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(B)(1) Whenever in the judgment of the superintendent the condition or conduct of a bank renders it necessary to make additional examinations and follow-up visitations within the examination cycle beyond the minimum required by division (A) of section 1121.10 of the Revised Code, the superintendent shall charge the bank for the additional examinations and follow-up visitations as provided in division (C) of this section. The bank shall pay the fee charged within fourteen days after receiving an invoice for payment. 19963
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(2) The superintendent shall charge a bank for any examination of the bank's operations as a trust company and data processing facility in accordance with division (C) of this section whether that examination is the only examination of the bank in the examination cycle or in addition to other examinations of the bank's operations. 19972
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(C) The superintendent shall periodically establish a schedule of fees to be paid for examinations, applications, certifications, and notices considered necessary by the superintendent. 19978
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(D)(1) The superintendent may waive any fees provided for in division (C) of this section to protect the interests of depositors and for other fair and reasonable purposes as determined by the superintendent. 19982
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(2) The fees established by the superintendent pursuant to division (C) of this section for processing applications and notices and conducting and processing examinations shall be reasonable considering the direct and indirect costs to the division, as determined by the superintendent, of processing the 19986
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<u>applications and for conducting and processing the examinations.</u>	19991
<u>(E) The superintendent may determine and charge reasonable</u>	19992
<u>fees for furnishing and certifying copies of documents filed with</u>	19993
<u>the division and for any expenses incurred by the division in the</u>	19994
<u>publication or serving of required notices.</u>	19995
<u>(F) Assessments and examination and application fees charged</u>	19996
<u>and collected pursuant to this section are not refundable. Any fee</u>	19997
<u>charged pursuant to this section shall be paid within fourteen</u>	19998
<u>days after receiving an invoice for payment of the fee.</u>	19999
<u>(G) The superintendent shall pay all assessments and fees</u>	20000
<u>charged pursuant to this section and all forfeitures required to</u>	20001
<u>be paid to the superintendent into the state treasury to the</u>	20002
<u>credit of the banks fund.</u>	20003
Sec. 1121.30. (A) All assessments, fees, charges, and	20004
forfeitures provided for in Chapters 1101. to 1127. <u>1165.</u> and	20005
sections 1315.01 to 1315.18 of the Revised Code, except civil	20006
penalties assessed pursuant to section 1121.35 or 1315.152 of the	20007
Revised Code, shall be paid to the superintendent of financial	20008
institutions, and the superintendent shall deposit them into the	20009
state treasury to the credit of the banks fund, which is hereby	20010
created.	20011
(B) The superintendent may expend or obligate the banks fund	20012
to defray the costs of the division of financial institutions in	20013
administering Chapters 1101. to 1127. <u>1165.</u> and sections 1315.01	20014
to 1315.18 of the Revised Code. The superintendent shall pay from	20015
the fund all actual and necessary expenses incurred by the	20016
superintendent, including for any services rendered by the	20017
department of commerce for the division's administration of	20018
Chapters 1101. to 1127. <u>1165.</u> and sections 1315.01 to 1315.18 of	20019
the Revised Code. The fund shall be assessed a proportionate share	20020
of the administrative costs of the department and the division of	20021

financial institutions. The proportionate share of the 20022
administration costs of the division of financial institutions 20023
shall be determined in accordance with procedures prescribed by 20024
the superintendent and approved by the director of budget and 20025
management. The amount assessed for the fund's proportional share 20026
of the department's administrative costs and the division's 20027
administrative costs shall be paid from the banks fund to the 20028
division of administration fund and the division of financial 20029
institutions fund respectively. 20030

(C) Any money deposited into the state treasury to the credit 20031
of the banks fund, but not expended or encumbered by the 20032
superintendent to defray the costs of administering Chapters 1101. 20033
to ~~1127~~. 1165. and sections 1315.01 to 1315.18 of the Revised 20034
Code, shall remain in the banks fund for expenditures by the 20035
superintendent in subsequent years. 20036

Sec. 1123.01. (A) There is hereby created in the division of 20037
financial institutions a banking commission which shall consist of 20038
~~seven~~ nine members. The deputy superintendent for banks shall be a 20039
member of the commission and its chairperson. The governor, with 20040
the advice and consent of the senate, shall appoint the remaining 20041
~~six~~ eight members. 20042

(B) After the second Monday in January of each year, the 20043
governor shall appoint two members. Terms of office shall be for 20044
~~three~~ four years commencing on the first day of February and 20045
ending on the thirty-first day of January. Each member shall hold 20046
office from the date appointed until the end of the term for which 20047
appointed. In the case of a vacancy in the office of any member, 20048
the governor shall appoint a successor who shall hold office for 20049
the remainder of the term for which the successor's predecessor 20050
was appointed. Any member shall continue in office subsequent to 20051
the expiration date of the member's term until the member's 20052

successor is appointed, or until sixty days have elapsed, 20053
whichever occurs first. 20054

(C) No person appointed as a member of the commission may 20055
serve more than two consecutive full terms. However, a member may 20056
serve two consecutive full terms following the remainder of a term 20057
for which the member was appointed to fill a vacancy. 20058

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 20059
to the commission shall be, at the time of appointment, executive 20060
officers of banks, savings and loan associations, or savings banks 20061
transacting business under authority granted by the superintendent 20062
of financial institutions, and ~~four~~ all of the ~~six~~ members 20063
appointed to the commission shall have banking experience as a 20064
director or officer of a bank, savings bank, or savings 20065
association insured by the federal deposit insurance corporation, 20066
a bank holding company, or a savings and loan holding company. The 20067
membership of the commission shall be representative of the 20068
banking industry as a whole, including representatives of banks of 20069
various asset sizes and ownership structures, as determined by the 20070
governor after consultation with the superintendent of financial 20071
institutions ~~from time to time.~~ 20072

(2) No person who has been convicted of, or has pleaded 20073
guilty to, a felony involving an act of fraud, dishonesty or, 20074
breach of trust, theft, or money laundering shall take or hold 20075
office as a member of the banking commission. 20076

(E) The members of the commission shall receive no salary, 20077
but their expenses incurred in the performance of their duties 20078
shall be paid from funds appropriated for that purpose. 20079

(F) The governor may remove any of the ~~six~~ eight members 20080
appointed to the commission whenever in the governor's judgment 20081
the public interest requires removal. Upon removing a member of 20082
the commission, the governor shall file with the superintendent a 20083

statement of the cause for the removal. 20084

Sec. 1123.02. (A) The banking commission shall hold regular 20085
meetings at the times and places it fixes, and shall meet at any 20086
time on call of the deputy superintendent for banks upon two days' 20087
notice unless the commission by resolution provides for a shorter 20088
notice. 20089

(B)(1) A majority of the full commission constitutes a 20090
quorum, and action taken by a majority of those present at a 20091
meeting at which there is a quorum constitutes the action of the 20092
commission. 20093

(2) Notwithstanding division (B)(1) of this section, a 20094
meeting of the commission may be held by interactive video 20095
conference or by teleconference in accordance with division (E) of 20096
this section. 20097

(C) No member shall participate before the commission in a 20098
proceeding involving any bank, savings and loan association, or 20099
savings bank of which the member is, or was at any time in the 20100
preceding twelve months, a member of the board of directors, an 20101
officer, an employee, or a shareholder. A member may refrain from 20102
participating in a proceeding before the commission for any other 20103
cause the member considers sufficient. 20104

(D) The commission may, by a majority vote of those present 20105
at a meeting at which there is a quorum, adopt and amend bylaws 20106
and rules the commission, in its judgment, considers necessary and 20107
proper. The commission shall select one of its members as 20108
secretary, who shall keep a record of all its proceedings. 20109

(E)(1) The requirement in division (C) of section 121.22 of 20110
the Revised Code that a member of a public body be present in 20111
person at a meeting open to the public to be part of a quorum or 20112
to vote does not apply to the banking commission if the commission 20113

<u>holds the meeting by interactive video conference or by</u>	20114
<u>teleconference in the following manner:</u>	20115
<u>(a) The commission establishes a primary meeting location</u>	20116
<u>that is open and accessible to the public;</u>	20117
<u>(b) Meeting-related materials that are available before the</u>	20118
<u>meeting are sent via electronic mail, facsimile, hand-delivery, or</u>	20119
<u>United States postal service to each commission member;</u>	20120
<u>(c) In the case of an interactive video conference, the</u>	20121
<u>commission causes a clear video and audio connection to be</u>	20122
<u>established that enables all meeting participants at the primary</u>	20123
<u>meeting location to see and hear each commission member;</u>	20124
<u>(d) In the case of a teleconference, the commission causes a</u>	20125
<u>clear audio connection to be established that enables all meeting</u>	20126
<u>participants at the primary meeting location to hear each</u>	20127
<u>commission member;</u>	20128
<u>(e) All commission members have the capability to receive</u>	20129
<u>meeting-related materials that are distributed during a commission</u>	20130
<u>meeting;</u>	20131
<u>(f) A roll call voice vote is recorded for each vote taken;</u>	20132
<u>and</u>	20133
<u>(g) The minutes of the commission meeting identify which</u>	20134
<u>commission members remotely attended the meeting by interactive</u>	20135
<u>video conference or teleconference.</u>	20136
<u>If the commission proceeds under this division, use of an</u>	20137
<u>interactive video conference is preferred, but nothing in this</u>	20138
<u>section prohibits the commission from conducting its meetings by</u>	20139
<u>teleconference or by a combination of interactive video conference</u>	20140
<u>and teleconference at the same meeting.</u>	20141
<u>(2) The banking commission shall adopt rules necessary to</u>	20142
<u>implement division (E)(1) of this section. At a minimum, the</u>	20143

<u>commission shall do all of the following in the rules:</u>	20144
<u>(a) Authorize commission members to remotely attend a</u>	20145
<u>commission meeting by interactive video conference or</u>	20146
<u>teleconference, or by a combination thereof, in lieu of attending</u>	20147
<u>the meeting in person;</u>	20148
<u>(b) Establish a minimum number of commission members that</u>	20149
<u>must be physically present in person at the primary meeting</u>	20150
<u>location if the commission conducts a meeting by interactive video</u>	20151
<u>conference or teleconference;</u>	20152
<u>(c) Require that not more than one commission member remotely</u>	20153
<u>attending a commission meeting by teleconference is permitted to</u>	20154
<u>be physically present at the same remote location;</u>	20155
<u>(d) Establish geographic restrictions for participation in</u>	20156
<u>meetings by interactive video conference and by teleconference;</u>	20157
<u>(e) Establish a policy for distributing and circulating</u>	20158
<u>meeting-related materials to commission members, the public, and</u>	20159
<u>the media in advance of or during a meeting at which commission</u>	20160
<u>members are permitted to attend by interactive video conference or</u>	20161
<u>teleconference;</u>	20162
<u>(f) Establish a method for verifying the identity of a</u>	20163
<u>commission member who remotely attends a meeting by</u>	20164
<u>teleconference.</u>	20165
Sec. 1123.03. The banking commission shall do all of the	20166
following:	20167
(A) Make recommendations to the deputy superintendent for	20168
banks and the superintendent of financial institutions on the	20169
business of banking;	20170
(B) Consider and make recommendations on any matter the	20171
superintendent or deputy superintendent submits to the commission	20172
for that purpose;	20173

(C) Pass upon and determine any matter the superintendent or deputy superintendent submits to the commission for determination;	20174 20175
<u>(D) Consider and determine whether to confirm the annual schedule of assessments proposed by the superintendent in accordance with section 1121.29 of the Revised Code;</u>	20176 20177 20178
<u>(E) Determine whether to increase the schedule of assessments as provided in division (A)(3) of section 1121.29 of the Revised Code;</u>	20179 20180 20181
<u>(F) Determine, as provided in division (D) of section 1121.12 of the Revised Code, both of the following:</u>	20182 20183
(1) Whether there is reasonable cause to believe that there is a significant risk of imminent material harm to the bank;	20184 20185
(2) Whether the examination of the bank holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank.	20186 20187 20188
Sec. 1155.07. Every savings and loan association organized under the laws of this state shall make, as of the thirty-first day of December and the thirtieth day of June of each year, a report of the affairs and business of the association for the preceding half year, showing its financial condition at the end thereof. The statement as of the thirty-first day of December shall be the annual statement of the association. The superintendent of financial institutions may also require monthly reports.	20189 20190 20191 20192 20193 20194 20195 20196 20197
The superintendent may, by written order mailed to the managing officer of such an association, require any association to submit to the superintendent within a reasonable time specified in the written order a report concerning its real estate and other assets, other than the appraisals required by section 1151.54 of the Revised Code.	20198 20199 20200 20201 20202 20203

Any such association refusing or neglecting to file any 20204
report required by this section within the time specified shall 20205
forfeit one hundred dollars for every day that such default 20206
continues unless such penalty, in whole or in part, is waived by 20207
the superintendent. The superintendent may maintain an action in 20208
the name of the state to recover such forfeiture which, upon its 20209
collection, shall be paid into the state treasury to the credit of 20210
the ~~savings institutions~~ banks fund established under section 20211
~~1181.18~~ 1121.30 of the Revised Code. 20212

Every such association shall maintain adequate, complete, and 20213
correct accounts and shall observe such generally accepted 20214
accounting principles and practices or generally accepted auditing 20215
standards, as the superintendent prescribes. The superintendent 20216
shall demand once a year, and at the expense of the association, 20217
that its accounts be audited by an independent auditor. A copy of 20218
the audit report shall be submitted to the board of directors of 20219
the association and filed, together with management's ~~reponse~~ 20220
response, with the superintendent within thirty days after 20221
presentation of the completed report to the board or not later 20222
than the thirty-first day of March of the year next succeeding the 20223
year for which the audit was conducted, whichever occurs first, 20224
unless the time is extended by the superintendent. 20225

At the conclusion of the audit of an association, an 20226
independent auditor shall attend a meeting at which there are 20227
present only the outside directors of the association or a 20228
committee comprised of and appointed by such outside directors and 20229
fully disclose at that time to those directors all audit 20230
exceptions that developed during the audit and all relevant data 20231
and information concerning the financial condition, investment 20232
practices, and other financial policies and procedures of the 20233
association. The meeting shall be held at a time and place that is 20234
agreed upon by the independent auditor and the outside directors 20235

or their committee. A complete record of the proceedings of the 20236
meeting shall be kept in a minute book that is maintained solely 20237
for the purpose of keeping such records. Nothing in this paragraph 20238
shall be construed to prevent the independent auditor from meeting 20239
at other times with inside directors, officers, or employees of 20240
the association. 20241

The superintendent may prescribe a schedule for the 20242
preservation and destruction of books, records, certificates, 20243
documents, reports, correspondence, and other instruments, papers, 20244
and writings of such an association, even if such association has 20245
been liquidated pursuant to law. An association may dispose of any 20246
books, records, certificates, documents, reports, correspondence, 20247
and other instruments, papers, and writings which have been 20248
retained or preserved for the period prescribed by the 20249
superintendent pursuant to this paragraph. The requirements of 20250
this paragraph may be complied with by the preservation of records 20251
in the manner prescribed in section 2317.41 of the Revised Code. 20252

Sec. 1155.10. Whenever the superintendent of financial 20253
institutions considers it necessary, the superintendent may make a 20254
special examination of any savings and loan association, and the 20255
expense of the examination shall be paid by the association. Such 20256
expenses shall be collected by the superintendent and paid into 20257
the state treasury to the credit of the ~~savings institutions~~ banks 20258
fund established under section ~~1181.18~~ 1121.30 of the Revised 20259
Code. Any examination made by the superintendent otherwise than in 20260
the ordinary routine of the superintendent's duties and because, 20261
in the superintendent's opinion, the condition of the association 20262
requires such examination, is a special examination within the 20263
meaning of this section. 20264

Sec. 1163.09. (A) Every savings bank organized under the laws 20265
of this state, as of the thirty-first day of December and the 20266

thirtieth day of June of each year, shall make a report of the 20267
affairs and business of the savings bank for the preceding half 20268
year, showing its financial condition at the end thereof. The 20269
statement as of the thirty-first day of December shall be the 20270
annual statement of the savings bank. The superintendent of 20271
financial institutions may also require monthly reports. 20272

(B) The superintendent, by written order mailed to the 20273
managing officer of a savings bank, may require any savings bank 20274
to submit to the superintendent within a reasonable time specified 20275
in the written order a report concerning its real estate and other 20276
assets, other than the appraisals required by section 1161.81 of 20277
the Revised Code. 20278

(C) Any savings bank refusing or neglecting to file any 20279
report required by this section within the time specified shall 20280
forfeit one hundred dollars for every day that the default 20281
continues unless the penalty, in whole or in part, is waived by 20282
the superintendent. The superintendent may maintain an action in 20283
the name of the state to recover the forfeiture which, upon its 20284
collection, shall be paid into the state treasury to the credit of 20285
the ~~savings institutions~~ banks fund established under section 20286
~~1181.18~~ 1121.30 of the Revised Code. 20287

(D) Every savings bank shall maintain adequate, complete, and 20288
correct accounts and shall observe such generally accepted 20289
accounting principles and practices or generally accepted auditing 20290
standards, as the superintendent prescribes. The superintendent 20291
shall demand once a year, and at the expense of the savings bank, 20292
that its accounts be audited by an independent auditor. A copy of 20293
the audit report shall be submitted to the board of directors of 20294
the savings bank and filed, together with management's ~~response~~ 20295
response, with the superintendent within thirty days after 20296
presentation of the completed report to the board or not later 20297
than the thirty-first day of March of the year next succeeding the 20298

year for which the audit was conducted, whichever occurs first, 20299
unless the time is extended by the superintendent. 20300

(E) At the conclusion of the audit of a savings bank, an 20301
independent auditor shall attend a meeting at which there are 20302
present only the outside directors of the savings bank or a 20303
committee composed of and appointed by the outside directors and 20304
fully disclose at that time to those directors all audit 20305
exceptions that developed during the audit and all relevant data 20306
and information concerning the financial condition, investment 20307
practices, and other financial policies and procedures of the 20308
savings bank. The meeting shall be held at a time and place that 20309
is agreed upon by the independent auditor and the outside 20310
directors or their committee. A complete record of the proceedings 20311
of the meeting shall be kept in a minute book that is maintained 20312
solely for the purpose of keeping these records. Nothing in this 20313
division shall be construed to prevent the independent auditor 20314
from meeting at other times with inside directors, officers, or 20315
employees of the savings bank. 20316

(F) The superintendent may prescribe a schedule for the 20317
preservation and destruction of books, records, certificates, 20318
documents, reports, correspondence, and other instruments, papers, 20319
and writings of a savings bank, even if the savings bank has been 20320
liquidated pursuant to law. A savings bank may dispose of any 20321
books, records, certificates, documents, reports, correspondence, 20322
and other instruments, papers, and writings that have been 20323
retained or preserved for the period prescribed by the 20324
superintendent pursuant to this division. The requirements of this 20325
division may be complied with by the preservation of records in 20326
the manner prescribed in section 2317.41 of the Revised Code. 20327

Sec. 1163.13. Whenever the superintendent of financial 20328
institutions considers it necessary, the superintendent may make a 20329

special examination of any savings bank, and the expense of the 20330
examination shall be paid by the savings bank. These moneys shall 20331
be collected by the superintendent and paid into the state 20332
treasury to the credit of the ~~savings institutions~~ banks fund 20333
established under section ~~1181.18~~ 1121.30 of the Revised Code. Any 20334
examination made by the superintendent otherwise than in the 20335
ordinary routine of the superintendent's duties and because, in 20336
the superintendent's opinion, the condition of the savings bank 20337
requires the examination, is a special examination within the 20338
meaning of this section. 20339

Sec. 1181.06. There is hereby created in the state treasury 20340
the financial institutions fund. The fund shall receive 20341
assessments on the banks fund established under section 1121.30 of 20342
the Revised Code, ~~the savings institutions fund established under~~ 20343
~~section 1181.18 of the Revised Code,~~ the credit unions fund 20344
established under section 1733.321 of the Revised Code, and the 20345
consumer finance fund established under section 1321.21 of the 20346
Revised Code in accordance with procedures prescribed by the 20347
superintendent of financial institutions and approved by the 20348
director of budget and management. Such assessments shall be in 20349
addition to any assessments on these funds required under division 20350
(G) of section 121.08 of the Revised Code. All operating expenses 20351
of the division of financial institutions shall be paid from the 20352
financial institutions fund. 20353

Sec. 1349.21. No escrow or closing agent knowingly shall 20354
make, in an escrow transaction, a disbursement from an escrow 20355
account on behalf of another person, unless the following 20356
conditions are met: 20357

(A) The funds necessary for the disbursement: 20358

(1) Have been transferred electronically to or deposited into 20359

the escrow account of the escrow or closing agent and are 20360
immediately available for withdrawal and disbursement; 20361

(2) Are in an aggregate amount not exceeding ~~one~~ ten thousand 20362
dollars, have been physically received by the agent prior to 20363
disbursement and are intended for deposit no later than the next 20364
banking day after the date of disbursement; or 20365

(3) Are funds drawn on a special or trust bank account as 20366
described in division (A)(26) of section 4735.18 of the Revised 20367
Code. 20368

(B) The transfers or deposits described in division (A) of 20369
this section consist of any of the following: 20370

(1) Business checks drawn on special or trust bank accounts 20371
described in division (A)(26) of section 4735.18 of the Revised 20372
Code; 20373

(2) Cash, personal checks, business checks other than those 20374
described in division (B)(1) of this section, certified checks, 20375
cashier's checks, official checks, or money orders that are in an 20376
aggregate amount not exceeding ~~one~~ ten thousand dollars and are 20377
drawn on an existing account at a federally insured bank, savings 20378
and loan association, credit union, or savings bank; 20379

(3) Electronically transferred funds via the automated 20380
clearing house system initiated by, or a check issued by, the 20381
United States or this state, or by an agency, instrumentality, or 20382
political subdivision of the United States or this state; or 20383

(4) ~~Electronically~~ Any other electronically transferred funds 20384
~~via the real time gross settlement system provided by the federal~~ 20385
~~reserve banks.~~ 20386

Sec. 1501.08. (A) There is hereby created in the state 20387
treasury the state park maintenance fund. 20388

(1) Notwithstanding section 1546.21 of the Revised Code, on 20389

or after the first day of July of each fiscal year, the director 20390
of natural resources may request the director of budget and 20391
management to transfer money from the state park fund to the state 20392
park maintenance fund in an amount not exceeding five per cent of 20393
the annual average revenue deposited in the state park fund. 20394

(2) The department of natural resources shall use money in 20395
the state park maintenance fund only for maintenance, repair, and 20396
renovation projects at state parks that are approved by the 20397
director. The department shall not use money in the fund to 20398
construct new facilities. 20399

(B) The chief of the division of parks and watercraft shall 20400
submit to the director a list of projects in order to request 20401
disbursements from the state park maintenance fund. The chief 20402
shall include with each list a description of necessary 20403
maintenance, repair, and renovation at state park facilities. The 20404
director shall determine which projects are eligible for 20405
disbursement from the fund. The chief shall not begin any project 20406
for which disbursement is requested before obtaining the 20407
director's approval as required by this section. 20408

Sec. 1503.05. (A) The chief of the division of forestry may 20409
sell timber and other forest products from the state forest and 20410
state forest nurseries whenever the chief considers such a sale 20411
desirable and, with the approval of the attorney general and the 20412
director of natural resources, may sell portions of the state 20413
forest lands when such a sale is advantageous to the state. 20414

(B) Except as otherwise provided in this section, a timber 20415
sale agreement shall not be executed unless the person or 20416
governmental entity bidding on the sale executes and files a 20417
surety bond conditioned on completion of the timber sale in 20418
accordance with the terms of the agreement in an amount determined 20419
by the chief. All bonds shall be given in a form prescribed by the 20420

chief and shall run to the state as obligee. 20421

The chief shall not approve any bond until it is personally 20422
signed and acknowledged by both principal and surety, or as to 20423
either by the attorney in fact thereof, with a certified copy of 20424
the power of attorney attached. The chief shall not approve the 20425
bond unless there is attached a certificate of the superintendent 20426
of insurance that the company is authorized to transact a fidelity 20427
and surety business in this state. 20428

In lieu of a bond, the bidder may deposit any of the 20429
following: 20430

(1) Cash in an amount equal to the amount of the bond; 20431

(2) United States government securities having a par value 20432
equal to or greater than the amount of the bond; 20433

(3) Negotiable certificates of deposit or irrevocable letters 20434
of credit issued by any bank organized or transacting business in 20435
this state having a par value equal to or greater than the amount 20436
of the bond. 20437

The cash or securities shall be deposited on the same terms 20438
as bonds. If one or more certificates of deposit are deposited in 20439
lieu of a bond, the chief shall require the bank that issued any 20440
of the certificates to pledge securities of the aggregate market 20441
value equal to the amount of the certificate or certificates that 20442
is in excess of the amount insured by the federal deposit 20443
insurance corporation. The securities to be pledged shall be those 20444
designated as eligible under section 135.18 of the Revised Code. 20445
The securities shall be security for the repayment of the 20446
certificate or certificates of deposit. 20447

Immediately upon a deposit of cash, securities, certificates 20448
of deposit, or letters of credit, the chief shall deliver them to 20449
the treasurer of state, who shall hold them in trust for the 20450
purposes for which they have been deposited. The treasurer of 20451

state is responsible for the safekeeping of the deposits. A bidder 20452
making a deposit of cash, securities, certificates of deposit, or 20453
letters of credit may withdraw and receive from the treasurer of 20454
state, on the written order of the chief, all or any portion of 20455
the cash, securities, certificates of deposit, or letters of 20456
credit upon depositing with the treasurer of state cash, other 20457
United States government securities, or other negotiable 20458
certificates of deposit or irrevocable letters of credit issued by 20459
any bank organized or transacting business in this state, equal in 20460
par value to the par value of the cash, securities, certificates 20461
of deposit, or letters of credit withdrawn. 20462

A bidder may demand and receive from the treasurer of state 20463
all interest or other income from any such securities or 20464
certificates as it becomes due. If securities so deposited with 20465
and in the possession of the treasurer of state mature or are 20466
called for payment by their issuer, the treasurer of state, at the 20467
request of the bidder who deposited them, shall convert the 20468
proceeds of the redemption or payment of the securities into other 20469
United States government securities, negotiable certificates of 20470
deposit, or cash as the bidder designates. 20471

When the chief finds that a person or governmental agency has 20472
failed to comply with the conditions of the person's or 20473
governmental agency's bond, the chief shall make a finding of that 20474
fact and declare the bond, cash, securities, certificates, or 20475
letters of credit forfeited. The chief thereupon shall certify the 20476
total forfeiture to the attorney general, who shall proceed to 20477
collect the amount of the bond, cash, securities, certificates, or 20478
letters of credit. 20479

In lieu of total forfeiture, the surety, at its option, may 20480
cause the timber sale to be completed or pay to the treasurer of 20481
state the cost thereof. 20482

All moneys collected as a result of forfeitures of bonds, 20483

cash, securities, certificates, and letters of credit under this 20484
section shall be credited to the state forest fund created in this 20485
section. 20486

(C) The chief may grant easements and leases on portions of 20487
the state forest lands and state forest nurseries under terms that 20488
are advantageous to the state, and the chief may grant mineral 20489
rights on a royalty basis on those lands and nurseries, with the 20490
approval of the attorney general and the director. 20491

(D) All moneys received from the sale of state forest lands, 20492
or in payment for easements or leases on or as rents from those 20493
lands or from state forest nurseries, shall be paid into the state 20494
treasury to the credit of the state forest fund, which is hereby 20495
created. In addition, all moneys received from federal grants, 20496
payments, and reimbursements, from the sale of reforestation tree 20497
stock, from the sale of forest products, other than standing 20498
timber, and from the sale of minerals taken from the state forest 20499
lands and state forest nurseries, together with royalties from 20500
mineral rights, shall be paid into the state treasury to the 20501
credit of the state forest fund. Any other revenues derived from 20502
the operation of the state forests and related facilities or 20503
equipment also shall be paid into the state treasury to the credit 20504
of the state forest fund, as shall contributions received for the 20505
issuance of Smokey Bear license plates under section 4503.574 of 20506
the Revised Code and any other moneys required by law to be 20507
deposited in the fund. 20508

The state forest fund shall not be expended for any purpose 20509
other than the administration, operation, maintenance, 20510
development, or utilization of the state forests, forest 20511
nurseries, and forest programs, for facilities or equipment 20512
incident to them, ~~or~~ for the further purchase of lands for state 20513
forest or forest nursery purposes, or for wildfire suppression 20514
payments and, in the case of contributions received pursuant to 20515

section 4503.574 of the Revised Code, for fire prevention 20516
purposes. 20517

All moneys received from the sale of standing timber taken 20518
from state forest lands and state forest nurseries shall be 20519
deposited into the state treasury to the credit of the forestry 20520
holding account redistribution fund, which is hereby created. The 20521
moneys shall remain in the fund until they are redistributed in 20522
accordance with this division. 20523

The redistribution shall occur at least once each year. To 20524
begin the redistribution, the chief first shall determine the 20525
amount of all standing timber sold from state forest lands and 20526
state forest nurseries, together with the amount of the total sale 20527
proceeds, in each county, in each township within the county, and 20528
in each school district within the county. The chief next shall 20529
determine the amount of the direct costs that the division of 20530
forestry incurred in association with the sale of that standing 20531
timber. The amount of the direct costs shall be subtracted from 20532
the amount of the total sale proceeds and shall be transferred 20533
from the forestry holding account redistribution fund to the state 20534
forest fund. 20535

The remaining amount of the total sale proceeds equals the 20536
net value of the standing timber that was sold. The chief shall 20537
determine the net value of standing timber sold from state forest 20538
lands and state forest nurseries in each county, in each township 20539
within the county, and in each school district within the county 20540
and shall send to each county treasurer a copy of the 20541
determination at the time that moneys are paid to the county 20542
treasurer under this division. 20543

Thirty-five per cent of the net value of standing timber sold 20544
from state forest lands and state forest nurseries located in a 20545
county shall be transferred from the forestry holding account 20546
redistribution fund to the state forest fund. The remaining 20547

sixty-five per cent of the net value shall be transferred from the 20548
forestry holding account redistribution fund and paid to the 20549
county treasurer for the use of the general fund of that county. 20550

The county auditor shall do all of the following: 20551

(1) Retain for the use of the general fund of the county 20552
one-fourth of the amount received by the county under division (D) 20553
of this section; 20554

(2) Pay into the general fund of any township located within 20555
the county and containing such lands and nurseries one-fourth of 20556
the amount received by the county from standing timber sold from 20557
lands and nurseries located in the township; 20558

(3) Request the board of education of any school district 20559
located within the county and containing such lands and nurseries 20560
to identify which fund or funds of the district should receive the 20561
moneys available to the school district under division (D)(3) of 20562
this section. After receiving notice from the board, the county 20563
auditor shall pay into the fund or funds so identified one-half of 20564
the amount received by the county from standing timber sold from 20565
lands and nurseries located in the school district, distributed 20566
proportionately as identified by the board. 20567

The division of forestry shall not supply logs, lumber, or 20568
other forest products or minerals, taken from the state forest 20569
lands or state forest nurseries, to any other agency or 20570
subdivision of the state unless payment is made therefor in the 20571
amount of the actual prevailing value thereof. This section is 20572
applicable to the moneys so received. 20573

(E) The chief may enter into a personal service contract for 20574
consulting services to assist the chief with the sale of timber or 20575
other forest products and related inventory. Compensation for 20576
consulting services shall be paid from the proceeds of the sale of 20577
timber or other forest products and related inventory that are the 20578

subject of the personal service contract. 20579

~~Sec. 1503.141. There is hereby created in the state treasury 20580
the wildfire suppression fund. The fund shall consist of any 20581
federal moneys received for the purposes of this section and 20582
donations, gifts, bequests, and other moneys received for those 20583
purposes. In addition, the chief of the division of forestry 20584
annually may request that the director of budget and management 20585
transfer, and, if so requested, the director shall transfer, Each 20586
fiscal year, the director of natural resources or the director's
designee shall designate not more than ~~one~~ two hundred thousand 20588
dollars ~~to the wildfire suppression fund from in~~ the state forest 20589
fund created in section 1503.05 of the Revised Code for wildfire 20590
suppression payments. The amount ~~transferred~~ designated shall 20591
consist only of money ~~deposited into the state forest~~ credited to 20592
the fund from the sale of standing timber taken from state forest 20593
lands as set forth in that section. 20594~~

~~The chief director or the director's designee may use moneys 20595
in the money designated for wildfire suppression ~~fund~~ payments to 20596
reimburse firefighting agencies and private fire companies for 20597
their costs incurred in the suppression of wildfires in counties 20598
within fire protection areas established under section 1503.08 of 20599
the Revised Code where there is a state forest or national forest, 20600
or portion thereof. The ~~chief, with the approval of the director
of natural resources, or the director's designee~~ may provide such 20601
reimbursement in additional counties. The ~~chief~~ director or the 20602
director's designee shall provide such reimbursement pursuant to 20603
agreements and contracts entered into under section 1503.14 of the 20604
Revised Code and in accordance with the following schedule: 20605
20606~~

(A) For wildfire suppression on private land, an initial 20607
seventy-dollar payment to the firefighting agency or private fire 20608
company; 20609

(B) For wildfire suppression on land under the administration 20610
or care of the department of natural resources or on land that is 20611
part of any national forest administered by the United States 20612
department of agriculture forest service, an initial 20613
one-hundred-dollar payment to the firefighting agency or private 20614
fire company; 20615

(C) For any wildfire suppression on land specified in 20616
division (A) or (B) of this section lasting more than two hours, 20617
an additional payment of thirty-five dollars per hour. 20618

~~If at any time moneys in the fund exceed two hundred thousand 20619
dollars, the chief shall transfer the moneys that exceed that 20620
amount to the state forest fund. 20621~~

As used in this section, "firefighting agency" and "private 20622
fire company" have the same meanings as in section 9.60 of the 20623
Revised Code. 20624

Sec. 1505.09. (A) There is hereby created in the state 20625
treasury the geological mapping fund, to be administered by the 20626
chief of the division of geological survey. The Except as provided 20627
in division (B) of this section, the fund shall be used for the 20628
purposes of performing the necessary field, laboratory, and 20629
administrative tasks to map and make public reports on the 20630
geology, geologic hazards, and energy and mineral resources of the 20631
state. The source of ~~moneys~~ money for the fund shall include, but 20632
not be limited to, the mineral severance tax as specified in 20633
section 5749.02 of the Revised Code transfers made to the fund in 20634
accordance with section 6111.046 of the Revised Code, and the fees 20635
collected under rules adopted under section 1505.05 of the Revised 20636
Code. The chief may seek federal or other ~~moneys~~ money in addition 20637
to the mineral severance tax and fees to carry out the purposes of 20638
this section. If the chief receives federal ~~moneys~~ money for the 20639
purposes of this section, the chief shall deposit ~~those moneys~~ 20640

that money into the state treasury to the credit of a fund created 20641
by the controlling board to carry out those purposes. Other ~~moneys~~ 20642
money received by the chief for the purposes of this section in 20643
addition to the mineral severance tax, fees, and federal ~~moneys~~ 20644
money shall be credited to the geological mapping fund. 20645

(B) Any money transferred to the geological mapping fund in 20646
accordance with section 6111.046 of the Revised Code shall be used 20647
by the chiefs of the divisions of mineral resources management, 20648
oil and gas resources management, geological survey, and water 20649
resources in the department of natural resources for the purpose 20650
of executing their duties under sections 6111.043 to 6111.047 of 20651
the Revised Code. 20652

Sec. 1506.23. (A) There is hereby created in the state 20653
treasury the Lake Erie protection fund, which shall consist of 20654
~~moneys~~ money deposited into the fund from the issuance of Lake 20655
Erie license plates under section 4503.52 of the Revised Code, 20656
money awarded to the state from the great lakes protection fund, 20657
and donations, gifts, bequests, and other moneys received for the 20658
purposes of this section. Not later than the first day of June 20659
each year, the Ohio Lake Erie commission created in section 20660
1506.21 of the Revised Code shall designate one of its members to 20661
administer the fund and, with the approval of the commission, to 20662
expend ~~moneys~~ from the fund for any of the following purposes: 20663

(1) Accelerating the pace of research into the economic, 20664
environmental, and human health effects of contamination of Lake 20665
Erie and its tributaries; 20666

(2) Funding cooperative research and data collection 20667
regarding Lake Erie water quality and toxic contamination; 20668

(3) Developing improved methods of measuring water quality 20669
and establishing a firm scientific base for implementing a 20670
basinwide system of water quality management for Lake Erie and its 20671

tributaries;	20672
(4) Supporting research to improve the scientific knowledge on which protection policies are based and devising new and innovative clean-up techniques for toxic contaminants;	20673 20674 20675
(5) Supplementing, in a stable and predictable manner, state commitments to policies and programs pertaining to Lake Erie water quality and resource protection;	20676 20677 20678
(6) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, institutions of higher education, environmental organizations, and conservation groups within the Lake Erie basin;	20679 20680 20681 20682
(7) Awarding of grants to any agency of the United States, any state agency, as "agency" is defined in division (A)(2) of section 111.15 of the Revised Code, any political subdivision, any educational institution, or any nonprofit organization for the development and implementation of projects and programs that are designed to protect Lake Erie by reducing toxic contamination of or improving water quality in Lake Erie;	20683 20684 20685 20686 20687 20688 20689
(8) Expenses authorized by the Ohio Lake Erie commission necessary to implement this chapter.	20690 20691
(B) Moneys in the Lake Erie protection fund are not intended to replace other moneys expended by any agency of the United States, any state agency, as "agency" is so defined, any political subdivision, any educational institution, or any nonprofit organization for projects and programs that are designed to protect Lake Erie by reducing toxic contamination of or improving water quality in Lake Erie.	20692 20693 20694 20695 20696 20697 20698
(C) Each March, the Ohio Lake Erie commission shall publish a Lake Erie protection agenda that describes proposed uses of the Lake Erie protection fund for the following state fiscal year. The agenda shall be the subject of at least one public meeting of the	20699 20700 20701 20702

commission held in the Lake Erie basin. The commission shall 20703
submit the agenda to the governor, the president of the senate, 20704
and the speaker of the house of representatives. 20705

(D) Not later than September 1, 1991, and annually 20706
thereafter, the Lake Erie commission shall prepare a report of the 20707
activities that were undertaken by the commission under this 20708
section during the immediately preceding fiscal year, including, 20709
without limitation, revenues and expenses for the preceding fiscal 20710
year. The commission shall submit the report to the governor, the 20711
president of the senate, and the speaker of the house of 20712
representatives. 20713

Sec. 1509.02. There is hereby created in the department of 20714
natural resources the division of oil and gas resources 20715
management, which shall be administered by the chief of the 20716
division of oil and gas resources management. The division has 20717
sole and exclusive authority to regulate the permitting, location, 20718
and spacing of oil and gas wells and production operations within 20719
the state, excepting only those activities regulated under federal 20720
laws for which oversight has been delegated to the environmental 20721
protection agency and activities regulated under sections 6111.02 20722
to 6111.028 of the Revised Code. The regulation of oil and gas 20723
activities is a matter of general statewide interest that requires 20724
uniform statewide regulation, and this chapter and rules adopted 20725
under it constitute a comprehensive plan with respect to all 20726
aspects of the locating, drilling, well stimulation, completing, 20727
and operating of oil and gas wells within this state, including 20728
site construction and restoration, permitting related to those 20729
activities, and the disposal of wastes from those wells. In order 20730
to assist the division in the furtherance of its sole and 20731
exclusive authority as established in this section, the chief may 20732
enter into cooperative agreements with other state agencies for 20733
advice and consultation, including visitations at the surface 20734

location of a well on behalf of the division. Such cooperative 20735
agreements do not confer on other state agencies any authority to 20736
administer or enforce this chapter and rules adopted under it. In 20737
addition, such cooperative agreements shall not be construed to 20738
dilute or diminish the division's sole and exclusive authority as 20739
established in this section. Nothing in this section affects the 20740
authority granted to the director of transportation and local 20741
authorities in section 723.01 or 4513.34 of the Revised Code, 20742
provided that the authority granted under those sections shall not 20743
be exercised in a manner that discriminates against, unfairly 20744
impedes, or obstructs oil and gas activities and operations 20745
regulated under this chapter. 20746

The chief shall not hold any other public office, nor shall 20747
the chief be engaged in any occupation or business that might 20748
interfere with or be inconsistent with the duties as chief. 20749

~~All moneys~~ Money collected by the chief pursuant to sections 20750
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 20751
1509.28, 1509.34, ~~and~~ 1509.50, and 5749.02 of the Revised Code, 20752
~~ninety per cent of moneys received by the treasurer of state from~~ 20753
~~the tax levied in divisions (A)(5) and (6) of section 5749.02 of~~ 20754
~~the Revised Code,~~ all civil penalties paid under section 1509.33 20755
of the Revised Code, and, notwithstanding any section of the 20756
Revised Code relating to the distribution or crediting of fines 20757
for violations of the Revised Code, all fines imposed under 20758
divisions (A) and (B) of section 1509.99 of the Revised Code and 20759
fines imposed under divisions (C) and (D) of section 1509.99 of 20760
the Revised Code for all violations prosecuted by the attorney 20761
general and for violations prosecuted by prosecuting attorneys 20762
that do not involve the transportation of brine by vehicle shall 20763
be deposited into the state treasury to the credit of the oil and 20764
gas well fund, which is hereby created. Fines imposed under 20765
divisions (C) and (D) of section 1509.99 of the Revised Code for 20766

violations prosecuted by prosecuting attorneys that involve the 20767
transportation of brine by vehicle and penalties associated with a 20768
compliance agreement entered into pursuant to this chapter shall 20769
be paid to the county treasury of the county where the violation 20770
occurred. 20771

The fund shall be used solely and exclusively for the 20772
purposes enumerated in division (B) of section 1509.071 of the 20773
Revised Code, for the expenses of the division associated with the 20774
administration of this chapter and Chapter 1571. of the Revised 20775
Code and rules adopted under them, and for expenses that are 20776
critical and necessary for the protection of human health and 20777
safety and the environment related to oil and gas production in 20778
this state. The expenses of the division in excess of the moneys 20779
available in the fund shall be paid from general revenue fund 20780
appropriations to the department. 20781

Sec. 1509.071. (A) When the chief of the division of oil and 20782
gas resources management finds that an owner has failed to comply 20783
with a final nonappealable order issued or compliance agreement 20784
entered into under section 1509.04, the restoration requirements 20785
of section 1509.072, plugging requirements of section 1509.12, or 20786
permit provisions of section 1509.13 of the Revised Code, or rules 20787
and orders relating thereto, the chief shall make a finding of 20788
that fact and declare any surety bond filed to ensure compliance 20789
with those sections and rules forfeited in the amount set by rule 20790
of the chief. The chief thereupon shall certify the total 20791
forfeiture to the attorney general, who shall proceed to collect 20792
the amount of the forfeiture. In addition, the chief may require 20793
an owner, operator, producer, or other person who forfeited a 20794
surety bond to post a new surety bond in the amount of fifteen 20795
thousand dollars for a single well, thirty thousand dollars for 20796
two wells, or fifty thousand dollars for three or more wells. 20797

In lieu of total forfeiture, the surety or owner, at the surety's or owner's option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

The chief annually shall spend not less than fourteen per cent of the revenue credited to the fund during the previous fiscal year for the following purposes:

(1) In accordance with division (D) of this section, to plug idle and orphaned wells or to restore the land surface properly as required in section 1509.072 of the Revised Code;

(2) In accordance with division (E) of this section, to correct conditions that the chief reasonably has determined are causing imminent health or safety risks at an idle and orphaned well or a well for which the owner cannot be contacted in order to initiate a corrective action within a reasonable period of time as determined by the chief.

Expenditures from the fund shall be made only for lawful purposes. In addition, expenditures from the fund shall not be made to purchase real property or to remove a dwelling in order to access a well.

The director of budget and management, in consultation with the chief, shall establish an accounting code for purposes of tracking expenditures made as required under this division.

(C)(1) Upon determining that the owner of a well has failed to properly plug and abandon it or to properly restore the land surface at the well site in compliance with the applicable requirements of this chapter and applicable rules adopted and

orders issued under it or that a well is an abandoned well for 20829
which no funds are available to plug the well in accordance with 20830
this chapter, the chief shall do all of the following: 20831

(a) Determine from the records in the office of the county 20832
recorder of the county in which the well is located the identity 20833
of the owner of the land on which the well is located, the 20834
identity of the owner of the oil or gas lease under which the well 20835
was drilled or the identity of each person owning an interest in 20836
the lease, and the identities of the persons having legal title 20837
to, or a lien upon, any of the equipment appurtenant to the well; 20838

(b) Mail notice to the owner of the land on which the well is 20839
located informing the landowner that the well is to be plugged. If 20840
the owner of the oil or gas lease under which the well was drilled 20841
is different from the owner of the well or if any persons other 20842
than the owner of the well own interests in the lease, the chief 20843
also shall mail notice that the well is to be plugged to the owner 20844
of the lease or to each person owning an interest in the lease, as 20845
appropriate. 20846

(c) Mail notice to each person having legal title to, or a 20847
lien upon, any equipment appurtenant to the well, informing the 20848
person that the well is to be plugged and offering the person the 20849
opportunity to plug the well and restore the land surface at the 20850
well site at the person's own expense in order to avoid forfeiture 20851
of the equipment to this state. 20852

(2) If none of the persons described in division (C)(1)(c) of 20853
this section plugs the well within sixty days after the mailing of 20854
the notice required by that division, all equipment appurtenant to 20855
the well is hereby declared to be forfeited to this state without 20856
compensation and without the necessity for any action by the state 20857
for use to defray the cost of plugging and abandoning the well and 20858
restoring the land surface at the well site. 20859

(D) Expenditures from the fund for the purpose of division 20860
(B)(1) of this section shall be made in accordance with either of 20861
the following: 20862

(1) The expenditures may be made pursuant to contracts 20863
entered into by the chief with persons who agree to furnish all of 20864
the materials, equipment, work, and labor as specified and 20865
provided in such a contract for activities associated with the 20866
restoration or plugging of a well as determined by the chief. The 20867
activities may include excavation to uncover a well, geophysical 20868
methods to locate a buried well when clear evidence of leakage 20869
from the well exists, cleanout of wellbores to remove material 20870
from a failed plugging of a well, plugging operations, 20871
installation of vault and vent systems, including associated 20872
engineering certifications and permits, restoration of property, 20873
and repair of damage to property that is caused by such 20874
activities. Expenditures shall not be used for salaries, 20875
maintenance, equipment, or other administrative purposes, except 20876
for costs directly attributed to the plugging of an idle and 20877
orphaned well. Agents or employees of persons contracting with the 20878
chief for a restoration or plugging project may enter upon any 20879
land, public or private, on which the well is located for the 20880
purpose of performing the work. Prior to such entry, the chief 20881
shall give to the following persons written notice of the 20882
existence of a contract for a project to restore or plug a well, 20883
the names of the persons with whom the contract is made, and the 20884
date that the project will commence: the owner of the well, the 20885
owner of the land upon which the well is located, the owner or 20886
agents of adjoining land, and, if the well is located in the same 20887
township as or in a township adjacent to the excavations and 20888
workings of a mine and the owner or lessee of that mine has 20889
provided written notice identifying those townships to the chief 20890
at any time during the immediately preceding three years, the 20891
owner or lessee of the mine. 20892

(2)(a) The owner of the land on which a well is located who 20893
has received notice under division (C)(1)(b) of this section may 20894
plug the well and be reimbursed by the division of oil and gas 20895
resources management for the reasonable cost of plugging the well. 20896
In order to plug the well, the landowner shall submit an 20897
application to the chief on a form prescribed by the chief and 20898
approved by the technical advisory council on oil and gas created 20899
in section 1509.38 of the Revised Code. The application, at a 20900
minimum, shall require the landowner to provide the same 20901
information as is required to be included in the application for a 20902
permit to plug and abandon under section 1509.13 of the Revised 20903
Code. The application shall be accompanied by a copy of a proposed 20904
contract to plug the well prepared by a contractor regularly 20905
engaged in the business of plugging oil and gas wells. The 20906
proposed contract shall require the contractor to furnish all of 20907
the materials, equipment, work, and labor necessary to plug the 20908
well properly and shall specify the price for doing the work, 20909
including a credit for the equipment appurtenant to the well that 20910
was forfeited to the state through the operation of division 20911
(C)(2) of this section. Expenditures under division (D)(2)(a) of 20912
this section shall be consistent with the expenditures for 20913
activities described in division (D)(1) of this section. The 20914
application also shall be accompanied by the permit fee required 20915
by section 1509.13 of the Revised Code unless the chief, in the 20916
chief's discretion, waives payment of the permit fee. The 20917
application constitutes an application for a permit to plug and 20918
abandon the well for the purposes of section 1509.13 of the 20919
Revised Code. 20920

(b) Within thirty days after receiving an application and 20921
accompanying proposed contract under division (D)(2)(a) of this 20922
section, the chief shall determine whether the plugging would 20923
comply with the applicable requirements of this chapter and 20924
applicable rules adopted and orders issued under it and whether 20925

the cost of the plugging under the proposed contract is 20926
reasonable. If the chief determines that the proposed plugging 20927
would comply with those requirements and that the proposed cost of 20928
the plugging is reasonable, the chief shall notify the landowner 20929
of that determination and issue to the landowner a permit to plug 20930
and abandon the well under section 1509.13 of the Revised Code. 20931
Upon approval of the application and proposed contract, the chief 20932
shall transfer ownership of the equipment appurtenant to the well 20933
to the landowner. The chief may disapprove an application 20934
submitted under division (D)(2)(a) of this section if the chief 20935
determines that the proposed plugging would not comply with the 20936
applicable requirements of this chapter and applicable rules 20937
adopted and orders issued under it, that the cost of the plugging 20938
under the proposed contract is unreasonable, or that the proposed 20939
contract is not a bona fide, arm's length contract. 20940

(c) After receiving the chief's notice of the approval of the 20941
application and permit to plug and abandon a well under division 20942
(D)(2)(b) of this section, the landowner shall enter into the 20943
proposed contract to plug the well. 20944

(d) Upon determining that the plugging has been completed in 20945
compliance with the applicable requirements of this chapter and 20946
applicable rules adopted and orders issued under it, the chief 20947
shall reimburse the landowner for the cost of the plugging as set 20948
forth in the proposed contract approved by the chief. The 20949
reimbursement shall be paid from the oil and gas well fund. If the 20950
chief determines that the plugging was not completed in accordance 20951
with the applicable requirements, the chief shall not reimburse 20952
the landowner for the cost of the plugging, and the landowner or 20953
the contractor, as applicable, promptly shall transfer back to 20954
this state title to and possession of the equipment appurtenant to 20955
the well that previously was transferred to the landowner under 20956
division (D)(2)(b) of this section. If any such equipment was 20957

removed from the well during the plugging and sold, the landowner 20958
shall pay to the chief the proceeds from the sale of the 20959
equipment, and the chief promptly shall pay the moneys so received 20960
to the treasurer of state for deposit into the oil and gas well 20961
fund. 20962

The chief may establish an annual limit on the number of 20963
wells that may be plugged under division (D)(2) of this section or 20964
an annual limit on the expenditures to be made under that 20965
division. 20966

As used in division (D)(2) of this section, "plug" and 20967
"plugging" include the plugging of the well and the restoration of 20968
the land surface disturbed by the plugging. 20969

(E) Expenditures from the oil and gas well fund for the 20970
purpose of division (B)(2) of this section may be made pursuant to 20971
contracts entered into by the chief with persons who agree to 20972
furnish all of the materials, equipment, work, and labor as 20973
specified and provided in such a contract. The competitive bidding 20974
requirements of Chapter 153. of the Revised Code do not apply if 20975
the chief reasonably determines that an emergency situation exists 20976
requiring immediate action for the correction of the applicable 20977
health or safety risk. A contract or purchase of materials for 20978
purposes of addressing the emergency situation is not subject to 20979
division (B) of section 127.16 of the Revised Code. The chief, 20980
designated representatives of the chief, and agents or employees 20981
of persons contracting with the chief under this division may 20982
enter upon any land, public or private, for the purpose of 20983
performing the work. 20984

(F) Contracts entered into by the chief under this section 20985
are not subject to any of the following: 20986

(1) Chapter 4115. of the Revised Code; 20987

(2) Section 153.54 of the Revised Code, except that the 20988

contractor shall obtain and provide to the chief as a bid guaranty 20989
a surety bond or letter of credit in an amount equal to ten per 20990
cent of the amount of the contract; 20991

(3) Section 4733.17 of the Revised Code. 20992

(G) The owner of land on which a well is located who has 20993
received notice under division (C)(1)(b) of this section, in lieu 20994
of plugging the well in accordance with division (D)(2) of this 20995
section, may cause ownership of the well to be transferred to an 20996
owner who is lawfully doing business in this state and who has met 20997
the financial responsibility requirements established under 20998
section 1509.07 of the Revised Code, subject to the approval of 20999
the chief. The transfer of ownership also shall be subject to the 21000
landowner's filing the appropriate forms required under section 21001
1509.31 of the Revised Code and providing to the chief sufficient 21002
information to demonstrate the landowner's or owner's right to 21003
produce a formation or formations. That information may include a 21004
deed, a lease, or other documentation of ownership or property 21005
rights. 21006

The chief shall approve or disapprove the transfer of 21007
ownership of the well. If the chief approves the transfer, the 21008
owner is responsible for operating the well in accordance with 21009
this chapter and rules adopted under it, including, without 21010
limitation, all of the following: 21011

(1) Filing an application with the chief under section 21012
1509.06 of the Revised Code if the owner intends to drill deeper 21013
or produce a formation that is not listed in the records of the 21014
division for that well; 21015

(2) Taking title to and possession of the equipment 21016
appurtenant to the well that has been identified by the chief as 21017
having been abandoned by the former owner; 21018

(3) Complying with all applicable requirements that are 21019

necessary to drill deeper, plug the well, or plug back the well. 21020

(H) The chief shall issue an order that requires the owner of 21021
a well to pay the actual documented costs of a corrective action 21022
that is described in division (B)(2) of this section concerning 21023
the well. The chief shall transmit the money so recovered to the 21024
treasurer of state who shall deposit the money in the state 21025
treasury to the credit of the oil and gas well fund. 21026

(I) The chief may engage in cooperative projects under this 21027
section with any agency of this state, another state, or the 21028
United States; any other governmental agencies; or any state 21029
university or college as defined in section 3345.27 of the Revised 21030
Code. A contract entered into for purposes of a cooperative 21031
project is not subject to division (B) of section 127.16 of the 21032
Revised Code. 21033

Sec. 1509.28. (A) The chief of the division of oil and gas 21034
resources management, upon the chief's own motion ~~or upon~~ 21035
~~application by the owners of sixty-five per cent of the land area~~ 21036
~~overlying the pool~~, shall hold a hearing not later than forty-five 21037
days after the chief's motion to consider the need for the 21038
operation as a unit of an entire pool or part thereof. ~~An~~ 21039

In addition, an applicant that has the assent of the owners 21040
of at least sixty-five per cent of the land area overlying a pool 21041
or a part of a pool may submit an application for the operation as 21042
a unit of the entire pool or part of the pool. An application by 21043
~~owners~~ shall be accompanied by a all of the following: 21044

(1) A nonrefundable fee of ten thousand dollars and by such; 21045

(2) The name, address, and telephone number of the applicant; 21046

(3) An affidavit attesting that the owners of at least 21047
sixty-five per cent of the proposed unit have assented to the 21048
submission of the application; 21049

(4) An identification of all owners to be included in the unit, including a list specifying which owners are consenting or nonconsenting; 21050
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(5) Maps illustrating the location of the proposed unit, its boundaries, and the planned development of the proposed unit and identifying each county and township in which the proposed unit is to be located; 21053
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(6) Such information as the chief may request. 21057

The Not later than five business days after receipt of an application for unit operation, the chief or the chief's designee shall review the application and determine whether the application is complete. If the application is determined to be incomplete, the chief or the chief's designee shall provide to the applicant a notice explaining the deficiency and the additional information needed to eliminate the deficiency. The applicant may submit such additional information needed to eliminate the deficiency. Not later than five business days after additional information is received from an applicant for purposes of remedying a deficiency, the chief shall review the additional information, determine if the additional information eliminates the deficiency in the application, and provide notice to the applicant if any deficiency remains. 21058
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If notice is not provided by the chief or chief's designee to the applicant within five business days after receipt of the application or, if applicable, within five business days after the chief receives additional information for purposes of remedying a deficiency, the application shall be determined to be complete. Notwithstanding anything in this section to the contrary, the chief shall hold a hearing on an application not later than forty-five days after the application was submitted. However, the chief may grant a continuance of the hearing of not more than fourteen calendar days upon a request by a person owning an 21072
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interest in the proposed unit not later than ten calendar days 21082
prior to the scheduled hearing. 21083

The applicant shall attempt to notify all unleased mineral 21084
rights owners, all nonconsenting owners, and all working interest 21085
owners proposed to be included in the unit of the hearing by 21086
certified mail at least fourteen calendar days prior to the 21087
scheduled hearing date. At the scheduled hearing, the applicant 21088
shall provide to the chief proof of certified mailing to such 21089
owners. The applicant also shall publish notice of the hearing in 21090
a newspaper of general circulation in the county or counties, as 21091
applicable, in which the proposed unit is to be located. If such a 21092
newspaper is not available in the applicable county or counties, 21093
the applicant shall publish the notice in the newspaper of general 21094
circulation that is nearest to the proposed unit. At the hearing, 21095
the chief shall consider the need for the operation as a unit of 21096
an entire pool or part of a pool. 21097

(B) The chief shall ~~make~~ issue an order providing for the 21098
unit operation of a pool or part thereof not later than thirty 21099
days after the date of the hearing if the chief finds that such 21100
operation is reasonably necessary to increase substantially the 21101
ultimate recovery of oil and gas, and the value of the estimated 21102
additional recovery of oil or gas exceeds the estimated additional 21103
cost incident to conducting the operation. ~~The~~ However, if the 21104
chief does not receive either a transcript of the hearing or 21105
substantive information regarding an application that was 21106
requested by the chief from the applicant at the hearing within 21107
thirty days of the date of the hearing, the chief may delay 21108
issuing the order. However, the chief shall issue the order not 21109
later than five business days after receiving either the 21110
transcript or the substantive information. 21111

Notwithstanding anything in this section to the contrary, the 21112
chief shall issue an order under this section not later than 21113

forty-five days after the date of the hearing, unless the 21114
forty-five-day period is waived by the applicant in writing and 21115
submitted to the chief. 21116

(C) An order providing for the unit operation of a pool or 21117
part thereof shall be upon terms and conditions that are just and 21118
reasonable and shall prescribe a plan for unit operations that 21119
shall include: 21120

(1) A description of the unitized area, termed the unit area; 21121

(2) A statement of the nature of the operations contemplated; 21122

(3) An allocation to the separately owned tracts in the unit 21123
area of all the oil and gas that is produced from the unit area 21124
and is saved, being the production that is not used in the conduct 21125
of operations on the unit area or not unavoidably lost. The 21126
allocation shall be in accord with the agreement, if any, of the 21127
interested parties. If there is no such agreement, the chief shall 21128
determine the value, from the evidence introduced at the hearing, 21129
of each separately owned tract in the unit area, exclusive of 21130
physical equipment, for development of oil and gas by unit 21131
operations, and the production allocated to each tract shall be 21132
the proportion that the value of each tract so determined bears to 21133
the value of all tracts in the unit area. 21134

(4) A provision for the credits and charges to be made in the 21135
adjustment among the owners in the unit area for their respective 21136
investments in wells, tanks, pumps, machinery, materials, and 21137
equipment contributed to the unit operations; 21138

(5) A provision providing how the expenses of unit 21139
operations, including capital investment, shall be determined and 21140
charged to the separately owned tracts and how the expenses shall 21141
be paid; 21142

(6) A provision, if necessary, for carrying or otherwise 21143
financing any person who is unable to meet the person's financial 21144

obligations in connection with the unit, allowing a reasonable 21145
interest charge for such service that, for an unleased mineral 21146
rights owner, is two hundred per cent; 21147

(7) A provision for the supervision and conduct of the unit 21148
operations, in respect to which each person shall have a vote with 21149
a value corresponding to the percentage of the expenses of unit 21150
operations chargeable against the interest of that person; 21151

(8) The time when the unit operations shall commence, and the 21152
manner in which, and the circumstances under which, the unit 21153
operations shall terminate; 21154

(9) A provision that if the plan for unit operation includes 21155
unleased mineral rights, each unleased mineral rights owner shall 21156
receive a one-eighth royalty on production that is allocated to 21157
each tract, or portions of each tract, included in the unit area 21158
in which the unleased mineral rights owner has an interest. 21159
However, nothing in a provision included under division (C)(9) of 21160
this section precludes the chief from including in the plan for 21161
unit operation another provision allocating to an unleased mineral 21162
rights owner its proportionate share of working interest net 21163
revenues on production allocated to the tract or portions of the 21164
tract, after accounting for the royalty and the recovery of the 21165
reasonable interest charge under division (C)(6) of this section. 21166
If an unleased mineral rights owner owns less than the entire 21167
undivided mineral interest in a tract, the royalty and working 21168
interest net revenues on production allocated to the tract, or 21169
portions thereof, shall be paid only in the proportion that the 21170
unleased mineral rights owner's interest bears to the entire 21171
undivided mineral interest in the tract; 21172

(10) Such additional provisions as are found to be 21173
appropriate for carrying on the unit operations, and for the 21174
protection or adjustment of correlative rights. 21175

~~(B)~~(D) No order of the chief providing for unit operations 21176
shall become effective unless and until the plan for unit 21177
operations prescribed by the chief has been approved in writing by 21178
those owners who, under the chief's order, will be required to pay 21179
at least sixty-five per cent of the costs of the unit operation, 21180
and also by the royalty or, with respect to unleased acreage, fee 21181
owners of sixty-five per cent of the acreage to be included in the 21182
unit. If the plan for unit operations has not been so approved by 21183
owners and royalty owners at the time the order providing for unit 21184
operations is made, the chief shall upon application and notice 21185
hold such supplemental hearings as may be required to determine if 21186
and when the plan for unit operations has been so approved. If the 21187
owners and royalty owners, or either, owning the required 21188
percentage of interest in the unit area do not approve the plan 21189
for unit operations within a period of six months from the date on 21190
which the order providing for unit operations is made, the order 21191
shall cease to be of force and shall be revoked by the chief. 21192

An order providing for unit operations may be amended by an 21193
order made by the chief, in the same manner and subject to the 21194
same conditions as an original order providing for unit 21195
operations, provided that: 21196

(1) If such an amendment affects only the rights and 21197
interests of the owners, the approval of the amendment by the 21198
royalty owners shall not be required. 21199

(2) No such order of amendment shall change the percentage 21200
for allocation of oil and gas as established for any separately 21201
owned tract by the original order, except with the consent of all 21202
persons owning interest in the tract. 21203

The chief, by an order, may provide for the unit operation of 21204
a pool or a part thereof that embraces a unit area established by 21205
a previous order of the chief. Such an order, in providing for the 21206
allocation of unit production, shall first treat the unit area 21207

previously established as a single tract, and the portion of the 21208
unit production so allocated thereto shall then be allocated among 21209
the separately owned tracts included in the previously established 21210
unit area in the same proportions as those specified in the 21211
previous order. 21212

Oil and gas allocated to a separately owned tract shall be 21213
deemed, for all purposes, to have been actually produced from the 21214
tract, and all operations, including, but not limited to, the 21215
commencement, drilling, operation of, or production from a well 21216
upon any portion of the unit area shall be deemed for all purposes 21217
the conduct of such operations and production from any lease or 21218
contract for lands any portion of which is included in the unit 21219
area. The operations conducted pursuant to the order of the chief 21220
shall constitute a fulfillment of all the express or implied 21221
obligations of each lease or contract covering lands in the unit 21222
area to the extent that compliance with such obligations cannot be 21223
had because of the order of the chief. 21224

Oil and gas allocated to any tract, and the proceeds from the 21225
sale thereof, shall be the property and income of the several 21226
persons to whom, or to whose credit, the same are allocated or 21227
payable under the order providing for unit operations. 21228

No order of the chief or other contract relating to the sale 21229
or purchase of production from a separately owned tract shall be 21230
terminated by the order providing for unit operations, but shall 21231
remain in force and apply to oil and gas allocated to the tract 21232
until terminated in accordance with the provisions thereof. 21233

Notwithstanding ~~divisions (A) to (H)~~ of section 1509.73 of 21234
the Revised Code and rules adopted under it, the chief shall issue 21235
an order for the unit operation of a pool or a part of a pool that 21236
encompasses a unit area for which all or a portion of the mineral 21237
rights are owned by the ~~department of transportation~~ state or a 21238
political subdivision of the state. However, the chief shall not 21239

issue such an order with regard to a state park operated under 21240
Chapter 1541. of the Revised Code as of January 1, 2017, or a 21241
nature preserve as defined in section 1517.01 of the Revised Code. 21242
Further, the chief shall not authorize the disruption of surface 21243
land in a state forest operated under Chapter 1503. of the Revised 21244
Code by an order issued under this section. 21245

Except to the extent that the parties affected so agree, no 21246
order providing for unit operations shall be construed to result 21247
in a transfer of all or any part of the title of any person to the 21248
oil and gas rights in any tract in the unit area. All property, 21249
whether real or personal, that may be acquired for the account of 21250
the owners within the unit area shall be the property of such 21251
owners in the proportion that the expenses of unit operations are 21252
charged. 21253

(E) An order of the chief providing for unit operation under 21254
this section does not authorize an owner to use the surface of 21255
unleased land unless that use is consistent with a separate 21256
agreement between the surface rights owner of that land and the 21257
owner. 21258

(F) An unleased mineral rights owner of any tract included in 21259
a unit by an order of the chief issued under this section shall 21260
not incur liability for any personal or property damage associated 21261
with any drilling, testing, completing, producing, operating, or 21262
plugging activities related to a well within the unit unless the 21263
damage arises from a purposeful or grossly negligent act of the 21264
unleased mineral rights owner. 21265

(G) As used in this section, "unleased mineral rights owner" 21266
means an owner that has not leased the owner's mineral rights for 21267
oil or gas, unless the chief separately defines that class of 21268
owner in an order for unit operation. 21269

Sec. 1509.71. (A) It is the policy of the state to provide 21270

access to and support the exploration for, development of, and 21271
production of oil and natural gas resources owned or controlled by 21272
the state in an effort to use the state's natural resources 21273
responsibly. 21274

(B) There is hereby created the oil and gas leasing 21275
commission consisting of the chief of the division of geological 21276
survey and the following four members ~~appointed by the governor~~: 21277

(1) Two members, appointed by the speaker of the house of 21278
representatives, from a list of not less than four persons 21279
recommended by a statewide organization representing the oil and 21280
gas industry; 21281

(2) One member, appointed by the president of the senate, of 21282
the public with expertise in finance or real estate; 21283

(3) One member, appointed by the president of the senate, 21284
representing a statewide environmental or conservation 21285
organization. 21286

(C) Initial appointments shall be made to the commission not 21287
later than thirty days after the effective date of this ~~section~~ 21288
amendment. Of the initial members appointed to the commission by 21289
the speaker of the house of representatives, one shall serve a 21290
term of two years, and one shall serve a term of three years. Of 21291
the initial members appointed by the president of the senate, one 21292
shall serve a term of four years, and one shall serve a term of 21293
five years. Thereafter, terms of office of members shall be for 21294
five years from the date of appointment. Each member appointed by 21295
the ~~governor~~ speaker or president shall hold office from the date 21296
of appointment until the end of the term for which the member was 21297
appointed. ~~The governor shall fill a vacancy occurring on the~~ 21298
~~commission by appointing a member within sixty days after the~~ 21299
~~vacancy occurs~~ A vacancy shall be filled in the same manner as the 21300
original appointment. A member appointed to fill a vacancy 21301

occurring prior to the expiration of the term for which the 21302
member's predecessor was appointed shall hold office for the 21303
remainder of that term. A member shall continue in office 21304
subsequent to the expiration date of the member's term until the 21305
member's successor takes office, or until a period of sixty days 21306
has elapsed, whichever occurs first. 21307

(D) Three members constitute a quorum of the commission, and 21308
no action of the commission is valid unless it has the concurrence 21309
of at least three members. The commission shall keep a record of 21310
its proceedings. The chief of the division of geological survey 21311
shall serve as the chairperson of the commission. 21312

(E) The ~~governor~~ speaker or president may remove an appointed 21313
member from the commission for inefficiency, malfeasance, 21314
misfeasance, or nonfeasance. 21315

(F) Members of the commission shall receive no compensation, 21316
but shall be reimbursed for their actual and necessary expenses 21317
incurred in the course of the performance of their duties as 21318
members of the commission. 21319

(G) The department of natural resources shall furnish 21320
clerical, technical, legal, and other services required by the 21321
commission in the performance of its duties. 21322

Sec. 1513.18. (A) All money that becomes the property of the 21323
state under division (G) of section 1513.16 of the Revised Code 21324
shall be deposited in the reclamation forfeiture fund, which is 21325
hereby created in the state treasury. Disbursements from the fund 21326
shall be made by the chief of the division of mineral resources 21327
management for the purpose of reclaiming areas of land affected by 21328
coal mining under a coal mining and reclamation permit issued on 21329
or after September 1, 1981, on which an operator has defaulted. 21330

(B) The fund also shall consist of all money from the 21331

collection of liens under section 1513.081 of the Revised Code, 21332
~~any moneys transferred to it under section 1513.181 of the Revised~~ 21333
~~Code from the coal mining and reclamation reserve fund created in~~ 21334
~~that section,~~ all money credited to the fund from the fee levied 21335
by division (F)(8)(c) of section 1513.16 of the Revised Code, 21336
fines collected under division (E) of section 1513.02 and section 21337
1513.99 of the Revised Code, fines collected for a violation of 21338
section 2921.31 of the Revised Code that, prior to July 1, 1996, 21339
would have been a violation of division (G) of section 1513.17 of 21340
the Revised Code as it existed prior to that date, and ~~moneys~~ 21341
money collected and credited to it pursuant to section 5749.02 of 21342
the Revised Code. Disbursements from the fund shall be made by the 21343
chief in accordance with division (D) of this section for the 21344
purpose of reclaiming areas that an operator has affected by 21345
mining and failed to reclaim under a coal mining and reclamation 21346
permit issued under this chapter. 21347

The chief may expend ~~moneys~~ money from the fund to pay 21348
necessary administrative costs, including engineering and design 21349
services, incurred by the division of mineral resources management 21350
in reclaiming these areas. The chief also may expend ~~moneys~~ money 21351
from the fund to pay necessary administrative costs of the 21352
reclamation forfeiture fund advisory board created in section 21353
1513.182 of the Revised Code as authorized by the board under that 21354
section. Expenditures from the fund to pay such administrative 21355
costs need not be made under contract. 21356

(C) Except when paying necessary administrative costs 21357
authorized by division (B) of this section, expenditures from the 21358
fund shall be made under contracts entered into by the chief, with 21359
the approval of the director of natural resources, in accordance 21360
with procedures established by the chief, by rules adopted in 21361
accordance with section 1513.02 of the Revised Code. The chief may 21362
reclaim the land in the same manner as set forth in sections 21363

1513.21 to 1513.24 of the Revised Code. Each contract awarded by the chief shall be awarded to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, after sealed bids are received, opened, and published at the time and place fixed by the chief. The chief shall publish notice of the time and place at which bids will be received, opened, and published, at least once and at least ten days before the date of the opening of the bids, in a newspaper of general circulation in the county in which the area of land to be reclaimed under the contract is located. If, after advertising, no bids are received at the time and place fixed for receiving them, the chief may advertise again for bids, or, if the chief considers the public interest will best be served, the chief may enter into a contract for the reclamation of the area of land without further advertisement for bids. The chief may reject any or all bids received and again publish notice of the time and place at which bids for contracts will be received, opened, and published. The chief, with the approval of the director, may enter into a contract with the landowner, a coal mine operator or surface mine operator mining under a current, valid permit issued under this chapter or Chapter 1514. of the Revised Code, or a contractor hired by the surety or trustee, if the performance security is held in trust, to complete reclamation on land affected by coal mining on which an operator has defaulted, or with a contractor hired by the trust administrator of an alternative financial security that is provided in accordance with division (F)(8) of section 1513.16 of the Revised Code to provide long-term water treatment or a long-term alternative water supply on areas affected by coal mining on which a permittee has defaulted or not fully funded an alternative financial security, without advertising for bids.

(D)(1) The chief shall expend money credited to the reclamation forfeiture fund from the forfeiture of the performance

security applicable to an area of land to pay for the cost of 21397
completing reclamation to the standards established by this 21398
chapter and rules adopted under it. 21399

(2) If the performance security for the area of land was 21400
provided under division (C)(1) of section 1513.08 of the Revised 21401
Code, the chief shall use the money from the forfeited performance 21402
security and any alternative financial security provided under 21403
division (F)(8) of section 1513.16 of the Revised Code to complete 21404
the reclamation that the operator failed to do under the 21405
operator's applicable coal mining and reclamation permit issued 21406
under this chapter. 21407

(3) If the performance security for the area of land was 21408
provided under division (C)(2) of section 1513.08 of the Revised 21409
Code, the chief shall use the money from the forfeited performance 21410
security and any alternative financial security provided under 21411
division (F)(8) of section 1513.16 of the Revised Code to complete 21412
the reclamation that the operator failed to do under the 21413
operator's applicable coal mining and reclamation permit issued 21414
under this chapter. If the money credited to the reclamation 21415
forfeiture fund from the forfeiture of the performance security 21416
provided under division (C)(2) of section 1513.08 of the Revised 21417
Code and any alternative financial security provided under 21418
division (F)(8) of section 1513.16 of the Revised Code is not 21419
sufficient to complete the reclamation to the standards 21420
established by this chapter and rules adopted under it, the chief 21421
shall notify the reclamation forfeiture fund advisory board of the 21422
amount of the insufficiency. The chief may expend money credited 21423
to the reclamation forfeiture fund under section 5749.02 of the 21424
Revised Code, or credited to the reclamation forfeiture fund from 21425
the fee levied by division (F)(8)(c) of section 1513.16 of the 21426
Revised Code, ~~or transferred to the fund under section 1513.181 of~~ 21427
~~the Revised Code~~ to complete the reclamation to the standards 21428

established by this chapter and rules adopted under it. Except as 21429
provided in division (D)(5) of this section, the chief shall not 21430
expend money from the fund in an amount that exceeds the 21431
difference between the amount of the performance security provided 21432
under division (C)(2) of section 1513.08 of the Revised Code and 21433
the estimated cost of reclamation as determined by the chief under 21434
divisions (B) and (E) of that section. 21435

(4) Except as provided in division (D)(5) of this section, 21436
money from the reclamation forfeiture fund shall not be used for 21437
reclamation of land or water resources affected by mine drainage 21438
that requires extended water treatment after reclamation is 21439
completed under the terms of the permit. In addition, money from 21440
the reclamation forfeiture fund shall not be used to supplement 21441
the performance security of an applicant or permittee that has 21442
provided performance security in accordance with division (C)(1) 21443
of section 1513.08 of the Revised Code. 21444

(5) If a permittee relies in part on the reclamation 21445
forfeiture fund for alternative financial security under division 21446
(F)(8)(c) of section 1513.16 of the Revised Code, money from the 21447
reclamation forfeiture fund may be used for reclamation of the 21448
land or water resources affected by mine drainage that requires 21449
water treatment after reclamation is completed under the terms of 21450
the permit or an alternative water supply after reclamation is 21451
completed under the terms of the permit in an amount not to exceed 21452
the balance of the alternative financial security provided by the 21453
reclamation forfeiture fund under that division. 21454

(E) The chief shall keep a detailed accounting of the 21455
expenditures from the reclamation forfeiture fund to complete 21456
reclamation of the land or water resources, as applicable, and, 21457
upon completion of the reclamation, shall certify the expenditures 21458
to the attorney general. Upon the chief's certification of the 21459
expenditures from the reclamation forfeiture fund, the attorney 21460

general shall bring an action for that amount of money. The 21461
operator is liable for that expense in addition to any other 21462
liabilities imposed by law. ~~Moneys~~ Money so recovered shall be 21463
credited to the reclamation forfeiture fund. The chief shall not 21464
postpone the reclamation because of any action brought by the 21465
attorney general under this division. Prior to completing 21466
reclamation, the chief may collect through the attorney general 21467
any additional amount that the chief believes will be necessary 21468
for reclamation in excess of the forfeited performance security 21469
and any alternative financial security amount applicable to the 21470
land or water resources that the operator should have, but failed 21471
to, reclaim. 21472

(F) Except as otherwise provided in division (H) of this 21473
section, if any part of the ~~moneys~~ money in the reclamation 21474
forfeiture fund remains in the fund after the chief has caused the 21475
area of land to be reclaimed and has paid all the reclamation 21476
costs and expenses, the chief may expend those ~~moneys~~ money to 21477
complete other reclamation work performed under this section on 21478
forfeiture areas affected under a coal mining and reclamation 21479
permit issued on or after September 1, 1981. 21480

(G) The chief shall require every contractor performing 21481
reclamation work pursuant to this section to pay workers at the 21482
greater of their regular rate of pay, as established by contract, 21483
agreement, or prior custom or practice, or the average wage rate 21484
paid in this state for the same or similar work as determined by 21485
the chief under section 1513.02 of the Revised Code. 21486

(H) All investment earnings of the fund shall be credited to 21487
the fund and shall be used only for the reclamation of land for 21488
which performance security was provided under division (C)(2) of 21489
section 1513.08 of the Revised Code. 21490

Sec. 1513.20. The chief of the division of mineral resources 21491

management, with the approval of the director of natural 21492
resources, may purchase or acquire by gift, donation, or 21493
contribution any eroded land, including land affected by strip 21494
mining, for which no cash is held in the reclamation forfeiture 21495
fund created by section 1513.18 of the Revised Code. For this 21496
purpose the chief may expend ~~moneys~~ money deposited in the 21497
~~unreclaimed lands~~ mining regulation and safety fund created by 21498
section 1513.30 of the Revised Code. All lands purchased or 21499
acquired shall be deeded to the state, but no deed shall be 21500
accepted or the purchase price paid until the title has been 21501
approved by the attorney general. 21502

Sec. 1513.25. After completion of the reclamation of a tract 21503
of land acquired pursuant to section 1513.20 of the Revised Code, 21504
the chief of the division of mineral resources management may, if 21505
the land is suitable to the uses of any other department, 21506
division, office, or institution of the state, transfer the land 21507
or tract to that department, division, office, or institution, 21508
subject to the approval of the director of natural resources. 21509

With the approval of the attorney general and the director, 21510
the chief may sell any such land or tract, after completion of the 21511
plan of reclamation, when the sale is advantageous to the state. 21512

With the approval of the attorney general and the director, 21513
the chief may grant easements and leases on the land or tract 21514
under terms advantageous to the state, and may grant mineral 21515
rights on a royalty basis. 21516

All ~~moneys~~ money received from the sale of reclaimed lands, 21517
or in payment for easements, leases, or royalties, shall be paid 21518
to the ~~unreclaimed lands~~ mining regulation and safety fund created 21519
in section 1513.30 of the Revised Code. 21520

Sec. 1513.27. As used in this section and sections 1513.28, 21521

1513.30, 1513.31, and 1513.32 of the Revised Code, "damage to 21522
adjacent property" means physical injury or harm to nearby 21523
property caused by the unreclaimed condition of lands mined prior 21524
to April 10, 1972, or pursuant to a license issued prior to April 21525
10, 1972, including, without limitation, injury or harm to 21526
vegetation on adjacent property, pollution of surface or 21527
underground waters on adjacent property, loss or interruption of 21528
water supply on adjacent property, flow of acid water onto or 21529
across adjacent property, flooding of adjacent property, 21530
landslides onto or across adjacent property, erosion of adjacent 21531
property, or deposition of sediment upon adjacent property. Damage 21532
to adjacent property does not include any diminution of the market 21533
value of adjacent property caused exclusively by the visual or 21534
aesthetic appearance of such unreclaimed lands. 21535

The chief of the division of mineral resources management, 21536
with the approval of the director of natural resources, may enter 21537
into a written agreement, which may be in the form of a contract, 21538
with the owner of any unreclaimed land affected by mining before 21539
April 10, 1972, or pursuant to a license issued before April 10, 21540
1972, that causes or may cause pollution of the waters of the 21541
state or damage to adjacent property, is not likely to be mined in 21542
the foreseeable future, and lies within the boundaries of a 21543
project area approved by the chief under section 1513.30 of the 21544
Revised Code, under which the state or its agents may enter the 21545
land to reclaim it at state expense with ~~moneys~~ money from the 21546
~~unreclaimed lands~~ mining regulation and safety fund by 21547
establishing vegetative cover and substantially reducing or 21548
eliminating erosion, sedimentation, landslides, pollution, 21549
accumulation or discharge of acid water, flooding, and damage to 21550
adjacent property. The agreement may include provisions pertaining 21551
to liability for damages and any other provisions necessary or 21552
desirable to achieve the purposes of this section. 21553

If the chief makes a finding of fact that land or water resources have been adversely affected by past coal mining practices; if the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent the adverse effects should be taken; and if the owners of the affected land or water resources either are not known or readily available or will not give permission for the state, political subdivisions, or their agents, employees, or contractors to enter on the property to restore, reclaim, abate, control, or prevent the adverse effects, the chief or the chief's agents, employees, or contractors may enter on the affected property in order to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. Prior to entering on the property, the chief or the chief's agents, employees, or contractors shall give notice by mail to the owners, if known, or, if not known, by posting notice on the premises and advertising once in a newspaper of general circulation in the county or municipal corporation in which the land lies. Such an entry shall be construed as an exercise of the police power for the protection of public health, safety, and welfare and shall not be construed as an act of condemnation of property or of trespass. The ~~moneys~~ money expended for the work and the benefits accruing to any premises so entered upon shall be chargeable against land and shall mitigate or offset any claim in or any action brought by any owner of any interest in the premises for any alleged damages by virtue of the entry. This provision is not intended to create new rights of action or eliminate existing immunities.

Each agreement entered into pursuant to this section shall contain provisions for the reimbursement of a portion of the costs of the reclamation that is commensurate with the increase in the fair market value of the property attributable to the reclamation work thereon, as determined by appraisals made before and after reclamation in the manner stated in the agreement, unless the

determination discloses an increase in value that is 21587
insubstantial. For reimbursement of the portion, the agreement may 21588
include provisions for any of the following: 21589

(A) Public use for soil, water, forest, or wildlife 21590
conservation or public recreation purposes; 21591

(B) Payment to the state of the share of the income from the 21592
crops or timber produced on the land that is stated in the 21593
agreement; 21594

(C) Imposition of a lien in the amount of the increase in 21595
fair market value payable upon transfer or conveyance of the 21596
property to a new owner. All such reimbursements and payments 21597
shall be credited to the ~~unreclaimed lands~~ mining regulation and 21598
safety fund. 21599

(D) Payment to the state in cash of the amount of the 21600
increase in fair market value, payable upon completion of the 21601
reclamation. 21602

For the purpose of selecting lands to be reclaimed within the 21603
boundaries of approved project areas, the chief shall consult the 21604
owners of unreclaimed lands, may consult with local officials, 21605
civic and professional organizations, and interested individuals, 21606
and shall consider the feasibility, cost, and public benefits of 21607
reclaiming particular lands, their potential for being mined, and 21608
the availability of federal or other assistance for reclamation. 21609
Before entering into the agreement, the chief shall prepare or 21610
approve a detailed plan with topographic maps indicating the 21611
reclamation improvements to be made. The plan may include 21612
improvements recommended by the owner, but may not include 21613
improvements that the chief finds are not necessary to establish 21614
vegetative cover or substantially reduce or eliminate erosion, 21615
sedimentation, landslides, pollution, accumulation or discharge of 21616
acid water, flooding, or damage to adjacent property. 21617

With the approval of the director and upon entering into the 21618
agreement with the owner, the chief may carry out the plan of 21619
reclamation or any part thereof with the employees and equipment 21620
of any division of the department of natural resources, or the 21621
chief may carry out the plan or any part thereof by contracting 21622
therefor. 21623

The chief, with the approval of the director and written 21624
consent of the owner, may enter into a contract with an operator 21625
mining adjacent land under a current, valid permit to carry out 21626
the plan of reclamation on the unreclaimed land or any part of the 21627
plan without advertising for bids. Contracts entered into with 21628
operators mining adjacent land are not subject to division (B) of 21629
section 127.16 of the Revised Code. 21630

The chief shall require every operator mining adjacent land 21631
who performs reclamation work pursuant to this section to pay 21632
workers at the greater of their regular rate of pay, as 21633
established by contract, agreement, or prior custom or practice, 21634
or the average wage rate paid in this state for the same or 21635
similar work performed in the same or similar locality by private 21636
companies doing their own reclamation work. Each contract awarded 21637
by the chief to other than an operator mining adjacent land shall 21638
be awarded to the lowest responsible bidder after sealed bids are 21639
received, opened, and published at the time and place fixed by the 21640
chief. The chief shall publish notice of the time and place at 21641
which bids will be received, opened, and published, at least once 21642
at least ten days before the date of the opening of the bids, in a 21643
newspaper of general circulation in the county in which the area 21644
of land to be reclaimed under the contract is located. If, after 21645
so advertising for bids, no bids are received by the chief at the 21646
time and place fixed for receiving them, the chief may advertise 21647
again for bids, or, if the chief considers the public interest 21648
will be best served, the chief may enter into a contract for the 21649

reclamation of the area of land without further advertisement for 21650
bids. The chief may reject all bids received and again publish 21651
notice of the time and place at which bids for contracts will be 21652
received, opened, and published. The chief, with the approval of 21653
the director and written consent of the owner, may enter into a 21654
contract with a licensed mine operator mining adjacent land under 21655
a valid permit to carry out the plan of reclamation on the 21656
unreclaimed land or any part of the plan without advertising for 21657
bids. 21658

Sec. 1513.28. The chief of the division of mineral resources 21659
management, with the approval of the director of natural 21660
resources, may make grants of ~~moneys~~ money from the ~~unreclaimed~~ 21661
~~lands~~ mining regulation and safety fund created by section 1513.30 21662
of the Revised Code for the payment by the state of up to 21663
seventy-five per cent of the reasonable and necessary reclamation 21664
expenses incurred by the owner of any unreclaimed land affected by 21665
mining before April 10, 1972, or pursuant to a license issued 21666
before April 10, 1972, that causes or may cause pollution of the 21667
waters of the state or damage to adjacent property, is not likely 21668
to be mined in the foreseeable future, and lies within the 21669
boundaries of a project area approved by the chief under section 21670
1513.30 of the Revised Code. 21671

The owner shall submit application for a grant on forms 21672
furnished by the division, together with detailed plans and 21673
topographic maps indicating the reclamation improvements to be 21674
made, an itemized estimate of the project's cost, a description of 21675
the project's benefits, and such other information as the chief 21676
prescribes. The plan of reclamation may be prepared in 21677
consultation with a local soil and water conservation district. 21678

The chief may award the applicant a grant only after finding 21679
that the proposed reclamation work will establish vegetative cover 21680

and substantially reduce or eliminate erosion, sedimentation, 21681
landslides, pollution, accumulation or discharge of acid water, 21682
flooding, and damage to adjacent property. 21683

For the purpose of establishing priorities for awarding 21684
grants under this section and section 1513.31 of the Revised Code, 21685
the chief shall consider each project's feasibility, cost, and 21686
public benefits of reclaiming the particular land, its potential 21687
for being mined, and the availability of federal or other 21688
financial assistance for reclamation. 21689

The chief shall determine the amount of a grant under this 21690
section based upon the chief's determination of what constitutes 21691
reasonable and necessary expenses actually incurred for 21692
establishing vegetative cover, substantially reducing or 21693
eliminating erosion, sedimentation, landslides, pollution, 21694
accumulation or discharge of acid water, flooding, or damage to 21695
adjacent property, and preparing the plan of reclamation. The 21696
owner may elect to have other improvements made concurrently, but 21697
in no event shall any part of the grant be made for such other 21698
improvements, and in no event shall the amount of the grant exceed 21699
seventy-five per cent of the total amount, determined by the 21700
chief, of what constitutes reasonable and necessary expenses 21701
actually incurred for the reclamation measures listed in this 21702
section. 21703

The chief shall enter into a contract for funding with each 21704
applicant awarded a grant to ensure that the ~~moneys~~ money granted 21705
are used for the purposes of this section and that the reclamation 21706
work is properly done. The final payment may not be made until the 21707
chief inspects and approves the completed reclamation work. 21708

Each such contract shall contain provisions for the 21709
reimbursement of a portion of the costs of the reclamation that is 21710
commensurate with the increase in the fair market value of the 21711
property attributable to the reclamation work thereon, as 21712

determined by appraisals made before and after reclamation in the 21713
manner stated in the agreement, unless such determination 21714
discloses an increase in value that is insubstantial in comparison 21715
to the benefits to the public from the abatement of pollution or 21716
prevention of damage to adjacent property, considering the 21717
applicant's share of the reclamation cost. For reimbursement of 21718
such portion, the contract may include provisions for: 21719

(A) Public use for soil, water, forest, or wildlife 21720
conservation or public recreation purposes; 21721

(B) Payment to the state of the share of the income from the 21722
crops or timber produced on the land that is stated in the 21723
agreement; 21724

(C) Imposition of a lien in the amount of the increase in 21725
fair market value payable upon transfer or conveyance of the 21726
property to a new owner; 21727

(D) Payment to the state in cash in the amount of the 21728
increase in fair market value, payable upon completion of the 21729
reclamation. 21730

All such reimbursements and payments shall be credited to the 21731
~~unreclaimed lands~~ mining regulation and safety fund. 21732

Not more than forty per cent of the money credited to the 21733
fund during the preceding calendar year may be expended during a 21734
calendar year for grants under this section. 21735

The chief shall require every landowner performing 21736
reclamation work pursuant to this section to pay workers at the 21737
greater of their regular rate of pay, as established by contract, 21738
agreement, or prior custom or practice, or the average wage rate 21739
in this state for the same or similar work performed in the same 21740
or similar locality by private companies doing their own 21741
reclamation work. 21742

Sec. 1513.30. (A) There is hereby created in the state 21743
treasury the ~~unreclaimed lands~~ mining regulation and safety fund, 21744
to be administered by the chief of the division of mineral 21745
resources management ~~and~~. The fund shall be used for the purpose 21746
of reclaiming following purposes: 21747

(1) Reclaiming land, public or private, affected by mining, 21748
or controlling mine drainage, for which no cash is held in the 21749
reclamation forfeiture fund created in section 1513.18 of the 21750
Revised Code ~~or the surface mining fund created in section;~~ 21751

(2) Specified purposes in sections 1514.06, 1514.11, and 21752
1561.48 of the Revised Code; 21753

(3) Administration and enforcement of Chapter 1513. of the 21754
Revised Code. 21755

All investment earnings of the fund shall be deposited into 21756
the fund. 21757

(B) In order to direct expenditures from the ~~unreclaimed~~ 21758
~~lands~~ mining regulation and safety fund toward reclamation 21759
projects that fulfill priority needs and provide the greatest 21760
public benefits, the chief periodically shall consider projects to 21761
be financed from the ~~unreclaimed lands~~ mining regulation and 21762
safety fund. For the purpose of selecting project areas and 21763
determining the boundaries of project areas, the chief shall 21764
consider the feasibility, cost, and public benefits of reclaiming 21765
the areas, their potential for being mined, the availability of 21766
federal or other financial assistance for reclamation, and the 21767
geographic distribution of project areas to ensure fair 21768
distribution among affected areas. 21769

(C) The chief shall give priority to areas where there is 21770
little or no likelihood of mining within the foreseeable future, 21771
reclamation is feasible at reasonable cost with available funds, 21772

and either of the following applies: 21773

~~(A)(1)~~ The pollution of the waters of the state and damage to 21774
adjacent property are most severe and widespread. 21775

~~(B)(2)~~ Reclamation will make possible public uses for soil, 21776
water, forest, or wildlife conservation or public recreation 21777
purposes, will facilitate orderly commercial or industrial site 21778
development, or will facilitate the use or improve the enjoyment 21779
of nearby public conservation or recreation lands. 21780

~~(D)~~ Expenditures from the ~~unreclaimed lands mining regulation~~ 21781
~~and safety~~ fund for reclamation projects may be made only for 21782
projects that are within the boundaries of project areas approved 21783
by the chief. Expenditures from the ~~unreclaimed lands mining~~ 21784
~~regulation and safety~~ fund shall be made by the chief, with the 21785
approval of the director of natural resources. 21786

~~The chief may expend an amount not to exceed twenty per cent~~ 21787
~~of the moneys credited annually by the treasurer of state to the~~ 21788
~~unreclaimed lands fund for the purpose of administering the fund.~~ 21789

~~(E)~~ The chief may engage in cooperative projects under this 21790
section with any agency of the United States, appropriate state 21791
agencies, or state universities or colleges as defined in section 21792
3345.27 of the Revised Code and may transfer money from the fund 21793
to other appropriate state agencies or to state universities or 21794
colleges in order to carry out the reclamation activities 21795
authorized by this section. 21796

~~If the director of natural resources determines it to be~~ 21797
~~necessary, the director may request the controlling board to~~ 21798
~~transfer an amount of money from the fund to the coal mining~~ 21799
~~administration and reclamation reserve fund created in section~~ 21800
~~1513.181 of the Revised Code.~~ 21801

~~(F)~~ Notwithstanding any other provisions of law to the 21802
contrary, money credited to the mining regulation and safety fund 21803

that is derived from taxes levied in division (A)(3) or (4) of 21804
section 5749.02 of the Revised Code shall not be used for any 21805
purposes authorized under this chapter. 21806

Sec. 1513.31. For the purpose of promoting local or regional 21807
economic or community development, the chief of the division of 21808
mineral resources management, with the approval of the director of 21809
natural resources, may make grants of money from the ~~unreclaimed~~ 21810
~~lands~~ mining regulation and safety fund created by section 1513.30 21811
of the Revised Code for the payment by the state of up to 21812
seventy-five per cent of the reasonable and necessary expenses 21813
incurred by a political subdivision, community improvement 21814
corporation incorporated under Chapter 1724. of the Revised Code, 21815
or other nonprofit corporation incorporated under Chapter 1702. of 21816
the Revised Code for the reclamation of any unreclaimed land 21817
affected by mining before April 10, 1972, or pursuant to a license 21818
issued before April 10, 1972, that is owned by the political 21819
subdivision or corporation, is to be reclaimed for the purpose of 21820
commercial or industrial site development by the political 21821
subdivision or corporation or the development of recreational 21822
facilities by the political subdivision, and lies within the 21823
boundaries of a project area approved by the chief. 21824

The owner shall submit an application for a grant on forms 21825
furnished by the division of mineral resources management together 21826
with detailed plans and topographic maps indicating the 21827
reclamation improvements to be made, an itemized estimate of the 21828
project's cost, a description of the project's benefits, and such 21829
other information as the chief prescribes. The chief may award the 21830
applicant a grant only after finding that the proposed reclamation 21831
work will render the unreclaimed land suitable for commercial, 21832
industrial, or, if the land is owned by a political subdivision, 21833
recreational site development and will substantially reduce or 21834
eliminate the damage, if any, to adjacent property that is or may 21835

be caused by the condition of the unreclaimed land. 21836

The chief shall determine the amount of the grant based upon 21837
the chief's determination of what constitutes reasonable and 21838
necessary expenses actually incurred for preparing the plan of 21839
reclamation; preparing the unreclaimed land for commercial, 21840
industrial, or, in the case of land owned by a political 21841
subdivision, recreational site development, including backfilling, 21842
grading, resoiling, planting, or other work to restore the land to 21843
a condition suitable for such development; and, if the condition 21844
of the unreclaimed land so requires, establishing vegetative cover 21845
or substantially reducing or eliminating erosion, sedimentation, 21846
landslides, pollution, accumulation or discharge of acid water, 21847
flooding, or damage to adjacent property. The owner may have other 21848
improvements made concurrently with the reclamation work, but 21849
shall not spend any part of the grant for such other improvements. 21850
No grant shall exceed seventy-five per cent of the total amount, 21851
as determined by the chief, of what constitutes reasonable and 21852
necessary expenses actually incurred for the reclamation measures 21853
listed in this section. 21854

The chief shall enter into a contract for funding with each 21855
applicant awarded a grant in order to ensure that the ~~moneys~~ money 21856
granted are used for the purposes of this section and that the 21857
reclamation work is properly done. The final payment under a grant 21858
may not be made until the chief inspects and approves the 21859
completed reclamation work. 21860

Sec. 1513.32. For the purpose of promoting local or regional 21861
economic or community development, the chief of the division of 21862
mineral resources management, with the approval of the director of 21863
natural resources, may enter into a written agreement, which may 21864
be in the form of a contract, with a political subdivision, 21865
community improvement corporation incorporated under Chapter 1724. 21866

of the Revised Code, or other nonprofit corporation incorporated 21867
under Chapter 1702. of the Revised Code that owns any unreclaimed 21868
land affected by mining before April 10, 1972, or pursuant to a 21869
license issued before April 10, 1972, under which the state or its 21870
agents may enter upon the land to reclaim it at state expense with 21871
~~moneys~~ money from the ~~unreclaimed lands~~ mining regulation and 21872
safety fund created by section 1513.30 of the Revised Code for the 21873
purpose of commercial or industrial site development if the land 21874
is owned by a political subdivision or corporation or the 21875
development of recreational facilities if the land is owned by a 21876
political subdivision. The agreement may include provisions 21877
pertaining to liability for damages and any other provisions 21878
necessary or desirable to achieve the purposes of this section. 21879

For the purpose of selecting lands to be reclaimed for 21880
commercial, industrial, or, if the lands are owned by a political 21881
subdivision, recreational site development, the chief shall 21882
consult with the owners of unreclaimed lands and with local 21883
officials, civic and professional organizations, and interested 21884
individuals and shall consider the feasibility, cost, and public 21885
benefits of reclaiming particular lands and the availability of 21886
federal or other assistance for the reclamation. The chief shall 21887
select for reclamation under this section only lands that lie 21888
within the boundaries of a project area approved by the chief. 21889

Before entering into the agreement, the chief shall prepare 21890
or approve a detailed plan with topographic maps indicating the 21891
reclamation improvements to be made, an itemized estimate of the 21892
project's cost, a description of the project's benefits, and such 21893
other information as the chief considers appropriate. The plan 21894
shall include only reclamation work that is necessary to render 21895
the unreclaimed land suitable for commercial, industrial, or, if 21896
the land is owned by a political subdivision, recreational site 21897
development and will substantially reduce or eliminate the damage, 21898

if any, to adjacent property that is or may be caused by the 21899
condition of the unreclaimed land. The plan may include 21900
improvements recommended by the owner, but may not include any 21901
improvements that the chief finds are not necessary to prepare the 21902
unreclaimed land for commercial, industrial, or, if the land is 21903
owned by a political subdivision, recreational site development, 21904
or if the condition of the unreclaimed land so requires, are not 21905
necessary to establish vegetative cover or substantially reduce or 21906
eliminate erosion, sedimentation, landslides, pollution, 21907
accumulation or discharge of acid water, flooding, or damage to 21908
adjacent property. 21909

With the approval of the director and upon entering into an 21910
agreement with the owner, the chief may carry out the plan of 21911
reclamation or any part thereof with the employees or equipment of 21912
the department, or the chief may carry out the plan or any part 21913
thereof by contracting therefor in accordance with the procedures 21914
prescribed in section 1513.27 of the Revised Code. The chief shall 21915
keep an itemized record of the state's expense in carrying out the 21916
plan. 21917

Expenditure of not more than twenty per cent of the ~~moneys~~ 21918
money credited to the ~~unreclaimed lands~~ mining regulation and 21919
safety fund during the preceding fiscal year may be approved by 21920
the chief during a fiscal year for conducting reclamation projects 21921
under this section and for making grants under section 1513.31 of 21922
the Revised Code, provided that such expenditures are primarily 21923
for the pollution abatement purposes of section 1513.30 of the 21924
Revised Code. 21925

Sec. 1513.33. The amount of any grant to a community 21926
improvement corporation or nonprofit corporation made under 21927
section 1513.31 of the Revised Code or the state's expenses 21928
incurred in reclaiming unreclaimed land owned by a community 21929

improvement corporation or nonprofit corporation under section 21930
1513.32 of the Revised Code shall constitute a loan by the state 21931
to the corporation. Entry into a grant contract under section 21932
1513.31 of the Revised Code or into a reclamation agreement under 21933
section 1513.32 of the Revised Code by the chief of the division 21934
of mineral resources management constitutes the designation of the 21935
community improvement corporation or nonprofit corporation as the 21936
state's agent for the commercial or industrial development of the 21937
land named in the contract or agreement. 21938

Each grant contract under section 1513.31 of the Revised Code 21939
or reclamation agreement under section 1513.32 of the Revised Code 21940
shall include terms for repayment of the grant or reimbursement of 21941
the state for its reclamation expenses, which shall require 21942
repayment of the loan in full upon the first sale, lease, or 21943
rental of the land reclaimed under the contract or agreement if 21944
the entire parcel of reclaimed land is sold, leased, or rented. If 21945
the corporation establishes a business enterprise on the entire 21946
parcel of reclaimed land, the contract shall require repayment of 21947
the loan in full upon the commencement of operation of the 21948
business enterprise. If the reclaimed land is sold, leased, or 21949
rented in portions or the corporation establishes a business 21950
enterprise on any portion of the reclaimed land, the contract or 21951
agreement shall require repayment of that portion of the loan that 21952
corresponds to the portion of the reclaimed land sold, leased, or 21953
rented upon the first sale, lease, or rental of that portion, or 21954
upon commencement of operation of the business enterprise on that 21955
portion, by the corporation in the proportion that the acreage of 21956
the reclaimed land sold, leased, rented, or used in business by 21957
the corporation bears to the total acreage of land reclaimed under 21958
the contract or agreement. 21959

To secure repayment of the ~~moneys~~ money granted under section 21960
1513.31 of the Revised Code or of the state's reclamation expenses 21961

under section 1513.32 of the Revised Code to or on behalf of a 21962
community improvement corporation or nonprofit corporation, the 21963
state shall have a lien on the land owned by the corporation that 21964
is land reclaimed under section 1513.31 or 1513.32 of the Revised 21965
Code equal to the amount of the grant made under section 1513.31 21966
of the Revised Code or to the state's expenses incurred in 21967
reclaiming the land under section 1513.32 of the Revised Code. 21968
Within thirty days after the final grant payment is made under 21969
section 1513.31 of the Revised Code or after the completion of the 21970
reclamation work under section 1513.32 of the Revised Code, the 21971
chief shall cause to be recorded in the office of the county 21972
recorder of the county in which the reclaimed land is located a 21973
statement that shall contain an itemized accounting of the grant 21974
paid under section 1513.31 of the Revised Code or an itemized 21975
record of the state's expenses incurred in reclaiming the land 21976
under section 1513.32 of the Revised Code. The statement shall 21977
constitute a notice of lien and operate as of the date of delivery 21978
as a lien on the land reclaimed in the amount of the grant ~~moneys~~ 21979
money paid out or the reclamation expenses incurred by the state 21980
and shall have priority as a lien second only to the lien of real 21981
property taxes imposed upon the land. The notice of lien and the 21982
lien shall not be valid as against any mortgagee, pledgee, 21983
purchaser, or judgment creditor whose rights have attached prior 21984
to the date of filing of the statement by the chief or to any 21985
prior or subsequent lien for real property taxes imposed pursuant 21986
to section 5719.04 of the Revised Code. 21987

The county recorder shall record and index the chief's 21988
statement, under the name of the state and the corporation, in the 21989
official records maintained by the county recorder's office. The 21990
county recorder shall impose no charge for the recording or 21991
indexing of the statement. If the land is registered, the county 21992
recorder shall make a notation and enter a memorial of the lien 21993
upon the page of the register in which the last certificate of 21994

title to the land is registered, stating the name of the claimant, 21995
amount claimed, volume and page of the record where recorded, and 21996
exact time the memorial was entered. 21997

The lien shall continue in force so long as any portion of 21998
the amount granted under section 1513.31 of the Revised Code or 21999
the state's reclamation expenses incurred under section 1513.32 of 22000
the Revised Code remains unpaid. Upon repayment in full of those 22001
~~moneys~~ money or expenses, the chief promptly shall issue a 22002
certificate of release of the lien. Upon presentation of the 22003
certificate of release, the county recorder of the county where 22004
the lien is recorded shall record the lien as having been 22005
discharged. 22006

A lien imposed under this section shall be foreclosed upon 22007
the substantial failure of a corporation to repay any portion of 22008
the amount granted under section 1513.31 of the Revised Code or 22009
the state's reclamation expenses incurred under section 1513.32 of 22010
the Revised Code in accordance with the terms of the grant 22011
contract or reclamation agreement. Before foreclosing any lien 22012
under this section, the chief shall make a written demand upon the 22013
corporation to comply with the repayment terms of the contract or 22014
agreement. If the corporation does not pay the amount due within 22015
sixty days, the chief shall refer the matter to the attorney 22016
general, who shall institute a civil action to foreclose the lien 22017
of the state. 22018

All ~~moneys~~ money collected from loan repayments and lien 22019
foreclosures under this section shall be credited to the 22020
~~unreclaimed lands~~ mining regulation and safety fund created by 22021
section 1513.30 of the Revised Code. 22022

Sec. 1513.37. (A) There is hereby created in the state 22023
treasury the abandoned mine reclamation fund, which shall be 22024
administered by the chief of the division of mineral resources 22025

management. The fund shall consist of grants from the secretary of 22026
the interior from the federal abandoned mine reclamation fund 22027
established by Title IV of the "Surface Mining Control and 22028
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 22029
regulations adopted under it, and amendments to the act and 22030
regulations. Expenditures from the abandoned mine reclamation fund 22031
shall be made by the chief for the following purposes: 22032

(1) Reclamation and restoration of land and water resources 22033
adversely affected by past coal mining, including, but not limited 22034
to, reclamation and restoration of abandoned strip mine areas, 22035
abandoned coal processing areas, and abandoned coal refuse 22036
disposal areas; sealing and filling of abandoned deep mine entries 22037
and voids; planting of land adversely affected by past coal 22038
mining; prevention of erosion and sedimentation; prevention, 22039
abatement, treatment, and control of water pollution created by 22040
coal mine drainage, including restoration of streambeds and 22041
construction and operation of water treatment plants; prevention, 22042
abatement, and control of burning coal refuse disposal areas and 22043
burning coal in situ; and prevention, abatement, and control of 22044
coal mine subsidence; 22045

(2) Acquisition and filling of voids and sealing of tunnels, 22046
shafts, and entryways of noncoal lands; 22047

(3) Acquisition of land as provided for in this section; 22048

(4) Administrative expenses incurred in accomplishing the 22049
purposes of this section; 22050

(5) All other necessary expenses to accomplish the purposes 22051
of this section. 22052

(B) Expenditures of ~~moneys~~ money from the fund on land and 22053
water eligible pursuant to division (C) of this section shall 22054
reflect the following priorities in the order stated: 22055

(1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;	22056 22057 22058
(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;	22059 22060
(3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, including measures for the conservation and development of soil and water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;	22061 22062 22063 22064 22065
(4) Research and demonstration projects relating to the development of coal mining reclamation and water quality control program methods and techniques;	22066 22067 22068
(5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation facilities, and conservation facilities adversely affected by coal mining practices;	22069 22070 22071 22072
(6) The development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in this section for recreation and historic purposes, conservation and reclamation purposes, and open space benefits.	22073 22074 22075 22076
(C)(1) Lands and water eligible for reclamation or drainage abatement expenditures under this section are those that were mined for coal or were affected by such mining, wastebanks, coal processing, or other coal mining processes and that meet one of the following criteria:	22077 22078 22079 22080 22081
(a) Are lands that were abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws;	22082 22083 22084 22085

(b) Are lands for which the chief finds that surface coal 22086
mining operations occurred at any time between August 4, 1977, and 22087
August 16, 1982, and that any ~~moneys~~ money for reclamation or 22088
abatement that are available pursuant to a bond, performance 22089
security, or other form of financial guarantee or from any other 22090
source are not sufficient to provide for adequate reclamation or 22091
abatement at the site; 22092

(c) Are lands for which the chief finds that surface coal 22093
mining operations occurred at any time between August 4, 1977, and 22094
November 5, 1990, that the surety of the mining operator became 22095
insolvent during that time, and that, as of November 5, 1990, any 22096
~~moneys~~ money immediately available from proceedings relating to 22097
that insolvency or from any financial guarantee or other source 22098
are not sufficient to provide for adequate reclamation or 22099
abatement at the site. 22100

(2) In determining which sites to reclaim pursuant to 22101
divisions (C)(1)(b) and (c) of this section, the chief shall 22102
follow the priorities stated in divisions (B)(1) and (2) of this 22103
section and shall ensure that priority is given to those sites 22104
that are in the immediate vicinity of a residential area or that 22105
have an adverse economic impact on a local community. 22106

(3) Surface coal mining operations on lands eligible for 22107
remining shall not affect the eligibility of those lands for 22108
reclamation and restoration under this section after the release 22109
of the bond, performance security, or other form of financial 22110
guarantee for any such operation as provided under division (F) of 22111
section 1513.16 of the Revised Code. If the bond, performance 22112
security, or other form of financial guarantee for a surface coal 22113
mining operation on lands eligible for remining is forfeited, 22114
~~moneys~~ money available under this section may be used if the 22115
amount of the bond, performance security, or other form of 22116
financial guarantee is not sufficient to provide for adequate 22117

reclamation or abatement, except that if conditions warrant, the 22118
chief immediately shall exercise the authority granted under 22119
division (L) of this section. 22120

(D) The chief may submit to the secretary of the interior a 22121
state reclamation plan and annual projects to carry out the 22122
purposes of this section. 22123

(1) The reclamation plan generally shall identify the areas 22124
to be reclaimed, the purposes for which the reclamation is 22125
proposed, the relationship of the lands to be reclaimed and the 22126
proposed reclamation to surrounding areas, the specific criteria 22127
for ranking and identifying projects to be funded, and the legal 22128
authority and programmatic capability to perform the work in 22129
accordance with this section. 22130

(2) On an annual basis, the chief may submit to the secretary 22131
an application for support of the abandoned mine reclamation fund 22132
and implementation of specific reclamation projects. The annual 22133
requests shall include such information as may be requested by the 22134
secretary. 22135

(3) The costs for each proposed project under this section 22136
shall include actual construction costs, actual operation and 22137
maintenance costs of permanent facilities, planning and 22138
engineering costs, construction inspection costs, and other 22139
necessary administrative expenses. 22140

(4) The chief may submit annual and other reports required by 22141
the secretary when funds are provided by the secretary under Title 22142
IV of the "Surface Mining Control and Reclamation Act of 1977," 91 22143
Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and 22144
amendments to the act and regulations. 22145

(E)(1) There is hereby created in the state treasury the acid 22146
mine drainage abatement and treatment fund, which shall be 22147
administered by the chief. The fund shall consist of grants from 22148

the secretary of the interior from the federal abandoned mine 22149
reclamation fund pursuant to section 402(g)(6) of Title IV of the 22150
"Surface Mining Control and Reclamation Act of 1977," 91 Stat. 22151
445, 30 U.S.C.A. 1201. All investment earnings of the fund shall 22152
be credited to the fund. 22153

(2) The chief shall make expenditures from the fund, in 22154
consultation with the United States department of agriculture, 22155
soil conservation service, to implement acid mine drainage 22156
abatement and treatment plans approved by the secretary. The plans 22157
shall provide for the comprehensive abatement of the causes and 22158
treatment of the effects of acid mine drainage within qualified 22159
hydrologic units affected by coal mining practices and shall 22160
include at least all of the following: 22161

(a) An identification of the qualified hydrologic unit. As 22162
used in division (E) of this section, "qualified hydrologic unit" 22163
means a hydrologic unit that meets all of the following criteria: 22164

(i) The water quality in the unit has been significantly 22165
affected by acid mine drainage from coal mining practices in a 22166
manner that has an adverse impact on biological resources. 22167

(ii) The unit contains lands and waters that meet the 22168
eligibility requirements established under division (C) of this 22169
section and any of the priorities established in divisions (B)(1) 22170
to (3) of this section. 22171

(iii) The unit contains lands and waters that are proposed to 22172
be the subject of expenditures from the reclamation forfeiture 22173
fund created in section 1513.18 of the Revised Code or the 22174
~~unreclaimed lands~~ mining regulation and safety fund created in 22175
section 1513.30 of the Revised Code. 22176

(b) The extent to which acid mine drainage is affecting the 22177
water quality and biological resources within the hydrologic unit; 22178

(c) An identification of the sources of acid mine drainage 22179

within the hydrologic unit;	22180
(d) An identification of individual projects and the measures proposed to be undertaken to abate and treat the causes or effects of acid mine drainage within the hydrologic unit;	22181 22182 22183
(e) The cost of undertaking the proposed abatement and treatment measures;	22184 22185
(f) An identification of existing and proposed sources of funding for those measures;	22186 22187
(g) An analysis of the cost-effectiveness and environmental benefits of abatement and treatment measures.	22188 22189
(3) The chief may make grants of moneys <u>money</u> from the acid mine drainage abatement and treatment fund to watershed groups for conducting projects to accomplish the purposes of this section. A grant may be made in an amount equal to not more than fifty per cent of each of the following:	22190 22191 22192 22193 22194
(a) Reasonable and necessary expenses for the collection and analysis of data sufficient to do either or both of the following:	22195 22196
(i) Identify a watershed as a qualified hydrologic unit;	22197
(ii) Monitor the quality of water in a qualified hydrologic unit before, during, and at any time after completion of the project by the watershed group.	22198 22199 22200
(b) Engineering design costs and construction costs involved in the project, provided that the project is conducted in a qualified hydrologic unit and the chief considers the project to be a priority.	22201 22202 22203 22204
A watershed group that wishes to obtain a grant under division (E)(3) of this section shall submit an application to the chief on forms provided by the division of mineral resources management, together with detailed estimates and timetables for accomplishing the stated goals of the project and any other	22205 22206 22207 22208 22209

information that the chief requires. 22210

For the purposes of establishing priorities for awarding 22211
grants under division (E)(3) of this section, the chief shall 22212
consider each project's feasibility, cost-effectiveness, and 22213
environmental benefit, together with the availability of matching 22214
funding, including in-kind services, for the project. 22215

The chief shall enter into a contract for funding with each 22216
applicant awarded a grant to ensure that the ~~moneys~~ money granted 22217
are used for the purposes of this section and that the work that 22218
the project involves is done properly. The contract is not subject 22219
to division (B) of section 127.16 of the Revised Code. The final 22220
payment of grant ~~moneys~~ money shall not be made until the chief 22221
inspects and approves the completed project. 22222

The chief shall require each applicant awarded a grant under 22223
this section who conducts a project involving construction work to 22224
pay workers at the greater of their regular rate of pay, as 22225
established by contract, agreement, or prior custom or practice, 22226
or the average wage rate paid in this state for the same or 22227
similar work performed in the same or a similar locality by 22228
private companies doing similar work on similar projects. 22229

As used in division (E)(3) of this section, "watershed group" 22230
means a charitable organization as defined in section 1716.01 of 22231
the Revised Code that has been established for the purpose of 22232
conducting reclamation of land and waters adversely affected by 22233
coal mining practices and specifically for conducting acid mine 22234
drainage abatement. 22235

(F)(1) If the chief makes a finding of fact that land or 22236
water resources have been adversely affected by past coal mining 22237
practices; the adverse effects are at a stage where, in the public 22238
interest, action to restore, reclaim, abate, control, or prevent 22239
the adverse effects should be taken; the owners of the land or 22240

water resources where entry must be made to restore, reclaim, 22241
abate, control, or prevent the adverse effects of past coal mining 22242
practices are not known or are not readily available; or the 22243
owners will not give permission for the state, political 22244
subdivisions, or their agents, employees, or contractors to enter 22245
upon the property to restore, reclaim, abate, control, or prevent 22246
the adverse effects of past coal mining practices; then, upon 22247
giving notice by mail to the owners, if known, or, if not known, 22248
by posting notice upon the premises and advertising once in a 22249
newspaper of general circulation in the municipal corporation or 22250
county in which the land lies, the chief or the chief's agents, 22251
employees, or contractors may enter upon the property adversely 22252
affected by past coal mining practices and any other property to 22253
have access to the property to do all things necessary or 22254
expedient to restore, reclaim, abate, control, or prevent the 22255
adverse effects. The entry shall be construed as an exercise of 22256
the police power for the protection of the public health, safety, 22257
and general welfare and shall not be construed as an act of 22258
condemnation of property nor of trespass on it. The ~~moneys~~ money 22259
expended for the work and the benefits accruing to any such 22260
premises so entered upon shall be chargeable against the land and 22261
shall mitigate or offset any claim in or any action brought by any 22262
owner of any interest in the premises for any alleged damages by 22263
virtue of the entry, but this provision is not intended to create 22264
new rights of action or eliminate existing immunities. 22265

(2) The chief or the chief's authorized representatives may 22266
enter upon any property for the purpose of conducting studies or 22267
exploratory work to determine the existence of adverse effects of 22268
past coal mining practices and to determine the feasibility of 22269
restoration, reclamation, abatement, control, or prevention of 22270
such adverse effects. The entry shall be construed as an exercise 22271
of the police power for the protection of the public health, 22272
safety, and general welfare and shall not be construed as an act 22273

of condemnation of property nor trespass on it. 22274

(3) The chief may acquire any land by purchase, donation, or 22275
condemnation that is adversely affected by past coal mining 22276
practices if the chief determines that acquisition of the land is 22277
necessary to successful reclamation and that all of the following 22278
apply: 22279

(a) The acquired land, after restoration, reclamation, 22280
abatement, control, or prevention of the adverse effects of past 22281
coal mining practices, will serve recreation and historic 22282
purposes, serve conservation and reclamation purposes, or provide 22283
open space benefits. 22284

(b) Permanent facilities such as a treatment plant or a 22285
relocated stream channel will be constructed on the land for the 22286
restoration, reclamation, abatement, control, or prevention of the 22287
adverse effects of past coal mining practices. 22288

(c) Acquisition of coal refuse disposal sites and all coal 22289
refuse thereon will serve the purposes of this section or public 22290
ownership is desirable to meet emergency situations and prevent 22291
recurrences of the adverse effects of past coal mining practices. 22292

(4)(a) Title to all lands acquired pursuant to this section 22293
shall be in the name of the state. The price paid for land 22294
acquired under this section shall reflect the market value of the 22295
land as adversely affected by past coal mining practices. 22296

(b) The chief may receive grants on a matching basis from the 22297
secretary of the interior for the purpose of carrying out this 22298
section. 22299

(5)(a) Where land acquired pursuant to this section is 22300
considered to be suitable for industrial, commercial, residential, 22301
or recreational development, the chief may sell the land by public 22302
sale under a system of competitive bidding at not less than fair 22303
market value and under other requirements imposed by rule to 22304

ensure that the lands are put to proper use consistent with local 22305
and state land use plans, if any, as determined by the chief. 22306

(b) The chief, when requested, and after appropriate public 22307
notice, shall hold a public meeting in the county, counties, or 22308
other appropriate political subdivisions of the state in which 22309
lands acquired pursuant to this section are located. The meetings 22310
shall be held at a time that shall afford local citizens and 22311
governments the maximum opportunity to participate in the decision 22312
concerning the use or disposition of the lands after restoration, 22313
reclamation, abatement, control, or prevention of the adverse 22314
effects of past coal mining practices. 22315

(6) In addition to the authority to acquire land under 22316
division (F)(3) of this section, the chief may use money in the 22317
fund to acquire land by purchase, donation, or condemnation, and 22318
to reclaim and transfer acquired land to a political subdivision, 22319
or to any person, if the chief determines that it is an integral 22320
and necessary element of an economically feasible plan for the 22321
construction or rehabilitation of housing for persons disabled as 22322
the result of employment in the mines or work incidental to that 22323
employment, persons displaced by acquisition of land pursuant to 22324
this section, persons dislocated as the result of adverse effects 22325
of coal mining practices that constitute an emergency as provided 22326
in the "Surface Mining Control and Reclamation Act of 1977," 91 22327
Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons 22328
dislocated as the result of natural disasters or catastrophic 22329
failures from any cause. Such activities shall be accomplished 22330
under such terms and conditions as the chief requires, which may 22331
include transfers of land with or without monetary consideration, 22332
except that to the extent that the consideration is below the fair 22333
market value of the land transferred, no portion of the difference 22334
between the fair market value and the consideration shall accrue 22335
as a profit to those persons. No part of the funds provided under 22336

this section may be used to pay the actual construction costs of 22337
housing. The chief may carry out the purposes of division (F)(6) 22338
of this section directly or by making grants and commitments for 22339
grants and may advance money under such terms and conditions as 22340
the chief may require to any agency or instrumentality of the 22341
state or any public body or nonprofit organization designated by 22342
the chief. 22343

(G)(1) Within six months after the completion of projects to 22344
restore, reclaim, abate, control, or prevent adverse effects of 22345
past coal mining practices on privately owned land, the chief 22346
shall itemize the ~~moneys~~ money so expended and may file a 22347
statement of the expenditures in the office of the county recorder 22348
of the county in which the land lies, together with a notarized 22349
appraisal by an independent appraiser of the value of the land 22350
before the restoration, reclamation, abatement, control, or 22351
prevention of adverse effects of past coal mining practices if the 22352
~~moneys~~ money so expended result in a significant increase in 22353
property value. The statement shall constitute a lien upon the 22354
land as of the date of the expenditures of the ~~moneys~~ money and 22355
shall have priority as a lien second only to the lien of real 22356
property taxes imposed upon the land. The lien shall not exceed 22357
the amount determined by the appraisal to be the increase in the 22358
fair market value of the land as a result of the restoration, 22359
reclamation, abatement, control, or prevention of the adverse 22360
effects of past coal mining practices. No lien shall be filed 22361
under division (G) of this section against the property of any 22362
person who owned the surface prior to May 2, 1977, and did not 22363
consent to, participate in, or exercise control over the mining 22364
operation that necessitated the reclamation performed. 22365

(2) The landowner may petition, within sixty days after the 22366
filing of the lien, to determine the increase in the fair market 22367
value of the land as a result of the restoration, reclamation, 22368

abatement, control, or prevention of the adverse effects of past 22369
coal mining practices. The amount reported to be the increase in 22370
value of the premises shall constitute the amount of the lien and 22371
shall be recorded with the statement provided in this section. Any 22372
party aggrieved by the decision may appeal as provided by state 22373
law. 22374

(3) The lien provided in division (G) of this section shall 22375
be recorded and indexed, under the name of the state and the 22376
landowner, in the official records in the office of the county 22377
recorder of the county in which the land lies. The county recorder 22378
shall impose no charge for the recording or indexing of the lien. 22379
If the land is registered, the county recorder shall make a 22380
notation and enter a memorial of the lien upon the page of the 22381
register in which the last certificate of title to the land is 22382
registered, stating the name of the claimant, amount claimed, 22383
volume and page of the record where recorded, and exact time the 22384
memorial was entered. 22385

(4) The lien shall continue in force so long as any portion 22386
of the amount of the lien remains unpaid. If the lien remains 22387
unpaid at the time of conveyance of the land on which the lien was 22388
placed, the conveyance may be set aside. Upon repayment in full of 22389
the ~~moneys~~ money expended under this section, the chief promptly 22390
shall issue a certificate of release of the lien. Upon 22391
presentation of the certificate of release, the county recorder of 22392
the county in which the lien is recorded shall record the lien as 22393
having been discharged. 22394

(5) A lien imposed under this section shall be foreclosed 22395
upon the substantial failure of a landowner to pay any portion of 22396
the amount of the lien. Before foreclosing any lien under this 22397
section, the chief shall make a written demand upon the landowner 22398
for payment. If the landowner does not pay the amount due within 22399
sixty days, the chief shall refer the matter to the attorney 22400

general, who shall institute a civil action to foreclose the lien. 22401

(H)(1) The chief may fill voids, seal abandoned tunnels, 22402
shafts, and entryways, and reclaim surface impacts of underground 22403
or strip mines that the chief determines could endanger life and 22404
property, constitute a hazard to the public health and safety, or 22405
degrade the environment. 22406

(2) In those instances where mine waste piles are being 22407
reworked for conservation purposes, the incremental costs of 22408
disposing of the wastes from those operations by filling voids and 22409
sealing tunnels may be eligible for funding, provided that the 22410
disposal of these wastes meets the purposes of this section. 22411

(3) The chief may acquire by purchase, donation, easement, or 22412
otherwise such interest in land as the chief determines necessary 22413
to carry out division (H) of this section. 22414

(I) The chief shall report annually to the secretary of the 22415
interior on operations under the fund and include recommendations 22416
as to its future uses. 22417

(J)(1) The chief may engage in any work and do all things 22418
necessary or expedient, including the adoption of rules, to 22419
implement and administer this section. 22420

(2) The chief may engage in cooperative projects under this 22421
section with any agency of the United States, any other state, or 22422
their governmental agencies or with any state university or 22423
college as defined in section 3345.27 of the Revised Code. The 22424
cooperative projects are not subject to division (B) of section 22425
127.16 of the Revised Code. 22426

(3) The chief may request the attorney general to initiate in 22427
any court of competent jurisdiction an action in equity for an 22428
injunction to restrain any interference with the exercise of the 22429
right to enter or to conduct any work provided in this section, 22430
which remedy is in addition to any other remedy available under 22431

this section. 22432

(4) The chief may construct or operate a plant or plants for 22433
the control and treatment of water pollution resulting from mine 22434
drainage. The extent of this control and treatment may be 22435
dependent upon the ultimate use of the water. Division (J)(4) of 22436
this section does not repeal or supersede any portion of the 22437
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 22438
U.S.C.A. 1151, as amended, and no control or treatment under 22439
division (J)(4) of this section, in any way, shall be less than 22440
that required by that act. The construction of a plant or plants 22441
may include major interceptors and other facilities appurtenant to 22442
the plant. 22443

(5) The chief may transfer money from the abandoned mine 22444
reclamation fund and the acid mine drainage abatement and 22445
treatment fund to other appropriate state agencies or to state 22446
universities or colleges in order to carry out the reclamation 22447
activities authorized by this section. 22448

(K) The chief may contract for any part of work to be 22449
performed under this section, with or without advertising for 22450
bids, if the chief determines that a condition exists that could 22451
reasonably be expected to cause substantial physical harm to 22452
persons, property, or the environment and to which persons or 22453
improvements on real property are currently exposed. 22454

The chief shall require every contractor performing 22455
reclamation work under this section to pay its workers at the 22456
greater of their regular rate of pay, as established by contract, 22457
agreement, or prior custom or practice, or the average wage rate 22458
paid in this state for the same or similar work as determined by 22459
the chief under section 1513.02 of the Revised Code. 22460

(L)(1) The chief may contract for the emergency restoration, 22461
reclamation, abatement, control, or prevention of adverse effects 22462

of mining practices on eligible lands if the chief determines that 22463
an emergency exists constituting a danger to the public health, 22464
safety, or welfare and that no other person or agency will act 22465
expeditiously to restore, reclaim, abate, control, or prevent 22466
those adverse effects. The chief may enter into a contract for 22467
emergency work under division (L) of this section without 22468
advertising for bids. Any such contract or any purchase of 22469
materials for emergency work under division (L) of this section is 22470
not subject to division (B) of section 127.16 of the Revised Code. 22471

(2) The chief or the chief's agents, employees, or 22472
contractors may enter on any land where such an emergency exists, 22473
and on other land in order to have access to that land, in order 22474
to restore, reclaim, abate, control, or prevent the adverse 22475
effects of mining practices and to do all things necessary or 22476
expedient to protect the public health, safety, or welfare. Such 22477
an entry shall be construed as an exercise of the police power and 22478
shall not be construed as an act of condemnation of property or of 22479
trespass. The ~~moneys~~ money expended for the work and the benefits 22480
accruing to any premises so entered upon shall be chargeable 22481
against the land and shall mitigate or offset any claim in or any 22482
action brought by any owner of any interest in the premises for 22483
any alleged damages by virtue of the entry. This provision is not 22484
intended to create new rights of action or eliminate existing 22485
immunities. 22486

Sec. 1514.03. Within thirty days after each anniversary date 22487
of issuance of a surface or in-stream mining permit, the operator 22488
shall file with the chief of the division of mineral resources 22489
management an annual report, on a form prescribed and furnished by 22490
the chief, that, for the period covered by the report, shall state 22491
the amount of and identify the types of minerals and coal, if any 22492
coal, produced and shall state the number of acres affected and 22493
the number of acres estimated to be affected during the next year 22494

of operation. An annual report is not required to be filed if a 22495
final report is filed in lieu thereof. 22496

Each annual report for a surface mining operation shall 22497
include a progress map indicating the location of areas of land 22498
affected during the period of the report and the location of the 22499
area of land estimated to be affected during the next year. The 22500
map shall be prepared in accordance with division (A)(11) or (12) 22501
of section 1514.02 of the Revised Code, as appropriate, except 22502
that a map prepared in accordance with division (A)(12) of that 22503
section may be certified by the operator or authorized agent of 22504
the operator in lieu of certification by a professional engineer 22505
or surveyor registered under Chapter 4733. of the Revised Code. 22506
However, the chief may require that an annual progress map or a 22507
final map be prepared by a registered professional engineer or 22508
registered surveyor if the chief has reason to believe that the 22509
operator exceeded the boundaries of the permit area or, if the 22510
operator filed the map required under division (A)(11) of section 22511
1514.02 of the Revised Code, that the operator extracted ten 22512
thousand tons or more of minerals during the period covered by the 22513
report. 22514

Each annual report for an in-stream mining operation shall 22515
include a statement of the total tonnage removed by in-stream 22516
mining for each month and of the surface acreage and depth of 22517
material removed by in-stream mining and shall include a map that 22518
identifies the area affected by the in-stream mining if the 22519
in-stream mining for the year addressed by the report occurred 22520
beyond the area identified in the most recent approved map, 22521
soundings that depict the cross-sectional views of the channel 22522
bottom of the watercourse if the soundings depict a 22523
cross-sectional view of the channel bottom that is different from 22524
the most recent approved map, and water elevations for the 22525
watercourse if water elevations are different from those indicated 22526

on the most recent approved map. 22527

Each annual report shall be accompanied by a filing fee in 22528
the amount of five hundred dollars, except in the case of an 22529
annual report filed by a small operator or an in-stream mining 22530
operator. A small operator, which is a surface mine operator who 22531
intends to extract fewer than ten thousand tons of minerals and no 22532
coal during the next year of operation under the permit, or an 22533
in-stream mining operator shall include a filing fee in the amount 22534
of two hundred fifty dollars with each annual report. The annual 22535
report of any operator also shall be accompanied by an acreage fee 22536
in the amount of seventy-five dollars multiplied by the number of 22537
acres estimated in the report to be affected during the next year 22538
of operation under the permit. The acreage fee shall be adjusted 22539
by subtracting a credit of seventy-five dollars per excess acre 22540
paid for the preceding year if the acreage paid for the preceding 22541
year exceeds the acreage actually affected or by adding an 22542
additional amount of seventy-five dollars per excess acre affected 22543
if the acreage actually affected exceeds the acreage paid for the 22544
preceding year. 22545

With each annual report the operator shall file a performance 22546
bond in the amount, unless otherwise provided by rule, of five 22547
hundred dollars multiplied by the number of acres estimated to be 22548
affected during the next year of operation under the permit for 22549
which no performance bond previously was filed. Unless otherwise 22550
provided by rule, the bond shall be adjusted by subtracting a 22551
credit of five hundred dollars per excess acre for which bond was 22552
filed for the preceding year if the acreage for which the bond was 22553
filed for the preceding year exceeds the acreage actually 22554
affected, or by adding an amount of five hundred dollars per 22555
excess acre affected if the acreage actually affected exceeds the 22556
acreage for which bond was filed for the preceding year. 22557

Within thirty days after the expiration of the surface or 22558

in-stream mining permit, or completion or abandonment of the 22559
operation, whichever occurs earlier, the operator shall submit a 22560
final report containing the same information required in an annual 22561
report, but covering the time from the last annual report to the 22562
expiration of the permit, or completion or abandonment of the 22563
operation, whichever occurs earlier. 22564

Each final report shall include a map indicating the location 22565
of the area of land affected during the period of the report and 22566
the location of the total area of land affected under the permit. 22567
The map shall be prepared in accordance with division (A)(11) or 22568
(12) of section 1514.02 of the Revised Code, as appropriate. 22569

In the case of a final report for an in-stream mining 22570
operation, the map also shall include the information required 22571
under division (A)(18) of section 1514.02 of the Revised Code, as 22572
applicable. 22573

If the final report and certified map, as verified by the 22574
chief, show that the number of acres affected under the permit is 22575
larger than the number of acres for which the operator has paid an 22576
acreage fee or filed a performance bond, upon notification by the 22577
chief, the operator shall pay an additional acreage fee in the 22578
amount of seventy-five dollars multiplied by the difference 22579
between the number of acres affected under the permit and the 22580
number of acres for which the operator has paid an acreage fee and 22581
shall file an additional performance bond in the amount, unless 22582
otherwise provided by rule, of five hundred dollars multiplied by 22583
the difference between the number of acres affected under the 22584
permit and the number of acres for which the operator has filed 22585
bond. 22586

If the final report and certified map, as verified by the 22587
chief, show that the number of acres affected under the permit is 22588
smaller than the number of acres for which the operator has filed 22589
a performance bond, the chief shall order release of the excess 22590

bond. However, the chief shall retain a performance bond in a 22591
minimum amount of ten thousand dollars irrespective of the number 22592
of acres affected under the permit. The release of the excess bond 22593
shall be in an amount, unless otherwise provided by rule, equal to 22594
five hundred dollars multiplied by the difference between the 22595
number of acres affected under the permit and the number of acres 22596
for which the operator has filed bond. 22597

The fees collected pursuant to this section and section 22598
1514.02 of the Revised Code shall be deposited with the treasurer 22599
of state to the credit of the ~~surface~~ mining regulation and safety 22600
fund created under section ~~1514.06~~ 1513.30 of the Revised Code. 22601

If upon inspection the chief finds that any filing fee, 22602
acreage fee, performance bond, or part thereof is not paid when 22603
due or is paid on the basis of false or substantially inaccurate 22604
reports, the chief may request the attorney general to recover the 22605
unpaid amounts that are due the state, and the attorney general 22606
shall commence appropriate legal proceedings to recover the unpaid 22607
amounts. 22608

Sec. 1514.051. (A) If an operator or a partner or officer of 22609
the operator forfeits a performance bond, the division of mineral 22610
resources management shall have a priority lien in front of all 22611
other interested creditors against the assets of that operator for 22612
the amount that is needed to perform any reclamation that is 22613
required as a result of the operator's mining activities. The 22614
chief of the division of mineral resources management shall file a 22615
statement in the office of the county recorder of each county in 22616
which the mined land lies of the estimated costs to reclaim the 22617
land. Estimated costs shall include direct and indirect costs of 22618
the development, design, construction, management, and 22619
administration of the reclamation. The statement shall constitute 22620
a lien on the assets of the operator as of the date of the filing. 22621

The lien shall continue in force so long as any portion of the 22622
lien remains unpaid or until the chief issues a certificate of 22623
release of the lien. If the chief issues a certificate of release 22624
of the lien, the chief shall file a certificate of release in the 22625
office of each applicable county recorder. 22626

(B) The chief promptly shall issue a certificate of release 22627
under any of the following circumstances: 22628

(1) Upon the repayment in full of the money that is necessary 22629
to complete the reclamation; 22630

(2) Upon the transfer of an existing permit that includes the 22631
areas of the surface mine for which reclamation was not completed 22632
from the operator that forfeited the performance bond to a new 22633
operator; 22634

(3) Any other circumstance that the chief determines to be in 22635
the best interests of the state. 22636

(C) The chief may modify the amount of a lien under this 22637
section. If the chief modifies a lien, the chief shall file a 22638
statement in the office of the county recorder of each applicable 22639
county of the new amount of the lien. 22640

(D) The chief may authorize a closing agent to hold a 22641
certificate of release in escrow for a period not to exceed one 22642
hundred eighty days for the purpose of facilitating the transfer 22643
of unreclaimed mine land. 22644

(E) All money from the collection of liens under this section 22645
shall be deposited in the state treasury to the credit of the 22646
~~surface mining regulation and safety~~ fund created in section 22647
~~1514.06 1513.30~~ of the Revised Code. 22648

Sec. 1514.06. (A) ~~There is hereby created in the state~~ 22649
~~treasury the surface mining fund consisting of all~~ All money that 22650

becomes the property of the state pursuant to sections 1514.05 and 22651
1514.051 of the Revised Code, money ~~credited to the fund collected~~ 22652
under divisions (C)(1) and (2) of section 1514.071, and other 22653
money specified in section 1514.11 of the Revised Code shall be 22654
credited to the mining regulation and safety fund created in 22655
section 1513.30 of the Revised Code. ~~All investment earnings of~~ 22656
~~the fund shall be credited to the fund. Expenditures from the fund~~ 22657
~~shall be made by the~~ The chief of the division of mineral 22658
resources management may expend such money for the purpose of 22659
reclaiming areas of land affected by surface or in-stream mining 22660
under a permit issued under this chapter that the operator has 22661
failed to reclaim. ~~Provided that the chief maintains a balance in~~ 22662
~~the fund that is sufficient to achieve that purpose and, in doing~~ 22663
~~so, considers the timeliness of reclamation activity, the chief~~ 22664
~~may use the fund for other purposes specified in section 1514.11~~ 22665
~~of the Revised Code.~~ 22666

(B) Expenditures of ~~moneys~~ money from the fund for the 22667
purposes specified in division (A) of this section, except as 22668
otherwise provided by this section, shall be made pursuant to 22669
contracts entered into by the chief with persons who agree to 22670
furnish all of the materials, equipment, work, and labor, as 22671
specified and provided in the contracts, for the prices stipulated 22672
therein. With the approval of the director of natural resources, 22673
the chief may reclaim the land in the same manner as the chief 22674
required of the operator who failed to reclaim the land. Each 22675
contract awarded by the chief shall be awarded to the lowest 22676
responsive and responsible bidder, in accordance with section 22677
9.312 of the Revised Code, after sealed bids are received, opened, 22678
and published at the time and place fixed by the chief. The chief 22679
shall publish notice of the time and place at which bids will be 22680
received, opened, and published, at least once at least ten days 22681
before the date of the opening of the bids, in a newspaper of 22682
general circulation in the county in which the area of land to be 22683

reclaimed under the contract is located. If, after so advertising 22684
for bids, no bids are received by the chief at the time and place 22685
fixed for receiving them, the chief may advertise again for bids, 22686
or, if the chief considers the public interest will be best 22687
served, the chief may enter into a contract for the reclamation of 22688
the area of land without further advertisement for bids. The chief 22689
may reject any or all bids received and again publish notice of 22690
the time and place at which bids for contracts will be received, 22691
opened, and published. 22692

(C) With the approval of the director, the chief, without 22693
advertising for bids, may enter into a contract with the 22694
landowner, a surface or in-stream mine operator or coal mine 22695
operator mining under a current, valid permit issued under this 22696
chapter or Chapter 1513. of the Revised Code, or a contractor 22697
hired by a surety to complete reclamation, to carry out 22698
reclamation on land affected by surface or in-stream mining 22699
operations that an operator has failed to reclaim. 22700

(D) With the approval of the director, the chief may carry 22701
out all or part of the reclamation work on land affected by 22702
surface or in-stream mining operations that the operator has 22703
failed to reclaim using the employees and equipment of any 22704
division of the department of natural resources. 22705

(E) The chief shall require every contractor performing 22706
reclamation work under this section to pay workers at the greater 22707
of their regular rate of pay, as established by contract, 22708
agreement, or prior custom or practice, or the average wage rate 22709
paid in this state for the same or similar work, as determined by 22710
the chief under section 1513.02 of the Revised Code. 22711

(F) Each contract entered into by the chief under this 22712
section shall provide only for the reclamation of land affected by 22713
the surface or in-stream mining operation or operations of one 22714
operator and not reclaimed by the operator as required by this 22715

chapter. If there is money in the fund derived from the 22716
performance bond deposited with the chief by one operator to 22717
ensure the reclamation of two or more areas of land affected by 22718
the surface or in-stream mining operation or operations of one 22719
operator and not reclaimed by the operator as required by this 22720
chapter, the chief may award a single contract for the reclamation 22721
of all such areas of land. 22722

(G) The cost of the reclamation work done under this section 22723
on each area of land affected by surface or in-stream mining 22724
operations that an operator has failed to reclaim shall be paid 22725
out of the money in the fund derived from the performance bond 22726
that was deposited with the chief to ensure the reclamation of 22727
that area of land. ~~If the amount of money is not sufficient to pay~~ 22728
~~the cost of doing all of the reclamation work on the area of land~~ 22729
~~that the operator should have done, but failed to do, the chief~~ 22730
~~may expend from the reclamation forfeiture fund created in section~~ 22731
~~1513.18 of the Revised Code or the surface mining fund created in~~ 22732
~~this section the amount of money needed to complete reclamation to~~ 22733
~~the standards required by this chapter. The operator is liable for~~ 22734
that expense in addition to any other liabilities imposed by law. 22735
At the request of the chief, the attorney general shall bring an 22736
action against the operator for the amount of the expenditures 22737
from either the mining regulation and safety fund. Moneys Money so 22738
recovered shall be deposited in the state treasury to the credit 22739
of the that fund ~~from which the expenditures were made.~~ 22740

~~(H) If any part of the money in the surface mining fund~~ 22741
~~remains in the fund after the chief has caused the area of land to~~ 22742
~~be reclaimed and has paid all the reclamation costs and expenses,~~ 22743
~~or if any money remains because the area of land has been~~ 22744
~~repermitted under this chapter or reclaimed by a person other than~~ 22745
~~the chief, the chief may expend the remaining money to complete~~ 22746
~~other reclamation work performed under this section. The chief~~ 22747

~~shall prepare an annual report that summarizes the money credited 22748~~
~~to the fund and expenditures made from the fund and post the 22749~~
~~report on the division of mineral resources management's web site. 22750~~

Sec. 1514.071. (A) In addition to any other penalties 22751
established under this chapter, the chief of the division of 22752
mineral resources management may assess a civil penalty against 22753
any person who fails to comply with an order issued by the chief 22754
under section 1514.07 of the Revised Code by the date specified in 22755
the order or as subsequently extended by the chief. 22756

(B) Civil penalties assessed under this section shall not 22757
exceed one thousand dollars for each occurrence of noncompliance 22758
with an order. Each day of continuing noncompliance, up to a 22759
maximum of thirty days, may be deemed a separate occurrence for 22760
purposes of penalty assessments. In determining the amount of the 22761
assessment, the chief shall consider the seriousness of the 22762
noncompliance, the effect of the noncompliance, and the operator's 22763
history of noncompliance. 22764

(C) Upon issuance of a notice of noncompliance with an order, 22765
the chief shall inform the person to whom the notice of 22766
noncompliance is issued of the amount of any civil penalty to be 22767
assessed and provide an opportunity for an adjudicatory hearing 22768
with the reclamation commission pursuant to section 1514.09 of the 22769
Revised Code. The person charged with the penalty shall have 22770
thirty days from receipt of the assessment to pay the penalty in 22771
full or, if the person wishes to contest the amount of the 22772
penalty, file a petition for review of the assessment with the 22773
commission pursuant to section 1514.09 of the Revised Code and 22774
forward the amount of the penalty to the secretary of the 22775
commission as required by this division. Failure to forward the 22776
money to the secretary within thirty days after the chief informs 22777
the person of the amount of the penalty shall result in a waiver 22778

of all legal rights to contest the amount of the penalty. 22779

If, after a hearing, the commission affirms or modifies the 22780
amount of the penalty, the person charged with the penalty shall 22781
have thirty days after receipt of the written decision to file an 22782
appeal from the commission's order in accordance with section 22783
1514.09 of the Revised Code. 22784

At the time that the petition for review of the assessment is 22785
filed with the secretary, the person shall forward the amount of 22786
the penalty to the secretary for placement in the reclamation 22787
penalty fund created in division (F)(3) of section 1513.02 of the 22788
Revised Code. Pursuant to administrative or judicial review of the 22789
penalty, the secretary shall do either of the following: 22790

(1) If it is determined that the amount of the penalty should 22791
be reduced, within thirty days, remit the appropriate amount of 22792
the penalty to the person, with interest, and forward any balance 22793
of the penalty, with interest, to the chief for deposit in the 22794
~~surface~~ mining regulation and safety fund created in section 22795
~~1514.06~~ 1513.30 of the Revised Code for reclamation of abandoned 22796
surface or in-stream mining operations in the state; 22797

(2) If the penalty was not reduced, forward the entire 22798
penalty, with interest, to the chief for deposit in the ~~surface~~ 22799
mining regulation and safety fund for reclamation of abandoned 22800
surface or in-stream mining operations in the state. 22801

(D) Civil penalties owed under this section may be recovered 22802
in a civil action brought by the attorney general upon the request 22803
of the chief. 22804

Sec. 1514.11. In addition to the purposes otherwise 22805
authorized ~~in section 1514.06 of the Revised Code~~ by law, the 22806
chief of the division of mineral resources management may use 22807
~~moneys~~ money in the ~~surface~~ mining regulation and safety fund 22808

created under ~~that~~ section 1513.30 of the Revised Code for the 22809
administration and enforcement of this chapter, for the 22810
reclamation of land affected by surface or in-stream mining under 22811
a permit issued under this chapter that the operator failed to 22812
reclaim and for which the performance bond filed by the operator 22813
is insufficient to complete the reclamation, and for the 22814
reclamation of land affected by surface or in-stream mining that 22815
was abandoned and left unreclaimed and for which no permit was 22816
issued or bond filed under this chapter. Also, the chief may use 22817
the portion of the ~~surface~~ mining regulation and safety fund that 22818
consists of ~~moneys~~ money collected from the severance taxes levied 22819
under section 5749.02 of the Revised Code for mine safety and 22820
first aid training. For purposes of reclamation under this 22821
section, the chief shall expend ~~moneys~~ money in the fund in 22822
accordance with the procedures and requirements established in 22823
section 1514.06 of the Revised Code and may enter into contracts 22824
and perform work in accordance with that section. 22825

Fees collected under sections 1514.02 and 1514.03 of the 22826
Revised Code, ~~one half of the moneys and money~~ collected from the 22827
severance taxes levied under ~~divisions (A)(3) and (4) of~~ section 22828
5749.02 of the Revised Code, ~~and all of the moneys collected from~~ 22829
~~the severance tax levied under division (A)(7) of section 5749.02~~ 22830
~~of the Revised Code~~ shall be credited to the fund in accordance 22831
with those sections. Notwithstanding any section of the Revised 22832
Code relating to the distribution or crediting of fines for 22833
violations of the Revised Code, all fines imposed under section 22834
1514.99 of the Revised Code shall be credited to the fund. 22835

Sec. 1514.41. (A) If a surface mining operation is not 22836
inspected by the mine safety and health administration in the 22837
United States department of labor, the chief of the division of 22838
mineral resources management annually shall conduct a minimum of 22839
two inspections of the operation. 22840

(B) If a surface mining operation is identified through a safety performance evaluation ~~conducted under section 1514.45 of the Revised Code and rules~~ as having ~~lost time accidents in an amount greater than the national average~~ three or more violations per day during an inspection conducted by the mine safety and health administration in the United States department of labor, the chief shall conduct a minimum of two inspections of the operation for one year following the identification. However, the chief, in consultation with a statewide organization representing the industrial minerals surface mining organization, may adopt rules, in accordance with Chapter 119. of the Revised Code, establishing exceptions to the safety inspection requirement under this division.

(C) If a fatality of a miner occurs at a surface mining operation as a result of an unsafe condition or a practice at the operation, the chief shall conduct a minimum of one inspection every three months at the operation for two years following the fatality.

(D) If a life-threatening injury of a miner occurs at a surface mining operation as a result of an unsafe condition or a practice at the operation, the chief shall conduct a minimum of one inspection every three months at the operation for one year following the injury.

Sec. 1514.46. If the operator of a surface mining operation requests the division of mineral resources management to conduct mine safety training, the chief of the division of mineral resources management shall conduct mine safety training for the employees of that operator. For persons who are not employed by a holder of a surface mining permit issued under this chapter and who seek the training, the chief may charge a fee in an amount established in rules for conducting it. The safety training shall

be conducted in accordance with rules and shall emphasize the 22872
standards adopted in rules and include any other content that the 22873
chief determines is beneficial. Any fees collected under this 22874
section shall be deposited in the state treasury to the credit of 22875
the ~~surface~~ mining regulation and safety fund created in section 22876
~~1514.06~~ 1513.30 of the Revised Code. 22877

Sec. 1521.06. (A) No dam may be constructed for the purpose 22878
of storing, conserving, or retarding water, or for any other 22879
purpose, nor shall any levee be constructed for the purpose of 22880
diverting or retaining flood water, unless the person or 22881
governmental agency desiring the construction has a construction 22882
permit for the dam or levee issued by the chief of the division of 22883
water resources. 22884

A construction permit is not required under this section for: 22885

(1) A dam that is or will be less than ten feet in height and 22886
that has or will have a storage capacity of not more than fifty 22887
acre-feet at the elevation of the top of the dam, as determined by 22888
the chief. For the purposes of this section, the height of a dam 22889
shall be measured from the natural stream bed or lowest ground 22890
elevation at the downstream or outside limit of the dam to the 22891
elevation of the top of the dam. 22892

(2) A dam, regardless of height, that has or will have a 22893
storage capacity of not more than fifteen acre-feet at the 22894
elevation of the top of the dam, as determined by the chief; 22895

(3) A dam, regardless of storage capacity, that is or will be 22896
six feet or less in height, as determined by the chief; 22897

(4) A dam or levee that belongs to a class exempted by the 22898
chief; 22899

(5) The repair, maintenance, improvement, alteration, or 22900
removal of a dam or levee that is subject to section 1521.062 of 22901

the Revised Code, unless the construction constitutes an 22902
enlargement or reconstruction of the structure as determined by 22903
the chief; 22904

(6) A dam or impoundment constructed under Chapter 1513. of 22905
the Revised Code. 22906

(B) Before a construction permit may be issued, three copies 22907
of the plans and specifications, including a detailed cost 22908
estimate, for the proposed construction, prepared by a registered 22909
professional engineer, together with ~~the~~ any filing fee specified 22910
by rules adopted by the chief in accordance with division (I) of 22911
this section and the bond or other security required by section 22912
1521.061 of the Revised Code, shall be filed with the chief. The 22913
detailed estimate of the cost shall include all costs associated 22914
with the construction of the dam or levee, including supervision 22915
and inspection of the construction by a registered professional 22916
engineer. ~~The filing fee shall be based on the detailed cost~~ 22917
~~estimate for the proposed construction as filed with and approved~~ 22918
~~by the chief, and shall be determined by the following schedule~~ 22919
~~unless otherwise provided by rules adopted under this section:~~ 22920

~~(1) For the first one hundred thousand dollars of estimated~~ 22921
~~cost, a fee of four per cent;~~ 22922

~~(2) For the next four hundred thousand dollars of estimated~~ 22923
~~cost, a fee of three per cent;~~ 22924

~~(3) For the next five hundred thousand dollars of estimated~~ 22925
~~cost, a fee of two per cent;~~ 22926

~~(4) For all costs in excess of one million dollars, a fee of~~ 22927
~~one half of one per cent.~~ 22928

~~In no case shall the filing fee be less than one thousand~~ 22929
~~dollars or more than one hundred thousand dollars. If the actual~~ 22930
~~cost exceeds the estimated cost by more than fifteen per cent, an~~ 22931
~~additional filing fee shall be required equal to the fee~~ 22932

~~determined by the preceding schedule less the original filing fee.~~ 22933
All fees collected pursuant to this section, and all fines 22934
collected pursuant to section 1521.99 of the Revised Code, shall 22935
be deposited in the state treasury to the credit of the dam safety 22936
fund, which is hereby created. Expenditures from the fund shall be 22937
made by the chief for the purpose of administering this section 22938
and sections 1521.061 and 1521.062 of the Revised Code. 22939

(C) The chief shall, within thirty days from the date of the 22940
receipt of the application, fee, and bond or other security, issue 22941
or deny a construction permit for the construction or may issue a 22942
construction permit conditioned upon the making of such changes in 22943
the plans and specifications for the construction as the chief 22944
considers advisable if the chief determines that the construction 22945
of the proposed dam or levee, in accordance with the plans and 22946
specifications filed, would endanger life, health, or property. 22947

(D) The chief may deny a construction permit after finding 22948
that a dam or levee built in accordance with the plans and 22949
specifications would endanger life, health, or property, because 22950
of improper or inadequate design, or for such other reasons as the 22951
chief may determine. 22952

In the event the chief denies a permit for the construction 22953
of the dam or levee, or issues a permit conditioned upon a making 22954
of changes in the plans or specifications for the construction, 22955
the chief shall state the reasons therefor and so notify, in 22956
writing, the person or governmental agency making the application 22957
for a permit. If the permit is denied, the chief shall return the 22958
bond or other security to the person or governmental agency making 22959
application for the permit. 22960

The decision of the chief conditioning or denying a 22961
construction permit is subject to appeal as provided in Chapter 22962
119. of the Revised Code. A dam or levee built substantially at 22963
variance from the plans and specifications upon which a 22964

construction permit was issued is in violation of this section. 22965
The chief may at any time inspect any dam or levee, or site upon 22966
which any dam or levee is to be constructed, in order to determine 22967
whether it complies with this section. 22968

(E) A registered professional engineer shall inspect the 22969
construction for which the permit was issued during all phases of 22970
construction and shall furnish to the chief such regular reports 22971
of the engineer's inspections as the chief may require. When the 22972
chief finds that construction has been fully completed in 22973
accordance with the terms of the permit and the plans and 22974
specifications approved by the chief, the chief shall approve the 22975
construction. When one year has elapsed after approval of the 22976
completed construction, and the chief finds that within this 22977
period no fact has become apparent to indicate that the 22978
construction was not performed in accordance with the terms of the 22979
permit and the plans and specifications approved by the chief, or 22980
that the construction as performed would endanger life, health, or 22981
property, the chief shall release the bond or other security. No 22982
bond or other security shall be released until one year after 22983
final approval by the chief, unless the dam or levee has been 22984
modified so that it will not retain water and has been approved as 22985
nonhazardous after determination by the chief that the dam or 22986
levee as modified will not endanger life, health, or property. 22987

(F) When inspections required by this section are not being 22988
performed, the chief shall notify the person or governmental 22989
agency to which the permit has been issued that inspections are 22990
not being performed by the registered professional engineer and 22991
that the chief will inspect the remainder of the construction. 22992
Thereafter, the chief shall inspect the construction and the cost 22993
of inspection shall be charged against the owner. Failure of the 22994
registered professional engineer to submit required inspection 22995
reports shall be deemed notice that the engineer's inspections are 22996

not being performed. 22997

(G) The chief may order construction to cease on any dam or 22998
levee that is being built in violation of this section, and may 22999
prohibit the retention of water behind any dam or levee that has 23000
been built in violation of this section. The attorney general, 23001
upon written request of the chief, may bring an action for an 23002
injunction against any person who violates this section or to 23003
enforce an order or prohibition of the chief made pursuant to this 23004
section. 23005

(H) The chief may adopt rules in accordance with Chapter 119. 23006
of the Revised Code, for the design and construction of dams and 23007
levees for which a construction permit is required by this section 23008
or for which periodic inspection is required by section 1521.062 23009
of the Revised Code, ~~for establishing a filing fee schedule in~~ 23010
~~lieu of the schedule established under division (B) of this~~ 23011
~~section,~~ for deposit and forfeiture of bonds and other securities 23012
required by section 1521.061 of the Revised Code, for the periodic 23013
inspection, operation, repair, improvement, alteration, or removal 23014
of all dams and levees, as specified in section 1521.062 of the 23015
Revised Code, and for establishing classes of dams or levees that 23016
are exempt from the requirements of this section and section 23017
1521.062 of the Revised Code as being of a size, purpose, or 23018
situation that does not present a substantial hazard to life, 23019
health, or property. The chief may, by rule, limit the period 23020
during which a construction permit issued under this section is 23021
valid. The rules may allow for the extension of the period during 23022
which a permit is valid upon written request, provided that the 23023
written request includes a revised construction cost estimate, and 23024
may require the payment of an additional filing fee for the 23025
requested extension. If a construction permit expires without an 23026
extension before construction is completed, the person or agency 23027
shall apply for a new permit, and shall not continue construction 23028

until the new permit is issued. 23029

(I) The chief shall adopt rules in accordance with Chapter 23030
119. of the Revised Code establishing a filing fee schedule for 23031
purposes of division (B) of this section. 23032

Sec. 1521.063. (A) Except for the federal government, the 23033
owner of a dam, that is classified as a class I, class II, or 23034
class III dam under rules adopted under section 1521.06 of the 23035
Revised Code and subject to section 1521.062 of the Revised Code 23036
shall pay an annual fee, ~~based upon the height of the dam, the~~ 23037
~~linear foot length of the dam, and the per acre foot of volume of~~ 23038
~~water impounded by the dam in accordance with the annual fee~~ 23039
~~schedule established in rules adopted under division (B) of this~~ 23040
~~section.~~ The fee shall be paid to the division of water resources 23041
on or before the thirtieth day of June of each year. ~~The annual~~ 23042
~~fee shall be as follows until otherwise provided by rules adopted~~ 23043
~~under this section:~~ 23044

~~(1) For any dam classified as a class I dam under rules 23045~~
~~adopted by the chief of the division of water resources under 23046~~
~~section 1521.06 of the Revised Code, three hundred dollars plus 23047~~
~~ten dollars per foot of height of dam, five cents per foot of 23048~~
~~length of the dam and five cents per acre foot of water impounded 23049~~
~~by the dam;~~ 23050

~~(2) For any dam classified as a class II dam under those 23051~~
~~rules, ninety dollars plus six dollars per foot of height of dam, 23052~~
~~five cents per foot of length of the dam and five cents per acre 23053~~
~~foot of water impounded by the dam;~~ 23054

~~(3) For any dam classified as a class III dam under those 23055~~
~~rules, ninety dollars plus four dollars per foot of height of the 23056~~
~~dam, five cents per foot of length of the dam, and five cents 23057~~
~~per acre foot of volume of water impounded by the dam.~~ 23058

~~For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.~~

All fees collected under this section shall be deposited in the dam safety fund created in section 1521.06 of the Revised Code. Any owner who fails to pay any annual fee required by this section within sixty days after the due date shall be assessed a penalty of ten per cent of the annual fee plus interest at the rate of one-half per cent per month from the due date until the date of payment.

There is hereby created the compliant dam discount program to be administered by the chief of the division of water resources. Under the program, the chief may reduce the amount of the annual fee that an owner of a dam is required to pay in accordance with rules adopted by the chief under division ~~(A)(1), (2), or (3)~~ (B) of this section if the owner is in compliance with section 1521.062 of the Revised Code and has developed an emergency action plan pursuant to standards established in rules adopted under this section. The chief shall not discount an annual fee by more than twenty-five per cent of the total annual fee that is due. In addition, the chief shall not discount the annual fee that is due from the owner of a dam who has been assessed a penalty under this section.

(B)(1) The chief shall, in accordance with Chapter 119. of the Revised Code and subject to the prior approval of the director of natural resources, adopt, and may amend or rescind, rules for the collection of fees and the administration, implementation, and enforcement of this section ~~and~~.

(2) The chief shall, in accordance with Chapter 119. of the Revised Code, adopt rules for the establishment of an annual fee schedule ~~in lieu of the schedule established in division (A) for purposes~~ of this section.

(3) The annual fee schedule must be based on the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam. For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.

(C)(1) No person, political subdivision, or state governmental agency shall violate or fail to comply with this section or any rule or order adopted or issued under it.

(2) The attorney general, upon written request of the chief, may commence an action against any such violator. Any action under division (C)(2) of this section is a civil action.

(D) As used in this section, "political subdivision" includes townships, municipal corporations, counties, school districts, municipal universities, park districts, sanitary districts, and conservancy districts and subdivisions thereof.

Sec. 1531.01. As used in this chapter and Chapter 1533. of the Revised Code:

(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department, agency, or instrumentality of it.

(B) "Resident" means any individual who has resided in this state for not less than six months next preceding the date of making application for a license.

(C) "Nonresident" means any individual who does not qualify as a resident.

(D) "Division rule" or "rule" means any rule adopted by the

chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.	23121 23122
(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.	23123 23124 23125
(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.	23126 23127 23128
(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.	23129 23130 23131 23132 23133 23134 23135 23136 23137 23138
(H) "Possession" means both actual and constructive possession and any control of things referred to.	23139 23140
(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.	23141 23142 23143
(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	23144 23145
(K) "Sell and sale" means barter, exchange, or offer or expose for sale.	23146 23147
(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal	23148 23149 23150

with the same effect as it applies to the whole.	23151
(M) "Angling" means fishing with not more than two hand	23152
lines, not more than two units of rod and line, or a combination	23153
of not more than one hand line and one rod and line, either in	23154
hand or under control at any time while fishing. The hand line or	23155
rod and line shall have attached to it not more than three baited	23156
hooks, not more than three artificial fly rod lures, or one	23157
artificial bait casting lure equipped with not more than three	23158
sets of three hooks each.	23159
(N) "Trotline" means a device for catching fish that consists	23160
of a line having suspended from it, at frequent intervals,	23161
vertical lines with hooks attached.	23162
(O) "Fish" means a cold-blooded vertebrate having fins.	23163
(P) "Measurement of fish" means length from the end of the	23164
nose to the longest tip or end of the tail.	23165
(Q) "Wild birds" includes game birds and nongame birds.	23166
(R) "Game" includes game birds, game quadrupeds, and	23167
fur-bearing animals.	23168
(S) "Game birds" includes mourning doves, ringneck pheasants,	23169
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated	23170
grouse, wild turkey, Hungarian partridge, Chukar partridge,	23171
woodcocks, black-breasted plover, golden plover, Wilson's snipe or	23172
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules,	23173
duck, geese, brant, and crows.	23174
(T) "Nongame birds" includes all other wild birds not	23175
included and defined as game birds or migratory game birds.	23176
(U) "Wild quadrupeds" includes game quadrupeds and	23177
fur-bearing animals.	23178
(V) "Game quadrupeds" includes cottontail rabbits, gray	23179
squirrels, black squirrels, fox squirrels, red squirrels, flying	23180

squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 23181
wild boar, elk, and black bears. 23182

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 23183
skunks, opossums, muskrats, fox, beavers, badgers, otters, 23184
coyotes, and bobcats. 23185

(X) "Wild animals" includes mollusks, crustaceans, aquatic 23186
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 23187
and all other wild mammals, but does not include domestic deer. 23188

(Y) "Hunting" means pursuing, shooting, killing, following 23189
after or on the trail of, lying in wait for, shooting at, or 23190
wounding wild birds or wild quadrupeds while employing any device 23191
commonly used to kill or wound wild birds or wild quadrupeds 23192
whether or not the acts result in killing or wounding. "Hunting" 23193
includes every attempt to kill or wound and every act of 23194
assistance to any other person in killing or wounding or 23195
attempting to kill or wound wild birds or wild quadrupeds. 23196

(Z) "Trapping" means securing or attempting to secure 23197
possession of a wild bird or wild quadruped by means of setting, 23198
placing, drawing, or using any device that is designed to close 23199
upon, hold fast, confine, or otherwise capture a wild bird or wild 23200
quadruped whether or not the means results in capture. "Trapping" 23201
includes every act of assistance to any other person in capturing 23202
wild birds or wild quadrupeds by means of the device whether or 23203
not the means results in capture. 23204

(AA) "Muskrat spear" means any device used in spearing 23205
muskrats. 23206

(BB) "Channels and passages" means those narrow bodies of 23207
water lying between islands or between an island and the mainland 23208
in Lake Erie. 23209

(CC) "Island" means a rock or land elevation above the waters 23210
of Lake Erie having an area of five or more acres above water. 23211

(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye

(Hiodon tergisus), quillback (Carpiodes cyprinus), smelt	23244
(Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other than buffalo and quillback (Carpiodes sp., Catostomus sp., Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone chrysops), white perch (Roccus americanus), and yellow perch (Perca flavescens). When the common name of a fish is used in this chapter or Chapter 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.	23245 23246 23247 23248 23249 23250 23251 23252
(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.	23253 23254 23255 23256
(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.	23257 23258
(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.	23259 23260
(LL) "Round" when used in describing fish means with head and tail intact.	23261 23262
(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.	23263 23264 23265 23266
(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.	23267 23268 23269 23270
(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or	23271 23272 23273 23274

assists any other person in order for the other person to engage 23275
in fishing. 23276

(PP) "Net" means fishing devices with meshes composed of 23277
twine or synthetic material and includes, but is not limited to, 23278
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 23279
seines, except minnow seines and minnow dip nets. 23280

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 23281
nets, dip nets, carp aprons, trotlines, other similar gear, and 23282
any boat used in conjunction with that gear, but does not include 23283
gill nets. 23284

(RR) "Native wildlife" means any species of the animal 23285
kingdom indigenous to this state. 23286

(SS) "Gill net" means a single section of fabric or netting 23287
seamed to a float line at the top and a lead line at the bottom, 23288
which is designed to entangle fish in the net openings as they 23289
swim into it. 23290

(TT) "Tag fishing tournament" means a contest in which a 23291
participant pays a fee, or gives other valuable consideration, for 23292
a chance to win a prize by virtue of catching a tagged or 23293
otherwise specifically marked fish within a limited period of 23294
time. 23295

(UU) "Tenant" means an individual who resides on land for 23296
which the individual pays rent and whose annual income is 23297
primarily derived from agricultural production conducted on that 23298
land, as "agricultural production" is defined in section 929.01 of 23299
the Revised Code. 23300

(VV) "Nonnative wildlife" means any wild animal not 23301
indigenous to this state, but does not include domestic deer. 23302

(WW) "Reptiles" includes common musk turtle (*sternotherus* 23303
odoratus), common snapping turtle (*Chelydra serpentina* 23304

serpentina), spotted turtle (<i>Clemmys guttata</i>), eastern box turtle	23305
(<i>Terrapene carolina carolina</i>), Blanding's turtle (<i>Emydoidea</i>	23306
<i>blandingii</i>), common map turtle (<i>Graptemys geographica</i>), ouachita	23307
map turtle (<i>Graptemys pseudogeographica ouachitensis</i>), midland	23308
painted turtle (<i>Chrysemys picta marginata</i>), red-eared slider	23309
(<i>Trachemys scripta elegans</i>), eastern spiny softshell turtle	23310
(<i>Apalone spinifera spinifera</i>), midland smooth softshell turtle	23311
(<i>Apalone mutica mutica</i>), northern fence lizard (<i>Sceloporus</i>	23312
<i>undulatus hyacinthinus</i>), ground skink (<i>Scincella lateralis</i>),	23313
five-lined skink (<i>Eumeces fasciatus</i>), broadhead skink (<i>Eumeces</i>	23314
<i>laticeps</i>), northern coal skink (<i>Eumeces anthracinus anthracinus</i>),	23315
European wall lizard (<i>Podarcis muralis</i>), queen snake (<i>Regina</i>	23316
<i>septemvittata</i>), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	23317
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	23318
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia</i>	23319
<i>erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi</i>	23320
<i>dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	23321
northern redbelly snake (<i>Storeria occipitomaculata</i>	23322
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis</i>	23323
<i>sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	23324
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	23325
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis</i>	23326
<i>sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	23327
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	23328
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	23329
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	23330
(<i>Carphophis amoenus helena</i>), eastern worm snake (<i>Carphophis</i>	23331
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	23332
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	23333
(<i>opheodrys aestivus</i>), smooth green snake (<i>opheodrys vernalis</i>	23334
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	23335
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	23336
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	23337

triangulum), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	23338
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	23339
rattlesnake (<i>Crotalus horridus horridus</i>).	23340
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	23341
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	23342
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	23343
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	23344
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	23345
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	23346
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	23347
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	23348
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	23349
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	23350
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	23351
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	23352
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	23353
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	23354
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	23355
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	23356
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	23357
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	23358
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	23359
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	23360
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	23361
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	23362
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	23363
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	23364
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	23365
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	23366
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	23367
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	23368
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	23369
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	23370

frog (<i>Rana sylvatica</i>).	23371
(YY) "Deer" means white-tailed deer (<i>Odocoileus virginianus</i>).	23372 23373
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	23374 23375 23376
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>); doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants (<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and woodcock and snipe (<i>Scolopacidae</i>).	23377 23378 23379 23380
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	23381 23382 23383
(CCC) "Electric-powered all-purpose vehicle" means any battery-powered self-propelled electric vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes. "Electric-powered all-purpose vehicle" does not include a utility vehicle as defined in section 4501.01 of the Revised Code, any vehicle that is principally used in playing golf, any motor vehicle or aircraft that is required to be registered under Chapter 4503. or 4561. of the Revised Code, or any vehicle that is excluded from the definition of "motor vehicle" as provided in division (B) of section 4501.01 of the Revised Code.	23384 23385 23386 23387 23388 23389 23390 23391 23392 23393 23394 23395 23396 23397
(DDD) "Wholly enclosed preserve" means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the division of	23398 23399 23400 23401

wildlife may approve, where game birds, game quadrupeds, reptiles, 23402
amphibians, or fur-bearing animals are raised and may be sold 23403
under the authority of a commercial propagating license or captive 23404
white-tailed deer propagation license obtained under section 23405
1533.71 of the Revised Code. 23406

(EEE) "Commercial bird shooting preserve" means an area of 23407
land where game birds are released and hunted by shooting as 23408
authorized by a commercial bird shooting preserve license obtained 23409
under section 1533.72 of the Revised Code. 23410

(FFF) "Wild animal hunting preserve" means an area of land 23411
where game, captive white-tailed deer, and nonnative wildlife, 23412
other than game birds, are released and hunted as authorized by a 23413
wild animal hunting preserve license obtained under section 23414
1533.721 of the Revised Code. 23415

(GGG) "Captive white-tailed deer" means legally acquired deer 23416
that are held in private ownership at a facility licensed under 23417
section 943.03 or 943.031 of the Revised Code and under section 23418
1533.71 or 1533.721 of the Revised Code. 23419

Sec. 1533.06. Not later than one year after the effective 23420
date of this section, the chief of the division of wildlife shall 23421
establish all of the following: 23422

(A) A risk assessment policy for aquatic species that 23423
provides for both of the following: 23424

(1) An evaluation of the overall risk of a species based on 23425
the best available biological information derived from 23426
professionally accepted science and practices in fisheries or 23427
aquatic invasive species management; 23428

(2) A determination of whether a species shall be listed as 23429
an injurious aquatic invasive species. 23430

(B) A definition of injurious invasive aquatic species. 23431

The chief shall adopt rules in accordance with section 23432
1531.10 of the Revised Code necessary to administer this section. 23433

Sec. 1533.11. (A)(1) Except as provided in this section or 23434
section 1533.731 of the Revised Code, no person shall hunt deer on 23435
lands of another without first obtaining an annual deer permit. 23436
Except as provided in this section, no person shall hunt wild 23437
turkeys on lands of another without first obtaining an annual wild 23438
turkey permit. ~~Each~~ Except as provided in division (A)(2) of 23439
section 1533.12 of the Revised Code, a deer or wild turkey permit 23440
shall run concurrently with the hunting license. Except as 23441
provided in rules adopted under division (B) of that section, each 23442
applicant for a deer or wild turkey permit shall pay an annual fee 23443
~~of twenty three dollars for each permit unless the rules adopted~~ 23444
~~under division (B) of section 1533.12 of the Revised Code provide~~ 23445
~~for issuance of a deer or wild turkey permit to the applicant free~~ 23446
~~of charge. Except as provided in rules adopted under division~~ 23447
~~(B)(2) of that section, each applicant who is a resident of this~~ 23448
~~state and who at the time of application is sixty six years of age~~ 23449
~~or older shall procure a senior deer or wild turkey permit, the~~ 23450
~~fee for which shall be one half of the regular deer or wild turkey~~ 23451
~~permit fee. Each applicant who is under the age of eighteen years~~ 23452
~~shall procure a youth deer or wild turkey permit, the fee for~~ 23453
~~which shall be one half of the regular deer or wild turkey permit~~ 23454
~~fee. Except as provided in division (A)(2) of section 1533.12 of~~ 23455
~~the Revised Code, a deer or wild turkey permit shall run~~ 23456
~~concurrently with the hunting license~~ in accordance with the 23457
following schedule: 23458

<u>Deer permit - resident</u>	<u>\$23.00</u>	23459
<u>Deer permit - nonresident, all ages</u>	<u>\$250.00</u>	23460
<u>Youth deer permit - resident</u>	<u>\$11.50</u>	23461
<u>Senior deer permit - resident</u>	<u>\$11.50</u>	23462
<u>Wild turkey permit - resident</u>	<u>\$23.00</u>	23463

<u>Wild turkey permit - nonresident, all ages</u>	<u>\$75.00</u>	23464
<u>Youth wild turkey permit - resident</u>	<u>\$11.50</u>	23465
<u>Senior wild turkey permit - resident</u>	<u>\$11.50</u>	23466
<u>(2) As used in division (A)(1) of this section:</u>		23467
<u>(a) "Youth" means an applicant who is under the age of</u>		23468
<u>eighteen years at the time of application for a permit.</u>		23469
<u>(b) "Senior" means an applicant who is sixty-six years of age</u>		23470
<u>or older at the time of application for a permit. The</u>		23471
<u>(3) The money received shall be paid into the state treasury</u>		23472
<u>to the credit of the wildlife fund, created in section 1531.17 of</u>		23473
<u>the Revised Code, exclusively for the use of the division of</u>		23474
<u>wildlife in the acquisition and development of land for deer or</u>		23475
<u>wild turkey management, for investigating deer or wild turkey</u>		23476
<u>problems, and for the stocking, management, and protection of deer</u>		23477
<u>or wild turkey. Every</u>		23478
<u>(4) Every person, while hunting deer or wild turkey on lands</u>		23479
<u>of another, shall carry the person's deer or wild turkey permit</u>		23480
<u>and exhibit it to any enforcement officer so requesting. Failure</u>		23481
<u>to so carry and exhibit such a permit constitutes an offense under</u>		23482
<u>this section. The</u>		23483
<u>(5) The chief of the division of wildlife shall adopt any</u>		23484
<u>additional rules the chief considers necessary to carry out this</u>		23485
<u>section and section 1533.10 of the Revised Code.</u>		23486
<u>(6) An owner who is a resident of this state or an owner who</u>		23487
<u>is exempt from obtaining a hunting license under section 1533.10</u>		23488
<u>of the Revised Code and the children of the owner of lands in this</u>		23489
<u>state may hunt deer or wild turkey thereon without a deer or wild</u>		23490
<u>turkey permit. If the owner of land in this state is a limited</u>		23491
<u>liability company or a limited liability partnership that consists</u>		23492
<u>of three or fewer individual members or partners, as applicable,</u>		23493
<u>an individual member or partner who is a resident of this state</u>		23494

and the member's or partner's children of any age may hunt deer or 23495
wild turkey on the land owned by the limited liability company or 23496
limited liability partnership without a deer or wild turkey 23497
permit. In addition, if the owner of land in this state is a trust 23498
that has a total of three or fewer trustees and beneficiaries, an 23499
individual who is a trustee or beneficiary and who is a resident 23500
of this state and the individual's children of any age may hunt 23501
deer or wild turkey on the land owned by the trust without a deer 23502
or wild turkey permit. The tenant and children of the tenant may 23503
hunt deer or wild turkey on lands where they reside without a deer 23504
or wild turkey permit. 23505

(B) A deer or wild turkey permit is not transferable. No 23506
person shall carry a deer or wild turkey permit issued in the name 23507
of another person. 23508

(C) The wildlife refunds fund is hereby created in the state 23509
treasury. The fund shall consist of money received from 23510
application fees for deer permits that are not issued. Money in 23511
the fund shall be used to make refunds of such application fees. 23512

(D) If the division establishes a system for the electronic 23513
submission of information regarding deer or wild turkey that are 23514
taken, the division shall allow the owner and the children of the 23515
owner of lands in this state to use the owner's name or address 23516
for purposes of submitting that information electronically via 23517
that system. 23518

Sec. 1533.12. (A)(1) Except as otherwise provided in division 23519
(A)(2) of this section, every person on active duty in the armed 23520
forces of the United States who is stationed in this state and who 23521
wishes to engage in an activity for which a license, permit, or 23522
stamp is required under this chapter first shall obtain the 23523
requisite license, permit, or stamp. Such a person is eligible to 23524
obtain a resident hunting or fishing license regardless of whether 23525

the person qualifies as a resident of this state. To obtain a 23526
resident hunting or fishing license, the person shall present a 23527
card or other evidence identifying the person as being on active 23528
duty in the armed forces of the United States and as being 23529
stationed in this state. 23530

(2) Every person on active duty in the armed forces of the 23531
United States, while on leave or furlough, may take or catch fish 23532
of the kind lawfully permitted to be taken or caught within the 23533
state, may hunt any wild bird or wild quadruped lawfully permitted 23534
to be hunted within the state, and may trap fur-bearing animals 23535
lawfully permitted to be trapped within the state, without 23536
procuring a fishing license, a hunting license, a fur taker 23537
permit, or a wetlands habitat stamp required by this chapter, 23538
provided that the person shall carry on the person when fishing, 23539
hunting, or trapping, a card or other evidence identifying the 23540
person as being on active duty in the armed forces of the United 23541
States, and provided that the person is not otherwise violating 23542
any of the hunting, fishing, and trapping laws of this state. 23543

In order to hunt deer or wild turkey, any such person shall 23544
obtain a deer or wild turkey permit, as applicable, under section 23545
1533.11 of the Revised Code. Such a person is eligible to obtain a 23546
deer or wild turkey permit at the resident rate, regardless of 23547
whether the person is a resident of this state. However, the 23548
person need not obtain a hunting license in order to obtain such a 23549
permit. 23550

(B) The chief of the division of wildlife shall provide by 23551
rule adopted under section 1531.10 of the Revised Code all of the 23552
following: 23553

(1) Every resident of this state with a disability that has 23554
been determined by the veterans administration to be permanently 23555
and totally disabling, who receives a pension or compensation from 23556
the veterans administration, and who received an honorable 23557

discharge from the armed forces of the United States, and every 23558
veteran to whom the registrar of motor vehicles has issued a set 23559
of license plates under section 4503.41 of the Revised Code, shall 23560
be issued a fishing license, hunting license, fur taker permit, 23561
deer or wild turkey permit, or wetlands habitat stamp, or any 23562
combination of those licenses, permits, and stamp, free of charge 23563
on an annual, multi-year, or lifetime basis as determined 23564
appropriate by the chief when application is made to the chief in 23565
the manner prescribed by and on forms provided by the chief. 23566

(2) Every resident of the state who was born on or before 23567
December 31, 1937, shall be issued an annual fishing license, 23568
hunting license, fur taker permit, deer or wild turkey permit, or 23569
wetlands habitat stamp, or any combination of those licenses, 23570
permits, and stamp, free of charge when application is made to the 23571
chief in the manner prescribed by and on forms provided by the 23572
chief. 23573

(3) Every resident of state or county institutions, 23574
charitable institutions, and military homes in this state shall be 23575
issued an annual fishing license free of charge when application 23576
is made to the chief in the manner prescribed by and on forms 23577
provided by the chief. 23578

(4) Any mobility impaired or blind person, as defined in 23579
section 955.011 of the Revised Code, who is a resident of this 23580
state and who is unable to engage in fishing without the 23581
assistance of another person shall be issued an annual fishing 23582
license free of charge when application is made to the chief in 23583
the manner prescribed by and on forms provided by the chief. The 23584
person who is assisting the mobility impaired or blind person may 23585
assist in taking or catching fish of the kind permitted to be 23586
taken or caught without procuring the license required under 23587
section 1533.32 of the Revised Code, provided that only one line 23588
is used by both persons. 23589

(5) As used in division (B)(5) of this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state shall be issued a fishing license, hunting license, fur taker permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge on an annual, multi-year, or lifetime basis as determined appropriate by the chief when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

Sec. 1561.14. A person who applies for a certificate as a mine electrician shall be able to read and write the English language, and prior to the date of the application for examination either shall have had at least one year's experience in performing electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, or in a noncoal mine, or shall have had such experience as the chief of the division of mineral resources management determines to be equivalent. Each applicant for examination shall pay a fee of ten dollars to the chief on the first day of the examination. Any ~~moneys~~ money collected under this section shall be paid into the

state treasury to the credit of the mining regulation and safety 23621
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 23622

Sec. 1561.16. (A) As used in this section and sections 23623
1561.17 to 1561.21 of the Revised Code, "actual practical 23624
experience" means previous employment that involved a person's 23625
regular presence in the type of mining operation in which the 23626
experience is required to exist; participation in functions 23627
relating to the hazards involved in and the utilization of 23628
equipment, tools, and work crews and individuals for that type of 23629
mining; and regular exposure to the methods, procedures, and 23630
safety laws applicable to that type of mining. Credit of up to one 23631
year for a portion of the required experience time may be given 23632
upon documentation to the chief of the division of mineral 23633
resources management of an educational degree in a field related 23634
to mining. Credit of up to two years of the required experience 23635
time may be given upon presentation to the chief of proof of 23636
graduation from an accredited school of mines or mining after a 23637
four-year course of study with employment in the mining industry 23638
during interim breaks during the school years. 23639

(B) A person who applies for a certificate as a mine 23640
foreperson of gaseous mines shall be able to read and write the 23641
English language; shall have had at least five years' actual 23642
practical experience in the underground workings of a gaseous mine 23643
or the equivalent thereof in the judgment of the chief; and shall 23644
have had practical experience obtained by actual contact with gas 23645
in mines and have knowledge of the dangers and nature of noxious 23646
and explosive gases and ventilation of gaseous mines. An applicant 23647
for a certificate as a foreperson of gaseous mines shall meet the 23648
same requirements, except that the applicant shall have had at 23649
least three years' actual practical experience in the underground 23650
workings of a gaseous mine or the equivalent thereof in the 23651
judgment of the chief. Each applicant for examination shall pay a 23652

fee established in rules adopted under this section to the chief 23653
on the first day of such examination. 23654

(C) A person who has been issued a certificate as a mine 23655
foreperson or a foreperson of a gaseous mine and who has not 23656
worked in an underground coal mine for a period of more than two 23657
calendar years shall apply for and obtain recertification from the 23658
chief in accordance with rules adopted under this section before 23659
performing the duties of a mine foreperson or a foreperson of a 23660
gaseous mine. An applicant for recertification shall pay a fee 23661
established in rules adopted under this section at the time of 23662
application for recertification. 23663

(D) A person who has been issued a certificate as a mine 23664
foreperson or a foreperson of a gaseous mine and who has not 23665
worked in an underground coal mine for a period of one or more 23666
calendar years shall successfully complete a retraining course in 23667
accordance with rules adopted under this section before performing 23668
the duties of a mine foreperson or a foreperson of a gaseous mine. 23669

(E) The chief, in consultation with a statewide association 23670
representing the coal mining industry and a statewide association 23671
representing employees of coal mines, shall adopt rules in 23672
accordance with Chapter 119. of the Revised Code that do all of 23673
the following: 23674

(1) Prescribe requirements, criteria, and procedures for the 23675
recertification of a mine foreperson or a foreperson of a gaseous 23676
mine who has not worked in an underground coal mine for a period 23677
of more than two calendar years; 23678

(2) Prescribe requirements, criteria, and procedures for the 23679
retraining of a mine foreperson or a foreperson of a gaseous mine 23680
who has not worked in an underground coal mine for a period of one 23681
or more calendar years; 23682

(3) Establish fees for the examination and recertification of 23683

mine forepersons or forepersons of gaseous mines under this 23684
section; 23685

(4) Prescribe any other requirements, criteria, and 23686
procedures that the chief determines are necessary to administer 23687
this section. 23688

(F) Any ~~moneys~~ money collected under this section shall be 23689
paid into the state treasury to the credit of the mining 23690
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 23691
the Revised Code. 23692

Sec. 1561.17. (A) A person who applies for a certificate as 23693
mine foreperson or foreperson of nongaseous mines shall be able to 23694
read and write the English language; shall have had at least three 23695
years' actual practical experience in mines, or the equivalent 23696
thereof in the judgment of the chief of the division of mineral 23697
resources management; and shall have knowledge of the dangers and 23698
nature of noxious gases. Each applicant for examination shall pay 23699
a fee established in rules adopted under this section to the chief 23700
on the first day of the examination. 23701

(B) A person who has been issued a certificate as a mine 23702
foreperson or a foreperson of a nongaseous coal mine and who has 23703
not worked in an underground coal mine for a period of more than 23704
two calendar years shall apply for and obtain recertification from 23705
the chief in accordance with rules adopted under this section 23706
before performing the duties of a mine foreperson or a foreperson 23707
of a nongaseous coal mine. An applicant for recertification shall 23708
pay a fee established in rules adopted under this section at the 23709
time of application for recertification. 23710

(C) A person who has been issued a certificate as a mine 23711
foreperson or a foreperson of a nongaseous coal mine and who has 23712
not worked in an underground coal mine for a period of one or more 23713
calendar years shall successfully complete a retraining course in 23714

accordance with rules adopted under this section before performing 23715
the duties of a mine foreperson or a foreperson of a nongaseous 23716
coal mine. 23717

(D) The chief, in consultation with a statewide association 23718
representing the coal mining industry and a statewide association 23719
representing employees of coal mines, shall adopt rules in 23720
accordance with Chapter 119. of the Revised Code that do all of 23721
the following: 23722

(1) Prescribe requirements, criteria, and procedures for the 23723
recertification of a mine foreperson or a foreperson of a 23724
nongaseous coal mine who has not worked in an underground coal 23725
mine for a period of more than two calendar years; 23726

(2) Prescribe requirements, criteria, and procedures for the 23727
retraining of a mine foreperson or a foreperson of a nongaseous 23728
coal mine who has not worked in an underground coal mine for a 23729
period of one or more calendar years; 23730

(3) Establish fees for the examination and recertification of 23731
mine forepersons or forepersons of nongaseous coal mines under 23732
this section; 23733

(4) Prescribe any other requirements, criteria, and 23734
procedures that the chief determines are necessary to administer 23735
this section. 23736

(E) Any ~~moneys~~ money collected under this section shall be 23737
paid into the state treasury to the credit of the mining 23738
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 23739
the Revised Code. 23740

Sec. 1561.18. A person who applies for a certificate as a 23741
foreperson of surface maintenance facilities at underground or 23742
surface mines shall be able to read and write the English language 23743
and shall have had at least three years' actual practical 23744

experience in or around the surface maintenance facilities of 23745
underground or surface mines or the equivalent thereof in the 23746
judgment of the chief of the division of mineral resources 23747
management. Each applicant for examination shall pay a fee of ten 23748
dollars to the chief on the first day of the examination. Any 23749
~~moneys~~ money collected under this section shall be paid into the 23750
state treasury to the credit of the mining regulation and safety 23751
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 23752

Sec. 1561.19. A person who applies for a certificate as a 23753
mine foreperson of surface mines shall be able to read and write 23754
the English language and shall have had at least five years' 23755
actual practical experience in surface mines. An applicant for a 23756
certificate as a foreperson of surface mines shall meet the same 23757
requirements, except that the applicant shall have had at least 23758
three years' actual practical experience in surface mines or the 23759
equivalent thereof in the judgment of the chief of the division of 23760
mineral resources management. Each applicant for examination shall 23761
pay a fee of ten dollars to the chief on the first day of the 23762
examination. Any ~~moneys~~ money collected under this section shall 23763
be paid into the state treasury to the credit of the mining 23764
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 23765
the Revised Code. 23766

Sec. 1561.20. A person who applies for a certificate as a 23767
surface mine blaster shall be able to read and write the English 23768
language; shall have had at least one year's actual practical 23769
experience in surface mines or the equivalent thereof in the 23770
judgment of the chief of the division of mineral resources 23771
management; shall have knowledge of the dangers and nature of the 23772
use of explosives, related equipment, and blasting techniques; and 23773
shall have knowledge of safety laws and rules, including those 23774
related to the storage, use, and transportation of explosives. 23775

Each applicant for examination shall pay a fee of ten dollars to 23776
the chief on the first day of the examination. Any ~~moneys~~ money 23777
collected under this section shall be paid into the state treasury 23778
to the credit of the mining regulation and safety fund created in 23779
section ~~1561.48~~ 1513.30 of the Revised Code. 23780

Sec. 1561.21. A person who applies for a certificate as a 23781
shot firer shall be able to read and write the English language; 23782
shall have had at least one year's actual practical experience in 23783
the underground workings of mines or the equivalent thereof in the 23784
judgment of the chief of the division of mineral resources 23785
management; shall have knowledge of the dangers and nature of 23786
noxious and explosive gases; shall have knowledge of the dangers 23787
and nature of the use of explosives, related equipment, and 23788
blasting techniques; and shall have knowledge of safety laws and 23789
rules, including those related to the underground storage, use, 23790
and transportation of explosives. Each applicant for examination 23791
shall pay a fee of ten dollars to the chief on the first day of 23792
the examination. Any ~~moneys~~ money collected under this section 23793
shall be paid into the state treasury to the credit of the mining 23794
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 23795
the Revised Code. 23796

Any person who possesses a mine foreperson or foreperson 23797
certificate issued by the chief shall be considered certified as a 23798
shot firer. 23799

Sec. 1561.22. A person who applies for a certificate as fire 23800
boss shall be able to read and write the English language; shall 23801
have had at least three years' actual practical experience in the 23802
underground workings of a gaseous mine or the equivalent thereof 23803
in the judgment of the chief of the division of mineral resources 23804
management; and shall have knowledge of the dangers and nature of 23805
noxious and explosive gases gained by actual contact with gas in 23806

mines and ventilation of gaseous mines. Each applicant for 23807
examination shall pay a fee of ten dollars to the chief on the 23808
first day of the examination. Any ~~moneys~~ money collected under 23809
this section shall be paid into the state treasury to the credit 23810
of the mining regulation and safety fund created in section 23811
~~1561.48~~ 1513.30 of the Revised Code. 23812

Sec. 1561.26. (A) As used in this section: 23813

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 23814
meanings as in section 4765.01 of the Revised Code. 23815

(2) "Mine medical responder" has the same meaning as in 23816
section 1565.15 of the Revised Code. 23817

(B) The superintendent of rescue stations, with the approval 23818
of the chief of the division of mineral resources management, 23819
shall, at each rescue station provided for in section 1561.25 of 23820
the Revised Code, train and employ rescue crews of six members 23821
each, one of whom shall hold a mine foreperson or fire boss 23822
certificate and be designated captain, and train and employ any 23823
number of such rescue crews as the superintendent believes 23824
necessary. One member of a rescue crew shall be certified as an 23825
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 23826
member of a rescue crew shall devote the time specified by the 23827
chief each month for training purposes and shall be available at 23828
all times to assist in rescue work at explosions, mine fires, and 23829
other emergencies. 23830

A captain of mine rescue crews shall receive for service as 23831
captain the sum of twenty-four dollars per month, and each member 23832
shall receive the sum of twenty dollars per month, all payable on 23833
requisition approved by the chief. When engaged in rescue work at 23834
explosions, mine fires, or other emergencies away from their 23835
station, the members of the rescue crews and captains of the same 23836
shall be paid the sum of six dollars per hour for work on the 23837

surface, which includes the time consumed by those members in 23838
traveling to and from the scene of the emergency when the scene is 23839
away from the station of the members, and the sum of seven dollars 23840
per hour for all work underground at the emergency, and in 23841
addition thereto, the necessary living expenses of the members 23842
when the emergency is away from their home station, all payable on 23843
requisition approved by the chief. 23844

Each member of a mine rescue crew shall undergo an annual 23845
medical examination. The chief may designate to perform an 23846
examination any individual authorized by the Revised Code to do 23847
so, including a physician assistant, a clinical nurse specialist, 23848
a certified nurse practitioner, or a certified nurse-midwife. In 23849
designating the individual to perform a medical examination, the 23850
chief shall choose one near the station of the member of the 23851
rescue crews. The examiner shall report the examination results to 23852
the chief and if, in the opinion of the chief, the report 23853
indicates that the member is physically unfit for further 23854
services, the chief shall relieve the member from further duty. 23855
The fee charged by the examiner for the examination shall be paid 23856
in the same manner as fees are paid to doctors employed by the 23857
industrial commission for special medical examinations. 23858

The chief may remove any member of a rescue crew for any 23859
reason. Such crews shall be subject to the orders of the chief, 23860
the superintendent, and the deputy mine inspectors when engaged in 23861
actual mine rescue work. Mine rescue crews shall, in case of death 23862
or injury when engaged in rescue work, wherever the same may 23863
occur, be paid compensation, or their dependents shall be paid 23864
death benefits, from the workers' compensation fund, in the same 23865
manner as other employees of the state. 23866

(C) In addition to the training of rescue crews, each 23867
assistant superintendent of rescue stations, with the approval of 23868
the superintendent, shall provide for and conduct safety, first 23869

aid, and rescue classes at any mine or for any group of miners who 23870
make application for the conducting of such classes. The chief may 23871
assess a fee for safety and first aid classes for the purpose of 23872
covering the costs associated with providing those classes. The 23873
chief shall establish a fee schedule for safety and first aid 23874
classes by rule adopted in accordance with Chapter 119. of the 23875
Revised Code. Fees collected under this section shall be deposited 23876
in the ~~surface~~ mining regulation and safety fund created in 23877
section ~~1514.06~~ 1513.30 of the Revised Code. 23878

The superintendent shall prescribe and provide for a uniform 23879
schedule of conducting such safety and rescue classes as will 23880
provide a competent knowledge of modern safety and rescue methods 23881
in, at, and about mines. 23882

(D) No member of a mine rescue crew who performs mine rescue 23883
at an underground coal mine and no operator of a mine whose 23884
employee participates as a member of such a mine rescue crew is 23885
liable in any civil action that arises under the laws of this 23886
state for damage or injury caused in the performance of rescue 23887
work at an underground coal mine. However, a member of such a mine 23888
rescue crew may be liable if the member acted with malicious 23889
purpose, in bad faith, or in a wanton or reckless manner. 23890

This division does not eliminate, limit, or reduce any 23891
immunity from civil liability that is conferred on a member of 23892
such a mine rescue crew or an operator by any other provision of 23893
the Revised Code or by case law. 23894

Sec. 1561.45. Fines collected by reason of prosecutions under 23895
this chapter and Chapters 1563., 1565., and 1567. of the Revised 23896
Code shall be paid to the chief of the division of mineral 23897
resources management, and by the chief paid into the state 23898
treasury to the credit of the mining regulation and safety fund 23899
created in section ~~1561.48~~ 1513.30 of the Revised Code. 23900

Sec. 1561.46. Fees received by the chief of the division of 23901
mineral resources management under sections 1561.16 to 1561.22 of 23902
the Revised Code shall be paid by the chief into the state 23903
treasury to the credit of the mining regulation and safety fund 23904
created in section ~~1561.48~~ 1513.30 of the Revised Code. 23905

Sec. 1561.48. All ~~moneys~~ money collected under sections 23906
1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 23907
1561.22, 1561.45, and 1561.46 of the Revised Code shall be paid 23908
into the state treasury to the credit of the mining regulation and 23909
safety fund, ~~which is hereby~~ created by section 1513.30 of the 23910
Revised Code. The department of natural resources shall use the 23911
~~moneys~~ money in the fund to pay the operating expenses of the 23912
division of mineral resources management. 23913

Sec. 1711.51. There is hereby created within the department 23914
of agriculture an advisory council on amusement ride safety to 23915
consist of the director of agriculture or the director's designee, 23916
the general manager of the Ohio state fair or the general 23917
manager's designee, plus ~~eleven~~ the following appointed members, 23918
~~of whom:~~ one shall be a representative of temporary amusement ride 23919
owners, one shall be a representative of the greater Ohio 23920
showmen's association and the owner of a ride, three shall be 23921
representatives of owners of amusement parks, one shall be a 23922
representative of the Ohio fair managers' association, one shall 23923
be a representative of the insurance industry, one shall be an 23924
engineer, who has an academic degree in engineering and who is 23925
knowledgeable in the amusement ride industry, one shall be a 23926
representative of the Ohio festivals and events association, and 23927
two shall be representatives of the general public. ~~One~~ Not later 23928
than thirty days after the effective date of this amendment, two 23929
additional members shall be appointed to the council. The 23930

additional members shall be representatives of the inflatable
amusement ride industry who are owners or operators of inflatable
amusement rides or consultants from the industry. 23931
23932
23933

One member of the council shall be designated annually by the 23934
governor as chairperson. The appointed members not representing 23935
the general public shall be appointed by the governor, with the 23936
advice and consent of the senate. One member representing the 23937
general public shall be appointed by the speaker of the house of 23938
representatives and the remaining member representing the general 23939
public shall be appointed by the president of the senate. The 23940
council shall select from its membership a vice-chairperson to act 23941
as chairperson in the chairperson's absence. 23942

Of the members first appointed by the governor, four shall be 23943
appointed for terms of two years, three for terms of four years, 23944
and two for terms of six years. The members appointed initially by 23945
the speaker of the house of representatives and the president of 23946
the senate shall each serve terms of six years. Of the additional 23947
members appointed by the governor who are representatives of the 23948
inflatable amusement ride industry, one shall be appointed for an 23949
initial term of four years and one shall be appointed for an 23950
initial term of six years. All members appointed ~~thereafter~~ after 23951
the initial terms shall serve six-year terms. Any member appointed 23952
to fill a vacancy occurring prior to the expiration of the term 23953
for which the member's predecessor was appointed shall hold office 23954
for the remainder of that term. Any member shall continue in 23955
office subsequent to the expiration date of the member's term 23956
until the member's successor takes office. 23957

Members of the council shall be residents of this state and 23958
shall be reimbursed for actual and necessary expenses incurred in 23959
attending meetings of the council and in the performance of their 23960
official duties. 23961

Sec. 1711.53. (A)(1) No person shall operate an amusement 23962
ride within the state without a permit issued by the director of 23963
agriculture under division (A)(2) of this section. No person shall 23964
operate an aquatic amusement ride, as defined in section 3749.01 23965
of the Revised Code, without also complying with Chapter 3749. of 23966
the Revised Code. The owner of an amusement ride, whether the ride 23967
is a temporary amusement ride or a permanent amusement ride, who 23968
desires to operate the amusement ride within the state shall, 23969
prior to the operation of the amusement ride and annually 23970
thereafter, submit to the department of agriculture an application 23971
for a permit, together with the appropriate permit and inspection 23972
fee, on a form to be furnished by the department. Prior to issuing 23973
any permit the department shall, within thirty days after the date 23974
on which it receives the application, inspect each amusement ride 23975
described in the application. The owner of an amusement ride shall 23976
have the amusement ride ready for inspection not later than two 23977
hours after the time that is requested by the person for the 23978
inspection. 23979

(2) For each amusement ride found to comply with the rules 23980
adopted by the director under division (B) of this section and 23981
division (B) of section 1711.551 of the Revised Code, the director 23982
shall issue an annual permit, provided that evidence of liability 23983
insurance coverage for the amusement ride as required by section 23984
1711.54 of the Revised Code is on file with the department. 23985

(3) The director shall issue with each permit a decal 23986
indicating that the amusement ride has been issued the permit. The 23987
owner of the amusement ride shall affix the decal on the ride at a 23988
location where the decal is easily visible to the patrons of the 23989
ride. A copy of the permit shall be kept on file at the same 23990
address as the location of the amusement ride identified on the 23991
permit, and shall be made available for inspection, upon 23992
reasonable demand, by any person. An owner may operate an 23993

amusement ride prior to obtaining a permit, provided that the operation is for the purpose of testing the amusement ride or training amusement ride operators and other employees of the owner and the amusement ride is not open to the public.

(B) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules providing for a schedule of fines, with no fine exceeding five thousand dollars, for violations of sections 1711.50 to 1711.57 of the Revised Code or any rules adopted under this division and for the classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and based upon generally accepted engineering standards and practices. In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association, the standards of the American society for testing and materials (ASTM) or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or scientific authorities. Insofar as is practicable and consistent with sections 1711.50 to 1711.57 of the Revised Code, rules adopted under this division shall be consistent with the rules of other states. The department shall cause sections 1711.50 to 1711.57 of the Revised Code and the rules adopted in accordance with this division and division (B) of section 1711.551 of the Revised Code to be published in pamphlet form and a copy to be furnished without charge to each owner of an amusement ride who holds a current permit or is an applicant therefor.

(C) With respect to an application for a permit for an amusement ride, an owner may apply to the director for a waiver or

modification of any rule adopted under division (B) of this 24026
section if there are practical difficulties or unnecessary 24027
hardships for the amusement ride to comply with the rules. Any 24028
application shall set forth the reasons for the request. The 24029
director, with the approval of the advisory council on amusement 24030
ride safety, may waive or modify the application of a rule to any 24031
amusement ride if the public safety is secure. Any authorization 24032
by the director under this division shall be in writing and shall 24033
set forth the conditions under which the waiver or modification is 24034
authorized, and the department shall retain separate records of 24035
all proceedings under this division. 24036

(D)(1) The director shall employ and provide for training of 24037
a chief inspector and additional inspectors and employees as may 24038
be necessary to administer and enforce sections 1711.50 to 1711.57 24039
of the Revised Code. The director may appoint or contract with 24040
other persons to perform inspections of amusement rides, provided 24041
that the persons meet the qualifications for inspectors 24042
established by rules adopted under division (B) of this section 24043
and are not owners, or employees of owners, of any amusement ride 24044
subject to inspection under sections 1711.50 to 1711.57 of the 24045
Revised Code. No person shall inspect an amusement ride who, 24046
within six months prior to the date of inspection, was an employee 24047
of the owner of the ride. 24048

(2) Before the director contracts with other persons to 24049
inspect amusement rides, the director shall seek the advice of the 24050
advisory council on amusement ride safety on whether to contract 24051
with those persons. The advice shall not be binding upon the 24052
director. After having received the advice of the council, the 24053
director may proceed to contract with inspectors in accordance 24054
with the procedures specified in division (E)(2) of section 24055
1711.11 of the Revised Code. 24056

(3) With the advice and consent of the advisory council on 24057

amusement ride safety, the director may employ a special 24058
consultant to conduct an independent investigation of an amusement 24059
ride accident. This consultant need not be in the civil service of 24060
the state, but shall have qualifications to conduct the 24061
investigation acceptable to the council. 24062

(E)(1) Except as otherwise provided in division (E)(1) of 24063
this section, the department shall charge the following amusement 24064
ride fees: 24065

Permit	\$	150	24066
Annual inspection and reinspection per ride:			24067
Kiddie rides	\$	100	24068
Roller coaster	\$	1,200	24069
Aerial lifts or bungee jumping facilities	\$	450	24070
Go karts, per kart	\$	5	24071
Inflatable rides, kiddie and adult	\$	105	24072
Other rides	\$	160	24073
Midseason operational inspection per ride	\$	25	24074
Expedited inspection per ride	\$	100	24075
Failure to cancel scheduled inspection per ride	\$	100	24076
Failure to have amusement ride ready for inspection			24077
per ride	\$	100	24078

The go kart inspection fee is in addition to the inspection 24079
fee for the go kart track. 24080

The director shall adopt rules in accordance with Chapter 24081
119. of the Revised Code establishing the annual fee for an 24082
inspection and reinspection of an inflatable ride. If the director 24083
issues a permit for an inflatable ride for a time period of less 24084
than one year, the director shall charge a prorated fee for the 24085
permit equal to one-twelfth of the annual permit fee multiplied by 24086
the number of full months for which the permit is issued. 24087

The fees for an expedited inspection, failure to cancel a 24088
scheduled inspection, and failure to have an amusement ride ready 24089

for inspection do not apply to go karts. 24090

As used in division (E)(1) of this section, "expedited 24091
inspection" means an inspection of an amusement ride by the 24092
department not later than ten days after the owner of the 24093
amusement ride files an application for a permit under this 24094
section. 24095

(2) All fees and fines collected by the department under 24096
sections 1711.50 to 1711.57 of the Revised Code shall be deposited 24097
in the state treasury to the credit of the amusement ride 24098
inspection fund, which is hereby created, and shall be used only 24099
for the purpose of administering and enforcing sections 1711.11 24100
and 1711.50 to 1711.57 of the Revised Code. 24101

(3) The owner of an amusement ride shall be required to pay a 24102
reinspection fee only if the reinspection was conducted at the 24103
owner's request under division (F) of this section, if the 24104
reinspection is required by division (F) of this section because 24105
of an accident, or if the reinspection is required by division (F) 24106
of section 1711.55 of the Revised Code. If a reinspection is 24107
conducted at the request of the chief officer of a fair, festival, 24108
or event where the ride is operating, the reinspection fee shall 24109
be charged to the fair, festival, or event. 24110

(4) The rules adopted under division (B) of this section 24111
shall define "roller coaster," "aerial lifts," "go karts," and 24112
"other rides" for purposes of determining the fees under division 24113
(E) of this section. The rules shall define "other rides" to 24114
include go kart tracks. 24115

(F) A reinspection of an amusement ride shall take place if 24116
an accident occurs, if the owner of the ride or the chief officer 24117
of the fair, festival, or event where the ride is operating 24118
requests a reinspection, or if the reinspection is required by 24119
division (F) of section 1711.55 of the Revised Code. 24120

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 1711.55 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under sections 1711.50 to 1711.57 of the Revised Code, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the department conducts a supplemental inspection.

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to sections 1711.50 to 1711.57 of the Revised Code. The owner of an amusement ride shall submit to the department, at the time determined by the department, the midseason operational inspection fee specified in division (E) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules specifying the time period during which the department will conduct midseason operational inspections.

Sec. 1721.01. A company or association incorporated for cemetery purposes may appropriate or otherwise acquire, and may hold, not more than six hundred forty acres of land at any one location, which shall be exempt from execution, and from being appropriated for any public purpose, except as otherwise provided

~~in this section, and from taxation, if held exclusively for~~ 24153
~~cemetery or burial purposes, and with no view to profit.~~ A company 24154
or association of that nature may own land at multiple locations, 24155
and as many as six hundred forty acres owned at each location in 24156
accordance with this section are entitled to the exemptions 24157
specified in this section. 24158

Lands of cemetery associations not containing graves or not 24159
containing graves that are in use as such on the date a written 24160
notice, as provided in this section, is served upon the officers 24161
of a cemetery, shall be subject to appropriation for highway or 24162
street purposes if an appropriation commences within four years of 24163
the serving of the notice. For such purposes said lands shall be 24164
subject to the exercise of the right of eminent domain by the 24165
municipal corporation in which such lands are located, by the 24166
board of county commissioners of the county in which such lands 24167
are located, or by the director of transportation under the same 24168
conditions and in the same manner as any private property; and, if 24169
any burial occurs within the area specifically designated in the 24170
written notice, the appropriating agency shall have the same 24171
powers with respect to such burial as are given to a board of 24172
township trustees by section 517.21 of the Revised Code and shall 24173
pay any costs resulting from the exercise of these powers. This 24174
section shall not be construed as authorizing an appropriating 24175
agency to exercise the powers specified by section 517.21 of the 24176
Revised Code in any part of a cemetery other than the area 24177
specifically designated in the written notice. 24178

The appropriating agency shall serve upon the officers or 24179
agents having control of a cemetery a written notice that a 24180
specifically designated area of the cemetery may be needed for 24181
highway purposes. No such notice may be served more than once. 24182

Such appropriation proceedings shall be made in the manner 24183
provided for in sections 163.01 to 163.22 of the Revised Code or, 24184

if by the director of transportation, as otherwise provided by 24185
law. 24186

The board of trustees of such company or association, 24187
whenever in its opinion any portion of such lands is unsuitable 24188
for burial purposes, may sell and convey by deed in fee simple, in 24189
such manner, and upon such terms, as are provided by resolution of 24190
such board, any such portion of said lands, and apply the proceeds 24191
thereof to the general purposes of the company or association; but 24192
on such sale being made, the lands so sold shall be returned by 24193
the board to the auditor of the proper county and placed by that 24194
auditor upon the grand tax list and duplicate of real and public 24195
utility property for taxation. 24196

Such company or association may also take, set aside, or hold 24197
any personal property received by it from any source for cemetery 24198
purposes; and if such company or association is incorporated not 24199
for profit, all personal property, including the income therefrom, 24200
owned or held by it, or for its use, for cemetery purposes and 24201
with no view to profit, shall be exempt from execution, from being 24202
appropriated for any public purpose, and from taxation, and no tax 24203
shall be assessed upon any personal property or the income 24204
therefrom expressly exempted under this section. 24205

~~This chapter does not authorize the exemption of real 24206
property used for a funeral home or any other activity not 24207
permitted to be conducted by a cemetery association exempt from 24208
taxation under section 501(c)(13) of the "Internal Revenue Code of 24209
1954," 26 U.S.C.A. 501, or any successor provision. 24210~~

All exemptions ~~from taxation~~ provided for in this section 24211
shall be in addition to such other exemptions ~~from taxation~~ as a 24212
company or association incorporated for cemetery purposes, or its 24213
real or personal property, has under any other provisions of the 24214
Revised Code. 24215

Sec. 1721.10. Except as otherwise provided in this section, 24216
lands appropriated and set apart as burial grounds, either for 24217
public or for private use, and recorded or filed as such in the 24218
office of the county recorder of the county where they are 24219
situated, and any burial ground that has been used as such for 24220
fifteen years are exempt from sale on execution on a judgment, 24221
~~taxation,~~ dower, and compulsory partition; but land appropriated 24222
and set apart as a private burial ground is not so exempt if it 24223
exceeds in value the sum of fifty dollars. 24224

The lien for taxes against such burial grounds may be 24225
enforced in the same manner prescribed for abandoned lands under 24226
sections 323.65 to 323.79 of the Revised Code except that the 24227
burial ground may be transferred only to a municipal corporation, 24228
county, or township under division (D) of section 323.74 of the 24229
Revised Code. No burial ground that is otherwise exempt from sale 24230
or execution under this section shall be offered for sale at 24231
public auction. 24232

Sec. 1733.04. (A) In addition to the authority conferred by 24233
section 1701.13 of the Revised Code, but subject to any 24234
limitations contained in sections 1733.01 to 1733.45 of the 24235
Revised Code, and its articles and regulations, a credit union may 24236
do any of the following: 24237

(1) Make loans as provided in section 1733.25 of the Revised 24238
Code; 24239

(2) Invest its money as provided in section 1733.30 of the 24240
Revised Code; 24241

(3) If authorized by the code of regulations, rebate to the 24242
borrowing members a portion of the member's interest paid to the 24243
credit union; 24244

(4) If authorized by the regulations, charge a membership or 24245

entrance fee not to exceed one dollar per member;	24246
(5) Purchase group savings life insurance and group credit life insurance;	24247 24248
(6) Make reasonable contributions to any nonprofit civic, charitable, or service organizations;	24249 24250
(7) Act as trustee or custodian, for which reasonable compensation may be received, under any written trust instrument or custodial agreement created or organized in the United States and forming part of a tax-advantaged savings plan that qualifies for specific tax treatment under sections 223, 401(d), 408, 408A, and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 408A, and 530, as amended, for its members or groups of its members, provided that the funds of such plans are invested in share accounts or share certificate accounts of the credit union. These services include, but are not limited to, acting as a trustee or custodian for member retirement, education, or health savings accounts.	24251 24252 24253 24254 24255 24256 24257 24258 24259 24260 24261 24262
<u>(8) Participate in and pledge assets in connection with the business linked deposit program under sections 135.77 to 135.774 of the Revised Code and the agricultural linked deposit program under sections 135.71 to 135.76 of the Revised Code. Credit unions participating in such programs shall pay interest at a rate not lower than the product of the prevailing interest rate multiplied by the sum of one plus the treasurer's assessment rate. For purposes of division (A)(8) of section 1733.04 of the Revised Code:</u>	24263 24264 24265 24266 24267 24268 24269 24270 24271
<u>(a) "Prevailing interest rate" means a current interest rate benchmark selected by the treasurer of state that banks are willing to pay to hold deposits for a specific time period, as measured by a third-party organization.</u>	24272 24273 24274 24275
<u>(b) "Treasurer's assessment rate" means a number not</u>	24276

exceeding ten per cent that is calculated in a manner determined 24277
by the treasurer of state and that seeks to account for the effect 24278
that varying tax treatment among different types of financial 24279
institutions has on the ability of financial institutions to pay 24280
competitive interest rates to hold deposits. 24281

(B) The authority of a credit union shall be subject to the 24282
following: 24283

(1) A credit union may not borrow money in excess of 24284
twenty-five per cent of its shares and undivided earnings, without 24285
prior specific authorization by the superintendent of credit 24286
unions. 24287

(2) A credit union may not pay a commission or other 24288
compensation to any person for securing members or for the sale of 24289
its shares, except that reasonable incentives may be made 24290
available directly to members or potential members to promote 24291
thrift. 24292

(3) A credit union, subject to the approval of the 24293
superintendent, may have service facilities other than its home 24294
office. 24295

(4) Real estate may be acquired by lease, purchase, or 24296
otherwise as necessary and to the extent required for use of the 24297
credit union presently and in the future operation of its office 24298
or headquarters, and in case of a purchase of real estate, the 24299
superintendent must first be notified in writing prior to the 24300
purchase of the real estate. The superintendent shall notify the 24301
credit union not more than thirty days after receipt of the 24302
notification to purchase the real estate if the purchase is 24303
denied, approved, or modified. If the superintendent does not 24304
respond within thirty days after receipt of the notification to 24305
purchase the real estate, it shall be deemed approved. Nothing 24306
herein contained shall be deemed to prohibit a credit union from 24307

taking title to real estate in connection with a default in the 24308
payment of a loan, provided that title to such real estate shall 24309
not be held by the credit union for more than two years without 24310
the prior written approval of the superintendent. A credit union 24311
also may lease space in any real estate it acquires in accordance 24312
with rules adopted by the superintendent. 24313

(C)(1) As used in division (C) of this section: 24314

(a) "School" means an elementary or secondary school. 24315

(b) "Student" means a child enrolled in a school. 24316

(c) "Student branch" means the designation provided to the 24317
credit union for the in-school services and financial education 24318
offered to students. 24319

(2) A credit union, upon agreement with a school board, in 24320
the case of a public school, or the governing authority, in the 24321
case of a nonpublic school, and with the permission of the 24322
superintendent, may open and maintain a student branch. 24323

(3) Notwithstanding any other provision of this section, any 24324
student enrolled in the school maintaining a student branch who is 24325
not otherwise qualified for membership in the credit union 24326
maintaining the student branch is qualified to be a member of that 24327
student branch. 24328

(4) The student's membership in the student branch expires 24329
upon the student's graduation from secondary school. 24330

(5) The student branch is for the express use of students and 24331
may not be used by faculty, staff, or lineal ancestors or 24332
descendents of students. 24333

(6) Faculty, staff, or lineal ancestors or descendents of 24334
students are not eligible for membership in the credit union 24335
maintaining the student branch unless otherwise qualified by this 24336
section to be members. 24337

(7) The superintendent may adopt rules appropriate to the 24338
formation and operation of student branches. 24339

(D) A credit union may guarantee the signature of a member in 24340
connection with a transaction involving tangible or intangible 24341
property in which a member has or seeks to acquire an interest. 24342

Sec. 1733.24. (A) A credit union is authorized to receive 24343
funds for deposit in share accounts, share draft accounts, and 24344
share certificates from its members, from other credit unions, and 24345
from an officer, employee, or agent of the federal, state, or 24346
local governments, or political subdivisions of the state, in 24347
accordance with such terms, rates, and conditions as may be 24348
established by its board of directors, and for purposes of the 24349
agricultural linked deposit program created under sections 135.71 24350
to 135.76 of the Revised Code and the business linked deposit 24351
program created under sections 135.77 to 135.774 of the Revised 24352
Code. 24353

(B) The shares and share accounts of the credit union may be 24354
of one or more classes, as designated by the board of directors, 24355
subject to approval of the superintendent of credit unions based 24356
on rules that shall assure equitable distribution of dividends 24357
among classes, considering costs and advantages of each class to 24358
the members of the credit union, including without limitation 24359
special services rendered, length of ownership, minimum 24360
investment, conditions of repurchase, and other appropriate 24361
standards or combinations thereof. In the event the articles of 24362
incorporation of the credit union indicate the authorized number 24363
of shares to be unlimited, the designation of classification of 24364
shares and share accounts of the credit union may be effected by 24365
the board of directors, subject to the approval of the 24366
superintendent, and does not require amendment of the articles of 24367
incorporation. All shares of the credit union shall have a par 24368

value per share as set by the board of directors. Redemptions and 24369
liquidating dividends shall be prorated to each member on the 24370
basis of the price paid the credit union for such share, 24371
irrespective of the class of such shares. 24372

(C)(1) Each credit union shall have one class of shares 24373
designated as "membership share." The membership shares, or if a 24374
credit union has but one class of shares, then all of the shares 24375
of the credit union, shall have a par value as set by the board of 24376
directors. 24377

(2) Two or more persons that are eligible for membership that 24378
have jointly subscribed for one or more shares under a joint 24379
account each may be admitted to membership. 24380

(D) A credit union need not issue certificates for any or all 24381
of its classes of shares but irrespective of whether certificates 24382
are issued, a registry of shares must be kept, including all of 24383
the transactions of the credit union pertaining to such shares. 24384

(E) A credit union is authorized to maintain share draft 24385
accounts in accordance with rules prescribed by the 24386
superintendent. The credit union may pay dividends on share draft 24387
accounts, may pay dividends at different rates on different types 24388
of share draft accounts, and may permit the owners of such share 24389
draft accounts to make withdrawals by negotiable or transferable 24390
instruments or other orders for the purpose of making transfers to 24391
third parties. 24392

(F) Unless otherwise provided by written agreement of the 24393
parties, the rights, responsibilities, and liabilities attaching 24394
to a share draft withdrawn from, transferred to, or otherwise 24395
handled by a credit union are defined in and governed by Chapters 24396
1303. and 1304. of the Revised Code, as if the credit union were a 24397
bank. 24398

(G) Unless otherwise provided in the articles or regulations, 24399

a member may designate any person or persons to own or hold 24400
shares, or share accounts with the member in joint tenancy with 24401
right of survivorship and not as tenants in common. 24402

(H) Shares or share accounts may be issued in the name of a 24403
custodian under the Ohio transfers to minors act, a member in 24404
trust for a beneficiary, a fiduciary or custodian in trust for a 24405
member beneficiary, or a fiduciary or custodian in trust upon the 24406
death of a member. Redemption of such shares or payment of such 24407
share accounts to a member, to the extent of the payment, 24408
discharges the liability of the credit union to the member and the 24409
beneficiary, and the credit union shall be under no obligation to 24410
see to the application of the payment. Unless prior to the death 24411
of a member, the member has notified the credit union in writing 24412
in a form approved by the credit union of a different beneficiary 24413
to receive the proceeds of such shares or share accounts, then the 24414
proceeds shall be paid to the beneficiary or to the beneficiary's 24415
parent or legal representative. Any payment made pursuant to 24416
written instructions of the member or pursuant to the provisions 24417
herein contained shall be a valid and sufficient release and 24418
discharge of the credit union in connection with any such share or 24419
share accounts. 24420

(I)(1) Except as otherwise provided in the articles or 24421
regulations, and subject to the provisions thereof, a minor may 24422
purchase shares, share accounts, or other depository instruments, 24423
and except for qualification as a voting member, the credit union 24424
may deal with the minor with respect to shares, share accounts, or 24425
other depository instruments owned by the minor as if the minor 24426
were a person of legal age. 24427

(2) If shares, share accounts, or other depository 24428
instruments are issued in the name of a minor, redemption of any 24429
part or all of the shares or withdrawal of funds by payment to the 24430
minor of the shares or funds and any declared dividends or 24431

interest releases the credit union from all obligation to the 24432
minor as to the shares reduced or funds withdrawn. 24433

(J) The regulations may require advance written notice of a 24434
member's intention to withdraw the member's shares. Such advance 24435
notice shall not exceed sixty days. 24436

Sec. 1751.72. (A) As used in this section: 24437

(1) "Chronic condition" means a medical condition that has 24438
persisted after reasonable efforts have been made to relieve or 24439
cure its cause and has continued, either continuously or 24440
episodically, for longer than six continuous months. 24441

(2) "Clinical peer" means a health care practitioner in the 24442
same, or in a similar, specialty that typically manages the 24443
medical condition, procedure, or treatment under review. 24444

(3) "Covered person" means a person receiving coverage for 24445
health services under a policy, contract, or agreement issued by a 24446
health insuring corporation. 24447

(4) "Emergency services" has the same meaning as in section 24448
1753.28 of the Revised Code. 24449

(5) "Fraudulent or materially incorrect information" means 24450
any type of intentional deception or misrepresentation made by a 24451
person with the knowledge that the deception could result in some 24452
unauthorized benefit to the covered person in question. 24453

(6) "Health care practitioner" has the same meaning as in 24454
section 3701.74 of the Revised Code. 24455

(7) "NCPDP SCRIPT standard" means the national council for 24456
prescription drug programs SCRIPT standard version 201310 or the 24457
most recent standard adopted by the the United States department 24458
of health and human services. 24459

(8) "Prior authorization requirement" means any practice 24460

implemented by a health insuring corporation in which coverage of 24461
a health care service, device, or drug is dependent upon a covered 24462
person or a health care practitioner obtaining approval from the 24463
health insuring corporation prior to the service, device, or drug 24464
being performed, received, or prescribed, as applicable. "Prior 24465
authorization" includes prospective or utilization review 24466
procedures conducted prior to providing a health care service, 24467
device, or drug. 24468

(9) "Urgent care services" means a medical care or other 24469
service for a condition where application of the timeframe for 24470
making routine or non-life threatening care determinations is 24471
either of the following: 24472

(a) Could seriously jeopardize the life, health, or safety of 24473
the patient or others due to the patient's psychological state; 24474

(b) In the opinion of a practitioner with knowledge of the 24475
patient's medical or behavioral condition, would subject the 24476
patient to adverse health consequences without the care or 24477
treatment that is the subject of the request. 24478

(10) "Utilization review" and "utilization review 24479
organization" have the same meanings as in section 1751.77 of the 24480
Revised Code. 24481

(B) If a policy, contract, or agreement issued by a health 24482
insuring corporation contains a prior authorization requirement, 24483
then all of the following apply: 24484

(1) On or before January 1, 2018, the health insuring 24485
corporation shall permit health care practitioners to access the 24486
prior authorization form through the applicable electronic 24487
software system. 24488

(2)(a) For policies issued on or after January 1, 2018, the 24489
health insuring corporation or other payer acting on behalf of the 24490
health insuring corporation, shall accept prior authorization 24491

requests through a secure electronic transmission. 24492

(b) For policies issued on or after January 1, 2018, the 24493
health insuring corporation, a pharmacy benefit manager 24494
responsible for handling prior authorization requests, or other 24495
payer acting on behalf of the health insuring corporation shall 24496
accept and respond to prior prescription benefit authorization 24497
requests through a secure electronic transmission using NCPDP 24498
SCRIPT standard ePA transactions, and for prior medical benefit 24499
authorization requests through a secure electronic transmission 24500
using standards established by the council for affordable quality 24501
health care on operating rules for information exchange or its 24502
successor. 24503

(c) For purposes of division (B)(2) of this section, neither 24504
of the following shall be considered a secure electronic 24505
transmission: 24506

(i) A facsimile; 24507

(ii) A proprietary payer portal for prescription drug 24508
requests that does not use NCPDP SCRIPT standard. 24509

(3) For policies issued on or after January 1, 2018, a health 24510
care practitioner and health insuring corporation may enter into a 24511
contractual arrangement under which the health insuring 24512
corporation agrees to process prior authorization requests that 24513
are not submitted electronically because of the financial hardship 24514
that electronic submission of prior authorization requests would 24515
create for the health care practitioner or if internet 24516
connectivity is limited or unavailable where the health care 24517
practitioner is located. 24518

(4)(a) For policies issued on or after January 1, 2018, if 24519
the health care practitioner submits the request for prior 24520
authorization as described in divisions (B)(1) and (2) of this 24521
section, the health insuring corporation shall respond to all 24522

prior authorization requests within forty-eight hours for urgent care services, or ten calendar days for any prior authorization request that is not for an urgent care service, of the time the request is received by the health insuring corporation. Division (B)(4) of this section does not apply to emergency services.

(b) The response required under division (B)(4)(a) of this section shall indicate whether the request is approved or denied. If the prior authorization is denied, the health insuring corporation shall provide the specific reason for the denial.

(c) If the prior authorization request is incomplete, the health insuring corporation shall indicate the specific additional information that is required to process the request.

(5)(a) For policies issued on or after January 1, 2018, if a health care practitioner submits a prior authorization request as described in divisions (B)(1) and (2) of this section, the health insuring corporation shall provide an electronic receipt to the health care practitioner acknowledging that the prior authorization request was received.

(b) For policies issued on or after January 1, 2018, if a health insuring corporation requests additional information that is required to process a prior authorization request as described in division (B)(4)(c) of this section, the health care practitioner shall provide an electronic receipt to the health insuring corporation acknowledging that the request for additional information was received.

(6)(a) For policies issued on or after January 1, 2017, for a prior approval related to a chronic condition, the health insuring corporation shall honor a prior authorization approval for an approved drug for the lesser of the following from the date of the approval:

(i) Twelve months;

(ii) The last day of the covered person's eligibility under the policy, contract, or agreement. 24554
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(b) The duration of all other prior authorization approvals shall be dictated by the policy, contract, or agreement issued by the health insuring corporation. 24556
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(c) A health insuring corporation may, in relation to a prior approval under division (B)(6)(a) of this section, require a health care practitioner to submit information to the health insuring corporation indicating that the patient's chronic condition has not changed. 24559
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(i) The request for information by the health insuring corporation and the response by the health care practitioner shall be in an electronic format, which may be by electronic mail or other electronic communication. 24564
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(ii) The frequency of the submission of requested information shall be consistent with medical or scientific evidence as defined in section 3922.01 of the Revised Code, but shall not be required more frequently than quarterly. 24568
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(iii) If the health care practitioner does not respond within five calendar days from the date the request was received, the health insuring corporation may terminate the twelve-month approval. 24572
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(d) A twelve-month approval provided under division (B)(6)(a) of this section is no longer valid and automatically terminates if there are changes to federal or state laws or federal regulatory guidance or compliance information prescribing that the drug in question is no longer approved or safe for the intended purpose. 24576
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(e) A twelve-month approval provided under division (B)(6)(a) of this section does not apply to and is not required for any of the following: 24581
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(i) Medications that are prescribed for a non-maintenance condition;	24584 24585
(ii) Medications that have a typical treatment of less than one year;	24586 24587
(iii) Medications that require an initial trial period to determine effectiveness and tolerability, beyond which a one-year, or greater, prior authorization period will be given;	24588 24589 24590
(iv) Medications where there is medical or scientific evidence as defined in section 3922.01 of the Revised Code that do not support a twelve-month prior approval;	24591 24592 24593
(v) Medications that are a schedule I or II controlled substance or any opioid analgesic or benzodiazepine, as defined in section 3719.01 of the Revised Code;	24594 24595 24596
(vi) Medications that are not prescribed by an in-network provider as part of a care management program.	24597 24598
(7) For policies issued on or after January 1, 2017, a health insuring corporation may, but is not required to, provide the twelve-month approval prescribed in division (B)(6)(a) of this section for a prescription drug that meets either of the following:	24599 24600 24601 24602 24603
(a) The drug is prescribed or administered to treat a rare medical condition and pursuant to medical or scientific evidence as defined in section 3922.01 of the Revised Code.	24604 24605 24606
(b) Medications that are controlled substances not included in division (B)(6)(e)(v) of this section.	24607 24608
For purposes of division (B)(7) of this section, "rare medical condition" means any disease or condition that affects fewer than two hundred thousand individuals in the United States.	24609 24610 24611
(8) Nothing in division (B)(6) or (7) of this section prohibits the substitution, in accordance with section 4729.38 of	24612 24613

the Revised Code, of any drug that has received a twelve-month approval under division (B)(6)(a) of this section when there is a release of either of the following:

(a) A United States food and drug administration approved comparable brand product or a generic counterpart of a brand product that is listed as therapeutically equivalent in the United States food and drug administration's publication titled approved drug products with therapeutic equivalence evaluations;

(b) An interchangeable biological product, as defined in section 3715.01 of the Revised Code.

(9)(a) For policies issued on or after January 1, 2017, upon written request, a health insuring corporation shall permit a retrospective review for a claim that is submitted for a service where prior authorization was required but not obtained if the service in question meets all of the following:

(i) The service is directly related to another service for which prior approval has already been obtained and that has already been performed.

(ii) The new service was not known to be needed at the time the original prior authorized service was performed.

(iii) The need for the new service was revealed at the time the original authorized service was performed.

(b) Once the written request and all necessary information is received, the health insuring corporation shall review the claim for coverage and medical necessity. The health insuring corporation shall not deny a claim for such a new service based solely on the fact that a prior authorization approval was not received for the new service in question.

(10)(a) For policies issued on or after January 1, 2017, the health insuring corporation shall disclose to all participating

health care practitioners any new prior authorization requirement 24644
at least thirty days prior to the effective date of the new 24645
requirement. 24646

(b) The notice may be sent via electronic mail or standard 24647
mail and shall be conspicuously entitled "Notice of Changes to 24648
Prior Authorization Requirements." The notice is not required to 24649
contain a complete listing of all changes made to the prior 24650
authorization requirements, but shall include specific information 24651
on where the health care practitioner may locate the information 24652
on the health insuring corporation's web site or, if applicable, 24653
the health insuring corporation's portal. 24654

(c) All participating health care practitioners shall 24655
promptly notify the health insuring corporation of any changes to 24656
the health care practitioner's electronic mail or standard mail 24657
address. 24658

(11)(a) For policies issued on or after January 1, 2017, the 24659
health insuring corporation shall make available to all 24660
participating health care practitioners on its web site or 24661
provider portal a listing of its prior authorization requirements, 24662
including specific information or documentation that a 24663
practitioner must submit in order for the prior authorization 24664
request to be considered complete. 24665

(b) The health insuring corporation shall make available on 24666
its web site information about the policies, contracts, or 24667
agreements offered by the health insuring corporation that clearly 24668
identifies specific services, drugs, or devices to which a prior 24669
authorization requirement exists. 24670

(12) For policies issued on or after January 1, 2018, the 24671
health insuring corporation shall establish a streamlined appeal 24672
process relating to adverse prior authorization determinations 24673
that shall include all of the following: 24674

(a) For urgent care services, the appeal shall be considered 24675
within forty-eight hours after the health insuring corporation 24676
receives the appeal. 24677

(b) For all other matters, the appeal shall be considered 24678
within ten calendar days after the health insuring corporation 24679
receives the appeal. 24680

(c) The appeal shall be between the health care practitioner 24681
requesting the service in question and a clinical peer. 24682

(d) If the appeal does not resolve the disagreement, either 24683
the covered person or an authorized representative as defined in 24684
section 3922.01 of the Revised Code may request an external review 24685
under Chapter 3922. of the Revised Code to the extent Chapter 24686
3922. of the Revised Code is applicable. 24687

(C) For policies issued on or after January 1, 2017, except 24688
in cases of fraudulent or materially incorrect information, a 24689
health insuring corporation shall not retroactively deny a prior 24690
authorization for a health care service, drug, or device when all 24691
of the following are met: 24692

(1) The health care practitioner submits a prior 24693
authorization request to the health insuring corporation for a 24694
health care service, drug, or device. 24695

(2) The health insuring corporation approves the prior 24696
authorization request after determining that all of the following 24697
are true: 24698

(a) The patient is eligible under the health benefit plan. 24699

(b) The health care service, drug, or device is covered under 24700
the patient's health benefit plan. 24701

(c) The health care service, drug, or device meets the health 24702
insuring corporation's standards for medical necessity and prior 24703
authorization. 24704

(3) The health care practitioner renders the health care service, drug, or device pursuant to the approved prior authorization request and all of the terms and conditions of the health care practitioner's contract with the health insuring corporation. 24705
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(4) On the date the health care practitioner renders the prior approved health care service, drug, or device, all of the following are true: 24710
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(a) The patient is eligible under the health benefit plan. 24713

(b) The patient's condition or circumstances related to the patient's care has not changed. 24714
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(c) The health care practitioner submits an accurate claim that matches the information submitted by the health care practitioner in the approved prior authorization request. 24716
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(5) If the health care practitioner submits a claim that includes an unintentional error and the error results in a claim that does not match the information originally submitted by the health care practitioner in the approved prior authorization request, upon receiving a denial of services from the health insuring corporation, the health care practitioner may resubmit the claim pursuant to division (C) of this section with the information that matches the information included in the approved prior authorization. 24719
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(D) Any provision of a contractual arrangement entered into between a health insuring corporation and a health care practitioner or beneficiary that is contrary to divisions (A) to (C) of this section is unenforceable. 24728
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(E) For policies issued on or after January 1, 2017, committing a series of violations of this section that, taken together, constitute a practice or pattern shall be considered an unfair and deceptive practice under sections 3901.19 to 3901.26 of 24732
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the Revised Code. 24736

(F) The superintendent of insurance may adopt rules in 24737
accordance with Chapter 119. of the Revised Code as necessary to 24738
implement the provisions of this section. 24739

(G) This section does not apply to any of the following types 24740
of coverage: a policy, contract, certificate, or agreement that 24741
covers only a specified accident, accident only, credit, dental, 24742
disability income, long-term care, hospital indemnity, 24743
supplemental coverage as described in section 3923.37 of the 24744
Revised Code, specified disease, or vision care; a dental benefit 24745
that is offered as a part of a policy, contract, certificate, or 24746
agreement offered by a health insuring corporation; coverage 24747
issued as a supplement to liability insurance; insurance arising 24748
out of workers' compensation or similar law; automobile medical 24749
payment insurance; insurance under which benefits are payable with 24750
or without regard to fault and which is statutorily required to be 24751
contained in any liability insurance policy or equivalent 24752
self-insurance; a medicare supplement policy of insurance as 24753
defined by the superintendent of insurance by rule; coverage under 24754
a plan through medicare or the federal employees benefit program; 24755
or any coverage issued under Chapter 55 of Title 10 of the United 24756
States Code and any coverage issued as a supplement to that 24757
coverage. 24758

Sec. 1751.75. A health insuring corporation may present 24759
evidence of compliance with the requirements of sections 1751.73 24760
and 1751.74 of the Revised Code by submitting certification to the 24761
superintendent of insurance of its accreditation by an 24762
independent, private accrediting organization, such as the 24763
national committee on quality assurance, the national quality 24764
health council, the joint commission on accreditation of health 24765
care organizations, the accreditation association for ambulatory 24766

health care, or the American accreditation healthcare 24767
commission/utilization review accreditation commission. The 24768
superintendent, upon review of the organization's accreditation 24769
process, may determine that such accreditation constitutes 24770
compliance by the health insuring corporation with the 24771
requirements of these sections. 24772

Sec. 1923.12. (A) If a resident or a resident's estate has 24773
been evicted from a manufactured home park pursuant to a judgment 24774
entered under section 1923.09 or 1923.11 of the Revised Code and 24775
if the resident or estate has abandoned or otherwise left 24776
unoccupied the resident's manufactured home, mobile home, or 24777
recreational vehicle on the residential premises of the 24778
manufactured home park for a period of three days following the 24779
entry of the judgment, the operator of the manufactured home park 24780
may provide to the titled owner of the home or vehicle a written 24781
notice to remove the home or vehicle from the manufactured home 24782
park within fourteen days from the date of the delivery of the 24783
notice. The park operator shall deliver or cause the delivery of 24784
the notice by personal delivery to the owner or by ordinary mail 24785
sent to the last known address of the owner. Except as provided in 24786
divisions (D) and (E) of this section, if the owner of the 24787
manufactured home, mobile home, or recreational vehicle does not 24788
remove it or cause it to be removed from the manufactured home 24789
park within fourteen days from the date of the delivery of the 24790
notice, the park operator may follow the procedures of division 24791
(B) of section 1923.13 and division (B) of section 1923.14 of the 24792
Revised Code to permit the removal of the home or vehicle from the 24793
manufactured home park, and the potential sale, destruction, or 24794
transfer of ownership of the home or vehicle. 24795

(B) Every notice provided to the titled owner of a 24796
manufactured home, mobile home, or recreational vehicle under this 24797
section shall contain the following language printed in a 24798

conspicuous manner: "You are being asked to remove your 24799
manufactured home, mobile home, or recreational vehicle from the 24800
residential premises of, a manufactured home park, in 24801
accordance with a judgment of eviction entered in court 24802
on against, If the manufactured home, mobile 24803
home, or recreational vehicle is not removed from the manufactured 24804
home park within fourteen days from the date of delivery of this 24805
notice, the home or vehicle may be sold or destroyed, or its title 24806
may be transferred to, pursuant to division (B) of both 24807
sections 1923.13 and 1923.14 of the Revised Code. If you are in 24808
doubt regarding your legal rights, it is recommended that you seek 24809
legal assistance." 24810

(C)(1) Before requesting a writ of execution under division 24811
(B) of section 1923.13 of the Revised Code, the park operator 24812
shall conduct or cause to be conducted a search of the appropriate 24813
public records that relate to the manufactured home, mobile home, 24814
or recreational vehicle, and make or cause to be made reasonably 24815
diligent inquiries, for the purpose of identifying any persons who 24816
have an outstanding right, title, or interest in the home or 24817
vehicle. 24818

(2) If the search or inquiries pursuant to division (C)(1) of 24819
this section reveal any person who has an outstanding right, 24820
title, or interest in the manufactured home, mobile home, or 24821
recreational vehicle, the park operator shall ~~list the name and~~ 24822
~~last known address of each~~ provide to the person with a right, 24823
~~title, or interest of that nature on its request for the writ of~~ 24824
~~execution. In addition, if personal property has been abandoned on~~ 24825
~~the residential premises and the park operator has knowledge of~~ 24826
~~any person who has an outstanding right, title, or interest in any~~ 24827
~~of the personal property, the park operator shall list the item or~~ 24828
~~items of personal property and the name and last known address of~~ 24829
~~each person with the outstanding right, title, or interest on the~~ 24830

~~request for the writ of execution. The park operator also shall~~ 24831
~~certify on the request that the park operator provided the written~~ 24832
~~notice required by this section. The clerk of the municipal court,~~ 24833
~~county court, or court of common pleas may require the park~~ 24834
~~operator to pay an advance deposit sufficient to secure payment of~~ 24835
~~the appraisal of the manufactured home, mobile home, or~~ 24836
~~recreational vehicle and the advertisement of the sale of the home~~ 24837
~~or vehicle written notice to remove the home or vehicle from the~~ 24838
~~manufactured home park or arrange for the sale of the home or~~ 24839
~~vehicle within twenty-one days from the date of the delivery of~~ 24840
~~the notice.~~ 24841

The notice shall contain the following language printed in a 24842
conspicuous manner: "You are being asked to remove the 24843
manufactured home, mobile home, or recreational vehicle that you 24844
have an outstanding right, title, or interest in from the 24845
residential premises of, a manufactured home park, in 24846
accordance with a judgment of eviction entered in court 24847
on against If the manufactured home, mobile 24848
home, or recreational vehicle is not removed from the manufactured 24849
home park within twenty-one days from the date of delivery of this 24850
notice, the home or vehicle may be sold or destroyed, or its title 24851
may be transferred to, pursuant to division (B) of both 24852
sections 1923.13 and 1923.14 of the Revised Code. If you are in 24853
doubt regarding your legal rights, it is recommended that you seek 24854
legal assistance." 24855

The park operator shall deliver or cause the delivery of the 24856
notice by personal delivery to the person or by ordinary mail sent 24857
to the last known address of the person. If a sale of the home or 24858
vehicle is arranged, the person shall pay any rent due to the park 24859
operator during the pendency of the sale. If the person does not 24860
remove the home or vehicle or arrange for its sale within 24861
twenty-one days from the date of the delivery of the notice, the 24862

park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 24863
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(3) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 24868
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(D) When a deceased resident or a resident's estate has been evicted from a manufactured home park pursuant to a judgment entered under section 1923.09 or 1923.11 of the Revised Code, the removal from the park and potential sale, destruction, or transfer of ownership of the resident's manufactured home, mobile home, or recreational vehicle and any personal property abandoned on the residential premises shall be conducted in the manner prescribed by the probate court in which letters testamentary or of administration have been granted for the estate in accordance with Title XXI of the Revised Code. The park operator may store the resident's manufactured home, mobile home, or recreational vehicle at a storage facility or at another location within the manufactured home park during the administration of the estate. The park operator shall notify the executor or administrator of the resident's estate where the manufactured home, mobile home, or recreational vehicle will be stored during the administration of the estate. The costs for the removal and storage of the manufactured home, mobile home, or recreational vehicle shall be a claim against the resident's estate without further presentation 24876
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of the claim to the executor or administrator. 24895

(E)(1) When the resident who has been evicted from a 24896
manufactured home park pursuant to a judgment entered under 24897
section 1923.09 or 1923.11 of the Revised Code is the titled owner 24898
of a manufactured home, mobile home, or recreational vehicle and 24899
is or becomes deceased prior to the removal of the home or vehicle 24900
from the manufactured home park, and no probate court has granted 24901
~~letters testamentary or of~~ administration with respect to the 24902
resident's estate within ninety days of the deceased's death, the 24903
park operator may store the home or vehicle at a storage facility 24904
or at another location within the manufactured home park before 24905
and after a probate court grants letters testamentary or of 24906
administration with respect to the resident's estate pursuant to 24907
Title XXI of the Revised Code. 24908

(2) If a probate court grants administration with respect to 24909
the resident's estate within ninety days of the date of the 24910
eviction of the resident from the park, the removal of the 24911
manufactured home, mobile home, or recreational vehicle from the 24912
park and potential sale, destruction, or transfer of ownership of 24913
the home or vehicle shall be conducted pursuant to division (D) of 24914
this section. 24915

(3) If no probate court grants ~~letters testamentary or of~~ 24916
administration with respect to the resident's estate within ~~one~~ 24917
~~year~~ ninety days of the date of the eviction of the resident from 24918
the manufactured home park pursuant to a judgment entered under 24919
section 1923.09 or 1923.11 of the Revised Code, the park operator 24920
may follow the procedures of ~~division (B) of section 1923.13 and~~ 24921
~~division (B) of section 1923.14 of the Revised Code to permit the~~ 24922
~~removal of the manufactured home, mobile home, or recreational~~ 24923
~~vehicle from the park and potential sale, destruction, or transfer~~ 24924
~~of ownership of the home or vehicle.~~ 24925

~~(3) If a probate court grants letters testamentary or of 24926~~

~~administration with respect to the resident's estate within one~~ 24927
~~year of the date of the eviction of the resident from the park,~~ 24928
~~the removal of the manufactured home, mobile home, or recreational~~ 24929
~~vehicle from the park and potential sale, destruction, or transfer~~ 24930
~~of ownership of the home or vehicle shall be conducted pursuant to~~ 24931
~~division (D) of this section shall conduct or cause to be~~ 24932
conducted a search of the appropriate public records that relate 24933
to the manufactured home, mobile home, or recreational vehicle, 24934
and make or cause to be made reasonably diligent inquiries, for 24935
the purpose of identifying any persons who have an outstanding 24936
right, title, or interest in the home or vehicle. 24937

(a) If the search or inquiries pursuant to division (E)(3) of 24938
this section reveal any person who has an outstanding right, 24939
title, or interest in the manufactured home, mobile home, or 24940
recreational vehicle, the park operator shall provide to the 24941
person a written notice to remove the home or vehicle from the 24942
manufactured home park or arrange for the sale of the home or 24943
vehicle within twenty-one days from the date of the delivery of 24944
the notice. The notice shall be in the form described in division 24945
(C)(2) of this section. The park operator shall deliver or cause 24946
the delivery of the notice by personal delivery to the person or 24947
by ordinary mail sent to the last known address of the person. If 24948
a sale of the home or vehicle is arranged, the person shall pay 24949
any rent due to the park operator during the pendency of the sale. 24950
If the person does not remove the home or vehicle or arrange for 24951
its sale within twenty-one days from the date of the delivery of 24952
the notice, the park operator may follow the procedures of 24953
division (B) of section 1923.13 and division (B) of section 24954
1923.14 of the Revised Code to permit the removal of the home or 24955
vehicle from the manufactured home park, and the potential sale, 24956
destruction, or transfer of ownership of the home or vehicle. 24957

(b) If the search or inquiries reveal no person who has an 24958

outstanding right, title, or interest in the manufactured home, 24959
mobile home, or recreational vehicle, the park operator shall 24960
publish notice of a petition for a writ of execution in a 24961
newspaper of general circulation in the county where the home or 24962
vehicle has been abandoned. The publication shall contain the name 24963
of the deceased and the last known address of the home or vehicle 24964
and shall run for two consecutive weeks. The park operator shall 24965
provide to the clerk of the court written certification by the 24966
newspaper of the dates of the publication and an affidavit signed 24967
by the operator attesting to the publication. The park operator 24968
may then follow the procedures of division (B) of section 1923.13 24969
and division (B) of section 1923.14 of the Revised Code to permit 24970
the removal of the home or vehicle from the manufactured home 24971
park, and the potential sale, destruction, or transfer of 24972
ownership of the home or vehicle. 24973

Sec. 1923.13. (A) When a judgment of restitution is entered 24974
by a court in an action under this chapter, unless the plaintiff 24975
or the plaintiff's agent or attorney proceeds under division (B) 24976
of this section, at the request of the plaintiff or the 24977
plaintiff's agent or attorney, that court shall issue a writ of 24978
execution on the judgment, in the following form, as near as 24979
practicable: 24980

"The state of Ohio, county: To any 24981
constable or police officer of township, city, 24982
or village; or To the sheriff of 24983
county; or To any authorized bailiff of the (name of 24984
court): 24985

Whereas, in a certain action for the forcible entry and 24986
detention (or the forcible detention, as the case may be), of the 24987
following described premises, to wit:, lately tried 24988
before this court, wherein was plaintiff, and 24989

..... was defendant, judgment was rendered on 24990
the day of,, that the plaintiff 24991
have restitution of those premises; and also that the plaintiff 24992
recover costs in the sum of, You therefore are 24993
hereby commanded to cause the defendant to be forthwith removed 24994
from those premises, and the plaintiff to have restitution of 24995
them; also, that you levy of the goods and chattels of the 24996
defendant, and make the costs previously mentioned and all 24997
accruing costs, and of this writ make legal service and due 24998
return. 24999

Witness my hand, this day of, 25000
..... Judge, (Name of court)" 25001

(B) When a judgment of restitution is entered by a court in 25002
any action under this chapter against a manufactured home park 25003
resident or the estate of a manufactured home park resident, at 25004
the request of the plaintiff or the plaintiff's agent or attorney, 25005
that court shall issue a writ of execution on the judgment, in the 25006
following form, as near as practicable: 25007

"The state of Ohio, county; To any constable or 25008
police officer of township, city, or village; or To the 25009
sheriff of county; or To any authorized bailiff of the 25010
..... (name of court): 25011

Whereas, in a certain action for eviction of a resident or a 25012
resident's estate from the following described residential 25013
premises of a manufactured home park on which the following 25014
described manufactured home, mobile home, or recreational vehicle 25015
is located, to wit:, lately tried before this court, 25016
wherein was plaintiff, and was defendant, 25017
..... judgment was rendered on the day of 25018
.....,, that the plaintiff have restitution of the 25019
premises and also that the plaintiff recover costs in the sum of 25020
..... You therefore are hereby authorized to cause the 25021

defendant to be removed and set out from the residential premises, 25022
if ~~necessary~~ the defendant holds over on the premises subsequent 25023
to an eviction judgment against the defendant. In accordance with 25024
division (A) of section 1923.12 of the Revised Code, three days 25025
after the eviction judgment, the plaintiff is hereby commanded to 25026
post a fourteen-day notice to the defendant to sell or remove the 25027
manufactured home, mobile home, or recreational vehicle from the 25028
premises, at the defendant's costs. If the manufactured home, 25029
mobile home, or recreational vehicle is not sold or removed by the 25030
defendant at the expiration of the fourteen-day notice, it is 25031
hereby ordered that the defendant forfeits the right to the 25032
manufactured home, mobile home, or recreational vehicle and the 25033
plaintiff is hereby authorized to exercise the rights set forth 25034
herein. Also, you are to levy of the goods and chattels of the 25035
defendant, and make the costs previously mentioned and all 25036
accruing costs, and of this writ make legal service and due 25037
return. 25038

Further, you are authorized to cause the manufactured home, 25039
mobile home, or recreational vehicle, and all personal property on 25040
the residential premises, to be, ~~at your option, either (1)~~ 25041
~~removed from the manufactured home park and, if necessary, moved~~ 25042
~~to a storage facility of your choice, or (2)~~ retained at their 25043
current location on the residential premises, until they are 25044
disposed of in a manner authorized by this writ or the law of this 25045
state. 25046

If the manufactured home, mobile home, or recreational 25047
vehicle has been abandoned by the defendant, the park operator is 25048
hereby commanded to submit a notarized affidavit to the county 25049
auditor of the county where the park is located listing the titled 25050
owner, address, serial number, and the value of the manufactured 25051
home, mobile home, or recreational vehicle. Within fifteen days 25052
after receipt of the affidavit, the county auditor is hereby 25053

commanded to confirm whether the county auditor agrees or 25054
disagrees with the stated value on the affidavit. Either of the 25055
following shall apply: 25056

(1) If the county auditor agrees with the stated value on the 25057
affidavit, the county auditor is hereby commanded to sign the 25058
original affidavit attesting to the agreement of the value of the 25059
manufactured home, mobile home, or recreational vehicle and return 25060
the original affidavit to the park operator within fifteen days 25061
after receipt of the affidavit from the park operator. 25062

(2) If the county auditor disagrees with the stated value on 25063
the affidavit, the county auditor is hereby commanded to notify 25064
the park operator of the disagreement within fifteen days after 25065
receipt of the affidavit. The park operator is hereby authorized 25066
to submit additional materials in support of the stated value on 25067
the affidavit consistent with industry valuation standards within 25068
ten days after receipt of the notice of the disagreement. If the 25069
park operator submits additional materials in support of the 25070
stated value on the affidavit, then after reviewing the additional 25071
materials submitted, either of the following shall apply: 25072

(a) If the county auditor agrees with the stated value on the 25073
affidavit, the county auditor is hereby commanded to sign the 25074
original affidavit attesting to the agreement of the value of the 25075
manufactured home, mobile home, or recreational vehicle and return 25076
the original affidavit to the park operator within ten days after 25077
receipt of the additional materials. 25078

(b) If the county auditor continues to disagree with the 25079
stated value on the affidavit, the county auditor is hereby 25080
commanded to notify the park operator of the continued 25081
disagreement within ten days of receipt of the additional material 25082
and return the original affidavit to the park operator. The park 25083
operator is hereby authorized to appeal to this court for a ruling 25084
on the disagreement pursuant to court rule. 25085

The park operator is hereby commanded to submit to this court 25086
the affidavit signed by the county auditor stating the value of 25087
the manufactured home, mobile home, or recreational vehicle, which 25088
shall be deemed to be the park operator's sworn testimony. If the 25089
park operator knowingly falsifies information on the affidavit the 25090
park operator shall be guilty of falsification under divisions 25091
(A)(1), (3), and (6) of section 2921.13 of the Revised Code. 25092

If the manufactured home, mobile home, or recreational 25093
vehicle has been so abandoned and has a value of more than three 25094
thousand dollars, and the requirements of section 1923.12 of the 25095
Revised Code have been satisfied, you are hereby authorized to 25096
cause the sale of the home or vehicle and personal property in the 25097
home or vehicle in accordance with division (B)(3) of section 25098
1923.14 of the Revised Code. ~~A search of appropriate public~~ 25099
~~records or other reasonably diligent inquiries reveals the~~ 25100
~~following persons, whose last known addresses are listed next to~~ 25101
~~their names, may continue to have an outstanding right, title, or~~ 25102
~~interest in the home or vehicle:~~ In addition, the 25103
~~following persons, whose last known addresses are listed next to~~ 25104
~~their names, may continue to have an outstanding right, title, or~~ 25105
~~interest in certain personal property left in the home and listed~~ 25106
~~next to their names:~~ If you are unable to sell the 25107
manufactured home, mobile home, or recreational vehicle due to a 25108
want of bidders, after it is offered for sale on two occasions, 25109
you are hereby commanded to cause the presentation of this writ to 25110
a clerk of the court of common pleas title division for the 25111
issuance of a certificate of title transferring the title of the 25112
home or vehicle to the plaintiff, free and clear of all security 25113
interests, liens, and encumbrances, in accordance with division 25114
(B)(3) of section 1923.14 of the Revised Code. 25115

If the manufactured home, mobile home, or recreational 25116
vehicle has been so abandoned and has a value of ~~less than~~ three 25117

thousand dollars or less and if the requirements of section 25118
1923.12 of the Revised Code have been satisfied, you are hereby 25119
authorized ~~either to cause the sale or destruction of the home or~~ 25120
~~vehicle, or~~ to cause the presentation of this writ to a clerk of 25121
the court of common pleas title division for the issuance of a 25122
certificate of title transferring the title of the home or vehicle 25123
to the plaintiff, free and clear of all security interests, liens, 25124
and encumbrances, in accordance with division (B)(4) of section 25125
1923.14 of the Revised Code. 25126

Upon this writ's presentation by the levying officer to a 25127
clerk of the court of common pleas title division under the 25128
circumstances described in either of the two preceding paragraphs 25129
and in accordance with division (B)(3) or (4) of section 1923.14 25130
of the Revised Code, as applicable, the clerk is hereby commanded 25131
to issue a certificate of title transferring the title of the 25132
manufactured home, mobile home, or recreational vehicle to the 25133
plaintiff, free and clear of all security interests, liens, and 25134
encumbrances, in the manner prescribed in section 4505.10 of the 25135
Revised Code. 25136

Witness my hand, this day of, 25137
..... , Judge, (Name of court)." 25138

Sec. 1923.14. (A) Except as otherwise provided in this 25139
section, within ten days after receiving a writ of execution 25140
described in division (A) or (B) of section 1923.13 of the Revised 25141
Code, the sheriff, police officer, constable, or bailiff shall 25142
execute it by restoring the plaintiff to the possession of the 25143
premises, and shall levy and collect ~~the~~ reasonable costs, not to 25144
exceed the standard motion fee, and make return, as upon other 25145
executions. If an appeal from the judgment of restitution is filed 25146
and if, following the filing of the appeal, a stay of execution is 25147
obtained and any required bond is filed with the court of common 25148

pleas, municipal court, or county court, the judge of that court 25149
immediately shall issue an order to the sheriff, police officer, 25150
constable, or bailiff commanding the delay of all further 25151
proceedings upon the execution. If the premises have been restored 25152
to the plaintiff, the sheriff, police officer, constable, or 25153
bailiff shall forthwith place the defendant in possession of them, 25154
and return the writ with the sheriff's, police officer's, 25155
constable's, or bailiff's proceedings and the costs taxed on it. 25156

(B)(1) After a ~~court of common pleas~~, municipal court, or 25157
county court issues a writ of execution described in division (B) 25158
of section 1923.13 of the Revised Code, the clerk of the court 25159
shall send by regular mail, to the last known address of each 25160
person other than the titled owner of the manufactured home, 25161
mobile home, or recreational vehicle that is the subject of the 25162
writ ~~and to the last known address of each other person~~ who is 25163
listed on the writ as having any outstanding right, title, or 25164
interest in the home, vehicle, or personal property and to the 25165
auditor and treasurer of the county in which the court is located, 25166
a written notice that the home or vehicle potentially may be sold, 25167
destroyed, or have its title transferred under the circumstances 25168
described in division (B)(3) or (4) of this section. A person 25169
having any outstanding right, title, or interest in the home, 25170
vehicle, or personal property is not required to consent to the 25171
notice required under this division in order for the writ to be 25172
executed. 25173

(2) Except as otherwise provided in this division, after 25174
causing the defendant to be removed from the residential premises 25175
of the manufactured home park, if necessary, by writ of 25176
restitution, and receiving a writ of execution described in 25177
division (B) of section 1923.13 of the Revised Code, ~~and after~~ 25178
~~causing the defendant to be removed from the residential premises~~ 25179
~~of the manufactured home park, if necessary,~~ in accordance with 25180

the writ, the sheriff, police officer, constable, or bailiff may 25181
cause the manufactured home, mobile home, or recreational vehicle 25182
that is the subject of the writ, and all personal property on the 25183
residential premises, ~~at the sheriff's, police officer's,~~ 25184
~~constable's, or bailiff's option, either to be removed from the~~ 25185
~~manufactured home park and, if necessary, moved to a storage~~ 25186
~~facility of the sheriff's, police officer's, constable's, or~~ 25187
~~bailiff's choice, or to be retained at their current location on~~ 25188
the residential premises, until they are claimed by the defendant 25189
or they are disposed of in a manner authorized by division (B)(3), 25190
(4), or (6) of this section or by another section of the Revised 25191
Code. ~~The sheriff, police officer, constable, or bailiff shall not~~ 25192
~~cause the manufactured home, mobile home, or recreational vehicle~~ 25193
~~that is the subject of the writ, or the personal property, to be~~ 25194
~~removed from the manufactured home park or moved to a storage~~ 25195
~~facility if the holder of any outstanding lien, right, title, or~~ 25196
~~interest in the home or vehicle, other than the titled owner of~~ 25197
~~the home or vehicle, meets the conditions set forth in division~~ 25198
~~(B)(6) or (7) of this section.~~ 25199

~~The sheriff, police officer, constable, or bailiff who~~ 25200
~~removes the manufactured home, mobile home, or recreational~~ 25201
~~vehicle, or the abandoned personal property, from the residential~~ 25202
~~premises shall be immune from civil liability pursuant to section~~ 25203
~~2744.03 of the Revised Code for any damage caused to the home,~~ 25204
~~vehicle, or any personal property during the removal.~~ 25205

The park operator shall not be liable for any damage caused 25206
by the park operator's removal of the manufactured home, mobile 25207
home, or recreational vehicle or the removal of the personal 25208
property from the residential premises, or for any damage to the 25209
home, vehicle, or personal property during the time the home, 25210
vehicle, or property remains abandoned or stored in the 25211
manufactured home park, unless the damage is the result of acts 25212

that the park operator or the park operator's agents or employees 25213
performed with malicious purpose, in bad faith, or in a wanton or 25214
reckless manner. The reasonable costs for a removal of the 25215
manufactured home, mobile home, or recreational vehicle and 25216
personal property and, as applicable, the reasonable costs for its 25217
storage shall constitute a lien upon the home or vehicle payable 25218
by the titled owner of the home or vehicle or payable pursuant to 25219
division (B)(3) of this section to the park operator. 25220

The sheriff, police officer, constable, or bailiff shall not 25221
be liable for any damage caused by the park operator's removal of 25222
the manufactured home, mobile home, or recreational vehicle or the 25223
removal of the personal property from the residential premises, or 25224
for any damage to the home, vehicle, or personal property during 25225
the time the home, vehicle, or property remains abandoned or 25226
stored in the manufactured home park. 25227

(3) Except as provided in divisions (B)(4), (5), and (6) of 25228
this section and division (D) of section 1923.12 of the Revised 25229
Code, within sixty days after receiving a writ of execution 25230
described in division (B) of section 1923.13 of the Revised Code 25231
for a manufactured home, mobile home, or recreational vehicle, 25232
determined to have a value of more than three thousand dollars, 25233
the sheriff, police officer, constable, or bailiff shall commence 25234
proceedings for the sale of the manufactured home, mobile home, or 25235
recreational vehicle that is the subject of the writ, and the 25236
abandoned personal property on the residential premises, if the 25237
home or vehicle is determined to be abandoned in accordance with 25238
the procedures for the sale of goods on execution under Chapter 25239
2329. of the Revised Code. In addition to all notices required to 25240
be given under section 2329.13 of the Revised Code, the sheriff, 25241
police officer, constable, or bailiff shall serve at their 25242
respective last known addresses a written notice of the date, 25243
time, and place of the sale upon all persons who are listed on the 25244

writ of execution as having any outstanding right, title, or 25245
interest in the abandoned manufactured home, mobile home, or 25246
recreational vehicle and the personal property and shall provide 25247
written notice to the auditor and the treasurer of the county in 25248
which the court issuing the writ is located. 25249

Unless the proceedings are governed by division (D) of 25250
section 1923.12 of the Revised Code, notwithstanding any statutory 25251
provision to the contrary, including, but not limited to, section 25252
2329.66 of the Revised Code, there shall be no stay of execution 25253
or exemption from levy or sale on execution available to the 25254
titled owner of the abandoned manufactured home, mobile home, or 25255
recreational vehicle in relation to a sale under this division. 25256
Except as otherwise provided in sections 2113.031, 2117.25, and 25257
5162.21 of the Revised Code in a case involving a deceased 25258
resident or resident's estate, the sheriff, police officer, 25259
constable, or bailiff shall distribute the proceeds from the sale 25260
of an abandoned manufactured home, mobile home, or recreational 25261
vehicle and any personal property under this division in the 25262
following manner: 25263

(a) The sheriff, police officer, constable, or bailiff shall 25264
first pay the costs for any moving of and any storage outside the 25265
manufactured home park of the home or vehicle and any personal 25266
property pursuant to division (B)(2) of this section, the costs of 25267
the sale, ~~including reimbursing the park operator for the deposit~~ 25268
~~that the park operator paid to the clerk of court under division~~ 25269
~~(C) of section 1923.12 of the Revised Code~~ any advertising 25270
expenses paid by the park operator for the sale of the 25271
manufactured home, mobile home, or recreational vehicle under 25272
division (B)(3) of this section, and any unpaid court costs 25273
assessed against the defendant in the underlying action. 25274

(b) Following the payment required by division (B)(3)(a) of 25275
this section, the sheriff, police officer, constable, or bailiff 25276

shall pay all outstanding tax liens on the home or vehicle. 25277

(c) Following the payment required by division (B)(3)(b) of 25278
this section, the sheriff, police officer, constable, or bailiff 25279
shall pay all other outstanding security interests, liens, or 25280
encumbrances on the home or vehicle by priority of filing or other 25281
priority. 25282

(d) Following the payment required by division (B)(3)(c) of 25283
this section, the sheriff, police officer, constable, or bailiff 25284
shall pay any outstanding monetary judgment rendered under section 25285
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 25286
and any costs associated with retaining the home or vehicle prior 25287
to the sale at its location on the residential premises within the 25288
manufactured home park pursuant to division (B)(2) of this 25289
section. 25290

(e) After complying with divisions (B)(3)(a) to (d) of this 25291
section, the sheriff, police officer, constable, or bailiff shall 25292
report any remaining money as unclaimed funds pursuant to Chapter 25293
169. of the Revised Code. 25294

Upon the return of any writ of execution for the satisfaction 25295
of which an abandoned manufactured home, mobile home, or 25296
recreational vehicle has been sold under this division, on careful 25297
examination of the proceedings of the sheriff, police officer, 25298
constable, or bailiff conducting the sale, if the court that 25299
issued the writ finds that the sale was made, in all respects, in 25300
conformity with ~~the relevant provisions of Chapter 2329. of the~~ 25301
~~Revised Code and with~~ this division, it the court shall direct the 25302
clerk of the court to make an entry on the journal that the court 25303
is satisfied with the legality of the sale and order the ~~court~~ 25304
~~shall direct the clerk of the court of common pleas of the county~~ 25305
~~in which the writ was issued~~ title division to issue a certificate 25306
of title, free and clear of all security interests, liens, and 25307
encumbrances, to the purchaser of the home or vehicle. ~~The clerk~~ 25308

~~of the court of common pleas shall issue the new certificate of~~ 25309
~~title to the purchaser of the home or vehicle regardless of~~ 25310
~~whether the writ was issued by the court of common pleas or~~ 25311
~~another court duly authorized to issue the writ.~~ If the 25312
manufactured home, mobile home, or recreational vehicle sold under 25313
this division is located in a manufactured home park, the 25314
purchaser of the home or vehicle shall have no right to maintain 25315
the home or vehicle in the manufactured home park without the park 25316
operator's consent and the sheriff, police officer, constable, or 25317
bailiff conducting the sale shall notify all prospective 25318
purchasers of this fact prior to the commencement of the sale. 25319

If, after it is offered for sale on two occasions under this 25320
division, the abandoned manufactured home, mobile home, or 25321
recreational vehicle cannot be sold due to a want of bidders, the 25322
sheriff, police officer, constable, or bailiff shall present the 25323
writ of execution unsatisfied to the clerk of the court of common 25324
pleas title division, of the county in which the writ was issued 25325
for the issuance by the clerk in the manner prescribed in section 25326
4505.10 of the Revised Code of a certificate of title transferring 25327
the title of the home or vehicle to the plaintiff, free and clear 25328
of all security interests, liens, and encumbrances. ~~The clerk of~~ 25329
~~the court of common pleas shall issue the new certificate of title~~ 25330
~~transferring the title of the manufactured home, mobile home, or~~ 25331
~~recreational vehicle to the plaintiff regardless of whether the~~ 25332
~~writ was issued by the court of common pleas or another court duly~~ 25333
~~authorized to issue the writ.~~ If any taxes are owed on the home or 25334
vehicle at this time, the county auditor shall remove the 25335
delinquent taxes from the manufactured home tax list and the 25336
delinquent manufactured home tax list and remit any penalties for 25337
late payment of manufactured home taxes. Acceptance of the 25338
certificate of title by the plaintiff terminates all further 25339
proceedings under this section. In accordance with division (E)(3) 25340
of section 4503.061 of the Revised Code, the plaintiff shall 25341

notify the county auditor of the transfer of title. Pursuant to 25342
section 4503.061 of the Revised Code, if the manufactured home, 25343
mobile home, or recreational vehicle is destroyed or removed, the 25344
plaintiff shall provide the county auditor with notice of removal 25345
or destruction of the manufactured home, mobile home, or 25346
recreational vehicle. 25347

(4) Except as provided in division (B)(5) or (6) of this 25348
section and division (D) of section 1923.12 of the Revised Code, 25349
within ~~sixty~~ thirty days after receiving a writ of execution 25350
described in division (B) of section 1923.13 of the Revised Code, 25351
if the manufactured home, mobile home, or recreational vehicle is 25352
determined to be abandoned and to have a value of ~~less than~~ three 25353
thousand dollars or less, ~~the sheriff, police officer, constable,~~ 25354
~~or bailiff shall serve at their respective last known addresses a~~ 25355
~~written notice of potential action as described in this division~~ 25356
~~upon all persons who are listed on the writ as having any~~ 25357
~~outstanding right, title, or interest in the home or vehicle. This~~ 25358
~~notice shall be in addition to all notices required to be given~~ 25359
~~under section 2329.13 of the Revised Code. Subject to the~~ 25360
~~fulfillment of these notice requirements, the sheriff, police~~ 25361
~~officer, constable, or bailiff shall take one of the following~~ 25362
~~actions with respect to the abandoned manufactured home, mobile~~ 25363
~~home, or recreational vehicle:~~ 25364

~~(a) Cause its destruction if there is no person having an~~ 25365
~~outstanding right, title, or interest in the home or vehicle,~~ 25366
~~other than the titled owner of the home or vehicle;~~ 25367

~~(b) Proceed with its sale under division (B)(3) of this~~ 25368
~~section;~~ 25369

~~(c) If there is no person having an outstanding right, title,~~ 25370
~~or interest in the home or vehicle other than the titled owner of~~ 25371
~~the home or vehicle, or if there is an outstanding right, title,~~ 25372
~~or interest in the home or vehicle and the lienholder consents in~~ 25373

~~writing,~~ present the writ of execution to the clerk of the court 25374
of common pleas title division, of the county in which the writ 25375
was issued for the issuance by the clerk in the manner prescribed 25376
in section 4505.10 of the Revised Code of a certificate of title 25377
transferring the title of the home or vehicle to the plaintiff, 25378
free and clear of all security interests, liens, and encumbrances. 25379
~~The clerk of the court of common pleas shall issue the new~~ 25380
~~certificate of title transferring the title of the home or vehicle~~ 25381
~~regardless of whether the writ was issued by the court of common~~ 25382
~~pleas or another court duly authorized to issue the writ.~~ If any 25383
taxes are owed on the home or vehicle at this time, the county 25384
auditor shall remove the delinquent taxes from the manufactured 25385
home tax list and the delinquent manufactured home tax list and 25386
remit any penalties for late payment of manufactured home taxes. 25387
Acceptance of the certificate of title by the plaintiff terminates 25388
all further proceedings under this section. In accordance with 25389
division (E)(3) of section 4503.061 of the Revised Code, the 25390
plaintiff shall notify the county auditor of the transfer of 25391
title. Pursuant to section 4503.0611 of the Revised Code, if the 25392
manufactured home, mobile home, or recreational vehicle is 25393
destroyed or removed, the plaintiff shall provide the county 25394
auditor with notice of removal or destruction of the manufactured 25395
home, mobile home, or recreational vehicle. 25396

(5) At any time prior to the issuance of the writ of 25397
execution described in division (B) of section 1923.13 of the 25398
Revised Code, the titled owner of the manufactured home, mobile 25399
home, or recreational vehicle that would be the subject of the 25400
writ may remove the abandoned home or vehicle from the 25401
manufactured home park ~~or other place of storage~~ upon payment to 25402
the county auditor of all outstanding tax liens on the home or 25403
vehicle and, unless the owner is indigent, payment to the clerk of 25404
court of all unpaid court costs assessed against the defendant in 25405
the underlying action. After the issuance of the writ of 25406

execution, the titled owner of the home or vehicle may remove the 25407
abandoned home or vehicle from the manufactured home park ~~or other~~ 25408
~~place of storage~~ at any time up to the day before the scheduled 25409
sale, destruction, or transfer of the home or vehicle pursuant to 25410
division (B)(3) or (4) of this section upon payment of all of the 25411
following: 25412

(a) All costs ~~for moving and storage of the home or vehicle~~ 25413
~~pursuant to division (B)(2) of this section and all costs~~ incurred 25414
by the sheriff, police officer, constable, or bailiff ~~up to and~~ 25415
~~including the date of the removal of the home or vehicle;~~ 25416

(b) All outstanding tax liens on the home or vehicle; 25417

(c) Unless the owner is indigent, all unpaid court costs 25418
assessed against the defendant in the underlying action. 25419

(6) At any time after the issuance of the writ of execution 25420
described in division (B) of section 1923.13 of the Revised Code, 25421
the holder of any outstanding lien, right, title, or interest in 25422
the manufactured home, mobile home, or recreational vehicle, other 25423
than the titled owner of the home or vehicle, may stop the 25424
sheriff, police officer, constable, or bailiff from proceeding 25425
with the sale under this division by doing both of the following: 25426

(a) Commencing a proceeding to repossess the home or vehicle 25427
pursuant to Chapters 1309. and 1317. of the Revised Code; 25428

(b) Paying to the park operator all monthly rental payments 25429
for the lot on which the home or vehicle is located from the time 25430
of the issuance of the writ of execution until the time that the 25431
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 25432
the Revised Code. 25433

(7)(a) At any time prior to the day before the scheduled sale 25434
of the property pursuant to division (B)(3) of this section, the 25435
defendant may remove any personal property of the defendant from 25436
the abandoned home or vehicle or other place of storage. 25437

(b) If personal property owned by a person other than the defendant is abandoned on the residential premises and has not previously been removed, the owner of the personal property may remove the personal property from the abandoned home or vehicle or other place of storage up to the day before the scheduled sale of the property pursuant to division (B)(3) of this section upon presentation of proof of ownership of the property that is satisfactory to the sheriff, police officer, constable, or bailiff conducting the sale.

Sec. 2151.34. (A) As used in this section:

(1) "Court" means the juvenile division of the court of common pleas of the county in which the person to be protected by the protection order resides.

(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.

(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed.

(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.

(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.

(9) "Companion animal" has the same meaning as in section

959.131 of the Revised Code.	25467
<u>(10) "Expunge" has the same meaning as in section 2151.355 of</u>	25468
<u>the Revised Code.</u>	25469
(B) The court has jurisdiction over all proceedings under	25470
this section.	25471
(C)(1) Any of the following persons may seek relief under	25472
this section by filing a petition with the court:	25473
(a) Any person on behalf of that person;	25474
(b) Any parent or adult family or household member on behalf	25475
of any other family or household member;	25476
(c) Any person who is determined by the court in its	25477
discretion as an appropriate person to seek relief under this	25478
section on behalf of any child.	25479
(2) The petition shall contain or state all of the following:	25480
(a) An allegation that the respondent engaged in a violation	25481
of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22,	25482
or 2911.211 of the Revised Code, committed a sexually oriented	25483
offense, or engaged in a violation of any municipal ordinance that	25484
is substantially equivalent to any of those offenses against the	25485
person to be protected by the protection order, including a	25486
description of the nature and extent of the violation;	25487
(b) If the petitioner seeks relief in the form of electronic	25488
monitoring of the respondent, an allegation that at any time	25489
preceding the filing of the petition the respondent engaged in	25490
conduct that would cause a reasonable person to believe that the	25491
health, welfare, or safety of the person to be protected was at	25492
risk, a description of the nature and extent of that conduct, and	25493
an allegation that the respondent presents a continuing danger to	25494
the person to be protected;	25495
(c) A request for relief under this section.	25496

(3) The court in its discretion may determine whether or not 25497
to give notice that a petition has been filed under division 25498
(C)(1) of this section on behalf of a child to any of the 25499
following: 25500

(a) A parent of the child if the petition was filed by any 25501
person other than a parent of the child; 25502

(b) Any person who is determined by the court to be an 25503
appropriate person to receive notice of the filing of the 25504
petition. 25505

(D)(1) If a person who files a petition pursuant to this 25506
section requests an ex parte order, the court shall hold an ex 25507
parte hearing as soon as possible after the petition is filed, but 25508
not later than the next day after the court is in session after 25509
the petition is filed. The court, for good cause shown at the ex 25510
parte hearing, may enter any temporary orders, with or without 25511
bond, that the court finds necessary for the safety and protection 25512
of the person to be protected by the order. Immediate and present 25513
danger to the person to be protected by the protection order 25514
constitutes good cause for purposes of this section. Immediate and 25515
present danger includes, but is not limited to, situations in 25516
which the respondent has threatened the person to be protected by 25517
the protection order with bodily harm or in which the respondent 25518
previously has been convicted of, pleaded guilty to, or been 25519
adjudicated a delinquent child for committing a violation of 25520
section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 25521
2911.211 of the Revised Code, a sexually oriented offense, or a 25522
violation of any municipal ordinance that is substantially 25523
equivalent to any of those offenses against the person to be 25524
protected by the protection order. 25525

(2)(a) If the court, after an ex parte hearing, issues a 25526
protection order described in division (E) of this section, the 25527
court shall schedule a full hearing for a date that is within ten 25528

court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person

to be protected by the protection order. The court may include 25560
within a protection order issued under this section a term 25561
requiring that the respondent not remove, damage, hide, harm, or 25562
dispose of any companion animal owned or possessed by the person 25563
to be protected by the order, and may include within the order a 25564
term authorizing the person to be protected by the order to remove 25565
a companion animal owned by the person to be protected by the 25566
order from the possession of the respondent. 25567

(b) After a full hearing, if the court considering a petition 25568
that includes an allegation of the type described in division 25569
(C)(2)(b) of this section or the court, upon its own motion, finds 25570
upon clear and convincing evidence that the petitioner reasonably 25571
believed that the respondent's conduct at any time preceding the 25572
filing of the petition endangered the health, welfare, or safety 25573
of the person to be protected and that the respondent presents a 25574
continuing danger to the person to be protected and if division 25575
(N) of this section does not prohibit the issuance of an order 25576
that the respondent be electronically monitored, the court may 25577
order that the respondent be electronically monitored for a period 25578
of time and under the terms and conditions that the court 25579
determines are appropriate. Electronic monitoring shall be in 25580
addition to any other relief granted to the petitioner. 25581

(2)(a) Any protection order issued pursuant to this section 25582
shall be valid until a date certain but not later than the date 25583
the respondent attains nineteen years of age. 25584

(b) Any protection order issued pursuant to this section may 25585
be renewed in the same manner as the original order was issued. 25586

(3) A court may not issue a protection order that requires a 25587
petitioner to do or to refrain from doing an act that the court 25588
may require a respondent to do or to refrain from doing under 25589
division (E)(1) of this section unless all of the following apply: 25590

(a) The respondent files a separate petition for a protection order in accordance with this section. 25591
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(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 25593
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(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 25597
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(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order issued pursuant to division (E)(3) of this section, or has violated a protection order issued pursuant to this section or section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E)(3) of this section. 25602
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(4) No protection order issued pursuant to this section shall in any manner affect title to any real property. 25616
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(5)(a) A protection order issued under this section shall clearly state that the person to be protected by the order cannot waive or nullify by invitation or consent any requirement in the order. 25618
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(b) Division (E)(5)(a) of this section does not limit any 25622
discretion of a court to determine that a respondent alleged to 25623
have violated section 2919.27 of the Revised Code, violated a 25624
municipal ordinance substantially equivalent to that section, or 25625
committed contempt of court, which allegation is based on an 25626
alleged violation of a protection order issued under this section, 25627
did not commit the violation or was not in contempt of court. 25628

(6) Any protection order issued pursuant to this section 25629
shall include a provision that the court will automatically seal 25630
all of the records of the proceeding in which the order is issued 25631
on the date the respondent attains the age of nineteen years 25632
unless the petitioner provides the court with evidence that the 25633
respondent has not complied with all of the terms of the 25634
protection order. The protection order shall specify the date when 25635
the respondent attains the age of nineteen years. 25636

(F)(1) The court shall cause the delivery of a copy of any 25637
protection order that is issued under this section to the 25638
petitioner, to the respondent, and to all law enforcement agencies 25639
that have jurisdiction to enforce the order. The court shall 25640
direct that a copy of the order be delivered to the respondent and 25641
the parent, guardian, or legal custodian of the respondent on the 25642
same day that the order is entered. 25643

(2) Upon the issuance of a protection order under this 25644
section, the court shall provide the parties to the order with the 25645
following notice orally or by form: 25646

"NOTICE 25647

As a result of this order, it may be unlawful for you to 25648
possess or purchase a firearm, including a rifle, pistol, or 25649
revolver, or ammunition pursuant to federal law under 18 U.S.C. 25650
922(g)(8). If you have any questions whether this law makes it 25651
illegal for you to possess or purchase a firearm or ammunition, 25652
you should consult an attorney." 25653

(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.

(4) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, including removing the respondent from the premises, if appropriate.

(G)(1) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that a protection order may be obtained under this section with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order, or that refuses to grant a protection order, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies or any other available remedies under Chapter 2151. or 2152. of the Revised Code.

(2) If as provided in division (G)(1) of this section an order issued under this section, other than an ex parte order, refuses to grant a protection order, the court, on its own motion, shall order that the ex parte order issued under this section and all of the records pertaining to that ex parte order be expunged after either of the following occurs:

(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.

(b) The order that refuses to grant the protection order is

appealed and an appellate court to which the last appeal of that 25685
order is taken affirms the order. 25686

(H) The filing of proceedings under this section does not 25687
excuse a person from filing any report or giving any notice 25688
required by section 2151.421 of the Revised Code or by any other 25689
law. 25690

(I) Any law enforcement agency that investigates an alleged 25691
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 25692
2903.22, or 2911.211 of the Revised Code, an alleged commission of 25693
a sexually oriented offense, or an alleged violation of a 25694
municipal ordinance that is substantially equivalent to any of 25695
those offenses shall provide information to the victim and the 25696
family or household members of the victim regarding the relief 25697
available under this section. 25698

(J)(1) Subject to division (J)(2) of this section and 25699
regardless of whether a protection order is issued or a consent 25700
agreement is approved by a court of another county or by a court 25701
of another state, no court or unit of state or local government 25702
shall charge the petitioner any fee, cost, deposit, or money in 25703
connection with the filing of a petition pursuant to this section, 25704
in connection with the filing, issuance, registration, 25705
modification, enforcement, dismissal, withdrawal, or service of a 25706
protection order, consent agreement, or witness subpoena or for 25707
obtaining a certified copy of a protection order or consent 25708
agreement. 25709

(2) Regardless of whether a protection order is issued or a 25710
consent agreement is approved pursuant to this section, the court 25711
may assess costs against the respondent in connection with the 25712
filing, issuance, registration, modification, enforcement, 25713
dismissal, withdrawal, or service of a protection order, consent 25714
agreement, or witness subpoena or for obtaining a certified copy 25715
of a protection order or consent agreement. 25716

(K)(1) A person who violates a protection order issued under 25717
this section is subject to the following sanctions: 25718

(a) A delinquent child proceeding or a criminal prosecution 25719
for a violation of section 2919.27 of the Revised Code, if the 25720
violation of the protection order constitutes a violation of that 25721
section; 25722

(b) Punishment for contempt of court. 25723

(2) The punishment of a person for contempt of court for 25724
violation of a protection order issued under this section does not 25725
bar criminal prosecution of the person or a delinquent child 25726
proceeding concerning the person for a violation of section 25727
2919.27 of the Revised Code. However, a person punished for 25728
contempt of court is entitled to credit for the punishment imposed 25729
upon conviction of or adjudication as a delinquent child for a 25730
violation of that section, and a person convicted of or 25731
adjudicated a delinquent child for a violation of that section 25732
shall not subsequently be punished for contempt of court arising 25733
out of the same activity. 25734

(L) In all stages of a proceeding under this section, a 25735
petitioner may be accompanied by a victim advocate. 25736

(M)(1) A petitioner who obtains a protection order under this 25737
section may provide notice of the issuance or approval of the 25738
order to the judicial and law enforcement officials in any county 25739
other than the county in which the order is issued by registering 25740
that order in the other county pursuant to division (M)(2) of this 25741
section and filing a copy of the registered order with a law 25742
enforcement agency in the other county in accordance with that 25743
division. A person who obtains a protection order issued by a 25744
court of another state may provide notice of the issuance of the 25745
order to the judicial and law enforcement officials in any county 25746
of this state by registering the order in that county pursuant to 25747

section 2919.272 of the Revised Code and filing a copy of the 25748
registered order with a law enforcement agency in that county. 25749

(2) A petitioner may register a protection order issued 25750
pursuant to this section in a county other than the county in 25751
which the court that issued the order is located in the following 25752
manner: 25753

(a) The petitioner shall obtain a certified copy of the order 25754
from the clerk of the court that issued the order and present that 25755
certified copy to the clerk of the court of common pleas or the 25756
clerk of a municipal court or county court in the county in which 25757
the order is to be registered. 25758

(b) Upon accepting the certified copy of the order for 25759
registration, the clerk of the court of common pleas, municipal 25760
court, or county court shall place an endorsement of registration 25761
on the order and give the petitioner a copy of the order that 25762
bears that proof of registration. 25763

(3) The clerk of each court of common pleas, municipal court, 25764
or county court shall maintain a registry of certified copies of 25765
protection orders that have been issued by courts in other 25766
counties pursuant to this section and that have been registered 25767
with the clerk. 25768

(N) If the court orders electronic monitoring of the 25769
respondent under this section, the court shall direct the 25770
sheriff's office or any other appropriate law enforcement agency 25771
to install the electronic monitoring device and to monitor the 25772
respondent. Unless the court determines that the respondent is 25773
indigent, the court shall order the respondent to pay the cost of 25774
the installation and monitoring of the electronic monitoring 25775
device. If the court determines that the respondent is indigent 25776
and subject to the maximum amount allowable to be paid in any year 25777
from the fund and the rules promulgated by the attorney general 25778

under section 2903.214 of the Revised Code, the cost of the 25779
installation and monitoring of the electronic monitoring device 25780
may be paid out of funds from the reparations fund created 25781
pursuant to section 2743.191 of the Revised Code. The total amount 25782
paid from the reparations fund created pursuant to section 25783
2743.191 of the Revised Code for electronic monitoring under this 25784
section and sections 2903.214 and 2919.27 of the Revised Code 25785
shall not exceed three hundred thousand dollars per year. When the 25786
total amount paid from the reparations fund in any year for 25787
electronic monitoring under those sections equals or exceeds three 25788
hundred thousand dollars, the court shall not order pursuant to 25789
this section that an indigent respondent be electronically 25790
monitored. 25791

(O) The court, in its discretion, may determine if the 25792
respondent is entitled to court-appointed counsel in a proceeding 25793
under this section. 25794

Sec. 2151.353. (A) If a child is adjudicated an abused, 25795
neglected, or dependent child, the court may make any of the 25796
following orders of disposition: 25797

(1) Place the child in protective supervision; 25798

(2) Commit the child to the temporary custody of a any of the 25799
following: 25800

(a) A public children services agency,~~a;~~ 25801

(b) A private child placing agency,~~either;~~ 25802

(c) Either parent,~~a;~~ 25803

(d) A relative residing within or outside the state,~~or a;~~ 25804

(e) A probation officer for placement in a certified foster 25805
home,~~or in any other home approved by the court;~~ 25806

(f) Any other person approved by the court. 25807

(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:

(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;

(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the state board of education, whichever occurs first.

(c) That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious

affiliation, and the responsibility for support; 25840

(d) That the person understands that the person must be 25841
present in court for the dispositional hearing in order to affirm 25842
the person's intention to become legal custodian, to affirm that 25843
the person understands the effect of the custodianship before the 25844
court, and to answer any questions that the court or any parties 25845
to the case may have. 25846

(4) Commit the child to the permanent custody of a public 25847
children services agency or private child placing agency, if the 25848
court determines in accordance with division (E) of section 25849
2151.414 of the Revised Code that the child cannot be placed with 25850
one of the child's parents within a reasonable time or should not 25851
be placed with either parent and determines in accordance with 25852
division (D)(1) of section 2151.414 of the Revised Code that the 25853
permanent commitment is in the best interest of the child. If the 25854
court grants permanent custody under this division, the court, 25855
upon the request of any party, shall file a written opinion 25856
setting forth its findings of fact and conclusions of law in 25857
relation to the proceeding. 25858

(5) Place the child in a planned permanent living arrangement 25859
with a public children services agency or private child placing 25860
agency, if a public children services agency or private child 25861
placing agency requests the court to place the child in a planned 25862
permanent living arrangement and if the court finds, by clear and 25863
convincing evidence, that a planned permanent living arrangement 25864
is in the best interest of the child, that the child is sixteen 25865
years of age or older, and that one of the following exists: 25866

(a) The child, because of physical, mental, or psychological 25867
problems or needs, is unable to function in a family-like setting 25868
and must remain in residential or institutional care now and for 25869
the foreseeable future beyond the date of the dispositional 25870
hearing held pursuant to section 2151.35 of the Revised Code. 25871

(b) The parents of the child have significant physical, 25872
mental, or psychological problems and are unable to care for the 25873
child because of those problems, adoption is not in the best 25874
interest of the child, as determined in accordance with division 25875
(D)(1) of section 2151.414 of the Revised Code, and the child 25876
retains a significant and positive relationship with a parent or 25877
relative. 25878

(c) The child has been counseled on the permanent placement 25879
options available to the child, and is unwilling to accept or 25880
unable to adapt to a permanent placement. 25881

(6) Order the removal from the child's home until further 25882
order of the court of the person who committed abuse as described 25883
in section 2151.031 of the Revised Code against the child, who 25884
caused or allowed the child to suffer neglect as described in 25885
section 2151.03 of the Revised Code, or who is the parent, 25886
guardian, or custodian of a child who is adjudicated a dependent 25887
child and order any person not to have contact with the child or 25888
the child's siblings. 25889

(B)(1) When making a determination on whether to place a 25890
child in a planned permanent living arrangement pursuant to 25891
division (A)(5)(b) or (c) of this section, the court shall 25892
consider all relevant information that has been presented to the 25893
court, including information gathered from the child, the child's 25894
guardian ad litem, and the public children services agency or 25895
private child placing agency. 25896

(2) A child who is placed in a planned permanent living 25897
arrangement pursuant to division (A)(5)(b) or (c) of this section 25898
shall be placed in an independent living setting or in a family 25899
setting in which the caregiver has been provided by the agency 25900
that has custody of the child with a notice that addresses the 25901
following: 25902

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as provided in division (B) of section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition into adulthood.

(3) The department of job and family services shall develop a model notice to be provided by an agency that has custody of a child to a caregiver under division (B)(2) of this section. The agency may modify the model notice to apply to the needs of the agency.

(C) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement as desired, the summons served on the parents of the child contains as is appropriate a full explanation that the granting of an order for permanent custody permanently divests them of their parental rights, a full explanation that an adjudication that the child is an abused, neglected, or dependent child may result in an order of temporary custody that will cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in

the removal of the child from their legal custody if any of the 25935
conditions listed in divisions (A)(5)(a) to (c) of this section 25936
are found to exist, and the summons served on the parents contains 25937
a full explanation of their right to be represented by counsel and 25938
to have counsel appointed pursuant to Chapter 120. of the Revised 25939
Code if they are indigent. 25940

If after making disposition as authorized by division (A)(2) 25941
of this section, a motion is filed that requests permanent custody 25942
of the child, the court may grant permanent custody of the child 25943
to the movant in accordance with section 2151.414 of the Revised 25944
Code. 25945

(D) If the court issues an order for protective supervision 25946
pursuant to division (A)(1) of this section, the court may place 25947
any reasonable restrictions upon the child, the child's parents, 25948
guardian, or custodian, or any other person, including, but not 25949
limited to, any of the following: 25950

(1) Order a party, within forty-eight hours after the 25951
issuance of the order, to vacate the child's home indefinitely or 25952
for a specified period of time; 25953

(2) Order a party, a parent of the child, or a physical 25954
custodian of the child to prevent any particular person from 25955
having contact with the child; 25956

(3) Issue an order restraining or otherwise controlling the 25957
conduct of any person which conduct would not be in the best 25958
interest of the child. 25959

(E) As part of its dispositional order, the court shall 25960
journalize a case plan for the child. The journalized case plan 25961
shall not be changed except as provided in section 2151.412 of the 25962
Revised Code. 25963

(F)(1) The court shall retain jurisdiction over any child for 25964
whom the court issues an order of disposition pursuant to division 25965

(A) of this section or pursuant to section 2151.414 or 2151.415 of the Revised Code until the child attains the age of eighteen years if the child is not mentally retarded, developmentally disabled, or physically impaired, the child attains the age of twenty-one years if the child is mentally retarded, developmentally disabled, or physically impaired, or the child is adopted and a final decree of adoption is issued, except that the court may retain jurisdiction over the child and continue any order of disposition under division (A) of this section or under section 2151.414 or 2151.415 of the Revised Code for a specified period of time to enable the child to graduate from high school or vocational school. The court shall retain jurisdiction over a person who meets the requirements described in division (A)(1) of section 5101.1411 of the Revised Code and who is subject to a voluntary participation agreement that is in effect. The court shall make an entry continuing its jurisdiction under this division in the journal.

(2) Any public children services agency, any private child placing agency, the department of job and family services, or any party, other than any parent whose parental rights with respect to the child have been terminated pursuant to an order issued under division (A)(4) of this section, by filing a motion with the court, may at any time request the court to modify or terminate any order of disposition issued pursuant to division (A) of this section or section 2151.414 or 2151.415 of the Revised Code. The court shall hold a hearing upon the motion as if the hearing were the original dispositional hearing and shall give all parties to the action and the guardian ad litem notice of the hearing pursuant to the Juvenile Rules. If applicable, the court shall comply with section 2151.42 of the Revised Code.

(G) Any temporary custody order issued pursuant to division (A) of this section shall terminate one year after the earlier of

the date on which the complaint in the case was filed or the child 25998
was first placed into shelter care, except that, upon the filing 25999
of a motion pursuant to section 2151.415 of the Revised Code, the 26000
temporary custody order shall continue and not terminate until the 26001
court issues a dispositional order under that section. In 26002
resolving the motion, the court shall not order an existing 26003
temporary custody order to continue beyond two years after the 26004
date on which the complaint was filed or the child was first 26005
placed into shelter care, whichever date is earlier, regardless of 26006
whether any extensions have been previously ordered pursuant to 26007
division (D) of section 2151.415 of the Revised Code. 26008

(H)(1) No later than one year after the earlier of the date 26009
the complaint in the case was filed or the child was first placed 26010
in shelter care, a party may ask the court to extend an order for 26011
protective supervision for six months or to terminate the order. A 26012
party requesting extension or termination of the order shall file 26013
a written request for the extension or termination with the court 26014
and give notice of the proposed extension or termination in 26015
writing before the end of the day after the day of filing it to 26016
all parties and the child's guardian ad litem. If a public 26017
children services agency or private child placing agency requests 26018
termination of the order, the agency shall file a written status 26019
report setting out the facts supporting termination of the order 26020
at the time it files the request with the court. If no party 26021
requests extension or termination of the order, the court shall 26022
notify the parties that the court will extend the order for six 26023
months or terminate it and that it may do so without a hearing 26024
unless one of the parties requests a hearing. All parties and the 26025
guardian ad litem shall have seven days from the date a notice is 26026
sent pursuant to this division to object to and request a hearing 26027
on the proposed extension or termination. 26028

(a) If it receives a timely request for a hearing, the court 26029

shall schedule a hearing to be held no later than thirty days 26030
after the request is received by the court. The court shall give 26031
notice of the date, time, and location of the hearing to all 26032
parties and the guardian ad litem. At the hearing, the court shall 26033
determine whether extension or termination of the order is in the 26034
child's best interest. If termination is in the child's best 26035
interest, the court shall terminate the order. If extension is in 26036
the child's best interest, the court shall extend the order for 26037
six months. 26038

(b) If it does not receive a timely request for a hearing, 26039
the court may extend the order for six months or terminate it 26040
without a hearing and shall journalize the order of extension or 26041
termination not later than fourteen days after receiving the 26042
request for extension or termination or after the date the court 26043
notifies the parties that it will extend or terminate the order. 26044
If the court does not extend or terminate the order, it shall 26045
schedule a hearing to be held no later than thirty days after the 26046
expiration of the applicable fourteen-day time period and give 26047
notice of the date, time, and location of the hearing to all 26048
parties and the child's guardian ad litem. At the hearing, the 26049
court shall determine whether extension or termination of the 26050
order is in the child's best interest. If termination is in the 26051
child's best interest, the court shall terminate the order. If 26052
extension is in the child's best interest, the court shall issue 26053
an order extending the order for protective supervision six 26054
months. 26055

(2) If the court grants an extension of the order for 26056
protective supervision pursuant to division (H)(1) of this 26057
section, a party may, prior to termination of the extension, file 26058
with the court a request for an additional extension of six months 26059
or for termination of the order. The court and the parties shall 26060
comply with division (H)(1) of this section with respect to 26061

extending or terminating the order. 26062

(3) If a court grants an extension pursuant to division 26063
(H)(2) of this section, the court shall terminate the order for 26064
protective supervision at the end of the extension. 26065

(I) The court shall not issue a dispositional order pursuant 26066
to division (A) of this section that removes a child from the 26067
child's home unless the court complies with section 2151.419 of 26068
the Revised Code and includes in the dispositional order the 26069
findings of fact required by that section. 26070

(J) If a motion or application for an order described in 26071
division (A)(6) of this section is made, the court shall not issue 26072
the order unless, prior to the issuance of the order, it provides 26073
to the person all of the following: 26074

(1) Notice and a copy of the motion or application; 26075

(2) The grounds for the motion or application; 26076

(3) An opportunity to present evidence and witnesses at a 26077
hearing regarding the motion or application; 26078

(4) An opportunity to be represented by counsel at the 26079
hearing. 26080

(K) The jurisdiction of the court shall terminate one year 26081
after the date of the award or, if the court takes any further 26082
action in the matter subsequent to the award, the date of the 26083
latest further action subsequent to the award, if the court awards 26084
legal custody of a child to either of the following: 26085

(1) A legal custodian who, at the time of the award of legal 26086
custody, resides in a county of this state other than the county 26087
in which the court is located; 26088

(2) A legal custodian who resides in the county in which the 26089
court is located at the time of the award of legal custody, but 26090
moves to a different county of this state prior to one year after 26091

the date of the award or, if the court takes any further action in 26092
the matter subsequent to the award, one year after the date of the 26093
latest further action subsequent to the award. 26094

The court in the county in which the legal custodian resides 26095
then shall have jurisdiction in the matter. 26096

Sec. 2151.417. (A) Any court that issues a dispositional 26097
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 26098
Revised Code may review at any time the child's placement or 26099
custody arrangement, the case plan prepared for the child pursuant 26100
to section 2151.412 of the Revised Code, the actions of the public 26101
children services agency or private child placing agency in 26102
implementing that case plan, the child's permanency plan if the 26103
child's permanency plan has been approved, and any other aspects 26104
of the child's placement or custody arrangement. In conducting the 26105
review, the court shall determine the appropriateness of any 26106
agency actions, the safety and appropriateness of continuing the 26107
child's placement or custody arrangement, and whether any changes 26108
should be made with respect to the child's permanency plan or 26109
placement or custody arrangement or with respect to the actions of 26110
the agency under the child's placement or custody arrangement. 26111
Based upon the evidence presented at a hearing held after notice 26112
to all parties and the guardian ad litem of the child, the court 26113
may require the agency, the parents, guardian, or custodian of the 26114
child, and the physical custodians of the child to take any 26115
reasonable action that the court determines is necessary and in 26116
the best interest of the child or to discontinue any action that 26117
it determines is not in the best interest of the child. 26118

(B) If a court issues a dispositional order pursuant to 26119
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 26120
court has continuing jurisdiction over the child as set forth in 26121
division (F)(1) of section 2151.353 of the Revised Code. The court 26122

may amend a dispositional order in accordance with division (F)(2) 26123
of section 2151.353 of the Revised Code at any time upon its own 26124
motion or upon the motion of any interested party. The court shall 26125
comply with section 2151.42 of the Revised Code in amending any 26126
dispositional order pursuant to this division. 26127

(C)(1) Any court that issues a dispositional order pursuant 26128
to section 2151.353, 2151.414, or 2151.415 of the Revised Code 26129
shall hold a review hearing one year after the earlier of the date 26130
on which the complaint in the case was filed or the child was 26131
first placed into shelter care to review the case plan prepared 26132
pursuant to section 2151.412 of the Revised Code and the child's 26133
placement or custody arrangement, to approve or review the 26134
permanency plan for the child, and to make changes to the case 26135
plan and placement or custody arrangement consistent with the 26136
permanency plan. The court shall schedule the review hearing at 26137
the time that it holds the dispositional hearing pursuant to 26138
section 2151.35 of the Revised Code. 26139

(2) The court shall hold a similar review hearing no later 26140
than every twelve months after the initial review hearing until 26141
the child is adopted, returned to the parents, or the court 26142
otherwise terminates the child's placement or custody arrangement, 26143
except that the dispositional hearing held pursuant to section 26144
2151.415 of the Revised Code shall take the place of the first 26145
review hearing to be held under this section. The court shall 26146
schedule each subsequent review hearing at the conclusion of the 26147
review hearing immediately preceding the review hearing to be 26148
scheduled. 26149

(3) The court is not required to continue holding review 26150
hearings under divisions (C)(1) and (2) of this section regarding 26151
a child subject to an order of legal custody under section 26152
2151.353 or 2151.415 of the Revised Code, if all of the following 26153
apply: 26154

<u>(a) The child is not subject to an order of protective supervision under section 2151.353 or 2151.415 of the Revised Code.</u>	26155
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	26157
<u>(b) A public children services agency or private child placing agency is not providing services to the child.</u>	26158
	26159
<u>(c) The court finds that further review under divisions (C)(1) and (2) of this section are no longer necessary to serve the child's best interests.</u>	26160
	26161
	26162
(D) If, within fourteen days after a written summary of an administrative review is filed with the court pursuant to section 2151.416 of the Revised Code, the court does not approve the proposed change to the case plan filed pursuant to division (E) of section 2151.416 of the Revised Code or a party or the guardian ad litem requests a review hearing pursuant to division (E) of that section, the court shall hold a review hearing in the same manner that it holds review hearings pursuant to division (C) of this section, except that if a review hearing is required by this division and if a hearing is to be held pursuant to division (C) of this section or section 2151.415 of the Revised Code, the hearing held pursuant to division (C) of this section or section 2151.415 of the Revised Code shall take the place of the review hearing required by this division.	26163
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(E) If a court determines pursuant to section 2151.419 of the Revised Code that a public children services agency or private child placing agency is not required to make reasonable efforts to prevent the removal of a child from the child's home, eliminate the continued removal of a child from the child's home, and return the child to the child's home, and the court does not return the child to the child's home pursuant to division (A)(3) of section 2151.419 of the Revised Code, the court shall hold a review hearing to approve the permanency plan for the child and, if appropriate, to make changes to the child's case plan and the	26177
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child's placement or custody arrangement consistent with the 26187
permanency plan. The court may hold the hearing immediately 26188
following the determination under section 2151.419 of the Revised 26189
Code and shall hold it no later than thirty days after making that 26190
determination. 26191

(F) The court shall give notice of the review hearings held 26192
pursuant to this section to every interested party, including, but 26193
not limited to, the appropriate agency employees who are 26194
responsible for the child's care and planning, the child's 26195
parents, any person who had guardianship or legal custody of the 26196
child prior to the custody order, the child's guardian ad litem, 26197
and the child. The court shall summon every interested party to 26198
appear at the review hearing and give them an opportunity to 26199
testify and to present other evidence with respect to the child's 26200
custody arrangement, including, but not limited to, the following: 26201
the case plan for the child; the permanency plan, if one exists; 26202
the actions taken by the child's custodian; the need for a change 26203
in the child's custodian or caseworker; and the need for any 26204
specific action to be taken with respect to the child. The court 26205
shall require any interested party to testify or present other 26206
evidence when necessary to a proper determination of the issues 26207
presented at the review hearing. In any review hearing that 26208
pertains to a permanency plan for a child who will not be returned 26209
to the parent, the court shall consider in-state and out-of-state 26210
placement options and the court shall determine whether the 26211
in-state or the out-of-state placement continues to be appropriate 26212
and in the best interests of the child. In any review hearing that 26213
pertains to a permanency plan for a child, the court or a citizens 26214
board appointed by the court pursuant to division (H) of this 26215
section shall consult with the child, in an age-appropriate 26216
manner, regarding the proposed permanency plan for the child. 26217

(G) After the review hearing, the court shall take the 26218

following actions based upon the evidence presented:	26219
(1) If an administrative review has been conducted, determine whether the conclusions of the review are supported by a preponderance of the evidence and approve or modify the case plan based upon that evidence;	26220 26221 26222 26223
(2) If the hearing was held under division (C) or (E) of this section, approve a permanency plan for the child that specifies whether and, if applicable, when the child will be safely returned home or placed for adoption, for legal custody, or in a planned permanent living arrangement. A permanency plan approved after a hearing under division (E) of this section shall not include any provision requiring the child to be returned to the child's home.	26224 26225 26226 26227 26228 26229 26230
(3) If the child is in temporary custody, do all of the following:	26231 26232
(a) Determine whether the child can and should be returned home with or without an order for protective supervision;	26233 26234
(b) If the child can and should be returned home with or without an order for protective supervision, terminate the order for temporary custody;	26235 26236 26237
(c) If the child cannot or should not be returned home with an order for protective supervision, determine whether the agency currently with custody of the child should retain custody or whether another public children services agency, private child placing agency, or an individual should be given custody of the child.	26238 26239 26240 26241 26242 26243
The court shall comply with section 2151.42 of the Revised Code in taking any action under this division.	26244 26245
(4) If the child is in permanent custody, determine what actions are required by the custodial agency and of any other organizations or persons in order to facilitate an adoption of the	26246 26247 26248

child and make any appropriate orders with respect to the custody 26249
arrangement or conditions of the child, including, but not limited 26250
to, a transfer of permanent custody to another public children 26251
services agency or private child placing agency; 26252

(5) Journalize the terms of the updated case plan for the 26253
child. 26254

(H) The court may appoint a referee or a citizens review 26255
board to conduct the review hearings that the court is required by 26256
this section to conduct, subject to the review and approval by the 26257
court of any determinations made by the referee or citizens review 26258
board. If the court appoints a citizens review board to conduct 26259
the review hearings, the board shall consist of one member 26260
representing the general public and four members who are trained 26261
or experienced in the care or placement of children and have 26262
training or experience in the fields of medicine, psychology, 26263
social work, education, or any related field. Of the initial 26264
appointments to the board, two shall be for a term of one year, 26265
two shall be for a term of two years, and one shall be for a term 26266
of three years, with all the terms ending one year after the date 26267
on which the appointment was made. Thereafter, all terms of the 26268
board members shall be for three years and shall end on the same 26269
day of the same month of the year as did the term that they 26270
succeed. Any member appointed to fill a vacancy occurring prior to 26271
the expiration of the term for which the member's predecessor was 26272
appointed shall hold office for the remainder of the term. 26273

(I) A copy of the court's determination following any review 26274
hearing held pursuant to this section shall be sent to the 26275
custodial agency, the guardian ad litem of the child who is the 26276
subject of the review hearing, and, if that child is not the 26277
subject of a permanent commitment hearing, the parents of the 26278
child. 26279

(J) If the hearing held under this section takes the place of 26280

an administrative review that otherwise would have been held under 26281
section 2151.416 of the Revised Code, the court at the hearing 26282
held under this section shall do all of the following in addition 26283
to any other requirements of this section: 26284

(1) Determine the continued necessity for and the safety and 26285
appropriateness of the child's placement; 26286

(2) Determine the extent of compliance with the child's case 26287
plan; 26288

(3) Determine the extent of progress that has been made 26289
toward alleviating or mitigating the causes necessitating the 26290
child's placement in foster care; 26291

(4) Project a likely date by which the child may be safely 26292
returned home or placed for adoption or legal custody. 26293

(K)(1) Whenever the court is required to approve a permanency 26294
plan under this section or section 2151.415 of the Revised Code, 26295
the public children services agency or private child placing 26296
agency that filed the complaint in the case, has custody of the 26297
child, or will be given custody of the child shall develop a 26298
permanency plan for the child. The agency must file the plan with 26299
the court prior to the hearing under this section or section 26300
2151.415 of the Revised Code. 26301

(2) The permanency plan developed by the agency must specify 26302
whether and, if applicable, when the child will be safely returned 26303
home or placed for adoption or legal custody. If the agency 26304
determines that there is a compelling reason why returning the 26305
child home or placing the child for adoption or legal custody is 26306
not in the best interest of the child, the plan shall provide that 26307
the child will be placed in a planned permanent living 26308
arrangement. A permanency plan developed as a result of a 26309
determination made under division (A)(2) of section 2151.419 of 26310
the Revised Code may not include any provision requiring the child 26311

to be returned home. 26312

(3)(a) Whenever a court is required under this section or 26313
section 2151.415 or 2151.419 of the Revised Code to conduct a 26314
review hearing to approve a permanency plan, the court shall 26315
determine whether the agency required to develop the plan has made 26316
reasonable efforts to finalize it. If the court determines the 26317
agency has not made reasonable efforts to finalize the plan, the 26318
court shall issue an order finalizing a permanency plan requiring 26319
the agency to use reasonable efforts to do the following: 26320

(i) Place the child in a timely manner into a permanent 26321
placement; 26322

(ii) Complete whatever steps are necessary to finalize the 26323
permanent placement of the child. 26324

(b) In making reasonable efforts as required in division 26325
(K)(3)(a) of this section, the agency shall consider the child's 26326
health and safety as the paramount concern. 26327

Sec. 2151.43. In cases against an adult under sections 26328
2151.01 to 2151.54 of the Revised Code, any person may file an 26329
affidavit with the clerk of the juvenile court setting forth 26330
briefly, in plain and ordinary language, the charges against the 26331
accused who shall be tried thereon. When the child is a recipient 26332
of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised Code, the 26333
county department of job and family services shall file charges 26334
against any person who fails to provide support to a child in 26335
violation of section 2919.21 of the Revised Code, unless the 26336
department files charges under section 3113.06 of the Revised 26337
Code, or unless charges of nonsupport are filed by a relative or 26338
guardian of the child, or unless action to enforce support is 26339
brought under Chapter 3115. of the Revised Code. 26340

In such prosecution an indictment by the grand jury or 26341

information by the prosecuting attorney shall not be required. The 26342
clerk shall issue a warrant for the arrest of the accused, who, 26343
when arrested, shall be taken before the juvenile judge and tried 26344
according to such sections. 26345

The affidavit may be amended at any time before or during the 26346
trial. 26347

The judge may bind such adult over to the grand jury, where 26348
the act complained of constitutes a felony. 26349

Sec. 2151.49. In every case of conviction under sections 26350
2151.01 to 2151.54 of the Revised Code, where imprisonment is 26351
imposed as part of the punishment, the juvenile judge may suspend 26352
sentence, before or during commitment, upon such condition as the 26353
juvenile judge imposes. In the case of conviction for nonsupport 26354
of a child who is receiving aid under Chapter 5107. ~~or 5115.~~ of 26355
the Revised Code, if the juvenile judge suspends sentence on 26356
condition that the person make payments for support, the payment 26357
shall be made to the county department of job and family services 26358
rather than to the child or custodian of the child. 26359

The court, in accordance with sections 3119.29 to 3119.56 of 26360
the Revised Code, shall include in each support order made under 26361
this section the requirement that one or both of the parents 26362
provide for the health care needs of the child to the satisfaction 26363
of the court. 26364

Sec. 2301.56. (A) A facility governing board that proposes or 26365
establishes one or more community-based correctional facilities 26366
and programs or district community-based correctional facilities 26367
and programs may apply to the division of parole and community 26368
services of the department of rehabilitation and correction for 26369
state financial assistance for the cost of renovation, 26370
maintenance, and operation of any of the facilities and programs. 26371

If the facility governing board has proposed or established more than one facility and program and if it desires state financial assistance for more than one of the facilities and programs, the board shall submit a separate application for each facility and program for which it desires the financial assistance.

An application for state financial assistance under this section may be made when the facility governing board submits for approval of the division of parole and community services its proposal for the establishment of the facility and program in question under division (B) of section 2301.51 of the Revised Code, or at any time after the division has approved the proposal. All applications for state financial assistance for proposed or approved facilities and programs shall be made on forms that are prescribed and furnished by the department of rehabilitation and correction, and in accordance with section 5120.112 of the Revised Code.

(B) The facility governing board may submit a request for funding of some or all of its community-based correctional facilities and programs or district community-based correctional facilities and programs to the board of county commissioners of the county, if the facility governing board serves a community-based correctional facility and program, or to the boards of county commissioners of all of the member counties, if the facility governing board serves a district community-based correctional facility and program. The board or boards may appropriate, but are not required to appropriate, a sum of money for funding all aspects of each facility and program as outlined in sections 2301.51 to 2301.58 of the Revised Code. The facility governing board has no recourse against a board or boards of county commissioners if the board or boards of county commissioners do not appropriate money for funding any facility and program or if they appropriate money for funding a facility

and program in an amount less than the total amount of the 26404
submitted request for funding. 26405

(C) Pursuant to section 2929.37 of the Revised Code, a board 26406
of county commissioners may require a person who was convicted of 26407
an offense and who is confined in a community-based correctional 26408
facility or district community-based correctional facility as 26409
provided in sections 2301.51 to 2301.58 of the Revised Code to 26410
reimburse the county for its expenses incurred by reason of the 26411
person's confinement. 26412

(D)(1) Community-based correctional facilities and programs 26413
and district community-based correctional facilities and programs 26414
are public offices under section 117.01 of the Revised Code and 26415
are subject to audit under section 117.10 of the Revised Code. The 26416
audits of the facilities and programs shall include financial 26417
audits and, in addition, in the circumstances specified in this 26418
division, performance audits by the auditor of state. If a private 26419
or nonprofit entity performs the day-to-day operation of any 26420
community-based correctional facility and program or district 26421
community-based correctional facility and program, the private or 26422
nonprofit entity also is subject to financial audits under section 26423
117.10 of the Revised Code, and, in addition, in the circumstances 26424
specified in this division, to performance audits by the auditor 26425
of state. The auditor of state shall conduct the performance 26426
audits of a facility and program and of an entity required under 26427
section 117.10 of the Revised Code and this division and, 26428
notwithstanding the time period for audits specified in section 26429
117.11 of the Revised Code, shall conduct the financial audits of 26430
a facility and program and of an entity required under section 26431
117.10 of the Revised Code and this division, in accordance with 26432
the following criteria: 26433

(a) For each facility and program and each entity, the 26434
auditor of state shall conduct the initial financial audit within 26435

two years after March 31, 2003, or, if the facility and program in question is established on or after March 31, 2003, within two years after the date on which it is established.

(b) After the initial financial audit described in division (D)(1)(a) of this section, for each facility and program and each entity, the auditor of state shall conduct the financial audits of the facility and program or the entity at least once every two fiscal years.

(c) At any time after March 31, 2003, regarding a facility and program or regarding an entity that performs the day-to-day operation of a facility and program, the department of rehabilitation and correction or the facility governing board that established the facility and program may request, or the auditor of state on its own initiative may undertake, a performance audit of the facility and program or the entity. Upon the receipt of the request, or upon the auditor of state's own initiative as described in this division, the auditor of state shall conduct a performance audit of the facility and program or the entity.

~~(2) The department of rehabilitation and correction~~ Each community-based correctional facility and program, district community-based correctional facility and program, and, to the extent that information is available, private or nonprofit entity that performs the day-to-day operation of any community-based correctional facility and program or district community-based correctional facility and program shall prepare and provide to the auditor of state ~~quarterly~~ an annual financial reports for each ~~community based correctional facility and program, for each district community based correctional facility and program, and, to the extent that information is available, for each private or nonprofit entity that performs the day to day operation of any community based correctional facility and program or district community based correctional facility and program.~~ Each report

~~shall cover a three month period and shall be provided to the~~ 26468
~~auditor of state not later than fifteen days after the end of the~~ 26469
~~period covered by the report in accordance with section 117.38 of~~ 26470
~~the Revised Code.~~ 26471

Sec. 2305.02. ~~The A court of common pleas in the county where~~ 26472
~~the underlying criminal action was initiated~~ has exclusive, 26473
original jurisdiction to hear and determine ~~a civil~~ an action or 26474
proceeding that is commenced by an individual who ~~seeks a~~ 26475
~~determination by that court that the individual satisfies~~ 26476
divisions (A)(1) to (5) of section 2743.48 of the Revised Code and 26477
that seeks a determination by the court either that the offense of 26478
which the individual was found guilty, including all lesser 26479
included offenses, was not committed by the individual or that no 26480
offense was committed by any person. If ~~that~~ the court enters the 26481
requested determination, it shall comply with division (B) of that 26482
section. 26483

Sec. 2329.211. (A)(1) In every action demanding the judicial 26484
or execution sale of residential property, if the judgment 26485
creditor is the purchaser at the sale, the purchaser shall not be 26486
required to make a sale deposit. All other purchasers shall make a 26487
sale deposit as follows: 26488

(a) If the appraised value of the residential property is 26489
less than or equal to ten thousand dollars, the deposit shall be 26490
two thousand dollars. 26491

(b) If the appraised value of the residential property is 26492
greater than ten thousand dollars but less than or equal to two 26493
hundred thousand dollars, the deposit shall be five thousand 26494
dollars. 26495

(c) If the appraised value of the residential property is 26496
greater than two hundred thousand dollars, the deposit shall be 26497

ten thousand dollars. 26498

(2) The timing of the deposit and other payment requirements 26499
shall be established by the court or the person conducting the 26500
sale and included in the advertisement of the sale. If the 26501
purchaser fails to meet the timing or other requirements of the 26502
deposit, the sale shall be invalid. 26503

(3) If the sale is held online, the deposit may be made by a 26504
financial transaction device as defined in section 301.28 of the 26505
Revised Code. 26506

(B) In every action demanding the judicial or execution sale 26507
of commercial property, the purchaser at the sale shall make a 26508
deposit pursuant to the requirements, if any, established for the 26509
sale. 26510

Sec. 2329.271. (A)(1) Subject to division (A)(2) of this 26511
section, the purchaser of lands and tenements taken in execution 26512
shall submit to the officer who makes the sale the following 26513
information: 26514

(a)(i) If the purchaser is an individual, the information 26515
shall include the individual's name, mailing address, which shall 26516
not be a post office box, electronic mail address, telephone 26517
number, and financial transaction device information of the 26518
purchaser; 26519

(ii) If the purchaser is an entity, the information shall 26520
include the entity's legal name, trade name if different from its 26521
legal name, state and date of formation, active status with the 26522
office of the secretary of state, mailing address, telephone 26523
number, financial transaction device information, the name of an 26524
individual contact person for the entity, and the contact person's 26525
title, mailing address, which shall not be a post office box, 26526
electronic mail address, and telephone number. 26527

(b) An attorney or a law firm that represents a purchaser may submit the information required under division (A)(1)(a) of this section in a representative capacity, either as an individual or entity.

(c) If the lands and tenements taken in execution are intended to be used as residential rental property and the residential rental property is purchased by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of the following with the provision that the purchaser be readily accessible through the identified contact person:

- (i) A trustee, in the case of a trust or business trust;
- (ii) The executor or administrator, in the case of an estate;
- (iii) A general partner, in the case of a partnership or a limited partnership;
- (iv) A member, manager, ~~or~~ officer, or contact person, in the case of a limited liability company;
- (v) An associate, in the case of an association;
- (vi) An officer, in the case of a corporation;
- (vii) A member, manager, or officer, in the case of any other business entity.

(d) A statement indicating ~~whether~~ if the purchaser ~~will occupy~~ intends to use the lands and tenements taken in execution as residential rental property.

(2) If the lands and tenements taken in execution are not residential rental property and the purchaser of those lands and tenements is a corporation, partnership, association, estate, trust, or other business organization the only place of business of which is in the county in which the real property is located,

the information required by divisions (A)(1)(a) and (d) of this 26558
section shall be the contact information for ~~the office of~~ an 26559
employee or contact person of the purchasing entity that is 26560
located in that county and that the purchasing entity has 26561
designated to receive notices or inquiries about the property. If 26562
the purchasing entity has a place of business outside the county 26563
in which the real property is located and the purchasing entity's 26564
principal place of business is located in this state, the 26565
information required by divisions (A)(1)(a) and (d) of this 26566
section shall be the contact information for ~~the office of~~ an 26567
employee or contact person of the purchasing entity that is 26568
located in this state and that the purchasing entity has 26569
designated to receive notices or inquiries about the property. If 26570
the purchasing entity's principal place of business is not located 26571
in this state, the information required by divisions (A)(1)(a) and 26572
(d) of this section shall be the contact information for ~~a natural~~ 26573
~~person who is employed by the purchasing entity~~ an employee or 26574
contact person at the purchasing entity's principal place of 26575
business outside of this state and whom the purchasing entity has 26576
designated to receive notices or inquiries about the property. 26577

(B)(1) The information required by division (A) of this 26578
section shall be part of the record of the court of common pleas. 26579
If the court has ordered or the clerk of the court has issued an 26580
order for the sheriff to advertise and sell the lands and 26581
tenements, the information also shall be part of the sheriff's 26582
record of proceedings. Except as provided in division (B)(2) of 26583
this section, the information is a public record and open to 26584
public inspection. 26585

(2) The electronic mail address, telephone number, and 26586
financial transaction device information required in division 26587
(A)(1) of this section are confidential and not public records for 26588
purposes of section 149.43 of the Revised Code. 26589

(C) The requirements of division (A) of this section shall not apply if the purchaser of the lands and tenements of the sale is the plaintiff or a lien holder who is a party to the action. 26590
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(D) As used in this section, ~~"financial"~~ 26593

(1) "Financial transaction device" has the same meaning as in 26594
section 301.28 of the Revised Code. 26595

(2) "Residential rental property" has the same meaning as in 26596
section 5323.01 of the Revised Code. 26597

Sec. 2329.31. (A) Upon the return of any writ of execution 26598
for the satisfaction of which lands and tenements have been sold, 26599
on careful examination of the proceedings of the officer making 26600
the sale, if the court of common pleas finds that the sale was 26601
made, in all respects, in conformity with sections 2329.01 to 26602
2329.61 of the Revised Code, it shall, within thirty days of the 26603
return of the writ, direct the clerk of the court of common pleas 26604
to make an entry on the journal that the court is satisfied of the 26605
legality of such sale. Nothing in this section prevents the court 26606
of common pleas from staying the confirmation of the sale to 26607
permit a property owner time to redeem the property or for any 26608
other reason that it determines is appropriate. In those 26609
instances, the sale shall be confirmed within thirty days after 26610
the termination of any stay of confirmation. 26611

(B) The officer making the sale shall require the purchaser, ~~including a lienholder,~~ 26612
to pay within thirty days of the 26613
confirmation of the sale the balance due on the purchase price of 26614
the lands and tenements. 26615

(C)(1) The officer making the sale shall record the prepared 26616
deed required by section 2329.36 of the Revised Code within 26617
fourteen days after the confirmation of sale and payment of the 26618
balance due. 26619

(2)(a) If the deed is not prepared and recorded within the 26620
fourteen-day period, the purchaser may file a motion with the 26621
court to proceed with the transfer of title. If the court finds 26622
that a proper sale was made, it shall enter an order transferring 26623
the title of the lands and tenements to the purchaser, ordering 26624
the plaintiff to present a certified copy of the order to the 26625
county recorder for recording, and ordering the county recorder to 26626
record the order in the record of deeds. The order, when filed 26627
with the county recorder, shall have the same effect as a deed 26628
prepared pursuant to section 2329.36 of the Revised Code. 26629

(b) Upon the issuance of the court order described in 26630
division (C)(2)(a) of this section, the plaintiff, or the 26631
plaintiff's attorney, shall present a certified copy of the order 26632
to be recorded in the office of the county recorder. The county 26633
recorder shall record the order in the record of deeds. 26634

(c) The clerk shall issue a copy of the court order to the 26635
county auditor to transfer record ownership of the lands and 26636
tenements for the purpose of real estate taxes. Real estate taxes 26637
coming due after the date of the sale shall not prohibit the 26638
auditor from transferring ownership of the lands and tenements on 26639
its records or cause the recorder to deny recording. The real 26640
estate taxes shall become the responsibility of the new title 26641
holder of the lands and tenements. The sheriff shall not require 26642
the confirmation of sale to be amended for taxes not due and 26643
payable as of the date of the sale. 26644

Sec. 2329.311. (A) In sales of residential properties taken 26645
in execution or order of sale that are sold at an auction with the 26646
minimum bid pursuant to division (B) of section 2329.52 of the 26647
Revised Code, the judgment creditor and the first lienholder each 26648
have the right to redeem the property within fourteen days after 26649
the sale by paying the purchase price. The redeeming party shall 26650

pay the purchase price to the clerk of the court in which the 26651
judgment was rendered or the order of sale was made. Upon timely 26652
payment, the court shall proceed as described in section 2329.31 26653
of the Revised Code, with the redeeming party considered the 26654
successful purchaser at the sale. 26655

(B) If the judgment creditor and the first lienholder each 26656
seek to redeem the property, pursuant to division (A) of this 26657
section, the court shall resolve the conflict in favor of the 26658
first lienholder. 26659

Sec. 2329.44. (A) On a sale made pursuant to this chapter, if 26660
the officer who makes the sale receives from the sale more money 26661
than is necessary to satisfy the writ of execution, with interest 26662
and costs, the officer who made the sale shall deliver any balance 26663
remaining after satisfying the writ of execution, with interest 26664
and costs, to the clerk of the court that issued the writ of 26665
execution. The clerk then shall do one of the following: 26666

(1) If the balance is ~~twenty-five~~ one hundred dollars or 26667
more, send to the judgment debtor whose property was the subject 26668
of the sale a notice that indicates the amount of the balance, 26669
informs the judgment debtor that ~~he~~ the judgment debtor is 26670
entitled to receive the balance, and sets forth the procedure that 26671
the judgment debtor is required to follow to obtain the balance. 26672
This notice shall be sent to the judgment debtor at the address of 26673
the judgment debtor in the caption on the judgment or at any 26674
different address ~~he~~ the judgment debtor may have provided, by 26675
certified mail, return receipt requested, within ninety days after 26676
the sale. If the certified mail envelope is returned with an 26677
endorsement showing failure or refusal of delivery, the clerk 26678
immediately shall send the judgment debtor, at the address of the 26679
judgment debtor in the caption on the judgment or any different 26680
address ~~he~~ the judgment debtor may have provided, a similar notice 26681

by ordinary mail. If the ordinary mail envelope is returned for 26682
any reason, the clerk immediately shall give a similar notice to 26683
the judgment debtor by an advertisement in a newspaper published 26684
in and of general circulation in the county, which advertisement 26685
shall run at least once a week for at least three consecutive 26686
weeks. The advertisement shall include the case number, the name 26687
of the judgment debtor, and information on how to contact the 26688
clerk. If the balance remains unclaimed for ninety days following 26689
the first date of publication, the clerk shall dispose of the 26690
balance in the same manner as unclaimed money is disposed of under 26691
sections 2335.34 and 2335.35 of the Revised Code. 26692

(2) If the balance is less than ~~twenty-five~~ one hundred 26693
dollars, send to the judgment debtor whose property was the 26694
subject of the sale a notice that indicates the amount of the 26695
balance, informs the judgment debtor that ~~he~~ the judgment debtor 26696
is entitled to receive the balance, and sets forth the procedure 26697
that the judgment debtor is required to follow to obtain the 26698
balance. This notice shall be sent to the judgment debtor at the 26699
address of the judgment debtor in the caption on the judgment or 26700
at any different address ~~he~~ the judgment debtor may have provided, 26701
by ordinary mail. If the balance remains unclaimed for ninety days 26702
following the date of mailing, the clerk shall dispose of the 26703
balance in the same manner as unclaimed money is disposed of under 26704
sections 2335.34 and 2335.35 of the Revised Code. 26705

(B)(1) Subject to division (B)(2) of this section, the clerk 26706
of the court that issued the writ of execution, on demand and 26707
whether or not the notice required by division (A)(1) or (2) of 26708
this section is provided as prescribed, shall pay the balance to 26709
the judgment debtor or ~~his~~ the judgment debtor's legal 26710
representatives. 26711

(2) The clerk of the court that issued the writ of execution 26712
is not required to pay the balance to the judgment debtor or ~~his~~ 26713

the judgment debtor's legal representatives pursuant to division 26714
(B)(1) of this section until the judgment debtor or the legal 26715
representatives pay to the clerk ~~twenty five dollars if the~~ 26716
~~balance is twenty five dollars or more, or five dollars if the~~ 26717
~~balance is less than twenty five dollars to compensate the clerk~~ 26718
~~for~~ the actual costs incurred in the provision of the notice 26719
required by division (A)(1) or (2) of this section. 26720

Sec. 2329.66. (A) Every person who is domiciled in this state 26721
may hold property exempt from execution, garnishment, attachment, 26722
or sale to satisfy a judgment or order, as follows: 26723

(1)(a) In the case of a judgment or order regarding money 26724
owed for health care services rendered or health care supplies 26725
provided to the person or a dependent of the person, one parcel or 26726
item of real or personal property that the person or a dependent 26727
of the person uses as a residence. Division (A)(1)(a) of this 26728
section does not preclude, affect, or invalidate the creation 26729
under this chapter of a judgment lien upon the exempted property 26730
but only delays the enforcement of the lien until the property is 26731
sold or otherwise transferred by the owner or in accordance with 26732
other applicable laws to a person or entity other than the 26733
surviving spouse or surviving minor children of the judgment 26734
debtor. Every person who is domiciled in this state may hold 26735
exempt from a judgment lien created pursuant to division (A)(1)(a) 26736
of this section the person's interest, not to exceed one hundred 26737
twenty-five thousand dollars, in the exempted property. 26738

(b) In the case of all other judgments and orders, the 26739
person's interest, not to exceed one hundred twenty-five thousand 26740
dollars, in one parcel or item of real or personal property that 26741
the person or a dependent of the person uses as a residence. 26742

(c) For purposes of divisions (A)(1)(a) and (b) of this 26743
section, "parcel" means a tract of real property as identified on 26744

the records of the auditor of the county in which the real 26745
property is located. 26746

(2) The person's interest, not to exceed three thousand two 26747
hundred twenty-five dollars, in one motor vehicle; 26748

(3) The person's interest, not to exceed four hundred 26749
dollars, in cash on hand, money due and payable, money to become 26750
due within ninety days, tax refunds, and money on deposit with a 26751
bank, savings and loan association, credit union, public utility, 26752
landlord, or other person, other than personal earnings. 26753

(4)(a) The person's interest, not to exceed five hundred 26754
twenty-five dollars in any particular item or ten thousand seven 26755
hundred seventy-five dollars in aggregate value, in household 26756
furnishings, household goods, wearing apparel, appliances, books, 26757
animals, crops, musical instruments, firearms, and hunting and 26758
fishing equipment that are held primarily for the personal, 26759
family, or household use of the person; 26760

(b) The person's aggregate interest in one or more items of 26761
jewelry, not to exceed one thousand three hundred fifty dollars, 26762
held primarily for the personal, family, or household use of the 26763
person or any of the person's dependents. 26764

(5) The person's interest, not to exceed an aggregate of two 26765
thousand twenty-five dollars, in all implements, professional 26766
books, or tools of the person's profession, trade, or business, 26767
including agriculture; 26768

(6)(a) The person's interest in a beneficiary fund set apart, 26769
appropriated, or paid by a benevolent association or society, as 26770
exempted by section 2329.63 of the Revised Code; 26771

(b) The person's interest in contracts of life or endowment 26772
insurance or annuities, as exempted by section 3911.10 of the 26773
Revised Code; 26774

(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	26775 26776 26777
(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;	26778 26779 26780 26781
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	26782 26783 26784 26785
(7) The person's professionally prescribed or medically necessary health aids;	26786 26787
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	26788 26789 26790
(9) The person's interest in the following:	26791
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	26792 26793
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	26794 26795
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	26796 26797
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	26798 26799
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	26800 26801 26802
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	26803 26804

(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 26805
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(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to or interests in a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's rights to or interests in a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights or interests, as exempted by section 143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's rights to or interests in benefits from the Ohio public safety officers death benefit fund; 26807
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(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to receive or interests in receiving a payment or other benefits under any pension, annuity, or similar plan or contract, not including a payment or benefit from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or (10)(a) of this section, on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for 26829
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the support of the person and any of the person's dependents, 26837
except if all the following apply: 26838

(i) The plan or contract was established by or under the 26839
auspices of an insider that employed the person at the time the 26840
person's rights or interests under the plan or contract arose. 26841

(ii) The payment is on account of age or length of service. 26842

(iii) The plan or contract is not qualified under the 26843
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 26844
amended. 26845

(c) Except for any portion of the assets that were deposited 26846
for the purpose of evading the payment of any debt and except as 26847
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 26848
3123.06 of the Revised Code, the person's rights or interests in 26849
the assets held in, or to directly or indirectly receive any 26850
payment or benefit under, any individual retirement account, 26851
individual retirement annuity, "Roth IRA," account opened pursuant 26852
to a program administered by a state under section 529 or 529A of 26853
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 26854
as amended, or education individual retirement account that 26855
provides payments or benefits by reason of illness, disability, 26856
death, retirement, or age or provides payments or benefits for 26857
purposes of education or qualified disability expenses, to the 26858
extent that the assets, payments, or benefits described in 26859
division (A)(10)(c) of this section are attributable to or derived 26860
from any of the following or from any earnings, dividends, 26861
interest, appreciation, or gains on any of the following: 26862

(i) Contributions of the person that were less than or equal 26863
to the applicable limits on deductible contributions to an 26864
individual retirement account or individual retirement annuity in 26865
the year that the contributions were made, whether or not the 26866
person was eligible to deduct the contributions on the person's 26867

federal tax return for the year in which the contributions were made; 26868
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(ii) Contributions of the person that were less than or equal to the applicable limits on contributions to a Roth IRA or education individual retirement account in the year that the contributions were made; 26870
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(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 26874
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(iv) Contributions by any person into any plan, fund, or account that is formed, created, or administered pursuant to, or is otherwise subject to, section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 26879
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(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to receive any payment under, any Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, retirement, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents. 26883
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(e) The person's rights to or interests in any assets held in, or to directly or indirectly receive any payment or benefit under, any individual retirement account, individual retirement annuity, "Roth IRA," account opened pursuant to a program administered by a state under section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or education individual retirement account that a decedent, upon or 26892
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by reason of the decedent's death, directly or indirectly left to 26899
or for the benefit of the person, either outright or in trust or 26900
otherwise, including, but not limited to, any of those rights or 26901
interests in assets or to receive payments or benefits that were 26902
transferred, conveyed, or otherwise transmitted by the decedent by 26903
means of a will, trust, exercise of a power of appointment, 26904
beneficiary designation, transfer or payment on death designation, 26905
or any other method or procedure. 26906

(f) The exemptions under divisions (A)(10)(a) to (e) of this 26907
section also shall apply or otherwise be available to an alternate 26908
payee under a qualified domestic relations order (QDRO) or other 26909
similar court order. 26910

(g) A person's interest in any plan, program, instrument, or 26911
device described in divisions (A)(10)(a) to (e) of this section 26912
shall be considered an exempt interest even if the plan, program, 26913
instrument, or device in question, due to an error made in good 26914
faith, failed to satisfy any criteria applicable to that plan, 26915
program, instrument, or device under the "Internal Revenue Code of 26916
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 26917

(11) The person's right to receive spousal support, child 26918
support, an allowance, or other maintenance to the extent 26919
reasonably necessary for the support of the person and any of the 26920
person's dependents; 26921

(12) The person's right to receive, or moneys received during 26922
the preceding twelve calendar months from, any of the following: 26923

(a) An award of reparations under sections 2743.51 to 2743.72 26924
of the Revised Code, to the extent exempted by division (D) of 26925
section 2743.66 of the Revised Code; 26926

(b) A payment on account of the wrongful death of an 26927
individual of whom the person was a dependent on the date of the 26928
individual's death, to the extent reasonably necessary for the 26929

support of the person and any of the person's dependents; 26930

(c) Except in cases in which the person who receives the 26931
payment is an inmate, as defined in section 2969.21 of the Revised 26932
Code, and in which the payment resulted from a civil action or 26933
appeal against a government entity or employee, as defined in 26934
section 2969.21 of the Revised Code, a payment, not to exceed 26935
twenty thousand two hundred dollars, on account of personal bodily 26936
injury, not including pain and suffering or compensation for 26937
actual pecuniary loss, of the person or an individual for whom the 26938
person is a dependent; 26939

(d) A payment in compensation for loss of future earnings of 26940
the person or an individual of whom the person is or was a 26941
dependent, to the extent reasonably necessary for the support of 26942
the debtor and any of the debtor's dependents. 26943

(13) Except as provided in sections 3119.80, 3119.81, 26944
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 26945
earnings of the person owed to the person for services in an 26946
amount equal to the greater of the following amounts: 26947

(a) If paid weekly, thirty times the current federal minimum 26948
hourly wage; if paid biweekly, sixty times the current federal 26949
minimum hourly wage; if paid semimonthly, sixty-five times the 26950
current federal minimum hourly wage; or if paid monthly, one 26951
hundred thirty times the current federal minimum hourly wage that 26952
is in effect at the time the earnings are payable, as prescribed 26953
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 26954
U.S.C. 206(a)(1), as amended; 26955

(b) Seventy-five per cent of the disposable earnings owed to 26956
the person. 26957

(14) The person's right in specific partnership property, as 26958
exempted by the person's rights in a partnership pursuant to 26959
section 1776.50 of the Revised Code, except as otherwise set forth 26960

in section 1776.50 of the Revised Code; 26961

(15) A seal and official register of a notary public, as 26962
exempted by section 147.04 of the Revised Code; 26963

(16) The person's interest in a tuition unit or a payment 26964
under section 3334.09 of the Revised Code pursuant to a tuition 26965
payment contract, as exempted by section 3334.15 of the Revised 26966
Code; 26967

(17) Any other property that is specifically exempted from 26968
execution, attachment, garnishment, or sale by federal statutes 26969
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 26970
U.S.C.A. 101, as amended; 26971

(18) The person's aggregate interest in any property, not to 26972
exceed one thousand seventy-five dollars, except that division 26973
(A)(18) of this section applies only in bankruptcy proceedings. 26974

(B) On April 1, 2010, and on the first day of April in each 26975
third calendar year after 2010, the Ohio judicial conference shall 26976
adjust each dollar amount set forth in this section to reflect any 26977
increase in the consumer price index for all urban consumers, as 26978
published by the United States department of labor, or, if that 26979
index is no longer published, a generally available comparable 26980
index, for the three-year period ending on the thirty-first day of 26981
December of the preceding year. Any adjustments required by this 26982
division shall be rounded to the nearest twenty-five dollars. 26983

The Ohio judicial conference shall prepare a memorandum 26984
specifying the adjusted dollar amounts. The judicial conference 26985
shall transmit the memorandum to the director of the legislative 26986
service commission, and the director shall publish the memorandum 26987
in the register of Ohio. (Publication of the memorandum in the 26988
register of Ohio shall continue until the next memorandum 26989
specifying an adjustment is so published.) The judicial conference 26990
also may publish the memorandum in any other manner it concludes 26991

will be reasonably likely to inform persons who are affected by 26992
its adjustment of the dollar amounts. 26993

(C) As used in this section: 26994

(1) "Disposable earnings" means net earnings after the 26995
garnishee has made deductions required by law, excluding the 26996
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 26997
3121.03, or 3123.06 of the Revised Code. 26998

(2) "Insider" means: 26999

(a) If the person who claims an exemption is an individual, a 27000
relative of the individual, a relative of a general partner of the 27001
individual, a partnership in which the individual is a general 27002
partner, a general partner of the individual, or a corporation of 27003
which the individual is a director, officer, or in control; 27004

(b) If the person who claims an exemption is a corporation, a 27005
director or officer of the corporation; a person in control of the 27006
corporation; a partnership in which the corporation is a general 27007
partner; a general partner of the corporation; or a relative of a 27008
general partner, director, officer, or person in control of the 27009
corporation; 27010

(c) If the person who claims an exemption is a partnership, a 27011
general partner in the partnership; a general partner of the 27012
partnership; a person in control of the partnership; a partnership 27013
in which the partnership is a general partner; or a relative in, a 27014
general partner of, or a person in control of the partnership; 27015

(d) An entity or person to which or whom any of the following 27016
applies: 27017

(i) The entity directly or indirectly owns, controls, or 27018
holds with power to vote, twenty per cent or more of the 27019
outstanding voting securities of the person who claims an 27020
exemption, unless the entity holds the securities in a fiduciary 27021

or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the

date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Sec. 2743.48. (A) As used in this section and section 2743.49 of the Revised Code, a "wrongfully imprisoned individual" means an individual who satisfies each of the following:

(1) The individual was charged with a violation of a section of the Revised Code by an indictment or information, and the violation charged was an aggravated felony ~~or~~ felony, or misdemeanor.

(2) The individual was found guilty of, but did not plead guilty to, the particular charge or a lesser-included offense by the court or jury involved, and the offense of which the individual was found guilty was an aggravated felony ~~or~~ felony, or misdemeanor.

(3) The individual was sentenced to an indefinite or definite term of imprisonment in a state correctional institution for the offense of which the individual was found guilty.

(4) The individual's conviction was vacated, dismissed, or reversed on appeal, ~~the prosecuting attorney in the case cannot or will not seek any further appeal of right or upon leave of court, and no criminal proceeding is pending, can be brought, or will be brought by any prosecuting attorney, city director of law, village solicitor, or other chief legal officer of a municipal corporation against the individual for any act associated with that conviction.~~

(5) Subsequent to sentencing ~~and~~ or during or subsequent to imprisonment, an error in procedure was discovered that occurred

prior to, during, or after sentencing, that violated the 27082
individual's rights to a fair trial under the Ohio Constitution or 27083
the United States Constitution, and that resulted in the 27084
individual's release, or it was determined by ~~the~~ a court of 27085
common pleas ~~in the county where the underlying criminal action~~ 27086
~~was initiated~~ either that the ~~charged~~ offense of which the 27087
individual was found guilty, including all lesser-included 27088
offenses, ~~either~~ was not committed by the individual or that no 27089
offense was ~~not~~ committed by any person. The provisions of this 27090
division regarding discovery of an error in procedure as they 27091
exist on and after the effective date of this amendment apply with 27092
respect to any such discovery that occurs on or after the 27093
effective date of this amendment and with respect to any 27094
individual whose action to be declared a wrongfully imprisoned 27095
individual was barred or dismissed on or after March 5, 2014, and 27096
prior to the effective date of this amendment based on the 27097
provisions of this division as they existed prior to that 27098
effective date. 27099

(B)(1) A person may file a civil action to be declared a 27100
wrongfully imprisoned individual in ~~the~~ a court of common pleas ~~in~~ 27101
~~the county where the underlying criminal action was initiated.~~ 27102
That civil action shall be separate from the underlying finding of 27103
guilt ~~by the court of common pleas~~. Upon the filing of a civil 27104
action to be determined a wrongfully imprisoned individual, the 27105
attorney general shall be served with a copy of the complaint and 27106
shall be heard. 27107

(2) When ~~the~~ a court of common pleas ~~in the county where the~~ 27108
~~underlying criminal action was initiated~~ determines ~~in a separate~~ 27109
~~civil action~~ that a person is a wrongfully imprisoned individual, 27110
the court shall provide the person with a copy of this section and 27111
orally inform the person and the person's attorney of the person's 27112
rights under this section to commence a civil action against the 27113

state in the court of claims because of the person's wrongful 27114
imprisonment and to be represented in that civil action by counsel 27115
of the person's own choice. 27116

(3) The court described in division (B)(1) of this section 27117
shall notify the clerk of the court of claims, in writing and 27118
within seven days after the date of the entry of its determination 27119
that the person is a wrongfully imprisoned individual, of the name 27120
and proposed mailing address of the person and of the fact that 27121
the person has the rights to commence a civil action and to have 27122
legal representation as provided in this section. The clerk of the 27123
court of claims shall maintain in the clerk's office a list of 27124
wrongfully imprisoned individuals for whom notices are received 27125
under this section and shall create files in the clerk's office 27126
for each such individual. 27127

(4) Within sixty days after the date of the entry of the 27128
determination by ~~the a~~ court of common pleas ~~in the county where~~ 27129
~~the underlying criminal action was initiated~~ that a person is a 27130
wrongfully imprisoned individual, the clerk of the court of claims 27131
shall forward a preliminary judgment to the president of the 27132
controlling board requesting the payment of fifty per cent of the 27133
amount described in division (E)(2)(b) of this section to the 27134
wrongfully imprisoned individual. The board shall take all actions 27135
necessary to cause the payment of that amount out of the emergency 27136
purposes special purpose account of the board. 27137

(5) If an individual was serving at the time of the wrongful 27138
imprisonment concurrent sentences on other convictions that were 27139
not vacated, dismissed, or reversed on appeal, the individual is 27140
not eligible for compensation as described in this section for any 27141
portion of that wrongful imprisonment that occurred during a 27142
concurrent sentence of that nature. 27143

(C)(1) In a civil action under this section, a wrongfully 27144
imprisoned individual has the right to have counsel of the 27145

individual's own choice. 27146

(2) If a wrongfully imprisoned individual who is the subject 27147
of a court determination as described in division (B)(2) of this 27148
section does not commence a civil action under this section within 27149
six months after the entry of that determination, the clerk of the 27150
court of claims shall send a letter to the wrongfully imprisoned 27151
individual, at the address set forth in the notice received from 27152
the court of common pleas pursuant to division (B)(3) of this 27153
section or to any later address provided by the wrongfully 27154
imprisoned individual, that reminds the wrongfully imprisoned 27155
individual of the wrongfully imprisoned individual's rights under 27156
this section. Until the statute of limitations provided in 27157
division (H) of this section expires and unless the wrongfully 27158
imprisoned individual commences a civil action under this section, 27159
the clerk of the court of claims shall send a similar letter in a 27160
similar manner to the wrongfully imprisoned individual at least 27161
once each three months after the sending of the first reminder. 27162

(D) Notwithstanding any provisions of this chapter to the 27163
contrary, a wrongfully imprisoned individual has and may file a 27164
civil action against the state, in the court of claims, to recover 27165
a sum of money as described in this section, because of the 27166
individual's wrongful imprisonment. The court of claims shall have 27167
exclusive, original jurisdiction over such a civil action. The 27168
civil action shall proceed, be heard, and be determined as 27169
provided in sections 2743.01 to 2743.20 of the Revised Code, 27170
except that if a provision of this section conflicts with a 27171
provision in any of those sections, the provision in this section 27172
controls. 27173

(E)(1) In a civil action as described in division (D) of this 27174
section, the complainant may establish that the claimant is a 27175
wrongfully imprisoned individual by submitting to the court of 27176
claims a certified copy of the judgment entry of the court of 27177

common pleas associated with the claimant's conviction and 27178
sentencing, and a certified copy of the entry of the determination 27179
of the court of common pleas that the claimant is a wrongfully 27180
imprisoned individual under division (B)(2) of this section. No 27181
other evidence shall be required of the complainant to establish 27182
that the claimant is a wrongfully imprisoned individual, and the 27183
claimant shall be irrebuttably presumed to be a wrongfully 27184
imprisoned individual. 27185

(2) In a civil action as described in division (D) of this 27186
section, upon presentation of requisite proof to the court of 27187
claims, a wrongfully imprisoned individual is entitled to receive 27188
a sum of money that equals the total of each of the following 27189
amounts: 27190

(a) The amount of any fine or court costs imposed and paid, 27191
and the reasonable attorney's fees and other expenses incurred by 27192
the wrongfully imprisoned individual in connection with all 27193
associated criminal proceedings and appeals, and, if applicable, 27194
in connection with obtaining the wrongfully imprisoned 27195
individual's discharge from confinement in the state correctional 27196
institution; 27197

(b) For each full year of imprisonment in the state 27198
correctional institution for the offense of which the wrongfully 27199
imprisoned individual was found guilty, forty thousand three 27200
hundred thirty dollars or the adjusted amount determined by the 27201
auditor of state pursuant to section 2743.49 of the Revised Code, 27202
and for each part of a year of being so imprisoned, a pro-rated 27203
share of forty thousand three hundred thirty dollars or the 27204
adjusted amount determined by the auditor of state pursuant to 27205
section 2743.49 of the Revised Code; 27206

(c) Any loss of wages, salary, or other earned income that 27207
directly resulted from the wrongfully imprisoned individual's 27208
arrest, prosecution, conviction, and wrongful imprisonment; 27209

(d) The amount of the following cost debts the department of 27210
rehabilitation and correction recovered from the wrongfully 27211
imprisoned individual who was in custody of the department or 27212
under the department's supervision: 27213

(i) Any user fee or copayment for services at a detention 27214
facility, including, but not limited to, a fee or copayment for 27215
sick call visits; 27216

(ii) The cost of housing and feeding the wrongfully 27217
imprisoned individual in a detention facility; 27218

(iii) The cost of supervision of the wrongfully imprisoned 27219
individual; 27220

(iv) The cost of any ancillary services provided to the 27221
wrongfully imprisoned individual. 27222

(3) The court of claims shall deduct any known debts owed by 27223
the wrongfully imprisoned individual to the state, as defined in 27224
division (A) of section 2743.01 of the Revised Code, or a 27225
political subdivision, as defined in division (B) of section 27226
2743.01 of the Revised Code, from the sum of money described in 27227
division (E)(2) of this section, and those deducted amounts shall 27228
be paid to the state or political subdivision, whichever is 27229
applicable. 27230

(F)(1) If the court of claims determines in a civil action as 27231
described in division (D) of this section that the complainant is 27232
a wrongfully imprisoned individual, it shall enter judgment for 27233
the wrongfully imprisoned individual in the amount of the sum of 27234
money to which the wrongfully imprisoned individual is entitled 27235
under division (E)(2) of this section. In determining that sum, 27236
the court of claims shall not take into consideration any expenses 27237
incurred by the state or any of its political subdivisions in 27238
connection with the arrest, prosecution, and imprisonment of the 27239
wrongfully imprisoned individual, including, but not limited to, 27240

expenses for food, clothing, shelter, and medical services. The 27241
court shall reduce that sum by the amount of the payment to the 27242
wrongfully imprisoned individual described in division (B)(4) of 27243
this section. 27244

(2) If the wrongfully imprisoned individual was represented 27245
in the civil action under this section by counsel of the 27246
wrongfully imprisoned individual's own choice, the court of claims 27247
shall include in the judgment entry referred to in division (F)(1) 27248
of this section an award for the reasonable attorney's fees of 27249
that counsel. These fees shall be paid as provided in division (G) 27250
of this section. 27251

(3) The state consents to be sued by a wrongfully imprisoned 27252
individual because the imprisonment was wrongful, and to liability 27253
on its part because of that fact, only as provided in this 27254
section. However, this section does not affect any liability of 27255
the state or of its employees to a wrongfully imprisoned 27256
individual on a claim for relief that is not based on the fact of 27257
the wrongful imprisonment, including, but not limited to, a claim 27258
for relief that arises out of circumstances occurring during the 27259
wrongfully imprisoned individual's confinement in the state 27260
correctional institution. 27261

(G) The clerk of the court of claims shall forward a 27262
certified copy of a judgment under division (F) of this section to 27263
the president of the controlling board. The board shall take all 27264
actions necessary to cause the payment of the judgment out of the 27265
emergency purposes special purpose account of the board. 27266

(H) To be eligible to recover a sum of money as described in 27267
this section because of wrongful imprisonment, both of the 27268
following shall apply to a wrongfully imprisoned individual: 27269

(1) The wrongfully imprisoned individual shall not have been, 27270
prior to September 24, 1986, the subject of an act of the general 27271

assembly that authorized an award of compensation for the wrongful 27272
imprisonment or have been the subject of an action before the 27273
former sundry claims board that resulted in an award of 27274
compensation for the wrongful imprisonment. 27275

(2) The wrongfully imprisoned individual shall commence a 27276
civil action under this section in the court of claims no later 27277
than two years after the date of the entry of the determination of 27278
the court of common pleas that the individual is a wrongfully 27279
imprisoned individual under division (B)(2) of this section. 27280

Sec. 2743.75. (A) In order to provide for an expeditious and 27281
economical procedure that attempts to resolve disputes alleging a 27282
denial of access to public records in violation of division (B) of 27283
section 149.43 of the Revised Code, except for a court that hears 27284
a mandamus action pursuant to that section, the court of claims 27285
shall be the sole and exclusive authority in this state that 27286
adjudicates or resolves complaints based on alleged violations of 27287
that section. The clerk of the court of claims shall designate one 27288
or more current employees or hire one or more individuals to serve 27289
as special masters to hear complaints brought under this section. 27290
All special masters shall have been engaged in the practice of law 27291
in this state for at least four years and be in good standing with 27292
the supreme court at the time of designation or hiring. The clerk 27293
may assign administrative and clerical work associated with 27294
complaints brought under this section to current employees or may 27295
hire such additional employees as may be necessary to perform such 27296
work. 27297

(B) The clerk of the court of common pleas in each county 27298
shall act as the clerk of the court of claims for purposes of 27299
accepting those complaints filed with the clerk under division 27300
(D)(1) of this section, accepting filing fees for those 27301
complaints, and serving those complaints. 27302

(C)(1) Subject to division (C)(2) of this section, a person 27303
allegedly aggrieved by a denial of access to public records in 27304
violation of division (B) of section 149.43 of the Revised Code 27305
may seek relief under that section or under this section, 27306
provided, however, that if the allegedly aggrieved person files a 27307
complaint under either section, that person may not seek relief 27308
that pertains to the same request for records in a complaint filed 27309
under the other section. 27310

(2) If the allegedly aggrieved person files a complaint under 27311
this section and the court of claims determines that the complaint 27312
constitutes a case of first impression that involves an issue of 27313
substantial public interest, the court shall dismiss the complaint 27314
without prejudice and direct the allegedly aggrieved person to 27315
commence a mandamus action in the court of appeals with 27316
appropriate jurisdiction as provided in division (C)(1) of section 27317
149.43 of the Revised Code. 27318

(D)(1) An allegedly aggrieved person who proceeds under this 27319
section shall file a complaint, on a form prescribed by the clerk 27320
of the court of claims, with the clerk of the court of claims or 27321
with the clerk of the court of common pleas of the county in which 27322
the public office from which the records are requested is located. 27323
The person shall attach to the complaint copies of the original 27324
records request and any written responses or other communications 27325
relating to the request from the public office or person 27326
responsible for public records and shall pay a filing fee of 27327
twenty-five dollars made payable to the clerk of the court with 27328
whom the complaint is filed. The clerk shall serve a copy of the 27329
complaint on the public office or person responsible for public 27330
records for the particular public office in accordance with Civil 27331
Rule 4.1 and, if the complaint is filed with the clerk of the 27332
court of common pleas, shall forward the complaint to the clerk of 27333
the court of claims, and to no other court, within three business 27334

days after service is complete. 27335

(2) Upon receipt of a complaint filed under division (D)(1) 27336
of this section, the clerk of the court of claims shall assign a 27337
case number for the action and a special master to examine the 27338
complaint. Notwithstanding any provision to the contrary in this 27339
section, upon the recommendation of the special master, the court 27340
of claims on its own motion may dismiss the complaint at any time. 27341
The allegedly aggrieved person may voluntarily dismiss the 27342
complaint filed by that person under division (D)(1) of this 27343
section. 27344

(E)(1) Upon service of a complaint under division (D)(1) of 27345
this section, except as otherwise provided in this division, the 27346
special master assigned by the clerk under division (D)(2) of this 27347
section immediately shall refer the case to mediation services 27348
that the court of claims makes available to persons. If, in the 27349
interest of justice considering the circumstances of the case or 27350
the parties, the special master determines that the case should 27351
not be referred to mediation, the special master shall notify the 27352
court that the case was not referred to mediation, and the case 27353
shall proceed in accordance with division (F) of this section. If 27354
the case is referred to mediation, any further proceedings under 27355
division (F) of this section shall be stayed until the conclusion 27356
of the mediation. Any mediation proceedings under this division 27357
may be conducted by teleconference, telephone, or other electronic 27358
means. If an agreement is reached during mediation, the court 27359
shall dismiss the complaint. If an agreement is not reached, the 27360
special master shall notify the court that the case was not 27361
resolved and that the mediation has been terminated. 27362

(2) Within ten business days after the termination of the 27363
mediation or the notification to the court that the case was not 27364
referred to mediation under division (E)(1) of this section, the 27365
public office or person responsible for public records shall file 27366

a response, and if applicable, a motion to dismiss the complaint, 27367
with the clerk of the court of claims and transmit copies of the 27368
pleadings to the allegedly aggrieved party. No further motions or 27369
pleadings shall be accepted by the clerk of the court of claims or 27370
by the special master assigned by the clerk under division (D)(2) 27371
of this section unless the special master directs in writing that 27372
a further motion or pleading be filed. 27373

(3) All of the following apply prior to the submission of the 27374
special master's report and recommendation to the court of claims 27375
under division (F)(1) of this section: 27376

(a) The special master shall not permit any discovery. 27377

(b) The parties may attach supporting affidavits to their 27378
respective pleadings. 27379

(c) The special master may require either or both of the 27380
parties to submit additional information or documentation 27381
supported by affidavits. 27382

(F)(1) Not later than seven business days after receiving the 27383
response, or motion to dismiss the complaint, if applicable, of 27384
the public office or person responsible for public records, the 27385
special master shall submit to the court of claims a report and 27386
recommendation based on the ordinary application of statutory law 27387
and case law as they existed at the time of the filing of the 27388
complaint. For good cause shown, the special master may extend the 27389
seven-day period for the submission of the report and 27390
recommendation to the court of claims under this division by an 27391
additional seven business days. 27392

(2) Upon submission of the special master's report and 27393
recommendation to the court of claims under division (F)(1) of 27394
this section, the clerk shall send copies of the report and 27395
recommendation to each party by certified mail, return receipt 27396
requested, not later than three business days after the report and 27397

recommendation is filed. Either party may object to the report and 27398
recommendation within seven business days after receiving the 27399
report and recommendation by filing a written objection with the 27400
clerk and sending a copy to the other party by certified mail, 27401
return receipt requested. Any objection to the report and 27402
recommendation shall be specific and state with particularity all 27403
grounds for the objection. If neither party timely objects, the 27404
court of claims shall promptly issue a final order adopting the 27405
report and recommendation, unless it determines that there is an 27406
error of law or other defect evident on the face of the report and 27407
recommendation. If either party timely objects, the other party 27408
may file with the clerk a response within seven business days 27409
after receiving the objection and send a copy of the response to 27410
the objecting party by certified mail, return receipt requested. 27411
The court, within seven business days after the response to the 27412
objection is filed, shall issue a final order that adopts, 27413
modifies, or rejects the report and recommendation. 27414

(3) If the court of claims determines that the public office 27415
or person responsible for the public records denied the aggrieved 27416
person access to the public records in violation of division (B) 27417
of section 149.43 of the Revised Code and if no appeal from the 27418
court's final order is taken under division (G) of this section, 27419
both of the following apply: 27420

(a) The public office or the person responsible for the 27421
public records shall permit the aggrieved person to inspect or 27422
receive copies of the public records that the court requires to be 27423
disclosed in its order. 27424

(b) The aggrieved person shall be entitled to recover from 27425
the public office or person responsible for the public records the 27426
amount of the filing fee of twenty-five dollars and any other 27427
costs associated with the action that are incurred by the 27428
aggrieved person, but shall not be entitled to recover attorney's 27429

fees, except that division (G)(2) of this section applies if an appeal is taken under division (G)(1) of this section.

(G)(1) Any appeal from a final order of the court of claims under this section or from an order of the court of claims dismissing the complaint as provided in division (D)(2) of this section shall be taken to the court of appeals of the appellate district where the principal place of business of the public office from which the public record is requested is located. However, no appeal may be taken from a final order of the court of claims that adopts the special master's report and recommendation unless a timely objection to that report and recommendation was filed under division (F)(2) of this section. If the court of claims materially modifies the special master's report and recommendation, either party may take an appeal to the court of appeals of the appellate district of the principal place of business where that public office is located but the appeal shall be limited to the issue in the report and recommendation that is materially modified by the court of claims. In order to facilitate the expeditious resolution of disputes over alleged denials of access to public records in violation of division (B) of section 149.43 of the Revised Code, the appeal shall be given such precedence over other pending matters as will ensure that the court will reach a decision promptly.

(2) If a court of appeals in any appeal taken under division (G)(1) of this section by the public office or person responsible for the public records determines that the public office or person denied the aggrieved person access to the public records in violation of division (B) of section 149.43 of the Revised Code and obviously filed the appeal with the intent to either delay compliance with the court of claims' order from which the appeal is taken for no reasonable cause or unduly harass the aggrieved person, the court of appeals may award reasonable attorney's fees

to the aggrieved person in accordance with division (C) of section 27462
149.43 of the Revised Code. No discovery may be conducted on the 27463
issue of the public office or person responsible for the public 27464
records filing the appeal with the alleged intent to either delay 27465
compliance with the court of claims' order for no reasonable cause 27466
or unduly harass the aggrieved person. This division shall not be 27467
construed as creating a presumption that the public office or the 27468
person responsible for the public records filed the appeal with 27469
the intent to either delay compliance with the court of claims' 27470
order for no reasonable cause or unduly harass the aggrieved 27471
person. 27472

(H) The powers of the court of claims prescribed in section 27473
2743.05 of the Revised Code apply to the proceedings in that court 27474
under this section. 27475

(I)(1) All filing fees collected by a clerk of the court of 27476
common pleas under division (D)(1) of this section shall be paid 27477
to the county treasurer for deposit into the county general 27478
revenue fund. All such money collected during a month shall be 27479
transmitted on or before the twentieth day of the following month 27480
by the clerk of the court of common pleas to the county treasurer. 27481

(2) All filing fees collected by the clerk of the court of 27482
claims under division (D)(1) of this section shall be ~~kept~~ 27483
deposited into the state treasury to the credit of the public 27484
records fund, which is hereby created. Money credited to the fund 27485
shall be used by the court of claims to assist in paying for its 27486
costs to implement this section. All investment earnings of the 27487
fund shall be credited to the fund. Not later than the first day 27488
of February of each year, the clerk of the court of claims shall 27489
prepare a report accessible to the public that details the fees 27490
collected during the preceding calendar year by the clerk of the 27491
court of claims and the clerks of the courts of common pleas under 27492
this section. 27493

(J) Nothing in this section shall be construed to limit the authority of the auditor of state under division (G) of section 109.43 of the Revised Code.

Sec. 2903.213. (A) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of a municipal ordinance substantially similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file a motion that requests the issuance of a protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint. If the complaint involves a person who is a family or household member, the complainant, the alleged victim, or the family or household member may file a motion for a temporary protection order pursuant to section 2919.26 of the Revised Code.

(B) A motion for a protection order under this section shall be prepared on a form that is provided by the clerk of the court, and the form shall be substantially as follows:

"Motion for Protection Order
.....
Name and address of court

State of Ohio

v. No.

.....

Name of Defendant

(Name of person), moves the court to issue a protection order 27525
containing terms designed to ensure the safety and protection of 27526
the complainant or the alleged victim in the above-captioned case, 27527
in relation to the named defendant, pursuant to its authority to 27528
issue a protection order under section 2903.213 of the Revised 27529
Code. 27530

A complaint, a copy of which has been attached to this 27531
motion, has been filed in this court charging the named defendant 27532
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 27533
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 27534
a municipal ordinance substantially similar to section 2903.13, 27535
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 27536
the commission of a sexually oriented offense. 27537

I understand that I must appear before the court, at a time 27538
set by the court not later than the next day that the court is in 27539
session after the filing of this motion, for a hearing on the 27540
motion, and that any protection order granted pursuant to this 27541
motion is a pretrial condition of release and is effective only 27542
until the disposition of the criminal proceeding arising out of 27543
the attached complaint or until the issuance under section 27544
2903.214 of the Revised Code of a protection order arising out of 27545
the same activities as those that were the basis of the attached 27546
complaint. 27547

..... 27548

Signature of person 27549

..... 27550

Address of person" 27551

(C)(1) As soon as possible after the filing of a motion that 27552
requests the issuance of a protection order under this section, 27553
but not later than the next day that the court is in session after 27554
the filing of the motion, the court shall conduct a hearing to 27555

determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant or the alleged victim, and may include within the order a term authorizing the complainant or the alleged victim to remove a companion animal owned by the complainant or the alleged victim from the possession of the alleged offender.

(2)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, the alleged victim, or a family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, the alleged victim, or a family or household member.

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender

charged with a violation of section 2919.27 of the Revised Code, 27588
with a violation of a municipal ordinance substantially equivalent 27589
to that section, or with contempt of court, which charge is based 27590
on an alleged violation of a protection order issued under this 27591
section, did not commit the violation or was not in contempt of 27592
court. 27593

(D)(1) Except when the complaint involves a person who is a 27594
family or household member as defined in section 2919.25 of the 27595
Revised Code, upon the filing of a complaint that alleges a 27596
violation specified in division (A) of this section, the court, 27597
upon its own motion, may issue a protection order under this 27598
section as a pretrial condition of release of the alleged offender 27599
if it finds that the safety and protection of the complainant or 27600
the alleged victim may be impaired by the continued presence of 27601
the alleged offender. 27602

(2)(a) If the court issues a protection order under this 27603
section as an ex parte order, it shall conduct, as soon as 27604
possible after the issuance of the order but not later than the 27605
next day that the court is in session after its issuance, a 27606
hearing to determine whether the order should remain in effect, be 27607
modified, or be revoked. The hearing shall be conducted under the 27608
standards set forth in division (C) of this section. 27609

(b) If at a hearing conducted under division (D)(2)(a) of 27610
this section the court determines that the ex parte order that the 27611
court issued should be revoked, the court, on its own motion, 27612
shall order that the ex parte order that is revoked and all of the 27613
records pertaining to that ex parte order be expunged. 27614

(3) If a municipal court or a county court issues a 27615
protection order under this section and if, subsequent to the 27616
issuance of the order, the alleged offender who is the subject of 27617
the order is bound over to the court of common pleas for 27618
prosecution of a felony arising out of the same activities as 27619

those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

(E) A protection order that is issued as a pretrial condition of release under this section:

(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;

(2) Is effective only until the disposition, by the court that issued the order or, in the circumstances described in division (D)(3) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the complaint filed under this section;

(3) Shall not be construed as a finding that the alleged offender committed the alleged offense and shall not be introduced as evidence of the commission of the offense at the trial of the

alleged offender on the complaint upon which the order is based. 27652

(F) A person who meets the criteria for bail under Criminal 27653
Rule 46 and who, if required to do so pursuant to that rule, 27654
executes or posts bond or deposits cash or securities as bail, 27655
shall not be held in custody pending a hearing before the court on 27656
a motion requesting a protection order under this section. 27657

(G)(1) A copy of a protection order that is issued under this 27658
section shall be issued by the court to the complainant, to the 27659
alleged victim, to the person who requested the order, to the 27660
defendant, and to all law enforcement agencies that have 27661
jurisdiction to enforce the order. The court shall direct that a 27662
copy of the order be delivered to the defendant on the same day 27663
that the order is entered. If a municipal court or a county court 27664
issues a protection order under this section and if, subsequent to 27665
the issuance of the order, the defendant who is the subject of the 27666
order is bound over to the court of common pleas for prosecution 27667
as described in division (D)(3) of this section, the municipal 27668
court or county court shall direct that a copy of the order be 27669
delivered to the court of common pleas to which the defendant is 27670
bound over. 27671

(2) All law enforcement agencies shall establish and maintain 27672
an index for the protection orders delivered to the agencies 27673
pursuant to division (G)(1) of this section. With respect to each 27674
order delivered, each agency shall note on the index the date and 27675
time of the agency's receipt of the order. 27676

(3) Regardless of whether the petitioner has registered the 27677
protection order in the county in which the officer's agency has 27678
jurisdiction, any officer of a law enforcement agency shall 27679
enforce a protection order issued pursuant to this section in 27680
accordance with the provisions of the order. 27681

(H) Upon a violation of a protection order issued pursuant to 27682

this section, the court may issue another protection order under 27683
this section, as a pretrial condition of release, that modifies 27684
the terms of the order that was violated. 27685

(I)(1) Subject to division (I)(2) of this section and 27686
regardless of whether a protection order is issued or a consent 27687
agreement is approved by a court of another county or by a court 27688
of another state, no court or unit of state or local government 27689
shall charge the movant any fee, cost, deposit, or money in 27690
connection with the filing of a motion pursuant to this section, 27691
in connection with the filing, issuance, registration, 27692
modification, enforcement, dismissal, withdrawal, or service of a 27693
protection order, consent agreement, or witness subpoena or for 27694
obtaining certified copies of a protection order or consent 27695
agreement. 27696

(2) Regardless of whether a protection order is issued or a 27697
consent agreement is approved pursuant to this section, if the 27698
defendant is convicted the court may assess costs against the 27699
defendant in connection with the filing, issuance, registration, 27700
modification, enforcement, dismissal, withdrawal, or service of a 27701
protection order, consent agreement, or witness subpoena or for 27702
obtaining a certified copy of a protection order or consent 27703
agreement. 27704

(J) As used in this section: 27705

(1) "Sexually oriented offense" has the same meaning as in 27706
section 2950.01 of the Revised Code. 27707

(2) "Companion animal" has the same meaning as in section 27708
959.131 of the Revised Code. 27709

(3) "Expunge" means to destroy, delete, and erase a record, 27710
as appropriate for the record's physical or electronic form or 27711
characteristic, so that the record is permanently irretrievable. 27712

Sec. 2903.214. (A) As used in this section:	27713
(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.	27714 27715
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	27716 27717
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	27718 27719
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	27720 27721
(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	27722 27723
(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	27724 27725
(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	27726 27727
<u>(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.</u>	27728 27729
(B) The court has jurisdiction over all proceedings under this section.	27730 27731
(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following:	27732 27733 27734 27735 27736
(1) An allegation that the respondent is eighteen years of age or older and engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description	27737 27738 27739 27740 27741

of the nature and extent of the violation; 27742

(2) If the petitioner seeks relief in the form of electronic 27743
monitoring of the respondent, an allegation that at any time 27744
preceding the filing of the petition the respondent engaged in 27745
conduct that would cause a reasonable person to believe that the 27746
health, welfare, or safety of the person to be protected was at 27747
risk, a description of the nature and extent of that conduct, and 27748
an allegation that the respondent presents a continuing danger to 27749
the person to be protected; 27750

(3) A request for relief under this section. 27751

(D)(1) If a person who files a petition pursuant to this 27752
section requests an ex parte order, the court shall hold an ex 27753
parte hearing as soon as possible after the petition is filed, but 27754
not later than the next day that the court is in session after the 27755
petition is filed. The court, for good cause shown at the ex parte 27756
hearing, may enter any temporary orders, with or without bond, 27757
that the court finds necessary for the safety and protection of 27758
the person to be protected by the order. Immediate and present 27759
danger to the person to be protected by the protection order 27760
constitutes good cause for purposes of this section. Immediate and 27761
present danger includes, but is not limited to, situations in 27762
which the respondent has threatened the person to be protected by 27763
the protection order with bodily harm or in which the respondent 27764
previously has been convicted of or pleaded guilty to a violation 27765
of section 2903.211 of the Revised Code or a sexually oriented 27766
offense against the person to be protected by the protection 27767
order. 27768

(2)(a) If the court, after an ex parte hearing, issues a 27769
protection order described in division (E) of this section, the 27770
court shall schedule a full hearing for a date that is within ten 27771
court days after the ex parte hearing. The court shall give the 27772
respondent notice of, and an opportunity to be heard at, the full 27773

hearing. The court shall hold the full hearing on the date 27774
scheduled under this division unless the court grants a 27775
continuance of the hearing in accordance with this division. Under 27776
any of the following circumstances or for any of the following 27777
reasons, the court may grant a continuance of the full hearing to 27778
a reasonable time determined by the court: 27779

(i) Prior to the date scheduled for the full hearing under 27780
this division, the respondent has not been served with the 27781
petition filed pursuant to this section and notice of the full 27782
hearing. 27783

(ii) The parties consent to the continuance. 27784

(iii) The continuance is needed to allow a party to obtain 27785
counsel. 27786

(iv) The continuance is needed for other good cause. 27787

(b) An ex parte order issued under this section does not 27788
expire because of a failure to serve notice of the full hearing 27789
upon the respondent before the date set for the full hearing under 27790
division (D)(2)(a) of this section or because the court grants a 27791
continuance under that division. 27792

(3) If a person who files a petition pursuant to this section 27793
does not request an ex parte order, or if a person requests an ex 27794
parte order but the court does not issue an ex parte order after 27795
an ex parte hearing, the court shall proceed as in a normal civil 27796
action and grant a full hearing on the matter. 27797

(E)(1)(a) After an ex parte or full hearing, the court may 27798
issue any protection order, with or without bond, that contains 27799
terms designed to ensure the safety and protection of the person 27800
to be protected by the protection order, including, but not 27801
limited to, a requirement that the respondent refrain from 27802
entering the residence, school, business, or place of employment 27803
of the petitioner or family or household member. If the court 27804

includes a requirement that the respondent refrain from entering 27805
the residence, school, business, or place of employment of the 27806
petitioner or family or household member in the order, it also 27807
shall include in the order provisions of the type described in 27808
division (E)(5) of this section. The court may include within a 27809
protection order issued under this section a term requiring that 27810
the respondent not remove, damage, hide, harm, or dispose of any 27811
companion animal owned or possessed by the person to be protected 27812
by the order, and may include within the order a term authorizing 27813
the person to be protected by the order to remove a companion 27814
animal owned by the person to be protected by the order from the 27815
possession of the respondent. 27816

(b) After a full hearing, if the court considering a petition 27817
that includes an allegation of the type described in division 27818
(C)(2) of this section, or the court upon its own motion, finds 27819
upon clear and convincing evidence that the petitioner reasonably 27820
believed that the respondent's conduct at any time preceding the 27821
filing of the petition endangered the health, welfare, or safety 27822
of the person to be protected and that the respondent presents a 27823
continuing danger to the person to be protected, the court may 27824
order that the respondent be electronically monitored for a period 27825
of time and under the terms and conditions that the court 27826
determines are appropriate. Electronic monitoring shall be in 27827
addition to any other relief granted to the petitioner. 27828

(2)(a) Any protection order issued pursuant to this section 27829
shall be valid until a date certain but not later than five years 27830
from the date of its issuance. 27831

(b) Any protection order issued pursuant to this section may 27832
be renewed in the same manner as the original order was issued. 27833

(3) A court may not issue a protection order that requires a 27834
petitioner to do or to refrain from doing an act that the court 27835
may require a respondent to do or to refrain from doing under 27836

division (E)(1) of this section unless all of the following apply: 27837

(a) The respondent files a separate petition for a protection 27838
order in accordance with this section. 27839

(b) The petitioner is served with notice of the respondent's 27840
petition at least forty-eight hours before the court holds a 27841
hearing with respect to the respondent's petition, or the 27842
petitioner waives the right to receive this notice. 27843

(c) If the petitioner has requested an ex parte order 27844
pursuant to division (D) of this section, the court does not delay 27845
any hearing required by that division beyond the time specified in 27846
that division in order to consolidate the hearing with a hearing 27847
on the petition filed by the respondent. 27848

(d) After a full hearing at which the respondent presents 27849
evidence in support of the request for a protection order and the 27850
petitioner is afforded an opportunity to defend against that 27851
evidence, the court determines that the petitioner has committed a 27852
violation of section 2903.211 of the Revised Code against the 27853
person to be protected by the protection order issued pursuant to 27854
division (E)(3) of this section, has committed a sexually oriented 27855
offense against the person to be protected by the protection order 27856
issued pursuant to division (E)(3) of this section, or has 27857
violated a protection order issued pursuant to section 2903.213 of 27858
the Revised Code relative to the person to be protected by the 27859
protection order issued pursuant to division (E)(3) of this 27860
section. 27861

(4) No protection order issued pursuant to this section shall 27862
in any manner affect title to any real property. 27863

(5)(a) If the court issues a protection order under this 27864
section that includes a requirement that the alleged offender 27865
refrain from entering the residence, school, business, or place of 27866
employment of the petitioner or a family or household member, the 27867

order shall clearly state that the order cannot be waived or 27868
nullified by an invitation to the alleged offender from the 27869
complainant to enter the residence, school, business, or place of 27870
employment or by the alleged offender's entry into one of those 27871
places otherwise upon the consent of the petitioner or family or 27872
household member. 27873

(b) Division (E)(5)(a) of this section does not limit any 27874
discretion of a court to determine that an alleged offender 27875
charged with a violation of section 2919.27 of the Revised Code, 27876
with a violation of a municipal ordinance substantially equivalent 27877
to that section, or with contempt of court, which charge is based 27878
on an alleged violation of a protection order issued under this 27879
section, did not commit the violation or was not in contempt of 27880
court. 27881

(F)(1) The court shall cause the delivery of a copy of any 27882
protection order that is issued under this section to the 27883
petitioner, to the respondent, and to all law enforcement agencies 27884
that have jurisdiction to enforce the order. The court shall 27885
direct that a copy of the order be delivered to the respondent on 27886
the same day that the order is entered. 27887

(2) Upon the issuance of a protection order under this 27888
section, the court shall provide the parties to the order with the 27889
following notice orally or by form: 27890

"NOTICE 27891

As a result of this order, it may be unlawful for you to 27892
possess or purchase a firearm, including a rifle, pistol, or 27893
revolver, or ammunition pursuant to federal law under 18 U.S.C. 27894
922(g)(8). If you have any questions whether this law makes it 27895
illegal for you to possess or purchase a firearm or ammunition, 27896
you should consult an attorney." 27897

(3) All law enforcement agencies shall establish and maintain 27898

an index for the protection orders delivered to the agencies 27899
pursuant to division (F)(1) of this section. With respect to each 27900
order delivered, each agency shall note on the index the date and 27901
time that it received the order. 27902

(4) Regardless of whether the petitioner has registered the 27903
protection order in the county in which the officer's agency has 27904
jurisdiction pursuant to division (M) of this section, any officer 27905
of a law enforcement agency shall enforce a protection order 27906
issued pursuant to this section by any court in this state in 27907
accordance with the provisions of the order, including removing 27908
the respondent from the premises, if appropriate. 27909

(G)(1) Any proceeding under this section shall be conducted 27910
in accordance with the Rules of Civil Procedure, except that a 27911
protection order may be obtained under this section with or 27912
without bond. An order issued under this section, other than an ex 27913
parte order, that grants a protection order, or that refuses to 27914
grant a protection order, is a final, appealable order. The 27915
remedies and procedures provided in this section are in addition 27916
to, and not in lieu of, any other available civil or criminal 27917
remedies. 27918

(2) If as provided in division (G)(1) of this section an 27919
order issued under this section, other than an ex parte order, 27920
refuses to grant a protection order, the court, on its own motion, 27921
shall order that the ex parte order issued under this section and 27922
all of the records pertaining to that ex parte order be expunged 27923
after either of the following occurs: 27924

(a) The period of the notice of appeal from the order that 27925
refuses to grant a protection order has expired. 27926

(b) The order that refuses to grant the protection order is 27927
appealed and an appellate court to which the last appeal of that 27928
order is taken affirms the order. 27929

(H) The filing of proceedings under this section does not 27930
excuse a person from filing any report or giving any notice 27931
required by section 2151.421 of the Revised Code or by any other 27932
law. 27933

(I) Any law enforcement agency that investigates an alleged 27934
violation of section 2903.211 of the Revised Code or an alleged 27935
commission of a sexually oriented offense shall provide 27936
information to the victim and the family or household members of 27937
the victim regarding the relief available under this section and 27938
section 2903.213 of the Revised Code. 27939

(J)(1) Subject to division (J)(2) of this section and 27940
regardless of whether a protection order is issued or a consent 27941
agreement is approved by a court of another county or by a court 27942
of another state, no court or unit of state or local government 27943
shall charge the petitioner any fee, cost, deposit, or money in 27944
connection with the filing of a petition pursuant to this section, 27945
in connection with the filing, issuance, registration, 27946
modification, enforcement, dismissal, withdrawal, or service of a 27947
protection order, consent agreement, or witness subpoena or for 27948
obtaining a certified copy of a protection order or consent 27949
agreement. 27950

(2) Regardless of whether a protection order is issued or a 27951
consent agreement is approved pursuant to this section, the court 27952
may assess costs against the respondent in connection with the 27953
filing, issuance, registration, modification, enforcement, 27954
dismissal, withdrawal, or service of a protection order, consent 27955
agreement, or witness subpoena or for obtaining a certified copy 27956
of a protection order or consent agreement. 27957

(K)(1) A person who violates a protection order issued under 27958
this section is subject to the following sanctions: 27959

(a) Criminal prosecution for a violation of section 2919.27 27960

of the Revised Code, if the violation of the protection order 27961
constitutes a violation of that section; 27962

(b) Punishment for contempt of court. 27963

(2) The punishment of a person for contempt of court for 27964
violation of a protection order issued under this section does not 27965
bar criminal prosecution of the person for a violation of section 27966
2919.27 of the Revised Code. However, a person punished for 27967
contempt of court is entitled to credit for the punishment imposed 27968
upon conviction of a violation of that section, and a person 27969
convicted of a violation of that section shall not subsequently be 27970
punished for contempt of court arising out of the same activity. 27971

(L) In all stages of a proceeding under this section, a 27972
petitioner may be accompanied by a victim advocate. 27973

(M)(1) A petitioner who obtains a protection order under this 27974
section or a protection order under section 2903.213 of the 27975
Revised Code may provide notice of the issuance or approval of the 27976
order to the judicial and law enforcement officials in any county 27977
other than the county in which the order is issued by registering 27978
that order in the other county pursuant to division (M)(2) of this 27979
section and filing a copy of the registered order with a law 27980
enforcement agency in the other county in accordance with that 27981
division. A person who obtains a protection order issued by a 27982
court of another state may provide notice of the issuance of the 27983
order to the judicial and law enforcement officials in any county 27984
of this state by registering the order in that county pursuant to 27985
section 2919.272 of the Revised Code and filing a copy of the 27986
registered order with a law enforcement agency in that county. 27987

(2) A petitioner may register a protection order issued 27988
pursuant to this section or section 2903.213 of the Revised Code 27989
in a county other than the county in which the court that issued 27990
the order is located in the following manner: 27991

(a) The petitioner shall obtain a certified copy of the order 27992
from the clerk of the court that issued the order and present that 27993
certified copy to the clerk of the court of common pleas or the 27994
clerk of a municipal court or county court in the county in which 27995
the order is to be registered. 27996

(b) Upon accepting the certified copy of the order for 27997
registration, the clerk of the court of common pleas, municipal 27998
court, or county court shall place an endorsement of registration 27999
on the order and give the petitioner a copy of the order that 28000
bears that proof of registration. 28001

(3) The clerk of each court of common pleas, municipal court, 28002
or county court shall maintain a registry of certified copies of 28003
protection orders that have been issued by courts in other 28004
counties pursuant to this section or section 2903.213 of the 28005
Revised Code and that have been registered with the clerk. 28006

(N)(1) If the court orders electronic monitoring of the 28007
respondent under this section, the court shall direct the 28008
sheriff's office or any other appropriate law enforcement agency 28009
to install the electronic monitoring device and to monitor the 28010
respondent. Unless the court determines that the respondent is 28011
indigent, the court shall order the respondent to pay the cost of 28012
the installation and monitoring of the electronic monitoring 28013
device. If the court determines that the respondent is indigent 28014
and subject to the maximum amount allowable to be paid in any year 28015
from the fund and the rules promulgated by the attorney general 28016
under division (N)(2) of this section, the cost of the 28017
installation and monitoring of the electronic monitoring device 28018
may be paid out of funds from the reparations fund created 28019
pursuant to section 2743.191 of the Revised Code. The total amount 28020
of costs for the installation and monitoring of electronic 28021
monitoring devices paid pursuant to this division and sections 28022
2151.34 and 2919.27 of the Revised Code from the reparations fund 28023

shall not exceed three hundred thousand dollars per year. 28024

(2) The attorney general may promulgate rules pursuant to 28025
section 111.15 of the Revised Code to govern payments made from 28026
the reparations fund pursuant to this division and sections 28027
2151.34 and 2919.27 of the Revised Code. The rules may include 28028
reasonable limits on the total cost paid pursuant to this division 28029
and sections 2151.34 and 2919.27 of the Revised Code per 28030
respondent, the amount of the three hundred thousand dollars 28031
allocated to each county, and how invoices may be submitted by a 28032
county, court, or other entity. 28033

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 28034
alleges a violation of section 2909.06, 2909.07, 2911.12, or 28035
2911.211 of the Revised Code if the alleged victim of the 28036
violation was a family or household member at the time of the 28037
violation, a violation of a municipal ordinance that is 28038
substantially similar to any of those sections if the alleged 28039
victim of the violation was a family or household member at the 28040
time of the violation, any offense of violence if the alleged 28041
victim of the offense was a family or household member at the time 28042
of the commission of the offense, or any sexually oriented offense 28043
if the alleged victim of the offense was a family or household 28044
member at the time of the commission of the offense, the 28045
complainant, the alleged victim, or a family or household member 28046
of an alleged victim may file, or, if in an emergency the alleged 28047
victim is unable to file, a person who made an arrest for the 28048
alleged violation or offense under section 2935.03 of the Revised 28049
Code may file on behalf of the alleged victim, a motion that 28050
requests the issuance of a temporary protection order as a 28051
pretrial condition of release of the alleged offender, in addition 28052
to any bail set under Criminal Rule 46. The motion shall be filed 28053
with the clerk of the court that has jurisdiction of the case at 28054
any time after the filing of the complaint. 28055

(2) For purposes of section 2930.09 of the Revised Code, all stages of a proceeding arising out of a complaint alleging the commission of a violation, offense of violence, or sexually oriented offense described in division (A)(1) of this section, including all proceedings on a motion for a temporary protection order, are critical stages of the case, and a victim may be accompanied by a victim advocate or another person to provide support to the victim as provided in that section.

(B) The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v.

No.

.....

Name of Defendant

(name of person), moves the court to issue a temporary protection order containing terms designed to ensure the safety and protection of the complainant, alleged victim, and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with (name of the specified violation, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented

offense charged), or charging the named defendant with a violation 28087
of a municipal ordinance that is substantially similar to 28088
..... (section of the Revised Code designating 28089
the specified violation, offense of violence, or sexually oriented 28090
offense charged) involving a family or household member. 28091

I understand that I must appear before the court, at a time 28092
set by the court within twenty-four hours after the filing of this 28093
motion, for a hearing on the motion or that, if I am unable to 28094
appear because of hospitalization or a medical condition resulting 28095
from the offense alleged in the complaint, a person who can 28096
provide information about my need for a temporary protection order 28097
must appear before the court in lieu of my appearing in court. I 28098
understand that any temporary protection order granted pursuant to 28099
this motion is a pretrial condition of release and is effective 28100
only until the disposition of the criminal proceeding arising out 28101
of the attached complaint, or the issuance of a civil protection 28102
order or the approval of a consent agreement, arising out of the 28103
same activities as those that were the basis of the complaint, 28104
under section 3113.31 of the Revised Code. 28105

..... 28106

Signature of person 28107

(or signature of the arresting officer who filed the motion on 28108
behalf of the alleged victim) 28109

..... 28110

Address of person (or office address of the arresting officer who 28111
filed the motion on behalf of the alleged victim)" 28112

(C)(1) As soon as possible after the filing of a motion that 28113
requests the issuance of a temporary protection order, but not 28114
later than twenty-four hours after the filing of the motion, the 28115
court shall conduct a hearing to determine whether to issue the 28116
order. The person who requested the order shall appear before the 28117

court and provide the court with the information that it requests 28118
concerning the basis of the motion. If the person who requested 28119
the order is unable to appear and if the court finds that the 28120
failure to appear is because of the person's hospitalization or 28121
medical condition resulting from the offense alleged in the 28122
complaint, another person who is able to provide the court with 28123
the information it requests may appear in lieu of the person who 28124
requested the order. If the court finds that the safety and 28125
protection of the complainant, alleged victim, or any other family 28126
or household member of the alleged victim may be impaired by the 28127
continued presence of the alleged offender, the court may issue a 28128
temporary protection order, as a pretrial condition of release, 28129
that contains terms designed to ensure the safety and protection 28130
of the complainant, alleged victim, or the family or household 28131
member, including a requirement that the alleged offender refrain 28132
from entering the residence, school, business, or place of 28133
employment of the complainant, alleged victim, or the family or 28134
household member. The court may include within a protection order 28135
issued under this section a term requiring that the alleged 28136
offender not remove, damage, hide, harm, or dispose of any 28137
companion animal owned or possessed by the complainant, alleged 28138
victim, or any other family or household member of the alleged 28139
victim, and may include within the order a term authorizing the 28140
complainant, alleged victim, or other family or household member 28141
of the alleged victim to remove a companion animal owned by the 28142
complainant, alleged victim, or other family or household member 28143
from the possession of the alleged offender. 28144

(2)(a) If the court issues a temporary protection order that 28145
includes a requirement that the alleged offender refrain from 28146
entering the residence, school, business, or place of employment 28147
of the complainant, the alleged victim, or the family or household 28148
member, the order shall state clearly that the order cannot be 28149
waived or nullified by an invitation to the alleged offender from 28150

the complainant, alleged victim, or family or household member to 28151
enter the residence, school, business, or place of employment or 28152
by the alleged offender's entry into one of those places otherwise 28153
upon the consent of the complainant, alleged victim, or family or 28154
household member. 28155

(b) Division (C)(2)(a) of this section does not limit any 28156
discretion of a court to determine that an alleged offender 28157
charged with a violation of section 2919.27 of the Revised Code, 28158
with a violation of a municipal ordinance substantially equivalent 28159
to that section, or with contempt of court, which charge is based 28160
on an alleged violation of a temporary protection order issued 28161
under this section, did not commit the violation or was not in 28162
contempt of court. 28163

(D)(1) Upon the filing of a complaint that alleges a 28164
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 28165
Revised Code if the alleged victim of the violation was a family 28166
or household member at the time of the violation, a violation of a 28167
municipal ordinance that is substantially similar to any of those 28168
sections if the alleged victim of the violation was a family or 28169
household member at the time of the violation, any offense of 28170
violence if the alleged victim of the offense was a family or 28171
household member at the time of the commission of the offense, or 28172
any sexually oriented offense if the alleged victim of the offense 28173
was a family or household member at the time of the commission of 28174
the offense, the court, upon its own motion, may issue a temporary 28175
protection order as a pretrial condition of release if it finds 28176
that the safety and protection of the complainant, alleged victim, 28177
or other family or household member of the alleged offender may be 28178
impaired by the continued presence of the alleged offender. 28179

(2)(a) If the court issues a temporary protection order under 28180
this section as an ex parte order, it shall conduct, as soon as 28181
possible after the issuance of the order, a hearing in the 28182

presence of the alleged offender not later than the next day on 28183
which the court is scheduled to conduct business after the day on 28184
which the alleged offender was arrested or at the time of the 28185
appearance of the alleged offender pursuant to summons to 28186
determine whether the order should remain in effect, be modified, 28187
or be revoked. The hearing shall be conducted under the standards 28188
set forth in division (C) of this section. 28189

(b) If at a hearing conducted under division (D)(2)(a) of 28190
this section the court determines that the ex parte order that the 28191
court issued should be revoked, the court, on its own motion, 28192
shall order that the ex parte order that is revoked and all of the 28193
records pertaining to that ex parte order be expunged. 28194

(3) An order issued under this section shall contain only 28195
those terms authorized in orders issued under division (C) of this 28196
section. 28197

(4) If a municipal court or a county court issues a temporary 28198
protection order under this section and if, subsequent to the 28199
issuance of the order, the alleged offender who is the subject of 28200
the order is bound over to the court of common pleas for 28201
prosecution of a felony arising out of the same activities as 28202
those that were the basis of the complaint upon which the order is 28203
based, notwithstanding the fact that the order was issued by a 28204
municipal court or county court, the order shall remain in effect, 28205
as though it were an order of the court of common pleas, while the 28206
charges against the alleged offender are pending in the court of 28207
common pleas, for the period of time described in division (E)(2) 28208
of this section, and the court of common pleas has exclusive 28209
jurisdiction to modify the order issued by the municipal court or 28210
county court. This division applies when the alleged offender is 28211
bound over to the court of common pleas as a result of the person 28212
waiving a preliminary hearing on the felony charge, as a result of 28213
the municipal court or county court having determined at a 28214

preliminary hearing that there is probable cause to believe that 28215
the felony has been committed and that the alleged offender 28216
committed it, as a result of the alleged offender having been 28217
indicted for the felony, or in any other manner. 28218

(E) A temporary protection order that is issued as a pretrial 28219
condition of release under this section: 28220

(1) Is in addition to, but shall not be construed as a part 28221
of, any bail set under Criminal Rule 46; 28222

(2) Is effective only until the occurrence of either of the 28223
following: 28224

(a) The disposition, by the court that issued the order or, 28225
in the circumstances described in division (D)(4) of this section, 28226
by the court of common pleas to which the alleged offender is 28227
bound over for prosecution, of the criminal proceeding arising out 28228
of the complaint upon which the order is based; 28229

(b) The issuance of a protection order or the approval of a 28230
consent agreement, arising out of the same activities as those 28231
that were the basis of the complaint upon which the order is 28232
based, under section 3113.31 of the Revised Code; 28233

(3) Shall not be construed as a finding that the alleged 28234
offender committed the alleged offense, and shall not be 28235
introduced as evidence of the commission of the offense at the 28236
trial of the alleged offender on the complaint upon which the 28237
order is based. 28238

(F) A person who meets the criteria for bail under Criminal 28239
Rule 46 and who, if required to do so pursuant to that rule, 28240
executes or posts bond or deposits cash or securities as bail, 28241
shall not be held in custody pending a hearing before the court on 28242
a motion requesting a temporary protection order. 28243

(G)(1) A copy of any temporary protection order that is 28244

issued under this section shall be issued by the court to the 28245
complainant, to the alleged victim, to the person who requested 28246
the order, to the defendant, and to all law enforcement agencies 28247
that have jurisdiction to enforce the order. The court shall 28248
direct that a copy of the order be delivered to the defendant on 28249
the same day that the order is entered. If a municipal court or a 28250
county court issues a temporary protection order under this 28251
section and if, subsequent to the issuance of the order, the 28252
defendant who is the subject of the order is bound over to the 28253
court of common pleas for prosecution as described in division 28254
(D)(4) of this section, the municipal court or county court shall 28255
direct that a copy of the order be delivered to the court of 28256
common pleas to which the defendant is bound over. 28257

(2) Upon the issuance of a protection order under this 28258
section, the court shall provide the parties to the order with the 28259
following notice orally or by form: 28260

"NOTICE 28261

As a result of this protection order, it may be unlawful for 28262
you to possess or purchase a firearm, including a rifle, pistol, 28263
or revolver, or ammunition pursuant to federal law under 18 U.S.C. 28264
922(g)(8). If you have any questions whether this law makes it 28265
illegal for you to possess or purchase a firearm or ammunition, 28266
you should consult an attorney." 28267

(3) All law enforcement agencies shall establish and maintain 28268
an index for the temporary protection orders delivered to the 28269
agencies pursuant to division (G)(1) of this section. With respect 28270
to each order delivered, each agency shall note on the index, the 28271
date and time of the receipt of the order by the agency. 28272

(4) A complainant, alleged victim, or other person who 28273
obtains a temporary protection order under this section may 28274
provide notice of the issuance of the temporary protection order 28275
to the judicial and law enforcement officials in any county other 28276

than the county in which the order is issued by registering that 28277
order in the other county in accordance with division (N) of 28278
section 3113.31 of the Revised Code and filing a copy of the 28279
registered protection order with a law enforcement agency in the 28280
other county in accordance with that division. 28281

(5) Any officer of a law enforcement agency shall enforce a 28282
temporary protection order issued by any court in this state in 28283
accordance with the provisions of the order, including removing 28284
the defendant from the premises, regardless of whether the order 28285
is registered in the county in which the officer's agency has 28286
jurisdiction as authorized by division (G)(4) of this section. 28287

(H) Upon a violation of a temporary protection order, the 28288
court may issue another temporary protection order, as a pretrial 28289
condition of release, that modifies the terms of the order that 28290
was violated. 28291

(I)(1) As used in divisions (I)(1) and (2) of this section, 28292
"defendant" means a person who is alleged in a complaint to have 28293
committed a violation, offense of violence, or sexually oriented 28294
offense of the type described in division (A) of this section. 28295

(2) If a complaint is filed that alleges that a person 28296
committed a violation, offense of violence, or sexually oriented 28297
offense of the type described in division (A) of this section, the 28298
court may not issue a temporary protection order under this 28299
section that requires the complainant, the alleged victim, or 28300
another family or household member of the defendant to do or 28301
refrain from doing an act that the court may require the defendant 28302
to do or refrain from doing under a temporary protection order 28303
unless both of the following apply: 28304

(a) The defendant has filed a separate complaint that alleges 28305
that the complainant, alleged victim, or other family or household 28306
member in question who would be required under the order to do or 28307

refrain from doing the act committed a violation or offense of 28308
violence of the type described in division (A) of this section. 28309

(b) The court determines that both the complainant, alleged 28310
victim, or other family or household member in question who would 28311
be required under the order to do or refrain from doing the act 28312
and the defendant acted primarily as aggressors, that neither the 28313
complainant, alleged victim, or other family or household member 28314
in question who would be required under the order to do or refrain 28315
from doing the act nor the defendant acted primarily in 28316
self-defense, and, in accordance with the standards and criteria 28317
of this section as applied in relation to the separate complaint 28318
filed by the defendant, that it should issue the order to require 28319
the complainant, alleged victim, or other family or household 28320
member in question to do or refrain from doing the act. 28321

(J)(1) Subject to division (J)(2) of this section and 28322
regardless of whether a protection order is issued or a consent 28323
agreement is approved by a court of another county or a court of 28324
another state, no court or unit of state or local government shall 28325
charge the movant any fee, cost, deposit, or money in connection 28326
with the filing of a motion pursuant to this section, in 28327
connection with the filing, issuance, registration, modification, 28328
enforcement, dismissal, withdrawal, or service of a protection 28329
order, consent agreement, or witness subpoena or for obtaining a 28330
certified copy of a protection order or consent agreement. 28331

(2) Regardless of whether a protection order is issued or a 28332
consent agreement is approved pursuant to this section, if the 28333
defendant is convicted the court may assess costs against the 28334
defendant in connection with the filing, issuance, registration, 28335
modification, enforcement, dismissal, withdrawal, or service of a 28336
protection order, consent agreement, or witness subpoena or for 28337
obtaining a certified copy of a protection order or consent 28338
agreement. 28339

(K) As used in this section:	28340
(1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	28341 28342
(2) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	28343 28344
(3) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings.	28345 28346
<u>(4) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.</u>	28347 28348
Sec. 2925.01. As used in this chapter:	28349
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	28350 28351 28352 28353 28354 28355
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	28356 28357
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	28358 28359 28360
(D) "Bulk amount" of a controlled substance means any of the following:	28361 28362
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:	28363 28364 28365 28366 28367 28368

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	28369 28370 28371 28372
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	28373 28374 28375
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	28376 28377 28378 28379 28380
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;	28381 28382 28383 28384 28385
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	28386 28387 28388
(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;	28389 28390 28391 28392 28393 28394 28395 28396 28397 28398 28399

(g) An amount equal to or exceeding three grams of a 28400
compound, mixture, preparation, or substance that is or contains 28401
any amount of a schedule II stimulant, or any of its salts or 28402
isomers, that is not in a final dosage form manufactured by a 28403
person authorized by the Federal Food, Drug, and Cosmetic Act and 28404
the federal drug abuse control laws. 28405

(2) An amount equal to or exceeding one hundred twenty grams 28406
or thirty times the maximum daily dose in the usual dose range 28407
specified in a standard pharmaceutical reference manual of a 28408
compound, mixture, preparation, or substance that is or contains 28409
any amount of a schedule III or IV substance other than an 28410
anabolic steroid or a schedule III opiate or opium derivative; 28411

(3) An amount equal to or exceeding twenty grams or five 28412
times the maximum daily dose in the usual dose range specified in 28413
a standard pharmaceutical reference manual of a compound, mixture, 28414
preparation, or substance that is or contains any amount of a 28415
schedule III opiate or opium derivative; 28416

(4) An amount equal to or exceeding two hundred fifty 28417
milliliters or two hundred fifty grams of a compound, mixture, 28418
preparation, or substance that is or contains any amount of a 28419
schedule V substance; 28420

(5) An amount equal to or exceeding two hundred solid dosage 28421
units, sixteen grams, or sixteen milliliters of a compound, 28422
mixture, preparation, or substance that is or contains any amount 28423
of a schedule III anabolic steroid. 28424

(E) "Unit dose" means an amount or unit of a compound, 28425
mixture, or preparation containing a controlled substance that is 28426
separately identifiable and in a form that indicates that it is 28427
the amount or unit by which the controlled substance is separately 28428
administered to or taken by an individual. 28429

(F) "Cultivate" includes planting, watering, fertilizing, or 28430

tilling.	28431
(G) "Drug abuse offense" means any of the following:	28432
(1) A violation of division (A) of section 2913.02 that	28433
constitutes theft of drugs, or a violation of section 2925.02,	28434
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	28435
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or	28436
2925.37 of the Revised Code;	28437
(2) A violation of an existing or former law of this or any	28438
other state or of the United States that is substantially	28439
equivalent to any section listed in division (G)(1) of this	28440
section;	28441
(3) An offense under an existing or former law of this or any	28442
other state, or of the United States, of which planting,	28443
cultivating, harvesting, processing, making, manufacturing,	28444
producing, shipping, transporting, delivering, acquiring,	28445
possessing, storing, distributing, dispensing, selling, inducing	28446
another to use, administering to another, using, or otherwise	28447
dealing with a controlled substance is an element;	28448
(4) A conspiracy to commit, attempt to commit, or complicity	28449
in committing or attempting to commit any offense under division	28450
(G)(1), (2), or (3) of this section.	28451
(H) "Felony drug abuse offense" means any drug abuse offense	28452
that would constitute a felony under the laws of this state, any	28453
other state, or the United States.	28454
(I) "Harmful intoxicant" does not include beer or	28455
intoxicating liquor but means any of the following:	28456
(1) Any compound, mixture, preparation, or substance the gas,	28457
fumes, or vapor of which when inhaled can induce intoxication,	28458
excitement, giddiness, irrational behavior, depression,	28459
stupefaction, paralysis, unconsciousness, asphyxiation, or other	28460

harmful physiological effects, and includes, but is not limited	28461
to, any of the following:	28462
(a) Any volatile organic solvent, plastic cement, model	28463
cement, fingernail polish remover, lacquer thinner, cleaning	28464
fluid, gasoline, or other preparation containing a volatile	28465
organic solvent;	28466
(b) Any aerosol propellant;	28467
(c) Any fluorocarbon refrigerant;	28468
(d) Any anesthetic gas.	28469
(2) Gamma Butyrolactone;	28470
(3) 1,4 Butanediol.	28471
(J) "Manufacture" means to plant, cultivate, harvest,	28472
process, make, prepare, or otherwise engage in any part of the	28473
production of a drug, by propagation, extraction, chemical	28474
synthesis, or compounding, or any combination of the same, and	28475
includes packaging, repackaging, labeling, and other activities	28476
incident to production.	28477
(K) "Possess" or "possession" means having control over a	28478
thing or substance, but may not be inferred solely from mere	28479
access to the thing or substance through ownership or occupation	28480
of the premises upon which the thing or substance is found.	28481
(L) "Sample drug" means a drug or pharmaceutical preparation	28482
that would be hazardous to health or safety if used without the	28483
supervision of a licensed health professional authorized to	28484
prescribe drugs, or a drug of abuse, and that, at one time, had	28485
been placed in a container plainly marked as a sample by a	28486
manufacturer.	28487
(M) "Standard pharmaceutical reference manual" means the	28488
current edition, with cumulative changes if any, of references	28489
that are approved by the state board of pharmacy.	28490

(N) "Juvenile" means a person under eighteen years of age.	28491
(O) "Counterfeit controlled substance" means any of the	28492
following:	28493
(1) Any drug that bears, or whose container or label bears, a	28494
trademark, trade name, or other identifying mark used without	28495
authorization of the owner of rights to that trademark, trade	28496
name, or identifying mark;	28497
(2) Any unmarked or unlabeled substance that is represented	28498
to be a controlled substance manufactured, processed, packed, or	28499
distributed by a person other than the person that manufactured,	28500
processed, packed, or distributed it;	28501
(3) Any substance that is represented to be a controlled	28502
substance but is not a controlled substance or is a different	28503
controlled substance;	28504
(4) Any substance other than a controlled substance that a	28505
reasonable person would believe to be a controlled substance	28506
because of its similarity in shape, size, and color, or its	28507
markings, labeling, packaging, distribution, or the price for	28508
which it is sold or offered for sale.	28509
(P) An offense is "committed in the vicinity of a school" if	28510
the offender commits the offense on school premises, in a school	28511
building, or within one thousand feet of the boundaries of any	28512
school premises, regardless of whether the offender knows the	28513
offense is being committed on school premises, in a school	28514
building, or within one thousand feet of the boundaries of any	28515
school premises.	28516
(Q) "School" means any school operated by a board of	28517
education, any community school established under Chapter 3314. of	28518
the Revised Code, or any nonpublic school for which the state	28519
board of education prescribes minimum standards under section	28520
3301.07 of the Revised Code, whether or not any instruction,	28521

extracurricular activities, or training provided by the school is 28522
being conducted at the time a criminal offense is committed. 28523

(R) "School premises" means either of the following: 28524

(1) The parcel of real property on which any school is 28525
situated, whether or not any instruction, extracurricular 28526
activities, or training provided by the school is being conducted 28527
on the premises at the time a criminal offense is committed; 28528

(2) Any other parcel of real property that is owned or leased 28529
by a board of education of a school, the governing authority of a 28530
community school established under Chapter 3314. of the Revised 28531
Code, or the governing body of a nonpublic school for which the 28532
state board of education prescribes minimum standards under 28533
section 3301.07 of the Revised Code and on which some of the 28534
instruction, extracurricular activities, or training of the school 28535
is conducted, whether or not any instruction, extracurricular 28536
activities, or training provided by the school is being conducted 28537
on the parcel of real property at the time a criminal offense is 28538
committed. 28539

(S) "School building" means any building in which any of the 28540
instruction, extracurricular activities, or training provided by a 28541
school is conducted, whether or not any instruction, 28542
extracurricular activities, or training provided by the school is 28543
being conducted in the school building at the time a criminal 28544
offense is committed. 28545

(T) "Disciplinary counsel" means the disciplinary counsel 28546
appointed by the board of commissioners on grievances and 28547
discipline of the supreme court under the Rules for the Government 28548
of the Bar of Ohio. 28549

(U) "Certified grievance committee" means a duly constituted 28550
and organized committee of the Ohio state bar association or of 28551
one or more local bar associations of the state of Ohio that 28552

complies with the criteria set forth in Rule V, section 6 of the 28553
Rules for the Government of the Bar of Ohio. 28554

(V) "Professional license" means any license, permit, 28555
certificate, registration, qualification, admission, temporary 28556
license, temporary permit, temporary certificate, or temporary 28557
registration that is described in divisions (W)(1) to (36) of this 28558
section and that qualifies a person as a professionally licensed 28559
person. 28560

(W) "Professionally licensed person" means any of the 28561
following: 28562

(1) A person who has obtained a license as a manufacturer of 28563
controlled substances or a wholesaler of controlled substances 28564
under Chapter 3719. of the Revised Code; 28565

(2) A person who has received a certificate or temporary 28566
certificate as a certified public accountant or who has registered 28567
as a public accountant under Chapter 4701. of the Revised Code and 28568
who holds an Ohio permit issued under that chapter; 28569

(3) A person who holds a certificate of qualification to 28570
practice architecture issued or renewed and registered under 28571
Chapter 4703. of the Revised Code; 28572

(4) A person who is registered as a landscape architect under 28573
Chapter 4703. of the Revised Code or who holds a permit as a 28574
landscape architect issued under that chapter; 28575

(5) A person licensed under Chapter 4707. of the Revised 28576
Code; 28577

(6) A person who has been issued a certificate of 28578
registration as a registered barber under Chapter 4709. of the 28579
Revised Code; 28580

(7) A person licensed and regulated to engage in the business 28581
of a debt pooling company by a legislative authority, under 28582

authority of Chapter 4710. of the Revised Code;	28583
(8) A person who has been issued a cosmetologist's license,	28584
hair designer's license, manicurist's license, esthetician's	28585
license, natural hair stylist's license, advanced cosmetologist's	28586
license, advanced hair designer's license, advanced manicurist's	28587
license, advanced esthetician's license, advanced natural hair	28588
stylist's license, cosmetology instructor's license, hair design	28589
instructor's license, manicurist instructor's license, esthetics	28590
instructor's license, natural hair style instructor's license,	28591
independent contractor's license, or tanning facility permit under	28592
Chapter 4713. of the Revised Code;	28593
(9) A person who has been issued a license to practice	28594
dentistry, a general anesthesia permit, a conscious intravenous	28595
sedation permit, a limited resident's license, a limited teaching	28596
license, a dental hygienist's license, or a dental hygienist's	28597
teacher's certificate under Chapter 4715. of the Revised Code;	28598
(10) A person who has been issued an embalmer's license, a	28599
funeral director's license, a funeral home license, or a crematory	28600
license, or who has been registered for an embalmer's or funeral	28601
director's apprenticeship under Chapter 4717. of the Revised Code;	28602
(11) A person who has been licensed as a registered nurse or	28603
practical nurse, or who has been issued a certificate for the	28604
practice of nurse-midwifery under Chapter 4723. of the Revised	28605
Code;	28606
(12) A person who has been licensed to practice optometry or	28607
to engage in optical dispensing under Chapter 4725. of the Revised	28608
Code;	28609
(13) A person licensed to act as a pawnbroker under Chapter	28610
4727. of the Revised Code;	28611
(14) A person licensed to act as a precious metals dealer	28612
under Chapter 4728. of the Revised Code;	28613

- (15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code; 28614
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- (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code; 28618
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- (17) A person who has been issued a ~~certificate~~ license to practice medicine and surgery, osteopathic medicine and surgery, a ~~limited branch of medicine,~~ or ~~podiatry~~ podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter; 28620
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- (18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code; 28626
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- (19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code; 28628
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- (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code; 28630
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- (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 28632
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- (22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code; 28634
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- (23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code; 28636
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- (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code; 28638
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- (25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code; 28640
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- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or 28642
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who is registered as a graduate animal technician under Chapter	28644
4741. of the Revised Code;	28645
(27) A person who has been issued a hearing aid dealer's or	28646
fitter's license or trainee permit under Chapter 4747. of the	28647
Revised Code;	28648
(28) A person who has been issued a class A, class B, or	28649
class C license or who has been registered as an investigator or	28650
security guard employee under Chapter 4749. of the Revised Code;	28651
(29) A person licensed and registered to practice as a	28652
nursing home administrator under Chapter 4751. of the Revised	28653
Code;	28654
(30) A person licensed to practice as a speech-language	28655
pathologist or audiologist under Chapter 4753. of the Revised	28656
Code;	28657
(31) A person issued a license as an occupational therapist	28658
or physical therapist under Chapter 4755. of the Revised Code;	28659
(32) A person who is licensed as a licensed professional	28660
clinical counselor, licensed professional counselor, social	28661
worker, independent social worker, independent marriage and family	28662
therapist, or marriage and family therapist, or registered as a	28663
social work assistant under Chapter 4757. of the Revised Code;	28664
(33) A person issued a license to practice dietetics under	28665
Chapter 4759. of the Revised Code;	28666
(34) A person who has been issued a license or limited permit	28667
to practice respiratory therapy under Chapter 4761. of the Revised	28668
Code;	28669
(35) A person who has been issued a real estate appraiser	28670
certificate under Chapter 4763. of the Revised Code;	28671
(36) A person who has been admitted to the bar by order of	28672
the supreme court in compliance with its prescribed and published	28673

rules.	28674
(X) "Cocaine" means any of the following:	28675
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	28676 28677
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	28678 28679 28680 28681
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	28682 28683 28684 28685 28686 28687
(Y) "L.S.D." means lysergic acid diethylamide.	28688
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	28689 28690 28691
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	28692 28693
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	28694 28695 28696 28697 28698 28699 28700
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison	28701 28702 28703

term is a necessary sanction for a felony in order to comply with 28704
the purposes and principles of sentencing under section 2929.11 of 28705
the Revised Code. 28706

(DD) "Major drug offender" has the same meaning as in section 28707
2929.01 of the Revised Code. 28708

(EE) "Minor drug possession offense" means either of the 28709
following: 28710

(1) A violation of section 2925.11 of the Revised Code as it 28711
existed prior to July 1, 1996; 28712

(2) A violation of section 2925.11 of the Revised Code as it 28713
exists on and after July 1, 1996, that is a misdemeanor or a 28714
felony of the fifth degree. 28715

(FF) "Mandatory prison term" has the same meaning as in 28716
section 2929.01 of the Revised Code. 28717

(GG) "Adulterate" means to cause a drug to be adulterated as 28718
described in section 3715.63 of the Revised Code. 28719

(HH) "Public premises" means any hotel, restaurant, tavern, 28720
store, arena, hall, or other place of public accommodation, 28721
business, amusement, or resort. 28722

(II) "Methamphetamine" means methamphetamine, any salt, 28723
isomer, or salt of an isomer of methamphetamine, or any compound, 28724
mixture, preparation, or substance containing methamphetamine or 28725
any salt, isomer, or salt of an isomer of methamphetamine. 28726

(JJ) "Lawful prescription" means a prescription that is 28727
issued for a legitimate medical purpose by a licensed health 28728
professional authorized to prescribe drugs, that is not altered or 28729
forged, and that was not obtained by means of deception or by the 28730
commission of any theft offense. 28731

(KK) "Deception" and "theft offense" have the same meanings 28732
as in section 2913.01 of the Revised Code. 28733

Sec. 2925.23. (A) No person shall knowingly make a false	28734
statement in any prescription, order, report, or record required	28735
by Chapter 3719. or 4729. of the Revised Code.	28736
(B) No person shall intentionally make, utter, or sell, or	28737
knowingly possess any of the following that is a false or forged:	28738
(1) Prescription;	28739
(2) Uncompleted preprinted prescription blank used for	28740
writing a prescription;	28741
(3) Official written order;	28742
(4) License for a terminal distributor of dangerous drugs, as	28743
required <u>defined</u> in section 4729.60 <u>4729.01</u> of the Revised Code;	28744
(5) Registration certificate <u>License</u> for a wholesale	28745
distributor of dangerous drugs, as required <u>defined</u> in section	28746
4729.60 <u>4729.01</u> of the Revised Code.	28747
(C) No person, by theft as defined in section 2913.02 of the	28748
Revised Code, shall acquire any of the following:	28749
(1) A prescription;	28750
(2) An uncompleted preprinted prescription blank used for	28751
writing a prescription;	28752
(3) An official written order;	28753
(4) A blank official written order;	28754
(5) A license or blank license for a terminal distributor of	28755
dangerous drugs, as required <u>defined</u> in section 4729.60 <u>4729.01</u> of	28756
the Revised Code;	28757
(6) A registration certificate <u>license</u> or blank registration	28758
certificate <u>license</u> for a wholesale distributor of dangerous	28759
drugs, as required <u>defined</u> in section 4729.60 <u>4729.01</u> of the	28760
Revised Code.	28761

(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.

(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.

(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:

(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, illegal processing of drug documents is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(G)(1) In addition to any prison term authorized or required by division (F) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed

for the offense under this section or sections 2929.11 to 2929.18 28793
of the Revised Code, the court that sentences an offender who is 28794
convicted of or pleads guilty to any violation of divisions (A) to 28795
(D) of this section may suspend for not more than five years the 28796
offender's driver's or commercial driver's license or permit. 28797
However, if the offender pleaded guilty to or was convicted of a 28798
violation of section 4511.19 of the Revised Code or a 28799
substantially similar municipal ordinance or the law of another 28800
state or the United States arising out of the same set of 28801
circumstances as the violation, the court shall suspend the 28802
offender's driver's or commercial driver's license or permit for 28803
not more than five years. 28804

If the offender is a professionally licensed person, in 28805
addition to any other sanction imposed for a violation of this 28806
section, the court immediately shall comply with section 2925.38 28807
of the Revised Code. 28808

(2) Any offender who received a mandatory suspension of the 28809
offender's driver's or commercial driver's license or permit under 28810
this section prior to ~~the effective date of this amendment~~ 28811
September 13, 2016, may file a motion with the sentencing court 28812
requesting the termination of the suspension. However, an offender 28813
who pleaded guilty to or was convicted of a violation of section 28814
4511.19 of the Revised Code or a substantially similar municipal 28815
ordinance or law of another state or the United States that arose 28816
out of the same set of circumstances as the violation for which 28817
the offender's license or permit was suspended under this section 28818
shall not file such a motion. 28819

Upon the filing of a motion under division (G)(2) of this 28820
section, the sentencing court, in its discretion, may terminate 28821
the suspension. 28822

(H) Notwithstanding any contrary provision of section 3719.21 28823
of the Revised Code, the clerk of court shall pay a fine imposed 28824

for a violation of this section pursuant to division (A) of 28825
section 2929.18 of the Revised Code in accordance with and subject 28826
to the requirements of division (F) of section 2925.03 of the 28827
Revised Code. The agency that receives the fine shall use the fine 28828
as specified in division (F) of section 2925.03 of the Revised 28829
Code. 28830

Sec. 2929.20. (A) As used in this section: 28831

(1)(a) Except as provided in division (A)(1)(b) of this 28832
section, "eligible offender" means any person who, on or after 28833
April 7, 2009, is serving a stated prison term that includes one 28834
or more nonmandatory prison terms. 28835

(b) "Eligible offender" does not include any person who, on 28836
or after April 7, 2009, is serving a stated prison term for any of 28837
the following criminal offenses that was a felony and was 28838
committed while the person held a public office in this state: 28839

(i) A violation of section 2921.02, 2921.03, 2921.05, 28840
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 28841
Code; 28842

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 28843
2921.12 of the Revised Code, when the conduct constituting the 28844
violation was related to the duties of the offender's public 28845
office or to the offender's actions as a public official holding 28846
that public office; 28847

(iii) A violation of an existing or former municipal 28848
ordinance or law of this or any other state or the United States 28849
that is substantially equivalent to any violation listed in 28850
division (A)(1)(b)(i) of this section; 28851

(iv) A violation of an existing or former municipal ordinance 28852
or law of this or any other state or the United States that is 28853
substantially equivalent to any violation listed in division 28854

(A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office; 28855
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(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(i) or described in division (A)(1)(b)(iii) of this section; 28859
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(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(ii) or described in division (A)(1)(b)(iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the offender was complicit was or would have been related to the duties of the offender's public office or to the offender's actions as a public official holding that public office. 28862
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(2) "Nonmandatory prison term" means a prison term that is not a mandatory prison term. 28871
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(3) "Public office" means any elected federal, state, or local government office in this state. 28873
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(4) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code. 28875
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(5) "Imminent danger of death," "medically incapacitated," and "terminal illness" have the same meanings as in section 2967.05 of the Revised Code. 28877
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(B) On the motion of an eligible offender or upon its own motion, the sentencing court may reduce the eligible offender's aggregated nonmandatory prison term or terms through a judicial release under this section. 28880
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(C) An eligible offender may file a motion for judicial 28884

release with the sentencing court within the following applicable 28885
periods: 28886

(1) If the aggregated nonmandatory prison term or terms is 28887
less than two years, the eligible offender may file the motion ~~not~~ 28888
~~earlier than thirty days~~ at any time after the offender is 28889
delivered to a state correctional institution or, if the prison 28890
term includes a mandatory prison term or terms, ~~not earlier than~~ 28891
~~thirty days~~ at any time after the expiration of all mandatory 28892
prison terms. 28893

(2) If the aggregated nonmandatory prison term or terms is at 28894
least two years but less than five years, the eligible offender 28895
may file the motion not earlier than one hundred eighty days after 28896
the offender is delivered to a state correctional institution or, 28897
if the prison term includes a mandatory prison term or terms, not 28898
earlier than one hundred eighty days after the expiration of all 28899
mandatory prison terms. 28900

(3) If the aggregated nonmandatory prison term or terms is 28901
five years, the eligible offender may file the motion not earlier 28902
than the date on which the eligible offender has served four years 28903
of the offender's stated prison term or, if the prison term 28904
includes a mandatory prison term or terms, not earlier than four 28905
years after the expiration of all mandatory prison terms. 28906

(4) If the aggregated nonmandatory prison term or terms is 28907
more than five years but not more than ten years, the eligible 28908
offender may file the motion not earlier than the date on which 28909
the eligible offender has served five years of the offender's 28910
stated prison term or, if the prison term includes a mandatory 28911
prison term or terms, not earlier than five years after the 28912
expiration of all mandatory prison terms. 28913

(5) If the aggregated nonmandatory prison term or terms is 28914
more than ten years, the eligible offender may file the motion not 28915

earlier than the later of the date on which the offender has 28916
served one-half of the offender's stated prison term or the date 28917
specified in division (C)(4) of this section. 28918

(D) Upon receipt of a timely motion for judicial release 28919
filed by an eligible offender under division (C) of this section 28920
or upon the sentencing court's own motion made within the 28921
appropriate time specified in that division, the court may deny 28922
the motion without a hearing or schedule a hearing on the motion. 28923
The court shall not grant the motion without a hearing. If a court 28924
denies a motion without a hearing, the court later may consider 28925
judicial release for that eligible offender on a subsequent motion 28926
filed by that eligible offender unless the court denies the motion 28927
with prejudice. If a court denies a motion with prejudice, the 28928
court may later consider judicial release on its own motion. If a 28929
court denies a motion after a hearing, the court shall not 28930
consider a subsequent motion for that eligible offender. The court 28931
shall hold only one hearing for any eligible offender. 28932

A hearing under this section shall be conducted in open court 28933
not less than thirty or more than sixty days after the motion is 28934
filed, provided that the court may delay the hearing for one 28935
hundred eighty additional days. If the court holds a hearing, the 28936
court shall enter a ruling on the motion within ten days after the 28937
hearing. If the court denies the motion without a hearing, the 28938
court shall enter its ruling on the motion within sixty days after 28939
the motion is filed. 28940

(E) If a court schedules a hearing under division (D) of this 28941
section, the court shall notify the eligible offender and the head 28942
of the state correctional institution in which the eligible 28943
offender is confined prior to the hearing. The head of the state 28944
correctional institution immediately shall notify the appropriate 28945
person at the department of rehabilitation and correction of the 28946
hearing, and the department within twenty-four hours after receipt 28947

of the notice, shall post on the database it maintains pursuant to 28948
section 5120.66 of the Revised Code the offender's name and all of 28949
the information specified in division (A)(1)(c)(i) of that 28950
section. If the court schedules a hearing for judicial release, 28951
the court promptly shall give notice of the hearing to the 28952
prosecuting attorney of the county in which the eligible offender 28953
was indicted. Upon receipt of the notice from the court, the 28954
prosecuting attorney shall do whichever of the following is 28955
applicable: 28956

(1) Subject to division (E)(2) of this section, notify the 28957
victim of the offense or the victim's representative pursuant to 28958
division (B) of section 2930.16 of the Revised Code; 28959

(2) If the offense was an offense of violence that is a 28960
felony of the first, second, or third degree, except as otherwise 28961
provided in this division, notify the victim or the victim's 28962
representative of the hearing regardless of whether the victim or 28963
victim's representative has requested the notification. The notice 28964
of the hearing shall not be given under this division to a victim 28965
or victim's representative if the victim or victim's 28966
representative has requested pursuant to division (B)(2) of 28967
section 2930.03 of the Revised Code that the victim or the 28968
victim's representative not be provided the notice. If notice is 28969
to be provided to a victim or victim's representative under this 28970
division, the prosecuting attorney may give the notice by any 28971
reasonable means, including regular mail, telephone, and 28972
electronic mail, in accordance with division (D)(1) of section 28973
2930.16 of the Revised Code. If the notice is based on an offense 28974
committed prior to March 22, 2013, the notice also shall include 28975
the opt-out information described in division (D)(1) of section 28976
2930.16 of the Revised Code. The prosecuting attorney, in 28977
accordance with division (D)(2) of section 2930.16 of the Revised 28978
Code, shall keep a record of all attempts to provide the notice, 28979

and of all notices provided, under this division. Division (E)(2) 28980
of this section, and the notice-related provisions of division (K) 28981
of this section, division (D)(1) of section 2930.16, division (H) 28982
of section 2967.12, division (E)(1)(b) of section 2967.19, 28983
division (A)(3)(b) of section 2967.26, division (D)(1) of section 28984
2967.28, and division (A)(2) of section 5149.101 of the Revised 28985
Code enacted in the act in which division (E)(2) of this section 28986
was enacted, shall be known as "Roberta's Law." 28987

(F) Upon an offender's successful completion of 28988
rehabilitative activities, the head of the state correctional 28989
institution may notify the sentencing court of the successful 28990
completion of the activities. 28991

(G) Prior to the date of the hearing on a motion for judicial 28992
release under this section, the head of the state correctional 28993
institution in which the eligible offender is confined shall send 28994
to the court an institutional summary report on the eligible 28995
offender's conduct in the institution and in any institution from 28996
which the eligible offender may have been transferred. Upon the 28997
request of the prosecuting attorney of the county in which the 28998
eligible offender was indicted or of any law enforcement agency, 28999
the head of the state correctional institution, at the same time 29000
the person sends the institutional summary report to the court, 29001
also shall send a copy of the report to the requesting prosecuting 29002
attorney and law enforcement agencies. The institutional summary 29003
report shall cover the eligible offender's participation in 29004
school, vocational training, work, treatment, and other 29005
rehabilitative activities and any disciplinary action taken 29006
against the eligible offender. The report shall be made part of 29007
the record of the hearing. A presentence investigation report is 29008
not required for judicial release. 29009

(H) If the court grants a hearing on a motion for judicial 29010
release under this section, the eligible offender shall attend the 29011

hearing if ordered to do so by the court. Upon receipt of a copy 29012
of the journal entry containing the order, the head of the state 29013
correctional institution in which the eligible offender is 29014
incarcerated shall deliver the eligible offender to the sheriff of 29015
the county in which the hearing is to be held. The sheriff shall 29016
convey the eligible offender to and from the hearing. 29017

(I) At the hearing on a motion for judicial release under 29018
this section, the court shall afford the eligible offender and the 29019
eligible offender's attorney an opportunity to present written 29020
and, if present, oral information relevant to the motion. The 29021
court shall afford a similar opportunity to the prosecuting 29022
attorney, the victim or the victim's representative, and any other 29023
person the court determines is likely to present additional 29024
relevant information. The court shall consider any statement of a 29025
victim made pursuant to section 2930.14 or 2930.17 of the Revised 29026
Code, any victim impact statement prepared pursuant to section 29027
2947.051 of the Revised Code, and any report made under division 29028
(G) of this section. The court may consider any written statement 29029
of any person submitted to the court pursuant to division (L) of 29030
this section. After ruling on the motion, the court shall notify 29031
the victim of the ruling in accordance with sections 2930.03 and 29032
2930.16 of the Revised Code. 29033

(J)(1) A court shall not grant a judicial release under this 29034
section to an eligible offender who is imprisoned for a felony of 29035
the first or second degree, or to an eligible offender who 29036
committed an offense under Chapter 2925. or 3719. of the Revised 29037
Code and for whom there was a presumption under section 2929.13 of 29038
the Revised Code in favor of a prison term, unless the court, with 29039
reference to factors under section 2929.12 of the Revised Code, 29040
finds both of the following: 29041

(a) That a sanction other than a prison term would adequately 29042
punish the offender and protect the public from future criminal 29043

violations by the eligible offender because the applicable factors 29044
indicating a lesser likelihood of recidivism outweigh the 29045
applicable factors indicating a greater likelihood of recidivism; 29046

(b) That a sanction other than a prison term would not demean 29047
the seriousness of the offense because factors indicating that the 29048
eligible offender's conduct in committing the offense was less 29049
serious than conduct normally constituting the offense outweigh 29050
factors indicating that the eligible offender's conduct was more 29051
serious than conduct normally constituting the offense. 29052

(2) A court that grants a judicial release to an eligible 29053
offender under division (J)(1) of this section shall specify on 29054
the record both findings required in that division and also shall 29055
list all the factors described in that division that were 29056
presented at the hearing. 29057

(K) If the court grants a motion for judicial release under 29058
this section, the court shall order the release of the eligible 29059
offender, shall place the eligible offender under an appropriate 29060
community control sanction, under appropriate conditions, and 29061
under the supervision of the department of probation serving the 29062
court and shall reserve the right to reimpose the sentence that it 29063
reduced if the offender violates the sanction. If the court 29064
reimposes the reduced sentence, it may do so either concurrently 29065
with, or consecutive to, any new sentence imposed upon the 29066
eligible offender as a result of the violation that is a new 29067
offense. Except as provided in division (R)(2) of this section, 29068
the period of community control shall be no longer than five 29069
years. The court, in its discretion, may reduce the period of 29070
community control by the amount of time the eligible offender 29071
spent in jail or prison for the offense and in prison. If the 29072
court made any findings pursuant to division (J)(1) of this 29073
section, the court shall serve a copy of the findings upon counsel 29074
for the parties within fifteen days after the date on which the 29075

court grants the motion for judicial release. 29076

If the court grants a motion for judicial release, the court 29077
shall notify the appropriate person at the department of 29078
rehabilitation and correction, and the department shall post 29079
notice of the release on the database it maintains pursuant to 29080
section 5120.66 of the Revised Code. The court also shall notify 29081
the prosecuting attorney of the county in which the eligible 29082
offender was indicted that the motion has been granted. Unless the 29083
victim or the victim's representative has requested pursuant to 29084
division (B)(2) of section 2930.03 of the Revised Code that the 29085
victim or victim's representative not be provided the notice, the 29086
prosecuting attorney shall notify the victim or the victim's 29087
representative of the judicial release in any manner, and in 29088
accordance with the same procedures, pursuant to which the 29089
prosecuting attorney is authorized to provide notice of the 29090
hearing pursuant to division (E)(2) of this section. If the notice 29091
is based on an offense committed prior to March 22, 2013, the 29092
notice to the victim or victim's representative also shall include 29093
the opt-out information described in division (D)(1) of section 29094
2930.16 of the Revised Code. 29095

(L) In addition to and independent of the right of a victim 29096
to make a statement pursuant to section 2930.14, 2930.17, or 29097
2946.051 of the Revised Code and any right of a person to present 29098
written information or make a statement pursuant to division (I) 29099
of this section, any person may submit to the court, at any time 29100
prior to the hearing on the offender's motion for judicial 29101
release, a written statement concerning the effects of the 29102
offender's crime or crimes, the circumstances surrounding the 29103
crime or crimes, the manner in which the crime or crimes were 29104
perpetrated, and the person's opinion as to whether the offender 29105
should be released. 29106

(M) The changes to this section that are made on September 29107

30, 2011, apply to any judicial release decision made on or after 29108
September 30, 2011, for any eligible offender. 29109

(N) Notwithstanding the eligibility requirements specified in 29110
division (A) of this section and the filing time frames specified 29111
in division (C) of this section and notwithstanding the findings 29112
required under division (J) of this section, the sentencing court, 29113
upon the court's own motion and after considering whether the 29114
release of the offender into society would create undue risk to 29115
public safety, may grant a judicial release to an offender who is 29116
not serving a life sentence at any time during the offender's 29117
imposed sentence when the director of rehabilitation and 29118
correction certifies to the sentencing court through the chief 29119
medical officer for the department of rehabilitation and 29120
correction that the offender is in imminent danger of death, is 29121
medically incapacitated, or is suffering from a terminal illness. 29122

(O) The director of rehabilitation and correction shall not 29123
certify any offender under division (N) of this section who is 29124
serving a death sentence. 29125

(P) A motion made by the court under division (N) of this 29126
section is subject to the notice, hearing, and other procedural 29127
requirements specified in divisions (D), (E), (G), (H), (I), (K), 29128
and (L) of this section, except for the following: 29129

(1) The court may waive the offender's appearance at any 29130
hearing scheduled by the court if the offender's condition makes 29131
it impossible for the offender to participate meaningfully in the 29132
proceeding. 29133

(2) The court may grant the motion without a hearing, 29134
provided that the prosecuting attorney and victim or victim's 29135
representative to whom notice of the hearing was provided under 29136
division (E) of this section indicate that they do not wish to 29137
participate in the hearing or present information relevant to the 29138

motion. 29139

(Q) The court may request health care records from the 29140
department of rehabilitation and correction to verify the 29141
certification made under division (N) of this section. 29142

(R)(1) If the court grants judicial release under division 29143
(N) of this section, the court shall do all of the following: 29144

(a) Order the release of the offender; 29145

(b) Place the offender under an appropriate community control 29146
sanction, under appropriate conditions; 29147

(c) Place the offender under the supervision of the 29148
department of probation serving the court or under the supervision 29149
of the adult parole authority. 29150

(2) The court, in its discretion, may revoke the judicial 29151
release if the offender violates the community control sanction 29152
described in division (R)(1) of this section. The period of that 29153
community control is not subject to the five-year limitation 29154
described in division (K) of this section and shall not expire 29155
earlier than the date on which all of the offender's mandatory 29156
prison terms expire. 29157

(S) If the health of an offender who is released under 29158
division (N) of this section improves so that the offender is no 29159
longer terminally ill, medically incapacitated, or in imminent 29160
danger of death, the court shall, upon the court's own motion, 29161
revoke the judicial release. The court shall not grant the motion 29162
without a hearing unless the offender waives a hearing. If a 29163
hearing is held, the court shall afford the offender and the 29164
offender's attorney an opportunity to present written and, if the 29165
offender or the offender's attorney is present, oral information 29166
relevant to the motion. The court shall afford a similar 29167
opportunity to the prosecuting attorney, the victim or the 29168
victim's representative, and any other person the court determines 29169

is likely to present additional relevant information. A court that 29170
grants a motion under this division shall specify its findings on 29171
the record. 29172

Sec. 2929.34. (A) A person who is convicted of or pleads 29173
guilty to aggravated murder, murder, or an offense punishable by 29174
life imprisonment and who is sentenced to a term of life 29175
imprisonment or a prison term pursuant to that conviction shall 29176
serve that term in an institution under the control of the 29177
department of rehabilitation and correction. 29178

(B)(1) A person who is convicted of or pleads guilty to a 29179
felony other than aggravated murder, murder, or an offense 29180
punishable by life imprisonment and who is sentenced to a term of 29181
imprisonment or a prison term pursuant to that conviction shall 29182
serve that term as follows: 29183

(a) Subject to divisions (B)(1)(b) ~~and~~, (B)(2), and (B)(3) of 29184
this section, in an institution under the control of the 29185
department of rehabilitation and correction if the term is a 29186
prison term or as otherwise determined by the sentencing court 29187
pursuant to section 2929.16 of the Revised Code if the term is not 29188
a prison term; 29189

(b) In a facility of a type described in division (G)(1) of 29190
section 2929.13 of the Revised Code, if the offender is sentenced 29191
pursuant to that division. 29192

(2) If the term is a prison term, the person may be 29193
imprisoned in a jail that is not a minimum security jail pursuant 29194
to agreement under section 5120.161 of the Revised Code between 29195
the department of rehabilitation and correction and the local 29196
authority that operates the jail. 29197

(3)(a) Except as provided in division (B)(3)(b) of this 29198
section, on and after July 1, 2018, no person sentenced to a 29199

prison term that is twelve months or less for a felony of the 29200
fifth degree shall serve the term in an institution under the 29201
control of the department of rehabilitation and correction. The 29202
person shall instead serve the sentence as a term of confinement 29203
in a facility of a type described in division (C) or (D) of this 29204
section, except that if the person is sentenced for multiple 29205
offenses and the total term for all of the offenses for which the 29206
person is sentenced exceeds twelve months, the person shall serve 29207
the term in an institution under the control of the department of 29208
rehabilitation and correction. Nothing in this division or in 29209
section 5120.116 of the Revised Code relieves the state of its 29210
obligation to pay for the cost of confinement of the person in a 29211
community-based correctional facility under division (D) of this 29212
section. 29213

(b) Division (B)(3)(a) of this section does not apply to any 29214
person to whom any of the following apply: 29215

(i) The felony of the fifth degree was an offense of 29216
violence, as defined in section 2901.01 of the Revised Code, a sex 29217
offense under Chapter 2907. of the Revised Code, or any offense 29218
for which a mandatory prison term is required. 29219

(ii) The person previously has been convicted of or pleaded 29220
guilty to any felony offense of violence, as defined in section 29221
2901.01 of the Revised Code. 29222

(iii) The person previously has been convicted of or pleaded 29223
guilty to any felony sex offense under Chapter 2907. of the 29224
Revised Code. 29225

(iv) The person's sentence is required to be served 29226
concurrently to any other sentence imposed upon the person for a 29227
felony that is required to be served in an institution under the 29228
control of the department of rehabilitation and correction. 29229

(v) The person's sentence is authorized to be served in an 29230

institution of the type described in division (B)(1)(a) of this 29231
section under the local confinement exemption for the county 29232
served by the court of common pleas that imposed the sentence and 29233
that applies in the state fiscal year in which the sentence was 29234
imposed, as determined under division (B)(1) of section 5120.116 29235
of the Revised Code, or under an initial or continuing local 29236
confinement waiver with respect to that person, as determined 29237
under section 5120.117 of the Revised Code. 29238

(C) A person who is convicted of or pleads guilty to one or 29239
more misdemeanors and who is sentenced to a jail term or term of 29240
imprisonment pursuant to the conviction or convictions shall serve 29241
that term in a county, multicounty, municipal, municipal-county, 29242
or multicounty-municipal jail or workhouse; in a community 29243
alternative sentencing center or district community alternative 29244
sentencing center when authorized by section 307.932 of the 29245
Revised Code; or, if the misdemeanor or misdemeanors are not 29246
offenses of violence, in a minimum security jail. 29247

(D) Nothing in this section prohibits the commitment, 29248
referral, or sentencing of a person who is convicted of or pleads 29249
guilty to a felony to a community-based correctional facility. 29250

Sec. 2929.341. (A) On or after the date that is thirty days 29251
following the effective date of this section, if a judge sentences 29252
a person to a prison term or jail term to be served in a local 29253
correctional facility and the sentence would increase the inmate 29254
population of the facility beyond its desired inmate capacity, the 29255
sheriff, administrator, jailer, or other person responsible for 29256
operating the local correctional facility may notify the judge 29257
that the sentence will have that effect. 29258

(B) If a sheriff, administrator, jailer, or other person 29259
responsible for operating a local correctional facility provides 29260
notice to a judge under division (A) of this section, within 29261

twenty-four hours after receiving the notice, the judge shall do 29262
either of the following: 29263

(1) Modify the sentence of the offender by sentencing the 29264
offender to another local correctional facility where the judge is 29265
authorized to sentence an offender or, unless the offense requires 29266
a mandatory prison term or jail term, by imposing a community 29267
control sanction in substitution of the original sentence; 29268

(2) Order the release of an inmate who is confined in the 29269
facility under a sentence previously imposed by the judge and who 29270
is not serving a mandatory prison term or jail term. 29271

(C) If the judge does not act in accordance with division (B) 29272
of this section within twenty-four hours of receiving notice under 29273
division (A) of this section that the local correctional facility 29274
would exceed its desired inmate capacity, the sheriff, 29275
administrator, jailer, or other person responsible for operating 29276
the facility may release an inmate who has served at least ninety 29277
per cent of the inmate's sentence, so long as the inmate has not 29278
been convicted of or pleaded guilty to any offense of violence, as 29279
defined in section 2901.01 of the Revised Code, or any sex offense 29280
under Chapter 2907. of the Revised Code, and is not serving a 29281
mandatory prison term or jail term. 29282

(D) As used in this section: 29283

(1) "Desired inmate capacity" means the capacity of a local 29284
correctional facility specified in the memorandum of understanding 29285
approved by the department of rehabilitation and correction under 29286
section 5149.38 of the Revised Code or, if the memorandum is not 29287
approved, either within thirty days following the effective date 29288
of this section or by thirty days after the beginning of the state 29289
fiscal year whenever the memorandum is revised, the capacity of 29290
the facility previously determined by the department of 29291
rehabilitation and correction. 29292

(2) "Local correctional facility" means a facility of a type 29293
described in division (C) or (D) of section 2929.34 of the Revised 29294
Code. 29295

Sec. 2941.51. (A) Counsel appointed to a case or selected by 29296
an indigent person under division (E) of section 120.16 or 29297
division (E) of section 120.26 of the Revised Code, or otherwise 29298
appointed by the court, except for counsel appointed by the court 29299
to provide legal representation for a person charged with a 29300
violation of an ordinance of a municipal corporation, shall be 29301
paid for their services by the county the compensation and 29302
expenses that the trial court approves. Each request for payment 29303
shall ~~be accompanied by~~ include a financial disclosure form ~~and an~~ 29304
~~affidavit of indigency that are~~ completed by the indigent person 29305
on ~~forms~~ a form prescribed by the state public defender. 29306
Compensation and expenses shall not exceed the amounts fixed by 29307
the board of county commissioners pursuant to division (B) of this 29308
section. 29309

(B) The board of county commissioners shall establish a 29310
schedule of fees by case or on an hourly basis to be paid by the 29311
county for legal services provided by appointed counsel. Prior to 29312
establishing such schedule, the board shall request the bar 29313
association or associations of the county to submit a proposed 29314
schedule for cases other than capital cases. The schedule 29315
submitted shall be subject to the review, amendment, and approval 29316
of the board of county commissioners, except with respect to 29317
capital cases. With respect to capital cases, the schedule shall 29318
provide for fees by case or on an hourly basis to be paid to 29319
counsel in the amount or at the rate set by the capital case 29320
attorney fee council pursuant to division (D) of section 120.33 of 29321
the Revised Code, and the board of county commissioners shall 29322
approve that amount or rate. 29323

With respect to capital cases, counsel shall be paid 29324
compensation and expenses in accordance with the amount or at the 29325
rate set by the capital case attorney fee council pursuant to 29326
division (D) of section 120.33 of the Revised Code. 29327

(C) In a case where counsel have been appointed to conduct an 29328
appeal under Chapter 120. of the Revised Code, such compensation 29329
shall be fixed by the court of appeals or the supreme court, as 29330
provided in divisions (A) and (B) of this section. 29331

(D) The fees and expenses approved by the court under this 29332
section shall not be taxed as part of the costs and shall be paid 29333
by the county. However, if the person represented has, or 29334
reasonably may be expected to have, the means to meet some part of 29335
the cost of the services rendered to the person, the person shall 29336
pay the county an amount that the person reasonably can be 29337
expected to pay. Pursuant to section 120.04 of the Revised Code, 29338
the county shall pay to the state public defender a percentage of 29339
the payment received from the person in an amount proportionate to 29340
the percentage of the costs of the person's case that were paid to 29341
the county by the state public defender pursuant to this section. 29342
The money paid to the state public defender shall be credited to 29343
the client payment fund created pursuant to division (B)(5) of 29344
section 120.04 of the Revised Code. 29345

(E) The county auditor shall draw a warrant on the county 29346
treasurer for the payment of such counsel in the amount fixed by 29347
the court, plus the expenses that the court fixes and certifies to 29348
the auditor. The county auditor shall report periodically, but not 29349
less than annually, to the board of county commissioners and to 29350
the Ohio public defender commission the amounts paid out pursuant 29351
to the approval of the court under this section, separately 29352
stating costs and expenses that are reimbursable under section 29353
120.35 of the Revised Code. The board, after review and approval 29354
of the auditor's report, may then certify it to the state public 29355

defender for reimbursement. The request for reimbursement shall be 29356
accompanied by a financial disclosure form completed by each 29357
indigent person for whom counsel was provided on a form prescribed 29358
by the state public defender. The state public defender shall 29359
review the report and, in accordance with the standards, 29360
guidelines, and maximums established pursuant to divisions (B)(7) 29361
and (8) of section 120.04 of the Revised Code, pay fifty per cent 29362
of the total cost, other than costs and expenses that are 29363
reimbursable under section 120.35 of the Revised Code, if any, of 29364
paying appointed counsel in each county and pay ~~fifty~~ one hundred 29365
per cent of costs and expenses that are reimbursable under section 29366
120.35 of the Revised Code, if any, to the board. 29367

(F) If any county system for paying appointed counsel fails 29368
to maintain the standards for the conduct of the system 29369
established by the rules of the Ohio public defender commission 29370
pursuant to divisions (B) and (C) of section 120.03 of the Revised 29371
Code or the standards established by the state public defender 29372
pursuant to division (B)(7) of section 120.04 of the Revised Code, 29373
the commission shall notify the board of county commissioners of 29374
the county that the county system for paying appointed counsel has 29375
failed to comply with its rules. Unless the board corrects the 29376
conduct of its appointed counsel system to comply with the rules 29377
within ninety days after the date of the notice, the state public 29378
defender may deny all or part of the county's reimbursement from 29379
the state provided for in this section. 29380

Sec. 2953.25. (A) As used in this section: 29381

(1) "Collateral sanction" means a penalty, disability, or 29382
disadvantage that is related to employment or occupational 29383
licensing, however denominated, as a result of the individual's 29384
conviction of or plea of guilty to an offense and that applies by 29385
operation of law in this state whether or not the penalty, 29386

disability, or disadvantage is included in the sentence or judgment imposed. 29387
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"Collateral sanction" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution. 29389
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(2) "Decision-maker" includes, but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the exercise of any function of government, a political subdivision, an educational institution, or a government contractor or subcontractor made subject to this section by contract, law, or ordinance. 29392
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(3) "Department-funded program" means a residential or nonresidential program that is not a term in a state correctional institution, that is funded in whole or part by the department of rehabilitation and correction, and that is imposed as a sanction for an offense, as part of a sanction that is imposed for an offense, or as a term or condition of any sanction that is imposed for an offense. 29399
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(4) "Designee" means the person designated by the deputy director of the division of parole and community services to perform the duties designated in division (B) of this section. 29406
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(5) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction. 29409
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(6) "Offense" means any felony or misdemeanor under the laws of this state. 29412
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(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code. 29414
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(B)(1) ~~After the provisions of this division become operative~~ 29416

~~as described in division (J) of this section, an~~ An individual who 29417
is subject to one or more collateral sanctions as a result of 29418
being convicted of or pleading guilty to an offense and who either 29419
has served a term in a state correctional institution for any 29420
offense or has spent time in a department-funded program for any 29421
offense may file a petition with the designee of the deputy 29422
director of the division of parole and community services for a 29423
certificate of qualification for employment. 29424

(2) ~~After the provisions of this division become operative as~~ 29425
~~described in division (J) of this section, an~~ An individual who is 29426
subject to one or more collateral sanctions as a result of being 29427
convicted of or pleading guilty to an offense and who is not in a 29428
category described in division (B)(1) of this section may file a 29429
~~petition with the court of common pleas of the county in which the~~ 29430
~~person resides or with the designee of the deputy director of the~~ 29431
~~division of parole and community services~~ for a certificate of 29432
qualification for employment by doing either of the following: 29433

(a) In the case of an individual who resides in this state, 29434
filing a petition with the court of common pleas of the county in 29435
which the person resides or with the designee of the deputy 29436
director of the division of parole and community services; 29437

(b) In the case of an individual who resides outside of this 29438
state, filing a petition with the court of common pleas of any 29439
county in which any conviction or plea of guilty from which the 29440
individual seeks relief was entered or with the designee of the 29441
deputy director of the division of parole and community services. 29442

(3) A petition under division (B)(1) or (2) of this section 29443
shall be made on a copy of the form prescribed by the division of 29444
parole and community services under division (J) of this section 29445
and shall contain all of the information described in division (F) 29446
of this section. 29447

(4) ~~An~~ (a) Except as provided in division (B)(4)(b) of this section, an individual may file a petition under division (B)(1) or (2) of this section at any time after the expiration of whichever of the following is applicable: 29448
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~~(a)~~(i) If the offense that resulted in the collateral 29452
sanction from which the individual seeks relief is a felony, at 29453
any time after the expiration of one year from the date of release 29454
of the individual from any period of incarceration in a state or 29455
local correctional facility that was imposed for that offense and 29456
all periods of supervision imposed after release from the period 29457
of incarceration or, if the individual was not incarcerated for 29458
that offense, at any time after the expiration of one year from 29459
the date of the individual's final release from all other 29460
sanctions imposed for that offense. 29461

~~(b)~~(ii) If the offense that resulted in the collateral 29462
sanction from which the individual seeks relief is a misdemeanor, 29463
at any time after the expiration of six months from the date of 29464
release of the individual from any period of incarceration in a 29465
local correctional facility that was imposed for that offense and 29466
all periods of supervision imposed after release from the period 29467
of incarceration or, if the individual was not incarcerated for 29468
that offense, at any time after the expiration of six months from 29469
the date of the final release of the individual from all sanctions 29470
imposed for that offense including any period of supervision. 29471

(b) The department of rehabilitation and correction may 29472
establish criteria by rule adopted under Chapter 119. of the 29473
Revised Code that, if satisfied by an individual, would allow the 29474
individual to file a petition before the expiration of six months 29475
or one year from the date of final release, whichever is 29476
applicable under division (B)(4)(a) of this section. 29477

(5)(a) A designee that receives a petition for a 29478
~~certification~~ certificate of qualification for employment from an 29479

individual under division (B)(1) or (2) of this section shall 29480
review the petition to determine whether it is complete. If the 29481
petition is complete, the designee shall forward the petition, and 29482
any other information the designee possesses that relates to the 29483
petition, to the court of common pleas of the county in which the 29484
individual resides if the individual submitting the petition 29485
resides in this state or, if the individual resides outside of 29486
this state, to the court of common pleas of the county in which 29487
the conviction or plea of guilty from which the individual seeks 29488
relief was entered. 29489

(b) A court of common pleas that receives a petition for a 29490
certificate of qualification for employment from an individual 29491
under division (B)(2) of this section, or that is forwarded a 29492
petition for such a certificate under division (B)(5)(a) of this 29493
section, shall attempt to determine all other courts in this state 29494
in which the individual was convicted of or pleaded guilty to an 29495
offense other than the offense from which the individual is 29496
seeking relief. The court that receives or is forwarded the 29497
petition shall notify all other courts in this state that it 29498
determines under this division were courts in which the individual 29499
was convicted of or pleaded guilty to an offense other than the 29500
offense from which the individual is seeking relief that the 29501
individual has filed the petition and that the court may send 29502
comments regarding the possible issuance of the certificate. 29503

A court of common pleas that receives a petition for a 29504
certificate of qualification for employment under division (B)(2) 29505
of this section shall notify the county's prosecuting attorney ~~of~~ 29506
~~the county in which the individual resides~~ that the individual has 29507
filed the petition. 29508

A court of common pleas that receives a petition for a 29509
certificate of qualification for employment under division (B)(2) 29510
of this section, or that is forwarded a petition for qualification 29511

under division (B)(5)(a) of this section may direct the clerk of 29512
court to process and record all notices required in or under this 29513
section. 29514

(C)(1) Upon receiving a petition for a certificate of 29515
qualification for employment filed by an individual under division 29516
(B)(2) of this section or being forwarded a petition for such a 29517
certificate under division (B)(5)(a) of this section, the court 29518
shall review the individual's petition, the individual's criminal 29519
history, all filings submitted by the prosecutor or by the victim 29520
in accordance with rules adopted by the division of parole and 29521
community services, the applicant's military service record, if 29522
applicable, and whether the applicant has an emotional, mental, or 29523
physical condition that is traceable to the applicant's military 29524
service in the armed forces of the United States and that was a 29525
contributing factor in the commission of the offense or offenses, 29526
and all other relevant evidence. The court may order any report, 29527
investigation, or disclosure by the individual that the court 29528
believes is necessary for the court to reach a decision on whether 29529
to approve the individual's petition for a certificate of 29530
qualification for employment. 29531

(2) Upon receiving a petition for a certificate of 29532
qualification for employment filed by an individual under division 29533
(B)(2) of this section or being forwarded a petition for such a 29534
certificate under division (B)(5)(a) of this section, except as 29535
otherwise provided in this division, the court shall decide 29536
whether to issue the certificate within sixty days after the court 29537
receives or is forwarded the completed petition and all 29538
information requested for the court to make that decision. Upon 29539
request of the individual who filed the petition, the court may 29540
extend the sixty-day period specified in this division. 29541

(3) Subject to division (C)(5) of this section, a court that 29542
receives an individual's petition for a certificate of 29543

qualification for employment under division (B)(2) of this section 29544
or that is forwarded a petition for such a certificate under 29545
division (B)(5)(a) of this section may issue a certificate of 29546
qualification for employment, at the court's discretion, if the 29547
court finds that the individual has established all of the 29548
following by a preponderance of the evidence: 29549

(a) Granting the petition will materially assist the 29550
individual in obtaining employment or occupational licensing. 29551

(b) The individual has a substantial need for the relief 29552
requested in order to live a law-abiding life. 29553

(c) Granting the petition would not pose an unreasonable risk 29554
to the safety of the public or any individual. 29555

(4) The submission of an incomplete petition by an individual 29556
shall not be grounds for the designee or court to deny the 29557
petition. 29558

(5) ~~A court that receives an individual's petition for a 29559
certificate of qualification for employment under division (B)(2) 29560
of this section or that is forwarded a petition for such a 29561
certificate under division (B)(5)(a) of this section shall not 29562
issue a certificate of qualification for employment that grants 29563
the individual shall not create relief from any of the following 29564
collateral sanctions: 29565~~

(a) Requirements imposed by Chapter 2950. of the Revised Code 29566
and rules adopted under sections 2950.13 and 2950.132 of the 29567
Revised Code; 29568

(b) A driver's license, commercial driver's license, or 29569
probationary license suspension, cancellation, or revocation 29570
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 29571
Revised Code if the relief sought is available pursuant to section 29572
4510.021 or division (B) of section 4510.13 of the Revised Code; 29573

(c) Restrictions on employment as a prosecutor or law enforcement officer;	29574 29575
(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code;	29576 29577 29578 29579 29580 29581 29582 29583 29584 29585
(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;	29586 29587 29588 29589 29590
(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code;	29591 29592 29593
(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code.	29594 29595 29596 29597
(6) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent	29598 29599 29600 29601 29602 29603 29604

petition for a certificate of qualification for employment. The 29605
written notice must notify the individual of any conditions placed 29606
on the individual's filing of a subsequent petition for a 29607
certificate of qualification for employment. 29608

If a court of common pleas that receives an individual's 29609
petition for a certificate of qualification for employment under 29610
division (B)(2) of this section or that is forwarded a petition 29611
for such a certificate under division (B)(5)(a) of this section 29612
denies the petition, the individual may appeal the decision to the 29613
court of appeals only if the individual alleges that the denial 29614
was an abuse of discretion on the part of the court of common 29615
pleas. 29616

(D)(1) A certificate of qualification for employment issued 29617
to an individual lifts the automatic bar of a collateral sanction, 29618
and a decision-maker shall consider on a case-by-case basis 29619
whether to grant or deny the issuance or restoration of an 29620
occupational license or an employment opportunity, notwithstanding 29621
the individual's possession of the certificate, without, however, 29622
reconsidering or rejecting any finding made by a designee or court 29623
under division (C)(3) of this section. 29624

(2) The certificate constitutes a rebuttable presumption that 29625
the person's criminal convictions are insufficient evidence that 29626
the person is unfit for the license, employment opportunity, or 29627
certification in question. Notwithstanding the presumption 29628
established under this division, the agency may deny the license 29629
or certification for the person if it determines that the person 29630
is unfit for issuance of the license. 29631

(3) If an employer that has hired a person who has been 29632
issued a certificate of qualification for employment applies to a 29633
licensing agency for a license or certification and the person has 29634
a conviction or guilty plea that otherwise would bar the person's 29635
employment with the employer or licensure for the employer because 29636

of a mandatory civil impact, the agency shall give the person 29637
individualized consideration, notwithstanding the mandatory civil 29638
impact, the mandatory civil impact shall be considered for all 29639
purposes to be a discretionary civil impact, and the certificate 29640
constitutes a rebuttable presumption that the person's criminal 29641
convictions are insufficient evidence that the person is unfit for 29642
the employment, or that the employer is unfit for the license or 29643
certification, in question. 29644

(E) A certificate of qualification for employment does not 29645
grant the individual to whom the certificate was issued relief 29646
from the mandatory civil impacts identified in division (A)(1) of 29647
section 2961.01 or division (B) of section 2961.02 of the Revised 29648
Code. 29649

(F) A petition for a certificate of qualification for 29650
employment filed by an individual under division (B)(1) or (2) of 29651
this section shall include all of the following: 29652

(1) The individual's name, date of birth, and social security 29653
number; 29654

(2) All aliases of the individual and all social security 29655
numbers associated with those aliases; 29656

(3) The individual's residence address, including the city, 29657
county, and state of residence and zip code; 29658

(4) The length of time that the individual has ~~been a~~ 29659
~~resident of this~~ resided in the individual's current state of 29660
residence, expressed in years and months of residence; 29661

(5) ~~The name or type of each collateral sanction from which~~ 29662
~~the individual is requesting a certificate of qualification for~~ 29663
~~employment~~ A general statement as to why the individual has filed 29664
the petition and how the certificate of qualification for 29665
employment would assist the individual; 29666

(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	29667 29668 29669 29670
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	29671 29672 29673
(8) Verifiable references and endorsements;	29674
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	29675 29676 29677
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	29678 29679
(11) Any other information required by rule by the department of rehabilitation and correction.	29680 29681
(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.	29682 29683 29684 29685 29686 29687 29688 29689 29690
(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.	29691 29692 29693 29694 29695
(3) If an employer hires an individual who has been issued a	29696

certificate of qualification for employment under this section, if 29697
the individual, after being hired, subsequently demonstrates 29698
dangerousness or is convicted of or pleads guilty to a felony, and 29699
if the employer retains the individual as an employee after the 29700
demonstration of dangerousness or the conviction or guilty plea, 29701
the employer may be held liable in a civil action that is based on 29702
or relates to the retention of the individual as an employee only 29703
if it is proved by a preponderance of the evidence that the person 29704
having hiring and firing responsibility for the employer had 29705
actual knowledge that the employee was dangerous or had been 29706
convicted of or pleaded guilty to the felony and was willful in 29707
retaining the individual as an employee after the demonstration of 29708
dangerousness or the conviction or guilty plea of which the person 29709
has actual knowledge. 29710

(H) A certificate of qualification for employment issued 29711
under this section shall be ~~presumptively~~ revoked if the 29712
individual to whom the certificate of qualification for employment 29713
was issued is convicted of or pleads guilty to a felony offense 29714
committed subsequent to the issuance of the certificate of 29715
qualification for employment. The department of rehabilitation and 29716
correction shall periodically review the certificates listed in 29717
the database described in division (K) of this section to identify 29718
those that are subject to revocation under this division. Upon 29719
identifying a certificate of qualification for employment that is 29720
subject to revocation, the department shall note in the database 29721
that the certificate has been revoked, the reason for revocation, 29722
and the effective date of revocation, which shall be the date of 29723
the conviction or plea of guilty subsequent to the issuance of the 29724
certificate. 29725

(I) A designee's forwarding, or failure to forward, a 29726
petition for a certificate of qualification for employment to a 29727
court or a court's issuance, or failure to issue, a petition for a 29728

certificate of qualification for employment to an individual under 29729
division (B) of this section does not give rise to a claim for 29730
damages against the department of rehabilitation and correction or 29731
court. 29732

~~(J) Not later than ninety days after September 28, 2012, the~~ 29733
~~The~~ division of parole and community services shall adopt rules in 29734
accordance with Chapter 119. of the Revised Code for the 29735
implementation and administration of this section and shall 29736
prescribe the form for the petition to be used under division 29737
(B)(1) or (2) of this section. The form for the petition shall 29738
include places for all of the information specified in division 29739
(F) of this section. ~~Upon the adoption of the rules, the~~ 29740
~~provisions of divisions (A) to (I) of this section become~~ 29741
~~operative.~~ 29742

(K) The department of rehabilitation and correction shall 29743
~~conduct a study to determine the manner for transferring the~~ 29744
~~mechanism for the issuance of a certificate of qualification for~~ 29745
~~employment created by this section to an electronic database~~ 29746
~~established and maintained by the department. The~~ maintain a 29747
~~database to which the mechanism is to be transferred shall include~~ 29748
that identifies granted certificates and revoked certificates and 29749
~~shall be designed to track~~ tracks the number of certificates 29750
granted and revoked, the industries, occupations, and professions 29751
with respect to which the certificates have been most applicable, 29752
and the types of employers that have accepted the certificates, 29753
~~and the recidivism rates of individuals who have been issued the~~ 29754
~~certificates. Not later than the date that is one year after~~ 29755
~~September 28, 2012, the~~ The department of rehabilitation and 29756
~~correction shall submit to the general assembly and the governor~~ 29757
annually create a report that ~~contains the results of the study~~ 29758
~~and recommendations for transferring the mechanism for the~~ 29759
~~issuance of certificate of qualification for employment created by~~ 29760

~~this section to an electronic summarizes the information 29761
maintained in the database established and maintained by the 29762
department and shall make the report available to the public on 29763
its internet web site. 29764~~

~~(L) The department of rehabilitation and correction, in 29765
conjunction with the Ohio judicial conference, shall conduct a 29766
study to determine whether the application process for 29767
certificates of qualification for employment created by this 29768
section is feasible based upon the caseload capacity of the 29769
department and the courts of common pleas. Not later than the date 29770
that is one year after September 28, 2012, the department shall 29771
submit to the general assembly a report that contains the results 29772
of the study and any recommendations for improvement of the 29773
application process. 29774~~

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 29775
the Revised Code, an eligible offender may apply to the sentencing 29776
court if convicted in this state, or to a court of common pleas if 29777
convicted in another state or in a federal court, for the sealing 29778
of the record of the case that pertains to the conviction. 29779
Application may be made at the expiration of three years after the 29780
offender's final discharge if convicted of a felony, or at the 29781
expiration of one year after the offender's final discharge if 29782
convicted of a misdemeanor. 29783

(2) Any person who has been arrested for any misdemeanor 29784
offense and who has effected a bail forfeiture for the offense 29785
charged may apply to the court in which the misdemeanor criminal 29786
case was pending when bail was forfeited for the sealing of the 29787
record of the case that pertains to the charge. Except as provided 29788
in section 2953.61 of the Revised Code, the application may be 29789
filed at any time after the expiration of one year from the date 29790
on which the bail forfeiture was entered upon the minutes of the 29791

court or the journal, whichever entry occurs first. 29792

(B) Upon the filing of an application under this section, the 29793
court shall set a date for a hearing and shall notify the 29794
prosecutor for the case of the hearing on the application. The 29795
prosecutor may object to the granting of the application by filing 29796
an objection with the court prior to the date set for the hearing. 29797
The prosecutor shall specify in the objection the reasons for 29798
believing a denial of the application is justified. The court 29799
shall direct its regular probation officer, a state probation 29800
officer, or the department of probation of the county in which the 29801
applicant resides to make inquiries and written reports as the 29802
court requires concerning the applicant. The probation officer or 29803
county department of probation that the court directs to make 29804
inquiries concerning the applicant shall determine whether or not 29805
the applicant was fingerprinted at the time of arrest or under 29806
section 109.60 of the Revised Code. If the applicant was so 29807
fingerprinted, the probation officer or county department of 29808
probation shall include with the written report a record of the 29809
applicant's fingerprints. If the applicant was convicted of or 29810
pleaded guilty to a violation of division (A)(2) or (B) of section 29811
2919.21 of the Revised Code, the probation officer or county 29812
department of probation that the court directed to make inquiries 29813
concerning the applicant shall contact the child support 29814
enforcement agency enforcing the applicant's obligations under the 29815
child support order to inquire about the offender's compliance 29816
with the child support order. 29817

(C)(1) The court shall do each of the following: 29818

(a) Determine whether the applicant is an eligible offender 29819
or whether the forfeiture of bail was agreed to by the applicant 29820
and the prosecutor in the case. If the applicant applies as an 29821
eligible offender pursuant to division (A)(1) of this section and 29822
has two or three convictions that result from the same indictment, 29823

information, or complaint, from the same plea of guilty, or from 29824
the same official proceeding, and result from related criminal 29825
acts that were committed within a three-month period but do not 29826
result from the same act or from offenses committed at the same 29827
time, in making its determination under this division, the court 29828
initially shall determine whether it is not in the public interest 29829
for the two or three convictions to be counted as one conviction. 29830
If the court determines that it is not in the public interest for 29831
the two or three convictions to be counted as one conviction, the 29832
court shall determine that the applicant is not an eligible 29833
offender; if the court does not make that determination, the court 29834
shall determine that the offender is an eligible offender. 29835

(b) Determine whether criminal proceedings are pending 29836
against the applicant; 29837

(c) If the applicant is an eligible offender who applies 29838
pursuant to division (A)(1) of this section, determine whether the 29839
applicant has been rehabilitated to the satisfaction of the court; 29840

(d) If the prosecutor has filed an objection in accordance 29841
with division (B) of this section, consider the reasons against 29842
granting the application specified by the prosecutor in the 29843
objection; 29844

(e) Weigh the interests of the applicant in having the 29845
records pertaining to the applicant's conviction or bail 29846
forfeiture sealed against the legitimate needs, if any, of the 29847
government to maintain those records. 29848

(2) If the court determines, after complying with division 29849
(C)(1) of this section, that the applicant is an eligible offender 29850
or the subject of a bail forfeiture, that no criminal proceeding 29851
is pending against the applicant, ~~and~~ that the interests of the 29852
applicant in having the records pertaining to the applicant's 29853
conviction or bail forfeiture sealed are not outweighed by any 29854

legitimate governmental needs to maintain those records, and that 29855
the rehabilitation of an applicant who is an eligible offender 29856
applying pursuant to division (A)(1) of this section has been 29857
attained to the satisfaction of the court, the court, except as 29858
provided in ~~divisions~~ division (C)(4), (G), (H), or (I) of this 29859
section, shall order all official records of the case that pertain 29860
to the conviction or bail forfeiture sealed and, except as 29861
provided in division (F) of this section, all index references to 29862
the case that pertain to the conviction or bail forfeiture deleted 29863
and, in the case of bail forfeitures, shall dismiss the charges in 29864
the case. The proceedings in the case that pertain to the 29865
conviction or bail forfeiture shall be considered not to have 29866
occurred and the conviction or bail forfeiture of the person who 29867
is the subject of the proceedings shall be sealed, except that 29868
upon conviction of a subsequent offense, the sealed record of 29869
prior conviction or bail forfeiture may be considered by the court 29870
in determining the sentence or other appropriate disposition, 29871
including the relief provided for in sections 2953.31 to 2953.33 29872
of the Revised Code. 29873

(3) An applicant may request the sealing of the records of 29874
more than one case in a single application under this section. 29875
Upon the filing of an application under this section, the 29876
applicant, unless indigent, shall pay a fee of fifty dollars, 29877
regardless of the number of records the application requests to 29878
have sealed. The court shall pay thirty dollars of the fee into 29879
the state treasury. It shall pay twenty dollars of the fee into 29880
the county general revenue fund if the sealed conviction or bail 29881
forfeiture was pursuant to a state statute, or into the general 29882
revenue fund of the municipal corporation involved if the sealed 29883
conviction or bail forfeiture was pursuant to a municipal 29884
ordinance. 29885

(4) If the court orders the official records pertaining to 29886

the case sealed, the court shall do one of the following: 29887

(a) If the applicant was fingerprinted at the time of arrest 29888
or under section 109.60 of the Revised Code and the record of the 29889
applicant's fingerprints was provided to the court under division 29890
(B) of this section, forward a copy of the sealing order and the 29891
record of the applicant's fingerprints to the bureau of criminal 29892
identification and investigation. 29893

(b) If the applicant was not fingerprinted at the time of 29894
arrest or under section 109.60 of the Revised Code, or the record 29895
of the applicant's fingerprints was not provided to the court 29896
under division (B) of this section, but fingerprinting was 29897
required for the offense, order the applicant to appear before a 29898
sheriff to have the applicant's fingerprints taken according to 29899
the fingerprint system of identification on the forms furnished by 29900
the superintendent of the bureau of criminal identification and 29901
investigation. The sheriff shall forward the applicant's 29902
fingerprints to the court. The court shall forward the applicant's 29903
fingerprints and a copy of the sealing order to the bureau of 29904
criminal identification and investigation. 29905

Failure of the court to order fingerprints at the time of 29906
sealing does not constitute a reversible error. 29907

(5) At the time an applicant files an application under 29908
division (A) of this section, the following shall apply: 29909

(a) The clerk of court shall notify the applicant in writing 29910
that the court will send notice of any order under division (C)(2) 29911
of this section to the qualified third party selected by the 29912
attorney general under section 109.38 of the Revised Code and 29913
shall inform the applicant of the procedures under section 109.381 29914
of the Revised Code. 29915

(b) The applicant shall then notify the clerk if the 29916
applicant wishes to opt out of receiving the benefits of having 29917

the court send notice of its order under division (C)(2) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order. 29918
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(c) If the applicant does not opt out under division (C)(5)(b) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (C)(2)(b) of section 109.38 of the Revised Code. 29922
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(6)(a) Upon the issuance of an order under division (C)(2) of this section, and unless the applicant opts out under division (C)(5)(b) of this section, the clerk shall remit the fee paid by the applicant under division (C)(5)(c) of this section to the qualified third party. The court shall send notice of the order under division (C)(2) of this section to the qualified third party. 29927
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(b) If the applicant's application under division (A) of this section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (C)(2) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (C)(2) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (C)(5)(c) of this section that is intended for the qualified third party back to the applicant. 29934
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(D) Inspection of the sealed records included in the order may be made only by the following persons or for the following purposes: 29943
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(1) By a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which a person is to be charged 29946
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would be affected by virtue of the person's previously having been convicted of a crime; 29949
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(2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority; 29951
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(3) Upon application by the person who is the subject of the records, by the persons named in the application; 29957
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(4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case; 29959
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(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code; 29962
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(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department; 29966
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(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code; 29971
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(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code; 29974
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(9) By the bureau of criminal identification and 29978

investigation or any authorized employee of the bureau for the 29979
purpose of performing a criminal history records check on a person 29980
to whom a certificate as prescribed in section 109.77 of the 29981
Revised Code is to be awarded; 29982

(10) By the bureau of criminal identification and 29983
investigation or any authorized employee of the bureau for the 29984
purpose of conducting a criminal records check of an individual 29985
pursuant to division (B) of section 109.572 of the Revised Code 29986
that was requested pursuant to any of the sections identified in 29987
division (B)(1) of that section; 29988

(11) By the bureau of criminal identification and 29989
investigation, an authorized employee of the bureau, a sheriff, or 29990
an authorized employee of a sheriff in connection with a criminal 29991
records check described in section 311.41 of the Revised Code; 29992

(12) By the attorney general or an authorized employee of the 29993
attorney general or a court for purposes of determining a person's 29994
classification pursuant to Chapter 2950. of the Revised Code; 29995

(13) By a court, the registrar of motor vehicles, a 29996
prosecuting attorney or the prosecuting attorney's assistants, or 29997
a law enforcement officer for the purpose of assessing points 29998
against a person under section 4510.036 of the Revised Code or for 29999
taking action with regard to points assessed. 30000

When the nature and character of the offense with which a 30001
person is to be charged would be affected by the information, it 30002
may be used for the purpose of charging the person with an 30003
offense. 30004

(E) In any criminal proceeding, proof of any otherwise 30005
admissible prior conviction may be introduced and proved, 30006
notwithstanding the fact that for any such prior conviction an 30007
order of sealing previously was issued pursuant to sections 30008
2953.31 to 2953.36 of the Revised Code. 30009

(F) The person or governmental agency, office, or department 30010
that maintains sealed records pertaining to convictions or bail 30011
forfeitures that have been sealed pursuant to this section may 30012
maintain a manual or computerized index to the sealed records. The 30013
index shall contain only the name of, and alphanumeric identifiers 30014
that relate to, the persons who are the subject of the sealed 30015
records, the word "sealed," and the name of the person, agency, 30016
office, or department that has custody of the sealed records, and 30017
shall not contain the name of the crime committed. The index shall 30018
be made available by the person who has custody of the sealed 30019
records only for the purposes set forth in divisions (C), (D), and 30020
(E) of this section. 30021

(G) Notwithstanding any provision of this section or section 30022
2953.33 of the Revised Code that requires otherwise, a board of 30023
education of a city, local, exempted village, or joint vocational 30024
school district that maintains records of an individual who has 30025
been permanently excluded under sections 3301.121 and 3313.662 of 30026
the Revised Code is permitted to maintain records regarding a 30027
conviction that was used as the basis for the individual's 30028
permanent exclusion, regardless of a court order to seal the 30029
record. An order issued under this section to seal the record of a 30030
conviction does not revoke the adjudication order of the 30031
superintendent of public instruction to permanently exclude the 30032
individual who is the subject of the sealing order. An order 30033
issued under this section to seal the record of a conviction of an 30034
individual may be presented to a district superintendent as 30035
evidence to support the contention that the superintendent should 30036
recommend that the permanent exclusion of the individual who is 30037
the subject of the sealing order be revoked. Except as otherwise 30038
authorized by this division and sections 3301.121 and 3313.662 of 30039
the Revised Code, any school employee in possession of or having 30040
access to the sealed conviction records of an individual that were 30041
the basis of a permanent exclusion of the individual is subject to 30042

section 2953.35 of the Revised Code. 30043

(H) For purposes of sections 2953.31 to 2953.36 of the 30044
Revised Code, DNA records collected in the DNA database and 30045
fingerprints filed for record by the superintendent of the bureau 30046
of criminal identification and investigation shall not be sealed 30047
unless the superintendent receives a certified copy of a final 30048
court order establishing that the offender's conviction has been 30049
overturned. For purposes of this section, a court order is not 30050
"final" if time remains for an appeal or application for 30051
discretionary review with respect to the order. 30052

(I) The sealing of a record under this section does not 30053
affect the assessment of points under section 4510.036 of the 30054
Revised Code and does not erase points assessed against a person 30055
as a result of the sealed record. 30056

Sec. 2953.37. (A) As used in this section: 30057

(1) "Expunge" means to destroy, delete, and erase a record as 30058
appropriate for the record's physical or electronic form or 30059
characteristic so that the record is permanently irretrievable. 30060

(2) "Official records" has the same meaning as in section 30061
2953.51 of the Revised Code. 30062

(3) "Prosecutor" has the same meaning as in section 2953.31 30063
of the Revised Code. 30064

(4) "Record of conviction" means the record related to a 30065
conviction of or plea of guilty to an offense. 30066

(B) Any person who is convicted of, was convicted of, pleads 30067
guilty to, or has pleaded guilty to a violation of division (B), 30068
(C), or (E) of section 2923.16 of the Revised Code as the division 30069
existed prior to September 30, 2011, and who is authorized by 30070
division (H)(2)(a) of that section to file an application under 30071
this section for the expungement of the conviction record may 30072

apply to the sentencing court for the expungement of the record of conviction. The person may file the application at any time on or after September 30, 2011. The application shall do all of the following:

(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of or plea of guilty to that offense, and the court in which the conviction occurred or the plea of guilty was entered;

(2) Include evidence that the offense was a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and that the applicant is authorized by division (H)(2)(a) of that section to file an application under this section;

(3) Include a request for expungement of the record of conviction of that offense under this section.

(C) Upon the filing of an application under division (B) of this section and the payment of the fee described in division (D)(3) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division.

(D)(1) At the hearing held under division (C) of this section, the court shall do each of the following:

(a) Determine whether the applicant has been convicted of or
pleaded guilty to a violation of division (E) of section 2923.16
of the Revised Code as the division existed prior to September 30,
2011, and whether the conduct that was the basis of the violation
no longer would be a violation of that division on or after
September 30, 2011;

(b) Determine whether the applicant has been convicted of or
pleaded guilty to a violation of division (B) or (C) of section
2923.16 of the Revised Code as the division existed prior to
September 30, 2011, and whether the conduct that was the basis of
the violation no longer would be a violation of that division on
or after September 30, 2011, due to the application of division
(F)(5) of that section as it exists on and after September 30,
2011;

(c) If the prosecutor has filed an objection in accordance
with division (C) of this section, consider the reasons against
granting the application specified by the prosecutor in the
objection;

(d) Weigh the interests of the applicant in having the
records pertaining to the applicant's conviction or guilty plea
expunged against the legitimate needs, if any, of the government
to maintain those records.

(2)(a) The court may order the expungement of all official
records pertaining to the case and the deletion of all index
references to the case and, if it does order the expungement,
shall send notice of the order to each public office or agency
that the court has reason to believe may have an official record
pertaining to the case if the court, after complying with division
(D)(1) of this section, determines both of the following:

(i) That the applicant has been convicted of or pleaded
guilty to a violation of division (E) of section 2923.16 of the

Revised Code as it existed prior to September 30, 2011, and the 30135
conduct that was the basis of the violation no longer would be a 30136
violation of that division on or after September 30, 2011, or that 30137
the applicant has been convicted of or pleaded guilty to a 30138
violation of division (B) or (C) of section 2923.16 of the Revised 30139
Code as the division existed prior to September 30, 2011, and the 30140
conduct that was the basis of the violation no longer would be a 30141
violation of that division on or after September 30, 2011, due to 30142
the application of division (F)(5) of that section as it exists on 30143
and after September 30, 2011; 30144

(ii) That the interests of the applicant in having the 30145
records pertaining to the applicant's conviction or guilty plea 30146
expunged are not outweighed by any legitimate needs of the 30147
government to maintain those records. 30148

(b) The proceedings in the case that is the subject of an 30149
order issued under division (D)(2)(a) of this section shall be 30150
considered not to have occurred and the conviction or guilty plea 30151
of the person who is the subject of the proceedings shall be 30152
expunged. The record of the conviction shall not be used for any 30153
purpose, including, but not limited to, a criminal records check 30154
under section 109.572 of the Revised Code or a determination under 30155
section 2923.125 or 2923.1212 of the Revised Code of eligibility 30156
for a concealed handgun license. The applicant may, and the court 30157
shall, reply that no record exists with respect to the applicant 30158
upon any inquiry into the matter. 30159

(3) Upon the filing of an application under this section, the 30160
applicant, unless indigent, shall pay a fee of fifty dollars. The 30161
court shall pay thirty dollars of the fee into the state treasury 30162
and shall pay twenty dollars of the fee into the county general 30163
revenue fund. 30164

(4) At the time an applicant files an application under 30165
division (B) of this section, the following shall apply: 30166

(a) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (D)(2)(a) of this section to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code. 30167
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(b) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (D)(2)(a) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order. 30173
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(c) If the applicant does not opt out under division (D)(4)(b) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (C)(2)(b) of section 109.38 of the Revised Code. 30179
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(5)(a) Upon issuance of an order under division (D)(2)(a) of this section, and unless the applicant opts out under division (D)(4)(b) of this section, the clerk shall remit the fee paid by the applicant under division (D)(4)(c) of this section to the qualified third party. The court shall send notice of the order under division (D)(2)(a) of this section to the qualified third party. 30184
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(b) If the applicant's application under division (B) of this section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (D)(2)(a) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (D)(2)(a) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (D)(4)(c) of this section that is intended for the qualified third 30191
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party back to the applicant. 30199

Sec. 2953.38. (A) As used in this section: 30200

(1) "Expunge" means to destroy, delete, or erase a record as 30201
appropriate for the record's physical or electronic form or 30202
characteristic so that the record is permanently irretrievable. 30203

(2) "Prosecutor" has the same meaning as in section 2953.31 30204
of the Revised Code. 30205

(3) "Record of conviction" means the record related to a 30206
conviction of or plea of guilty to an offense. 30207

(4) "Victim of human trafficking" means a person who is or 30208
was a victim of a violation of section 2905.32 of the Revised 30209
Code, regardless of whether anyone has been convicted of a 30210
violation of that section or of any other section for victimizing 30211
the person. 30212

(B) Any person who is or was convicted of a violation of 30213
section 2907.24, 2907.241, or 2907.25 of the Revised Code may 30214
apply to the sentencing court for the expungement of the record of 30215
conviction if the person's participation in the offense was a 30216
result of the person having been a victim of human trafficking. 30217
The person may file the application at any time. The application 30218
shall do all of the following: 30219

(1) Identify the applicant, the offense for which the 30220
expungement is sought, the date of the conviction of that offense, 30221
and the court in which the conviction occurred; 30222

(2) Describe the evidence and provide copies of any 30223
documentation showing that the person is entitled to relief under 30224
this section; 30225

(3) Include a request for expungement of the record of 30226
conviction of that offense under this section. 30227

(C) The court may deny an application made under division (B) 30228
of this section if it finds that the application fails to assert 30229
grounds on which relief may be granted. 30230

(D) If the court does not deny an application under division 30231
(C) of this section, it shall set a date for a hearing and shall 30232
notify the prosecutor for the case from which the record of 30233
conviction resulted of the hearing on the application. The 30234
prosecutor may object to the granting of the application by filing 30235
an objection with the court prior to the date set for the hearing. 30236
The prosecutor shall specify in the objection the reasons for 30237
believing a denial of the application is justified. The court may 30238
direct its regular probation officer, a state probation officer, 30239
or the department of probation of the county in which the 30240
applicant resides to make inquiries and written reports as the 30241
court requires concerning the applicant. 30242

(E) At the hearing held under division (D) of this section, 30243
the court shall do both of the following: 30244

(1) If the prosecutor has filed an objection, consider the 30245
reasons against granting the application specified by the 30246
prosecutor in the objection; 30247

(2) Determine whether the applicant has demonstrated by a 30248
preponderance of the evidence that the applicant's participation 30249
in the offense was a result of having been a victim of human 30250
trafficking. 30251

(F) If after a hearing the court finds that the applicant has 30252
demonstrated by a preponderance of the evidence that the 30253
applicant's participation in the offense that is the subject of 30254
the application was the result of the applicant having been a 30255
victim of human trafficking, the court shall grant the application 30256
and order that the record of conviction be expunged. 30257

(G)(1) The court shall send notice of the order of 30258

expungement to each public office or agency that the court has 30259
reason to believe may have an official record pertaining to the 30260
case if the court, after complying with division (E) of this 30261
section, determines both of the following: 30262

(a) That the applicant has been convicted of a violation of 30263
section 2907.24, 2907.241, or 2907.25 of the Revised Code; 30264

(b) That the interests of the applicant in having the records 30265
pertaining to the applicant's conviction expunged are not 30266
outweighed by any legitimate needs of the government to maintain 30267
those records. 30268

(2) The proceedings in the case that is the subject of an 30269
order issued under division (F) of this section shall be 30270
considered not to have occurred and the conviction of the person 30271
who is the subject of the proceedings shall be expunged. The 30272
record of the conviction shall not be used for any purpose, 30273
including, but not limited to, a criminal records check under 30274
section 109.572 of the Revised Code. The applicant may, and the 30275
court shall, reply that no record exists with respect to the 30276
applicant upon any inquiry into the matter. 30277

(H) Upon the filing of an application under this section, the 30278
applicant, unless indigent, shall pay a fee of fifty dollars. The 30279
court shall pay thirty dollars of the fee into the state treasury 30280
and shall pay twenty dollars of the fee into the county general 30281
revenue fund. 30282

(I) At the time an applicant files an application under 30283
division (B) of this section, the following shall apply: 30284

(1) The clerk of court shall notify the applicant in writing 30285
that the court will send notice of any order under division (F) of 30286
this section to the qualified third party selected by the attorney 30287
general under section 109.38 of the Revised Code and shall inform 30288
the applicant of the procedures under section 109.381 of the 30289

Revised Code. 30290

(2) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (F) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order. 30291
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(3) If the applicant does not opt out under division (I)(2) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (C)(2)(b) of section 109.38 of the Revised Code. 30297
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(J)(1) Upon the issuance of an order under division (F) of this section, and unless the applicant opts out under division (I)(2) of this section, the clerk shall remit the fee paid by the applicant under division (I)(3) of this section to the qualified third party. The court shall send notice of the order under division (F) of this section to the qualified third party. 30302
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(2) If the applicant's application under division (B) of this section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (F) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (F) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (I)(3) of this section that is intended for the qualified third party back to the applicant. 30308
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Sec. 2953.53. (A)(1) The court shall send notice of any order to seal official records issued pursuant to division (B)(3) of section 2953.52 of the Revised Code to the bureau of criminal identification and investigation and shall send notice of any 30317
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order issued pursuant to division (B)(4) of that section to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2)(a) At the time an applicant files an application under division (A) of section 2953.52 of the Revised Code, the following shall apply:

(i) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(ii) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.

(iii) If the applicant does not opt out under division (A)(2)(a)(ii) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (C)(2)(b) of section 109.38 of the Revised Code.

(b) Upon the issuance of an order under division (B)(4) of section 2953.52 of the Revised Code, and unless the applicant opts out under division (A)(2)(a)(ii) of this section, the clerk shall remit the fee paid by the applicant under division (A)(2)(a)(iii) of this section to the qualified third party. The court shall send notice of the order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party.

(c) If the applicant's application under division (A) of section 2953.52 of the Revised Code is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (B)(4) of that section, that the applicant wishes to opt out of having the court send notice of its order under division (B)(4) of that section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (A)(2)(a)(iii) of this section that is intended for the qualified third party back to the applicant.

(B) A person whose official records have been sealed pursuant to an order issued pursuant to section 2953.52 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order.

(C) An order to seal official records issued pursuant to section 2953.52 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal the official records or receives a copy of the order to seal the official records pursuant to division (A) or (B) of this section.

(D) Upon receiving a copy of an order to seal official records pursuant to division (A) or (B) of this section or upon otherwise becoming aware of an applicable order to seal official records issued pursuant to section 2953.52 of the Revised Code, a public office or agency shall comply with the order and, if applicable, with the provisions of section 2953.54 of the Revised Code, except that it may maintain a record of the case that is the subject of the order if the record is maintained for the purpose of compiling statistical data only and does not contain any reference to the person who is the subject of the case and the order.

A public office or agency also may maintain an index of sealed official records, in a form similar to that for sealed records of conviction as set forth in division (F) of section 2953.32 of the Revised Code, access to which may not be afforded to any person other than the person who has custody of the sealed official records. The sealed official records to which such an index pertains shall not be available to any person, except that the official records of a case that have been sealed may be made available to the following persons for the following purposes:

(1) To the person who is the subject of the records upon written application, and to any other person named in the application, for any purpose;

(2) To a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;

(3) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

(4) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program under division (E)(2)(b) of section 4301.69 of the Revised Code.

Sec. 2967.122. (A) Except as provided in division (B) of this section, at least two weeks before any offender who is serving a sentence for a felony is released from confinement in any state correctional institution, the adult parole authority shall provide notice of the release to the sheriff of the county in which the offender was convicted and to the sheriff of the county in which the offender will reside. Notice required by this section may be contained in a weekly list of all offenders who are scheduled for

release. 30415

(B)(1) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for an offender or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to an offender, the adult parole authority shall provide notice to the sheriff of the county in which the offender was convicted and the county in which the offender will reside. 30416
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(2) At least sixty days before an offender is transferred to transitional control under section 2967.26 of the Revised Code, the adult parole authority shall provide notice of the pendency of the transfer to the sheriff of the county in which the offender was convicted and the county in which the offender will reside. 30423
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(C) The notice required by divisions (A) and (B) of this section shall contain all of the following: 30428
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(1) The name of the offender being released; 30430

(2) The date of the offender's release; 30431

(3) The offense for the violation of which the offender was convicted and incarcerated; 30432
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(4) The date of the offender's conviction pursuant to which the offender was incarcerated; 30434
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(5) The sentence imposed for that conviction; 30436

(6) The length of any supervision that the offender will be under; 30437
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(7) The name, business address, and business phone number of the offender's supervising officer, if the offender is to be supervised upon release; 30439
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(8) The address at which the convict will reside. 30442

(D) This section does not apply to the release from 30443

confinement of an offender if, upon admission to the state 30444
correctional institution, the offender has less than fourteen days 30445
to serve on the sentence. 30446

Sec. 2967.193. (A)(1) Except as provided in division (C) of 30447
this section and subject to the maximum aggregate total specified 30448
in division (A)~~(2)~~(3) of this section, a person confined in a 30449
state correctional institution or placed in the substance use 30450
disorder treatment program may provisionally earn one day or five 30451
days of credit, based on the category set forth in division 30452
(D)(1), (2), (3), (4), or (5) of this section in which the person 30453
is included, toward satisfaction of the person's stated prison 30454
term for each completed month during which the person, if confined 30455
in a state correctional institution, productively participates in 30456
an education program, vocational training, employment in prison 30457
industries, treatment for substance abuse, or any other 30458
constructive program developed by the department with specific 30459
standards for performance by prisoners or during which the person, 30460
if placed in the substance use disorder treatment program, 30461
productively participates in the program. Except as provided in 30462
division (C) of this section and subject to the maximum aggregate 30463
total specified in division (A)~~(2)~~(3) of this section, a person so 30464
confined in a state correctional institution who successfully 30465
completes two programs or activities of that type may, in 30466
addition, provisionally earn up to five days of credit toward 30467
satisfaction of the person's stated prison term for the successful 30468
completion of the second program or activity. The person shall not 30469
be awarded any provisional days of credit for the successful 30470
completion of the first program or activity or for the successful 30471
completion of any program or activity that is completed after the 30472
second program or activity. At the end of each calendar month in 30473
which a person productively participates in a program or activity 30474
listed in this division or successfully completes a program or 30475

activity listed in this division, the department of rehabilitation and correction shall determine and record the total number of days credit that the person provisionally earned in that calendar month. If the person in a state correctional institution violates prison rules or the person in the substance use disorder treatment program violates program or department rules, the department may deny the person a credit that otherwise could have been provisionally awarded to the person or may withdraw one or more credits previously provisionally earned by the person. Days of credit provisionally earned by a person shall be finalized and awarded by the department subject to administrative review by the department of the person's conduct.

(2) The Unless a person is serving a mandatory prison term or a prison term for an offense of violence or a sexually oriented offense, and notwithstanding the maximum aggregate total specified in division (A)(3) of this section, a person who successfully completes an Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio central school system shall earn ninety days of credit toward satisfaction of the person's stated prison term or a ten per cent reduction of the person's stated prison term, whichever is less.

(3) Except for persons described in division (A)(2) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.

(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the

programs or activities and the criteria for awarding credit, 30508
including criteria for awarding additional credit for successful 30509
program or activity completion, and the criteria for denying or 30510
withdrawing previously provisionally earned credit as a result of 30511
a violation of prison rules, or program or department rules, 30512
whichever is applicable. 30513

(C) No person confined in a state correctional institution or 30514
placed in a substance use disorder treatment program to whom any 30515
of the following applies shall be awarded any days of credit under 30516
division (A) of this section: 30517

(1) The person is serving a prison term that section 2929.13 30518
or section 2929.14 of the Revised Code specifies cannot be reduced 30519
pursuant to this section or this chapter or is serving a sentence 30520
for which section 2967.13 or division (B) of section 2929.143 of 30521
the Revised Code specifies that the person is not entitled to any 30522
earned credit under this section. 30523

(2) The person is sentenced to death or is serving a prison 30524
term or a term of life imprisonment for aggravated murder, murder, 30525
or a conspiracy or attempt to commit, or complicity in committing, 30526
aggravated murder or murder. 30527

(3) The person is serving a sentence of life imprisonment 30528
without parole imposed pursuant to section 2929.03 or 2929.06 of 30529
the Revised Code, a prison term or a term of life imprisonment 30530
without parole imposed pursuant to section 2971.03 of the Revised 30531
Code, or a sentence for a sexually oriented offense that was 30532
committed on or after September 30, 2011. 30533

(D) This division does not apply to a determination of 30534
whether a person confined in a state correctional institution or 30535
placed in a substance use disorder treatment program may earn any 30536
days of credit under division (A) of this section for successful 30537
completion of a second program or activity. The determination of 30538

whether a person confined in a state correctional institution may 30539
earn one day of credit or five days of credit under division (A) 30540
of this section for each completed month during which the person 30541
productively participates in a program or activity specified under 30542
that division shall be made in accordance with the following: 30543

(1) The offender may earn one day of credit under division 30544
(A) of this section, except as provided in division (C) of this 30545
section, if the most serious offense for which the offender is 30546
confined is any of the following that is a felony of the first or 30547
second degree: 30548

(a) A violation of division (A) of section 2903.04 or of 30549
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 30550
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 30551
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 30552
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 30553
of the Revised Code; 30554

(b) A conspiracy or attempt to commit, or complicity in 30555
committing, any other offense for which the maximum penalty is 30556
imprisonment for life or any offense listed in division (D)(1)(a) 30557
of this section. 30558

(2) The offender may earn one day of credit under division 30559
(A) of this section, except as provided in division (C) of this 30560
section, if the offender is serving a stated prison term that 30561
includes a prison term imposed for a sexually oriented offense 30562
that the offender committed prior to September 30, 2011. 30563

(3) The offender may earn one day of credit under division 30564
(A) of this section, except as provided in division (C) of this 30565
section, if the offender is serving a stated prison term that 30566
includes a prison term imposed for a felony other than carrying a 30567
concealed weapon an essential element of which is any conduct or 30568
failure to act expressly involving any deadly weapon or dangerous 30569

ordnance. 30570

(4) Except as provided in division (C) of this section, if 30571
the most serious offense for which the offender is confined is a 30572
felony of the first or second degree and divisions (D)(1), (2), 30573
and (3) of this section do not apply to the offender, the offender 30574
may earn one day of credit under division (A) of this section if 30575
the offender committed that offense prior to September 30, 2011, 30576
and the offender may earn five days of credit under division (A) 30577
of this section if the offender committed that offense on or after 30578
September 30, 2011. 30579

(5) Except as provided in division (C) of this section, if 30580
the most serious offense for which the offender is confined is a 30581
felony of the third, fourth, or fifth degree or an unclassified 30582
felony and neither division (D)(2) nor (3) of this section applies 30583
to the offender, the offender may earn one day of credit under 30584
division (A) of this section if the offender committed that 30585
offense prior to September 30, 2011, and the offender may earn 30586
five days of credit under division (A) of this section if the 30587
offender committed that offense on or after September 30, 2011. 30588

(E) The department annually shall seek and consider the 30589
written feedback of the Ohio prosecuting attorneys association, 30590
the Ohio judicial conference, the Ohio public defender, the Ohio 30591
association of criminal defense lawyers, and other organizations 30592
and associations that have an interest in the operation of the 30593
corrections system and the earned credits program under this 30594
section as part of its evaluation of the program and in 30595
determining whether to modify the program. 30596

(F) As used in this section: 30597

(1) "Sexually oriented offense" has the same meaning as in 30598
section 2950.01 of the Revised Code. 30599

(2) "Substance use disorder treatment program" means the 30600

substance use disorder treatment program established by the 30601
department of rehabilitation and correction under section 5120.035 30602
of the Revised Code. 30603

Sec. 3109.14. (A) As used in this section, "birth record" and 30604
"certification of birth" have the meanings given in section 30605
3705.01 of the Revised Code. 30606

(B)(1) The director of health, a person authorized by the 30607
director, a local commissioner of health, or a local registrar of 30608
vital statistics shall charge and collect a fee for each certified 30609
copy of a birth record, for each certification of birth, and for 30610
each copy of a death record. The fee shall be ~~three~~ six dollars. 30611
The fee is in addition to the fee imposed by section 3705.24 or 30612
any other section of the Revised Code. A local commissioner of 30613
health or a local registrar of vital statistics may retain an 30614
amount of each additional fee collected, not to exceed three per 30615
cent of the amount of the additional fee, to be used for costs 30616
directly related to the collection of the fee and the forwarding 30617
of the fee to the department of health. 30618

The additional fees collected by the director of health or a 30619
person authorized by the director and the additional fees 30620
collected but not retained by a local commissioner of health or a 30621
local registrar of vital statistics shall be forwarded to the 30622
department of health not later than thirty days following the end 30623
of each quarter. Not later than two days after the fees are 30624
forwarded to the department each quarter, the department shall pay 30625
the collected fees to the treasurer of state in accordance with 30626
rules adopted by the treasurer of state under section 113.08 of 30627
the Revised Code. 30628

(2) Upon the filing for a divorce decree under section 30629
3105.10 or a decree of dissolution under section 3105.65 of the 30630
Revised Code, a court of common pleas shall charge and collect a 30631

fee. The fee shall be ~~eleven~~ fourteen dollars. The fee is in 30632
addition to any other court costs or fees. The county clerk of 30633
courts may retain an amount of each additional fee collected, not 30634
to exceed three per cent of the amount of the additional fee, to 30635
be used for costs directly related to the collection of the fee 30636
and the forwarding of the fee to the treasurer of state. The 30637
additional fees collected, but not retained, under division (B)(2) 30638
of this section shall be forwarded to the treasurer of state not 30639
later than twenty days following the end of each month. 30640

(C) The treasurer of state shall deposit the fees paid or 30641
forwarded under this section in the state treasury to the credit 30642
of the children's trust fund, which is hereby created. A person or 30643
government entity that fails to forward the fees in a timely 30644
manner, as determined by the treasurer of state, shall send to the 30645
treasurer of state, in addition to the fees, a penalty equal to 30646
ten per cent of the fees. 30647

The treasurer of state shall invest the moneys in the fund, 30648
and all earnings resulting from investment of the fund shall be 30649
credited to the fund, except that actual administrative costs 30650
incurred by the treasurer of state in administering the fund may 30651
be deducted from the earnings resulting from investments. The 30652
amount that may be deducted shall not exceed three per cent of the 30653
total amount of fees credited to the fund in each fiscal year, 30654
except that the children's trust fund board may approve an amount 30655
for actual administrative costs exceeding three per cent but not 30656
exceeding four per cent of such amount. The balance of the 30657
investment earnings shall be credited to the fund. Moneys credited 30658
to the fund shall be used only for the purposes described in 30659
sections 3109.13 to 3109.179 of the Revised Code. 30660

Sec. 3109.15. There is hereby created within the department 30661
of job and family services the children's trust fund board 30662

consisting of fifteen members. The directors of mental health and 30663
addiction services, health, and job and family services shall be 30664
members of the board. Eight public members shall be appointed by 30665
the governor. These members shall be persons with demonstrated 30666
knowledge in programs for children, shall be representative of the 30667
demographic composition of this state, and, to the extent 30668
practicable, shall be representative of the following categories: 30669
the educational community; the legal community; the social work 30670
community; the medical community; the voluntary sector; and 30671
professional providers of child abuse and child neglect services. 30672
~~Five of these members shall be residents of metropolitan 30673~~
~~statistical areas as defined by the United States office of 30674~~
~~management and budget where the population exceeds four hundred 30675~~
~~thousand; no two such members shall be residents of the same 30676~~
~~metropolitan statistical area.~~ Two members of the board shall be 30677
members of the house of representatives appointed by the speaker 30678
of the house of representatives and shall be members of two 30679
different political parties. Two members of the board shall be 30680
members of the senate appointed by the president of the senate and 30681
shall be members of two different political parties. All members 30682
of the board appointed by the speaker of the house of 30683
representatives or the president of the senate shall serve until 30684
the expiration of the sessions of the general assembly during 30685
which they were appointed. They may be reappointed to an unlimited 30686
number of successive terms of two years at the pleasure of the 30687
speaker of the house of representatives or president of the 30688
senate. Public members shall serve terms of three years. Each 30689
member shall serve until the member's successor is appointed, or 30690
until a period of sixty days has elapsed, whichever occurs first. 30691
No public member may serve more than two consecutive full terms. 30692
All vacancies on the board shall be filled for the balance of the 30693
unexpired term in the same manner as the original appointment. 30694

Any member of the board may be removed by the member's 30695

appointing authority for misconduct, incompetency, or neglect of 30696
duty after first being given the opportunity to be heard in the 30697
member's own behalf. Pursuant to section 3.17 of the Revised Code, 30698
a member, except a member of the general assembly or a judge of 30699
any court in the state, who fails to attend at least three-fifths 30700
of the regular and special meetings held by the board during any 30701
two-year period forfeits the member's position on the board. 30702

Each member of the board shall serve without compensation but 30703
shall be reimbursed for all actual and necessary expenses incurred 30704
in the performance of official duties. 30705

At the beginning of the first year of each even-numbered 30706
general assembly, the chairperson of the board shall be appointed 30707
by the speaker of the house of representatives from among members 30708
of the board who are members of the house of representatives. At 30709
the beginning of the first year of each odd-numbered general 30710
assembly, the chairperson of the board shall be appointed by the 30711
president of the senate from among the members of the board who 30712
are senate members. 30713

The board shall biennially select a vice-chair from among its 30714
nonlegislative members. 30715

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of 30716
this section, an action to determine the existence or nonexistence 30717
of the father and child relationship may be brought by the child 30718
or the child's personal representative, the child's mother or her 30719
personal representative, a man alleged or alleging himself to be 30720
the child's father, the child support enforcement agency of the 30721
county in which the child resides if the child's mother, father, 30722
or alleged father is a recipient of public assistance or of 30723
services under Title IV-D of the "Social Security Act," 88 Stat. 30724
2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's 30725
personal representative. 30726

(2) A man alleged or alleging himself to be the child's father is not eligible to file an action under division (A)(1) of this section if the man was convicted of or pleaded guilty to rape or sexual battery, the victim of the rape or sexual battery was the child's mother, and the child was conceived as a result of the rape or sexual battery.

(B) An agreement does not bar an action under this section.

(C) If an action under this section is brought before the birth of the child and if the action is contested, all proceedings, except service of process and the taking of depositions to perpetuate testimony, may be stayed until after the birth.

(D) A recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, shall cooperate with the child support enforcement agency of the county in which a child resides to obtain an administrative determination pursuant to sections 3111.38 to 3111.54 of the Revised Code, or, if necessary, a court determination pursuant to sections 3111.01 to 3111.18 of the Revised Code, of the existence or nonexistence of a parent and child relationship between the father and the child. If the recipient fails to cooperate, the agency may commence an action to determine the existence or nonexistence of a parent and child relationship between the father and the child pursuant to sections 3111.01 to 3111.18 of the Revised Code.

(E) As used in this section:

(1) "Public assistance" means ~~all~~ both of the following:

(a) Medicaid;

(b) Ohio works first under Chapter 5107. of the Revised Code;

~~(c) Disability financial assistance under Chapter 5115. of~~

~~the Revised Code.~~ 30757

(2) "Rape" means a violation of section 2907.02 of the Revised Code or similar law of another state. 30758
30759

(3) "Sexual battery" means a violation of section 2907.03 of the Revised Code or similar law of another state. 30760
30761

Sec. 3113.06. No father, or mother when she is charged with the maintenance, of a child under eighteen years of age, or a mentally or physically handicapped child under age twenty-one, who is legally a ward of a public children services agency or is the recipient of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised Code, shall neglect or refuse to pay such agency the reasonable cost of maintaining such child when such father or mother is able to do so by reason of property, labor, or earnings. 30762
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An offense under this section shall be held committed in the county in which the agency is located. The agency shall file charges against any parent who violates this section, unless the agency files charges under section 2919.21 of the Revised Code, or unless charges of nonsupport are filed by a relative or guardian of the child, or unless an action to enforce support is brought under Chapter 3115. of the Revised Code. 30770
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Sec. 3113.07. As used in this section, "executive director" has the same meaning as in section 5153.01 of the Revised Code. 30777
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Sentence may be suspended, if a person, after conviction under section 3113.06 of the Revised Code and before sentence thereunder, appears before the court of common pleas in which such conviction took place and enters into bond to the state in a sum fixed by the court at not less than five hundred dollars, with sureties approved by such court, conditioned that such person will pay, so long as the child remains a ward of the public children services agency or a recipient of aid pursuant to Chapter 5107. ~~or~~ 30779
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~~5115.~~ of the Revised Code, to the executive director thereof or to a trustee to be named by the court, for the benefit of such agency or if the child is a recipient of aid pursuant to Chapter 5107. ~~or~~ ~~5115.~~ of the Revised Code, to the county department of job and family services, the reasonable cost of keeping such child. The amount of such costs and the time of payment shall be fixed by the court.

The court, in accordance with sections 3119.29 to 3119.56 of the Revised Code, shall include in each support order made under this section the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court.

Sec. 3113.31. (A) As used in this section:

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

(a) Attempting to cause or recklessly causing bodily injury;

(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;

(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;

(d) Committing a sexually oriented offense.

(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than

eighteen years of age.	30817
(3) "Family or household member" means any of the following:	30818
(a) Any of the following who is residing with or has resided with the respondent:	30819 30820
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	30821 30822
(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	30823 30824 30825
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	30826 30827 30828 30829
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	30830 30831
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	30832 30833 30834 30835 30836 30837
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	30838 30839
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	30840 30841
(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	30842 30843
<u>(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.</u>	30844 30845

(B) The court has jurisdiction over all proceedings under 30846
this section. The petitioner's right to relief under this section 30847
is not affected by the petitioner's leaving the residence or 30848
household to avoid further domestic violence. 30849

(C) A person may seek relief under this section on the 30850
person's own behalf, or any parent or adult household member may 30851
seek relief under this section on behalf of any other family or 30852
household member, by filing a petition with the court. The 30853
petition shall contain or state: 30854

(1) An allegation that the respondent engaged in domestic 30855
violence against a family or household member of the respondent, 30856
including a description of the nature and extent of the domestic 30857
violence; 30858

(2) The relationship of the respondent to the petitioner, and 30859
to the victim if other than the petitioner; 30860

(3) A request for relief under this section. 30861

(D)(1) If a person who files a petition pursuant to this 30862
section requests an ex parte order, the court shall hold an ex 30863
parte hearing on the same day that the petition is filed. The 30864
court, for good cause shown at the ex parte hearing, may enter any 30865
temporary orders, with or without bond, including, but not limited 30866
to, an order described in division (E)(1)(a), (b), or (c) of this 30867
section, that the court finds necessary to protect the family or 30868
household member from domestic violence. Immediate and present 30869
danger of domestic violence to the family or household member 30870
constitutes good cause for purposes of this section. Immediate and 30871
present danger includes, but is not limited to, situations in 30872
which the respondent has threatened the family or household member 30873
with bodily harm, in which the respondent has threatened the 30874
family or household member with a sexually oriented offense, or in 30875
which the respondent previously has been convicted of, pleaded 30876

guilty to, or been adjudicated a delinquent child for an offense 30877
that constitutes domestic violence against the family or household 30878
member. 30879

(2)(a) If the court, after an ex parte hearing, issues an 30880
order described in division (E)(1)(b) or (c) of this section, the 30881
court shall schedule a full hearing for a date that is within 30882
seven court days after the ex parte hearing. If any other type of 30883
protection order that is authorized under division (E) of this 30884
section is issued by the court after an ex parte hearing, the 30885
court shall schedule a full hearing for a date that is within ten 30886
court days after the ex parte hearing. The court shall give the 30887
respondent notice of, and an opportunity to be heard at, the full 30888
hearing. The court shall hold the full hearing on the date 30889
scheduled under this division unless the court grants a 30890
continuance of the hearing in accordance with this division. Under 30891
any of the following circumstances or for any of the following 30892
reasons, the court may grant a continuance of the full hearing to 30893
a reasonable time determined by the court: 30894

(i) Prior to the date scheduled for the full hearing under 30895
this division, the respondent has not been served with the 30896
petition filed pursuant to this section and notice of the full 30897
hearing. 30898

(ii) The parties consent to the continuance. 30899

(iii) The continuance is needed to allow a party to obtain 30900
counsel. 30901

(iv) The continuance is needed for other good cause. 30902

(b) An ex parte order issued under this section does not 30903
expire because of a failure to serve notice of the full hearing 30904
upon the respondent before the date set for the full hearing under 30905
division (D)(2)(a) of this section or because the court grants a 30906
continuance under that division. 30907

(3) If a person who files a petition pursuant to this section 30908
does not request an ex parte order, or if a person requests an ex 30909
parte order but the court does not issue an ex parte order after 30910
an ex parte hearing, the court shall proceed as in a normal civil 30911
action and grant a full hearing on the matter. 30912

(E)(1) After an ex parte or full hearing, the court may grant 30913
any protection order, with or without bond, or approve any consent 30914
agreement to bring about a cessation of domestic violence against 30915
the family or household members. The order or agreement may: 30916

(a) Direct the respondent to refrain from abusing or from 30917
committing sexually oriented offenses against the family or 30918
household members; 30919

(b) Grant possession of the residence or household to the 30920
petitioner or other family or household member, to the exclusion 30921
of the respondent, by evicting the respondent, when the residence 30922
or household is owned or leased solely by the petitioner or other 30923
family or household member, or by ordering the respondent to 30924
vacate the premises, when the residence or household is jointly 30925
owned or leased by the respondent, and the petitioner or other 30926
family or household member; 30927

(c) When the respondent has a duty to support the petitioner 30928
or other family or household member living in the residence or 30929
household and the respondent is the sole owner or lessee of the 30930
residence or household, grant possession of the residence or 30931
household to the petitioner or other family or household member, 30932
to the exclusion of the respondent, by ordering the respondent to 30933
vacate the premises, or, in the case of a consent agreement, allow 30934
the respondent to provide suitable, alternative housing; 30935

(d) Temporarily allocate parental rights and responsibilities 30936
for the care of, or establish temporary parenting time rights with 30937
regard to, minor children, if no other court has determined, or is 30938

determining, the allocation of parental rights and 30939
responsibilities for the minor children or parenting time rights; 30940

(e) Require the respondent to maintain support, if the 30941
respondent customarily provides for or contributes to the support 30942
of the family or household member, or if the respondent has a duty 30943
to support the petitioner or family or household member; 30944

(f) Require the respondent, petitioner, victim of domestic 30945
violence, or any combination of those persons, to seek counseling; 30946

(g) Require the respondent to refrain from entering the 30947
residence, school, business, or place of employment of the 30948
petitioner or family or household member; 30949

(h) Grant other relief that the court considers equitable and 30950
fair, including, but not limited to, ordering the respondent to 30951
permit the use of a motor vehicle by the petitioner or other 30952
family or household member and the apportionment of household and 30953
family personal property; 30954

(i) Require that the respondent not remove, damage, hide, 30955
harm, or dispose of any companion animal owned or possessed by the 30956
petitioner; 30957

(j) Authorize the petitioner to remove a companion animal 30958
owned by the petitioner from the possession of the respondent; 30959

(k) Require a wireless service transfer in accordance with 30960
sections 3113.45 to 3113.459 of the Revised Code. 30961

(2) If a protection order has been issued pursuant to this 30962
section in a prior action involving the respondent and the 30963
petitioner or one or more of the family or household members or 30964
victims, the court may include in a protection order that it 30965
issues a prohibition against the respondent returning to the 30966
residence or household. If it includes a prohibition against the 30967
respondent returning to the residence or household in the order, 30968

it also shall include in the order provisions of the type 30969
described in division (E)(7) of this section. This division does 30970
not preclude the court from including in a protection order or 30971
consent agreement, in circumstances other than those described in 30972
this division, a requirement that the respondent be evicted from 30973
or vacate the residence or household or refrain from entering the 30974
residence, school, business, or place of employment of the 30975
petitioner or a family or household member, and, if the court 30976
includes any requirement of that type in an order or agreement, 30977
the court also shall include in the order provisions of the type 30978
described in division (E)(7) of this section. 30979

(3)(a) Any protection order issued or consent agreement 30980
approved under this section shall be valid until a date certain, 30981
but not later than five years from the date of its issuance or 30982
approval, or not later than the date a respondent who is less than 30983
eighteen years of age attains nineteen years of age, unless 30984
modified or terminated as provided in division (E)(8) of this 30985
section. 30986

(b) Subject to the limitation on the duration of an order or 30987
agreement set forth in division (E)(3)(a) of this section, any 30988
order under division (E)(1)(d) of this section shall terminate on 30989
the date that a court in an action for divorce, dissolution of 30990
marriage, or legal separation brought by the petitioner or 30991
respondent issues an order allocating parental rights and 30992
responsibilities for the care of children or on the date that a 30993
juvenile court in an action brought by the petitioner or 30994
respondent issues an order awarding legal custody of minor 30995
children. Subject to the limitation on the duration of an order or 30996
agreement set forth in division (E)(3)(a) of this section, any 30997
order under division (E)(1)(e) of this section shall terminate on 30998
the date that a court in an action for divorce, dissolution of 30999
marriage, or legal separation brought by the petitioner or 31000

respondent issues a support order or on the date that a juvenile 31001
court in an action brought by the petitioner or respondent issues 31002
a support order. 31003

(c) Any protection order issued or consent agreement approved 31004
pursuant to this section may be renewed in the same manner as the 31005
original order or agreement was issued or approved. 31006

(4) A court may not issue a protection order that requires a 31007
petitioner to do or to refrain from doing an act that the court 31008
may require a respondent to do or to refrain from doing under 31009
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 31010
section unless all of the following apply: 31011

(a) The respondent files a separate petition for a protection 31012
order in accordance with this section. 31013

(b) The petitioner is served notice of the respondent's 31014
petition at least forty-eight hours before the court holds a 31015
hearing with respect to the respondent's petition, or the 31016
petitioner waives the right to receive this notice. 31017

(c) If the petitioner has requested an ex parte order 31018
pursuant to division (D) of this section, the court does not delay 31019
any hearing required by that division beyond the time specified in 31020
that division in order to consolidate the hearing with a hearing 31021
on the petition filed by the respondent. 31022

(d) After a full hearing at which the respondent presents 31023
evidence in support of the request for a protection order and the 31024
petitioner is afforded an opportunity to defend against that 31025
evidence, the court determines that the petitioner has committed 31026
an act of domestic violence or has violated a temporary protection 31027
order issued pursuant to section 2919.26 of the Revised Code, that 31028
both the petitioner and the respondent acted primarily as 31029
aggressors, and that neither the petitioner nor the respondent 31030
acted primarily in self-defense. 31031

(5) No protection order issued or consent agreement approved 31032
under this section shall in any manner affect title to any real 31033
property. 31034

(6)(a) If a petitioner, or the child of a petitioner, who 31035
obtains a protection order or consent agreement pursuant to 31036
division (E)(1) of this section or a temporary protection order 31037
pursuant to section 2919.26 of the Revised Code and is the subject 31038
of a parenting time order issued pursuant to section 3109.051 or 31039
3109.12 of the Revised Code or a visitation or companionship order 31040
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 31041
Revised Code or division (E)(1)(d) of this section granting 31042
parenting time rights to the respondent, the court may require the 31043
public children services agency of the county in which the court 31044
is located to provide supervision of the respondent's exercise of 31045
parenting time or visitation or companionship rights with respect 31046
to the child for a period not to exceed nine months, if the court 31047
makes the following findings of fact: 31048

(i) The child is in danger from the respondent; 31049

(ii) No other person or agency is available to provide the 31050
supervision. 31051

(b) A court that requires an agency to provide supervision 31052
pursuant to division (E)(6)(a) of this section shall order the 31053
respondent to reimburse the agency for the cost of providing the 31054
supervision, if it determines that the respondent has sufficient 31055
income or resources to pay that cost. 31056

(7)(a) If a protection order issued or consent agreement 31057
approved under this section includes a requirement that the 31058
respondent be evicted from or vacate the residence or household or 31059
refrain from entering the residence, school, business, or place of 31060
employment of the petitioner or a family or household member, the 31061
order or agreement shall state clearly that the order or agreement 31062

cannot be waived or nullified by an invitation to the respondent 31063
from the petitioner or other family or household member to enter 31064
the residence, school, business, or place of employment or by the 31065
respondent's entry into one of those places otherwise upon the 31066
consent of the petitioner or other family or household member. 31067

(b) Division (E)(7)(a) of this section does not limit any 31068
discretion of a court to determine that a respondent charged with 31069
a violation of section 2919.27 of the Revised Code, with a 31070
violation of a municipal ordinance substantially equivalent to 31071
that section, or with contempt of court, which charge is based on 31072
an alleged violation of a protection order issued or consent 31073
agreement approved under this section, did not commit the 31074
violation or was not in contempt of court. 31075

(8)(a) The court may modify or terminate as provided in 31076
division (E)(8) of this section a protection order or consent 31077
agreement that was issued after a full hearing under this section. 31078
The court that issued the protection order or approved the consent 31079
agreement shall hear a motion for modification or termination of 31080
the protection order or consent agreement pursuant to division 31081
(E)(8) of this section. 31082

(b) Either the petitioner or the respondent of the original 31083
protection order or consent agreement may bring a motion for 31084
modification or termination of a protection order or consent 31085
agreement that was issued or approved after a full hearing. The 31086
court shall require notice of the motion to be made as provided by 31087
the Rules of Civil Procedure. If the petitioner for the original 31088
protection order or consent agreement has requested that the 31089
petitioner's address be kept confidential, the court shall not 31090
disclose the address to the respondent of the original protection 31091
order or consent agreement or any other person, except as 31092
otherwise required by law. The moving party has the burden of 31093
proof to show, by a preponderance of the evidence, that 31094

modification or termination of the protection order or consent agreement is appropriate because either the protection order or consent agreement is no longer needed or because the terms of the original protection order or consent agreement are no longer appropriate. 31095
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(c) In considering whether to modify or terminate a protection order or consent agreement issued or approved under this section, the court shall consider all relevant factors, including, but not limited to, the following: 31100
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31103

(i) Whether the petitioner consents to modification or termination of the protection order or consent agreement; 31104
31105

(ii) Whether the petitioner fears the respondent; 31106

(iii) The current nature of the relationship between the petitioner and the respondent; 31107
31108

(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together; 31109
31110
31111
31112

(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement; 31113
31114

(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol; 31115
31116

(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement; 31117
31118
31119
31120

(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or 31121
31122
31123
31124

the law of any other state;	31125
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	31126 31127 31128 31129
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	31130 31131
(xi) The age and health of the respondent;	31132
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	31133 31134 31135 31136
(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section.	31137 31138 31139 31140 31141 31142 31143 31144 31145
(e) If the respondent moves for modification or termination of a protection order or consent agreement pursuant to this section and the court denies the motion, the court may assess costs against the respondent for the filing of the motion.	31146 31147 31148 31149
(9) Any protection order issued or any consent agreement approved pursuant to this section shall include a provision that the court will automatically seal all of the records of the proceeding in which the order is issued or agreement approved on the date the respondent attains the age of nineteen years unless the petitioner provides the court with evidence that the	31150 31151 31152 31153 31154 31155

respondent has not complied with all of the terms of the 31156
protection order or consent agreement. The protection order or 31157
consent agreement shall specify the date when the respondent 31158
attains the age of nineteen years. 31159

(F)(1) A copy of any protection order, or consent agreement, 31160
that is issued, approved, modified, or terminated under this 31161
section shall be issued by the court to the petitioner, to the 31162
respondent, and to all law enforcement agencies that have 31163
jurisdiction to enforce the order or agreement. The court shall 31164
direct that a copy of an order be delivered to the respondent on 31165
the same day that the order is entered. 31166

(2) Upon the issuance of a protection order or the approval 31167
of a consent agreement under this section, the court shall provide 31168
the parties to the order or agreement with the following notice 31169
orally or by form: 31170

"NOTICE 31171

As a result of this order or consent agreement, it may be 31172
unlawful for you to possess or purchase a firearm, including a 31173
rifle, pistol, or revolver, or ammunition pursuant to federal law 31174
under 18 U.S.C. 922(g)(8). If you have any questions whether this 31175
law makes it illegal for you to possess or purchase a firearm or 31176
ammunition, you should consult an attorney." 31177

(3) All law enforcement agencies shall establish and maintain 31178
an index for the protection orders and the approved consent 31179
agreements delivered to the agencies pursuant to division (F)(1) 31180
of this section. With respect to each order and consent agreement 31181
delivered, each agency shall note on the index the date and time 31182
that it received the order or consent agreement. 31183

(4) Regardless of whether the petitioner has registered the 31184
order or agreement in the county in which the officer's agency has 31185
jurisdiction pursuant to division (N) of this section, any officer 31186

of a law enforcement agency shall enforce a protection order 31187
issued or consent agreement approved by any court in this state in 31188
accordance with the provisions of the order or agreement, 31189
including removing the respondent from the premises, if 31190
appropriate. 31191

(G)(1) Any proceeding under this section shall be conducted 31192
in accordance with the Rules of Civil Procedure, except that an 31193
order under this section may be obtained with or without bond. An 31194
order issued under this section, other than an ex parte order, 31195
that grants a protection order or approves a consent agreement, 31196
that refuses to grant a protection order or approve a consent 31197
agreement that modifies or terminates a protection order or 31198
consent agreement, or that refuses to modify or terminate a 31199
protection order or consent agreement, is a final, appealable 31200
order. The remedies and procedures provided in this section are in 31201
addition to, and not in lieu of, any other available civil or 31202
criminal remedies. 31203

(2) If as provided in division (G)(1) of this section an 31204
order issued under this section, other than an ex parte order, 31205
refuses to grant a protection order, the court, on its own motion, 31206
shall order that the ex parte order issued under this section and 31207
all of the records pertaining to that ex parte order be expunged 31208
after either of the following occurs: 31209

(a) The period of the notice of appeal from the order that 31210
refuses to grant a protection order has expired. 31211

(b) The order that refuses to grant the protection order is 31212
appealed and an appellate court to which the last appeal of that 31213
order is taken affirms the order. 31214

(H) The filing of proceedings under this section does not 31215
excuse a person from filing any report or giving any notice 31216
required by section 2151.421 of the Revised Code or by any other 31217

law. When a petition under this section alleges domestic violence 31218
against minor children, the court shall report the fact, or cause 31219
reports to be made, to a county, township, or municipal peace 31220
officer under section 2151.421 of the Revised Code. 31221

(I) Any law enforcement agency that investigates a domestic 31222
dispute shall provide information to the family or household 31223
members involved regarding the relief available under this section 31224
and section 2919.26 of the Revised Code. 31225

(J)(1) Subject to divisions (E)(8)(e) and (J)(2) of this 31226
section and regardless of whether a protection order is issued or 31227
a consent agreement is approved by a court of another county or a 31228
court of another state, no court or unit of state or local 31229
government shall charge the petitioner any fee, cost, deposit, or 31230
money in connection with the filing of a petition pursuant to this 31231
section or in connection with the filing, issuance, registration, 31232
modification, enforcement, dismissal, withdrawal, or service of a 31233
protection order, consent agreement, or witness subpoena or for 31234
obtaining a certified copy of a protection order or consent 31235
agreement. 31236

(2) Regardless of whether a protection order is issued or a 31237
consent agreement is approved pursuant to this section, the court 31238
may assess costs against the respondent in connection with the 31239
filing, issuance, registration, modification, enforcement, 31240
dismissal, withdrawal, or service of a protection order, consent 31241
agreement, or witness subpoena or for obtaining a certified copy 31242
of a protection order or consent agreement. 31243

(K)(1) The court shall comply with Chapters 3119., 3121., 31244
3123., and 3125. of the Revised Code when it makes or modifies an 31245
order for child support under this section. 31246

(2) If any person required to pay child support under an 31247
order made under this section on or after April 15, 1985, or 31248

modified under this section on or after December 31, 1986, is 31249
found in contempt of court for failure to make support payments 31250
under the order, the court that makes the finding, in addition to 31251
any other penalty or remedy imposed, shall assess all court costs 31252
arising out of the contempt proceeding against the person and 31253
require the person to pay any reasonable attorney's fees of any 31254
adverse party, as determined by the court, that arose in relation 31255
to the act of contempt. 31256

(L)(1) A person who violates a protection order issued or a 31257
consent agreement approved under this section is subject to the 31258
following sanctions: 31259

(a) Criminal prosecution or a delinquent child proceeding for 31260
a violation of section 2919.27 of the Revised Code, if the 31261
violation of the protection order or consent agreement constitutes 31262
a violation of that section; 31263

(b) Punishment for contempt of court. 31264

(2) The punishment of a person for contempt of court for 31265
violation of a protection order issued or a consent agreement 31266
approved under this section does not bar criminal prosecution of 31267
the person or a delinquent child proceeding concerning the person 31268
for a violation of section 2919.27 of the Revised Code. However, a 31269
person punished for contempt of court is entitled to credit for 31270
the punishment imposed upon conviction of or adjudication as a 31271
delinquent child for a violation of that section, and a person 31272
convicted of or adjudicated a delinquent child for a violation of 31273
that section shall not subsequently be punished for contempt of 31274
court arising out of the same activity. 31275

(M) In all stages of a proceeding under this section, a 31276
petitioner may be accompanied by a victim advocate. 31277

(N)(1) A petitioner who obtains a protection order or consent 31278
agreement under this section or a temporary protection order under 31279

section 2919.26 of the Revised Code may provide notice of the 31280
issuance or approval of the order or agreement to the judicial and 31281
law enforcement officials in any county other than the county in 31282
which the order is issued or the agreement is approved by 31283
registering that order or agreement in the other county pursuant 31284
to division (N)(2) of this section and filing a copy of the 31285
registered order or registered agreement with a law enforcement 31286
agency in the other county in accordance with that division. A 31287
person who obtains a protection order issued by a court of another 31288
state may provide notice of the issuance of the order to the 31289
judicial and law enforcement officials in any county of this state 31290
by registering the order in that county pursuant to section 31291
2919.272 of the Revised Code and filing a copy of the registered 31292
order with a law enforcement agency in that county. 31293

(2) A petitioner may register a temporary protection order, 31294
protection order, or consent agreement in a county other than the 31295
county in which the court that issued the order or approved the 31296
agreement is located in the following manner: 31297

(a) The petitioner shall obtain a certified copy of the order 31298
or agreement from the clerk of the court that issued the order or 31299
approved the agreement and present that certified copy to the 31300
clerk of the court of common pleas or the clerk of a municipal 31301
court or county court in the county in which the order or 31302
agreement is to be registered. 31303

(b) Upon accepting the certified copy of the order or 31304
agreement for registration, the clerk of the court of common 31305
pleas, municipal court, or county court shall place an endorsement 31306
of registration on the order or agreement and give the petitioner 31307
a copy of the order or agreement that bears that proof of 31308
registration. 31309

(3) The clerk of each court of common pleas, the clerk of 31310
each municipal court, and the clerk of each county court shall 31311

maintain a registry of certified copies of temporary protection 31312
orders, protection orders, or consent agreements that have been 31313
issued or approved by courts in other counties and that have been 31314
registered with the clerk. 31315

(O) Nothing in this section prohibits the domestic relations 31316
division of a court of common pleas in counties that have a 31317
domestic relations division or a court of common pleas in counties 31318
that do not have a domestic relations division from designating a 31319
minor child as a protected party on a protection order or consent 31320
agreement. 31321

Sec. 3119.05. When a court computes the amount of child 31322
support required to be paid under a court child support order or a 31323
child support enforcement agency computes the amount of child 31324
support to be paid pursuant to an administrative child support 31325
order, all of the following apply: 31326

(A) The parents' current and past income and personal 31327
earnings shall be verified by electronic means or with suitable 31328
documents, including, but not limited to, paystubs, employer 31329
statements, receipts and expense vouchers related to 31330
self-generated income, tax returns, and all supporting 31331
documentation and schedules for the tax returns. 31332

(B) The amount of any pre-existing child support obligation 31333
of a parent under a child support order and the amount of any 31334
court-ordered spousal support actually paid shall be deducted from 31335
the gross income of that parent to the extent that payment under 31336
the child support order or that payment of the court-ordered 31337
spousal support is verified by supporting documentation. 31338

(C) If other minor children who were born to the parent and a 31339
person other than the other parent who is involved in the 31340
immediate child support determination live with the parent, the 31341
court or agency shall deduct an amount from that parent's gross 31342

income that equals the number of such minor children times the 31343
federal income tax exemption for such children less child support 31344
received for them for the year, not exceeding the federal income 31345
tax exemption. 31346

(D) When the court or agency calculates the gross income of a 31347
parent, it shall include the lesser of the following as income 31348
from overtime and bonuses: 31349

(1) The yearly average of all overtime, commissions, and 31350
bonuses received during the three years immediately prior to the 31351
time when the person's child support obligation is being computed; 31352

(2) The total overtime, commissions, and bonuses received 31353
during the year immediately prior to the time when the person's 31354
child support obligation is being computed. 31355

(E) When the court or agency calculates the gross income of a 31356
parent, it shall not include any income earned by the spouse of 31357
that parent. 31358

(F) The court shall issue a separate order for extraordinary 31359
medical or dental expenses, including, but not limited to, 31360
orthodontia, psychological, appropriate private education, and 31361
other expenses, and may consider the expenses in adjusting a child 31362
support order. 31363

(G) When a court or agency calculates the amount of child 31364
support to be paid pursuant to a court child support order or an 31365
administrative child support order, if the combined gross income 31366
of both parents is an amount that is between two amounts set forth 31367
in the first column of the schedule, the court or agency may use 31368
the basic child support obligation that corresponds to the higher 31369
of the two amounts in the first column of the schedule, use the 31370
basic child support obligation that corresponds to the lower of 31371
the two amounts in the first column of the schedule, or calculate 31372
a basic child support obligation that is between those two amounts 31373

and corresponds proportionally to the parents' actual combined 31374
gross income. 31375

(H) When the court or agency calculates gross income, the 31376
court or agency, when appropriate, may average income over a 31377
reasonable period of years. 31378

(I) Unless it would be unjust or inappropriate and therefore 31379
not in the best interests of the child, a court or agency shall 31380
not determine a parent to be voluntarily unemployed or 31381
underemployed and shall not impute income to that parent if either 31382
of the following conditions exist: 31383

(1) The parent is receiving recurring monetary income from 31384
means-tested public assistance benefits, including cash assistance 31385
payments under the Ohio works first program established under 31386
Chapter 5107. of the Revised Code, ~~financial assistance under the~~ 31387
~~disability financial assistance program established under Chapter~~ 31388
~~5115. of the Revised Code,~~ supplemental security income, or 31389
means-tested veterans' benefits; 31390

(2) The parent is incarcerated or institutionalized for a 31391
period of twelve months or more with no other available assets, 31392
unless the parent is incarcerated for an offense relating to the 31393
abuse or neglect of a child who is the subject of the support 31394
order or an offense under Title XXIX of the Revised Code when the 31395
obligee or a child who is the subject of the support order is a 31396
victim of the offense. 31397

(J) When a court or agency requires a parent to pay an amount 31398
for that parent's failure to support a child for a period of time 31399
prior to the date the court modifies or issues a court child 31400
support order or an agency modifies or issues an administrative 31401
child support order for the current support of the child, the 31402
court or agency shall calculate that amount using the basic child 31403
support schedule, worksheets, and child support laws in effect, 31404

and the incomes of the parents as they existed, for that prior 31405
period of time. 31406

(K) A court or agency may disregard a parent's additional 31407
income from overtime or additional employment when the court or 31408
agency finds that the additional income was generated primarily to 31409
support a new or additional family member or members, or under 31410
other appropriate circumstances. 31411

(L) If both parents involved in the immediate child support 31412
determination have a prior order for support relative to a minor 31413
child or children born to both parents, the court or agency shall 31414
collect information about the existing order or orders and 31415
consider those together with the current calculation for support 31416
to ensure that the total of all orders for all children of the 31417
parties does not exceed the amount that would have been ordered if 31418
all children were addressed in a single judicial or administrative 31419
proceeding. 31420

Sec. 3121.03. If a court or child support enforcement agency 31421
that issued or modified a support order, or the agency 31422
administering the support order, is required by the Revised Code 31423
to issue one or more withholding or deduction notices described in 31424
this section or other orders described in this section, the court 31425
or agency shall issue one or more of the following types of 31426
notices or orders, as appropriate, for payment of the support and 31427
also, if required by the Revised Code or the court, to pay any 31428
arrearages: 31429

(A)(1) If the court or the child support enforcement agency 31430
determines that the obligor is receiving income from a payor, the 31431
court or agency shall require the payor to do all of the 31432
following: 31433

(a) Withhold from the obligor's income a specified amount for 31434
support in satisfaction of the support order and begin the 31435

withholding no later than fourteen business days following the 31436
date the notice is mailed or transmitted to the payor under 31437
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 31438
division (A)(2) of this section or, if the payor is an employer, 31439
no later than the first pay period that occurs after fourteen 31440
business days following the date the notice is mailed or 31441
transmitted; 31442

(b) Send the amount withheld to the office of child support 31443
in the department of job and family services pursuant to section 31444
3121.43 of the Revised Code immediately but not later than seven 31445
business days after the date the obligor is paid; 31446

(c) Continue the withholding at intervals specified in the 31447
notice until further notice from the court or child support 31448
enforcement agency. 31449

To the extent possible, the amount specified to be withheld 31450
shall satisfy the amount ordered for support in the support order 31451
plus any arrearages owed by the obligor under any prior support 31452
order that pertained to the same child or spouse, notwithstanding 31453
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 31454
2716.041, and 2716.05 of the Revised Code. However, in no case 31455
shall the sum of the amount to be withheld and any fee withheld by 31456
the payor as a charge for its services exceed the maximum amount 31457
permitted under section 303(b) of the "Consumer Credit Protection 31458
Act," 15 U.S.C. 1673(b). 31459

(2) A court or agency that imposes an income withholding 31460
requirement shall, within the applicable time specified in section 31461
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 31462
Code, send to the obligor's payor by regular mail or via secure 31463
federally managed data transmission interface a notice that 31464
contains all of the information applicable to withholding notices 31465
set forth in section 3121.037 of the Revised Code. The notice is 31466
final and is enforceable by the court. 31467

(B)(1) If the court or child support enforcement agency 31468
determines that the obligor has funds that are not exempt under 31469
the laws of this state or the United States from execution, 31470
attachment, or other legal process and are on deposit in an 31471
account in a financial institution under the jurisdiction of the 31472
court that issued the court support order, or in the case of an 31473
administrative child support order, under the jurisdiction of the 31474
common pleas court of the county in which the agency that issued 31475
or is administering the order is located, the court or agency may 31476
require any financial institution in which the obligor's funds are 31477
on deposit to do all of the following: 31478

(a) Deduct from the obligor's account a specified amount for 31479
support in satisfaction of the support order and begin the 31480
deduction no later than fourteen business days following the date 31481
the notice was mailed or transmitted to the financial institution 31482
under section 3121.035 or 3123.06 of the Revised Code and division 31483
(B)(2) of this section; 31484

(b) Send the amount deducted to the office of child support 31485
in the department of job and family services pursuant to section 31486
3121.43 of the Revised Code immediately but not later than seven 31487
business days after the date the latest deduction was made; 31488

(c) Provide the date on which the amount was deducted; 31489

(d) Continue the deduction at intervals specified in the 31490
notice until further notice from the court or child support 31491
enforcement agency. 31492

To the extent possible, the amount to be deducted shall 31493
satisfy the amount ordered for support in the support order plus 31494
any arrearages that may be owed by the obligor under any prior 31495
support order that pertained to the same child or spouse, 31496
notwithstanding the limitations of sections 2329.66, 2329.70, and 31497
2716.13 of the Revised Code. 31498

(2) A court or agency that imposes a deduction requirement shall, within the applicable period of time specified in section 3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send to the financial institution by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to deduction notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court.

(C) With respect to any court support order it issues, a court may issue an order requiring the obligor to enter into a cash bond with the court. The court shall issue the order as part of the court support order or, if the court support order has previously been issued, as a separate order. The cash bond shall be in a sum fixed by the court at not less than five hundred nor more than ten thousand dollars, conditioned that the obligor will make payment as previously ordered and will pay any arrearages under any prior court support order that pertained to the same child or spouse.

The order, along with an additional order requiring the obligor to immediately notify the child support enforcement agency, in writing, if the obligor begins to receive income from a payor, shall be attached to and served on the obligor at the same time as service of the court support order or, if the court support order has previously been issued, as soon as possible after the issuance of the order under this section. The additional order requiring notice by the obligor shall state all of the following:

(1) That when the obligor begins to receive income from a payor the obligor may request that the court cancel its bond order and instead issue a notice requiring the withholding of an amount from income for support in accordance with this section;

(2) That when the obligor begins to receive income from a

payor the court will proceed to collect on the bond if the court 31531
determines that payments due under the court support order have 31532
not been made and that the amount that has not been paid is at 31533
least equal to the support owed for one month under the court 31534
support order and will issue a notice requiring the withholding of 31535
an amount from income for support in accordance with this section. 31536
The notice required of the obligor shall include a description of 31537
the nature of any new employment, the name and business address of 31538
any new employer, and any other information reasonably required by 31539
the court. 31540

The court shall not order an obligor to post a cash bond 31541
under this section unless the court determines that the obligor 31542
has the ability to do so. 31543

A child support enforcement agency may not issue a cash bond 31544
order. If a child support enforcement agency is required to issue 31545
a withholding or deduction notice under this section with respect 31546
to a court support order but the agency determines that no 31547
withholding or deduction notice would be appropriate, the agency 31548
may request that the court issue a cash bond order under this 31549
section, and upon the request, the court may issue the order. 31550

(D)(1) If the obligor under a court support order is 31551
unemployed, has no income, and does not have an account at any 31552
financial institution, or on request of a child support 31553
enforcement agency under division (D)(1) or (2) of this section, 31554
the court shall issue an order requiring the obligor, if able to 31555
engage in employment, to seek employment or participate in a work 31556
activity to which a recipient of assistance under Title IV-A of 31557
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 31558
as amended, may be assigned as specified in section 407(d) of the 31559
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 31560
shall include in the order requirements that the obligor register 31561
with the OhioMeansJobs web site and to notify the child support 31562

enforcement agency on obtaining employment, obtaining any income, 31563
or obtaining ownership of any asset with a value of five hundred 31564
dollars or more. The court may issue the order regardless of 31565
whether the obligee to whom the obligor owes support is a 31566
recipient of assistance under Title IV-A of the "Social Security 31567
Act." The court shall issue the order as part of a court support 31568
order or, if a court support order has previously been issued, as 31569
a separate order. If a child support enforcement agency is 31570
required to issue a withholding or deduction notice under this 31571
section with respect to a court support order but determines that 31572
no withholding or deduction notice would be appropriate, the 31573
agency may request that the court issue a court order under 31574
division (D)(1) of this section, and, on the request, the court 31575
may issue the order. 31576

(2) If the obligor under an administrative child support 31577
order is unemployed, has no income, and does not have an account 31578
at any financial institution, the agency shall issue an 31579
administrative order requiring the obligor, if able to engage in 31580
employment, to seek employment or participate in a work activity 31581
to which a recipient of assistance under Title IV-A of the "Social 31582
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 31583
may be assigned as specified in section 407(d) of the "Social 31584
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 31585
include in the order requirements that the obligor register with 31586
the OhioMeansJobs web site and to notify the agency on obtaining 31587
employment or income, or ownership of any asset with a value of 31588
five hundred dollars or more. The agency may issue the order 31589
regardless of whether the obligee to whom the obligor owes support 31590
is a recipient of assistance under Title IV-A of the "Social 31591
Security Act." If an obligor fails to comply with an 31592
administrative order issued pursuant to division (D)(2) of this 31593
section, the agency shall submit a request to a court for the 31594
court to issue an order under division (D)(1) of this section. 31595

Sec. 3301.0711. (A) The department of education shall: 31596

(1) Annually furnish to, grade, and score all assessments 31597
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 31598
the Revised Code to be administered by city, local, exempted 31599
village, and joint vocational school districts, except that each 31600
district shall score any assessment administered pursuant to 31601
division (B)(10) of this section. Each assessment so furnished 31602
shall include the data verification code of the student to whom 31603
the assessment will be administered, as assigned pursuant to 31604
division (D)(2) of section 3301.0714 of the Revised Code. In 31605
furnishing the practice versions of Ohio graduation tests 31606
prescribed by division (D) of section 3301.0710 of the Revised 31607
Code, the department shall make the tests available on its web 31608
site for reproduction by districts. In awarding contracts for 31609
grading assessments, the department shall give preference to 31610
Ohio-based entities employing Ohio residents. 31611

(2) Adopt rules for the ethical use of assessments and 31612
prescribing the manner in which the assessments prescribed by 31613
section 3301.0710 of the Revised Code shall be administered to 31614
students. 31615

(B) Except as provided in divisions (C) and (J) of this 31616
section, the board of education of each city, local, and exempted 31617
village school district shall, in accordance with rules adopted 31618
under division (A) of this section: 31619

(1) Administer the English language arts assessments 31620
prescribed under division (A)(1)(a) of section 3301.0710 of the 31621
Revised Code twice annually to all students in the third grade who 31622
have not attained the score designated for that assessment under 31623
division (A)(2)(c) of section 3301.0710 of the Revised Code. 31624

(2) Administer the mathematics assessment prescribed under 31625
division (A)(1)(a) of section 3301.0710 of the Revised Code at 31626

least once annually to all students in the third grade.	31627
(3) Administer the assessments prescribed under division	31628
(A)(1)(b) of section 3301.0710 of the Revised Code at least once	31629
annually to all students in the fourth grade.	31630
(4) Administer the assessments prescribed under division	31631
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	31632
annually to all students in the fifth grade.	31633
(5) Administer the assessments prescribed under division	31634
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	31635
annually to all students in the sixth grade.	31636
(6) Administer the assessments prescribed under division	31637
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	31638
annually to all students in the seventh grade.	31639
(7) Administer the assessments prescribed under division	31640
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	31641
annually to all students in the eighth grade.	31642
(8) Except as provided in division (B)(9) of this section,	31643
administer any assessment prescribed under division (B)(1) of	31644
section 3301.0710 of the Revised Code as follows:	31645
(a) At least once annually to all tenth grade students and at	31646
least twice annually to all students in eleventh or twelfth grade	31647
who have not yet attained the score on that assessment designated	31648
under that division;	31649
(b) To any person who has successfully completed the	31650
curriculum in any high school or the individualized education	31651
program developed for the person by any high school pursuant to	31652
section 3323.08 of the Revised Code but has not received a high	31653
school diploma and who requests to take such assessment, at any	31654
time such assessment is administered in the district.	31655
(9) In lieu of the board of education of any city, local, or	31656

exempted village school district in which the student is also 31657
enrolled, the board of a joint vocational school district shall 31658
administer any assessment prescribed under division (B)(1) of 31659
section 3301.0710 of the Revised Code at least twice annually to 31660
any student enrolled in the joint vocational school district who 31661
has not yet attained the score on that assessment designated under 31662
that division. A board of a joint vocational school district may 31663
also administer such an assessment to any student described in 31664
division (B)(8)(b) of this section. 31665

(10) If the district has a three-year average graduation rate 31666
of not more than seventy-five per cent, administer each assessment 31667
prescribed by division (D) of section 3301.0710 of the Revised 31668
Code in September to all ninth grade students who entered ninth 31669
grade prior to July 1, 2014. 31670

Except as provided in section 3313.614 of the Revised Code 31671
for administration of an assessment to a person who has fulfilled 31672
the curriculum requirement for a high school diploma but has not 31673
passed one or more of the required assessments, the assessments 31674
prescribed under division (B)(1) of section 3301.0710 of the 31675
Revised Code shall not be administered after the date specified in 31676
the rules adopted by the state board of education under division 31677
(D)(1) of section 3301.0712 of the Revised Code. 31678

(11)(a) Except as provided in division (B)(11)(b) of this 31679
section, administer the assessments prescribed by division (B)(2) 31680
of section 3301.0710 and section 3301.0712 of the Revised Code in 31681
accordance with the timeline and plan for implementation of those 31682
assessments prescribed by rule of the state board adopted under 31683
division (D)(1) of section 3301.0712 of the Revised Code; 31684

(b) A student who has presented evidence to the district or 31685
school of having satisfied the condition prescribed by division 31686
(A)(1) of section 3313.618 of the Revised Code to qualify for a 31687
high school diploma prior to the date of the administration of the 31688

assessment prescribed under division (B)(1) of section 3301.0712 31689
of the Revised Code shall not be required to take that assessment. 31690
However, no board shall prohibit a student who is not required to 31691
take such assessment from taking the assessment. 31692

(C)(1)(a) In the case of a student receiving special 31693
education services under Chapter 3323. of the Revised Code, the 31694
individualized education program developed for the student under 31695
that chapter shall specify the manner in which the student will 31696
participate in the assessments administered under this section, 31697
except that a student with significant cognitive disabilities to 31698
whom an alternate assessment is administered in accordance with 31699
division (C)(1) of this section and a student determined to have a 31700
disability that includes an intellectual disability as outlined in 31701
guidance issued by the department shall not be required to take 31702
the assessment prescribed under division (B)(1) of section 31703
3301.0712 of the Revised Code. The individualized education 31704
program may excuse the student from taking any particular 31705
assessment required to be administered under this section if it 31706
instead specifies an alternate assessment method approved by the 31707
department of education as conforming to requirements of federal 31708
law for receipt of federal funds for disadvantaged pupils. To the 31709
extent possible, the individualized education program shall not 31710
excuse the student from taking an assessment unless no reasonable 31711
accommodation can be made to enable the student to take the 31712
assessment. No board shall prohibit a student who is not required 31713
to take an assessment under division (C)(1) of this section from 31714
taking the assessment. 31715

(b) Any alternate assessment approved by the department for a 31716
student under this division shall produce measurable results 31717
comparable to those produced by the assessment it replaces in 31718
order to allow for the student's results to be included in the 31719
data compiled for a school district or building under section 31720

3302.03 of the Revised Code. 31721

(c)(i) Any student enrolled in a chartered nonpublic school 31722
who has been identified, based on an evaluation conducted in 31723
accordance with section 3323.03 of the Revised Code or section 504 31724
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 31725
794, as amended, as a child with a disability shall be excused 31726
from taking any particular assessment required to be administered 31727
under this section if a plan developed for the student pursuant to 31728
rules adopted by the state board excuses the student from taking 31729
that assessment. 31730

(ii) A student with significant cognitive disabilities to 31731
whom an alternate assessment is administered in accordance with 31732
division (C)(1) of this section and a student determined to have a 31733
disability that includes an intellectual disability as outlined in 31734
guidance issued by the department shall not be required to take 31735
the assessment prescribed under division (B)(1) of section 31736
3301.0712 of the Revised Code. 31737

(iii) In the case of any student so excused from taking an 31738
assessment under division (C)(1)(c) of this section, the chartered 31739
nonpublic school shall not prohibit the student from taking the 31740
assessment. 31741

(2) A district board may, for medical reasons or other good 31742
cause, excuse a student from taking an assessment administered 31743
under this section on the date scheduled, but that assessment 31744
shall be administered to the excused student not later than nine 31745
days following the scheduled date. The district board shall 31746
annually report the number of students who have not taken one or 31747
more of the assessments required by this section to the state 31748
board not later than the thirtieth day of June. 31749

(3) As used in this division, "limited English proficient 31750
student" has the same meaning as in 20 U.S.C. 7801. 31751

No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except as follows:

(a) Any limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(b) Any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.

However, no board shall prohibit a limited English proficient student who is not required to take an assessment under division (C)(3) of this section from taking the assessment. A board may permit any limited English proficient student to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

(4)(a) The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any assessment administered under this section.

(b) No governing authority shall require a limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(c) No governing authority shall prohibit a limited English proficient student from taking an assessment from which the student was excused under division (C)(4) of this section.

(D)(1) In the school year next succeeding the school year in which the assessments prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any

student whose results indicate that the student is failing to make 31815
satisfactory progress toward being able to attain scores at the 31816
proficient level on the Ohio graduation tests. Intervention 31817
services shall be provided in any skill in which a student 31818
demonstrates unsatisfactory progress and shall be commensurate 31819
with the student's performance. Schools shall provide the 31820
intervention services prior to the end of the school year, during 31821
the summer following the ninth grade, in the next succeeding 31822
school year, or at any combination of those times. 31823

(E) Except as provided in section 3313.608 of the Revised 31824
Code and division (N) of this section, no school district board of 31825
education shall utilize any student's failure to attain a 31826
specified score on an assessment administered under this section 31827
as a factor in any decision to deny the student promotion to a 31828
higher grade level. However, a district board may choose not to 31829
promote to the next grade level any student who does not take an 31830
assessment administered under this section or make up an 31831
assessment as provided by division (C)(2) of this section and who 31832
is not exempt from the requirement to take the assessment under 31833
division (C)(3) of this section. 31834

(F) No person shall be charged a fee for taking any 31835
assessment administered under this section. 31836

(G)(1) Each school district board shall designate one 31837
location for the collection of assessments administered in the 31838
spring under division (B)(1) of this section and those 31839
administered under divisions (B)(2) to (7) of this section. Each 31840
district board shall submit the assessments to the entity with 31841
which the department contracts for the scoring of the assessments 31842
as follows: 31843

(a) If the district's total enrollment in grades kindergarten 31844
through twelve during the first full school week of October was 31845
less than two thousand five hundred, not later than the Friday 31846

after all of the assessments have been administered; 31847

(b) If the district's total enrollment in grades kindergarten 31848
through twelve during the first full school week of October was 31849
two thousand five hundred or more, but less than seven thousand, 31850
not later than the Monday after all of the assessments have been 31851
administered; 31852

(c) If the district's total enrollment in grades kindergarten 31853
through twelve during the first full school week of October was 31854
seven thousand or more, not later than the Tuesday after all of 31855
the assessments have been administered. 31856

However, any assessment that a student takes during the 31857
make-up period described in division (C)(2) of this section shall 31858
be submitted not later than the Friday following the day the 31859
student takes the assessment. 31860

(2) The department or an entity with which the department 31861
contracts for the scoring of the assessment shall send to each 31862
school district board a list of the individual scores of all 31863
persons taking a state achievement assessment as follows: 31864

(a) Except as provided in division (G)(2)(b) or (c) of this 31865
section, within forty-five days after the administration of the 31866
assessments prescribed by sections 3301.0710 and 3301.0712 of the 31867
Revised Code, but in no case shall the scores be returned later 31868
than the thirtieth day of June following the administration; 31869

(b) In the case of the third-grade English language arts 31870
assessment, within forty-five days after the administration of 31871
that assessment, but in no case shall the scores be returned later 31872
than the fifteenth day of June following the administration; 31873

(c) In the case of the writing component of an assessment or 31874
end-of-course examination in the area of English language arts, 31875
except for the third-grade English language arts assessment, the 31876
results may be sent after forty-five days of the administration of 31877

the writing component, but in no case shall the scores be returned 31878
later than the thirtieth day of June following the administration. 31879

(3) For assessments administered under this section by a 31880
joint vocational school district, the department or entity shall 31881
also send to each city, local, or exempted village school district 31882
a list of the individual scores of any students of such city, 31883
local, or exempted village school district who are attending 31884
school in the joint vocational school district. 31885

(4) A school district or other public or chartered nonpublic 31886
school may administer in a paper format any assessment 31887
administered under this section, and shall not be required to 31888
administer in an online format any such assessments. A district or 31889
school may administer such assessments in any combination of 31890
online and paper formats. 31891

The department of education shall furnish, free of charge, 31892
all such assessments regardless of the format selected by the 31893
district or school. 31894

(H) Individual scores on any assessments administered under 31895
this section shall be released by a district board only in 31896
accordance with section 3319.321 of the Revised Code and the rules 31897
adopted under division (A) of this section. No district board or 31898
its employees shall utilize individual or aggregate results in any 31899
manner that conflicts with rules for the ethical use of 31900
assessments adopted pursuant to division (A) of this section. 31901

(I) Except as provided in division (G) of this section, the 31902
department or an entity with which the department contracts for 31903
the scoring of the assessment shall not release any individual 31904
scores on any assessment administered under this section. The 31905
state board shall adopt rules to ensure the protection of student 31906
confidentiality at all times. The rules may require the use of the 31907
data verification codes assigned to students pursuant to division 31908

(D)(2) of section 3301.0714 of the Revised Code to protect the 31909
confidentiality of student scores. 31910

(J) Notwithstanding division (D) of section 3311.52 of the 31911
Revised Code, this section does not apply to the board of 31912
education of any cooperative education school district except as 31913
provided under rules adopted pursuant to this division. 31914

(1) In accordance with rules that the state board shall 31915
adopt, the board of education of any city, exempted village, or 31916
local school district with territory in a cooperative education 31917
school district established pursuant to divisions (A) to (C) of 31918
section 3311.52 of the Revised Code may enter into an agreement 31919
with the board of education of the cooperative education school 31920
district for administering any assessment prescribed under this 31921
section to students of the city, exempted village, or local school 31922
district who are attending school in the cooperative education 31923
school district. 31924

(2) In accordance with rules that the state board shall 31925
adopt, the board of education of any city, exempted village, or 31926
local school district with territory in a cooperative education 31927
school district established pursuant to section 3311.521 of the 31928
Revised Code shall enter into an agreement with the cooperative 31929
district that provides for the administration of any assessment 31930
prescribed under this section to both of the following: 31931

(a) Students who are attending school in the cooperative 31932
district and who, if the cooperative district were not 31933
established, would be entitled to attend school in the city, 31934
local, or exempted village school district pursuant to section 31935
3313.64 or 3313.65 of the Revised Code; 31936

(b) Persons described in division (B)(8)(b) of this section. 31937

Any assessment of students pursuant to such an agreement 31938
shall be in lieu of any assessment of such students or persons 31939

pursuant to this section. 31940

(K)(1) Except as otherwise provided in division (K)(1) or (2) 31941
of this section, each chartered nonpublic school for which at 31942
least sixty-five per cent of its total enrollment is made up of 31943
students who are participating in state scholarship programs shall 31944
administer the elementary assessments prescribed by section 31945
3301.0710 of the Revised Code. In accordance with procedures and 31946
deadlines prescribed by the department, the parent or guardian of 31947
a student enrolled in the school who is not participating in a 31948
state scholarship program may submit notice to the chief 31949
administrative officer of the school that the parent or guardian 31950
does not wish to have the student take the elementary assessments 31951
prescribed for the student's grade level under division (A) of 31952
section 3301.0710 of the Revised Code. If a parent or guardian 31953
submits an opt-out notice, the school shall not administer the 31954
assessments to that student. This option does not apply to any 31955
assessment required for a high school diploma under section 31956
3313.612 of the Revised Code. 31957

(2) A chartered nonpublic school may submit to the 31958
superintendent of public instruction a request for a waiver from 31959
administering the elementary assessments prescribed by division 31960
(A) of section 3301.0710 of the Revised Code. The state 31961
superintendent shall approve or disapprove a request for a waiver 31962
submitted under division (K)(2) of this section. No waiver shall 31963
be approved for any school year prior to the 2015-2016 school 31964
year. 31965

To be eligible to submit a request for a waiver, a chartered 31966
nonpublic school shall meet the following conditions: 31967

(a) At least ninety-five per cent of the students enrolled in 31968
the school are children with disabilities, as defined under 31969
section 3323.01 of the Revised Code, or have received a diagnosis 31970
by a school district or from a physician, including a 31971

neuropsychiatrist or psychiatrist, or a psychologist who is 31972
authorized to practice in this or another state as having a 31973
condition that impairs academic performance, such as dyslexia, 31974
dyscalculia, attention deficit hyperactivity disorder, or 31975
Asperger's syndrome. 31976

(b) The school has solely served a student population 31977
described in division (K)(1)(a) of this section for at least ten 31978
years. 31979

(c) The school provides to the department at least five years 31980
of records of internal testing conducted by the school that 31981
affords the department data required for accountability purposes, 31982
including diagnostic assessments and nationally standardized 31983
norm-referenced achievement assessments that measure reading and 31984
math skills. 31985

(3) Any chartered nonpublic school that is not subject to 31986
division (K)(1) of this section may participate in the assessment 31987
program by administering any of the assessments prescribed by 31988
division (A) of section 3301.0710 of the Revised Code. The chief 31989
administrator of the school shall specify which assessments the 31990
school will administer. Such specification shall be made in 31991
writing to the superintendent of public instruction prior to the 31992
first day of August of any school year in which assessments are 31993
administered and shall include a pledge that the nonpublic school 31994
will administer the specified assessments in the same manner as 31995
public schools are required to do under this section and rules 31996
adopted by the department. 31997

(4) The department of education shall furnish the assessments 31998
prescribed by section 3301.0710 of the Revised Code to each 31999
chartered nonpublic school that is subject to division (K)(1) of 32000
this section or participates under division (K)(3) of this 32001
section. 32002

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

~~(1) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.~~

~~(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.~~

~~(3)(2)(a) Except as provided in division (L)(3)(b) of this section, for a student who is enrolled in a chartered nonpublic school that is not accredited through the independent schools association of the central states, regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall do one of the following:~~

(i) Take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code; 32035
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(ii) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment. 32037
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(iii) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code. 32044
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(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment. 32046
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(M)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C)(1)(a) of this section. 32056
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(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code 32064
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to each superintendent. 32066

(N) Notwithstanding division (E) of this section, a school 32067
district may use a student's failure to attain a score in at least 32068
the proficient range on the mathematics assessment described by 32069
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 32070
an assessment described by division (A)(1)(b), (c), (d), (e), or 32071
(f) of section 3301.0710 of the Revised Code as a factor in 32072
retaining that student in the current grade level. 32073

(O)(1) In the manner specified in divisions (O)(3), (4), ~~and~~ 32074
(6), and (7) of this section, the assessments required by division 32075
(A)(1) of section 3301.0710 of the Revised Code shall become 32076
public records pursuant to section 149.43 of the Revised Code on 32077
the thirty-first day of July following the school year that the 32078
assessments were administered. 32079

(2) The department may field test proposed questions with 32080
samples of students to determine the validity, reliability, or 32081
appropriateness of questions for possible inclusion in a future 32082
year's assessment. The department also may use anchor questions on 32083
assessments to ensure that different versions of the same 32084
assessment are of comparable difficulty. 32085

Field test questions and anchor questions shall not be 32086
considered in computing scores for individual students. Field test 32087
questions and anchor questions may be included as part of the 32088
administration of any assessment required by division (A)(1) or 32089
(B) of section 3301.0710 and division (B) of section 3301.0712 of 32090
the Revised Code. 32091

(3) Any field test question or anchor question administered 32092
under division (O)(2) of this section shall not be a public 32093
record. Such field test questions and anchor questions shall be 32094
redacted from any assessments which are released as a public 32095
record pursuant to division (O)(1) of this section. 32096

(4) This division applies to the assessments prescribed by 32097
division (A) of section 3301.0710 of the Revised Code. 32098

(a) The first administration of each assessment, as specified 32099
in former section 3301.0712 of the Revised Code, shall be a public 32100
record. 32101

(b) For subsequent administrations of each assessment prior 32102
to the 2011-2012 school year, not less than forty per cent of the 32103
questions on the assessment that are used to compute a student's 32104
score shall be a public record. The department shall determine 32105
which questions will be needed for reuse on a future assessment 32106
and those questions shall not be public records and shall be 32107
redacted from the assessment prior to its release as a public 32108
record. However, for each redacted question, the department shall 32109
inform each city, local, and exempted village school district of 32110
the statewide academic standard adopted by the state board under 32111
section 3301.079 of the Revised Code and the corresponding 32112
benchmark to which the question relates. The preceding sentence 32113
does not apply to field test questions that are redacted under 32114
division (O)(3) of this section. 32115

(c) The administrations of each assessment in the 2011-2012, 32116
2012-2013, and 2013-2014 school years shall not be a public 32117
record. 32118

(5) Each assessment prescribed by division (B)(1) of section 32119
3301.0710 of the Revised Code shall not be a public record. 32120

(6) ~~Beginning with the spring administration for~~ (a) Except 32121
as provided in division (O)(6)(b) of this section, for the 32122
administrations in the 2014-2015, 2015-2016, and 2016-2017 school 32123
year years, questions on the assessments prescribed under division 32124
(A) of section 3301.0710 and division (B)(2) of section 3301.0712 32125
of the Revised Code and the corresponding preferred answers that 32126
are used to compute a student's score shall become a public record 32127

as follows: 32128

~~(a)(i)~~ Forty per cent of the questions and preferred answers 32129
on the assessments on the thirty-first day of July following the 32130
administration of the assessment; 32131

~~(b)(ii)~~ Twenty per cent of the questions and preferred 32132
answers on the assessment on the thirty-first day of July one year 32133
after the administration of the assessment; 32134

~~(c)(iii)~~ The remaining forty per cent of the questions and 32135
preferred answers on the assessment on the thirty-first day of 32136
July two years after the administration of the assessment. 32137

The entire content of an assessment shall become a public 32138
record within three years of its administration. 32139

The department shall make the questions that become a public 32140
record under this division readily accessible to the public on the 32141
department's web site. Questions on the spring administration of 32142
each assessment shall be released on an annual basis, in 32143
accordance with this division. 32144

(b) No questions and corresponding preferred answers shall 32145
become a public record under division (O)(6) of this section after 32146
July 31, 2017. 32147

(7) Division (O)(7) of this section applies to the 32148
assessments prescribed by division (A) of section 3301.0710 and 32149
division (B)(2) of section 3301.0712 of the Revised Code. 32150

Beginning with the assessments administered in the spring of 32151
the 2017-2018 school year, not less than forty per cent of the 32152
questions on each assessment that are used to compute a student's 32153
score shall be a public record. The department shall determine 32154
which questions will be needed for reuse on a future assessment 32155
and those questions shall not be public records and shall be 32156
redacted from the assessment prior to its release as a public 32157

record. However, for each redacted question, the department shall 32158
inform each city, local, and exempted village school district of 32159
the corresponding statewide academic standard adopted by the state 32160
board under section 3301.079 of the Revised Code and the 32161
corresponding benchmark to which the question relates. The 32162
department is not required to provide corresponding standards and 32163
benchmarks to field test questions that are redacted under 32164
division (O)(3) of this section. 32165

(P) As used in this section: 32166

(1) "Three-year average" means the average of the most recent 32167
consecutive three school years of data. 32168

(2) "Dropout" means a student who withdraws from school 32169
before completing course requirements for graduation and who is 32170
not enrolled in an education program approved by the state board 32171
of education or an education program outside the state. "Dropout" 32172
does not include a student who has departed the country. 32173

(3) "Graduation rate" means the ratio of students receiving a 32174
diploma to the number of students who entered ninth grade four 32175
years earlier. Students who transfer into the district are added 32176
to the calculation. Students who transfer out of the district for 32177
reasons other than dropout are subtracted from the calculation. If 32178
a student who was a dropout in any previous year returns to the 32179
same school district, that student shall be entered into the 32180
calculation as if the student had entered ninth grade four years 32181
before the graduation year of the graduating class that the 32182
student joins. 32183

(4) "State scholarship programs" means the educational choice 32184
scholarship pilot program established under sections 3310.01 to 32185
3310.17 of the Revised Code, the autism scholarship program 32186
established under section 3310.41 of the Revised Code, the Jon 32187
Peterson special needs scholarship program established under 32188

sections 3310.51 to 3310.64 of the Revised Code, and the pilot 32189
project scholarship program established under sections 3313.974 to 32190
3313.979 of the Revised Code. 32191

(5) "Other public school" means a community school 32192
established under Chapter 3314., a STEM school established under 32193
Chapter 3326., or a college-preparatory boarding school 32194
established under Chapter 3328. of the Revised Code. 32195

Sec. 3301.0712. (A) The state board of education, the 32196
superintendent of public instruction, and the chancellor of higher 32197
education shall develop a system of college and work ready 32198
assessments as described in division (B) of this section to assess 32199
whether each student upon graduating from high school is ready to 32200
enter college or the workforce. Beginning with students who enter 32201
the ninth grade for the first time on or after July 1, 2014, the 32202
system shall replace the Ohio graduation tests prescribed in 32203
division (B)(1) of section 3301.0710 of the Revised Code as a 32204
measure of student academic performance and one determinant of 32205
eligibility for a high school diploma in the manner prescribed by 32206
rule of the state board adopted under division (D) of this 32207
section. 32208

(B) The college and work ready assessment system shall 32209
consist of the following: 32210

(1) Nationally standardized assessments that measure college 32211
and career readiness and are used for college admission. The 32212
assessments shall be selected jointly by the state superintendent 32213
and the chancellor, and one of which shall be selected by each 32214
school district or school to administer to its students. The 32215
assessments prescribed under division (B)(1) of this section shall 32216
be administered to all eleventh-grade students in the spring of 32217
the school year. 32218

(2) Seven end-of-course examinations, one in each of the 32219

areas of English language arts I, English language arts II, 32220
science, Algebra I, geometry, American history, and American 32221
government. The end-of-course examinations shall be selected 32222
jointly by the state superintendent and the chancellor in 32223
consultation with faculty in the appropriate subject areas at 32224
institutions of higher education of the university system of Ohio. 32225
Advanced placement examinations and international baccalaureate 32226
examinations, as prescribed under section 3313.6013 of the Revised 32227
Code, in the areas of science, American history, and American 32228
government may be used as end-of-course examinations in accordance 32229
with division (B)(4)(a)(i) of this section. Final course grades 32230
for courses taken under any other advanced standing program, as 32231
prescribed under section 3313.6013 of the Revised Code, in the 32232
areas of science, American history, and American government may be 32233
used in lieu of end-of-course examinations in accordance with 32234
division (B)(4)(a)(ii) of this section. 32235

(3)(a) Not later than July 1, 2013, each school district 32236
board of education shall adopt interim end-of-course examinations 32237
that comply with the requirements of divisions (B)(3)(b)(i) and 32238
(ii) of this section to assess mastery of American history and 32239
American government standards adopted under division (A)(1)(b) of 32240
section 3301.079 of the Revised Code and the topics required under 32241
division (M) of section 3313.603 of the Revised Code. Each high 32242
school of the district shall use the interim examinations until 32243
the state superintendent and chancellor select end-of-course 32244
examinations in American history and American government under 32245
division (B)(2) of this section. 32246

(b) Not later than July 1, 2014, the state superintendent and 32247
the chancellor shall select the end-of-course examinations in 32248
American history and American government. 32249

(i) The end-of-course examinations in American history and 32250
American government shall require demonstration of mastery of the 32251

American history and American government content for social 32252
studies standards adopted under division (A)(1)(b) of section 32253
3301.079 of the Revised Code and the topics required under 32254
division (M) of section 3313.603 of the Revised Code. 32255

(ii) At least twenty per cent of the end-of-course 32256
examination in American government shall address the topics on 32257
American history and American government described in division (M) 32258
of section 3313.603 of the Revised Code. 32259

(4)(a) Notwithstanding anything to the contrary in this 32260
section, beginning with the 2014-2015 school year, both of the 32261
following shall apply: 32262

(i) If a student is enrolled in an appropriate advanced 32263
placement or international baccalaureate course, that student 32264
shall take the advanced placement or international baccalaureate 32265
examination in lieu of the science, American history, or American 32266
government end-of-course examinations prescribed under division 32267
(B)(2) of this section. The state board shall specify the score 32268
levels for each advanced placement examination and international 32269
baccalaureate examination for purposes of calculating the minimum 32270
cumulative performance score that demonstrates the level of 32271
academic achievement necessary to earn a high school diploma. 32272

(ii) If a student is enrolled in an appropriate course under 32273
any other advanced standing program, as described in section 32274
3313.6013 of the Revised Code, that student shall not be required 32275
to take the science, American history, or American government 32276
end-of-course examination, whichever is applicable, prescribed 32277
under division (B)(2) of this section. Instead, that student's 32278
final course grade shall be used in lieu of the applicable 32279
end-of-course examination prescribed under that section. The state 32280
superintendent, in consultation with the chancellor, shall adopt 32281
guidelines for purposes of calculating the corresponding final 32282
course grades that demonstrate the level of academic achievement 32283

necessary to earn a high school diploma. 32284

Division (B)(4)(a)(ii) of this section shall apply only to 32285
courses for which students receive transcribed credit, as defined 32286
in ~~division (U)~~ of section 3365.01 of the Revised Code. It shall 32287
not apply to remedial or developmental courses. 32288

(b) No student shall take a substitute examination or 32289
examination prescribed under division (B)(4)(a) of this section in 32290
place of the end-of-course examinations in English language arts 32291
I, English language arts II, Algebra I, or geometry prescribed 32292
under division (B)(2) of this section. 32293

(c) The state board shall consider additional assessments 32294
that may be used, beginning with the 2016-2017 school year, as 32295
substitute examinations in lieu of the end-of-course examinations 32296
prescribed under division (B)(2) of this section. 32297

(5) The state board shall do all of the following: 32298

(a) Determine and designate at least five ranges of scores on 32299
each of the end-of-course examinations prescribed under division 32300
(B)(2) of this section, and substitute examinations prescribed 32301
under division (B)(4) of this section. Each range of scores shall 32302
be considered to demonstrate a level of achievement so that any 32303
student attaining a score within such range has achieved one of 32304
the following: 32305

(i) An advanced level of skill; 32306

(ii) An accelerated level of skill; 32307

(iii) A proficient level of skill; 32308

(iv) A basic level of skill; 32309

(v) A limited level of skill. 32310

(b) Determine a method by which to calculate a cumulative 32311
performance score based on the results of a student's 32312
end-of-course examinations or substitute examinations; 32313

(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;

(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B)(5)(a)(iii) of this section.

(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.

(ii) The examination was not available for administration prior to July 1, 2015.

Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.

(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:

(i) The student is considered to have attained a proficient

score on the end-of-course examination from which the student is 32344
exempt; 32345

(ii) The student's final course grade shall be used in lieu 32346
of a score on the end-of-course examination from which the student 32347
is exempt. 32348

The state superintendent, in consultation with the 32349
chancellor, shall adopt guidelines for purposes of calculating the 32350
corresponding final course grades and the minimum cumulative 32351
performance score that demonstrates the level of academic 32352
achievement necessary to earn a high school diploma. 32353

(7)(a) Notwithstanding anything to the contrary in this 32354
section, the state board may replace the algebra I end-of-course 32355
examination prescribed under division (B)(2) of this section with 32356
an algebra II end-of-course examination, beginning with the 32357
2016-2017 school year for students who enter ninth grade on or 32358
after July 1, 2016. 32359

(b) If the state board replaces the algebra I end-of-course 32360
examination with an algebra II end-of-course examination as 32361
authorized under division (B)(7)(a) of this section, both of the 32362
following shall apply: 32363

(i) A student who is enrolled in an advanced placement or 32364
international baccalaureate course in algebra II shall take the 32365
advanced placement or international baccalaureate examination in 32366
lieu of the algebra II end-of-course examination. 32367

(ii) A student who is enrolled in an algebra II course under 32368
any other advanced standing program, as described in section 32369
3313.6013 of the Revised Code, shall not be required to take the 32370
algebra II end-of-course examination. Instead, that student's 32371
final course grade shall be used in lieu of the examination. 32372

(c) If a school district or school utilizes an integrated 32373
approach to mathematics instruction, the district or school may do 32374

either or both of the following: 32375

(i) Administer an integrated mathematics I end-of-course 32376
examination in lieu of the prescribed algebra I end-of-course 32377
examination; 32378

(ii) Administer an integrated mathematics II end-of-course 32379
examination in lieu of the prescribed geometry end-of-course 32380
examination. 32381

(8)(a) For students entering the ninth grade for the first 32382
time on or after July 1, 2014, but prior to July 1, 2015, the 32383
assessment in the area of science shall be physical science or 32384
biology. For students entering the ninth grade for the first time 32385
on or after July 1, 2015, the assessment in the area of science 32386
shall be biology. 32387

(b) Until July 1, 2019, the department of education shall 32388
make available the end-of-course examination in physical science 32389
for students who entered the ninth grade for the first time on or 32390
after July 1, 2014, but prior to July 1, 2015, and who wish to 32391
retake the examination. 32392

(c) Not later than July 1, 2016, the state board shall adopt 32393
rules prescribing the requirements for the end-of-course 32394
examination in science for students who entered the ninth grade 32395
for the first time on or after July 1, 2014, but prior to July 1, 32396
2015, and who have not met the requirement prescribed by section 32397
3313.618 of the Revised Code by July 1, 2019, due to a student's 32398
failure to satisfy division (A)(2) of section 3313.618 of the 32399
Revised Code. 32400

(9) Neither the state board nor the department of education 32401
shall develop or administer an end-of-course examination in the 32402
area of world history. 32403

(C) The state board shall convene a group of national 32404
experts, state experts, and local practitioners to provide advice, 32405

guidance, and recommendations for the alignment of standards and 32406
model curricula to the assessments and in the design of the 32407
end-of-course examinations prescribed by this section. 32408

(D) Upon completion of the development of the assessment 32409
system, the state board shall adopt rules prescribing all of the 32410
following: 32411

(1) A timeline and plan for implementation of the assessment 32412
system, including a phased implementation if the state board 32413
determines such a phase-in is warranted; 32414

(2) The date after which a person shall meet the requirements 32415
of the entire assessment system as a prerequisite for a diploma of 32416
adult education under section 3313.611 of the Revised Code; 32417

(3) Whether and the extent to which a person may be excused 32418
from an American history end-of-course examination and an American 32419
government end-of-course examination under division (H) of section 32420
3313.61 and division (B)(3) of section 3313.612 of the Revised 32421
Code; 32422

(4) The date after which a person who has fulfilled the 32423
curriculum requirement for a diploma but has not passed one or 32424
more of the required assessments at the time the person fulfilled 32425
the curriculum requirement shall meet the requirements of the 32426
entire assessment system as a prerequisite for a high school 32427
diploma under division (B) of section 3313.614 of the Revised 32428
Code; 32429

(5) The extent to which the assessment system applies to 32430
students enrolled in a dropout recovery and prevention program for 32431
purposes of division (F) of section 3313.603 and section 3314.36 32432
of the Revised Code. 32433

(E) Not later than forty-five days prior to the state board's 32434
adoption of a resolution directing the department to file the 32435
rules prescribed by division (D) of this section in final form 32436

under section 119.04 of the Revised Code, the superintendent of 32437
public instruction shall present the assessment system developed 32438
under this section to the respective committees of the house of 32439
representatives and senate that consider education legislation. 32440

(F)(1) Any person enrolled in a nonchartered nonpublic school 32441
or any person who has been excused from attendance at school for 32442
the purpose of home instruction under section 3321.04 of the 32443
Revised Code may choose to participate in the system of 32444
assessments administered under divisions (B)(1) and (2) of this 32445
section. However, no such person shall be required to participate 32446
in the system of assessments. 32447

(2) The department shall adopt rules for the administration 32448
and scoring of any assessments under division (F)(1) of this 32449
section. 32450

(G) Not later than December 31, 2014, the state board shall 32451
select at least one nationally recognized job skills assessment. 32452
Each school district shall administer that assessment to those 32453
students who opt to take it. The state shall reimburse a school 32454
district for the costs of administering that assessment. The state 32455
board shall establish the minimum score a student must attain on 32456
the job skills assessment in order to demonstrate a student's 32457
workforce readiness and employability. The administration of the 32458
job skills assessment to a student under this division shall not 32459
exempt a school district from administering the assessments 32460
prescribed in division (B) of this section to that student. 32461

Sec. 3301.0714. (A) The state board of education shall adopt 32462
rules for a statewide education management information system. The 32463
rules shall require the state board to establish guidelines for 32464
the establishment and maintenance of the system in accordance with 32465
this section and the rules adopted under this section. The 32466
guidelines shall include: 32467

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	32468 32469 32470
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	32471 32472 32473
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	32474 32475
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	32476 32477
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	32478 32479
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	32480 32481 32482
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	32483 32484 32485
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services	32486 32487 32488 32489 32490 32491 32492 32493 32494 32495 32496 32497 32498

for students with a specific type of disability. The categories of 32499
instructional services required by the guidelines under this 32500
division shall be the same as the categories of instructional 32501
services used in determining cost units pursuant to division 32502
(C)(3) of this section. 32503

(b) The numbers of students receiving support or 32504
extracurricular services for each of the support services or 32505
extracurricular programs offered by the school district, such as 32506
counseling services, health services, and extracurricular sports 32507
and fine arts programs. The categories of services required by the 32508
guidelines under this division shall be the same as the categories 32509
of services used in determining cost units pursuant to division 32510
(C)(4)(a) of this section. 32511

(c) Average student grades in each subject in grades nine 32512
through twelve; 32513

(d) Academic achievement levels as assessed under sections 32514
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 32515

(e) The number of students designated as having a disabling 32516
condition pursuant to division (C)(1) of section 3301.0711 of the 32517
Revised Code; 32518

(f) The numbers of students reported to the state board 32519
pursuant to division (C)(2) of section 3301.0711 of the Revised 32520
Code; 32521

(g) Attendance rates and the average daily attendance for the 32522
year. For purposes of this division, a student shall be counted as 32523
present for any field trip that is approved by the school 32524
administration. 32525

(h) Expulsion rates; 32526

(i) Suspension rates; 32527

(j) Dropout rates; 32528

(k) Rates of retention in grade;	32529
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	32530 32531 32532
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	32533 32534 32535 32536 32537
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	32538 32539 32540 32541 32542 32543 32544 32545 32546
(2) Personnel and classroom enrollment data for each school district, including:	32547 32548
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	32549 32550 32551 32552 32553 32554 32555 32556 32557 32558
(b) The total number of employees and the number of full-time	32559

equivalent employees providing each category of service used 32560
pursuant to divisions (C)(4)(a) and (b) of this section, and the 32561
total numbers of licensed employees and nonlicensed employees and 32562
the numbers of full-time equivalent licensed employees and 32563
nonlicensed employees providing each category used pursuant to 32564
division (C)(4)(c) of this section. The guidelines adopted under 32565
this section shall require these categories of data to be 32566
maintained for the school district as a whole and, wherever 32567
applicable, for each grade in the school district as a whole, for 32568
each school building as a whole, and for each grade in each school 32569
building. 32570

(c) The total number of regular classroom teachers teaching 32571
classes of regular education and the average number of pupils 32572
enrolled in each such class, in each of grades kindergarten 32573
through five in the district as a whole and in each school 32574
building in the school district. 32575

(d) The number of lead teachers employed by each school 32576
district and each school building. 32577

(3)(a) Student demographic data for each school district, 32578
including information regarding the gender ratio of the school 32579
district's pupils, the racial make-up of the school district's 32580
pupils, the number of limited English proficient students in the 32581
district, and an appropriate measure of the number of the school 32582
district's pupils who reside in economically disadvantaged 32583
households. The demographic data shall be collected in a manner to 32584
allow correlation with data collected under division (B)(1) of 32585
this section. Categories for data collected pursuant to division 32586
(B)(3) of this section shall conform, where appropriate, to 32587
standard practices of agencies of the federal government. 32588

(b) With respect to each student entering kindergarten, 32589
whether the student previously participated in a public preschool 32590
program, a private preschool program, or a head start program, and 32591

the number of years the student participated in each of these 32592
programs. 32593

(4) Any data required to be collected pursuant to federal 32594
law. 32595

(C) The education management information system shall include 32596
cost accounting data for each district as a whole and for each 32597
school building in each school district. The guidelines adopted 32598
under this section shall require the cost data for each school 32599
district to be maintained in a system of mutually exclusive cost 32600
units and shall require all of the costs of each school district 32601
to be divided among the cost units. The guidelines shall require 32602
the system of mutually exclusive cost units to include at least 32603
the following: 32604

(1) Administrative costs for the school district as a whole. 32605
The guidelines shall require the cost units under this division 32606
(C)(1) to be designed so that each of them may be compiled and 32607
reported in terms of average expenditure per pupil in formula ADM 32608
in the school district, as determined pursuant to section 3317.03 32609
of the Revised Code. 32610

(2) Administrative costs for each school building in the 32611
school district. The guidelines shall require the cost units under 32612
this division (C)(2) to be designed so that each of them may be 32613
compiled and reported in terms of average expenditure per 32614
full-time equivalent pupil receiving instructional or support 32615
services in each building. 32616

(3) Instructional services costs for each category of 32617
instructional service provided directly to students and required 32618
by guidelines adopted pursuant to division (B)(1)(a) of this 32619
section. The guidelines shall require the cost units under 32620
division (C)(3) of this section to be designed so that each of 32621
them may be compiled and reported in terms of average expenditure 32622

per pupil receiving the service in the school district as a whole 32623
and average expenditure per pupil receiving the service in each 32624
building in the school district and in terms of a total cost for 32625
each category of service and, as a breakdown of the total cost, a 32626
cost for each of the following components: 32627

(a) The cost of each instructional services category required 32628
by guidelines adopted under division (B)(1)(a) of this section 32629
that is provided directly to students by a classroom teacher; 32630

(b) The cost of the instructional support services, such as 32631
services provided by a speech-language pathologist, classroom 32632
aide, multimedia aide, or librarian, provided directly to students 32633
in conjunction with each instructional services category; 32634

(c) The cost of the administrative support services related 32635
to each instructional services category, such as the cost of 32636
personnel that develop the curriculum for the instructional 32637
services category and the cost of personnel supervising or 32638
coordinating the delivery of the instructional services category. 32639

(4) Support or extracurricular services costs for each 32640
category of service directly provided to students and required by 32641
guidelines adopted pursuant to division (B)(1)(b) of this section. 32642
The guidelines shall require the cost units under division (C)(4) 32643
of this section to be designed so that each of them may be 32644
compiled and reported in terms of average expenditure per pupil 32645
receiving the service in the school district as a whole and 32646
average expenditure per pupil receiving the service in each 32647
building in the school district and in terms of a total cost for 32648
each category of service and, as a breakdown of the total cost, a 32649
cost for each of the following components: 32650

(a) The cost of each support or extracurricular services 32651
category required by guidelines adopted under division (B)(1)(b) 32652
of this section that is provided directly to students by a 32653

licensed employee, such as services provided by a guidance 32654
counselor or any services provided by a licensed employee under a 32655
supplemental contract; 32656

(b) The cost of each such services category provided directly 32657
to students by a nonlicensed employee, such as janitorial 32658
services, cafeteria services, or services of a sports trainer; 32659

(c) The cost of the administrative services related to each 32660
services category in division (C)(4)(a) or (b) of this section, 32661
such as the cost of any licensed or nonlicensed employees that 32662
develop, supervise, coordinate, or otherwise are involved in 32663
administering or aiding the delivery of each services category. 32664

(D)(1) The guidelines adopted under this section shall 32665
require school districts to collect information about individual 32666
students, staff members, or both in connection with any data 32667
required by division (B) or (C) of this section or other reporting 32668
requirements established in the Revised Code. The guidelines may 32669
also require school districts to report information about 32670
individual staff members in connection with any data required by 32671
division (B) or (C) of this section or other reporting 32672
requirements established in the Revised Code. The guidelines shall 32673
not authorize school districts to request social security numbers 32674
of individual students. The guidelines shall prohibit the 32675
reporting under this section of a student's name, address, and 32676
social security number to the state board of education or the 32677
department of education. The guidelines shall also prohibit the 32678
reporting under this section of any personally identifiable 32679
information about any student, except for the purpose of assigning 32680
the data verification code required by division (D)(2) of this 32681
section, to any other person unless such person is employed by the 32682
school district or the information technology center operated 32683
under section 3301.075 of the Revised Code and is authorized by 32684
the district or technology center to have access to such 32685

information or is employed by an entity with which the department 32686
contracts for the scoring or the development of state assessments. 32687
The guidelines may require school districts to provide the social 32688
security numbers of individual staff members and the county of 32689
residence for a student. Nothing in this section prohibits the 32690
state board of education or department of education from providing 32691
a student's county of residence to the department of taxation to 32692
facilitate the distribution of tax revenue. 32693

(2)(a) The guidelines shall provide for each school district 32694
or community school to assign a data verification code that is 32695
unique on a statewide basis over time to each student whose 32696
initial Ohio enrollment is in that district or school and to 32697
report all required individual student data for that student 32698
utilizing such code. The guidelines shall also provide for 32699
assigning data verification codes to all students enrolled in 32700
districts or community schools on the effective date of the 32701
guidelines established under this section. The assignment of data 32702
verification codes for other entities, as described in division 32703
(D)(2)(c) of this section, the use of those codes, and the 32704
reporting and use of associated individual student data shall be 32705
coordinated by the department in accordance with state and federal 32706
law. 32707

School districts shall report individual student data to the 32708
department through the information technology centers utilizing 32709
the code. The entities described in division (D)(2)(c) of this 32710
section shall report individual student data to the department in 32711
the manner prescribed by the department. 32712

Except as provided in sections 3301.941, 3310.11, 3310.42, 32713
3310.63, 3313.978, and 3317.20 of the Revised Code, and except for 32714
the purpose of making per-pupil payments to community schools 32715
under division (C) of section 3314.08 of the Revised Code, at no 32716
time shall the state board or the department have access to 32717

information that would enable any data verification code to be 32718
matched to personally identifiable student data. 32719

(b) Each school district and community school shall ensure 32720
that the data verification code is included in the student's 32721
records reported to any subsequent school district, community 32722
school, or state institution of higher education, as defined in 32723
section 3345.011 of the Revised Code, in which the student 32724
enrolls. Any such subsequent district or school shall utilize the 32725
same identifier in its reporting of data under this section. 32726

(c) The director of any state agency that administers a 32727
publicly funded program providing services to children who are 32728
younger than compulsory school age, as defined in section 3321.01 32729
of the Revised Code, including the directors of health, job and 32730
family services, mental health and addiction services, and 32731
developmental disabilities, shall request and receive, pursuant to 32732
sections 3301.0723 and 5123.0423 of the Revised Code, a data 32733
verification code for a child who is receiving those services. 32734

(E) The guidelines adopted under this section may require 32735
school districts to collect and report data, information, or 32736
reports other than that described in divisions (A), (B), and (C) 32737
of this section for the purpose of complying with other reporting 32738
requirements established in the Revised Code. The other data, 32739
information, or reports may be maintained in the education 32740
management information system but are not required to be compiled 32741
as part of the profile formats required under division (G) of this 32742
section or the annual statewide report required under division (H) 32743
of this section. 32744

(F) Beginning with the school year that begins July 1, 1991, 32745
the board of education of each school district shall annually 32746
collect and report to the state board, in accordance with the 32747
guidelines established by the board, the data required pursuant to 32748
this section. A school district may collect and report these data 32749

notwithstanding section 2151.357 or 3319.321 of the Revised Code. 32750

(G) The state board shall, in accordance with the procedures 32751
it adopts, annually compile the data reported by each school 32752
district pursuant to division (D) of this section. The state board 32753
shall design formats for profiling each school district as a whole 32754
and each school building within each district and shall compile 32755
the data in accordance with these formats. These profile formats 32756
shall: 32757

(1) Include all of the data gathered under this section in a 32758
manner that facilitates comparison among school districts and 32759
among school buildings within each school district; 32760

(2) Present the data on academic achievement levels as 32761
assessed by the testing of student achievement maintained pursuant 32762
to division (B)(1)(d) of this section. 32763

(H)(1) The state board shall, in accordance with the 32764
procedures it adopts, annually prepare a statewide report for all 32765
school districts and the general public that includes the profile 32766
of each of the school districts developed pursuant to division (G) 32767
of this section. Copies of the report shall be sent to each school 32768
district. 32769

(2) The state board shall, in accordance with the procedures 32770
it adopts, annually prepare an individual report for each school 32771
district and the general public that includes the profiles of each 32772
of the school buildings in that school district developed pursuant 32773
to division (G) of this section. Copies of the report shall be 32774
sent to the superintendent of the district and to each member of 32775
the district board of education. 32776

(3) Copies of the reports received from the state board under 32777
divisions (H)(1) and (2) of this section shall be made available 32778
to the general public at each school district's offices. Each 32779
district board of education shall make copies of each report 32780

available to any person upon request and payment of a reasonable 32781
fee for the cost of reproducing the report. The board shall 32782
annually publish in a newspaper of general circulation in the 32783
school district, at least twice during the two weeks prior to the 32784
week in which the reports will first be available, a notice 32785
containing the address where the reports are available and the 32786
date on which the reports will be available. 32787

(I) Any data that is collected or maintained pursuant to this 32788
section and that identifies an individual pupil is not a public 32789
record for the purposes of section 149.43 of the Revised Code. 32790

(J) As used in this section: 32791

(1) "School district" means any city, local, exempted 32792
village, or joint vocational school district and, in accordance 32793
with section 3314.17 of the Revised Code, any community school. As 32794
used in division (L) of this section, "school district" also 32795
includes any educational service center or other educational 32796
entity required to submit data using the system established under 32797
this section. 32798

(2) "Cost" means any expenditure for operating expenses made 32799
by a school district excluding any expenditures for debt 32800
retirement except for payments made to any commercial lending 32801
institution for any loan approved pursuant to section 3313.483 of 32802
the Revised Code. 32803

(K) Any person who removes data from the information system 32804
established under this section for the purpose of releasing it to 32805
any person not entitled under law to have access to such 32806
information is subject to section 2913.42 of the Revised Code 32807
prohibiting tampering with data. 32808

(L)(1) In accordance with division (L)(2) of this section and 32809
the rules adopted under division (L)(10) of this section, the 32810
department of education may sanction any school district that 32811

reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	32843 32844 32845
(iv) Continue monitoring the district's data reporting;	32846
(v) Assign department staff to supervise the district's data management system;	32847 32848
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	32849 32850 32851
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	32852 32853 32854 32855
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	32856 32857 32858 32859 32860
(ix) Any other action designed to correct the district's data reporting problems.	32861 32862
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	32863 32864 32865 32866 32867 32868
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department	32869 32870 32871 32872

withheld funds from the district under that division, the 32873
department may release those funds to the district, except that if 32874
the department withheld funding under division (L)(2)(c) of this 32875
section, the department shall not release the funds withheld under 32876
division (L)(2)(b) of this section and, if the department withheld 32877
funding under division (L)(2)(d) of this section, the department 32878
shall not release the funds withheld under division (L)(2)(b) or 32879
(c) of this section. 32880

(5) Notwithstanding anything in this section to the contrary, 32881
the department may use its own staff or an outside entity to 32882
conduct an audit of a school district's data reporting practices 32883
any time the department has reason to believe the district has not 32884
made a good faith effort to report data as required by this 32885
section. If any audit conducted by an outside entity under 32886
division (L)(2)(d)(i) or (5) of this section confirms that a 32887
district has not made a good faith effort to report data as 32888
required by this section, the district shall reimburse the 32889
department for the full cost of the audit. The department may 32890
withhold state funds due to the district for this purpose. 32891

(6) Prior to issuing a revised report card for a school 32892
district under division (L)(2)(d)(viii) of this section, the 32893
department may hold a hearing to provide the district with an 32894
opportunity to demonstrate that it made a good faith effort to 32895
report data as required by this section. The hearing shall be 32896
conducted by a referee appointed by the department. Based on the 32897
information provided in the hearing, the referee shall recommend 32898
whether the department should issue a revised report card for the 32899
district. If the referee affirms the department's contention that 32900
the district did not make a good faith effort to report data as 32901
required by this section, the district shall bear the full cost of 32902
conducting the hearing and of issuing any revised report card. 32903

(7) If the department determines that any inaccurate data 32904

reported under this section caused a school district to receive 32905
excess state funds in any fiscal year, the district shall 32906
reimburse the department an amount equal to the excess funds, in 32907
accordance with a payment schedule determined by the department. 32908
The department may withhold state funds due to the district for 32909
this purpose. 32910

(8) Any school district that has funds withheld under 32911
division (L)(2) of this section may appeal the withholding in 32912
accordance with Chapter 119. of the Revised Code. 32913

(9) In all cases of a disagreement between the department and 32914
a school district regarding the appropriateness of an action taken 32915
under division (L)(2) of this section, the burden of proof shall 32916
be on the district to demonstrate that it made a good faith effort 32917
to report data as required by this section. 32918

(10) The state board of education shall adopt rules under 32919
Chapter 119. of the Revised Code to implement division (L) of this 32920
section. 32921

(M) No information technology center or school district shall 32922
acquire, change, or update its student administration software 32923
package to manage and report data required to be reported to the 32924
department unless it converts to a student software package that 32925
is certified by the department. 32926

(N) The state board of education, in accordance with sections 32927
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 32928
license as defined under division (A) of section 3319.31 of the 32929
Revised Code that has been issued to any school district employee 32930
found to have willfully reported erroneous, inaccurate, or 32931
incomplete data to the education management information system. 32932

(O) No person shall release or maintain any information about 32933
any student in violation of this section. Whoever violates this 32934
division is guilty of a misdemeanor of the fourth degree. 32935

(P) The department shall disaggregate the data collected 32936
under division (B)(1)(n) of this section according to the race and 32937
socioeconomic status of the students assessed. 32938

(Q) If the department cannot compile any of the information 32939
required by division (H) of section 3302.03 of the Revised Code 32940
based upon the data collected under this section, the department 32941
shall develop a plan and a reasonable timeline for the collection 32942
of any data necessary to comply with that division. 32943

Sec. 3301.16. Pursuant to standards prescribed by the state 32944
board of education as provided in division (D) of section 3301.07 32945
of the Revised Code, the state board shall classify and charter 32946
school districts and individual schools within each district 32947
except that no charter shall be granted to a nonpublic school 32948
unless the school complies with divisions (K)(1) and (L) of 32949
section 3301.0711, as applicable, and ~~section~~ sections 3301.164 32950
and 3313.612 of the Revised Code. 32951

In the course of considering the charter of a new school 32952
district created under section 3311.26 or 3311.38 of the Revised 32953
Code, the state board shall require the party proposing creation 32954
of the district to submit to the board a map, certified by the 32955
county auditor of the county in which the proposed new district is 32956
located, showing the boundaries of the proposed new district. In 32957
the case of a proposed new district located in more than one 32958
county, the map shall be certified by the county auditor of each 32959
county in which the proposed district is located. 32960

The state board shall revoke the charter of any school 32961
district or school which fails to meet the standards for 32962
elementary and high schools as prescribed by the board. The state 32963
board shall also revoke the charter of any nonpublic school that 32964
does not comply with divisions (K)(1) and (L) of section 32965
3301.0711, if applicable, and ~~section~~ sections 3301.164 and 32966

3313.612 of the Revised Code. 32967

In the issuance and revocation of school district or school 32968
charters, the state board shall be governed by the provisions of 32969
Chapter 119. of the Revised Code. 32970

No school district, or individual school operated by a school 32971
district, shall operate without a charter issued by the state 32972
board under this section. 32973

In case a school district charter is revoked pursuant to this 32974
section, the state board may dissolve the school district and 32975
transfer its territory to one or more adjacent districts. An 32976
equitable division of the funds, property, and indebtedness of the 32977
school district shall be made by the state board among the 32978
receiving districts. The board of education of a receiving 32979
district shall accept such territory pursuant to the order of the 32980
state board. Prior to dissolving the school district, the state 32981
board shall notify the appropriate educational service center 32982
governing board and all adjacent school district boards of 32983
education of its intention to do so. Boards so notified may make 32984
recommendations to the state board regarding the proposed 32985
dissolution and subsequent transfer of territory. Except as 32986
provided in section 3301.161 of the Revised Code, the transfer 32987
ordered by the state board shall become effective on the date 32988
specified by the state board, but the date shall be at least 32989
thirty days following the date of issuance of the order. 32990

A high school is one of higher grade than an elementary 32991
school, in which instruction and training are given in accordance 32992
with sections 3301.07 and 3313.60 of the Revised Code and which 32993
also offers other subjects of study more advanced than those 32994
taught in the elementary schools and such other subjects as may be 32995
approved by the state board of education. 32996

An elementary school is one in which instruction and training 32997

are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the state board of education. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

Sec. 3301.164. Each chartered nonpublic school shall do the following:

(A) Publish on the school's web site the number of students enrolled in the school by the last day of October of the current school year;

(B) Publish on the school's web site the school's policy regarding background checks for teaching and nonteaching employees and for volunteers who have direct contact with students;

(C) Publish on the school's web site and make available to parents, guardians, and custodians of students enrolled in the school the curricula and reading lists for each grade level of the school.

Sec. 3301.65. (A) The department of education, not later than the first day of May each year, shall submit to the joint education oversight committee of the house of representatives and senate, created in section 103.45 of the Revised Code, the manual containing the standards, procedures, timelines, and other requirements the department intends to use to review or audit the full-time equivalency student enrollment reporting by all school districts, community schools established under Chapter 3314., STEM schools established under Chapter 3326., and college-preparatory boarding schools established under Chapter 3328. of the Revised Code for the next school year.

(B) In addition to the requirement of division (A) of this

section, not later than the first day of May each year that the 33028
department proposes changes to the manual, the department shall 33029
submit to the joint education oversight committee, and to each 33030
school district, community school, STEM school, and 33031
college-preparatory boarding school a detailed summary of the 33032
changes, specifically comparing the differences between the prior 33033
school year's manual and the proposed manual. The department shall 33034
post the summary and the proposed manual in a prominent location 33035
on the department's web site. 33036

(C) In the event that the department fails to comply with 33037
this section or the specific timelines prescribed herein, or the 33038
joint education oversight committee, pursuant to division (D) of 33039
section 103.45 of the Revised Code, determines that schools are 33040
not reasonably capable of compliance with the proposed manual, the 33041
proposed manual shall be ineffective, and the department shall 33042
conduct its reviews or audits using the manual and accompanying 33043
standards, procedures, timelines, and other requirements from the 33044
previous school year. 33045

Sec. 3302.03. Annually, not later than the fifteenth day of 33046
September or the preceding Friday when that day falls on a 33047
Saturday or Sunday, the department of education shall assign a 33048
letter grade for overall academic performance and for each 33049
separate performance measure for each school district, and each 33050
school building in a district, in accordance with this section. 33051
The state board shall adopt rules pursuant to Chapter 119. of the 33052
Revised Code to establish performance criteria for each letter 33053
grade and prescribe a method by which the department assigns each 33054
letter grade. For a school building to which any of the 33055
performance measures do not apply, due to grade levels served by 33056
the building, the state board shall designate the performance 33057
measures that are applicable to the building and that must be 33058
calculated separately and used to calculate the building's overall 33059

grade. The department shall issue annual report cards reflecting 33060
the performance of each school district, each building within each 33061
district, and for the state as a whole using the performance 33062
measures and letter grade system described in this section. The 33063
department shall include on the report card for each district and 33064
each building within each district the most recent two-year trend 33065
data in student achievement for each subject and each grade. 33066

(A)(1) For the 2012-2013 school year, the department shall 33067
issue grades as described in division (E) of this section for each 33068
of the following performance measures: 33069

(a) Annual measurable objectives; 33070

(b) Performance index score for a school district or 33071
building. Grades shall be awarded as a percentage of the total 33072
possible points on the performance index system as adopted by the 33073
state board. In adopting benchmarks for assigning letter grades 33074
under division (A)(1)(b) of this section, the state board of 33075
education shall designate ninety per cent or higher for an "A," at 33076
least seventy per cent but not more than eighty per cent for a 33077
"C," and less than fifty per cent for an "F." 33078

(c) The extent to which the school district or building meets 33079
each of the applicable performance indicators established by the 33080
state board under section 3302.02 of the Revised Code and the 33081
percentage of applicable performance indicators that have been 33082
achieved. In adopting benchmarks for assigning letter grades under 33083
division (A)(1)(c) of this section, the state board shall 33084
designate ninety per cent or higher for an "A." 33085

(d) The four- and five-year adjusted cohort graduation rates. 33086

In adopting benchmarks for assigning letter grades under 33087
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 33088
department shall designate a four-year adjusted cohort graduation 33089
rate of ninety-three per cent or higher for an "A" and a five-year 33090

cohort graduation rate of ninety-five per cent or higher for an 33091
"A." 33092

(e) The overall score under the value-added progress 33093
dimension of a school district or building, for which the 33094
department shall use up to three years of value-added data as 33095
available. The letter grade assigned for this growth measure shall 33096
be as follows: 33097

(i) A score that is at least two standard errors of measure 33098
above the mean score shall be designated as an "A." 33099

(ii) A score that is at least one standard error of measure 33100
but less than two standard errors of measure above the mean score 33101
shall be designated as a "B." 33102

(iii) A score that is less than one standard error of measure 33103
above the mean score but greater than or equal to one standard 33104
error of measure below the mean score shall be designated as a 33105
"C." 33106

(iv) A score that is not greater than one standard error of 33107
measure below the mean score but is greater than or equal to two 33108
standard errors of measure below the mean score shall be 33109
designated as a "D." 33110

(v) A score that is not greater than two standard errors of 33111
measure below the mean score shall be designated as an "F." 33112

Whenever the value-added progress dimension is used as a 33113
graded performance measure, whether as an overall measure or as a 33114
measure of separate subgroups, the grades for the measure shall be 33115
calculated in the same manner as prescribed in division (A)(1)(e) 33116
of this section. 33117

(f) The value-added progress dimension score for a school 33118
district or building disaggregated for each of the following 33119
subgroups: students identified as gifted, students with 33120

disabilities, and students whose performance places them in the 33121
lowest quintile for achievement on a statewide basis. Each 33122
subgroup shall be a separate graded measure. 33123

(2) Not later than April 30, 2013, the state board of 33124
education shall adopt a resolution describing the performance 33125
measures, benchmarks, and grading system for the 2012-2013 school 33126
year and, not later than June 30, 2013, shall adopt rules in 33127
accordance with Chapter 119. of the Revised Code that prescribe 33128
the methods by which the performance measures under division 33129
(A)(1) of this section shall be assessed and assigned a letter 33130
grade, including performance benchmarks for each letter grade. 33131

At least forty-five days prior to the state board's adoption 33132
of rules to prescribe the methods by which the performance 33133
measures under division (A)(1) of this section shall be assessed 33134
and assigned a letter grade, the department shall conduct a public 33135
presentation before the standing committees of the house of 33136
representatives and the senate that consider education legislation 33137
describing such methods, including performance benchmarks. 33138

(3) There shall not be an overall letter grade for a school 33139
district or building for the 2012-2013 school year. 33140

(B)(1) For the 2013-2014 and 2014-2015 school years, the 33141
department shall issue grades as described in division (E) of this 33142
section for each of the following performance measures: 33143

(a) Annual measurable objectives; 33144

(b) Performance index score for a school district or 33145
building. Grades shall be awarded as a percentage of the total 33146
possible points on the performance index system as created by the 33147
department. In adopting benchmarks for assigning letter grades 33148
under division (B)(1)(b) of this section, the state board shall 33149
designate ninety per cent or higher for an "A," at least seventy 33150
per cent but not more than eighty per cent for a "C," and less 33151

than fifty per cent for an "F." 33152

(c) The extent to which the school district or building meets 33153
each of the applicable performance indicators established by the 33154
state board under section 3302.03 of the Revised Code and the 33155
percentage of applicable performance indicators that have been 33156
achieved. In adopting benchmarks for assigning letter grades under 33157
division (B)(1)(c) of this section, the state board shall 33158
designate ninety per cent or higher for an "A." 33159

(d) The four- and five-year adjusted cohort graduation rates; 33160

(e) The overall score under the value-added progress 33161
dimension of a school district or building, for which the 33162
department shall use up to three years of value-added data as 33163
available. 33164

(f) The value-added progress dimension score for a school 33165
district or building disaggregated for each of the following 33166
subgroups: students identified as gifted in superior cognitive 33167
ability and specific academic ability fields under Chapter 3324. 33168
of the Revised Code, students with disabilities, and students 33169
whose performance places them in the lowest quintile for 33170
achievement on a statewide basis. Each subgroup shall be a 33171
separate graded measure. 33172

(g) Whether a school district or building is making progress 33173
in improving literacy in grades kindergarten through three, as 33174
determined using a method prescribed by the state board. The state 33175
board shall adopt rules to prescribe benchmarks and standards for 33176
assigning grades to districts and buildings for purposes of 33177
division (B)(1)(g) of this section. In adopting benchmarks for 33178
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 33179
this section, the state board shall determine progress made based 33180
on the reduction in the total percentage of students scoring below 33181
grade level, or below proficient, compared from year to year on 33182

the reading and writing diagnostic assessments administered under 33183
section 3301.0715 of the Revised Code and the third grade English 33184
language arts assessment under section 3301.0710 of the Revised 33185
Code, as applicable. The state board shall designate for a "C" 33186
grade a value that is not lower than the statewide average value 33187
for this measure. No grade shall be issued under divisions 33188
(B)(1)(g) and (C)(1)(g) of this section for a district or building 33189
in which less than five per cent of students have scored below 33190
grade level on the diagnostic assessment administered to students 33191
in kindergarten under division (B)(1) of section 3313.608 of the 33192
Revised Code. 33193

(h) For a high mobility school district or building, an 33194
additional value-added progress dimension score. For this measure, 33195
the department shall use value-added data from the most recent 33196
school year available and shall use assessment scores for only 33197
those students to whom the district or building has administered 33198
the assessments prescribed by section 3301.0710 of the Revised 33199
Code for each of the two most recent consecutive school years. 33200

As used in this division, "high mobility school district or 33201
building" means a school district or building where at least 33202
twenty-five per cent of its total enrollment is made up of 33203
students who have attended that school district or building for 33204
less than one year. 33205

(2) In addition to the graded measures in division (B)(1) of 33206
this section, the department shall include on a school district's 33207
or building's report card all of the following without an assigned 33208
letter grade: 33209

(a) The percentage of students enrolled in a district or 33210
building participating in advanced placement classes and the 33211
percentage of those students who received a score of three or 33212
better on advanced placement examinations; 33213

(b) The number of a district's or building's students who 33214
have earned at least three college credits through dual enrollment 33215
or advanced standing programs, such as the post-secondary 33216
enrollment options program under Chapter 3365. of the Revised Code 33217
and state-approved career-technical courses offered through dual 33218
enrollment or statewide articulation, that appear on a student's 33219
transcript or other official document, either of which is issued 33220
by the institution of higher education from which the student 33221
earned the college credit. The credits earned that are reported 33222
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 33223
include any that are remedial or developmental and shall include 33224
those that count toward the curriculum requirements established 33225
for completion of a degree. 33226

(c) The percentage of students enrolled in a district or 33227
building who have taken a national standardized test used for 33228
college admission determinations and the percentage of those 33229
students who are determined to be remediation-free in accordance 33230
with standards adopted under division (F) of section 3345.061 of 33231
the Revised Code; 33232

(d) The percentage of the district's or the building's 33233
students who receive industry-recognized credentials as approved 33234
under section 3313.6113 of the Revised Code. ~~The state board shall~~ 33235
~~adopt criteria for acceptable industry recognized credentials.~~ 33236

(e) The percentage of students enrolled in a district or 33237
building who are participating in an international baccalaureate 33238
program and the percentage of those students who receive a score 33239
of four or better on the international baccalaureate examinations. 33240

(f) The percentage of the district's or building's students 33241
who receive an honors diploma under division (B) of section 33242
3313.61 of the Revised Code. 33243

(3) Not later than December 31, 2013, the state board shall 33244

adopt rules in accordance with Chapter 119. of the Revised Code 33245
that prescribe the methods by which the performance measures under 33246
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 33247
and assigned a letter grade, including performance benchmarks for 33248
each grade. 33249

At least forty-five days prior to the state board's adoption 33250
of rules to prescribe the methods by which the performance 33251
measures under division (B)(1) of this section shall be assessed 33252
and assigned a letter grade, the department shall conduct a public 33253
presentation before the standing committees of the house of 33254
representatives and the senate that consider education legislation 33255
describing such methods, including performance benchmarks. 33256

(4) There shall not be an overall letter grade for a school 33257
district or building for the 2013-2014, 2014-2015, 2015-2016, and 33258
2016-2017 school years. 33259

(C)(1) For the 2014-2015 school year and each school year 33260
thereafter, the department shall issue grades as described in 33261
division (E) of this section for each of the performance measures 33262
prescribed in division (C)(1) of this section. The graded measures 33263
are as follows: 33264

(a) Annual measurable objectives; 33265

(b) Performance index score for a school district or 33266
building. Grades shall be awarded as a percentage of the total 33267
possible points on the performance index system as created by the 33268
department. In adopting benchmarks for assigning letter grades 33269
under division (C)(1)(b) of this section, the state board shall 33270
designate ninety per cent or higher for an "A," at least seventy 33271
per cent but not more than eighty per cent for a "C," and less 33272
than fifty per cent for an "F." 33273

(c) The extent to which the school district or building meets 33274
each of the applicable performance indicators established by the 33275

state board under section 3302.03 of the Revised Code and the 33276
percentage of applicable performance indicators that have been 33277
achieved. In adopting benchmarks for assigning letter grades under 33278
division (C)(1)(c) of this section, the state board shall 33279
designate ninety per cent or higher for an "A." 33280

(d) The four- and five-year adjusted cohort graduation rates; 33281

(e) The overall score under the value-added progress 33282
dimension, or another measure of student academic progress if 33283
adopted by the state board, of a school district or building, for 33284
which the department shall use up to three years of value-added 33285
data as available. 33286

In adopting benchmarks for assigning letter grades for 33287
overall score on value-added progress dimension under division 33288
(C)(1)(e) of this section, the state board shall prohibit the 33289
assigning of a grade of "A" for that measure unless the district's 33290
or building's grade assigned for value-added progress dimension 33291
for all subgroups under division (C)(1)(f) of this section is a 33292
"B" or higher. 33293

For the metric prescribed by division (C)(1)(e) of this 33294
section, the state board may adopt a student academic progress 33295
measure to be used instead of the value-added progress dimension. 33296
If the state board adopts such a measure, it also shall prescribe 33297
a method for assigning letter grades for the new measure that is 33298
comparable to the method prescribed in division (A)(1)(e) of this 33299
section. 33300

(f) The value-added progress dimension score of a school 33301
district or building disaggregated for each of the following 33302
subgroups: students identified as gifted in superior cognitive 33303
ability and specific academic ability fields under Chapter 3324. 33304
of the Revised Code, students with disabilities, and students 33305
whose performance places them in the lowest quintile for 33306

achievement on a statewide basis, as determined by a method 33307
prescribed by the state board. Each subgroup shall be a separate 33308
graded measure. 33309

The state board may adopt student academic progress measures 33310
to be used instead of the value-added progress dimension. If the 33311
state board adopts such measures, it also shall prescribe a method 33312
for assigning letter grades for the new measures that is 33313
comparable to the method prescribed in division (A)(1)(e) of this 33314
section. 33315

(g) Whether a school district or building is making progress 33316
in improving literacy in grades kindergarten through three, as 33317
determined using a method prescribed by the state board. The state 33318
board shall adopt rules to prescribe benchmarks and standards for 33319
assigning grades to a district or building for purposes of 33320
division (C)(1)(g) of this section. The state board shall 33321
designate for a "C" grade a value that is not lower than the 33322
statewide average value for this measure. No grade shall be issued 33323
under division (C)(1)(g) of this section for a district or 33324
building in which less than five per cent of students have scored 33325
below grade level on the kindergarten diagnostic assessment under 33326
division (B)(1) of section 3313.608 of the Revised Code. 33327

(h) For a high mobility school district or building, an 33328
additional value-added progress dimension score. For this measure, 33329
the department shall use value-added data from the most recent 33330
school year available and shall use assessment scores for only 33331
those students to whom the district or building has administered 33332
the assessments prescribed by section 3301.0710 of the Revised 33333
Code for each of the two most recent consecutive school years. 33334

As used in this division, "high mobility school district or 33335
building" means a school district or building where at least 33336
twenty-five per cent of its total enrollment is made up of 33337
students who have attended that school district or building for 33338

less than one year. 33339

(2) In addition to the graded measures in division (C)(1) of 33340
this section, the department shall include on a school district's 33341
or building's report card all of the following without an assigned 33342
letter grade: 33343

(a) The percentage of students enrolled in a district or 33344
building who have taken a national standardized test used for 33345
college admission determinations and the percentage of those 33346
students who are determined to be remediation-free in accordance 33347
with the standards adopted under division (F) of section 3345.061 33348
of the Revised Code; 33349

(b) The percentage of students enrolled in a district or 33350
building participating in advanced placement classes and the 33351
percentage of those students who received a score of three or 33352
better on advanced placement examinations; 33353

(c) The percentage of a district's or building's students who 33354
have earned at least three college credits through advanced 33355
standing programs, such as the college credit plus program under 33356
Chapter 3365. of the Revised Code and state-approved 33357
career-technical courses offered through dual enrollment or 33358
statewide articulation, that appear on a student's college 33359
transcript issued by the institution of higher education from 33360
which the student earned the college credit. The credits earned 33361
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 33362
section shall not include any that are remedial or developmental 33363
and shall include those that count toward the curriculum 33364
requirements established for completion of a degree. 33365

(d) The percentage of the district's or building's students 33366
who receive an honor's diploma under division (B) of section 33367
3313.61 of the Revised Code; 33368

(e) The percentage of the district's or building's students 33369

who receive industry-recognized credentials <u>as approved under</u>	33370
<u>section 3313.6113 of the Revised Code;</u>	33371
(f) The percentage of students enrolled in a district or	33372
building who are participating in an international baccalaureate	33373
program and the percentage of those students who receive a score	33374
of four or better on the international baccalaureate examinations;	33375
(g) The results of the college and career-ready assessments	33376
administered under division (B)(1) of section 3301.0712 of the	33377
Revised Code.	33378
(3) The state board shall adopt rules pursuant to Chapter	33379
119. of the Revised Code that establish a method to assign an	33380
overall grade for a school district or school building for the	33381
2017-2018 school year and each school year thereafter. The rules	33382
shall group the performance measures in divisions (C)(1) and (2)	33383
of this section into the following components:	33384
(a) Gap closing, which shall include the performance measure	33385
in division (C)(1)(a) of this section;	33386
(b) Achievement, which shall include the performance measures	33387
in divisions (C)(1)(b) and (c) of this section;	33388
(c) Progress, which shall include the performance measures in	33389
divisions (C)(1)(e) and (f) of this section;	33390
(d) Graduation, which shall include the performance measure	33391
in division (C)(1)(d) of this section;	33392
(e) Kindergarten through third-grade literacy, which shall	33393
include the performance measure in division (C)(1)(g) of this	33394
section;	33395
(f) Prepared for success, which shall include the performance	33396
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of	33397
this section. The state board shall develop a method to determine	33398
a grade for the component in division (C)(3)(f) of this section	33399

using the performance measures in divisions (C)(2)(a), (b), (c), 33400
(d), (e), and (f) of this section. When available, the state board 33401
may incorporate the performance measure under division (C)(2)(g) 33402
of this section into the component under division (C)(3)(f) of 33403
this section. When determining the overall grade for the prepared 33404
for success component prescribed by division (C)(3)(f) of this 33405
section, no individual student shall be counted in more than one 33406
performance measure. However, if a student qualifies for more than 33407
one performance measure in the component, the state board may, in 33408
its method to determine a grade for the component, specify an 33409
additional weight for such a student that is not greater than or 33410
equal to 1.0. In determining the overall score under division 33411
(C)(3)(f) of this section, the state board shall ensure that the 33412
pool of students included in the performance measures aggregated 33413
under that division are all of the students included in the four- 33414
and five-year adjusted graduation cohort. 33415

In the rules adopted under division (C)(3) of this section, 33416
the state board shall adopt a method for determining a grade for 33417
each component in divisions (C)(3)(a) to (f) of this section. The 33418
state board also shall establish a method to assign an overall 33419
grade of "A," "B," "C," "D," or "F" using the grades assigned for 33420
each component. The method the state board adopts for assigning an 33421
overall grade shall give equal weight to the components in 33422
divisions (C)(3)(b) and (c) of this section. 33423

At least forty-five days prior to the state board's adoption 33424
of rules to prescribe the methods for calculating the overall 33425
grade for the report card, as required by this division, the 33426
department shall conduct a public presentation before the standing 33427
committees of the house of representatives and the senate that 33428
consider education legislation describing the format for the 33429
report card, weights that will be assigned to the components of 33430
the overall grade, and the method for calculating the overall 33431

grade. 33432

(D) On or after ~~than~~ July 1, 2015, the state board may 33433
develop a measure of student academic progress for high school 33434
students using only data from assessments in English language arts 33435
and mathematics. If the state board develops this measure, each 33436
school district and applicable school building shall be assigned a 33437
separate letter grade for ~~if it~~ not sooner than the 2017-2018 33438
school year. The district's or building's grade for that measure 33439
shall not be included in determining the district's or building's 33440
overall letter grade. 33441

(E) The letter grades assigned to a school district or 33442
building under this section shall be as follows: 33443

(1) "A" for a district or school making excellent progress; 33444

(2) "B" for a district or school making above average 33445
progress; 33446

(3) "C" for a district or school making average progress; 33447

(4) "D" for a district or school making below average 33448
progress; 33449

(5) "F" for a district or school failing to meet minimum 33450
progress. 33451

(F) When reporting data on student achievement and progress, 33452
the department shall disaggregate that data according to the 33453
following categories: 33454

(1) Performance of students by grade-level; 33455

(2) Performance of students by race and ethnic group; 33456

(3) Performance of students by gender; 33457

(4) Performance of students grouped by those who have been 33458
enrolled in a district or school for three or more years; 33459

(5) Performance of students grouped by those who have been 33460

enrolled in a district or school for more than one year and less than three years;	33461 33462
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	33463 33464
(7) Performance of students grouped by those who are economically disadvantaged;	33465 33466
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	33467 33468 33469
(9) Performance of students grouped by those who are classified as limited English proficient;	33470 33471
(10) Performance of students grouped by those who have disabilities;	33472 33473
(11) Performance of students grouped by those who are classified as migrants;	33474 33475
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	33476 33477 33478 33479 33480 33481 33482 33483 33484
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	33485 33486 33487
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall	33488 33489 33490

disaggregate data on student performance according to any 33491
combinations of two or more of the categories listed in divisions 33492
(F)(1) to (13) of this section that it deems relevant. 33493

In reporting data pursuant to division (F) of this section, 33494
the department shall not include in the report cards any data 33495
statistical in nature that is statistically unreliable or that 33496
could result in the identification of individual students. For 33497
this purpose, the department shall not report student performance 33498
data for any group identified in division (F) of this section that 33499
contains less than ten students. If the department does not report 33500
student performance data for a group because it contains less than 33501
ten students, the department shall indicate on the report card 33502
that is why data was not reported. 33503

(G) The department may include with the report cards any 33504
additional education and fiscal performance data it deems 33505
valuable. 33506

(H) The department shall include on each report card a list 33507
of additional information collected by the department that is 33508
available regarding the district or building for which the report 33509
card is issued. When available, such additional information shall 33510
include student mobility data disaggregated by race and 33511
socioeconomic status, college enrollment data, and the reports 33512
prepared under section 3302.031 of the Revised Code. 33513

The department shall maintain a site on the world wide web. 33514
The report card shall include the address of the site and shall 33515
specify that such additional information is available to the 33516
public at that site. The department shall also provide a copy of 33517
each item on the list to the superintendent of each school 33518
district. The district superintendent shall provide a copy of any 33519
item on the list to anyone who requests it. 33520

(I)(1)(a) Except as provided in division (I)(1)(b) of this 33521

section, for any district that sponsors a conversion community 33522
school under Chapter 3314. of the Revised Code, the department 33523
shall combine data regarding the academic performance of students 33524
enrolled in the community school with comparable data from the 33525
schools of the district for the purpose of determining the 33526
performance of the district as a whole on the report card issued 33527
for the district under this section or section 3302.033 of the 33528
Revised Code. 33529

(b) The department shall not combine data from any conversion 33530
community school that a district sponsors if a majority of the 33531
students enrolled in the conversion community school are enrolled 33532
in a dropout prevention and recovery program that is operated by 33533
the school, as described in division (A)(4)(a) of section 3314.35 33534
of the Revised Code. The department shall include as an addendum 33535
to the district's report card the ratings and performance measures 33536
that are required under section 3314.017 of the Revised Code for 33537
any community school to which division (I)(1)(b) of this section 33538
applies. This addendum shall include, at a minimum, the data 33539
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 33540
3314.017 of the Revised Code. 33541

(2) Any district that leases a building to a community school 33542
located in the district or that enters into an agreement with a 33543
community school located in the district whereby the district and 33544
the school endorse each other's programs may elect to have data 33545
regarding the academic performance of students enrolled in the 33546
community school combined with comparable data from the schools of 33547
the district for the purpose of determining the performance of the 33548
district as a whole on the district report card. Any district that 33549
so elects shall annually file a copy of the lease or agreement 33550
with the department. 33551

(3) Any municipal school district, as defined in section 33552
3311.71 of the Revised Code, that sponsors a community school 33553

located within the district's territory, or that enters into an 33554
agreement with a community school located within the district's 33555
territory whereby the district and the community school endorse 33556
each other's programs, may exercise either or both of the 33557
following elections: 33558

(a) To have data regarding the academic performance of 33559
students enrolled in that community school combined with 33560
comparable data from the schools of the district for the purpose 33561
of determining the performance of the district as a whole on the 33562
district's report card; 33563

(b) To have the number of students attending that community 33564
school noted separately on the district's report card. 33565

The election authorized under division (I)(3)(a) of this 33566
section is subject to approval by the governing authority of the 33567
community school. 33568

Any municipal school district that exercises an election to 33569
combine or include data under division (I)(3) of this section, by 33570
the first day of October of each year, shall file with the 33571
department documentation indicating eligibility for that election, 33572
as required by the department. 33573

(J) The department shall include on each report card the 33574
percentage of teachers in the district or building who are highly 33575
qualified, as defined by the No Child Left Behind Act of 2001, and 33576
a comparison of that percentage with the percentages of such 33577
teachers in similar districts and buildings. 33578

(K)(1) In calculating English language arts, mathematics, 33579
social studies, or science assessment passage rates used to 33580
determine school district or building performance under this 33581
section, the department shall include all students taking an 33582
assessment with accommodation or to whom an alternate assessment 33583
is administered pursuant to division (C)(1) or (3) of section 33584

3301.0711 of the Revised Code. 33585

(2) In calculating performance index scores, rates of 33586
achievement on the performance indicators established by the state 33587
board under section 3302.02 of the Revised Code, and annual 33588
measurable objectives for determining adequate yearly progress for 33589
school districts and buildings under this section, the department 33590
shall do all of the following: 33591

(a) Include for each district or building only those students 33592
who are included in the ADM certified for the first full school 33593
week of October and are continuously enrolled in the district or 33594
building through the time of the spring administration of any 33595
assessment prescribed by division (A)(1) or (B)(1) of section 33596
3301.0710 or division (B) of section 3301.0712 of the Revised Code 33597
that is administered to the student's grade level; 33598

(b) Include cumulative totals from both the fall and spring 33599
administrations of the third grade English language arts 33600
achievement assessment; 33601

(c) Except as required by the No Child Left Behind Act of 33602
2001, exclude for each district or building any limited English 33603
proficient student who has been enrolled in United States schools 33604
for less than one full school year. 33605

(L) Beginning with the 2015-2016 school year and at least 33606
once every three years thereafter, the state board of education 33607
shall review and may adjust the benchmarks for assigning letter 33608
grades to the performance measures and components prescribed under 33609
divisions (C)(3) and (D) of this section. 33610

Sec. 3302.151. (A) Notwithstanding anything to the contrary 33611
in the Revised Code, a school district that qualifies under 33612
division (D) of this section shall be exempt from all of the 33613
following: 33614

(1) The teacher qualification requirements under the 33615
third-grade reading guarantee, as prescribed under divisions 33616
(B)(3)(c) and (H) of section 3313.608 of the Revised Code. This 33617
exemption does not relieve a teacher from holding a valid Ohio 33618
license in a subject area and grade level determined appropriate 33619
by the board of education of that district. 33620

~~(2) The mentoring component of the Ohio teacher residency 33621
program established under division (A)(1) of section 3319.223 of 33622
the Revised Code, so long as the district utilizes a local 33623
approach to train and support new teachers; 33624~~

~~(3) Any provision of the Revised Code or rule or standard of 33625
the state board of education prescribing a minimum or maximum 33626
class size; 33627~~

~~(4)(3) Any provision of the Revised Code or rule or standard 33628
of the state board requiring teachers to be licensed specifically 33629
in the grade level in which they are teaching, except unless 33630
otherwise prescribed by federal law. This exemption does not apply 33631
to special education teachers. Nor does this exemption relieve a 33632
teacher from holding a valid Ohio license in the subject area in 33633
which that teacher is teaching and at least some grade level 33634
determined appropriate by the district board. 33635~~

(B)(1) Notwithstanding anything to the contrary in the 33636
Revised Code, including sections 3319.30 and 3319.36 of the 33637
Revised Code, the superintendent of a school district that 33638
qualifies under division (D) of this section may employ an 33639
individual who is not licensed as required by sections 3319.22 to 33640
3319.30 of the Revised Code, but who is otherwise qualified based 33641
on experience, to teach classes in the district, so long as the 33642
board of education of the school district approves the 33643
individual's employment and provides mentoring and professional 33644
development opportunities to that individual, as determined 33645
necessary by the board. 33646

(2) As a condition of employment under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the department of education, the individual shall submit the criminal records check to the department and shall register with the department during the period in which the individual is employed by the district. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

(3) An individual employed pursuant to this division is subject to Chapter 3307. of the Revised Code.

If the department receives notification of the arrest or conviction of an individual employed under division (B) of this section, the department shall promptly notify the employing district and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers appropriate. No district shall employ any individual under division (B) of this section if the district learns that the individual has plead guilty to, has been found guilty by a jury or court of, or has been convicted of any of the offenses listed in division (C) of section 3319.31 of the Revised Code.

(C) Notwithstanding anything to the contrary in the Revised Code, noncompliance with any of the requirements listed in divisions (A) or (B) of this section shall not disqualify a school district that qualifies under division (D) of this section from receiving funds under Chapter 3317. of the Revised Code.

(D) In order for a city, local, or exempted village school district to qualify for the exemptions described in this section, the school district shall meet all of the following benchmarks on the most recent report card issued for that district under section

3302.03 of the Revised Code: 33679

(1) The district received at least eighty-five per cent of 33680
the total possible points for the performance index score 33681
calculated under division (C)(1)(b) of that section; 33682

(2) The district received a grade of an "A" for performance 33683
indicators met under division (C)(1)(c) of that section; 33684

(3) The district has a four-year adjusted cohort graduation 33685
rate of at least ninety-three per cent and a five-year adjusted 33686
cohort graduation rate of at least ninety-five per cent, as 33687
calculated under division (C)(1)(d) of that section. 33688

(E) A school district that meets the requirements prescribed 33689
by division (D) of this section shall be qualified for the 33690
exemptions prescribed by this section for three school years, 33691
beginning with the school year in which the qualifying report card 33692
is issued. 33693

(F) As used in this section, "license" has the same meaning 33694
as in section 3319.31 of the Revised Code. 33695

Sec. 3303.20. The superintendent of public instruction shall 33696
appoint a supervisor of agricultural education within the 33697
department of education. The supervisor shall be responsible for 33698
administering and disseminating to school districts information 33699
about agricultural education. The supervisor also may serve as the 33700
chair of the board of trustees of the Ohio FFA association, and 33701
may assist with the association's programs and activities in a 33702
manner that enables the association to maintain its state charter 33703
and to meet applicable requirements of the United States 33704
department of education and the national FFA organization. This 33705
assistance may include the provision of department personnel, 33706
services, and facilities. 33707

The department shall maintain an appropriate number of 33708

full-time employees focusing on agricultural education. The 33709
department shall employ at least three program consultants who 33710
shall be available to provide assistance to school districts on a 33711
regional basis throughout the state. At least one consultant may 33712
coordinate local activities of the student organization known as 33713
the future farmers of America. Department employees may not 33714
receive compensation from the Ohio FFA association, but the 33715
department may be reimbursed by the association for reasonable 33716
expenses related to assistance provided under this section. 33717

Sec. 3304.11. As used in sections 3304.11 to 3304.27 of the 33718
Revised Code: 33719

(A) "~~Person~~ Eligible individual with a disability" means ~~any~~ 33720
~~person with~~ an individual who has a physical or mental impairment 33721
that ~~is~~ constitutes or results in a substantial impediment to 33722
employment and who can benefit in terms of an employment outcome 33723
~~from the provision of~~ requires vocational rehabilitation services 33724
to prepare for, secure, retain, advance in, or regain employment. 33725

(B) "Physical or mental impairment" means ~~a physical or~~ 33726
~~mental condition that materially limits, contributes to limiting~~ 33727
~~or, if not corrected, will probably result in limiting a person's~~ 33728
~~activities or functioning~~ any physiological, mental, or 33729
psychological disorder. 33730

(C) "Substantial impediment to employment" means a physical 33731
or mental ~~disability that impedes a person's occupational~~ 33732
~~performance, by preventing the person's obtaining, retaining, or~~ 33733
~~preparing for a gainful occupation consistent with the person's~~ 33734
~~capacities and~~ impairment that hinders an individual from 33735
preparing for, entering into, engaging in, advancing in, or 33736
retaining employment consistent with the individual's abilities 33737
and capabilities. 33738

(D) "Vocational rehabilitation" ~~and "vocational~~ 33739

~~rehabilitation services" means any activity or service calculated 33740
to enable a person with a disability or groups of persons with 33741
disabilities to engage in gainful occupation and includes, but is 33742
not limited to, medical and vocational evaluation, including 33743
diagnostic and related services, vocational counseling, guidance 33744
and placement, including follow up services, rehabilitation 33745
training, including books and other training materials, physical 33746
restoration, recruitment and training services designed to provide 33747
persons with disabilities new employment opportunities, 33748
maintenance, occupational tools, equipment, supplies, 33749
transportation, services to families of persons with disabilities 33750
that contribute substantially to the rehabilitation of these 33751
persons, and any other goods or service necessary to render a 33752
person with a disability employable has the same meaning as 33753
defined in section 361.5 of Title 34 of the Code of Federal 33754
Regulations, 34 C.F.R. 361.5. 33755~~

(E) "Establishment of a rehabilitation facility" means the 33756
expansion, remodeling, or alteration of an existing building that 33757
is necessary to adapt or to increase the effectiveness of that 33758
building for rehabilitation facility purposes, the acquisition of 33759
equipment for these purposes, and the initial staffing. 33760

(F) "Construction" means the construction of new buildings, 33761
acquisition of land or existing buildings and their expansion, 33762
remodeling, alteration and renovation, and the initial staffing 33763
and equipment of any new, newly acquired, expanded, remodeled, 33764
altered, or renovated buildings. 33765

~~(G) "Physical restoration services" means those services that 33766
are necessary to correct or substantially modify within a 33767
reasonable period of time a physical or mental condition that is 33768
stable or slowly progressive. 33769~~

~~(H) "Occupational license" means any license, permit, or 33770
other written authority required by any governmental unit in order 33771~~

~~to engage in any occupation or business.~~ 33772

~~(I) "Maintenance" means money payments to persons with~~ 33773
~~disabilities who need financial assistance for their subsistence~~ 33774
~~during their vocational rehabilitation~~ monetary support provided 33775
to an individual for expenses such as food, shelter, and clothing 33776
that are in excess of the normal expenses of the individual and 33777
that are necessitated by the individual's participation in an 33778
assessment for determining eligibility and need for vocational 33779
rehabilitation services or the individual's receipt of vocational 33780
rehabilitation services under an individualized plan for 33781
employment. 33782

Sec. 3304.12. (A) The governor, with the advice and consent 33783
of the senate, shall appoint the opportunities for Ohioans with 33784
disabilities commission within the opportunities for Ohioans with 33785
disabilities agency consisting of seven members, no more than four 33786
of whom shall be members of the same political party and who shall 33787
include at least three from rehabilitation professions, including 33788
at least one member from the field of services to the blind, and 33789
at least four individuals with disabilities, no less than two nor 33790
more than three of whom have received vocational rehabilitation 33791
services offered by a state vocational rehabilitation services 33792
agency or the veterans' administration. The members with 33793
disabilities shall be representative of several major categories 33794
of ~~persons~~ eligible individuals with disabilities served by the 33795
opportunities for Ohioans with disabilities agency. 33796

(B) Terms of office shall be for seven years, commencing on 33797
the ninth day of September and ending on the eighth day of 33798
September, with no person eligible to serve more than two 33799
seven-year terms. Each member shall hold office from the date of 33800
appointment until the end of the term for which the member was 33801
appointed. Any member appointed to fill a vacancy occurring prior 33802

to the expiration of the term for which the member's predecessor 33803
was appointed shall hold office for the remainder of that term. 33804
Any member shall continue in office subsequent to the expiration 33805
date of the member's term until a successor takes office, or until 33806
a period of sixty days has elapsed, whichever occurs first. 33807
Members who fail to perform their duties or who are guilty of 33808
misconduct may be removed on written charges preferred by the 33809
governor or by a majority of the commission. 33810

(C) Members of the commission shall be reimbursed for travel 33811
and necessary expenses incurred in the conduct of their duties, 33812
and shall receive an amount fixed pursuant to division (J) of 33813
section 124.15 of the Revised Code while actually engaged in 33814
attendance at meetings or in the performance of their duties. 33815

Sec. 3304.14. For the purposes of sections 3304.11 to 3304.27 33816
of the Revised Code, the opportunities for Ohioans with 33817
disabilities commission shall approve the state vocational 33818
rehabilitation services plan, jointly approve the state plan for 33819
independent living with the Ohio state independent living council, 33820
appoint a consumer advisory committee, and, to the extent 33821
feasible, conduct a review and analysis of the effectiveness of 33822
and consumer satisfaction with all of the following: 33823

(A) The functions performed by the opportunities for Ohioans 33824
with disabilities agency; 33825

(B) The vocational rehabilitation services provided by state 33826
agencies and other public and private entities responsible for 33827
providing vocational rehabilitation services to ~~persons~~ eligible 33828
individuals with disabilities under the "Rehabilitation Act of 33829
1973," 87 Stat. 355, 29 U.S.C. 701, as amended; 33830

(C) The employment outcomes achieved by eligible individuals 33831
with disabilities receiving vocational rehabilitation services 33832
under sections 3304.11 to 3304.27 of the Revised Code, including 33833

the availability of health and other employment benefits in 33834
connection with those employment outcomes. 33835

Sec. 3304.15. (A) There is hereby created the opportunities 33836
for Ohioans with disabilities agency. The agency is the designated 33837
state unit authorized under the "Rehabilitation Act of 1973," 87 33838
Stat. 355, 29 U.S.C. 701, as amended, to provide vocational 33839
rehabilitation services to eligible ~~persons~~ individuals with 33840
disabilities. 33841

(B) The governor shall appoint an executive director of the 33842
opportunities for Ohioans with disabilities agency to serve at the 33843
pleasure of the governor and shall fix the executive director's 33844
compensation. The executive director shall devote the executive 33845
director's entire time to the duties of the executive director's 33846
office, shall hold no other office or position of trust and 33847
profit, and shall engage in no other business during the executive 33848
director's term of office. The governor may grant the executive 33849
director the authority to appoint, remove, and discipline without 33850
regard to sex, race, creed, color, age, or national origin, such 33851
other professional, administrative, and clerical staff members as 33852
are necessary to carry out the functions and duties of the agency. 33853

The executive director of the opportunities for Ohioans with 33854
disabilities agency is the executive and administrative officer of 33855
the agency. Whenever the Revised Code imposes a duty on or 33856
requires an action of the agency, the executive director shall 33857
perform the duty or action on behalf of the agency. The executive 33858
director may establish procedures for all of the following: 33859

- (1) The governance of the agency; 33860
- (2) The conduct of agency employees and officers; 33861
- (3) The performance of agency business; 33862
- (4) The custody, use, and preservation of agency records, 33863

papers, books, documents, and property. 33864

(C) The executive director shall have exclusive authority to 33865
administer the daily operation and provision of vocational 33866
rehabilitation services under this chapter. In exercising that 33867
authority, the executive director may do all of the following: 33868

(1) Adopt rules in accordance with Chapter 119. of the 33869
Revised Code; 33870

(2) Prepare and submit an annual report to the governor; 33871

(3) Certify any disbursement of funds available to the agency 33872
for vocational rehabilitation ~~activities~~ services; 33873

(4) Take appropriate action to guarantee rights of vocational 33874
rehabilitation services to ~~people~~ eligible individuals with 33875
disabilities; 33876

(5) Consult with and advise other state agencies and 33877
coordinate programs for ~~persons~~ eligible individuals with 33878
disabilities; 33879

(6) Comply with the requirements for match as part of budget 33880
submission; 33881

(7) Establish research and demonstration projects; 33882

(8) Accept, hold, invest, reinvest, or otherwise use gifts to 33883
further vocational rehabilitation services; 33884

(9) For the purposes of the business enterprise program 33885
administered under sections 3304.28 to 3304.35 of the Revised 33886
Code: 33887

(a) Establish and manage small business entities owned or 33888
operated by ~~visually impaired persons~~ individuals who are blind; 33889

(b) Purchase insurance; 33890

(c) Accept computers. 33891

(10) Enter into contracts and other agreements for the 33892

provision of vocational rehabilitation services. 33893

(D) The executive director shall establish a fee schedule for 33894
vocational rehabilitation services in accordance with 34 C.F.R. 33895
361.50. 33896

Sec. 3304.17. The opportunities for Ohioans with disabilities 33897
agency shall provide vocational rehabilitation services to all 33898
eligible ~~persons~~ individuals with disabilities, including any 33899
~~person~~ eligible individual with a disability who is eligible under 33900
the terms of an agreement or arrangement with another state or 33901
with the federal government. If vocational rehabilitation services 33902
cannot be provided to all eligible individuals with disabilities 33903
in the state who apply for vocational rehabilitation services, the 33904
agency shall implement an order of selection in accordance with 34 33905
C.F.R. 361.36. 33906

Sec. 3304.171. (A) As used in this section, "OhioMeansJobs 33907
web site" has the same meaning as in section 6301.01 of the 33908
Revised Code. 33909

(B) ~~Beginning January 1, 2016, each recipient of~~ Each 33910
eligible individual receiving vocational rehabilitation services 33911
provided under section 3304.17 of the Revised Code shall create an 33912
account with the OhioMeansJobs web site upon initiation of a job 33913
search as a part of receiving those vocational rehabilitation 33914
services. 33915

(C) Division (B) of this section does not apply to any 33916
eligible individual with a disability who is legally prohibited 33917
from using a computer, has a physical or visual impairment that 33918
makes the eligible individual with a disability unable to use a 33919
computer, or has a limited ability to read, write, speak, or 33920
understand a language in which the OhioMeansJobs web site is 33921
available. 33922

Sec. 3304.18. The treasurer of state shall be the custodian 33923
of all moneys received from the federal government for vocational 33924
rehabilitation services programs and shall disburse the money upon 33925
the certification of the executive director of the opportunities 33926
for Ohioans with disabilities agency. If federal funds are not 33927
available to the state for vocational rehabilitation ~~purposes~~ 33928
services, the governor shall include as part of the governor's 33929
biennial budget request to the general assembly a request for 33930
funds sufficient to support the activities of the agency. 33931

Sec. 3304.182. Any agreement between the opportunities for 33932
Ohioans with disabilities agency and a private or public entity 33933
providing funds under section 3304.181 of the Revised Code may 33934
permit the agency to receive a specified percentage of the funds, 33935
but the percentage shall be not more than twenty-five per cent of 33936
the total funds available under the agreement. The agency may 33937
terminate an agreement at any time for just cause. It may 33938
terminate an agreement for any other reason by giving at least 33939
thirty days' notice to the public or private entity. 33940

Any vocational rehabilitation services provided under an 33941
agreement entered into under section 3304.181 of the Revised Code 33942
shall be provided by a person or government entity that meets the 33943
accreditation standards established in rules adopted by the agency 33944
under section 3304.15 of the Revised Code. 33945

Sec. 3304.19. ~~The right of a person with a disability to~~ 33946
~~living~~ Any maintenance provided under sections 3304.11 to 3304.27 33947
of the Revised Code, is not transferable or assignable at law or 33948
in equity, and none of the money paid or payable or rights 33949
existing under this chapter are subject to execution, levy, 33950
attachment, garnishment, or other legal process, or to the 33951
operation of any bankruptcy or insolvency law. 33952

Sec. 3304.20. Any ~~person~~ eligible individual with a disability applying for or receiving vocational rehabilitation services who is dissatisfied with regard to the furnishing or denial of vocational rehabilitation services, may file a request for an administrative review and redetermination of that action in accordance with rules of the opportunities for Ohioans with disabilities agency. When the ~~person~~ eligible individual with a disability is dissatisfied with the finding of this administrative review, the ~~person~~ eligible individual with a disability is entitled, in accordance with agency rules and in accordance with Chapter 119. of the Revised Code, to a fair hearing before the executive director of the agency.

Sec. 3304.21. No person shall, except for the purposes of sections 3304.11 to 3304.27 of the Revised Code, and in accordance with the rules established by the opportunities for Ohioans with disabilities agency, solicit, disclose, receive, make use of, authorize, knowingly permit, participate in, or acquiesce in the use of any list of names or information concerning ~~persons~~ eligible individuals with disabilities applying for or receiving any vocational rehabilitation services from the agency, which information is directly or indirectly derived from the records of the agency or is acquired in the performance of the person's official duties.

Sec. 3304.22. No officer or employee of the opportunities for Ohioans with disabilities commission, the opportunities for Ohioans with disabilities agency, or any person engaged in the administration of a vocational rehabilitation services program sponsored by or affiliated with the state shall use or permit the use of any vocational rehabilitation services program for the purpose of interfering with an election for any partisan political

purpose; solicit or receive money for a partisan political 33983
purpose; or require any other person to contribute any service or 33984
money for a partisan political purpose. Whoever violates this 33985
section shall be removed from the officer's or employee's office 33986
or employment. 33987

Sec. 3304.27. All vocational rehabilitation services made 33988
available under sections 3304.11 to 3304.27 of the Revised Code, 33989
are made available subject to amendment or repeal of those 33990
sections, and no ~~person~~ eligible individual with a disability 33991
shall have any claim by reason of the ~~person's~~ eligible 33992
individual's vocational rehabilitation services being affected in 33993
any way by such an amendment or repeal. 33994

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the 33995
Revised Code: 33996

(A) "Suitable vending facility" means automatic vending 33997
machines, cafeterias, snack bars, cart service shelters, counters, 33998
and other appropriate auxiliary food service equipment determined 33999
to be necessary by the bureau of services for the visually 34000
impaired for the automatic or manual dispensing of foods, 34001
beverages, and other such commodities for sale by ~~persons~~ 34002
individuals, no fewer than one-half of whom are blind, under the 34003
supervision of a licensed ~~blind~~ vendor who is blind or an employee 34004
of the opportunities for Ohioans with disabilities agency. 34005

(B) "Blind" means either of the following: 34006

(1) Vision twenty/two hundred or less in the better eye with 34007
proper correction; 34008

(2) Field defect in the better eye with proper correction 34009
that contracts the peripheral field so that the diameter of the 34010
visual field subtends an angle no greater than twenty degrees. 34011

(C) "Governmental property" means any real property, 34012

building, or facility owned, leased, or rented by the state or any 34013
board, commission, department, division, or other unit or agency 34014
thereof, but does not include any institution under the management 34015
of the department of rehabilitation and correction pursuant to 34016
section 5120.05 of the Revised Code, or under the management of 34017
the department of youth services created pursuant to section 34018
5139.01 of the Revised Code. 34019

Sec. 3304.29. The bureau of services for the visually 34020
impaired shall: 34021

(A) Survey suitable vending facility concession opportunities 34022
for individuals who are blind ~~persons~~ on governmental property; 34023

(B) Obtain and make public, information concerning employment 34024
opportunities for individuals who are blind ~~persons~~ in suitable 34025
vending facilities; 34026

(C) License individuals who are blind ~~persons~~ to operate 34027
suitable vending facilities on governmental property; 34028

(D) Adopt rules and do everything necessary and proper to 34029
carry out sections 3304.29 to 3304.34 of the Revised Code. 34030

Sec. 3304.30. Every person in charge of governmental property 34031
to be substantially renovated or who is responsible for the 34032
acquisition, lease, or rental of such property shall consult with 34033
the director of the bureau of services for the visually impaired 34034
prior to such renovation, acquisition, lease, or rental to 34035
determine if sufficient numbers of persons will be using such 34036
property to support a suitable vending facility. If the director 34037
determines that such property would be a satisfactory site for a 34038
suitable vending facility, provision shall be made for electrical 34039
outlets, plumbing fixtures, and other requirements for the 34040
installation and operation of a suitable vending facility. In the 34041
case of a state university, medical university, technical college, 34042

state community college, community college, university branch 34043
district, or state-affiliated college or university, the decision 34044
to establish a suitable vending facility shall be made jointly by 34045
the director of services for the visually impaired and proper 34046
administrative authorities of the state or state-affiliated 34047
college or university. 34048

The bureau shall provide each suitable vending facility with 34049
equipment and an adequate initial stock of suitable articles to be 34050
vended. An inventory shall be made of each suitable vending 34051
facility at least once every six months. Each blind licensee may 34052
make the blind licensee's own inventory on forms prescribed by the 34053
bureau, provided that the bureau shall retain the right to make 34054
its own inventory at any mutually agreeable time. Each blind 34055
licensee may employ and discharge personnel required to operate 34056
the blind licensee's suitable vending facility, but employment 34057
preference shall be given to individuals who are blind persons and 34058
who are capable of discharging the required duties, ~~and at.~~ At all 34059
times at least one-half of the employees shall be blind. 34060

Sec. 3304.31. Licenses issued by the bureau of services for 34061
the visually impaired under section 3304.29 of the Revised Code 34062
shall be in effect until suspended or revoked. The bureau may 34063
deny, revoke, or suspend a license or otherwise discipline a 34064
licensee upon proof that the ~~person~~ licensee is guilty of fraud or 34065
deceit in procuring or attempting to procure a license, is guilty 34066
of a felony or a crime of moral turpitude, is addicted to the use 34067
of habit-forming drugs or alcohol, or is mentally incompetent. 34068
Such license may also be denied, revoked, or suspended on proof of 34069
violation by the applicant or licensee of the rules established by 34070
the bureau for the operation of suitable vending facilities by the 34071
blind or if a licensee fails to maintain a vending facility as a 34072
suitable vending facility. 34073

Any individual who is blind person and who has had ~~his the~~ 34074
individual's license suspended or revoked or ~~his the individual's~~ 34075
application denied by the bureau may reapply for a license and may 34076
be reinstated or be granted a license by the bureau upon 34077
presentation of satisfactory evidence that there is no longer 34078
cause for such suspension, revocation, or denial. Before the 34079
bureau may revoke, deny, or suspend a license, or otherwise 34080
discipline a licensee, written charges must be filed by the 34081
director of the bureau and a hearing shall be held as provided in 34082
Chapter 119. of the Revised Code. 34083

Sec. 3304.41. The opportunities for Ohioans with disabilities 34084
agency shall establish and administer a program for the use of 34085
funds appropriated for that purpose to provide personal care 34086
assistance to enable eligible ~~severely physically disabled persons~~ 34087
individuals with severe physical disabilities to live 34088
~~independently or and~~ work, independently. The agency shall adopt 34089
rules in accordance with Chapter 119. of the Revised Code as 34090
necessary to carry out the purposes of this section, ~~and shall~~ 34091
~~apply to the controlling board for the release of the funds.~~ 34092

Sec. 3309.23. (A) Except as provided in division (B) of this 34093
section, the following shall be contributors to the school 34094
employees retirement system: 34095

(1) All employees, as defined in division (B) of section 34096
3309.01 of the Revised Code; 34097

(2) The employees of an existing or newly created employer 34098
unit as defined in division (A) of section 3309.01 of the Revised 34099
Code, supported in whole or in part by the state or any political 34100
subdivision thereof and wholly controlled and managed by the state 34101
or any subdivision thereof. Such employees shall become 34102
contributors on the same terms and conditions as provided by this 34103

chapter, provided the board of trustees or other managing body of 34104
such school, college, or other institution, if such institution is 34105
now in existence or if in existence on such date, shall agree by 34106
formal resolution to accept all the requirements and obligations 34107
imposed by this chapter upon employers. A certified copy of the 34108
resolution shall be filed with the school employees retirement 34109
board. When such resolution has been adopted and a copy of it 34110
filed with the school employees retirement board, it shall not 34111
later be subject to rescission or abrogation. Service in such 34112
schools, colleges, or other institutions shall be then considered 34113
in every way the same as service in the public schools. 34114

(3) All other individuals who become members. 34115

(B) The following individuals may choose to be exempt from 34116
compulsory membership by filing a written application for 34117
exemption with the employer within the first month after being 34118
employed: 34119

(1) A student who is not a member at the time of employment 34120
and who is employed by the school, college, or university in which 34121
the student is enrolled and regularly attending classes; 34122

(2) An emergency employee serving on a temporary basis in 34123
case of fire, snow, earthquake, flood, or other similar emergency; 34124

(3) An individual employed in a program established pursuant 34125
to the "~~Workforce Investment Act,~~" 112 Stat. 936 (1998), 29 U.S.C. 34126
~~2801~~ "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 34127
seq., or any other federal job training program. 34128

(C) A member may elect to have employment by the school, 34129
college, or university at which the member is enrolled and 34130
regularly attending classes exempted from contribution to the 34131
retirement system by filing a written application with the 34132
member's employer within the first month after being so employed. 34133

(D) In all cases of doubt pertaining to contributors on an 34134

individual or group basis or the status of existing or newly 34135
created employer units, the decision shall be made by the 34136
retirement board, and such decision shall be final. 34137

Sec. 3310.03. A student is an "eligible student" for purposes 34138
of the educational choice scholarship pilot program if the 34139
student's resident district is not a school district in which the 34140
pilot project scholarship program is operating under sections 34141
3313.974 to 3313.979 of the Revised Code and the student satisfies 34142
one of the conditions in division (A), (B), (C), (D), or (E) of 34143
this section: 34144

(A)(1) The student is enrolled in a school building operated 34145
by the student's resident district that, on the report card issued 34146
under section 3302.03 of the Revised Code published prior to the 34147
first day of July of the school year for which a scholarship is 34148
sought, did not receive a rating as described in division (H) of 34149
this section, and to which any or a combination of any of the 34150
following apply for two of the three most recent report cards 34151
published prior to the first day of July of the school year for 34152
which a scholarship is sought: 34153

(a) The building was declared to be in a state of academic 34154
emergency or academic watch under section 3302.03 of the Revised 34155
Code as that section existed prior to March 22, 2013. 34156

(b) The building received a grade of "D" or "F" for the 34157
performance index score under division (A)(1)(b) or (B)(1)(b) of 34158
section 3302.03 of the Revised Code and for the value-added 34159
progress dimension under division (A)(1)(e) or (B)(1)(e) of 34160
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 34161
2014-2015, or 2015-2016 school year; or if the building serves 34162
only grades ten through twelve, the building received a grade of 34163
"D" or "F" for the performance index score under division 34164
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 34165

had a four-year adjusted cohort graduation rate of less than 34166
seventy-five per cent. 34167

(c) The building received an overall grade of "D" or "F" 34168
under division (C)(3) of section 3302.03 of the Revised Code or a 34169
grade of "F" for the value-added progress dimension under division 34170
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 34171
school year or any school year thereafter. 34172

(2) The student will be enrolling in any of grades 34173
kindergarten through twelve in this state for the first time in 34174
the school year for which a scholarship is sought, will be at 34175
least five years of age by the first day of January of the school 34176
year for which a scholarship is sought, and otherwise would be 34177
assigned under section 3319.01 of the Revised Code in the school 34178
year for which a scholarship is sought, to a school building 34179
described in division (A)(1) of this section. 34180

(3) The student is enrolled in a community school established 34181
under Chapter 3314. of the Revised Code but otherwise would be 34182
assigned under section 3319.01 of the Revised Code to a building 34183
described in division (A)(1) of this section. 34184

(4) The student is enrolled in a school building operated by 34185
the student's resident district or in a community school 34186
established under Chapter 3314. of the Revised Code and otherwise 34187
would be assigned under section 3319.01 of the Revised Code to a 34188
school building described in division (A)(1) of this section in 34189
the school year for which the scholarship is sought. 34190

(5) The student will be both enrolling in any of grades 34191
kindergarten through twelve in this state for the first time and 34192
at least five years of age by the first day of January of the 34193
school year for which a scholarship is sought, or is enrolled in a 34194
community school established under Chapter 3314. of the Revised 34195
Code, and all of the following apply to the student's resident 34196

district: 34197

(a) The district has in force an intradistrict open 34198
enrollment policy under which no student in the student's grade 34199
level is automatically assigned to a particular school building; 34200

(b) In the most recent rating published prior to the first 34201
day of July of the school year for which scholarship is sought, 34202
the district did not receive a rating described in division (H) of 34203
this section, and in at least two of the three most recent report 34204
cards published prior to the first day of July of that school 34205
year, any or a combination of the following apply to the district: 34206

(i) The district was declared to be in a state of academic 34207
emergency under section 3302.03 of the Revised Code as it existed 34208
prior to March 22, 2013. 34209

(ii) The district received a grade of "D" or "F" for the 34210
performance index score under division (A)(1)(b) or (B)(1)(b) of 34211
section 3302.03 of the Revised Code and for the value-added 34212
progress dimension under division (A)(1)(e) or (B)(1)(e) of 34213
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 34214
2014-2015, or 2015-2016 school year. 34215

(c) The district received an overall grade of "D" or "F" 34216
under division (C)(3) of section 3302.03 of the Revised Code or a 34217
grade of "F" for the value-added progress dimension under division 34218
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 34219
school year or any school year thereafter. 34220

(6) Beginning in the 2016-2017 school year, the student is 34221
enrolled in or will be enrolling in a building in the school year 34222
for which the scholarship is sought that serves any of grades nine 34223
through twelve and that received a grade of "D" or "F" for the 34224
four-year adjusted cohort graduation rate under division 34225
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 34226
Revised Code in two of the three most recent report cards 34227

published prior to the first day of July of the school year for 34228
which a scholarship is sought. 34229

(B)(1) The student is enrolled in a school building operated 34230
by the student's resident district and to which both of the 34231
following apply: 34232

(a) The building was ranked, for at least two of the three 34233
most recent rankings prior to the first day of July of the school 34234
year for which a scholarship is sought, in the lowest ten per cent 34235
of all buildings operated by city, local, and exempted village 34236
school districts according to performance index score as 34237
determined by the department of education. 34238

(b) The building was not declared to be excellent or 34239
effective, or the equivalent of such ratings as determined by the 34240
department, under section 3302.03 of the Revised Code in the most 34241
recent rating published prior to the first day of July of the 34242
school year for which a scholarship is sought. 34243

(2) The student will be enrolling in any of grades 34244
kindergarten through twelve in this state for the first time in 34245
the school year for which a scholarship is sought, will be at 34246
least five years of age, as defined in section 3321.01 of the 34247
Revised Code, by the first day of January of the school year for 34248
which a scholarship is sought, and otherwise would be assigned 34249
under section 3319.01 of the Revised Code in the school year for 34250
which a scholarship is sought, to a school building described in 34251
division (B)(1) of this section. 34252

(3) The student is enrolled in a community school established 34253
under Chapter 3314. of the Revised Code but otherwise would be 34254
assigned under section 3319.01 of the Revised Code to a building 34255
described in division (B)(1) of this section. 34256

(4) The student is enrolled in a school building operated by 34257
the student's resident district or in a community school 34258

established under Chapter 3314. of the Revised Code and otherwise 34259
would be assigned under section 3319.01 of the Revised Code to a 34260
school building described in division (B)(1) of this section in 34261
the school year for which the scholarship is sought. 34262

(C) The student is enrolled in a nonpublic school at the time 34263
the school is granted a charter by the state board of education 34264
under section 3301.16 of the Revised Code and the student meets 34265
the standards of division (B) of section 3310.031 of the Revised 34266
Code. 34267

(D) For the 2016-2017 school year and each school year 34268
thereafter, the student is in any of grades kindergarten through 34269
three, is enrolled in a school building that is operated by the 34270
student's resident district or will be enrolling in any of grades 34271
kindergarten through twelve in this state for the first time in 34272
the school year for which a scholarship is sought, and to which 34273
both of the following apply: 34274

(1) The building, in at least two of the three most recent 34275
ratings of school buildings published prior to the first day of 34276
July of the school year for which a scholarship is sought, 34277
received a grade of "D" or "F" for making progress in improving 34278
literacy in grades kindergarten through three under division 34279
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 34280

(2) The building did not receive a grade of "A" for making 34281
progress in improving literacy in grades kindergarten through 34282
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 34283
the Revised Code in the most recent rating published prior to the 34284
first day of July of the school year for which a scholarship is 34285
sought. 34286

(E) The student's resident district is subject to section 34287
3302.10 of the Revised Code and the student either: 34288

(1) Is enrolled in a school building operated by the resident 34289

district or in a community school established under Chapter 3314. 34290
of the Revised Code; 34291

(2) Will be both enrolling in any of grades kindergarten 34292
through twelve in this state for the first time and at least five 34293
years of age by the first day of January of the school year for 34294
which a scholarship is sought. 34295

(F) A student who receives a scholarship under the 34296
educational choice scholarship pilot program remains an eligible 34297
student and may continue to receive scholarships in subsequent 34298
school years until the student completes grade twelve, so long as 34299
all of the following apply: 34300

(1) The student's resident district remains the same, or the 34301
student transfers to a new resident district and otherwise would 34302
be assigned in the new resident district to a school building 34303
described in division (A)(1), (B)(1), (D), or (E) of this section. 34304

(2) Except as provided in divisions (K)~~(1)~~ and (L)(1) of 34305
section 3301.0711 of the Revised Code, the student takes each 34306
assessment prescribed for the student's grade level under section 34307
3301.0710 or 3301.0712 of the Revised Code while enrolled in a 34308
chartered nonpublic school. 34309

(3) In each school year that the student is enrolled in a 34310
chartered nonpublic school, the student is absent from school for 34311
not more than twenty days that the school is open for instruction, 34312
not including excused absences. 34313

(G)(1) The department shall cease awarding first-time 34314
scholarships pursuant to divisions (A)(1) to (4) of this section 34315
with respect to a school building that, in the most recent ratings 34316
of school buildings published under section 3302.03 of the Revised 34317
Code prior to the first day of July of the school year, ceases to 34318
meet the criteria in division (A)(1) of this section. The 34319
department shall cease awarding first-time scholarships pursuant 34320

to division (A)(5) of this section with respect to a school 34321
district that, in the most recent ratings of school districts 34322
published under section 3302.03 of the Revised Code prior to the 34323
first day of July of the school year, ceases to meet the criteria 34324
in division (A)(5) of this section. 34325

(2) The department shall cease awarding first-time 34326
scholarships pursuant to divisions (B)(1) to (4) of this section 34327
with respect to a school building that, in the most recent ratings 34328
of school buildings under section 3302.03 of the Revised Code 34329
prior to the first day of July of the school year, ceases to meet 34330
the criteria in division (B)(1) of this section. 34331

(3) The department shall cease awarding first-time 34332
scholarships pursuant to division (D) of this section with respect 34333
to a school building that, in the most recent ratings of school 34334
buildings under section 3302.03 of the Revised Code prior to the 34335
first day of July of the school year, ceases to meet the criteria 34336
in division (D) of this section. 34337

(4) The department shall cease awarding first-time 34338
scholarships pursuant to division (E) of this section with respect 34339
to a school district subject to section 3302.10 of the Revised 34340
Code when the academic distress commission established for the 34341
district ceases to exist. 34342

(5) However, students who have received scholarships in the 34343
prior school year remain eligible students pursuant to division 34344
(F) of this section. 34345

(H) The state board of education shall adopt rules defining 34346
excused absences for purposes of division (F)(3) of this section. 34347

(I)(1) A student who satisfies only the conditions prescribed 34348
in divisions (A)(1) to (4) of this section shall not be eligible 34349
for a scholarship if the student's resident building meets any of 34350
the following in the most recent rating under section 3302.03 of 34351

the Revised Code published prior to the first day of July of the 34352
school year for which a scholarship is sought: 34353

(a) The building has an overall designation of excellent or 34354
effective under section 3302.03 of the Revised Code as it existed 34355
prior to March 22, 2013. 34356

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 34357
school year, the building has a grade of "A" or "B" for the 34358
performance index score under division (A)(1)(b) or (B)(1)(b) of 34359
section 3302.03 of the Revised Code and for the value-added 34360
progress dimension under division (A)(1)(e) or (B)(1)(e) of 34361
section 3302.03 of the Revised Code; or if the building serves 34362
only grades ten through twelve, the building received a grade of 34363
"A" or "B" for the performance index score under division 34364
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 34365
had a four-year adjusted cohort graduation rate of greater than or 34366
equal to seventy-five per cent. 34367

(c) For the 2016-2017 school year or any school year 34368
thereafter, the building has a grade of "A" or "B" under division 34369
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 34370
for the value-added progress dimension under division (C)(1)(e) of 34371
section 3302.03 of the Revised Code; or if the building serves 34372
only grades ten through twelve, the building received a grade of 34373
"A" or "B" for the performance index score under division 34374
(C)(1)(b) of section 3302.03 of the Revised Code and had a 34375
four-year adjusted cohort graduation rate of greater than or equal 34376
to seventy-five per cent. 34377

(2) A student who satisfies only the conditions prescribed in 34378
division (A)(5) of this section shall not be eligible for a 34379
scholarship if the student's resident district meets any of the 34380
following in the most recent rating under section 3302.03 of the 34381
Revised Code published prior to the first day of July of the 34382
school year for which a scholarship is sought: 34383

(a) The district has an overall designation of excellent or 34384
effective under section 3302.03 of the Revised Code as it existed 34385
prior to March 22, 2013. 34386

(b) The district has a grade of "A" or "B" for the 34387
performance index score under division (A)(1)(b) or (B)(1)(b) of 34388
section 3302.03 of the Revised Code and for the value-added 34389
progress dimension under division (A)(1)(e) or (B)(1)(e) of 34390
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 34391
2014-2015, and 2015-2016 school years. 34392

(c) The district has an overall grade of "A" or "B" under 34393
division (C)(3) of section 3302.03 of the Revised Code and a grade 34394
of "A" for the value-added progress dimension under division 34395
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 34396
school year or any school year thereafter. 34397

Sec. 3310.14. (A) Except as provided in ~~division~~ divisions 34398
(B) and (C) of this section, each chartered nonpublic school that 34399
is not subject to division (K)(1) of section 3301.0711 of the 34400
Revised Code and enrolls students awarded scholarships under 34401
sections 3310.01 to 3310.17 of the Revised Code annually shall 34402
administer the assessments prescribed by section 3301.0710, 34403
3301.0712, or 3313.619 of the Revised Code, as applicable, to each 34404
scholarship student enrolled in the school in accordance with 34405
section 3301.0711 of the Revised Code. Each chartered nonpublic 34406
school that is subject to this section shall report to the 34407
department of education the results of each assessment 34408
administered to each scholarship student under this section. 34409

Nothing in this section requires a chartered nonpublic school 34410
to administer any achievement assessment, except for an Ohio 34411
graduation test prescribed by division (B)(1) of section 3301.0710 34412
or the college and work ready assessment system prescribed by 34413
division (B) of section 3301.0712 of the Revised Code to any 34414

student enrolled in the school who is not a scholarship student. 34415

(B) A chartered nonpublic school that meets the conditions 34416
specified in division (K)(2) of section 3301.0711 of the Revised 34417
Code shall not be required to administer the elementary 34418
assessments prescribed by division (A) of section 3301.0710 of the 34419
Revised Code. 34420

(C) A chartered nonpublic school that meets the conditions 34421
specified in division (L)(1) of section 3301.0711 of the Revised 34422
Code shall not be required to administer the assessments 34423
prescribed by section 3301.0712 or 3313.619 of the Revised Code. 34424

Sec. 3310.16. (A) For the 2013-2014 school year and each 34425
school year thereafter, the department of education shall conduct 34426
two application periods each year for the educational choice 34427
scholarship pilot program under sections 3310.03 and 3310.032 of 34428
the Revised Code, as follows: 34429

~~(A)(1)~~ The first application period shall open not sooner 34430
than the first day of February prior to the first day of July of 34431
the school year for which a scholarship is sought and run not less 34432
than seventy-five days. 34433

~~(B)(2)~~ The second application period shall open not sooner 34434
than the first day of July of the school year for which the 34435
scholarship is sought and run not less than thirty days. 34436

(B) Not later than the thirty-first day of May of each school 34437
year, the department shall determine whether funds remain 34438
available for income-based scholarships under the educational 34439
choice scholarship program after the first application period. 34440

Sec. 3310.52. (A) The Jon Peterson special needs scholarship 34441
program is hereby established. Under the program, beginning with 34442
the 2012-2013 school year, subject to division (B) of this 34443
section, the department of education annually shall pay a 34444

scholarship to an eligible applicant for services provided by an 34445
alternative public provider or a registered private provider for a 34446
qualified special education child. The scholarship shall be used 34447
only to pay all or part of the fees for the child to attend the 34448
special education program operated by the alternative public 34449
provider or registered private provider to implement the child's 34450
individualized education program, in lieu of the child's attending 34451
the special education program operated by the school district in 34452
which the child is entitled to attend school, and other services 34453
agreed to by the provider and eligible applicant that are not 34454
included in the individualized education program but are 34455
associated with educating the child. Beginning in the 2014-2015 34456
school year, if the child is in category one as that term is 34457
defined in division (B)(1) of section 3310.56 of the Revised Code, 34458
the scholarship shall be used only to pay for related services 34459
that are included in the child's individualized education program. 34460
Upon agreement with the eligible applicant, the alternative public 34461
provider or registered private provider may modify the services 34462
provided to the child. 34463

(B) The number of scholarships awarded under the program in 34464
any fiscal year shall not exceed five per cent of the total number 34465
of students residing in the state identified as children with 34466
disabilities during the previous fiscal year. 34467

~~(C) No scholarship or renewal of a scholarship shall be 34468
awarded to an eligible applicant on behalf of a qualified special 34469
education child for the next school year, unless on or before the 34470
application deadline the eligible applicant completes the 34471
application for the scholarship or renewal, in the manner 34472
prescribed by the department, and notifies the school district in 34473
which the child is entitled to attend school that the eligible 34474
applicant has applied for the scholarship or renewal. 34475~~

~~The application deadline for academic terms that begin 34476~~

~~between the first day of July and the thirty first day of December 34477
shall be the fifteenth day of April that precedes the first day of 34478
instruction. The application deadline for academic terms that 34479
begin between the first day of January and the thirtieth day of 34480
June shall be the fifteenth day of November that precedes the 34481
first day of instruction The department shall pay a scholarship to 34482
the parent of each qualified special education child, unless the 34483
parent authorizes a direct payment to the child's provider, upon 34484
application of that parent in the manner prescribed by the 34485
department. However, the department shall not adopt specific dates 34486
for application deadlines for scholarships under the program. 34487~~

Sec. 3310.522. In order to maintain eligibility for a 34488
scholarship, a student shall take each assessment prescribed by 34489
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as 34490
applicable, in accordance with section 3301.0711 of the Revised 34491
Code, unless the student is excused from taking that assessment 34492
under federal law or the student's individualized education 34493
program or the student is enrolled in a chartered nonpublic school 34494
that meets the conditions specified in division (K)(2) or (L)(1) 34495
of section 3301.0711 of the Revised Code. 34496

Each registered private provider that is not subject to 34497
division (K)(1) of section 3301.0711 of the Revised Code and 34498
enrolls a student who is awarded a scholarship shall administer 34499
each assessment prescribed by section 3301.0710, 3301.0712, or 34500
3313.619 of the Revised Code, as applicable, to that student in 34501
accordance with section 3301.0711 of the Revised Code, unless the 34502
student is excused from taking that assessment or the student is 34503
enrolled in a chartered nonpublic school that meets the conditions 34504
specified in division (K)(2) or (L)(1) of section 3301.0711 of the 34505
Revised Code, and shall report to the department the results of 34506
each assessment so administered. 34507

Nothing in this section requires any chartered nonpublic 34508
school that is a registered private provider to administer any 34509
achievement assessment, except for an Ohio graduation test 34510
prescribed by division (B)(1) of section 3301.0710 or the college 34511
and work ready assessment system prescribed by division (B) of 34512
section 3301.0712 of the Revised Code to any student enrolled in 34513
the school who is not a scholarship student. 34514

Sec. 3311.06. (A) As used in this section: 34515

(1) "Annexation" and "annexed" mean annexation for municipal 34516
purposes under sections 709.02 to 709.37 of the Revised Code. 34517

(2) "Annexed territory" means territory that has been annexed 34518
for municipal purposes to a city served by an urban school 34519
district, but on September 24, 1986, has not been transferred to 34520
the urban school district. 34521

(3) "Urban school district" means a city school district with 34522
an average daily membership for the 1985-1986 school year in 34523
excess of twenty thousand that is the school district of a city 34524
that contains annexed territory. 34525

(4) "Annexation agreement" means an agreement entered into 34526
under division (F) of this section that has been approved by the 34527
state board of education or an agreement entered into prior to 34528
September 24, 1986, that meets the requirements of division (F) of 34529
this section and has been filed with the state board. 34530

(B) The territory included within the boundaries of a city, 34531
local, exempted village, or joint vocational school district shall 34532
be contiguous except where a natural island forms an integral part 34533
of the district, where the state board of education authorizes a 34534
noncontiguous school district, as provided in division (E)(1) of 34535
this section, or where a local school district is created pursuant 34536
to section 3311.26 of the Revised Code from one or more local 34537

school districts, one of which has entered into an agreement under 34538
section 3313.42 of the Revised Code. 34539

(C)(1) When all of the territory of a school district is 34540
annexed to a city or village, such territory thereby becomes a 34541
part of the city school district or the school district of which 34542
the village is a part, and the legal title to school property in 34543
such territory for school purposes shall be vested in the board of 34544
education of the city school district or the school district of 34545
which the village is a part. 34546

(2) When the territory so annexed to a city or village 34547
comprises part but not all of the territory of a school district, 34548
the said territory becomes part of the city school district or the 34549
school district of which the village is a part only upon approval 34550
by the state board of education, unless the district in which the 34551
territory is located is a party to an annexation agreement with 34552
the city school district. 34553

Any urban school district that has not entered into an 34554
annexation agreement with any other school district whose 34555
territory would be affected by any transfer under this division 34556
and that desires to negotiate the terms of transfer with any such 34557
district shall conduct any negotiations under division (F) of this 34558
section as part of entering into an annexation agreement with such 34559
a district. 34560

Any school district, except an urban school district, 34561
desiring state board approval of a transfer under this division 34562
shall make a good faith effort to negotiate the terms of transfer 34563
with any other school district whose territory would be affected 34564
by the transfer. Before the state board may approve any transfer 34565
of territory to a school district, except an urban school 34566
district, under this section, it must receive the following: 34567

(a) A resolution requesting approval of the transfer, passed 34568

by at least one of the school districts whose territory would be 34569
affected by the transfer; 34570

(b) Evidence determined to be sufficient by the state board 34571
to show that good faith negotiations have taken place or that the 34572
district requesting the transfer has made a good faith effort to 34573
hold such negotiations; 34574

(c) If any negotiations took place, a statement signed by all 34575
boards that participated in the negotiations, listing the terms 34576
agreed on and the points on which no agreement could be reached. 34577

(D) The state board of education shall adopt rules governing 34578
negotiations held by any school district except an urban school 34579
district pursuant to division (C)(2) of this section. The rules 34580
shall encourage the realization of the following goals: 34581

(1) A discussion by the negotiating districts of the present 34582
and future educational needs of the pupils in each district; 34583

(2) The educational, financial, and territorial stability of 34584
each district affected by the transfer; 34585

(3) The assurance of appropriate educational programs, 34586
services, and opportunities for all the pupils in each 34587
participating district, and adequate planning for the facilities 34588
needed to provide these programs, services, and opportunities. 34589

Districts involved in negotiations under such rules may agree 34590
to share revenues from the property included in the territory to 34591
be transferred, establish cooperative programs between the 34592
participating districts, and establish mechanisms for the 34593
settlement of any future boundary disputes. 34594

(E)(1) If territory annexed after September 24, 1986, is part 34595
of a school district that is a party to an annexation agreement 34596
with the urban school district serving the annexing city, the 34597
transfer of such territory shall be governed by the agreement. If 34598

the agreement does not specify how the territory is to be dealt 34599
with, the boards of education of the district in which the 34600
territory is located and the urban school district shall negotiate 34601
with regard to the transfer of the territory which shall be 34602
transferred to the urban school district unless, not later than 34603
ninety days after the effective date of municipal annexation, the 34604
boards of education of both districts, by resolution adopted by a 34605
majority of the members of each board, agree that the territory 34606
will not be transferred and so inform the state board of 34607
education. 34608

If territory is transferred under this division the transfer 34609
shall take effect on the first day of July occurring not sooner 34610
than ninety-one days after the effective date of the municipal 34611
annexation. Territory transferred under this division need not be 34612
contiguous to the district to which it is transferred. 34613

(2) Territory annexed prior to September 24, 1986, by a city 34614
served by an urban school district shall not be subject to 34615
transfer under this section if the district in which the territory 34616
is located is a party to an annexation agreement or becomes a 34617
party to such an agreement not later than ninety days after 34618
September 24, 1986. If the district does not become a party to an 34619
annexation agreement within the ninety-day period, transfer of 34620
territory shall be governed by division (C)(2) of this section. If 34621
the district subsequently becomes a party to an agreement, 34622
territory annexed prior to September 24, 1986, other than 34623
territory annexed under division (C)(2) of this section prior to 34624
the effective date of the agreement, shall not be subject to 34625
transfer under this section. 34626

(F) An urban school district may enter into a comprehensive 34627
agreement with one or more school districts under which transfers 34628
of territory annexed by the city served by the urban school 34629
district after September 24, 1986, shall be governed by the 34630

agreement. Such agreement must provide for the establishment of a cooperative education program under section 3313.842 of the Revised Code in which all the parties to the agreement are participants and must be approved by resolution of the majority of the members of each of the boards of education of the school districts that are parties to it. An agreement may provide for interdistrict payments based on local revenue growth resulting from development in any territory annexed by the city served by the urban school district.

An agreement entered into under this division may be altered, modified, or terminated only by agreement, by resolution approved by the majority of the members of each board of education, of all school districts that are parties to the agreement, except that with regard to any provision that affects only the urban school district and one of the other districts that is a party, that district and the urban district may modify or alter the agreement by resolution approved by the majority of the members of the board of that district and the urban district. Alterations, modifications, terminations, and extensions of an agreement entered into under this division do not require approval of the state board of education, but shall be filed with the board after approval and execution by the parties.

If an agreement provides for interdistrict payments, each party to the agreement, except any school district specifically exempted by the agreement, shall agree to make an annual payment to the urban school district with respect to any of its territory that is annexed territory in an amount not to exceed the amount certified for that year under former section 3317.029 of the Revised Code as that section existed prior to July 1, 1998; except that such limitation of annual payments to amounts certified under former section 3317.029 of the Revised Code does not apply to agreements or extensions of agreements entered into on or after

June 1, 1992, unless such limitation is expressly agreed to by the parties. The agreement may provide that all or any part of the payment shall be waived if the urban school district receives its payment with respect to such annexed territory under former section 3317.029 of the Revised Code and that all or any part of such payment may be waived if the urban school district does not receive its payment with respect to such annexed territory under such section.

With respect to territory that is transferred to the urban school district after September 24, 1986, the agreement may provide for annual payments by the urban school district to the school district whose territory is transferred to the urban school district subsequent to annexation by the city served by the urban school district.

(G) In the event territory is transferred from one school district to another under this section, an equitable division of the funds and indebtedness between the districts involved shall be made under the supervision of the state board of education and that board's decision shall be final. Such division shall not include funds payable to or received by a school district under Chapter 3317. of the Revised Code or payable to or received by a school district from the United States or any department or agency thereof. In the event such transferred territory includes real property owned by a school district, the state board of education, as part of such division of funds and indebtedness, shall determine the true value in money of such real property and all buildings or other improvements thereon. The board of education of the school district receiving such territory shall forthwith pay to the board of education of the school district losing such territory such true value in money of such real property, buildings, and improvements less such percentage of the true value in money of each school building located on such real property as

is represented by the ratio of the total enrollment in day classes 34695
of the pupils residing in the territory transferred enrolled at 34696
such school building in the school year in which such annexation 34697
proceedings were commenced to the total enrollment in day classes 34698
of all pupils residing in the school district losing such 34699
territory enrolled at such school building in such school year. 34700
The school district receiving such payment shall place the 34701
proceeds thereof in its sinking fund or bond retirement fund. 34702

(H) The state board of education, before approving such 34703
transfer of territory, shall determine that such payment has been 34704
made and shall apportion to the acquiring school district such 34705
percentage of the indebtedness of the school district losing the 34706
territory as is represented by the ratio that the assessed 34707
valuation of the territory transferred bears to the total assessed 34708
valuation of the entire school district losing the territory as of 34709
the effective date of the transfer, provided that in ascertaining 34710
the indebtedness of the school district losing the territory the 34711
state board of education shall disregard such percentage of the 34712
par value of the outstanding and unpaid bonds and notes of said 34713
school district issued for construction or improvement of the 34714
school building or buildings for which payment was made by the 34715
acquiring district as is equal to the percentage by which the true 34716
value in money of such building or buildings was reduced in fixing 34717
the amount of said payment. 34718

(I) No transfer of school district territory or division of 34719
funds and indebtedness incident thereto, pursuant to the 34720
annexation of territory to a city or village shall be completed in 34721
any other manner than that prescribed by this section regardless 34722
of the date of the commencement of such annexation proceedings, 34723
and this section applies to all proceedings for such transfers and 34724
divisions of funds and indebtedness pending or commenced on or 34725
after October 2, 1959. 34726

(J) Notwithstanding anything to the contrary in the Revised Code, including section 3311.24 of the Revised Code, beginning on the effective date of this amendment until October 1, 2021, no school district that is a party to an annexation agreement shall transfer territory to another school district that is a party to the annexation agreement without the approval of the boards of education of each of the school districts.

Sec. 3311.27. The board of education of a surviving school district, as that term is defined in section 5748.10 of the Revised Code, shall notify the tax commissioner as and in the manner required by that section.

Sec. 3311.751. Notwithstanding division (F) of section 5705.10 of the Revised Code, if a municipal school district board of education sells real property that it owns in its corporate capacity, moneys received from the sale may be paid into the general fund of the district, as long as all of the following conditions are satisfied:

(A) The district has owned the real property for at least ten years.

(B) The real property and any improvements to that real property were not acquired with the proceeds of public obligations, as defined in section 133.01 of the Revised Code, of the district that are outstanding at the time of the sale.

(C) The deposit of those moneys in that manner is not prohibited by any agreements the district board has entered into with the Ohio ~~school~~ facilities construction commission.

Sec. 3311.771. As used in this section, "teacher" has the same meaning as in section 3319.09 of the Revised Code, except that it does not include a principal, supervisor, superintendent,

or other school administrator. 34756

A board of education of a municipal school district may enter 34757
into an agreement with any teacher it employs under which the 34758
board provides to the teacher early retirement incentives, 34759
severance pay, or both, in return for an agreement to retire from 34760
the teacher's position, only if both of the following are the 34761
case: 34762

(A) The board determines that the agreement is financially 34763
sound. 34764

(B) The board complies with section 5705.412 of the Revised 34765
Code, with regard to any wage or salary schedule increase made 34766
during the school year. 34767

Notwithstanding division (A) of section 4117.10 of the 34768
Revised Code, this section prevails over any collective bargaining 34769
agreement entered into under Chapter 4117. of the Revised Code on 34770
or after the effective date of this section. 34771

Sec. 3313.372. (A) As used in this section, "energy 34772
conservation measure" means an installation or modification of an 34773
installation in, or remodeling of, a building, to reduce energy 34774
consumption. It includes: 34775

(1) Insulation of the building structure and systems within 34776
the building; 34777

(2) Storm windows and doors, multiglazed windows and doors, 34778
heat absorbing or heat reflective glazed and coated window and 34779
door systems, additional glazing, reductions in glass area, and 34780
other window and door system modifications that reduce energy 34781
consumption; 34782

(3) Automatic energy control systems; 34783

(4) Heating, ventilating, or air conditioning system 34784
modifications or replacements; 34785

(5) Caulking and weatherstripping;	34786
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	34787 34788 34789 34790 34791
(7) Energy recovery systems;	34792
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	34793 34794 34795
(9) Any other modification, installation, or remodeling approved by the Ohio school facilities <u>construction</u> commission as an energy conservation measure.	34796 34797 34798
(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms:	34799 34800 34801 34802 34803 34804 34805
(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase.	34806 34807
(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase.	34808 34809
The provisions of any installment payment contract entered into pursuant to this section shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, shall not exceed the calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more	34810 34811 34812 34813 34814 34815

measures over a defined period of time. Those payments shall be 34816
made only to the extent that the savings described in this 34817
division actually occur. The energy services company shall warrant 34818
and guarantee that the energy conservation measures shall realize 34819
guaranteed savings and shall be responsible to pay an amount equal 34820
to any savings shortfall. 34821

An installment payment contract entered into by a board of 34822
education under this section shall require the board to contract 34823
in accordance with division (A) of section 3313.46 of the Revised 34824
Code for the installation, modification, or remodeling of energy 34825
conservation measures unless division (A) of section 3313.46 of 34826
the Revised Code does not apply pursuant to division (B)(3) of 34827
that section, in which case the contract shall be awarded through 34828
a competitive selection process pursuant to rules adopted by the 34829
~~school~~ facilities construction commission. 34830

An installment payment contract entered into by a board of 34831
education under this section may include services for measurement 34832
and verification of energy savings associated with the guarantee. 34833
The annual cost of measurement and verification services shall not 34834
exceed ten per cent of the guaranteed savings in any year of the 34835
installment payment contract. 34836

(C) If a board of education determines that a surety bond is 34837
necessary to secure energy, water, or waste water cost savings 34838
guaranteed in a contract entered into by the board of education 34839
under this section, the energy services company shall provide a 34840
surety bond that satisfies all of the following requirements: 34841

(1) The penal sum of the surety bond for the first guarantee 34842
year shall equal the amount of savings included in the annual 34843
guaranteed savings amount that is measured and calculated in 34844
accordance with the measurement and verification plan included in 34845
the contract, but may not include guaranteed savings that are not 34846
measured or that are stipulated in the contract. The annual 34847

guaranteed savings amount shall include only the savings 34848
guaranteed in the contract for the one-year term that begins on 34849
the first day of the first savings guarantee year and may not 34850
include amounts from subsequent years. 34851

(2) The surety bond shall have a term of not more than one 34852
year unless renewed. At the option of the board of education, the 34853
surety bond may be renewed for one or two additional terms, each 34854
term not to exceed one year. The surety bond may not be renewed or 34855
extended so that it is in effect for more than three consecutive 34856
years. 34857

In the event of a renewal, the penal sum of the surety bond 34858
for each renewed year shall be revised so that the penal sum 34859
equals the annual guaranteed savings amount for such renewal year 34860
that is measured and calculated in accordance with the measurement 34861
and verification plan included in the contract, but may not 34862
include guaranteed savings that are not measured or that are 34863
stipulated in the contract. Regardless of the number of renewals 34864
of the bond, the aggregate liability under each renewed bond may 34865
not exceed the penal sum stated in the renewal certificate for the 34866
applicable renewal year. 34867

(3) The surety bond for the first year shall be issued within 34868
thirty days of the commencement of the first savings guarantee 34869
year under the contract. 34870

In the event of renewal, the surety shall deliver to the 34871
board of education a renewal certificate reflecting the revised 34872
penal sum within thirty days of the board of education's request. 34873
The board of education shall deliver the request for renewal not 34874
less than thirty days prior to the expiration date of the surety 34875
bond then in existence. A surety bond furnished pursuant to 34876
section 153.54 of the Revised Code shall not secure obligations 34877
related to energy, water, or waste water cost savings as 34878
referenced in division (C) of this section. 34879

(D) The board may issue the notes of the school district 34880
signed by the president and the treasurer of the board and 34881
specifying the terms of the purchase and securing the deferred 34882
payments provided in this section, payable at the times provided 34883
and bearing interest at a rate not exceeding the rate determined 34884
as provided in section 9.95 of the Revised Code. The notes may 34885
contain an option for prepayment and shall not be subject to 34886
Chapter 133. of the Revised Code. In the resolution authorizing 34887
the notes, the board may provide, without the vote of the electors 34888
of the district, for annually levying and collecting taxes in 34889
amounts sufficient to pay the interest on and retire the notes, 34890
except that the total net indebtedness of the district without a 34891
vote of the electors incurred under this and all other sections of 34892
the Revised Code, except section 3318.052 of the Revised Code, 34893
shall not exceed one per cent of the district's tax valuation. 34894
Revenues derived from local taxes or otherwise, for the purpose of 34895
conserving energy or for defraying the current operating expenses 34896
of the district, may be applied to the payment of interest and the 34897
retirement of such notes. The notes may be sold at private sale or 34898
given to the energy services company under the installment payment 34899
contract authorized by division (B) of this section. 34900

(E) Debt incurred under this section shall not be included in 34901
the calculation of the net indebtedness of a school district under 34902
section 133.06 of the Revised Code. 34903

(F) No school district board shall enter into an installment 34904
payment contract under division (B) of this section unless it 34905
first obtains a report of the costs of the energy conservation 34906
measures and the savings thereof as described under division (G) 34907
of section 133.06 of the Revised Code as a requirement for issuing 34908
energy securities, makes a finding that the amount spent on such 34909
measures is not likely to exceed the amount of money it would save 34910
in energy costs and resultant operational and maintenance costs as 34911

described in that division, except that that finding shall cover 34912
the ensuing fifteen years, and the ~~school~~ facilities construction 34913
commission determines that the district board's findings are 34914
reasonable and approves the contract as described in that 34915
division. 34916

The district board shall monitor the savings and maintain a 34917
report of those savings, which shall be submitted to the 34918
commission in the same manner as required by division (G) of 34919
section 133.06 of the Revised Code in the case of energy 34920
securities. 34921

Sec. 3313.603. (A) As used in this section: 34922

(1) "One unit" means a minimum of one hundred twenty hours of 34923
course instruction, except that for a laboratory course, "one 34924
unit" means a minimum of one hundred fifty hours of course 34925
instruction. 34926

(2) "One-half unit" means a minimum of sixty hours of course 34927
instruction, except that for physical education courses, "one-half 34928
unit" means a minimum of one hundred twenty hours of course 34929
instruction. 34930

(B) Beginning September 15, 2001, except as required in 34931
division (C) of this section and division (C) of section 3313.614 34932
of the Revised Code, the requirements for graduation from every 34933
high school shall include twenty units earned in grades nine 34934
through twelve and shall be distributed as follows: 34935

(1) English language arts, four units; 34936

(2) Health, one-half unit; 34937

(3) Mathematics, three units; 34938

(4) Physical education, one-half unit; 34939

(5) Science, two units until September 15, 2003, and three 34940

units thereafter, which at all times shall include both of the	34941
following:	34942
(a) Biological sciences, one unit;	34943
(b) Physical sciences, one unit.	34944
(6) History and government, one unit, which shall comply with	34945
division (M) of this section and shall include both of the	34946
following:	34947
(a) American history, one-half unit;	34948
(b) American government, one-half unit.	34949
(7) Social studies, two units.	34950
Beginning with students who enter ninth grade for the first	34951
time on or after July 1, 2017, the two units of instruction	34952
prescribed by division (B)(7) of this section shall include at	34953
least one-half unit of instruction in the study of world history	34954
and civilizations.	34955
(8) Elective units, seven units until September 15, 2003, and	34956
six units thereafter.	34957
Each student's electives shall include at least one unit, or	34958
two half units, chosen from among the areas of	34959
business/technology, fine arts, and/or foreign language.	34960
(C) Beginning with students who enter ninth grade for the	34961
first time on or after July 1, 2010, except as provided in	34962
divisions (D) to (F) of this section, the requirements for	34963
graduation from every public and chartered nonpublic high school	34964
shall include twenty units that are designed to prepare students	34965
for the workforce and college. The units shall be distributed as	34966
follows:	34967
(1) English language arts, four units;	34968
(2) Health, one-half unit, which shall include instruction in	34969

nutrition and the benefits of nutritious foods and physical 34970
activity for overall health; 34971

(3) Mathematics, four units, which shall include one unit of 34972
algebra II or the equivalent of algebra II. However, students who 34973
enter ninth grade for the first time on or after July 1, 2015, and 34974
who are pursuing a career-technical instructional track shall not 34975
be required to take algebra II, and instead may complete a 34976
career-based pathway mathematics course approved by the department 34977
of education as an alternative. 34978

(4) Physical education, one-half unit; 34979

(5) Science, three units with inquiry-based laboratory 34980
experience that engages students in asking valid scientific 34981
questions and gathering and analyzing information, which shall 34982
include the following, or their equivalent: 34983

(a) Physical sciences, one unit; 34984

(b) Life sciences, one unit; 34985

(c) Advanced study in one or more of the following sciences, 34986
one unit: 34987

(i) Chemistry, physics, or other physical science; 34988

(ii) Advanced biology or other life science; 34989

(iii) Astronomy, physical geology, or other earth or space 34990
science. 34991

(6) History and government, one unit, which shall comply with 34992
division (M) of this section and shall include both of the 34993
following: 34994

(a) American history, one-half unit; 34995

(b) American government, one-half unit. 34996

(7) Social studies, two units. 34997

Each school shall integrate the study of economics and 34998

financial literacy, as expressed in the social studies academic 34999
content standards adopted by the state board of education under 35000
division (A)(1) of section 3301.079 of the Revised Code and the 35001
academic content standards for financial literacy and 35002
entrepreneurship adopted under division (A)(2) of that section, 35003
into one or more existing social studies credits required under 35004
division (C)(7) of this section, or into the content of another 35005
class, so that every high school student receives instruction in 35006
those concepts. In developing the curriculum required by this 35007
paragraph, schools shall use available public-private partnerships 35008
and resources and materials that exist in business, industry, and 35009
through the centers for economics education at institutions of 35010
higher education in the state. 35011

Beginning with students who enter ninth grade for the first 35012
time on or after July 1, 2017, the two units of instruction 35013
prescribed by division (C)(7) of this section shall include at 35014
least one-half unit of instruction in the study of world history 35015
and civilizations. 35016

(8) Five units consisting of one or any combination of 35017
foreign language, fine arts, business, career-technical education, 35018
family and consumer sciences, technology, agricultural education, 35019
a junior reserve officer training corps (JROTC) program approved 35020
by the congress of the United States under title 10 of the United 35021
States Code, or English language arts, mathematics, science, or 35022
social studies courses not otherwise required under division (C) 35023
of this section. 35024

Ohioans must be prepared to apply increased knowledge and 35025
skills in the workplace and to adapt their knowledge and skills 35026
quickly to meet the rapidly changing conditions of the 35027
twenty-first century. National studies indicate that all high 35028
school graduates need the same academic foundation, regardless of 35029
the opportunities they pursue after graduation. The goal of Ohio's 35030

system of elementary and secondary education is to prepare all 35031
students for and seamlessly connect all students to success in 35032
life beyond high school graduation, regardless of whether the next 35033
step is entering the workforce, beginning an apprenticeship, 35034
engaging in post-secondary training, serving in the military, or 35035
pursuing a college degree. 35036

The requirements for graduation prescribed in division (C) of 35037
this section are the standard expectation for all students 35038
entering ninth grade for the first time at a public or chartered 35039
nonpublic high school on or after July 1, 2010. A student may 35040
satisfy this expectation through a variety of methods, including, 35041
but not limited to, integrated, applied, career-technical, and 35042
traditional coursework. 35043

Whereas teacher quality is essential for student success when 35044
completing the requirements for graduation, the general assembly 35045
shall appropriate funds for strategic initiatives designed to 35046
strengthen schools' capacities to hire and retain highly qualified 35047
teachers in the subject areas required by the curriculum. Such 35048
initiatives are expected to require an investment of \$120,000,000 35049
over five years. 35050

Stronger coordination between high schools and institutions 35051
of higher education is necessary to prepare students for more 35052
challenging academic endeavors and to lessen the need for academic 35053
remediation in college, thereby reducing the costs of higher 35054
education for Ohio's students, families, and the state. The state 35055
board and the chancellor of higher education shall develop 35056
policies to ensure that only in rare instances will students who 35057
complete the requirements for graduation prescribed in division 35058
(C) of this section require academic remediation after high 35059
school. 35060

School districts, community schools, and chartered nonpublic 35061
schools shall integrate technology into learning experiences 35062

across the curriculum in order to maximize efficiency, enhance 35063
learning, and prepare students for success in the 35064
technology-driven twenty-first century. Districts and schools 35065
shall use distance and web-based course delivery as a method of 35066
providing or augmenting all instruction required under this 35067
division, including laboratory experience in science. Districts 35068
and schools shall utilize technology access and electronic 35069
learning opportunities provided by the broadcast educational media 35070
commission, chancellor, the Ohio learning network, education 35071
technology centers, public television stations, and other public 35072
and private providers. 35073

(D) Except as provided in division (E) of this section, a 35074
student who enters ninth grade on or after July 1, 2010, and 35075
before July 1, 2016, may qualify for graduation from a public or 35076
chartered nonpublic high school even though the student has not 35077
completed the requirements for graduation prescribed in division 35078
(C) of this section if all of the following conditions are 35079
satisfied: 35080

(1) During the student's third year of attending high school, 35081
as determined by the school, the student and the student's parent, 35082
guardian, or custodian sign and file with the school a written 35083
statement asserting the parent's, guardian's, or custodian's 35084
consent to the student's graduating without completing the 35085
requirements for graduation prescribed in division (C) of this 35086
section and acknowledging that one consequence of not completing 35087
those requirements is ineligibility to enroll in most state 35088
universities in Ohio without further coursework. 35089

(2) The student and parent, guardian, or custodian fulfill 35090
any procedural requirements the school stipulates to ensure the 35091
student's and parent's, guardian's, or custodian's informed 35092
consent and to facilitate orderly filing of statements under 35093
division (D)(1) of this section. Annually, each district or school 35094

shall notify the department of the number of students who choose 35095
to qualify for graduation under division (D) of this section and 35096
the number of students who complete the student's success plan and 35097
graduate from high school. 35098

(3) The student and the student's parent, guardian, or 35099
custodian and a representative of the student's high school 35100
jointly develop a student success plan for the student in the 35101
manner described in division (C)(1) of section 3313.6020 of the 35102
Revised Code that specifies the student matriculating to a 35103
two-year degree program, acquiring a business and 35104
industry-recognized credential, or entering an apprenticeship. 35105

(4) The student's high school provides counseling and support 35106
for the student related to the plan developed under division 35107
(D)(3) of this section during the remainder of the student's high 35108
school experience. 35109

(5)(a) Except as provided in division (D)(5)(b) of this 35110
section, the student successfully completes, at a minimum, the 35111
curriculum prescribed in division (B) of this section. 35112

(b) Beginning with students who enter ninth grade for the 35113
first time on or after July 1, 2014, a student shall be required 35114
to complete successfully, at the minimum, the curriculum 35115
prescribed in division (B) of this section, except as follows: 35116

(i) Mathematics, four units, one unit which shall be one of 35117
the following: 35118

(I) Probability and statistics; 35119

(II) Computer programming; 35120

(III) Applied mathematics or quantitative reasoning; 35121

(IV) Any other course approved by the department using 35122
standards established by the superintendent not later than October 35123
1, 2014. 35124

(ii) Elective units, five units;	35125
(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.	35126 35127 35128 35129
The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.	35130 35131 35132 35133 35134 35135 35136 35137 35138 35139 35140 35141
(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:	35142 35143 35144 35145 35146 35147 35148
(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;	35149 35150
(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division	35151 35152 35153 35154 35155

(B) of this section;	35156
(3) That no exception comparable to that provided in division	35157
(D) of this section is available.	35158
(F) A student enrolled in a dropout prevention and recovery	35159
program, which program has received a waiver from the department,	35160
may qualify for graduation from high school by successfully	35161
completing a competency-based instructional program administered	35162
by the dropout prevention and recovery program in lieu of	35163
completing the requirements for graduation prescribed in division	35164
(C) of this section. The department shall grant a waiver to a	35165
dropout prevention and recovery program, within sixty days after	35166
the program applies for the waiver, if the program meets all of	35167
the following conditions:	35168
(1) The program serves only students not younger than sixteen	35169
years of age and not older than twenty-one years of age.	35170
(2) The program enrolls students who, at the time of their	35171
initial enrollment, either, or both, are at least one grade level	35172
behind their cohort age groups or experience crises that	35173
significantly interfere with their academic progress such that	35174
they are prevented from continuing their traditional programs.	35175
(3) The program requires students to attain at least the	35176
applicable score designated for each of the assessments prescribed	35177
under division (B)(1) of section 3301.0710 of the Revised Code or,	35178
to the extent prescribed by rule of the state board under division	35179
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2)	35180
of that section.	35181
(4) The program develops a student success plan for the	35182
student in the manner described in division (C)(1) of section	35183
3313.6020 of the Revised Code that specifies the student's	35184
matriculating to a two-year degree program, acquiring a business	35185
and industry-recognized credential, or entering an apprenticeship.	35186

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

(8) Prior to receiving the waiver, the program has submitted to the department a policy on career advising that satisfies the requirements of section 3313.6020 of the Revised Code, with an emphasis on how every student will receive career advising.

(9) Prior to receiving the waiver, the program has submitted to the department a written agreement outlining the future cooperation between the program and any combination of local job training, postsecondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families.

Divisions (F)(8) and (9) of this section apply only to waivers granted on or after July 1, 2015.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days

as required under this section, the waiver shall be considered to 35218
be granted. 35219

(G) Every high school may permit students below the ninth 35220
grade to take advanced work. If a high school so permits, it shall 35221
award high school credit for successful completion of the advanced 35222
work and shall count such advanced work toward the graduation 35223
requirements of division (B) or (C) of this section if the 35224
advanced work was both: 35225

(1) Taught by a person who possesses a license or certificate 35226
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 35227
Code that is valid for teaching high school; 35228

(2) Designated by the board of education of the city, local, 35229
or exempted village school district, the board of the cooperative 35230
education school district, or the governing authority of the 35231
chartered nonpublic school as meeting the high school curriculum 35232
requirements. 35233

Each high school shall record on the student's high school 35234
transcript all high school credit awarded under division (G) of 35235
this section. In addition, if the student completed a seventh- or 35236
eighth-grade fine arts course described in division (K) of this 35237
section and the course qualified for high school credit under that 35238
division, the high school shall record that course on the 35239
student's high school transcript. 35240

(H) The department shall make its individual academic career 35241
plan available through its Ohio career information system web site 35242
for districts and schools to use as a tool for communicating with 35243
and providing guidance to students and families in selecting high 35244
school courses. 35245

(I) A school district or chartered nonpublic school may 35246
integrate academic content in a subject area for which the state 35247
board has adopted standards under section 3301.079 of the Revised 35248

Code into a course in a different subject area, including a 35249
career-technical education course, in accordance with guidance for 35250
integrated coursework developed by the department. Upon successful 35251
completion of an integrated course, a student may receive credit 35252
for both subject areas that were integrated into the course. Units 35253
earned in English language arts, mathematics, science, and social 35254
studies that are for subject area content delivered through 35255
integrated academic and career-technical instruction are eligible 35256
to meet the graduation requirements of division (B) or (C) of this 35257
section. 35258

For purposes of meeting graduation requirements, if an 35259
end-of-course examination has been prescribed under section 35260
3301.0712 of the Revised Code for the subject area delivered 35261
through integrated instruction, the school district or school may 35262
administer the related subject area examinations upon the 35263
student's completion of the integrated course. 35264

Nothing in division (I) of this section shall be construed to 35265
excuse any school district, chartered nonpublic school, or student 35266
from any requirement in the Revised Code related to curriculum, 35267
assessments, or the awarding of a high school diploma. 35268

(J)(1) The state board, in consultation with the chancellor, 35269
shall adopt a statewide plan implementing methods for students to 35270
earn units of high school credit based on a demonstration of 35271
subject area competency, instead of or in combination with 35272
completing hours of classroom instruction. The state board shall 35273
adopt the plan not later than March 31, 2009, and commence phasing 35274
in the plan during the 2009-2010 school year. The plan shall 35275
include a standard method for recording demonstrated proficiency 35276
on high school transcripts. Each school district and community 35277
school shall comply with the state board's plan adopted under this 35278
division and award units of high school credit in accordance with 35279
the plan. The state board may adopt existing methods for earning 35280

high school credit based on a demonstration of subject area 35281
competency as necessary prior to the 2009-2010 school year. 35282

(2) Not later than December 31, 2015, the state board shall 35283
update the statewide plan adopted pursuant to division (J)(1) of 35284
this section to also include methods for students enrolled in 35285
seventh and eighth grade to meet curriculum requirements based on 35286
a demonstration of subject area competency, instead of or in 35287
combination with completing hours of classroom instruction. 35288
Beginning with the 2017-2018 school year, each school district and 35289
community school also shall comply with the updated plan adopted 35290
pursuant to this division and permit students enrolled in seventh 35291
and eighth grade to meet curriculum requirements based on subject 35292
area competency in accordance with the plan. 35293

(3) Not later than December 31, 2017, the department shall 35294
develop a framework for school districts and community schools to 35295
use in granting units of high school credit to students who 35296
demonstrate subject area competency through work-based learning 35297
experiences, internships, or cooperative education. Beginning with 35298
the 2018-2019 school year, each district and community school 35299
shall comply with the framework. Each district and community 35300
school also shall review any policy it has adopted regarding the 35301
demonstration of subject area competency to identify ways to 35302
incorporate work-based learning experiences, internships, and 35303
cooperative education into the policy in order to increase student 35304
engagement and opportunities to earn units of high school credit. 35305

(K) This division does not apply to students who qualify for 35306
graduation from high school under division (D) or (F) of this 35307
section, or to students pursuing a career-technical instructional 35308
track as determined by the school district board of education or 35309
the chartered nonpublic school's governing authority. 35310
Nevertheless, the general assembly encourages such students to 35311
consider enrolling in a fine arts course as an elective. 35312

Beginning with students who enter ninth grade for the first 35313
time on or after July 1, 2010, each student enrolled in a public 35314
or chartered nonpublic high school shall complete two semesters or 35315
the equivalent of fine arts to graduate from high school. The 35316
coursework may be completed in any of grades seven to twelve. Each 35317
student who completes a fine arts course in grade seven or eight 35318
may elect to count that course toward the five units of electives 35319
required for graduation under division (C)(8) of this section, if 35320
the course satisfied the requirements of division (G) of this 35321
section. In that case, the high school shall award the student 35322
high school credit for the course and count the course toward the 35323
five units required under division (C)(8) of this section. If the 35324
course in grade seven or eight did not satisfy the requirements of 35325
division (G) of this section, the high school shall not award the 35326
student high school credit for the course but shall count the 35327
course toward the two semesters or the equivalent of fine arts 35328
required by this division. 35329

(L) Notwithstanding anything to the contrary in this section, 35330
the board of education of each school district and the governing 35331
authority of each chartered nonpublic school may adopt a policy to 35332
excuse from the high school physical education requirement each 35333
student who, during high school, has participated in 35334
interscholastic athletics, marching band, or cheerleading for at 35335
least two full seasons or in the junior reserve officer training 35336
corps for at least two full school years. If the board or 35337
authority adopts such a policy, the board or authority shall not 35338
require the student to complete any physical education course as a 35339
condition to graduate. However, the student shall be required to 35340
complete one-half unit, consisting of at least sixty hours of 35341
instruction, in another course of study. In the case of a student 35342
who has participated in the junior reserve officer training corps 35343
for at least two full school years, credit received for that 35344
participation may be used to satisfy the requirement to complete 35345

one-half unit in another course of study. 35346

(M) It is important that high school students learn and 35347
understand United States history and the governments of both the 35348
United States and the state of Ohio. Therefore, beginning with 35349
students who enter ninth grade for the first time on or after July 35350
1, 2012, the study of American history and American government 35351
required by divisions (B)(6) and (C)(6) of this section shall 35352
include the study of all of the following documents: 35353

(1) The Declaration of Independence; 35354

(2) The Northwest Ordinance; 35355

(3) The Constitution of the United States with emphasis on 35356
the Bill of Rights; 35357

(4) The Ohio Constitution. 35358

The study of each of the documents prescribed in divisions 35359
(M)(1) to (4) of this section shall include study of that document 35360
in its original context. 35361

The study of American history and government required by 35362
divisions (B)(6) and (C)(6) of this section shall include the 35363
historical evidence of the role of documents such as the 35364
Federalist Papers and the Anti-Federalist Papers to firmly 35365
establish the historical background leading to the establishment 35366
of the provisions of the Constitution and Bill of Rights. 35367

Sec. 3313.6023. The board of education of each school 35368
district shall provide training in the use of an automated 35369
external defibrillator to each person employed by that district, 35370
except for substitutes, adult education instructors who are 35371
scheduled to work the full-time equivalent of less than one 35372
hundred twenty days per school year, or persons who are employed 35373
on an as-needed, seasonal, or intermittent basis. This training 35374
may be incorporated into the in-service training required by 35375

division (A) of section 3319.073 of the Revised Code. For this 35376
purpose, the board shall use one of the instructional programs 35377
listed in divisions (B)(1) and (2) of section 3313.6021 of the 35378
Revised Code. 35379

Each person to whom this section applies shall complete the 35380
training not later than July 1, 2018, and at least once every five 35381
years thereafter. 35382

Sec. 3313.612. (A) No nonpublic school chartered by the state 35383
board of education shall grant a high school diploma to any person 35384
unless, subject to section 3313.614 of the Revised Code, the 35385
person has met the assessment requirements of division (A)(1) or 35386
(2) of this section, as applicable. 35387

(1) If the person entered the ninth grade prior to July 1, 35388
2014, the person has attained at least the applicable scores 35389
designated under division (B)(1) of section 3301.0710 of the 35390
Revised Code on all the assessments required by that division, or 35391
has satisfied the alternative conditions prescribed in section 35392
3313.615 of the Revised Code. 35393

(2) If the person entered the ninth grade on or after July 1, 35394
2014, the person has met the requirement prescribed by section 35395
3313.618 or 3313.619 of the Revised Code. 35396

(B) This section does not apply to any of the following: 35397

(1) Any person with regard to any assessment from which the 35398
person was excused pursuant to division (C)(1)(c) of section 35399
3301.0711 of the Revised Code; 35400

(2) Any person who attends a nonpublic school accredited 35401
through the independent schools association of the central states, 35402
~~except for a~~ regardless of whether the student is attending or is 35403
not attending the school under a state scholarship program as 35404
defined in section 3301.0711 of the Revised Code. 35405

(3) Any person with regard to the social studies assessment 35406
under division (B)(1) of section 3301.0710 of the Revised Code, 35407
any American history end-of-course examination and any American 35408
government end-of-course examination required under division (B) 35409
of section 3301.0712 of the Revised Code if such an exemption is 35410
prescribed by rule of the state board of education under division 35411
(D)(3) of section 3301.0712 of the Revised Code, or the 35412
citizenship test under former division (B) of section 3301.0710 of 35413
the Revised Code as it existed prior to September 11, 2001, if all 35414
of the following apply: 35415

(a) The person is not a citizen of the United States; 35416

(b) The person is not a permanent resident of the United 35417
States; 35418

(c) The person indicates no intention to reside in the United 35419
States after completion of high school. 35420

(C) As used in this division, "limited English proficient 35421
student" has the same meaning as in division (C)(3) of section 35422
3301.0711 of the Revised Code. 35423

Notwithstanding division (C)(3) of section 3301.0711 of the 35424
Revised Code, no limited English proficient student who has not 35425
either attained the applicable scores designated under division 35426
(B)(1) of section 3301.0710 of the Revised Code on all the 35427
assessments required by that division, or met the requirement 35428
prescribed by section 3313.618 or 3313.619 of the Revised Code, 35429
shall be awarded a diploma under this section. 35430

(D) The state board shall not impose additional requirements 35431
or assessments for the granting of a high school diploma under 35432
this section that are not prescribed by this section. 35433

(E) The department of education shall furnish the assessment 35434
administered by a nonpublic school pursuant to division (B)(1) of 35435
section 3301.0712 of the Revised Code. 35436

Sec. 3313.618. (A) In addition to the applicable curriculum 35437
requirements, each student entering ninth grade for the first time 35438
on or after July 1, 2014, shall satisfy at least one of the 35439
following conditions in order to qualify for a high school 35440
diploma: 35441

(1) Be remediation-free, in accordance with standards adopted 35442
under division (F) of section 3345.061 of the Revised Code, on 35443
each of the nationally standardized assessments in English, 35444
mathematics, and reading; 35445

(2) Attain a score specified under division (B)(5)(c) of 35446
section 3301.0712 of the Revised Code on the end-of-course 35447
examinations prescribed under division (B) of section 3301.0712 of 35448
the Revised Code. 35449

(3) Attain a score that demonstrates workforce readiness and 35450
employability on a nationally recognized job skills assessment 35451
selected by the state board of education under division (G) of 35452
section 3301.0712 of the Revised Code and obtain either an 35453
industry-recognized credential, as described under division 35454
(B)(2)(d) of section 3302.03 of the Revised Code, or a license 35455
issued by a state agency or board for practice in a vocation that 35456
requires an examination for issuance of that license. 35457

~~The state board shall approve the industry-recognized 35458
credentials and licenses that may qualify a student for a high 35459
school diploma under division (A)(3) of this section. The 35460
industry-recognized credentials and licenses shall be as approved 35461
under section 3313.6113 of the Revised Code. 35462~~

A student may choose to qualify for a high school diploma by 35463
satisfying any of the separate requirements prescribed by 35464
divisions (A)(1) to (3) of this section. If the student's school 35465
district or school does not administer the examination prescribed 35466
by one of those divisions that the student chooses to take to 35467

satisfy the requirements of this section, the school district or 35468
school may require that student to arrange for the applicable 35469
scores to be sent directly to the district or school by the 35470
company or organization that administers the examination. 35471

(B) The state board of education shall not create or require 35472
any additional assessment for the granting of any type of high 35473
school diploma other than as prescribed by this section. Except as 35474
provided in ~~section~~ sections 3313.6111 and 3313.6112 of the 35475
Revised Code, the state board or the superintendent of public 35476
instruction shall not create any endorsement or designation that 35477
may be affiliated with a high school diploma. 35478

Sec. 3313.6110. (A) A person who has completed the final year 35479
of instruction at home, as authorized under section 3321.04 of the 35480
Revised Code, and has successfully fulfilled the high school 35481
curriculum applicable to that person may be granted a high school 35482
diploma by the person's parent, guardian, or other person having 35483
charge or care of a child, as defined in division (A)(1) of 35484
section 3321.01 of the Revised Code. 35485

(B) Beginning with diplomas issued on or after July 1, 2015, 35486
each diploma granted under division (A) of this section shall be 35487
accompanied by the official letter of excuse issued by the 35488
district superintendent for the student's final year of home 35489
education. 35490

(C) A person who has graduated from a nonchartered nonpublic 35491
school in Ohio and who has successfully fulfilled that school's 35492
high school curriculum may be granted a high school diploma by the 35493
governing authority of that school. 35494

(D) Notwithstanding anything in the Revised Code to the 35495
contrary, a diploma granted under this section shall serve as 35496
proof of the successful completion of that person's applicable 35497
high school curriculum and satisfactory to fulfill any legal 35498

requirement to show such proof. 35499

(E) For the purposes of an application for employment, a 35500
diploma granted under this section shall be considered proof of 35501
completion of a high school education, regardless of whether the 35502
person to which the diploma was granted participated in the 35503
assessments prescribed by division (A)(1) or (B)(1) or (2) of 35504
section 3301.0710 and section 3301.0712 of the Revised Code. 35505

(F) A diploma granted under division (A) of this section may 35506
include a state seal of biliteracy or an OhioMeansJobs-readiness 35507
seal that may be assigned to the student's diploma, by the parent, 35508
guardian, or other person having charge or care of the student, in 35509
the same manner as prescribed for transcripts issued by school 35510
districts and chartered nonpublic schools under ~~section~~ sections 35511
3313.6111 and 3113.6112 of the Revised Code. 35512

Sec. 3313.6112. (A) The superintendent of public instruction, 35513
in consultation with the chancellor of higher education and the 35514
governor's office of workforce transformation, shall establish the 35515
OhioMeansJobs-readiness seal, which may be attached or affixed to 35516
the high school diploma and transcript of a student enrolled in a 35517
public or chartered nonpublic school. 35518

(B) A school district, community school established under 35519
Chapter 3314. of the Revised Code, STEM school established under 35520
Chapter 3326. of the Revised Code, college-preparatory boarding 35521
school established under Chapter 3328. of the Revised Code, or 35522
chartered nonpublic school shall attach or affix the 35523
OhioMeansJobs-readiness seal to the diploma and transcript of a 35524
student enrolled in the school who meets the requirements 35525
prescribed under division (C)(1) of this section. 35526

(C) The state superintendent, in consultation with the 35527
chancellor and the governor's office of workforce transformation, 35528
shall do the following: 35529

(1) Establish the requirements and criteria for earning an OhioMeansJobs-readiness seal, including demonstration of work-readiness and work ethic competencies such as teamwork, problem-solving, reliability, punctuality, and computer technology competency; 35530
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(2) Develop a standardized form for students to complete and have validated prior to graduation by at least three individuals, each of whom must be an employer, teacher, business mentor, community leader, faith-based leader, school leader, or coach of the student; 35535
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(3) Prepare and deliver to all school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning an OhioMeansJobs-readiness seal on a student's diploma and transcript indicating that the student has been assigned the seal; 35540
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(4) Provide any other information the state superintendent considers necessary for school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools to assign an OhioMeansJobs-readiness seal. 35545
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(D) A student shall not be charged a fee to be assigned an OhioMeansJobs-readiness seal on the student's diploma and transcript. 35549
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Sec. 3313.6113. (A) The superintendent of public instruction, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under division (A)(3) of section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code. The state superintendent shall appoint the members of the committee not 35552
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later than January 1, 2018. 35561

(B) The committee shall do the following: 35562

(1) Establish criteria for acceptable industry-recognized 35563
credentials and licenses aligned with the in-demand jobs list 35564
published by the department of job and family services; 35565

(2) Review the list of industry-recognized credentials and 35566
licenses that was in existence on January 1, 2018, and update the 35567
list as it considers necessary; 35568

(3) Review and update the list of industry-recognized 35569
credentials and licenses at least biennially. 35570

Sec. 3313.717. (A) As used in this section, "automated 35571
external defibrillator" means a specialized defibrillator that is 35572
approved for use as a medical device by the United States food and 35573
drug administration for performing automated external 35574
defibrillation, as defined in section 2305.235 of the Revised 35575
Code. 35576

(B)(1) The board of education of each school district may 35577
require the placement of an automated external defibrillator in 35578
each school under the control of the board. Not later than July 1, 35579
2018, pursuant to section 3313.6023 of the Revised Code, all 35580
persons employed by a school district shall receive training in 35581
the use of an automated external defibrillator in accordance with 35582
that section, except for substitutes, adult education instructors 35583
who are scheduled to work the full-time equivalent of less than 35584
one hundred twenty days per school year, or persons who are 35585
employed on an as-needed, seasonal, or intermittent basis. 35586

(2) The administrative authority of each chartered nonpublic 35587
school may require the placement of an automated external 35588
defibrillator in each school under the control of the authority. 35589
If an authority requires the placement of an automated external 35590

defibrillator as provided in this section, the authority also 35591
shall require that a sufficient number of the staff persons 35592
assigned to each school under the control of the authority 35593
successfully complete an appropriate training course in the use of 35594
an automated external defibrillator as described in section 35595
3701.85 of the Revised Code. 35596

(C) In regard to the use of an automated external 35597
defibrillator that is placed in a school as specified in this 35598
section, and except in the case of willful or wanton misconduct or 35599
when there is no good faith attempt to activate an emergency 35600
medical services system in accordance with section 3701.85 of the 35601
Revised Code, no person shall be held liable in civil damages for 35602
injury, death, or loss to person or property, or held criminally 35603
liable, for performing automated external defibrillation in good 35604
faith, regardless of whether the person has obtained appropriate 35605
training on how to perform automated external defibrillation or 35606
successfully completed a course in cardiopulmonary resuscitation. 35607

Sec. 3313.821. The superintendent of public instruction, in 35608
consultation with the governor's executive workforce board, shall 35609
establish standards for the operation of business advisory 35610
councils established by the board of education of a school 35611
district or the governing board of an educational service center 35612
under section 3313.82 of the Revised Code. The standards adopted 35613
by the state superintendent shall include at least the following 35614
requirements: 35615

(A) Each advisory council and the board of education or 35616
governing board that established it shall develop a plan by which 35617
the advisory council shall advise the board of at least those 35618
matters specified by the board pursuant to section 3313.82 of the 35619
Revised Code. 35620

(B) Each plan developed pursuant to division (A) of this 35621

section shall be filed with the department of education. 35622

(C) Each business advisory council shall meet with its school board at least quarterly. 35623
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(D) Each business advisory council and its school board shall file a joint statement, not later than the first day of March of each school year, describing how the school district or service center and its business advisory council has fulfilled their responsibilities pursuant to this section and section 3313.82 of the Revised Code. 35625
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Sec. 3313.89. Beginning with the 2014-2015 school year, each public high school shall publish or provide, not later than the first day of April of each year, in its newsletter, high school planning guide, regular publication provided to parents and students, or in a prominent location on the school web site, information regarding the online education and career planning tool developed under section 6301.15 of the Revised Code. The information shall include the internet web site address for the planning tool and a link to that web site. The information also shall include a link to the OhioMeansJobs web site. 35631
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As used in this section, "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code. 35641
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Sec. 3313.902. (A) As used in this section: 35643

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of higher education. 35644
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(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section. 35647
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(3) "Approved program of study" means a program of study 35650

offered by an approved institution that satisfies the requirements 35651
of division (B) of this section. 35652

(4) An eligible student's "career pathway training program 35653
amount" means the following: 35654

(a) If the student is enrolled in a tier one career pathway 35655
training program, \$4,800; 35656

(b) If the student is enrolled in a tier two career pathway 35657
training program, \$3,200; 35658

(c) If the student is enrolled in a tier three career pathway 35659
training program, \$1,600. 35660

(5) "Eligible institution" means any of the following: 35661

(a) A community college established under Chapter 3354. of 35662
the Revised Code; 35663

(b) A technical college established under Chapter 3357. of 35664
the Revised Code; 35665

(c) A state community college established under Chapter 3358. 35666
of the Revised Code; 35667

(d) An Ohio technical center recognized by the chancellor 35668
that provides post-secondary workforce education. 35669

(6) "Eligible student" means an individual who is at least 35670
twenty-two years of age and has not received a high school diploma 35671
or a certificate of high school equivalence, as defined in section 35672
4109.06 of the Revised Code. 35673

(7) A "tier one career pathway training program" is a career 35674
pathway training program that requires more than six hundred hours 35675
of technical training, as determined by the department of 35676
education. 35677

(8) A "tier two career pathway training program" is a career 35678
pathway training program that requires more than three hundred 35679

hours of technical training but less than six hundred hours of 35680
technical training, as determined by the department. 35681

(9) A "tier three career pathway training program" is a 35682
career pathway training program that requires three hundred hours 35683
or less of technical training, as determined by the department. 35684

(10) An eligible student's "work readiness training amount" 35685
means the following: 35686

(a) If the student's grade level upon initial enrollment in 35687
an approved program of study at an approved institution is below 35688
the ninth grade, as determined in accordance with rules adopted 35689
under division (E) of this section, \$1,500. 35690

(b) If the student's grade level upon initial enrollment in 35691
an approved program of study at an approved institution is at or 35692
above the ninth grade, as determined in accordance with rules 35693
adopted under division (E) of this section, \$750. 35694

(B) The adult diploma pilot program is hereby established to 35695
permit an eligible institution to obtain approval from the 35696
superintendent of public instruction and the chancellor to develop 35697
and offer a program of study that allows an eligible student to 35698
obtain a high school diploma. A program shall be eligible for this 35699
approval if it satisfies all of the following requirements: 35700

(1) The program allows an eligible student to complete the 35701
requirements for obtaining a high school diploma that are 35702
specified in rules adopted by the superintendent under division 35703
(E) of this section while also completing requirements for an 35704
approved industry credential or certificate. 35705

(2) The program includes career advising and outreach. 35706

(3) The program includes opportunities for students to 35707
receive a competency-based education. 35708

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 35709

3313.614, 3313.618, and ~~3313.319~~ 3313.619 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.

(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

(2) ~~The~~ Except as provided in division (D)(4) of this section, the department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:

(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;

(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;

(c) Fifty per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the final third of the approved program of study, as determined by the department.

(3) Of the amount paid to an approved institution under

division (D)(2) of this section, the institution may use the 35741
amount that is in addition to the student's career pathway 35742
training amount and the student's work readiness training amount 35743
for the associated services of the approved program of study. 35744
These services include counseling, advising, assessment, and other 35745
services as determined or required by the department. 35746

(4) If the superintendent and the chancellor determine that 35747
is it appropriate for an entity other than the department to make 35748
full or partial payments for an eligible student under division 35749
(D)(2) of this section, that entity shall make those payments and 35750
the department shall not make those payments. 35751

(E) The superintendent, in consultation with the chancellor, 35752
shall adopt rules for the implementation of the adult diploma 35753
pilot program, including all of the following: 35754

(1) The requirements for applying for program approval; 35755

(2) The requirements for obtaining a high school diploma 35756
through the program, including the requirement to obtain a passing 35757
score on an assessment that is appropriate for the career pathway 35758
training program that is being completed by the eligible student, 35759
and the date on which these requirements take effect; 35760

(3) The assessment or assessments that may be used to 35761
complete the assessment requirement for each career pathway 35762
training program under division (E)(2) of this section and the 35763
score that must be obtained on each assessment in order to pass 35764
the assessment; 35765

(4) Guidelines regarding the funding of the program under 35766
division (D) of this section, including a method of funding for 35767
students who transfer from one approved institution to another 35768
approved institution prior to completing an approved program of 35769
study; 35770

(5) Circumstances under which an eligible student may be 35771

charged for tuition, supplies, or associated fees while enrolled 35772
in an approved institution's approved program of study; 35773

(6) A requirement that an eligible student may not be charged 35774
for tuition, supplies, or associated fees while enrolled in an 35775
approved institution's approved program of study except in the 35776
circumstances described under division (E)(5) of this section; 35777

(7) The payment of federal funds that are to be used by 35778
approved programs of study at approved institutions. 35779

Sec. 3313.904. The department of education and the department 35780
of job and family services, in consultation with the governor's 35781
office of workforce transformation, shall establish an option for 35782
career-technical education students to participate in 35783
pre-apprenticeship training programs that impart the skills and 35784
knowledge needed for successful participation in a registered 35785
apprenticeship occupation course. 35786

Sec. 3313.976. (A) No private school may receive scholarship 35787
payments from parents pursuant to section 3313.979 of the Revised 35788
Code until the chief administrator of the private school registers 35789
the school with the superintendent of public instruction. The 35790
state superintendent shall register any school that meets the 35791
following requirements: 35792

(1) The school either: 35793

(a) Offers any of grades kindergarten through twelve and is 35794
located within the boundaries of the pilot project school 35795
district; 35796

(b) Offers any of grades nine through twelve and is located 35797
within the boundaries of a city, local, or exempted village school 35798
district that is both: 35799

(i) Located in a municipal corporation with a population of 35800

fifteen thousand or more; 35801

(ii) Located within five miles of the border of the pilot 35802
project school district. 35803

(2) The school indicates in writing its commitment to follow 35804
all requirements for a state-sponsored scholarship program 35805
specified under sections 3313.974 to 3313.979 of the Revised Code, 35806
including, but not limited to, the requirements for admitting 35807
students pursuant to section 3313.977 of the Revised Code; 35808

(3) The school meets all state minimum standards for 35809
chartered nonpublic schools in effect on July 1, 1992, except that 35810
the state superintendent at the superintendent's discretion may 35811
register nonchartered nonpublic schools meeting the other 35812
requirements of this division; 35813

(4) The school does not discriminate on the basis of race, 35814
religion, or ethnic background; 35815

(5) The school enrolls a minimum of ten students per class or 35816
a sum of at least twenty-five students in all the classes offered; 35817

(6) The school does not advocate or foster unlawful behavior 35818
or teach hatred of any person or group on the basis of race, 35819
ethnicity, national origin, or religion; 35820

(7) The school does not provide false or misleading 35821
information about the school to parents, students, or the general 35822
public; 35823

(8) For students in grades kindergarten through eight with 35824
family incomes at or below two hundred per cent of the federal 35825
poverty guidelines, as defined in section 5104.46 of the Revised 35826
Code, the school agrees not to charge any tuition in excess of the 35827
scholarship amount established pursuant to division (C)(1) of 35828
section 3313.978 of the Revised Code, excluding any increase 35829
described in division (C)(2) of that section. 35830

(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(11) Except as provided in divisions (K)~~(1)~~ and (L)(1) of section 3301.0711 of the Revised Code, it annually administers the applicable assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student.

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section 3313.979 of the Revised Code

if the superintendent of the district in which such public school 35863
is located notifies the state superintendent prior to the first 35864
day of March that the district intends to admit students from the 35865
pilot project district for the ensuing school year pursuant to 35866
section 3327.06 of the Revised Code. 35867

(D) Any parent wishing to purchase tutorial assistance from 35868
any person or governmental entity pursuant to the pilot project 35869
program under sections 3313.974 to 3313.979 of the Revised Code 35870
shall apply to the state superintendent. The state superintendent 35871
shall approve providers who appear to possess the capability of 35872
furnishing the instructional services they are offering to 35873
provide. 35874

Sec. 3314.016. This section applies to any entity that 35875
sponsors a community school, regardless of whether section 35876
3314.021 or 3314.027 of the Revised Code exempts the entity from 35877
the requirement to be approved for sponsorship under divisions 35878
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 35879
office of Ohio school sponsorship established under section 35880
3314.029 of the Revised Code shall be rated under division (B) of 35881
this section, but divisions (A) and (C) of this section do not 35882
apply to the office. 35883

(A) An entity that sponsors a community school shall be 35884
permitted to enter into contracts under section 3314.03 of the 35885
Revised Code to sponsor additional community schools only if the 35886
entity meets all of the following criteria: 35887

(1) The entity is in compliance with all provisions of this 35888
chapter requiring sponsors of community schools to report data or 35889
information to the department of education. 35890

(2) The entity is not rated as "ineffective" under division 35891
(B)(6) of this section. 35892

(3) Except as set forth in sections 3314.021 and 3314.027 of the Revised Code, the entity has received approval from and entered into an agreement with the department of education pursuant to section 3314.015 of the Revised Code.

(B)(1) Beginning with the 2015-2016 school year, the department shall develop and implement an evaluation system that annually rates and assigns an overall rating to each entity that sponsors a community school based on the following components:

(a) Academic performance of students enrolled in community schools sponsored by the same entity. The academic performance component shall be derived from the performance measures prescribed for the state report cards under section 3302.03 or 3314.017 of the Revised Code, and shall be based on the performance of the schools for the school year for which the evaluation is conducted. In addition to the academic performance for a specific school year, the academic performance component shall also include year-to-year changes in the overall sponsor portfolio. For a community school for which no graded performance measures are applicable or available, the department shall use nonreport card performance measures specified in the contract between the community school and the sponsor under division (A)(4) of section 3314.03 of the Revised Code.

If the department uses a component prescribed under division (C)(3) of section 3302.03 of the Revised Code to calculate the academic performance component specified under division (B)(1)(a) of this section, the department shall weight the progress component specified under division (C)(3)(c) of section 3302.03 of the Revised Code at sixty per cent of the total score for the academic performance component under this section.

(b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. For a sponsor that was rated "effective" or "exemplary"

on its most recent rating, the department may evaluate that 35925
sponsor's adherence to quality practices once over a period of 35926
three years. If the department elects to evaluate a sponsor once 35927
over a period of three years, the most recent rating for a 35928
sponsor's adherence to quality practices shall be used when 35929
determining an annual overall rating conducted under this section. 35930

(c) Compliance with all applicable laws and administrative 35931
rules by an entity that sponsors a community school. 35932

(2) In calculating an academic performance component, the 35933
department shall exclude all community schools that have been in 35934
operation for not more than two full school years and all 35935
community schools described in division (A)(4)(b) of section 35936
3314.35 of the Revised Code. However, the academic performance of 35937
the community schools described in division (A)(4)(b) of section 35938
3314.35 of the Revised Code shall be reported, but shall not be 35939
used as a factor when determining a sponsoring entity's rating 35940
under this section. 35941

(3) The department, in consultation with entities that 35942
sponsor community schools, shall prescribe quality practices for 35943
community school sponsors and develop an instrument to measure 35944
adherence to those quality practices. The quality practices shall 35945
be based on standards developed by the national association of 35946
charter school authorizers or any other nationally organized 35947
community school organization. 35948

(4)(a) The department may permit peer review of a sponsor's 35949
adherence to the quality practices prescribed under division 35950
(B)(3) of this section. Peer reviewers shall be limited to 35951
individuals employed by sponsors rated "effective" or "exemplary" 35952
on the most recent ratings conducted under this section. 35953

(b) The department shall require individuals participating in 35954
peer review under division (B)(4)(a) of this section to complete 35955

training approved or established by the department. 35956

(c) The department may enter into an agreement with another 35957
entity to provide training to individuals conducting peer review 35958
of sponsors. Prior to entering into an agreement with an entity, 35959
the department shall review and approve of the entity's training 35960
program. 35961

(5) Not later than July 1, 2013, the state board of education 35962
shall adopt rules in accordance with Chapter 119. of the Revised 35963
Code prescribing standards for measuring compliance with 35964
applicable laws and rules under division (B)(1)(c) of this 35965
section. 35966

(6) The department annually shall rate all entities that 35967
sponsor community schools as either "exemplary," "effective," 35968
"ineffective," or "poor," based on the components prescribed by 35969
division (B) of this section, where each component is weighted 35970
equally. A separate rating shall be given by the department for 35971
each component of the evaluation system. 35972

The department shall publish the ratings between the first 35973
day of October and the fifteenth day of October. 35974

Not later than forty-five days prior to the department's 35975
publication of the final ratings, the department shall notify each 35976
sponsor in writing of its preliminary ratings and determinations 35977
for each component of the evaluation system. Each sponsor may, 35978
within ten days after receiving the preliminary ratings, make a 35979
written request for an informal hearing to dispute the overall 35980
rating or determination for any component. The department shall 35981
hold an informal hearing within ten days after receipt of a 35982
request for a hearing. Prior to the department's publication of 35983
the final ratings, the department shall issue a written decision 35984
either affirming or modifying the ratings and determinations and 35985
the reasons for that decision. 35986

The department shall provide training on an annual basis 35987
regarding the evaluation system prescribed under this section. The 35988
training shall, at a minimum, describe methodology, timelines, and 35989
data required for the evaluation system. The first training 35990
session shall occur not later than ~~thirty days after the effective~~ 35991
~~date of this section~~ March 2, 2016. 35992

If the department uses a points system to determine component 35993
ratings and overall ratings under this section, the department 35994
shall not assign an automatic overall rating to an entity based 35995
solely on the entity receiving an equivalent score of zero points 35996
on one or more of the individual components prescribed in division 35997
(B)(1)(b) or (c) of this section. An overall rating shall be the 35998
cumulative score of the individual components prescribed under 35999
this section unless the entity receives a score of zero on the 36000
academic performance component prescribed in division (B)(1)(a) of 36001
this section. 36002

(7)(a) Entities with an overall rating of "exemplary" for at 36003
least two consecutive years may take advantage of the following 36004
incentives: 36005

(i) Renewal of the written agreement with the department, not 36006
to exceed ten years, provided that the entity consents to 36007
continued evaluation of adherence to quality practices as 36008
described in division (B)(1)(b) of this section; 36009

(ii) The ability to extend the term of the contract between 36010
the sponsoring entity and the community school beyond the term 36011
described in the written agreement with the department; 36012

(iii) An exemption from the preliminary agreement and 36013
contract adoption and execution deadline requirements prescribed 36014
in division (D) of section 3314.02 of the Revised Code; 36015

(iv) An exemption from the automatic contract expiration 36016
requirement, should a new community school fail to open by the 36017

thirtieth day of September of the calendar year in which the 36018
community school contract is executed; 36019

(v) No limit on the number of community schools the entity 36020
may sponsor; 36021

(vi) No territorial restrictions on sponsorship. 36022

An entity may continue to sponsor any community schools with 36023
which it entered into agreements under division (B)(7)(a)(v) or 36024
(vi) of this section while rated "exemplary," notwithstanding the 36025
fact that the entity later receives a lower overall rating. 36026

(b)(i) Entities that receive an overall rating of 36027
"ineffective" shall be prohibited from sponsoring any new or 36028
additional community schools during the time in which the sponsor 36029
is rated as "ineffective" and shall be subject to a quality 36030
improvement plan based on correcting the deficiencies that led to 36031
the "ineffective" rating, with timelines and benchmarks that have 36032
been established by the department. 36033

(ii) Entities that receive an overall rating of "ineffective" 36034
on their three most recent ratings shall have all sponsorship 36035
authority revoked. Within thirty days after receiving its third 36036
rating of "ineffective," the entity may appeal the revocation of 36037
its sponsorship authority to the superintendent of public 36038
instruction, who shall appoint an independent hearing officer to 36039
conduct a hearing in accordance with Chapter 119. of the Revised 36040
Code. The hearing shall be conducted within thirty days after 36041
receipt of the notice of appeal. Within forty-five days after the 36042
hearing is completed, the state board of education shall determine 36043
whether the revocation is appropriate based on the hearing 36044
conducted by the independent hearing officer, and if determined 36045
appropriate, the revocation shall be confirmed. 36046

(c) Entities that receive an overall rating of "poor" shall 36047
have all sponsorship authority revoked. Within thirty days after 36048

receiving a rating of "poor," the entity may appeal the revocation 36049
of its sponsorship authority to the superintendent of public 36050
instruction, who shall appoint an independent hearing officer to 36051
conduct a hearing in accordance with Chapter 119. of the Revised 36052
Code. The hearing shall be conducted within thirty days after 36053
receipt of the notice of appeal. Within forty-five days after the 36054
hearing is completed, the state board of education shall determine 36055
whether the revocation is appropriate based on the hearing 36056
conducted by the independent hearing officer, and if determined 36057
appropriate, the revocation shall be confirmed. 36058

(d) Notwithstanding division (F)(3) of section 3314.02 of the 36059
Revised Code and the agreement entered into with the department 36060
under section 3314.015 of the Revised Code, an entity that is an 36061
educational service center that receives an overall rating of 36062
"effective" or higher may do both of the following: 36063

(i) Sponsor an internet- or computer-based school without any 36064
previous experience sponsoring such a school; 36065

(ii) Sponsor a community school regardless of whether or not 36066
it is located in a county within the service territory of the 36067
service center or in a contiguous county. 36068

An educational service center may continue to sponsor any 36069
community schools with which it entered into agreements as 36070
authorized under division (B)(7)(d) of this section regardless of 36071
whether the entity later receives an overall rating lower than 36072
"effective." 36073

(8) For the 2014-2015 school year and each school year 36074
thereafter, student academic performance prescribed under division 36075
(B)(1)(a) of this section shall include student academic 36076
performance data from community schools that primarily serve 36077
students enrolled in a dropout prevention and recovery program. 36078

(C) If the governing authority of a community school enters 36079

into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A)(3) of section 3314.029 of the Revised Code.

(D) When an entity's authority to sponsor schools is revoked pursuant to division (B)(7)(b) or (c) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of:

(1) The expiration of two school years from the time that sponsorship is revoked;

(2) When a new sponsor is secured by the governing authority pursuant to division (C)(1) of section 3314.02 of the Revised Code.

Any community school sponsored under this division shall not be counted for purposes of directly authorized community schools under division (A)(3) of section 3314.029 of the Revised Code.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public

instruction. The department of education shall make available on 36111
its web site a copy of every approved, executed contract filed 36112
with the superintendent under this section. 36113

(A) Each contract entered into between a sponsor and the 36114
governing authority of a community school shall specify the 36115
following: 36116

(1) That the school shall be established as either of the 36117
following: 36118

(a) A nonprofit corporation established under Chapter 1702. 36119
of the Revised Code, if established prior to April 8, 2003; 36120

(b) A public benefit corporation established under Chapter 36121
1702. of the Revised Code, if established after April 8, 2003. 36122

(2) The education program of the school, including the 36123
school's mission, the characteristics of the students the school 36124
is expected to attract, the ages and grades of students, and the 36125
focus of the curriculum; 36126

(3) The academic goals to be achieved and the method of 36127
measurement that will be used to determine progress toward those 36128
goals, which shall include the statewide achievement assessments; 36129

(4) Performance standards, including but not limited to all 36130
applicable report card measures set forth in section 3302.03 or 36131
3314.017 of the Revised Code, by which the success of the school 36132
will be evaluated by the sponsor; 36133

(5) The admission standards of section 3314.06 of the Revised 36134
Code and, if applicable, section 3314.061 of the Revised Code; 36135

(6)(a) Dismissal procedures; 36136

(b) A requirement that the governing authority adopt an 36137
attendance policy that includes a procedure for automatically 36138
withdrawing a student from the school if the student without a 36139

legitimate excuse fails to participate in one hundred five 36140
consecutive hours of the learning opportunities offered to the 36141
student. 36142

(7) The ways by which the school will achieve racial and 36143
ethnic balance reflective of the community it serves; 36144

(8) Requirements for financial audits by the auditor of 36145
state. The contract shall require financial records of the school 36146
to be maintained in the same manner as are financial records of 36147
school districts, pursuant to rules of the auditor of state. 36148
Audits shall be conducted in accordance with section 117.10 of the 36149
Revised Code. 36150

(9) An addendum to the contract outlining the facilities to 36151
be used that contains at least the following information: 36152

(a) A detailed description of each facility used for 36153
instructional purposes; 36154

(b) The annual costs associated with leasing each facility 36155
that are paid by or on behalf of the school; 36156

(c) The annual mortgage principal and interest payments that 36157
are paid by the school; 36158

(d) The name of the lender or landlord, identified as such, 36159
and the lender's or landlord's relationship to the operator, if 36160
any. 36161

(10) Qualifications of teachers, including a requirement that 36162
the school's classroom teachers be licensed in accordance with 36163
sections 3319.22 to 3319.31 of the Revised Code, except that a 36164
community school may engage noncertificated persons to teach up to 36165
twelve hours per week pursuant to section 3319.301 of the Revised 36166
Code. 36167

(11) That the school will comply with the following 36168
requirements: 36169

(a) The school will provide learning opportunities to a 36170
minimum of twenty-five students for a minimum of nine hundred 36171
twenty hours per school year. 36172

(b) The governing authority will purchase liability 36173
insurance, or otherwise provide for the potential liability of the 36174
school. 36175

(c) The school will be nonsectarian in its programs, 36176
admission policies, employment practices, and all other 36177
operations, and will not be operated by a sectarian school or 36178
religious institution. 36179

(d) The school will comply with sections 9.90, 9.91, 109.65, 36180
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 36181
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 36182
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 36183
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 36184
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 36185
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 36186
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 36187
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 36188
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 36189
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 36190
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 36191
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 36192
as if it were a school district and will comply with section 36193
3301.0714 of the Revised Code in the manner specified in section 36194
3314.17 of the Revised Code. 36195

(e) The school shall comply with Chapter 102. and section 36196
2921.42 of the Revised Code. 36197

(f) The school will comply with sections 3313.61, 3313.611, 36198
and 3313.614 of the Revised Code, except that for students who 36199
enter ninth grade for the first time before July 1, 2010, the 36200

requirement in sections 3313.61 and 3313.611 of the Revised Code 36201
that a person must successfully complete the curriculum in any 36202
high school prior to receiving a high school diploma may be met by 36203
completing the curriculum adopted by the governing authority of 36204
the community school rather than the curriculum specified in Title 36205
XXXIII of the Revised Code or any rules of the state board of 36206
education. Beginning with students who enter ninth grade for the 36207
first time on or after July 1, 2010, the requirement in sections 36208
3313.61 and 3313.611 of the Revised Code that a person must 36209
successfully complete the curriculum of a high school prior to 36210
receiving a high school diploma shall be met by completing the 36211
requirements prescribed in division (C) of section 3313.603 of the 36212
Revised Code, unless the person qualifies under division (D) or 36213
(F) of that section. Each school shall comply with the plan for 36214
awarding high school credit based on demonstration of subject area 36215
competency, and beginning with the 2017-2018 school year, with the 36216
updated plan that permits students enrolled in seventh and eighth 36217
grade to meet curriculum requirements based on subject area 36218
competency adopted by the state board of education under divisions 36219
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 36220
with the 2018-2019 school year, the school shall comply with the 36221
framework for granting units of high school credit to students who 36222
demonstrate subject area competency through work-based learning 36223
experiences, internships, or cooperative education developed by 36224
the department under division (J)(3) of section 3313.603 of the 36225
Revised Code. 36226

(g) The school governing authority will submit within four 36227
months after the end of each school year a report of its 36228
activities and progress in meeting the goals and standards of 36229
divisions (A)(3) and (4) of this section and its financial status 36230
to the sponsor and the parents of all students enrolled in the 36231
school. 36232

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be

responsible for carrying out the provisions of the contract;	36263
(15) A financial plan detailing an estimated school budget	36264
for each year of the period of the contract and specifying the	36265
total estimated per pupil expenditure amount for each such year.	36266
(16) Requirements and procedures regarding the disposition of	36267
employees of the school in the event the contract is terminated or	36268
not renewed pursuant to section 3314.07 of the Revised Code;	36269
(17) Whether the school is to be created by converting all or	36270
part of an existing public school or educational service center	36271
building or is to be a new start-up school, and if it is a	36272
converted public school or service center building, specification	36273
of any duties or responsibilities of an employer that the board of	36274
education or service center governing board that operated the	36275
school or building before conversion is delegating to the	36276
governing authority of the community school with respect to all or	36277
any specified group of employees provided the delegation is not	36278
prohibited by a collective bargaining agreement applicable to such	36279
employees;	36280
(18) Provisions establishing procedures for resolving	36281
disputes or differences of opinion between the sponsor and the	36282
governing authority of the community school;	36283
(19) A provision requiring the governing authority to adopt a	36284
policy regarding the admission of students who reside outside the	36285
district in which the school is located. That policy shall comply	36286
with the admissions procedures specified in sections 3314.06 and	36287
3314.061 of the Revised Code and, at the sole discretion of the	36288
authority, shall do one of the following:	36289
(a) Prohibit the enrollment of students who reside outside	36290
the district in which the school is located;	36291
(b) Permit the enrollment of students who reside in districts	36292
adjacent to the district in which the school is located;	36293

(c) Permit the enrollment of students who reside in any other district in the state.	36294 36295
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	36296 36297 36298 36299
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	36300 36301 36302
(22) A provision recognizing both of the following:	36303
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	36304 36305 36306 36307
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	36308 36309 36310 36311 36312 36313 36314
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;	36315 36316 36317 36318 36319 36320
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not	36321 36322 36323 36324

be required to take any action described in division (F) of 36325
section 3302.04 of the Revised Code. 36326

(25) Beginning in the 2006-2007 school year, the school will 36327
open for operation not later than the thirtieth day of September 36328
each school year, unless the mission of the school as specified 36329
under division (A)(2) of this section is solely to serve dropouts. 36330
In its initial year of operation, if the school fails to open by 36331
the thirtieth day of September, or within one year after the 36332
adoption of the contract pursuant to division (D) of section 36333
3314.02 of the Revised Code if the mission of the school is solely 36334
to serve dropouts, the contract shall be void. 36335

(26) Whether the school's governing authority is planning to 36336
seek designation for the school as a STEM school equivalent under 36337
section 3326.032 of the Revised Code; 36338

(27) That the school's attendance and participation policies 36339
will be available for public inspection; 36340

(28) That the school's attendance and participation records 36341
shall be made available to the department of education, auditor of 36342
state, and school's sponsor to the extent permitted under and in 36343
accordance with the "Family Educational Rights and Privacy Act of 36344
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 36345
regulations promulgated under that act, and section 3319.321 of 36346
the Revised Code; 36347

(29) If a school operates using the blended learning model, 36348
as defined in section 3301.079 of the Revised Code, all of the 36349
following information: 36350

(a) An indication of what blended learning model or models 36351
will be used; 36352

(b) A description of how student instructional needs will be 36353
determined and documented; 36354

(c) The method to be used for determining competency,	36355
granting credit, and promoting students to a higher grade level;	36356
(d) The school's attendance requirements, including how the	36357
school will document participation in learning opportunities;	36358
(e) A statement describing how student progress will be	36359
monitored;	36360
(f) A statement describing how private student data will be	36361
protected;	36362
(g) A description of the professional development activities	36363
that will be offered to teachers.	36364
(30) A provision requiring that all moneys the school's	36365
operator loans to the school, including facilities loans or cash	36366
flow assistance, must be accounted for, documented, and bear	36367
interest at a fair market rate;	36368
(31) A provision requiring that, if the governing authority	36369
contracts with an attorney, accountant, or entity specializing in	36370
audits, the attorney, accountant, or entity shall be independent	36371
from the operator with which the school has contracted.	36372
(B) The community school shall also submit to the sponsor a	36373
comprehensive plan for the school. The plan shall specify the	36374
following:	36375
(1) The process by which the governing authority of the	36376
school will be selected in the future;	36377
(2) The management and administration of the school;	36378
(3) If the community school is a currently existing public	36379
school or educational service center building, alternative	36380
arrangements for current public school students who choose not to	36381
attend the converted school and for teachers who choose not to	36382
teach in the school or building after conversion;	36383
(4) The instructional program and educational philosophy of	36384

the school; 36385

(5) Internal financial controls. 36386

When submitting the plan under this division, the school 36387
shall also submit copies of all policies and procedures regarding 36388
internal financial controls adopted by the governing authority of 36389
the school. 36390

(C) A contract entered into under section 3314.02 of the 36391
Revised Code between a sponsor and the governing authority of a 36392
community school may provide for the community school governing 36393
authority to make payments to the sponsor, which is hereby 36394
authorized to receive such payments as set forth in the contract 36395
between the governing authority and the sponsor. The total amount 36396
of such payments for monitoring, oversight, and technical 36397
assistance of the school shall not exceed three per cent of the 36398
total amount of payments for operating expenses that the school 36399
receives from the state. 36400

(D) The contract shall specify the duties of the sponsor 36401
which shall be in accordance with the written agreement entered 36402
into with the department of education under division (B) of 36403
section 3314.015 of the Revised Code and shall include the 36404
following: 36405

(1) Monitor the community school's compliance with all laws 36406
applicable to the school and with the terms of the contract; 36407

(2) Monitor and evaluate the academic and fiscal performance 36408
and the organization and operation of the community school on at 36409
least an annual basis; 36410

(3) Report on an annual basis the results of the evaluation 36411
conducted under division (D)(2) of this section to the department 36412
of education and to the parents of students enrolled in the 36413
community school; 36414

(4) Provide technical assistance to the community school in 36415
complying with laws applicable to the school and terms of the 36416
contract; 36417

(5) Take steps to intervene in the school's operation to 36418
correct problems in the school's overall performance, declare the 36419
school to be on probationary status pursuant to section 3314.073 36420
of the Revised Code, suspend the operation of the school pursuant 36421
to section 3314.072 of the Revised Code, or terminate the contract 36422
of the school pursuant to section 3314.07 of the Revised Code as 36423
determined necessary by the sponsor; 36424

(6) Have in place a plan of action to be undertaken in the 36425
event the community school experiences financial difficulties or 36426
closes prior to the end of a school year. 36427

(E) Upon the expiration of a contract entered into under this 36428
section, the sponsor of a community school may, with the approval 36429
of the governing authority of the school, renew that contract for 36430
a period of time determined by the sponsor, but not ending earlier 36431
than the end of any school year, if the sponsor finds that the 36432
school's compliance with applicable laws and terms of the contract 36433
and the school's progress in meeting the academic goals prescribed 36434
in the contract have been satisfactory. Any contract that is 36435
renewed under this division remains subject to the provisions of 36436
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 36437

(F) If a community school fails to open for operation within 36438
one year after the contract entered into under this section is 36439
adopted pursuant to division (D) of section 3314.02 of the Revised 36440
Code or permanently closes prior to the expiration of the 36441
contract, the contract shall be void and the school shall not 36442
enter into a contract with any other sponsor. A school shall not 36443
be considered permanently closed because the operations of the 36444
school have been suspended pursuant to section 3314.072 of the 36445
Revised Code. 36446

Sec. 3314.08. (A) As used in this section:	36447
(1)(a) "Category one career-technical education student"	36448
means a student who is receiving the career-technical education	36449
services described in division (A) of section 3317.014 of the	36450
Revised Code.	36451
(b) "Category two career-technical student" means a student	36452
who is receiving the career-technical education services described	36453
in division (B) of section 3317.014 of the Revised Code.	36454
(c) "Category three career-technical student" means a student	36455
who is receiving the career-technical education services described	36456
in division (C) of section 3317.014 of the Revised Code.	36457
(d) "Category four career-technical student" means a student	36458
who is receiving the career-technical education services described	36459
in division (D) of section 3317.014 of the Revised Code.	36460
(e) "Category five career-technical education student" means	36461
a student who is receiving the career-technical education services	36462
described in division (E) of section 3317.014 of the Revised Code.	36463
(2)(a) "Category one limited English proficient student"	36464
means a limited English proficient student described in division	36465
(A) of section 3317.016 of the Revised Code.	36466
(b) "Category two limited English proficient student" means a	36467
limited English proficient student described in division (B) of	36468
section 3317.016 of the Revised Code.	36469
(c) "Category three limited English proficient student" means	36470
a limited English proficient student described in division (C) of	36471
section 3317.016 of the Revised Code.	36472
(3)(a) "Category one special education student" means a	36473
student who is receiving special education services for a	36474
disability specified in division (A) of section 3317.013 of the	36475
Revised Code.	36476

(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.	36477 36478 36479
(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.	36480 36481 36482 36483
(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.	36484 36485 36486
(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.	36487 36488 36489
(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.	36490 36491 36492
(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	36493 36494
(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	36495 36496
(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	36497 36498 36499
(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	36500 36501
(B) The state board of education shall adopt rules requiring both of the following:	36502 36503
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are	36504 36505 36506

enrolled in each grade kindergarten through twelve in a community 36507
school established under this chapter, and for each child, the 36508
community school in which the child is enrolled. 36509

(2) The governing authority of each community school 36510
established under this chapter to annually report all of the 36511
following: 36512

(a) The number of students enrolled in grades one through 36513
twelve and the full-time equivalent number of students enrolled in 36514
kindergarten in the school who are not receiving special education 36515
and related services pursuant to an IEP; 36516

(b) The number of enrolled students in grades one through 36517
twelve and the full-time equivalent number of enrolled students in 36518
kindergarten, who are receiving special education and related 36519
services pursuant to an IEP; 36520

(c) The number of students reported under division (B)(2)(b) 36521
of this section receiving special education and related services 36522
pursuant to an IEP for a disability described in each of divisions 36523
(A) to (F) of section 3317.013 of the Revised Code; 36524

(d) The full-time equivalent number of students reported 36525
under divisions (B)(2)(a) and (b) of this section who are enrolled 36526
in career-technical education programs or classes described in 36527
each of divisions (A) to (E) of section 3317.014 of the Revised 36528
Code that are provided by the community school; 36529

(e) The number of students reported under divisions (B)(2)(a) 36530
and (b) of this section who are not reported under division 36531
(B)(2)(d) of this section but who are enrolled in career-technical 36532
education programs or classes described in each of divisions (A) 36533
to (E) of section 3317.014 of the Revised Code at a joint 36534
vocational school district or another district in the 36535
career-technical planning district to which the school is 36536
assigned; 36537

(f) The number of students reported under divisions (B)(2)(a) 36538
and (b) of this section who are category one to three limited 36539
English proficient students described in each of divisions (A) to 36540
(C) of section 3317.016 of the Revised Code; 36541

(g) The number of students reported under divisions (B)(2)(a) 36542
and (b) of this section who are economically disadvantaged, as 36543
defined by the department. A student shall not be categorically 36544
excluded from the number reported under division (B)(2)(g) of this 36545
section based on anything other than family income. 36546

(h) For each student, the city, exempted village, or local 36547
school district in which the student is entitled to attend school 36548
under section 3313.64 or 3313.65 of the Revised Code. 36549

(i) The number of students enrolled in a preschool program 36550
operated by the school that is licensed by the department of 36551
education under sections 3301.52 to 3301.59 of the Revised Code 36552
who are not receiving special education and related services 36553
pursuant to an IEP. 36554

A school district board and a community school governing 36555
authority shall include in their respective reports under division 36556
(B) of this section any child admitted in accordance with division 36557
(A)(2) of section 3321.01 of the Revised Code. 36558

A governing authority of a community school shall not include 36559
in its report under divisions (B)(2)(a) to (h) of this section any 36560
student for whom tuition is charged under division (F) of this 36561
section. 36562

(C)(1) Except as provided in division (C)(2) of this section, 36563
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 36564
section, on a full-time equivalency basis, for each student 36565
enrolled in a community school established under this chapter, the 36566
department of education annually shall deduct from the state 36567
education aid of a student's resident district and, if necessary, 36568

from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

(a) An opportunity grant in an amount equal to the formula amount;

(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;

(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;

(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;

(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.

(d) If the student is in kindergarten through third grade, an additional amount of \$305, in fiscal year 2016, and \$320, in fiscal year 2017;	36599 36600 36601
(e) If the student is economically disadvantaged, an additional amount equal to the following:	36602 36603
\$272 X the resident district's economically disadvantaged index	36604 36605
(f) Limited English proficiency funds as follows:	36606
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	36607 36608 36609
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	36610 36611 36612
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	36613 36614 36615
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	36616 36617
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	36618 36619 36620
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	36621 36622 36623
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	36624 36625 36626
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section	36627 36628

3317.014 of the Revised Code; 36629

(v) If the student is a category five career-technical 36630
education student, the amount specified in division (E) of section 36631
3317.014 of the Revised Code. 36632

Deduction and payment of funds under division (C)(1)(g) of 36633
this section is subject to approval by the lead district of a 36634
career-technical planning district or the department of education 36635
under section 3317.161 of the Revised Code. 36636

(2) When deducting from the state education aid of a 36637
student's resident district for students enrolled in an internet- 36638
or computer-based community school and making payments to such 36639
school under this section, the department shall make the 36640
deductions and payments described in only divisions (C)(1)(a), 36641
(c), and (g) of this section. 36642

No deductions or payments shall be made for a student 36643
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 36644
of this section. 36645

(3)(a) If a community school's costs for a fiscal year for a 36646
student receiving special education and related services pursuant 36647
to an IEP for a disability described in divisions (B) to (F) of 36648
section 3317.013 of the Revised Code exceed the threshold 36649
catastrophic cost for serving the student as specified in division 36650
(B) of section 3317.0214 of the Revised Code, the school may 36651
submit to the superintendent of public instruction documentation, 36652
as prescribed by the superintendent, of all its costs for that 36653
student. Upon submission of documentation for a student of the 36654
type and in the manner prescribed, the department shall pay to the 36655
community school an amount equal to the school's costs for the 36656
student in excess of the threshold catastrophic costs. 36657

(b) The community school shall report under division 36658
(C)(3)(a) of this section, and the department shall pay for, only 36659

the costs of educational expenses and the related services 36660
provided to the student in accordance with the student's 36661
individualized education program. Any legal fees, court costs, or 36662
other costs associated with any cause of action relating to the 36663
student may not be included in the amount. 36664

(4) In any fiscal year, a community school receiving funds 36665
under division (C)(1)(g) of this section shall spend those funds 36666
only for the purposes that the department designates as approved 36667
for career-technical education expenses. Career-technical 36668
education expenses approved by the department shall include only 36669
expenses connected to the delivery of career-technical programming 36670
to career-technical students. The department shall require the 36671
school to report data annually so that the department may monitor 36672
the school's compliance with the requirements regarding the manner 36673
in which funding received under division (C)(1)(g) of this section 36674
may be spent. 36675

(5) Notwithstanding anything to the contrary in section 36676
3313.90 of the Revised Code, except as provided in division (C)(9) 36677
of this section, all funds received under division (C)(1)(g) of 36678
this section shall be spent in the following manner: 36679

(a) At least seventy-five per cent of the funds shall be 36680
spent on curriculum development, purchase, and implementation; 36681
instructional resources and supplies; industry-based program 36682
certification; student assessment, credentialing, and placement; 36683
curriculum specific equipment purchases and leases; 36684
career-technical student organization fees and expenses; home and 36685
agency linkages; work-based learning experiences; professional 36686
development; and other costs directly associated with 36687
career-technical education programs including development of new 36688
programs. 36689

(b) Not more than twenty-five per cent of the funds shall be 36690
used for personnel expenditures. 36691

(6) A community school shall spend the funds it receives 36692
under division (C)(1)(e) of this section in accordance with 36693
section 3317.25 of the Revised Code. 36694

(7) If the sum of the payments computed under divisions 36695
(C)(1) and (8)(a) of this section for the students entitled to 36696
attend school in a particular school district under sections 36697
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 36698
district's state education aid and its payment under sections 36699
321.24 and 323.156 of the Revised Code, the department shall 36700
calculate and apply a proration factor to the payments to all 36701
community schools under that division for the students entitled to 36702
attend school in that district. 36703

(8)(a) Subject to division (C)(7) of this section, the 36704
department annually shall pay to each community school, including 36705
each internet- or computer-based community school, an amount equal 36706
to the following: 36707

(The number of students reported by the community school 36708
under division (B)(2)(e) of this section X the formula amount X 36709
.20) 36710

(b) For each payment made to a community school under 36711
division (C)(8)(a) of this section, the department shall deduct 36712
from the state education aid of each city, local, and exempted 36713
village school district and, if necessary, from the payment made 36714
to the district under sections 321.24 and 323.156 of the Revised 36715
Code an amount equal to the following: 36716

(The number of the district's students reported by the 36717
community school under division (B)(2)(e) of this section X the 36718
formula amount X .20) 36719

(9) The department may waive the requirement in division 36720
(C)(5) of this section for any community school that exclusively 36721
provides one or more career-technical workforce development 36722

programs in arts and communications that are not 36723
equipment-intensive, as determined by the department. 36724

(D) A board of education sponsoring a community school may 36725
utilize local funds to make enhancement grants to the school or 36726
may agree, either as part of the contract or separately, to 36727
provide any specific services to the community school at no cost 36728
to the school. 36729

(E) A community school may not levy taxes or issue bonds 36730
secured by tax revenues. 36731

(F) No community school shall charge tuition for the 36732
enrollment of any student who is a resident of this state. A 36733
community school may charge tuition for the enrollment of any 36734
student who is not a resident of this state. 36735

(G)(1)(a) A community school may borrow money to pay any 36736
necessary and actual expenses of the school in anticipation of the 36737
receipt of any portion of the payments to be received by the 36738
school pursuant to division (C) of this section. The school may 36739
issue notes to evidence such borrowing. The proceeds of the notes 36740
shall be used only for the purposes for which the anticipated 36741
receipts may be lawfully expended by the school. 36742

(b) A school may also borrow money for a term not to exceed 36743
fifteen years for the purpose of acquiring facilities. 36744

(2) Except for any amount guaranteed under section 3318.50 of 36745
the Revised Code, the state is not liable for debt incurred by the 36746
governing authority of a community school. 36747

(H) The department of education shall adjust the amounts 36748
subtracted and paid under division (C) of this section to reflect 36749
any enrollment of students in community schools for less than the 36750
equivalent of a full school year. The state board of education 36751
within ninety days after April 8, 2003, shall adopt in accordance 36752
with Chapter 119. of the Revised Code rules governing the payments 36753

to community schools under this section including initial payments 36754
in a school year and adjustments and reductions made in subsequent 36755
periodic payments to community schools and corresponding 36756
deductions from school district accounts as provided under 36757
division (C) of this section. For purposes of this section: 36758

(1) A student shall be considered enrolled in the community 36759
school for any portion of the school year the student is 36760
participating at a college under Chapter 3365. of the Revised 36761
Code. 36762

(2) A student shall be considered to be enrolled in a 36763
community school for the period of time beginning on the later of 36764
the date on which the school both has received documentation of 36765
the student's enrollment from a parent and the student has 36766
commenced participation in learning opportunities as defined in 36767
the contract with the sponsor, or thirty days prior to the date on 36768
which the student is entered into the education management 36769
information system established under section 3301.0714 of the 36770
Revised Code. For purposes of applying this division and divisions 36771
(H)(3) and (4) of this section to a community school student, 36772
"learning opportunities" shall be defined in the contract, which 36773
shall describe both classroom-based and non-classroom-based 36774
learning opportunities and shall be in compliance with criteria 36775
and documentation requirements for student participation which 36776
shall be established by the department. Any student's instruction 36777
time in non-classroom-based learning opportunities shall be 36778
certified by an employee of the community school. A student's 36779
enrollment shall be considered to cease on the date on which any 36780
of the following occur: 36781

(a) The community school receives documentation from a parent 36782
terminating enrollment of the student. 36783

(b) The community school is provided documentation of a 36784
student's enrollment in another public or private school. 36785

(c) The community school ceases to offer learning 36786
opportunities to the student pursuant to the terms of the contract 36787
with the sponsor or the operation of any provision of this 36788
chapter. 36789

Except as otherwise specified in this paragraph, beginning in 36790
the 2011-2012 school year, any student who completed the prior 36791
school year in an internet- or computer-based community school 36792
shall be considered to be enrolled in the same school in the 36793
subsequent school year until the student's enrollment has ceased 36794
as specified in division (H)(2) of this section. The department 36795
shall continue subtracting and paying amounts for the student 36796
under division (C) of this section without interruption at the 36797
start of the subsequent school year. However, if the student 36798
without a legitimate excuse fails to participate in the first one 36799
hundred five consecutive hours of learning opportunities offered 36800
to the student in that subsequent school year, the student shall 36801
be considered not to have re-enrolled in the school for that 36802
school year and the department shall recalculate the payments to 36803
the school for that school year to account for the fact that the 36804
student is not enrolled. 36805

(3) The department shall determine each community school 36806
student's percentage of full-time equivalency based on the 36807
percentage of learning opportunities offered by the community 36808
school to that student, reported either as number of hours or 36809
number of days, is of the total learning opportunities offered by 36810
the community school to a student who attends for the school's 36811
entire school year. However, no internet- or computer-based 36812
community school shall be credited for any time a student spends 36813
participating in learning opportunities beyond ten hours within 36814
any period of twenty-four consecutive hours. Whether it reports 36815
hours or days of learning opportunities, each community school 36816
shall offer not less than nine hundred twenty hours of learning 36817

opportunities during the school year. 36818

(4) With respect to the calculation of full-time equivalency 36819
under division (H)(3) of this section, the department shall waive 36820
the number of hours or days of learning opportunities not offered 36821
to a student because the community school was closed during the 36822
school year due to disease epidemic, hazardous weather conditions, 36823
law enforcement emergencies, inoperability of school buses or 36824
other equipment necessary to the school's operation, damage to a 36825
school building, or other temporary circumstances due to utility 36826
failure rendering the school building unfit for school use, so 36827
long as the school was actually open for instruction with students 36828
in attendance during that school year for not less than the 36829
minimum number of hours required by this chapter. The department 36830
shall treat the school as if it were open for instruction with 36831
students in attendance during the hours or days waived under this 36832
division. 36833

(I) The department of education shall reduce the amounts paid 36834
under this section to reflect payments made to colleges under 36835
section 3365.07 of the Revised Code. 36836

(J)(1) No student shall be considered enrolled in any 36837
internet- or computer-based community school or, if applicable to 36838
the student, in any community school that is required to provide 36839
the student with a computer pursuant to division (C) of section 36840
3314.22 of the Revised Code, unless both of the following 36841
conditions are satisfied: 36842

(a) The student possesses or has been provided with all 36843
required hardware and software materials and all such materials 36844
are operational so that the student is capable of fully 36845
participating in the learning opportunities specified in the 36846
contract between the school and the school's sponsor as required 36847
by division (A)(23) of section 3314.03 of the Revised Code; 36848

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student. 36849
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(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor. 36851
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The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section. 36861
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The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools. 36865
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(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons: 36869
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(a) The department and the community school mutually agree to the extension. 36876
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(b) Delays in data submission caused by either a community school or its sponsor. 36878
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(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school

during the previous school year when assessments were administered 36910
under section 3301.0711 of the Revised Code but did not take one 36911
or more of the assessments required by that section and was not 36912
excused pursuant to division (C)(1) or (3) of that section, unless 36913
the superintendent of public instruction grants the student a 36914
waiver from the requirement to take the assessment and a parent is 36915
not paying tuition for the student pursuant to section 3314.26 of 36916
the Revised Code. The superintendent may grant a waiver only for 36917
good cause in accordance with rules adopted by the state board of 36918
education. 36919

(4) Any student who has attained the age of twenty-two years, 36920
except for veterans of the armed services whose attendance was 36921
interrupted before completing the recognized twelve-year course of 36922
the public schools by reason of induction or enlistment in the 36923
armed forces and who apply for enrollment in a community school 36924
not later than four years after termination of war or their 36925
honorable discharge. If, however, any such veteran elects to 36926
enroll in special courses organized for veterans for whom tuition 36927
is paid under federal law, or otherwise, the department shall not 36928
subtract from a school district's state aid account and shall not 36929
pay to a community school under division (C) of this section any 36930
amount for that veteran. 36931

Sec. 3314.104. As used in this section, "teacher" has the 36932
same meaning as in section 3319.09 of the Revised Code, except 36933
that it does not include a principal, supervisor, superintendent, 36934
or other school administrator. 36935

The governing authority of a community school may enter into 36936
an agreement with any teacher it employs under which the governing 36937
authority provides to the teacher early retirement incentives, 36938
severance pay, or both, in return for an agreement to retire from 36939
the teacher's position, only if the governing authority determines 36940

that the agreement is financially sound. 36941

Notwithstanding division (A) of section 4117.10 of the 36942
Revised Code, this section prevails over any collective bargaining 36943
agreement entered into under Chapter 4117. of the Revised Code on 36944
or after the effective date of this section. 36945

Sec. 3316.20. (A)(1) The school district solvency assistance 36946
fund is hereby created in the state treasury, to consist of such 36947
amounts designated for the purposes of the fund by the general 36948
assembly. The fund shall be used to provide assistance and grants 36949
to school districts to enable them to remain solvent and to pay 36950
unforeseeable expenses of a temporary or emergency nature that 36951
they are unable to pay from existing resources. 36952

(2) There is hereby created within the fund an account known 36953
as the school district shared resource account, which shall 36954
consist of money appropriated to it by the general assembly. The 36955
money in the account shall be used solely for solvency assistance 36956
to school districts that have been declared under division (B) of 36957
section 3316.03 of the Revised Code to be in a state of fiscal 36958
emergency. 36959

(3) There is hereby created within the fund an account known 36960
as the catastrophic expenditures account, which shall consist of 36961
money appropriated to the account by the general assembly plus all 36962
investment earnings of the fund. Money in the account shall be 36963
used solely for the following: 36964

(a) Solvency assistance to school districts that have been 36965
declared under division (B) of section 3316.03 of the Revised Code 36966
to be in a state of fiscal emergency, in the event that all money 36967
in the shared resource account is utilized for solvency 36968
assistance; 36969

(b) Grants to school districts under division (C) of this 36970

section. 36971

(B) Solvency assistance payments under division (A)(2) or 36972
(3)(a) of this section shall be made from the fund by the 36973
superintendent of public instruction in accordance with rules 36974
adopted by the director of budget and management, after consulting 36975
with the superintendent, specifying approval criteria and 36976
procedures necessary for administering the fund. 36977

The fund shall be reimbursed for any solvency assistance 36978
amounts paid under division (A)(2) or (3)(a) of this section not 36979
later than the end of the second fiscal year following the fiscal 36980
year in which the solvency assistance payment was made, except 36981
that, upon the approval of the director of budget and management 36982
and the superintendent of public instruction, the fund may be 36983
reimbursed in another fiscal year designated by the director and 36984
superintendent that is not later than the end of the tenth fiscal 36985
year following the fiscal year in which the solvency assistance 36986
payment was made. If not made directly by the school district, 36987
such reimbursement shall be made by the director of budget and 36988
management from the amounts the school district would otherwise 36989
receive pursuant to Chapter 3317. of the Revised Code, or from any 36990
other funds appropriated for the district by the general assembly. 36991
Reimbursements shall be credited to the respective account from 36992
which the solvency assistance paid to the district was deducted. 36993

(C) The superintendent of public instruction may make 36994
recommendations, and the controlling board may grant money from 36995
the catastrophic expenditures account to any school district that 36996
suffers an unforeseen catastrophic event that severely depletes 36997
the district's financial resources. The superintendent shall make 36998
recommendations for the grants in accordance with rules adopted by 36999
the director of budget and management, after consulting with the 37000
superintendent. A school district shall not be required to repay 37001
any grant awarded to the district under this division, unless the 37002

district receives money from this state or a third party, 37003
including an agency of the government of the United States, 37004
specifically for the purpose of compensating the district for 37005
revenue lost or expenses incurred as a result of the unforeseen 37006
catastrophic event. If a school district receives a grant from the 37007
catastrophic expenditures account on the basis of the same 37008
circumstances for which an adjustment or recomputation is 37009
authorized under section 3317.025, ~~3317.026~~, ~~3317.027~~, 3317.028, 37010
3317.0210, or 3317.0211 of the Revised Code, the department of 37011
education shall reduce the adjustment or recomputation by an 37012
amount not to exceed the total amount of the grant, and an amount 37013
equal to the reduction shall be transferred, from the funding 37014
source from which the adjustment or recomputation would be paid, 37015
to the catastrophic expenditures account. Any adjustment or 37016
recomputation under such sections that is in excess of the total 37017
amount of the grant shall be paid to the school district. 37018

Sec. 3317.01. As used in this section, "school district," 37019
unless otherwise specified, means any city, local, exempted 37020
village, joint vocational, or cooperative education school 37021
district and any educational service center. 37022

This chapter shall be administered by the state board of 37023
education. The superintendent of public instruction shall 37024
calculate the amounts payable to each school district and shall 37025
certify the amounts payable to each eligible district to the 37026
treasurer of the district as provided by this chapter. As soon as 37027
possible after such amounts are calculated, the superintendent 37028
shall certify to the treasurer of each school district the 37029
district's adjusted charge-off increase, as defined in section 37030
5705.211 of the Revised Code. Certification of moneys pursuant to 37031
this section shall include the amounts payable to each school 37032
building, at a frequency determined by the superintendent, for 37033
each subgroup of students, as defined in section 3317.40 of the 37034

Revised Code, receiving services, provided for by state funding, 37035
from the district or school. No moneys shall be distributed 37036
pursuant to this chapter without the approval of the controlling 37037
board. 37038

The state board of education shall, in accordance with 37039
appropriations made by the general assembly, meet the financial 37040
obligations of this chapter. 37041

Moneys distributed to school districts pursuant to this 37042
chapter shall be calculated based on the annual enrollment 37043
calculated from the three reports required under sections 3317.03 37044
and 3317.036 of the Revised Code and paid on a fiscal year basis, 37045
beginning with the first day of July and extending through the 37046
thirtieth day of June. In any given fiscal year, prior to school 37047
districts submitting the first report required under section 37048
3317.03 of the Revised Code, enrollment for the districts shall be 37049
calculated based on the third report submitted by the districts 37050
for the previous fiscal year. The moneys appropriated for each 37051
fiscal year shall be distributed periodically to each school 37052
district unless otherwise provided for. The state board, in June 37053
of each year, shall submit to the controlling board the state 37054
board's year-end distributions pursuant to this chapter. 37055

Except as otherwise provided, payments under this chapter 37056
shall be made only to those school districts in which: 37057

(A) The school district, except for any educational service 37058
center and any joint vocational or cooperative education school 37059
district, levies for current operating expenses at least twenty 37060
mills. Levies for joint vocational or cooperative education school 37061
districts or county school financing districts, limited to or to 37062
the extent apportioned to current expenses, shall be included in 37063
this qualification requirement. School district income tax levies 37064
under Chapter 5748. of the Revised Code, limited to or to the 37065
extent apportioned to current operating expenses, shall be 37066

included in this qualification requirement to the extent 37067
determined by the tax commissioner under division ~~(D)~~(C) of 37068
section 3317.021 of the Revised Code. 37069

(B) The school year next preceding the fiscal year for which 37070
such payments are authorized meets the requirement of section 37071
3313.48 of the Revised Code, with regard to the minimum number of 37072
hours school must be open for instruction with pupils in 37073
attendance, for individualized parent-teacher conference and 37074
reporting periods, and for professional meetings of teachers. 37075

A school district shall not be considered to have failed to 37076
comply with this division because schools were open for 37077
instruction but either twelfth grade students were excused from 37078
attendance for up to the equivalent of three school days or only a 37079
portion of the kindergarten students were in attendance for up to 37080
the equivalent of three school days in order to allow for the 37081
gradual orientation to school of such students. 37082

A board of education or governing board of an educational 37083
service center which has not conformed with other law and the 37084
rules pursuant thereto, shall not participate in the distribution 37085
of funds authorized by this chapter, except for good and 37086
sufficient reason established to the satisfaction of the state 37087
board of education and the state controlling board. 37088

All funds allocated to school districts under this chapter, 37089
except those specifically allocated for other purposes, shall be 37090
used to pay current operating expenses only. 37091

Sec. 3317.013. The amounts for the following categories of 37092
special education programs, as these programs are defined for 37093
purposes of Chapter 3323. of the Revised Code, are as follows: 37094

(A) An amount of ~~\$1,547, in fiscal year 2016, or \$1,578, in~~ 37095
~~fiscal year 2017,~~ for each student whose primary or only 37096

identified disability is a speech and language disability, as this 37097
term is defined pursuant to Chapter 3323. of the Revised Code; 37098

(B) An amount of ~~\$3,926, in fiscal year 2016, or \$4,005, in~~ 37099
~~fiscal year 2017,~~ for each student identified as specific learning 37100
disabled or developmentally disabled, as these terms are defined 37101
pursuant to Chapter 3323. of the Revised Code, identified as 37102
having an other health impairment-minor, or identified as a 37103
preschool child who is developmentally delayed; 37104

(C) An amount of ~~\$9,433, in fiscal year 2016, or \$9,622, in~~ 37105
~~fiscal year 2017,~~ for each student identified as hearing disabled 37106
or severe behavior disabled, as these terms are defined pursuant 37107
to Chapter 3323. of the Revised Code; 37108

(D) An amount of ~~\$12,589, in fiscal year 2016, or \$12,841, in~~ 37109
~~fiscal year 2017,~~ for each student identified as vision impaired, 37110
as this term is defined pursuant to Chapter 3323. of the Revised 37111
Code, or as having an other health impairment-major; 37112

(E) An amount of ~~\$17,049, in fiscal year 2016, or \$17,390, in~~ 37113
~~fiscal year 2017,~~ for each student identified as orthopedically 37114
disabled or as having multiple disabilities, as these terms are 37115
defined pursuant to Chapter 3323. of the Revised Code; 37116

(F) An amount of ~~\$25,134, in fiscal year 2016, or \$25,637, in~~ 37117
~~fiscal year 2017,~~ for each student identified as autistic, having 37118
traumatic brain injuries, or as both visually and hearing 37119
impaired, as these terms are defined pursuant to Chapter 3323. of 37120
the Revised Code. 37121

Sec. 3317.014. The career-technical education additional 37122
amount per pupil for each student enrolled in career-technical 37123
education programs approved by the department of education under 37124
section 3317.161 of the Revised Code shall be as follows: 37125

(A) An amount of ~~\$4,992, in fiscal year 2016, or \$5,192, in~~ 37126

~~fiscal year 2017~~, for each student enrolled in career-technical 37127
education workforce development programs in agricultural and 37128
environmental systems, construction technologies, engineering and 37129
science technologies, finance, health science, information 37130
technology, and manufacturing technologies, each of which shall be 37131
defined by the department in consultation with the governor's 37132
office of workforce transformation; 37133

(B) An amount of ~~\$4,732, in fiscal year 2016, or \$4,921, in~~ 37134
~~fiscal year 2017~~, for each student enrolled in workforce 37135
development programs in business and administration, hospitality 37136
and tourism, human services, law and public safety, transportation 37137
systems, and arts and communications, each of which shall be 37138
defined by the department in consultation with the governor's 37139
office of workforce transformation; 37140

(C) An amount of ~~\$1,726, in fiscal year 2016, or \$1,795, in~~ 37141
~~fiscal year 2017~~, for students enrolled in career-based 37142
intervention programs, which shall be defined by the department in 37143
consultation with the governor's office of workforce 37144
transformation; 37145

(D) An amount of ~~\$1,466, in fiscal year 2016, or \$1,525, in~~ 37146
~~fiscal year 2017~~, for students enrolled in workforce development 37147
programs in education and training, marketing, workforce 37148
development academics, public administration, and career 37149
development, each of which shall be defined by the department of 37150
education in consultation with the governor's office of workforce 37151
transformation; 37152

(E) An amount of ~~\$1,258, in fiscal year 2016, or \$1,308, in~~ 37153
~~fiscal year 2017~~, for students enrolled in family and consumer 37154
science programs, which shall be defined by the department of 37155
education in consultation with the governor's office of workforce 37156
transformation. 37157

The amount for career-technical education associated 37158
services, as defined by the department, shall be ~~\$236, in fiscal~~ 37159
~~year 2016, or \$245, in fiscal year 2017.~~ 37160

Sec. 3317.017. The department of education shall compute a 37161
school district's state share index as follows: 37162

(A) Calculate the district's valuation index, which equals 37163
the following quotient: 37164

(The district's three-year average valuation / the district's 37165
total ADM) / (the statewide three-year average valuation for 37166
school districts with a total ADM greater than zero / the 37167
statewide total ADM) 37168

(B)(1) Calculate the district's median income index, which 37169
equals the following quotient: 37170

(The district's median Ohio adjusted gross income / the 37171
median of the median Ohio adjusted gross income of all districts 37172
statewide with a total ADM greater than zero) 37173

(2) Calculate the district's income index, which equals the 37174
following sum: 37175

(The district's median income index X 0.5) + {[the three-year 37176
average federal adjusted gross income of the school district's 37177
residents / the district's formula ADM for fiscal year 2017] / 37178
(the three-year average federal adjusted gross income of all 37179
districts statewide with a formula ADM for fiscal year 2017 37180
greater than zero / the statewide formula ADM for fiscal year 37181
2017)] X 0.5} 37182

(C) Determine the district's wealth index as follows: 37183

(1) If the district's income index is less than the 37184
district's valuation index and the district's median income index 37185
is less than or equal to 1.5, then the district's wealth index 37186
shall be equal to [(0.4 X the district's income index) + (0.6 X 37187

the district's valuation index)]. 37188

(2) If the district's income index does not meet both of the 37189
conditions described in division (C)(1) of this section, then the 37190
district's wealth index shall be equal to the district's valuation 37191
index. 37192

(D) Determine the district's state share index as follows: 37193

(1) If the district's wealth index is less than or equal to 37194
0.35, then the district's state share index shall be equal to 37195
0.90. 37196

(2) If the district's wealth index is greater than 0.35 but 37197
less than or equal to 0.90, then the district's state share index 37198
shall be equal to $\{0.40 \times [(0.90 - \text{the district's wealth index}) /$ 37199
 $0.55]\} + 0.50$. 37200

(3) If the district's wealth index is greater than 0.90 but 37201
less than 1.8, then the district's state share index shall be 37202
equal to $\{0.45 \times [(1.8 - \text{the district's wealth index}) / 0.9]\} +$ 37203
0.05. 37204

(4) If the district's wealth index is greater than or equal 37205
to 1.8, then the district's state share index shall be equal to 37206
0.05. 37207

(E)(1) For each school district for which the tax-exempt 37208
value of the district, as certified under division (A)(4) of 37209
section 3317.021 of the Revised Code, equals or exceeds thirty per 37210
cent of the potential value of the district, the department shall 37211
calculate the difference between the district's tax-exempt value 37212
and thirty per cent of the district's potential value. For this 37213
purpose, the "potential value" of a school district is the 37214
three-year average valuation of the district plus the tax-exempt 37215
value of the district. 37216

(2) For each school district to which division (E)(1) of this 37217

section applies, the department shall adjust the district's 37218
three-year average valuation used in the calculation under 37219
division (A) of this section by subtracting from it the amount 37220
calculated under division (E)(1) of this section. The department 37221
shall not, however, make any adjustments to the statewide 37222
three-year average valuation used in the calculation under 37223
division (A) of this section. 37224

(F)(1) For purposes of division (F) of this section, an 37225
"eligible school district" is a school district that satisfies all 37226
of the following: 37227

(a) The total taxable value of public utility personal 37228
property in the district is at least ten per cent of the 37229
district's total taxable value for tax year 2015. 37230

(b) The total taxable value of public utility personal 37231
property in the district for tax year 2016 is at least ten per 37232
cent less than the total taxable value of public utility property 37233
in the district for tax year 2015. 37234

(c) The total taxable value of power plants in the district 37235
for tax year 2016 is at least ten per cent less than the total 37236
taxable value of power plants in the district for tax year 2015. 37237

(2) Notwithstanding divisions (A) to (E) of this section, the 37238
department shall compute each eligible school district's state 37239
share index as follows: 37240

(a) Calculate the district's valuation index in accordance 37241
with division (A) of this section, except that, if the district's 37242
total taxable value for tax year 2016 is less than the district's 37243
"three-year average valuation," the district's "three-year average 37244
valuation" shall be replaced in that calculation with the 37245
district's total taxable value for tax year 2016; 37246

(b) Calculate the district's median income index and income 37247
index in accordance with division (B) of this section; 37248

(c) Determine the district's wealth index in accordance with division (C) of this section using the district's valuation index, median income index, and income index as calculated under divisions (F)(2)(a) and (b) of this section; 37249
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(d) Determine the district's state share index in accordance with division (D) of this section using the district's wealth index as determined under division (F)(2)(c) of this section. 37253
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(G) When performing the calculations required under this section, the department shall not round to fewer than four decimal places. 37256
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For purposes of these calculations for fiscal years ~~2016~~ 2018 and ~~2017~~ 2019, "total ADM" means the total ADM for fiscal year ~~2015~~ 2017; "median Ohio adjusted gross income" means the median Ohio adjusted gross income, as that term is defined in section 5747.01 of the Revised Code, for tax year ~~2013~~ 2015; "three-year average federal adjusted gross income" means the average of the federal adjusted gross income for tax years ~~2011~~ 2013, ~~2012~~ 2014, and ~~2013~~ 2015 as reported under section 3317.021 of the Revised Code; and "tax-exempt value" means the tax-exempt value for tax year ~~2014~~ 2016. 37259
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Sec. 3317.02. As used in this chapter: 37269

(A)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. 37270
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(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described 37276
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in division (B) of section 3317.014 of the Revised Code and 37279
certified under division (B)(12) or (D)(2)(i) of section 3317.03 37280
of the Revised Code. 37281

(3) "Category three career-technical education ADM" means the 37282
enrollment of students during the school year on a full-time 37283
equivalency basis in career-technical education programs described 37284
in division (C) of section 3317.014 of the Revised Code and 37285
certified under division (B)(13) or (D)(2)(j) of section 3317.03 37286
of the Revised Code. 37287

(4) "Category four career-technical education ADM" means the 37288
enrollment of students during the school year on a full-time 37289
equivalency basis in career-technical education programs described 37290
in division (D) of section 3317.014 of the Revised Code and 37291
certified under division (B)(14) or (D)(2)(k) of section 3317.03 37292
of the Revised Code. 37293

(5) "Category five career-technical education ADM" means the 37294
enrollment of students during the school year on a full-time 37295
equivalency basis in career-technical education programs described 37296
in division (E) of section 3317.014 of the Revised Code and 37297
certified under division (B)(15) or (D)(2)(l) of section 3317.03 37298
of the Revised Code. 37299

(B)(1) "Category one limited English proficient ADM" means 37300
the full-time equivalent number of limited English proficient 37301
students described in division (A) of section 3317.016 of the 37302
Revised Code and certified under division (B)(16) or (D)(2)(m) of 37303
section 3317.03 of the Revised Code. 37304

(2) "Category two limited English proficient ADM" means the 37305
full-time equivalent number of limited English proficient students 37306
described in division (B) of section 3317.016 of the Revised Code 37307
and certified under division (B)(17) or (D)(2)(n) of section 37308
3317.03 of the Revised Code. 37309

(3) "Category three limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (C) of section 3317.016 of the Revised Code and certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code.

(C)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code.

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013

of the Revised Code and certified under division (B)(9) or 37341
(D)(2)(f) of section 3317.03 of the Revised Code. 37342

(6) "Category six special education ADM" means the full-time 37343
equivalent number of students receiving special education services 37344
for the disabilities specified in division (F) of section 3317.013 37345
of the Revised Code and certified under division (B)(10) or 37346
(D)(2)(g) of section 3317.03 of the Revised Code. 37347

(D) "Economically disadvantaged index for a school district" 37348
means the square of the quotient of that district's percentage of 37349
students in its total ADM who are identified as economically 37350
disadvantaged as defined by the department of education, divided 37351
by the percentage of students in the statewide total ADM 37352
identified as economically disadvantaged. For purposes of this 37353
calculation: 37354

(1) For a city, local, or exempted village school district, 37355
the "statewide total ADM" equals the sum of the total ADM for all 37356
city, local, and exempted village school districts combined. 37357

(2) For a joint vocational school district, the "statewide 37358
total ADM" equals the sum of the formula ADM for all joint 37359
vocational school districts combined. 37360

(E)(1) "Formula ADM" means, for a city, local, or exempted 37361
village school district, the enrollment reported under division 37362
(A) of section 3317.03 of the Revised Code, as verified by the 37363
superintendent of public instruction and adjusted if so ordered 37364
under division (K) of that section, and as further adjusted by the 37365
department of education, as follows: 37366

(a) Count only twenty per cent of the number of joint 37367
vocational school district students counted under division (A)(3) 37368
of section 3317.03 of the Revised Code; 37369

(b) Add twenty per cent of the number of students who are 37370
entitled to attend school in the district under section 3313.64 or 37371

3313.65 of the Revised Code and are enrolled in another school 37372
district under a career-technical education compact. 37373

(2) "Formula ADM" means, for a joint vocational school 37374
district, the final number verified by the superintendent of 37375
public instruction, based on the enrollment reported and certified 37376
under division (D) of section 3317.03 of the Revised Code, as 37377
adjusted, if so ordered, under division (K) of that section. 37378

(F) "Formula amount" means ~~\$5,900, for fiscal year 2016, and~~ 37379
~~\$6,000, for fiscal year 2017~~ \$6,020. 37380

(G) "FTE basis" means a count of students based on full-time 37381
equivalency, in accordance with rules adopted by the department of 37382
education pursuant to section 3317.03 of the Revised Code. In 37383
adopting its rules under this division, the department shall 37384
provide for counting any student in category one, two, three, 37385
four, five, or six special education ADM or in category one, two, 37386
three, four, or five career-technical education ADM in the same 37387
proportion the student is counted in formula ADM. 37388

(H) "Internet- or computer-based community school" has the 37389
same meaning as in section 3314.02 of the Revised Code. 37390

(I) "Medically fragile child" means a child to whom all of 37391
the following apply: 37392

(1) The child requires the services of a doctor of medicine 37393
or osteopathic medicine at least once a week due to the 37394
instability of the child's medical condition. 37395

(2) The child requires the services of a registered nurse on 37396
a daily basis. 37397

(3) The child is at risk of institutionalization in a 37398
hospital, skilled nursing facility, or intermediate care facility 37399
for individuals with intellectual disabilities. 37400

(J)(1) A child may be identified as having an "other health 37401

impairment-major" if the child's condition meets the definition of 37402
"other health impaired" established in rules previously adopted by 37403
the state board of education and if either of the following apply: 37404

(a) The child is identified as having a medical condition 37405
that is among those listed by the superintendent of public 37406
instruction as conditions where a substantial majority of cases 37407
fall within the definition of "medically fragile child." 37408

(b) The child is determined by the superintendent of public 37409
instruction to be a medically fragile child. A school district 37410
superintendent may petition the superintendent of public 37411
instruction for a determination that a child is a medically 37412
fragile child. 37413

(2) A child may be identified as having an "other health 37414
impairment-minor" if the child's condition meets the definition of 37415
"other health impaired" established in rules previously adopted by 37416
the state board of education but the child's condition does not 37417
meet either of the conditions specified in division ~~(K)~~(J)(1)(a) 37418
or (b) of this section. 37419

(K) "Preschool child with a disability" means a child with a 37420
disability, as defined in section 3323.01 of the Revised Code, who 37421
is at least age three but is not of compulsory school age, as 37422
defined in section 3321.01 of the Revised Code, and who is not 37423
currently enrolled in kindergarten. 37424

(L) "Preschool scholarship ADM" means the number of preschool 37425
children with disabilities certified under division (B)(3)(h) of 37426
section 3317.03 of the Revised Code. 37427

(M) "Related services" includes: 37428

(1) Child study, special education supervisors and 37429
coordinators, speech and hearing services, adaptive physical 37430
development services, occupational or physical therapy, teacher 37431
assistants for children with disabilities whose disabilities are 37432

described in division (B) of section 3317.013 or division (B)(3)	37433
of this section, behavioral intervention, interpreter services,	37434
work study, nursing services, and specialized integrative services	37435
as those terms are defined by the department;	37436
(2) Speech and language services provided to any student with	37437
a disability, including any student whose primary or only	37438
disability is a speech and language disability;	37439
(3) Any related service not specifically covered by other	37440
state funds but specified in federal law, including but not	37441
limited to, audiology and school psychological services;	37442
(4) Any service included in units funded under former	37443
division (O)(1) of section 3317.024 of the Revised Code;	37444
(5) Any other related service needed by children with	37445
disabilities in accordance with their individualized education	37446
programs.	37447
(N) "School district," unless otherwise specified, means	37448
city, local, and exempted village school districts.	37449
(O) "State education aid" has the same meaning as in section	37450
5751.20 of the Revised Code.	37451
(P) "State share index" means the state share index	37452
calculated for a district under section 3317.017 of the Revised	37453
Code.	37454
(Q) "Taxes charged and payable" means the taxes charged and	37455
payable against real and public utility property after making the	37456
reduction required by section 319.301 of the Revised Code, plus	37457
the taxes levied against tangible personal property.	37458
(R)(1) For purposes of section 3317.017 of the Revised Code,	37459
"three-year average valuation" means the average of total taxable	37460
value for tax years 2012 <u>2014</u> , 2013 <u>2015</u> , and 2014 <u>2016</u> .	37461
(2) For purposes of section 3317.018 of the Revised Code,	37462

~~"three year average valuation" means the following:~~ 37463

~~(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015:~~ 37464
37465

~~(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.~~ 37466
37467

~~(3) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:~~ 37468
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37470

(a) For fiscal year ~~2016~~ 2018, the average of total taxable value for tax years ~~2012~~ 2014, ~~2013~~ 2015, and ~~2014~~ 2016; 37471
37472

(b) For fiscal year ~~2017~~ 2019, the average of total taxable value for tax years ~~2013~~ 2015, ~~2014~~ 2016, and ~~2015~~ 2017. 37473
37474

(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section. 37475
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(T) "Total special education ADM" means the sum of categories one through six special education ADM. 37480
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(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 37482
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Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, 37486
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along with the information certified under division (B) of this section, in making the computations for the district under this chapter.	37493 37494 37495
(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	37496 37497 37498
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	37499 37500 37501
(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.	37502 37503 37504 37505 37506 37507
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	37508 37509 37510 37511
(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:	37512 37513 37514
(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;	37515 37516 37517
(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	37518 37519 37520 37521
(5) The total federal adjusted gross income of the residents	37522

of the school district, based on tax returns filed by the 37523
residents of the district, for the most recent year for which this 37524
information is available, and the median Ohio adjusted gross 37525
income of the residents of the school district determined on the 37526
basis of tax returns filed for the second preceding tax year by 37527
the residents of the district. 37528

(B) On or before the first day of May each year, the tax 37529
commissioner shall certify to the department of education and the 37530
office of budget and management the total taxable real property 37531
value of railroads and, separately, the total taxable tangible 37532
personal property value of all public utilities for the preceding 37533
tax year, by school district and by county of location. 37534

~~(C) If a public utility has properly and timely filed a 37535
petition for reassessment under section 5727.47 of the Revised 37536
Code with respect to an assessment issued under section 5727.23 of 37537
the Revised Code affecting taxable property apportioned by the tax 37538
commissioner to a school district, the taxable value of public 37539
utility tangible personal property included in the certification 37540
under divisions (A)(2) and (B) of this section for the school 37541
district shall include only the amount of taxable value on the 37542
basis of which the public utility paid tax for the preceding year 37543
as provided in division (B)(1) or (2) of section 5727.47 of the 37544
Revised Code. 37545~~

~~(D) If on the basis of the information certified under 37546
division (A) of this section, the department determines that any 37547
district fails in any year to meet the qualification requirement 37548
specified in division (A) of section 3317.01 of the Revised Code, 37549
the department shall immediately request the tax commissioner to 37550
determine the extent to which any school district income tax 37551
levied by the district under Chapter 5748. of the Revised Code 37552
shall be included in meeting that requirement. Within five days of 37553
receiving such a request from the department, the tax commissioner 37554~~

shall make the determination required by this division and report 37555
the quotient obtained under division ~~(D)~~(C)(3) of this section to 37556
the department and the office of budget and management. This 37557
quotient represents the number of mills that the department shall 37558
include in determining whether the district meets the 37559
qualification requirement of division (A) of section 3317.01 of 37560
the Revised Code. 37561

The tax commissioner shall make the determination required by 37562
this division as follows: 37563

(1) Multiply one mill times the total taxable value of the 37564
district as determined in divisions (A)(1) and (2) of this 37565
section; 37566

(2) Estimate the total amount of tax liability for the 37567
current tax year under taxes levied by Chapter 5748. of the 37568
Revised Code that are apportioned to current operating expenses of 37569
the district, excluding any income tax receipts allocated for the 37570
project cost, debt service, or maintenance set-aside associated 37571
with a state-assisted classroom facilities project as authorized 37572
by section 3318.052 of the Revised Code; 37573

(3) Divide the amount estimated under division ~~(D)~~(C)(2) of 37574
this section by the product obtained under division ~~(D)~~(C)(1) of 37575
this section. 37576

Sec. 3317.022. (A) The department of education shall compute 37577
and distribute state core foundation funding to each eligible 37578
school district for the fiscal year, using the information 37579
obtained under section 3317.021 of the Revised Code in the 37580
calendar year in which the fiscal year begins, as prescribed in 37581
the following divisions: 37582

(1) An opportunity grant calculated according to the 37583
following formula: 37584

The formula amount X (formula ADM + preschool scholarship	37585
ADM) X the district's state share index	37586
(2) Targeted assistance funds calculated under divisions (A)	37587
and (B) of section 3317.0217 of the Revised Code;	37588
(3) Additional state aid for special education and related	37589
services provided under Chapter 3323. of the Revised Code	37590
calculated as the sum of the following:	37591
(a) The district's category one special education ADM X the	37592
amount specified in division (A) of section 3317.013 of the	37593
Revised Code X the district's state share index;	37594
(b) The district's category two special education ADM X the	37595
amount specified in division (B) of section 3317.013 of the	37596
Revised Code X the district's state share index;	37597
(c) The district's category three special education ADM X the	37598
amount specified in division (C) of section 3317.013 of the	37599
Revised Code X the district's state share index;	37600
(d) The district's category four special education ADM X the	37601
amount specified in division (D) of section 3317.013 of the	37602
Revised Code X the district's state share index;	37603
(e) The district's category five special education ADM X the	37604
amount specified in division (E) of section 3317.013 of the	37605
Revised Code X the district's state share index;	37606
(f) The district's category six special education ADM X the	37607
amount specified in division (F) of section 3317.013 of the	37608
Revised Code X the district's state share index.	37609
(4) Kindergarten through third grade literacy funds	37610
calculated according to the following formula:	37611
+(\$184, in fiscal year 2016, or \$193, in fiscal year 2017) X	37612
formula ADM for grades kindergarten through three X the district's	37613
state share index)] + +(\$121, in fiscal year 2016, or \$127, in	37614

~~fiscal year 2017)~~ X formula ADM for grades kindergarten through
three~~]~~ 37615
37616

For purposes of this calculation, the department shall 37617
subtract from a district's formula ADM for grades kindergarten 37618
through three the number of students reported under division 37619
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 37620
internet- or computer-based community school who are in grades 37621
kindergarten through three. 37622

(5) Economically disadvantaged funds calculated according to 37623
the following formula: 37624

$\$272$ X (the district's economically disadvantaged index) X 37625
the number of students who are economically disadvantaged as 37626
certified under division (B)(21) of section 3317.03 of the Revised 37627
Code 37628

(6) Limited English proficiency funds calculated as the sum 37629
of the following: 37630

(a) The district's category one limited English proficient 37631
ADM X the amount specified in division (A) of section 3317.016 of 37632
the Revised Code X the district's state share index; 37633

(b) The district's category two limited English proficient 37634
ADM X the amount specified in division (B) of section 3317.016 of 37635
the Revised Code X the district's state share index; 37636

(c) The district's category three limited English proficient 37637
ADM X the amount specified in division (C) of section 3317.016 of 37638
the Revised Code X the district's state share index. 37639

(7)(a) Gifted identification funds calculated according to 37640
the following formula: 37641

$\$5.05$ X the district's formula ADM 37642

(b) Gifted unit funding calculated under section 3317.051 of 37643
the Revised Code. 37644

(8) Career-technical education funds calculated as the sum of	37645
the following:	37646
(a) The district's category one career-technical education	37647
ADM X the amount specified in division (A) of section 3317.014 of	37648
the Revised Code X the district's state share index;	37649
(b) The district's category two career-technical education	37650
ADM X the amount specified in division (B) of section 3317.014 of	37651
the Revised Code X the district's state share index;	37652
(c) The district's category three career-technical education	37653
ADM X the amount specified in division (C) of section 3317.014 of	37654
the Revised Code X the district's state share index;	37655
(d) The district's category four career-technical education	37656
ADM X the amount specified in division (D) of section 3317.014 of	37657
the Revised Code X the district's state share index;	37658
(e) The district's category five career-technical education	37659
ADM X the amount specified in division (E) of section 3317.014 of	37660
the Revised Code X the district's state share index.	37661
Payment of funds under division (A)(8) of this section is	37662
subject to approval under section 3317.161 of the Revised Code.	37663
(9) Career-technical education associated services funds	37664
calculated according to the following formula:	37665
The district's state share index X the amount for career-technical	37666
education associated services specified in section 3317.014 of the	37667
Revised Code X the sum of categories one through five	37668
career-technical education ADM	37669
(10) Capacity aid funds calculated under section 3317.0218 of	37670
the Revised Code;	37671
(11) A graduation bonus calculated under section 3317.0215 of	37672
the Revised Code;	37673
(12) A third-grade reading bonus calculated under section	37674

3317.0216 of the Revised Code. 37675

(B) In any fiscal year, a school district shall spend for 37676
purposes that the department designates as approved for special 37677
education and related services expenses at least the amount 37678
calculated as follows: 37679

(The formula amount X the total special education ADM) + (the 37680
district's category one special education ADM X the amount 37681
specified in division (A) of section 3317.013 of the Revised Code) 37682
+ (the district's category two special education ADM X the amount 37683
specified in division (B) of section 3317.013 of the Revised Code) 37684
+ (the district's category three special education ADM X the 37685
amount specified in division (C) of section 3317.013 of the 37686
Revised Code) + (the district's category four special education 37687
ADM X the amount specified in division (D) of section 3317.013 of 37688
the Revised Code) + (the district's category five special 37689
education ADM X the amount specified in division (E) of section 37690
3317.013 of the Revised Code) + (the district's category six 37691
special education ADM X the amount specified in division (F) of 37692
section 3317.013 of the Revised Code) 37693

The purposes approved by the department for special education 37694
expenses shall include, but shall not be limited to, 37695
identification of children with disabilities, compliance with 37696
state rules governing the education of children with disabilities 37697
and prescribing the continuum of program options for children with 37698
disabilities, provision of speech language pathology services, and 37699
the portion of the school district's overall administrative and 37700
overhead costs that are attributable to the district's special 37701
education student population. 37702

The scholarships deducted from the school district's account 37703
under sections 3310.41 and 3310.55 of the Revised Code shall be 37704
considered to be an approved special education and related 37705
services expense for the purpose of the school district's 37706

compliance with this division. 37707

(C) In any fiscal year, a school district receiving funds 37708
under division (A)(8) of this section shall spend those funds only 37709
for the purposes that the department designates as approved for 37710
career-technical education expenses. Career-technical education 37711
expenses approved by the department shall include only expenses 37712
connected to the delivery of career-technical programming to 37713
career-technical students. The department shall require the school 37714
district to report data annually so that the department may 37715
monitor the district's compliance with the requirements regarding 37716
the manner in which funding received under division (A)(8) of this 37717
section may be spent. 37718

(D) In any fiscal year, a school district receiving funds 37719
under division (A)(9) of this section, or through a transfer of 37720
funds pursuant to division (I) of section 3317.023 of the Revised 37721
Code, shall spend those funds only for the purposes that the 37722
department designates as approved for career-technical education 37723
associated services expenses, which may include such purposes as 37724
apprenticeship coordinators, coordinators for other 37725
career-technical education services, career-technical evaluation, 37726
and other purposes designated by the department. The department 37727
may deny payment under division (A)(9) of this section to any 37728
district that the department determines is not operating those 37729
services or is using funds paid under division (A)(9) of this 37730
section, or through a transfer of funds pursuant to division (I) 37731
of section 3317.023 of the Revised Code, for other purposes. 37732

(E) All funds received under division (A)(8) of this section 37733
shall be spent in the following manner: 37734

(1) At least seventy-five per cent of the funds shall be 37735
spent on curriculum development, purchase, and implementation; 37736
instructional resources and supplies; industry-based program 37737
certification; student assessment, credentialing, and placement; 37738

curriculum specific equipment purchases and leases; 37739
career-technical student organization fees and expenses; home and 37740
agency linkages; work-based learning experiences; professional 37741
development; and other costs directly associated with 37742
career-technical education programs including development of new 37743
programs. 37744

(2) Not more than twenty-five per cent of the funds shall be 37745
used for personnel expenditures. 37746

(F) A school district shall spend the funds it receives under 37747
division (A)(5) of this section in accordance with section 3317.25 37748
of the Revised Code. 37749

Sec. 3317.025. On or before the first day of June of each 37750
year, the tax commissioner shall certify the following information 37751
to the department of education and the office of budget and 37752
management, for each school district in which the value of the 37753
property described under division (A) of this section exceeds one 37754
per cent of the taxable value of all real and tangible personal 37755
property in the district or in which is located tangible personal 37756
property designed for use or used in strip mining operations, 37757
whose taxable value exceeds five million dollars, and the taxes 37758
upon which the district is precluded from collecting by virtue of 37759
legal proceedings to determine the value of such property: 37760

(A) The total taxable value of all property in the district 37761
owned by a public utility or railroad that has filed a petition 37762
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 37763
(1898), 11 U.S.C. 205, as amended, and all tangible personal 37764
property in the district designed for use or used in strip mining 37765
operations whose taxable value exceeds five million dollars upon 37766
which have not been paid in full on or before the first day of 37767
April of that calendar year all real and tangible personal 37768
property taxes levied for the preceding calendar year and which 37769

the district was precluded from collecting by virtue of 37770
proceedings under section 205 of said act or by virtue of legal 37771
proceedings to determine the tax liability of such strip mining 37772
equipment; 37773

(B) The percentage of the total operating taxes charged and 37774
payable for school district purposes levied against such valuation 37775
for the preceding calendar year that have not been paid by such 37776
date; 37777

(C) The product obtained by multiplying the value certified 37778
under division (A) of this section by the percentage certified 37779
under division (B) of this section. If the value certified under 37780
division (A) of this section includes taxable property owned by a 37781
public utility or railroad that has filed a petition for 37782
reorganization under the bankruptcy act, the amount used in making 37783
the calculation under this division shall be reduced by one per 37784
cent of the total value of all real and tangible personal property 37785
in the district or the value of the utility's or railroad's 37786
property, whichever is less. 37787

Upon receipt of the certification, the department shall 37788
recompute the payments required under this chapter in the manner 37789
the payments would have been computed if: 37790

(1) The amount certified under division (C) of this section 37791
was not subject to taxation by the district and was not included 37792
in the certification made under division (A)(1), (A)(2), or ~~(D)~~(C) 37793
of section 3317.021 of the Revised Code. 37794

(2) The amount of taxes charged and payable and unpaid and 37795
used to make the computation under division (B) of this section 37796
had not been levied and had not been used in the computation 37797
required by division (B) of section 3317.021 of the Revised Code. 37798
The department shall pay the district that amount in the ensuing 37799
fiscal year in lieu of the amounts computed under this chapter. 37800

If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.

Sec. 3317.0212. (A) As used in this section: 37807

(1) "Qualifying riders" means resident students enrolled in regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.

(2) "Qualifying ridership" means the average number of qualifying riders who are provided school bus service by a school district during the first full week of October.

(3) "Rider density" means the total ADM per square mile of a school district.

(4) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district; 37823

(b) School buses operated by a private contractor hired by the district; 37824
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(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise. 37826
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(B) Not later than the fifteenth day of October each year, each city, local, and exempted village school district shall 37829
37830

report to the department of education its qualifying ridership and 37831
any other information requested by the department. Subsequent 37832
adjustments to the reported numbers shall be made only in 37833
accordance with rules adopted by the department. 37834

(C) The department shall calculate the statewide 37835
transportation cost per student as follows: 37836

(1) Determine each city, local, and exempted village school 37837
district's transportation cost per student by dividing the 37838
district's total costs for school bus service in the previous 37839
fiscal year by its qualifying ridership in the previous fiscal 37840
year. 37841

(2) After excluding districts that do not provide school bus 37842
service and the ten districts with the highest transportation 37843
costs per student and the ten districts with the lowest 37844
transportation costs per student, divide the aggregate cost for 37845
school bus service for the remaining districts in the previous 37846
fiscal year by the aggregate qualifying ridership of those 37847
districts in the previous fiscal year. 37848

(D) The department shall calculate the statewide 37849
transportation cost per mile as follows: 37850

(1) Determine each city, local, and exempted village school 37851
district's transportation cost per mile by dividing the district's 37852
total costs for school bus service in the previous fiscal year by 37853
its total number of miles driven for school bus service in the 37854
previous fiscal year. 37855

(2) After excluding districts that do not provide school bus 37856
service and the ten districts with the highest transportation 37857
costs per mile and the ten districts with the lowest 37858
transportation costs per mile, divide the aggregate cost for 37859
school bus service for the remaining districts in the previous 37860
fiscal year by the aggregate miles driven for school bus service 37861

in those districts in the previous fiscal year. 37862

(E) The department shall calculate each city, local, and 37863
exempted village school district's transportation payment as 37864
follows: 37865

(1) Multiply the statewide transportation cost per student by 37866
the district's qualifying ridership for the current fiscal year. 37867

(2) Multiply the statewide transportation cost per mile by 37868
the district's total number of miles driven for school bus service 37869
in the current fiscal year. 37870

(3) Multiply the greater of the amounts calculated under 37871
divisions (E)(1) and (2) of this section by the following: 37872

(a) For fiscal year 2018, the greater of fifty thirty-seven 37873
and one-half per cent or the district's state share index, as 37874
defined in section 3317.02 of the Revised Code; 37875

(b) For fiscal year 2019, the greater of twenty-five per cent 37876
or the district's state share index. 37877

(F) In addition to funds paid under division (E) of this 37878
section, each city, local, and exempted village district shall 37879
receive in accordance with rules adopted by the state board of 37880
education a payment for students transported by means other than 37881
school bus service and whose transportation is not funded under 37882
division (C) of section 3317.024 of the Revised Code. The rules 37883
shall include provisions for school district reporting of such 37884
students. 37885

(G)(1) For purposes of division (G) of this section, a school 37886
district's "transportation supplement percentage" means the 37887
following quotient: 37888

~~[(35, in fiscal year 2016, or 50, in fiscal year 2017) - the 37889
district's rider density]~~ / 100 37890

If the result of the calculation for a district under 37891

division (G)(1) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

The district's transportation supplement percentage X the amount calculated for the district under division (E)(2) of this section
X 0.55

Sec. 3317.0218. The department of education shall annually compute capacity aid funds to school districts, as follows:

(A) For each school district, multiply the district's three-year average valuation by 0.001;

(B) Determine the median amount of all of the amounts calculated under division (A) of this section;

(C) Calculate each school district's capacity ratio, which equals the greater of zero or the amount calculated as follows:

(The amount determined under division (B) of this section / the amount calculated for the district under division (A) of this section) - 1

If the result of a calculation for a school district under division (C) of this section is greater than 2.5, the district's capacity ratio shall be 2.5.

(D) Calculate the capacity aid per pupil amount, which equals the following quotient:

(The amount determined under division (B) of this section) / (the average of the formula ADMs of all of the districts for which the amount calculated under division (A) of this section is less than the amount determined under division (B) of this section)

(E) Calculate each school district's capacity aid, which equals the following product:

The capacity aid per pupil amount calculated under division (D) of

this section X the district's formula $ADM \times (\cancel{2.75, \text{ for fiscal year 2016, or 3.5, for fiscal year 2017}}) \underline{4.0}$ X the district's capacity ratio calculated under division (C) of this section

Sec. 3317.06. Moneys paid to school districts under division (E) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

(A) To purchase such secular textbooks or digital texts as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or digital texts shall, for administrative convenience, be submitted by the nonpublic school pupil or the pupil's parent to the nonpublic school, which shall prepare and submit collective summaries of the individual requests to the school district. As used in this section:

(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends.

(2) "Digital text" means a consumable book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based provider of course content, or any other material that contributes to the learning process through electronic means.

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district. Such

service shall be provided in the nonpublic school attended by the 37953
pupil receiving the service. 37954

(C) To provide physician, nursing, dental, and optometric 37955
services to pupils attending nonpublic schools within the 37956
district. Such services shall be provided in the school attended 37957
by the nonpublic school pupil receiving the service. 37958

(D) To provide diagnostic psychological services to pupils 37959
attending nonpublic schools within the district. Such services 37960
shall be provided in the school attended by the pupil receiving 37961
the service. 37962

(E) To provide therapeutic psychological and speech and 37963
hearing services to pupils attending nonpublic schools within the 37964
district. Such services shall be provided in the public school, in 37965
nonpublic schools, in public centers, or in mobile units located 37966
on or off of the nonpublic premises. If such services are provided 37967
in the public school or in public centers, transportation to and 37968
from such facilities shall be provided by the school district in 37969
which the nonpublic school is located. 37970

(F) To provide guidance, counseling, and social work services 37971
to pupils attending nonpublic schools within the district. Such 37972
services shall be provided in the public school, in nonpublic 37973
schools, in public centers, or in mobile units located on or off 37974
of the nonpublic premises. If such services are provided in the 37975
public school or in public centers, transportation to and from 37976
such facilities shall be provided by the school district in which 37977
the nonpublic school is located. 37978

(G) To provide remedial services to pupils attending 37979
nonpublic schools within the district. Such services shall be 37980
provided in the public school, in nonpublic schools, in public 37981
centers, or in mobile units located on or off of the nonpublic 37982
premises. If such services are provided in the public school or in 37983

public centers, transportation to and from such facilities shall 37984
be provided by the school district in which the nonpublic school 37985
is located. 37986

(H) To supply for use by pupils attending nonpublic schools 37987
within the district such standardized tests and scoring services 37988
as are in use in the public schools of the state; 37989

(I) To provide programs for children who attend nonpublic 37990
schools within the district and are children with disabilities as 37991
defined in section 3323.01 of the Revised Code or gifted children. 37992
Such programs shall be provided in the public school, in nonpublic 37993
schools, in public centers, or in mobile units located on or off 37994
of the nonpublic premises. If such programs are provided in the 37995
public school or in public centers, transportation to and from 37996
such facilities shall be provided by the school district in which 37997
the nonpublic school is located. 37998

(J) To hire clerical personnel to assist in the 37999
administration of programs pursuant to divisions (B), (C), (D), 38000
(E), (F), (G), and (I) of this section and to hire supervisory 38001
personnel to supervise the providing of services and textbooks 38002
pursuant to this section. 38003

(K) To purchase or lease any secular, neutral, and 38004
nonideological computer application software designed to assist 38005
students in performing a single task or multiple related tasks, 38006
device management software, learning management software, 38007
site-licensing, digital video on demand (DVD), wide area 38008
connectivity and related technology as it relates to internet 38009
access, mathematics or science equipment and materials, 38010
instructional materials, and school library materials that are in 38011
general use in the public schools of the state and loan such items 38012
to pupils attending nonpublic schools within the district or to 38013
their parents, and to hire clerical personnel to administer the 38014
lending program. Only such items that are incapable of diversion 38015

to religious use and that are susceptible of loan to individual 38016
pupils and are furnished for the use of individual pupils shall be 38017
purchased and loaned under this division. As used in this section, 38018
"instructional materials" means prepared learning materials that 38019
are secular, neutral, and nonideological in character and are of 38020
benefit to the instruction of school children. "Instructional 38021
materials" includes media content that a student may access 38022
through the use of a computer or electronic device. 38023

Mobile applications that are secular, neutral, and 38024
nonideological in character and that are purchased for less than 38025
twenty dollars for instructional use shall be considered to be 38026
consumable and shall be distributed to students without the 38027
expectation that the applications must be returned. 38028

(L) To purchase or lease instructional equipment, including 38029
computer hardware and related equipment in general use in the 38030
public schools of the state, for use by pupils attending nonpublic 38031
schools within the district and to loan such items to pupils 38032
attending nonpublic schools within the district or to their 38033
parents, and to hire clerical personnel to administer the lending 38034
program. "Computer hardware and related equipment" includes 38035
desktop computers and workstations; laptop computers, computer 38036
tablets, and other mobile handheld devices; their operating 38037
systems and accessories; and any equipment designed to make 38038
accessible the environment of a classroom to a student, who is 38039
physically unable to attend classroom activities due to 38040
hospitalization or other circumstances, by allowing real-time 38041
interaction with other students both one-on-one and in group 38042
discussion. 38043

(M) To purchase mobile units to be used for the provision of 38044
services pursuant to divisions (E), (F), (G), and (I) of this 38045
section and to pay for necessary repairs and operating costs 38046
associated with these units. 38047

(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes. Reimbursements under this division shall be made one time only for each chartered nonpublic school that closes.

(O) To purchase life-saving medical or other emergency equipment for placement in nonpublic schools within the district or to maintain such equipment.

(P) To procure and pay for security services from a county sheriff or a township or municipal police force or from a person certified through the Ohio peace officer training commission, in accordance with section 109.78 of the Revised Code, as a special police, security guard, or as a privately employed person serving in a police capacity for nonpublic schools in the district.

(Q) To provide language and academic support services and other accommodations for English language learners attending nonpublic schools within the district.

Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.

Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it

under division (E) of section 3317.024 of the Revised Code unless 38079
a special transportation request is submitted by the parent of the 38080
child receiving service pursuant to such divisions. If such an 38081
application is presented to the school district, it may pay for 38082
the transportation from moneys paid to it under division (E) of 38083
section 3317.024 of the Revised Code. 38084

No school district shall provide health or remedial services 38085
to nonpublic school pupils as authorized by this section unless 38086
such services are available to pupils attending the public schools 38087
within the district. 38088

Materials, equipment, computer hardware or software, 38089
textbooks, digital texts, and health and remedial services 38090
provided for the benefit of nonpublic school pupils pursuant to 38091
this section and the admission of pupils to such nonpublic schools 38092
shall be provided without distinction as to race, creed, color, or 38093
national origin of such pupils or of their teachers. 38094

No school district shall provide services, materials, or 38095
equipment that contain religious content for use in religious 38096
courses, devotional exercises, religious training, or any other 38097
religious activity. 38098

As used in this section, "parent" includes a person standing 38099
in loco parentis to a child. 38100

Notwithstanding section 3317.01 of the Revised Code, payments 38101
shall be made under this section to any city, local, or exempted 38102
village school district within which is located one or more 38103
nonpublic elementary or high schools and any payments made to 38104
school districts under division (E) of section 3317.024 of the 38105
Revised Code for purposes of this section may be disbursed without 38106
submission to and approval of the controlling board. 38107

The allocation of payments for materials, equipment, 38108
textbooks, digital texts, health services, and remedial services 38109

to city, local, and exempted village school districts shall be on 38110
the basis of the state board of education's estimated annual 38111
average daily membership in nonpublic elementary and high schools 38112
located in the district. 38113

Payments made to city, local, and exempted village school 38114
districts under this section shall be equal to specific 38115
appropriations made for the purpose. All interest earned by a 38116
school district on such payments shall be used by the district for 38117
the same purposes and in the same manner as the payments may be 38118
used. 38119

The department of education shall adopt guidelines and 38120
procedures under which such programs and services shall be 38121
provided, under which districts shall be reimbursed for 38122
administrative costs incurred in providing such programs and 38123
services, and under which any unexpended balance of the amounts 38124
appropriated by the general assembly to implement this section may 38125
be transferred to the auxiliary services personnel unemployment 38126
compensation fund established pursuant to section 4141.47 of the 38127
Revised Code. The department shall also adopt guidelines and 38128
procedures limiting the purchase and loan of the items described 38129
in division (K) of this section to items that are in general use 38130
in the public schools of the state, that are incapable of 38131
diversion to religious use, and that are susceptible to individual 38132
use rather than classroom use. Within thirty days after the end of 38133
each biennium, each board of education shall remit to the 38134
department all moneys paid to it under division (E) of section 38135
3317.024 of the Revised Code and any interest earned on those 38136
moneys that are not required to pay expenses incurred under this 38137
section during the biennium for which the money was appropriated 38138
and during which the interest was earned. If a board of education 38139
subsequently determines that the remittal of moneys leaves the 38140
board with insufficient money to pay all valid expenses incurred 38141

under this section during the biennium for which the remitted 38142
money was appropriated, the board may apply to the department of 38143
education for a refund of money, not to exceed the amount of the 38144
insufficiency. If the department determines the expenses were 38145
lawfully incurred and would have been lawful expenditures of the 38146
refunded money, it shall certify its determination and the amount 38147
of the refund to be made to the director of job and family 38148
services who shall make a refund as provided in section 4141.47 of 38149
the Revised Code. 38150

Each school district shall label materials, equipment, 38151
computer hardware or software, textbooks, and digital texts 38152
purchased or leased for loan to a nonpublic school under this 38153
section, acknowledging that they were purchased or leased with 38154
state funds under this section. However, a district need not label 38155
materials, equipment, computer hardware or software, textbooks, or 38156
digital texts that the district determines are consumable in 38157
nature or have a value of less than two hundred dollars. 38158

Sec. 3317.16. (A) The department of education shall compute 38159
and distribute state core foundation funding to each joint 38160
vocational school district for the fiscal year as prescribed in 38161
the following divisions: 38162

(1) An opportunity grant calculated according to the 38163
following formula: 38164

(The formula amount X formula ADM) - (0.0005 X the district's 38165
three-year average valuation) 38166

However, no district shall receive an opportunity grant that 38167
is less than 0.05 times the formula amount times formula ADM. 38168

(2) Additional state aid for special education and related 38169
services provided under Chapter 3323. of the Revised Code 38170
calculated as the sum of the following: 38171

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;	38172 38173 38174
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;	38175 38176 38177
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	38178 38179 38180
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	38181 38182 38183
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	38184 38185 38186
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	38187 38188 38189
(3) Economically disadvantaged funds calculated according to the following formula:	38190 38191
\$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	38192 38193 38194
(4) Limited English proficiency funds calculated as the sum of the following:	38195 38196
(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;	38197 38198 38199
(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of	38200 38201

the Revised Code X the district's state share percentage; 38202

(c) The district's category three limited English proficient 38203
ADM X the amount specified in division (C) of section 3317.016 of 38204
the Revised Code X the district's state share percentage; 38205

(5) Career-technical education funds calculated as the sum of 38206
the following: 38207

(a) The district's category one career-technical education 38208
ADM X the amount specified in division (A) of section 3317.014 of 38209
the Revised Code X the district's state share percentage; 38210

(b) The district's category two career-technical education 38211
ADM X the amount specified in division (B) of section 3317.014 of 38212
the Revised Code X the district's state share percentage; 38213

(c) The district's category three career-technical education 38214
ADM X the amount specified in division (C) of section 3317.014 of 38215
the Revised Code X the district's state share percentage; 38216

(d) The district's category four career-technical education 38217
ADM X the amount specified in division (D) of section 3317.014 of 38218
the Revised Code X the district's state share percentage; 38219

(e) The district's category five career-technical education 38220
ADM X the amount specified in division (E) of section 3317.014 of 38221
the Revised Code X the district's state share percentage. 38222

Payment of funds under division (A)(5) of this section is 38223
subject to approval under section 3317.161 of the Revised Code. 38224

(6) Career-technical education associated services funds 38225
calculated under the following formula: 38226

The district's state share percentage X the 38227
amount for career-technical education associated services 38228
specified in section 3317.014 of the Revised Code X the sum of 38229
categories one through five career-technical 38230
education ~~ADM X the district's state share percentage~~ 38231

(7) A graduation bonus calculated according to the following formula: 38232
38233

The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the Revised Code X 0.075 X the formula amount X the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share percentage 38234
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(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following: 38243
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(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost; 38253
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(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage. 38255
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(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be 38258
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included in the amount. 38264

(C)(1) For each student with a disability receiving special 38265
education and related services under an individualized education 38266
program, as defined in section 3323.01 of the Revised Code, at a 38267
joint vocational school district, the resident district or, if the 38268
student is enrolled in a community school, the community school 38269
shall be responsible for the amount of any costs of providing 38270
those special education and related services to that student that 38271
exceed the sum of the amount calculated for those services 38272
attributable to that student under division (A) of this section. 38273

Those excess costs shall be calculated using a formula 38274
approved by the department. 38275

(2) The board of education of the joint vocational school 38276
district may report the excess costs calculated under division 38277
(C)(1) of this section to the department of education. 38278

(3) If the board of education of the joint vocational school 38279
district reports excess costs under division (C)(2) of this 38280
section, the department shall pay the amount of excess cost 38281
calculated under division (C)(2) of this section to the joint 38282
vocational school district and shall deduct that amount as 38283
provided in division (C)(3)(a) or (b) of this section, as 38284
applicable: 38285

(a) If the student is not enrolled in a community school, the 38286
department shall deduct the amount from the account of the 38287
student's resident district pursuant to division (J) of section 38288
3317.023 of the Revised Code. 38289

(b) If the student is enrolled in a community school, the 38290
department shall deduct the amount from the account of the 38291
community school pursuant to section 3314.083 of the Revised Code. 38292

(D)(1) In any fiscal year, a school district receiving funds 38293
under division (A)(5) of this section shall spend those funds only 38294

for the purposes that the department designates as approved for 38295
career-technical education expenses. Career-technical education 38296
expenses approved by the department shall include only expenses 38297
connected to the delivery of career-technical programming to 38298
career-technical students. The department shall require the school 38299
district to report data annually so that the department may 38300
monitor the district's compliance with the requirements regarding 38301
the manner in which funding received under division (A)(5) of this 38302
section may be spent. 38303

(2) All funds received under division (A)(5) of this section 38304
shall be spent in the following manner: 38305

(a) At least seventy-five per cent of the funds shall be 38306
spent on curriculum development, purchase, and implementation; 38307
instructional resources and supplies; industry-based program 38308
certification; student assessment, credentialing, and placement; 38309
curriculum specific equipment purchases and leases; 38310
career-technical student organization fees and expenses; home and 38311
agency linkages; work-based learning experiences; professional 38312
development; and other costs directly associated with 38313
career-technical education programs including development of new 38314
programs. 38315

(b) Not more than twenty-five per cent of the funds shall be 38316
used for personnel expenditures. 38317

(E) In any fiscal year, a school district receiving funds 38318
under division (A)(6) of this section, or through a transfer of 38319
funds pursuant to division (I) of section 3317.023 of the Revised 38320
Code, shall spend those funds only for the purposes that the 38321
department designates as approved for career-technical education 38322
associated services expenses, which may include such purposes as 38323
apprenticeship coordinators, coordinators for other 38324
career-technical education services, career-technical evaluation, 38325
and other purposes designated by the department. The department 38326

may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(F) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code.

(G) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" is equal to the following:
The amount computed under division (A)(1) of this section /
(the formula amount X formula ADM)

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the Revised Code:

(A) "Ohio ~~school~~ facilities construction commission" means the commission created pursuant to section ~~3318.30~~ 123.20 of the Revised Code.

(B) "Classroom facilities" means rooms in which pupils regularly assemble in public school buildings to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, and may include space within which a child care facility or a community resource center is housed. "Classroom facilities" includes any space necessary for the operation of a vocational education

program for secondary students in any school district that 38357
operates such a program. 38358

(C) "Project" means a project to construct or acquire 38359
classroom facilities, or to reconstruct or make additions to 38360
existing classroom facilities, to be used for housing the 38361
applicable school district and its functions. 38362

(D) "School district" means a local, exempted village, or 38363
city school district as such districts are defined in Chapter 38364
3311. of the Revised Code, acting as an agency of state 38365
government, performing essential governmental functions of state 38366
government pursuant to sections 3318.01 to 3318.20 of the Revised 38367
Code. 38368

For purposes of assistance provided under sections 3318.40 to 38369
3318.45 of the Revised Code, the term "school district" as used in 38370
this section and in divisions (A), (C), and (D) of section 3318.03 38371
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 38372
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 38373
3318.14, 3318.15, 3318.16, ~~3318.19~~, and 3318.20 of the Revised 38374
Code means a joint vocational school district established pursuant 38375
to section 3311.18 of the Revised Code. 38376

(E) "School district board" means the board of education of a 38377
school district. 38378

(F) "Net bonded indebtedness" means the difference between 38379
the sum of the par value of all outstanding and unpaid bonds and 38380
notes which a school district board is obligated to pay and any 38381
amounts the school district is obligated to pay under 38382
lease-purchase agreements entered into under section 3313.375 of 38383
the Revised Code, and the amount held in the sinking fund and 38384
other indebtedness retirement funds for their redemption. Notes 38385
issued for school buses in accordance with section 3327.08 of the 38386
Revised Code, notes issued in anticipation of the collection of 38387

current revenues, and bonds issued to pay final judgments shall 38388
not be considered in calculating the net bonded indebtedness. 38389

"Net bonded indebtedness" does not include indebtedness 38390
arising from the acquisition of land to provide a site for 38391
classroom facilities constructed, acquired, or added to pursuant 38392
to sections 3318.01 to 3318.20 of the Revised Code or the par 38393
value of bonds that have been authorized by the electors and the 38394
proceeds of which will be used by the district to provide any part 38395
of its portion of the basic project cost. 38396

(G) "Board of elections" means the board of elections of the 38397
county containing the most populous portion of the school 38398
district. 38399

(H) "County auditor" means the auditor of the county in which 38400
the greatest value of taxable property of such school district is 38401
located. 38402

(I) "Tax duplicates" means the general tax lists and 38403
duplicates prescribed by sections 319.28 and 319.29 of the Revised 38404
Code. 38405

(J) "Required level of indebtedness" means: 38406

(1) In the case of school districts in the first percentile, 38407
five per cent of the district's valuation for the year preceding 38408
the year in which the controlling board approved the project under 38409
section 3318.04 of the Revised Code. 38410

(2) In the case of school districts ranked in a subsequent 38411
percentile, five per cent of the district's valuation for the year 38412
preceding the year in which the controlling board approved the 38413
project under section 3318.04 of the Revised Code, plus [two 38414
one-hundredths of one per cent multiplied by (the percentile in 38415
which the district ranks for the fiscal year preceding the fiscal 38416
year in which the controlling board approved the district's 38417
project minus one)]. 38418

(K) "Required percentage of the basic project costs" means 38419
one per cent of the basic project costs times the percentile in 38420
which the school district ranks for the fiscal year preceding the 38421
fiscal year in which the controlling board approved the district's 38422
project. 38423

(L) "Basic project cost" means a cost amount determined in 38424
accordance with rules adopted under section 111.15 of the Revised 38425
Code by the Ohio ~~school~~ facilities construction commission. The 38426
basic project cost calculation shall take into consideration the 38427
square footage and cost per square foot necessary for the grade 38428
levels to be housed in the classroom facilities, the variation 38429
across the state in construction and related costs, the cost of 38430
the installation of site utilities and site preparation, the cost 38431
of demolition of all or part of any existing classroom facilities 38432
that are abandoned under the project, the cost of insuring the 38433
project until it is completed, any contingency reserve amount 38434
prescribed by the commission under section 3318.086 of the Revised 38435
Code, and the professional planning, administration, and design 38436
fees that a school district may have to pay to undertake a 38437
classroom facilities project. 38438

For a joint vocational school district that receives 38439
assistance under sections 3318.40 to 3318.45 of the Revised Code, 38440
the basic project cost calculation for a project under those 38441
sections shall also take into account the types of laboratory 38442
spaces and program square footages needed for the vocational 38443
education programs for high school students offered by the school 38444
district. 38445

For a district that opts to divide its entire classroom 38446
facilities needs into segments, as authorized by section 3318.034 38447
of the Revised Code, "basic project cost" means the cost 38448
determined in accordance with this division of a segment. 38449

(M)(1) Except for a joint vocational school district that 38450

receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under section 3318.032 of the Revised Code.

(2) For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under division (C) of section 3318.42 of the Revised Code.

(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved

pedestrian and vehicular circulation system, playgrounds on the 38482
project site, and lawn and planting on the project site. 38483

Sec. 3318.011. For purposes of providing assistance under 38484
sections 3318.01 to 3318.20 of the Revised Code, the department of 38485
education shall annually do all of the following: 38486

(A) Calculate the adjusted valuation per pupil of each city, 38487
local, and exempted village school district according to the 38488
following formula: 38489

The district's valuation per pupil - 38490
[\$30,000 X (1 - the district's income factor)]. 38491

For purposes of this calculation: 38492

(1) Except for a district with an open enrollment net gain 38493
that is ten per cent or more of its formula ADM, "valuation per 38494
pupil" for a district means its average taxable value, divided by 38495
its formula ADM for the previous fiscal year. "Valuation per 38496
pupil," for a district with an open enrollment net gain that is 38497
ten per cent or more of its formula ADM, means its average taxable 38498
value, divided by the sum of its formula ADM for the previous 38499
fiscal year plus its open enrollment net gain for the previous 38500
fiscal year. 38501

(2) "Average taxable value" means the average of the sum of 38502
the amounts certified for a district under divisions (A)(1) and 38503
(2) of section 3317.021 of the Revised Code in the second, third, 38504
and fourth preceding fiscal years. 38505

(3) "Entitled to attend school" means entitled to attend 38506
school in a city, local, or exempted village school district under 38507
section 3313.64 or 3313.65 of the Revised Code. 38508

(4) "Formula ADM" has the same meaning as in section 3317.02 38509
of the Revised Code. 38510

(5) "Native student" has the same meaning as in section 38511

3313.98 of the Revised Code. 38512

(6) "Open enrollment net gain" for a district means (a) the 38513
number of the students entitled to attend school in another 38514
district but who are enrolled in the schools of the district under 38515
its open enrollment policy minus (b) the number of the district's 38516
native students who are enrolled in the schools of another 38517
district under the other district's open enrollment policy, both 38518
numbers as certified to the department under section 3313.981 of 38519
the Revised Code. If the difference is a negative number, the 38520
district's "open enrollment net gain" is zero. 38521

(7) "Open enrollment policy" means an interdistrict open 38522
enrollment policy adopted under section 3313.98 of the Revised 38523
Code. 38524

(8) "District median income" means the median Ohio adjusted 38525
gross income certified for a school district under section 38526
3317.021 of the Revised Code. 38527

(9) "Statewide median income" means the median district 38528
median income of all city, exempted village, and local school 38529
districts in the state. 38530

(10) "Income factor" for a city, exempted village, or local 38531
school district means the quotient obtained by dividing that 38532
district's median income by the statewide median income. 38533

(B) Calculate for each district the three-year average of the 38534
adjusted valuations per pupil calculated for the district for the 38535
current and two preceding fiscal years; 38536

(C) Rank all such districts in order of adjusted valuation 38537
per pupil from the district with the lowest three-year average 38538
adjusted valuation per pupil to the district with the highest 38539
three-year average adjusted valuation per pupil; 38540

(D) Divide such ranking into percentiles with the first 38541

percentile containing the one per cent of school districts having 38542
the lowest three-year average adjusted valuations per pupil and 38543
the one-hundredth percentile containing the one per cent of school 38544
districts having the highest three-year average adjusted 38545
valuations per pupil; 38546

(E) Determine the school districts that have three-year 38547
average adjusted valuations per pupil that are greater than the 38548
median three-year average adjusted valuation per pupil for all 38549
school districts in the state; 38550

(F) On or before the first day of September, certify the 38551
information described in divisions (A) to (E) of this section to 38552
the Ohio ~~school~~ facilities construction commission. 38553

Sec. 3318.02. (A) For purposes of sections 3318.01 to 3318.20 38554
of the Revised Code, the Ohio ~~school~~ facilities construction 38555
commission shall periodically perform an assessment of the 38556
classroom facility needs in the state to identify school districts 38557
in need of additional classroom facilities, or replacement or 38558
reconstruction of existent classroom facilities, and the cost to 38559
each such district of constructing or acquiring such additional 38560
facilities or making such renovations. 38561

(B) Based upon the most recent assessment conducted pursuant 38562
to division (A) of this section, the commission shall conduct 38563
on-site visits to school districts identified as having classroom 38564
facility needs to confirm the findings of the periodic assessment 38565
and further evaluate the classroom facility needs of the district. 38566
The evaluation shall assess the district's need to construct or 38567
acquire new classroom facilities and may include an assessment of 38568
the district's need for building additions or for the 38569
reconstruction of existent buildings in lieu of constructing or 38570
acquiring replacement buildings. 38571

(C)(1) Except as provided in division (C)(2) of this section, 38572

on-site visits performed on or after May 20, 1997, shall be 38573
performed in the order specified in this division. The first round 38574
of on-site visits first succeeding the effective date of this 38575
amendment, May 20, 1997, shall be limited to the school districts 38576
in the first through fifth percentiles, excluding districts that 38577
are ineligible for funding under this chapter pursuant to section 38578
3318.04 of the Revised Code. The second round of on-site visits 38579
shall be limited to the school districts in the first through 38580
tenth percentiles, excluding districts that are ineligible for 38581
funding under this chapter pursuant to section 3318.04 of the 38582
Revised Code. Each succeeding round of on-site visits shall be 38583
limited to the percentiles included in the immediately preceding 38584
round of on-site visits plus the next five percentiles. Except for 38585
the first round of on-site visits, no round of on-site visits 38586
shall commence unless eighty per cent of the districts for which 38587
on-site visits were performed during the immediately preceding 38588
round, have had projects approved under section 3318.04 of the 38589
Revised Code. 38590

(2) Notwithstanding division (C)(1) of this section, the 38591
commission may perform on-site visits for school districts in the 38592
next highest percentile to the percentiles included in the current 38593
round of on-site visits, and then to succeeding percentiles one at 38594
a time, not to exceed the twenty-fifth percentile, if all of the 38595
following apply: 38596

(a) Less than eighty per cent of the districts for which 38597
on-site visits were performed in the current round, and in any 38598
percentiles for which on-site visits were performed in addition to 38599
the current round pursuant to this division, have had projects 38600
approved under section 3318.04 of the Revised Code; 38601

(b) There are funds appropriated for the purpose of sections 38602
3318.01 to 3318.20 of the Revised Code that are not reserved and 38603
encumbered for projects pursuant to section 3318.04 of the Revised 38604

Code; 38605

(c) The commission makes a finding that such available funds 38606
would be more thoroughly utilized if on-site visits were extended 38607
to the next highest percentile. 38608

(D) Notwithstanding divisions (B) and (C) of this section, in 38609
any fiscal year, the commission may limit the number of districts 38610
for which it conducts on-site visits based upon its projections of 38611
the moneys available and moneys necessary to undertake projects 38612
under sections 3318.01 to 3318.20 of the Revised Code for that 38613
year. 38614

Sec. 3318.021. Notwithstanding section 3318.02 of the Revised 38615
Code, the Ohio ~~school~~ facilities construction commission may 38616
conduct on-site visits to any school district whose district board 38617
adopts a resolution certifying to the commission the board's 38618
intent to participate in the school building assistance expedited 38619
local partnership program under section 3318.36 of the Revised 38620
Code. 38621

Sec. 3318.022. Notwithstanding anything to the contrary in 38622
section 3318.02 of the Revised Code, within two years following 38623
the request of the school district, the Ohio ~~school~~ facilities 38624
construction commission shall assess the current conditions of the 38625
classroom facilities needs of any school district that is not yet 38626
eligible for state assistance under Chapter 3318. of the Revised 38627
Code and that requests such an assessment. The assessment made 38628
under this section shall not include a final agreement between the 38629
school district and the commission as to the basic project cost of 38630
the school district's classroom facilities needs. The commission 38631
shall not consider any request for an assessment under this 38632
section that is submitted sooner than ~~the effective date of this~~ 38633
~~section~~ September 14, 2000. 38634

Sec. 3318.024. In the first year of a capital biennium, any 38635
funds appropriated to the Ohio ~~school~~ facilities construction 38636
commission for classroom facilities projects under this chapter in 38637
the previous capital biennium that were not spent or encumbered, 38638
or for which an encumbrance has been canceled under section 38639
3318.05 of the Revised Code, shall be used by the commission only 38640
for projects under sections 3318.01 to 3318.20 of the Revised 38641
Code, subject to appropriation by the general assembly. 38642

In the second year of a capital biennium, any funds 38643
appropriated to the Ohio ~~school~~ facilities construction commission 38644
for classroom facilities projects under this chapter that were not 38645
spent or encumbered in the first year of the biennium and which 38646
are in excess of an amount equal to half of the appropriations for 38647
the capital biennium, or for which an encumbrance has been 38648
canceled under section 3318.05 of the Revised Code, shall be used 38649
by the commission only for projects under sections 3318.01 to 38650
3318.20, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 38651
3318.40 to 3318.46 of the Revised Code, subject to appropriation 38652
by the general assembly. 38653

Sec. 3318.03. (A) Before conducting an on-site evaluation of 38654
a school district under section 3318.02 of the Revised Code, at 38655
the request of the district board of education, the Ohio ~~school~~ 38656
facilities construction commission shall examine any classroom 38657
facilities needs assessment that has been conducted by the 38658
district and any master plan developed for meeting the facility 38659
needs of the district. 38660

(B) Upon conducting the on-site evaluation under section 38661
3318.02 of the Revised Code, the Ohio ~~school~~ facilities 38662
construction commission shall make a determination of all of the 38663
following: 38664

(1) The needs of the school district for additional classroom facilities; 38665
38666

(2) The number of classroom facilities to be included in a project and the basic project cost of constructing, acquiring, reconstructing, or making additions to each such facility; 38667
38668
38669

(3) The amount of such cost that the school district can supply from available funds, by the issuance of bonds previously authorized by the electors of the school district the proceeds of which can lawfully be used for the project and by the issuance of bonds under section 3318.05 of the Revised Code; 38670
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(4) The remaining amount of such cost that shall be supplied by the state; 38675
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(5) The amount of the state's portion to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal years from funds appropriated for purposes of sections 3318.01 to 3318.20 of the Revised Code. 38677
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(C) The commission shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility only upon evidence that the proposed project conforms to sound educational practice, that it is in keeping with the orderly process of school district reorganization and consolidation, and that the actual or projected enrollment in each classroom facility proposed to be included in the project is at least three hundred fifty pupils. Exceptions shall be authorized only in those districts where topography, sparsity of population, and other factors make larger schools impracticable. 38681
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If the school district board determines that an existing facility has historical value or for other good cause determines that an existing facility should be renovated in lieu of acquiring a comparable facility by new construction, the commission may approve the expenditure of project funds for the renovation of 38691
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that facility up to but not exceeding one hundred per cent of the 38696
estimated cost of acquiring a comparable facility by new 38697
construction, as long as the commission determines that the 38698
facility when renovated can be operationally efficient, will be 38699
adequate for the future needs of the district, and will comply 38700
with the other provisions of this division. 38701

(D) Sections 125.81 and 153.04 of the Revised Code shall not 38702
apply to classroom facilities constructed under either sections 38703
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 38704
Code. 38705

Sec. 3318.031. (A) The Ohio ~~school~~ facilities construction 38706
commission shall consider student and staff safety and health when 38707
reviewing design plans for classroom facility construction 38708
projects proposed under this chapter. After consulting with 38709
appropriate education, health, and law enforcement personnel, the 38710
commission may require as a condition of project approval under 38711
either section 3318.03 or division (B)(1) of section 3318.41 of 38712
the Revised Code such changes in the design plans as the 38713
commission believes will advance or improve student and staff 38714
safety and health in the proposed classroom facility. 38715

To carry out its duties under this division, the commission 38716
shall review and, if necessary, amend any construction and design 38717
standards used in its project approval process, including 38718
standards for location and number of exits, standards for lead 38719
safety in classroom facilities constructed before 1978 in which 38720
services are provided to children under six years of age, and 38721
location of restrooms, with a focus on advancing student and staff 38722
safety and health. 38723

(B) When reviewing design standards for classroom facility 38724
construction projects proposed under this chapter, the commission 38725
shall also consider the extent to which the design standards 38726

support the following:	38727
(1) Trends in educational delivery methods, including digital access and blended learning;	38728 38729
(2) Provision of sufficient space for training new teachers and promotion of collaboration among teaching candidates, experienced teachers, and teacher educators;	38730 38731 38732
(3) Provision of adequate space for teacher planning and collaboration;	38733 38734
(4) Provision of adequate space for parent involvement activities;	38735 38736
(5) Provision of sufficient space for innovative partnerships between schools and health and social service agencies.	38737 38738
Sec. 3318.032. (A) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by the school district shall be the greater of:	38739 38740 38741
(1) The required percentage of the basic project costs;	38742
(2)(a) For all districts except a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the required level of indebtedness;	38743 38744 38745 38746 38747 38748 38749
(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:	38750 38751 38752 38753 38754 38755

The required level of indebtedness X (the basic 38756
project cost of the segment as approved 38757
by the controlling board / the estimated basic 38758
project cost of the district's entire classroom facilities 38759
needs as determined jointly by the staff of the Ohio 38760
~~school~~ facilities construction commission and the district) 38761

(B) The amount of the district's share determined under this 38762
section shall be calculated only as of the date the controlling 38763
board approved the project, and that amount applies throughout the 38764
thirteen-month period permitted under section 3318.05 of the 38765
Revised Code for the district's electors to approve the 38766
propositions described in that section. If the amount reserved and 38767
encumbered for a project is released because the electors do not 38768
approve those propositions within that period, and the school 38769
district later receives the controlling board's approval for the 38770
project, subject to a new project scope and estimated costs under 38771
section 3318.054 of the Revised Code, the district's portion shall 38772
be recalculated in accordance with this section as of the date of 38773
the controlling board's subsequent approval. 38774

(C) At no time shall a school district's portion of the basic 38775
project cost be greater than ninety-five per cent of the total 38776
basic project cost. 38777

(D) If the controlling board approves a project under 38778
sections 3318.01 to 3318.20 of the Revised Code for a school 38779
district that previously received assistance under those sections 38780
or section 3318.37 of the Revised Code within the twenty-year 38781
period prior to the date on which the controlling board approves 38782
the new project, the district's portion of the basic project cost 38783
for the new project shall be the lesser of the following: 38784

(1) The portion calculated under division (A) of this 38785
section; 38786

(2) The greater of the following: 38787

(a) The required percentage of the basic project costs for the new project;	38788 38789
(b) The percentage of the basic project cost paid by the district for the previous project.	38790 38791
Sec. 3318.033. (A) As used in this section:	38792
(1) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.	38793 38794
(2) "Open enrollment net gain" has the same meaning as in section 3318.011 of the Revised Code.	38795 38796
(B) This section applies to each school district that meets the following criteria:	38797 38798
(1) The Ohio school facilities <u>construction</u> commission certified its conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code after July 1, 2006, and prior to September 29, 2007, and the project had not been completed as of September 29, 2007.	38799 38800 38801 38802 38803
(2) Within one year after the date of the commission's certification of its conditional approval, the district's electors approved a bond issue to pay the district's portion of the basic project cost or the district board of education complied with section 3318.052 of the Revised Code.	38804 38805 38806 38807 38808
(3) In the fiscal year prior to the fiscal year in which the district's project was conditionally approved, the district had an open enrollment net gain that was ten per cent or more of its formula ADM.	38809 38810 38811 38812
(C) For each school district to which this section applies, the department of education shall recalculate the district's percentile ranking under section 3318.011 of the Revised Code for the fiscal year prior to the fiscal year in which the district's project was conditionally approved and shall report the	38813 38814 38815 38816 38817

recalculated percentile ranking to the commission. For this 38818
purpose, the department shall recalculate every school district's 38819
percentile ranking for that fiscal year using the district's 38820
"valuation per pupil" as that term is defined in section 3318.011 38821
of the Revised Code on and after September 29, 2007. 38822

(D) For each school district to which this section applies, 38823
the commission shall use the recalculated percentile ranking 38824
reported under division (C) of this section to determine the 38825
district's portion of the basic project cost under section 38826
3318.032 of the Revised Code. The commission shall not use the 38827
recalculated percentile ranking for any other purpose, and the 38828
recalculated ranking shall not affect any other district's portion 38829
of the basic project cost under section 3318.032 of the Revised 38830
Code or any district's eligibility for assistance under sections 38831
3318.01 to 3318.20 of the Revised Code. The commission shall 38832
revise the agreement entered into under section 3318.08 of the 38833
Revised Code to reflect the district's new portion of the basic 38834
project cost as determined under this division. 38835

Sec. 3318.034. (A) This section applies to both of the 38836
following: 38837

(1) Any school district that has not executed an agreement 38838
for a project under sections 3318.01 to 3318.20 of the Revised 38839
Code prior to June 24, 2008; 38840

(2) Any school district that is eligible for additional 38841
assistance under sections 3318.01 to 3318.20 of the Revised Code 38842
pursuant to division (B)(2) of section 3318.04 of the Revised 38843
Code. 38844

Notwithstanding any provision of this chapter to the 38845
contrary, with the approval of the Ohio ~~school~~ facilities 38846
construction commission, any school district to which this section 38847
applies may opt to divide the district's entire classroom 38848

facilities needs, as those needs are jointly determined by the 38849
staff of the commission and the school district, into discrete 38850
segments and shall comply with all of the provisions of those 38851
sections unless otherwise provided in this section. 38852

(B) Except as provided in division (C) of this section, each 38853
segment shall comply with both of the following: 38854

(1) The segment shall consist of the new construction of one 38855
or more entire buildings, a stand-alone segment of a building that 38856
serves grades kindergarten through twelve, or the complete 38857
renovation of one or more entire existing buildings, with any 38858
necessary additions to that building. 38859

(2) The segment shall not include any construction of or 38860
renovation or repair to any building that does not complete the 38861
needs of the district with respect to that particular building at 38862
the time the segment is completed. 38863

(C) A district described in division (A)(2) of this section 38864
that has not received the additional assistance authorized under 38865
division (B)(2) of section 3318.04 of the Revised Code may 38866
undertake a segment, with commission approval, for the purpose of 38867
renovating or replacing work performed on a facility under the 38868
district's prior project. The commission may approve that segment 38869
if the commission determines that the renovation or replacement is 38870
necessary to protect the facility. The basic project cost of the 38871
segment shall be allocated between the state and the district in 38872
accordance with section 3318.032 of the Revised Code. However, the 38873
requirements of division (B) of this section shall not apply to a 38874
segment undertaken under this division. 38875

(D) The commission shall conditionally approve and seek 38876
controlling board approval in accordance with division (A) of 38877
section 3318.04 of the Revised Code of each segment. 38878

(E)(1) When undertaking a segment under this section, a 38879

school district may elect to prorate its full maintenance amount 38880
by setting aside for maintenance the amount calculated under 38881
division (E)(2) of this section to maintain the classroom 38882
facilities acquired under the segment, if the district will use 38883
one or more of the alternative methods authorized in sections 38884
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 38885
the entire amount calculated under that division. If the district 38886
so elects, the commission and the district shall include in the 38887
agreement entered into under section 3318.08 of the Revised Code a 38888
statement specifying that the district will use the amount 38889
calculated under that division only to maintain the classroom 38890
facilities acquired under the segment. 38891

(2) The commission shall calculate the amount for a school 38892
district to maintain the classroom facilities acquired under a 38893
segment as follows: 38894

The full maintenance amount X (the school district's portion 38895
of the basic project cost for the segment / the school district's 38896
portion of the basic project cost for the district's entire 38897
classroom facilities needs, as determined jointly by the staff of 38898
the commission and the district) 38899

(3) A school district may elect to prorate its full 38900
maintenance amount for any number of segments, provided the 38901
district will use one or more of the alternative methods 38902
authorized in sections 3318.051, 3318.052, and 3318.084 of the 38903
Revised Code to generate the entire amount calculated under 38904
division (E)(2) of this section to maintain the classroom 38905
facilities acquired under each segment for which it so elects. If 38906
the district cannot use one or more of those alternative methods 38907
to generate the entire amount calculated under that division, the 38908
district shall levy the tax described in division (B) of section 38909
3318.05 of the Revised Code or an extension of that tax under 38910
section 3318.061 of the Revised Code in an amount necessary to 38911

generate the remainder of its full maintenance amount. The 38912
commission shall calculate the remainder of the district's full 38913
maintenance amount as follows: 38914

The full maintenance amount - the sum of the amounts 38915
calculated for the district under division (E)(2) of this section 38916
for each prior segment of the district's project 38917

(4) In no case shall the sum of the amounts calculated for a 38918
school district's maintenance of classroom facilities under 38919
divisions (E)(2) and (3) of this section exceed the amount that 38920
would have been required for maintenance if the district had 38921
elected to undertake its project in its entirety instead of 38922
segmenting the project under this section. 38923

(5) If a school district commenced a segment under this 38924
section prior to September 10, 2012, but has not completed that 38925
segment, and has not levied the tax described in division (B) of 38926
section 3318.05 of the Revised Code or an extension of that tax 38927
under section 3318.061 of the Revised Code, the district may 38928
request approval from the commission to prorate its full 38929
maintenance amount in accordance with divisions (E)(1) to (4) of 38930
this section. If the commission approves the request, the 38931
commission and the district shall amend the agreement entered into 38932
under section 3318.08 of the Revised Code to reflect the change. 38933

(F) If a school district levies the tax described in division 38934
(B) of section 3318.05 of the Revised Code or an extension of that 38935
tax under section 3318.061 of the Revised Code, the tax shall run 38936
for twenty-three years from the date the segment for which the tax 38937
is initially levied is undertaken. The maintenance levy 38938
requirement, as defined in section 3318.18 of the Revised Code, 38939
does not apply to a segment undertaken under division (C) of this 38940
section. 38941

(G) As used in this section, "full maintenance amount" means 38942

the amount of total revenue that a school district likely would 38943
generate by one-half mill of the tax described in division (B) of 38944
section 3318.05 of the Revised Code over the entire 38945
twenty-three-year period required under that section, as 38946
determined by the commission in consultation with the department 38947
of taxation. 38948

Sec. 3318.035. (A) This section applies only if there is a 38949
change in the assessment rates on gas pipelines imposed under 38950
state law. 38951

(B) If at any time division (A) of this section applies and 38952
if the change in assessment rates described in that division 38953
affects a school district's valuation as determined under division 38954
(P) of section 3318.01 of the Revised Code by greater than ten per 38955
cent and if the Ohio ~~school~~ facilities construction commission had 38956
determined the state and school district portion of the basic 38957
project cost of such a district's project under section 3318.36 or 38958
3318.37 of the Revised Code prior to that change in valuation, the 38959
commission shall adjust the state and school district portions of 38960
the basic project cost of the school district's project using the 38961
valuation altered by the change in assessment rates described in 38962
division (A) of this section. 38963

Sec. 3318.036. (A) For purposes of this section: 38964

(1) "Eligible school district" is a city, local, or exempted 38965
village school district that satisfies both of the following 38966
conditions: 38967

(a) The district resulted from one of the following that 38968
became effective between July 1, 2013, and June 30, 2018: 38969

(i) A transfer of all of the territory of one school district 38970
to another school district in accordance with section 3311.22, 38971
3311.231, 3311.24, or 3311.38 of the Revised Code; 38972

(ii) The merger of two or more districts in accordance with section 3311.25 of the Revised Code;	38973 38974
(iii) The creation of a new local school district from all of one or more local school districts in accordance with section 3311.26 of the Revised Code;	38975 38976 38977
(iv) The consolidation of two or more school districts under section 3311.37 of the Revised Code.	38978 38979
(b) The district has demonstrated to the Ohio school facilities <u>construction</u> commission an efficient use of facility space, including a reduction in the number of buildings used by students and administrative staff.	38980 38981 38982 38983
(2) "Basic project cost" and "required percentage of the basic project cost" have the same meanings as in section 3318.01 of the Revised Code.	38984 38985 38986
(B) Notwithstanding anything to the contrary in this chapter:	38987
(1) If the commission determines that a district is an eligible school district, the commission shall give that district first priority for funding for a project under sections 3318.01 to 3318.20 of the Revised Code as such funds become available, regardless of the district's percentile rank under section 3318.011 of the Revised Code. If the district results from a transfer, merger, consolidation, or creation of a new local district that takes effect prior to the effective date of this section <u>April 6, 2017</u> , the district's portion of the basic project cost shall be the required percentage of the basic project cost based on the percentile ranking of the district that was transferred, merged, consolidated, or existed prior to the creation of the new district that has the lowest three-year average adjusted valuation per pupil, as calculated under section 3318.011 of the Revised Code, on the date that the transfer, merger, consolidation, or creation of the new district became	38988 38989 38990 38991 38992 38993 38994 38995 38996 38997 38998 38999 39000 39001 39002 39003

effective. 39004

(2) If an eligible school district is given priority under 39005
division (B)(1) of this section, the commission may reduce that 39006
district's portion of the basic project cost by twenty-five 39007
percentage points from the portion determined under section 39008
3318.032 of the Revised Code or, if the district results from a 39009
transfer, merger, consolidation, or creation of a new local 39010
district that takes effect prior to ~~the effective date of this~~ 39011
~~section~~ April 6, 2017, from the portion determined under division 39012
(B)(1) of this section. At no time, however, shall that district's 39013
portion of the basic project cost be less than five per cent. 39014

(3) If an eligible school district is given priority under 39015
division (B)(1) of this section, the commission may reduce that 39016
district's portion of the basic project cost by ten percentage 39017
points from the portion determined under section 3318.032 of the 39018
Revised Code or, if the district results from a transfer, merger, 39019
consolidation, or creation of a new local district that takes 39020
effect prior to ~~the effective date of this section~~ April 6, 2017, 39021
from the portion determined under division (B)(1) of this section, 39022
if the district's project satisfies the following conditions: 39023

(a) The project involves construction of a building on land 39024
owned by a state institution of higher education, as that term is 39025
defined in section 3345.011 of the Revised Code, and the 39026
commission approves the project. 39027

(b) The district and the state institution of higher 39028
education enter into a written agreement regarding the continued 39029
use of the institution's land by the district, and the commission 39030
approves the agreement. 39031

(c) On the date that the district and the state institution 39032
of higher education enter into the written agreement described in 39033
division (B)(3)(b) of this section, the state institution of 39034

higher education is participating in the college credit plus 39035
program established under Chapter 3365. of the Revised Code. 39036

At no time, however, shall that district's portion of the 39037
basic project cost be less than five per cent. 39038

The reduction of the district's portion of the basic project 39039
cost described in division (B)(3) of this section may be in 39040
addition to a reduction of the district's portion of the basic 39041
project cost under division (B)(2) of this section. 39042

(C) Except as provided in division (B) of this section, a 39043
district's project undertaken pursuant to this section shall be 39044
subject to all other requirements in sections 3318.01 to 3318.20 39045
of the Revised Code. 39046

Sec. 3318.037. (A) For purposes of this section, an "eligible 39047
school district" is a school district that satisfies all of the 39048
following conditions: 39049

(1) The district executed an agreement for a project under 39050
sections 3318.01 to 3318.20 of the Revised Code that was segmented 39051
under section 3318.034 of the Revised Code. 39052

(2) The district has undertaken one or more segments of that 39053
project and has applied to the Ohio facilities construction 39054
commission for funding for a subsequent segment of the project. 39055

(3) Since the original project agreement described in 39056
division (A)(1) of this section was executed, the district has 39057
experienced a decrease in its adjusted valuation per pupil, as 39058
determined annually under section 3318.011 of the Revised Code, 39059
such that, as of the date the district submits its application for 39060
a subsequent segment of the project as described in division 39061
(A)(2) of this section, the district's annual percentile ranking 39062
under that section is lower than its percentile ranking on the 39063
date the district executed the original agreement for the project. 39064

(B) Notwithstanding anything to the contrary in this chapter or in any rule of the commission, an eligible school district's portion of the cost for a subsequent segment of its project shall be the "required percentage of the basic project costs" based on the district's current percentile ranking for the fiscal year for which the district seeks funding for the segment.

Upon determining the respective state and district portions of the basic project cost for the segment pursuant to this section, the commission and the district shall amend the project agreement to stipulate those portions, and the commission shall encumber funds for the segment in accordance with section 3318.11 of the Revised Code.

(C) Nothing in this section shall affect the respective state and district portions of the basic project cost of segments of a district's project undertaken prior to the district's application for funding for a subsequent segment of the project under this section.

Sec. 3318.04. (A) If the Ohio ~~school~~ facilities construction commission makes a determination under section 3318.03 of the Revised Code in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and, the amount of the state's portion to be encumbered in the current fiscal year. In the event of approval thereof by the controlling board, the commission shall certify such conditional approval to the school district board and shall encumber from the total funds appropriated for the purpose of sections 3318.01 to 3318.20 of the

Revised Code the amount approved under this section to be 39096
encumbered in the current fiscal year. 39097

The basic project cost for a project approved under this 39098
section shall not exceed the cost that would otherwise have to be 39099
incurred if the classroom facilities to be constructed, acquired, 39100
or reconstructed, or the additions to be made to classroom 39101
facilities, under such project meet, but do not exceed, the 39102
specifications for plans and materials for classroom facilities 39103
adopted by the commission. 39104

(B)(1) No school district shall have a project conditionally 39105
approved pursuant to this section if the school district has 39106
already received any assistance for a project funded under any 39107
version of sections 3318.01 to 3318.20 of the Revised Code, and 39108
the prior project was one for which the electors of such district 39109
approved a levy within the last twenty years pursuant to any 39110
version of section 3318.06 of the Revised Code for purposes of 39111
qualifying for the funding of that project, unless the district 39112
demonstrates to the satisfaction of the commission that the 39113
district has experienced since approval of its prior project an 39114
exceptional increase in enrollment significantly above the 39115
district's design capacity under that prior project as determined 39116
by rule of the commission. 39117

(2) Notwithstanding division (B)(1) of this section, any 39118
school district that received assistance under sections 3318.01 to 39119
3318.20 of the Revised Code, as those sections existed prior to 39120
May 20, 1997, may receive additional assistance under those 39121
sections, as they exist on and after May 20, 1997, prior to the 39122
expiration of the period of time required under division (B)(1) of 39123
this section, if the percentile in which the school district is 39124
located, as determined under section 3318.011 of the Revised Code, 39125
is eligible for assistance as prescribed in section 3318.02 of the 39126
Revised Code. 39127

The commission may provide assistance under sections 3318.01 39128
to 3318.20 of the Revised Code pursuant to this division to no 39129
more than five school districts per fiscal year until all eligible 39130
school districts have received the additional assistance 39131
authorized under this division. The commission shall establish 39132
application procedures, deadlines, and priorities for funding 39133
projects under this division. 39134

The commission at its discretion may waive current design 39135
specifications it has adopted for projects under sections 3318.01 39136
to 3318.20 of the Revised Code when assessing an application for 39137
additional assistance under this division for the renovation of 39138
classroom facilities constructed or renovated under a school 39139
district's previous project. If the commission finds that a school 39140
district's existing classroom facilities are adequate to meet all 39141
of the school district's needs, the commission may determine that 39142
no additional state assistance be awarded to a school district 39143
under this division. 39144

In order for a school district to be eligible to receive any 39145
additional assistance under this division, the school district 39146
electors shall extend the school district's existing levy 39147
dedicated for maintenance of classroom facilities under Chapter 39148
3318. of the Revised Code, pursuant to section 3318.061 of the 39149
Revised Code or shall provide equivalent alternative maintenance 39150
funds as specified in division (A)(2) of section 3318.06 of the 39151
Revised Code. 39152

(3) Notwithstanding division (B)(1) of this section, any 39153
school district that has received assistance under sections 39154
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 39155
receive additional assistance if the commission decides in favor 39156
of providing such assistance pursuant to section 3318.042 of the 39157
Revised Code. 39158

(4) Notwithstanding division (B)(1) of this section, any 39159

school district that has opted to divide its entire classroom 39160
facilities needs into segments to be completed separately, as 39161
authorized by section 3318.034 of the Revised Code, and that has 39162
received assistance under sections 3318.01 to 3318.20 of the 39163
Revised Code for one of those segments may receive assistance 39164
under those sections for a subsequent segment. Assistance for any 39165
subsequent segment shall not include any additional work on a 39166
building included in a prior segment unless the district 39167
demonstrates to the satisfaction of the commission that the 39168
district has experienced since the completion of the prior segment 39169
an exceptional increase in enrollment in the grade levels housed 39170
in that building. 39171

Sec. 3318.041. A school district ranked in the first through 39172
twenty-fifth percentiles may adopt and certify to the Ohio ~~school~~ 39173
facilities construction commission a resolution specifying a 39174
proposed project that meets the requirements of this chapter and 39175
the needs of the district, as confirmed through an on-site visit 39176
pursuant to section 3318.02 of the Revised Code. The commission 39177
shall consider such projects for conditional approval pursuant to 39178
section 3318.03 and shall encumber funds pursuant to section 39179
3318.04 of the Revised Code in the order in which such resolutions 39180
are received. 39181

Sec. 3318.042. (A) The board of education of any school 39182
district that is receiving assistance under sections 3318.01 to 39183
3318.20 of the Revised Code after May 20, 1997, or under sections 39184
3318.40 to 3318.45 of the Revised Code, and whose project is still 39185
under construction, may request that the Ohio ~~school~~ facilities 39186
construction commission examine whether the circumstances 39187
prescribed in either division (B)(1) or (2) of this section exist 39188
in the school district. If the commission so finds, the commission 39189
shall review the school district's original assessment and 39190

approved project and consider providing additional assistance to 39191
the school district to correct the prescribed conditions found to 39192
exist in the district. Additional assistance under this section 39193
shall be limited to additions to one or more buildings, remodeling 39194
of one or more buildings, or changes to the infrastructure of one 39195
or more buildings. 39196

(B) Consideration of additional assistance to a school 39197
district under this section is warranted in either of the 39198
following circumstances: 39199

(1) Additional work is needed to correct an oversight or 39200
deficiency not identified or included in the district's initial 39201
assessment. 39202

(2) Other conditions exist that, in the opinion of the 39203
commission, warrant additions or remodeling of the project 39204
facilities or changes to infrastructure associated with the 39205
district's project that were not identified in the initial 39206
assessment and plan. 39207

(C) If the commission decides in favor of providing 39208
additional assistance to any school district under this section, 39209
the school district shall be responsible for paying for its 39210
portion of the cost of the additions, remodeling, or 39211
infrastructure changes pursuant to section 3318.083 of the Revised 39212
Code. If, after making a financial evaluation of the school 39213
district, the commission determines that the school district is 39214
unable without undue hardship, according to the guidelines adopted 39215
by the commission, to fund the school district portion of the 39216
increase, then the state and the school district shall enter into 39217
an agreement whereby the state shall pay the portion of the cost 39218
increase attributable to the school district which is determined 39219
to be in excess of any local resources available to the district 39220
and the district shall thereafter reimburse the state. The 39221
commission shall establish the district's schedule for reimbursing 39222

the state, which shall not extend beyond ten years. The commission 39223
may lengthen the reimbursement schedule of a school district that 39224
has entered into an agreement under this section prior to ~~the~~ 39225
~~effective date of this amendment~~ September 26, 2003, as long as 39226
the total term of that schedule does not extend beyond ten years. 39227
Debt incurred under this section shall not be included in the 39228
calculation of the net indebtedness of the school district under 39229
section 133.06 of the Revised Code. 39230

Sec. 3318.05. The conditional approval of the Ohio ~~school~~ 39231
facilities construction commission for a project shall lapse and 39232
the amount reserved and encumbered for such project shall be 39233
released unless the school district board accepts such conditional 39234
approval within one hundred twenty days following the date of 39235
certification of the conditional approval to the school district 39236
board and the electors of the school district vote favorably on 39237
both of the propositions described in divisions (A) and (B) of 39238
this section within thirteen months of the date of such 39239
certification, except that a school district described in division 39240
(C) of this section does not need to submit the proposition 39241
described in division (B) of this section. The propositions 39242
described in divisions (A) and (B) of this section shall be 39243
combined in a single proposal. If the district board or the 39244
district's electors fail to meet such requirements and the amount 39245
reserved and encumbered for the district's project is released, 39246
the district shall be given first priority for project funding as 39247
such funds become available, subject to section 3318.054 of the 39248
Revised Code. 39249

(A) On the question of issuing bonds of the school district 39250
board, for the school district's portion of the basic project 39251
cost, in an amount equal to the school district's portion of the 39252
basic project cost less the amount of the proceeds of any 39253
securities authorized or to be authorized under division (J) of 39254

section 133.06 of the Revised Code and dedicated by the school 39255
district board to payment of the district's portion of the basic 39256
project cost; and 39257

(B) On the question of levying a tax the proceeds of which 39258
shall be used to pay the cost of maintaining the classroom 39259
facilities included in the project. Such tax shall be at the rate 39260
of not less than one-half mill for each dollar of valuation for a 39261
period of twenty-three years, subject to any extension approved 39262
under section 3318.061 of the Revised Code. 39263

(C) If a school district has in place a tax levied under 39264
section 5705.21 of the Revised Code for general permanent 39265
improvements for a continuing period of time and the proceeds of 39266
such tax can be used for maintenance, or if a district agrees to 39267
the transfers described in section 3318.051 of the Revised Code, 39268
the school district need not levy the additional tax required 39269
under division (B) of this section, provided the school district 39270
board includes in the agreement entered into under section 3318.08 39271
of the Revised Code provisions either: 39272

(1) Earmarking an amount from the proceeds of that permanent 39273
improvement tax for maintenance of classroom facilities equivalent 39274
to the amount of the additional tax and for the equivalent number 39275
of years otherwise required under this section; 39276

(2) Requiring the transfer of money in accordance with 39277
section 3318.051 of the Revised Code. 39278

The district board subsequently may rescind the agreement to 39279
make the transfers under section 3318.051 of the Revised Code only 39280
so long as the electors of the district have approved, in 39281
accordance with section 3318.063 of the Revised Code, the levy of 39282
a tax for the maintenance of the classroom facilities acquired 39283
under the district's project and that levy continues to be 39284
collected as approved by the electors. 39285

(D) Proceeds of the tax to be used for maintenance of the classroom facilities under either division (B) or (C)(1) of this section, and transfers of money in accordance with section 3318.051 of the Revised Code shall be deposited into a separate fund established by the school district for such purpose.

Sec. 3318.051. (A) Any city, exempted village, or local school district that commences a project under sections 3318.01 to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or after September 5, 2006, need not levy the tax otherwise required under division (B) of section 3318.05 of the Revised Code, if the district board of education adopts a resolution petitioning the Ohio ~~school~~ facilities construction commission to approve the transfer of money in accordance with this section and the commission approves that transfer. If so approved, the commission and the district board shall enter into an agreement under which the board, in each of twenty-three consecutive years beginning in the year in which the board and the commission enter into the project agreement under section 3318.08 of the Revised Code, shall transfer into the maintenance fund required by division (D) of section 3318.05 of the Revised Code not less than an amount equal to one-half mill for each dollar of the district's valuation unless and until the agreement to make those transfers is rescinded by the district board pursuant to division (F) of this section.

(B) On the first day of July each year, or on an alternative date prescribed by the commission, the district treasurer shall certify to the commission and the auditor of state that the amount required for the year has been transferred. The auditor of state shall include verification of the transfer as part of any audit of the district under section 117.11 of the Revised Code. If the auditor of state finds that less than the required amount has been deposited into a district's maintenance fund, the auditor of state

shall notify the district board of education in writing of that 39318
fact and require the board to deposit into the fund, within ninety 39319
days after the date of the notice, the amount by which the fund is 39320
deficient for the year. If the district board fails to demonstrate 39321
to the auditor of state's satisfaction that the board has made the 39322
deposit required in the notice, the auditor of state shall notify 39323
the department of education. At that time, the department shall 39324
withhold an amount equal to ten per cent of the district's funds 39325
calculated for the current fiscal year under Chapter 3317. of the 39326
Revised Code until the auditor of state notifies the department 39327
that the auditor of state is satisfied that the board has made the 39328
required transfer. 39329

(C) Money transferred to the maintenance fund shall be used 39330
for the maintenance of the facilities acquired under the 39331
district's project. 39332

(D) The transfers to the maintenance fund under this section 39333
does not affect a district's obligation to establish and maintain 39334
a capital and maintenance fund under section 3315.18 of the 39335
Revised Code. 39336

(E) Any decision by the commission to approve or not approve 39337
the transfer of money under this section is final and not subject 39338
to appeal. The commission shall not be responsible for errors or 39339
miscalculations made in deciding whether to approve a petition to 39340
make transfers under this section. 39341

(F) If the district board determines that it no longer can 39342
continue making the transfers agreed to under this section, the 39343
board may rescind the agreement only so long as the electors of 39344
the district have approved, in accordance with section 3318.063 of 39345
the Revised Code, the levy of a tax for the maintenance of the 39346
classroom facilities acquired under the district's project and 39347
that levy continues to be collected as approved by the electors. 39348
That levy shall be for a number of years that is equal to the 39349

difference between twenty-three years and the number of years that 39350
the district made transfers under this section and shall be at the 39351
rate of not less than one-half mill for each dollar of the 39352
district's valuation. The district board shall continue to make 39353
the transfers agreed to under this section until that levy has 39354
been approved by the electors. 39355

Sec. 3318.052. At any time after the electors of a school 39356
district have approved either or both a property tax levied under 39357
section 5705.21 or 5705.218 of the Revised Code for the purpose of 39358
permanent improvements, including general permanent improvements, 39359
or a school district income tax levied under Chapter 5748. of the 39360
Revised Code, the proceeds of either of which, pursuant to the 39361
ballot measures approved by the electors, are not so restricted 39362
that they cannot be used to pay the costs of a project or 39363
maintaining classroom facilities, the school district board may: 39364

(A) Within one year following the date of the certification 39365
of the conditional approval of the school district's classroom 39366
facilities project by the Ohio ~~school~~ facilities construction 39367
commission, enter into a written agreement with the commission, 39368
which may be part of an agreement entered into under section 39369
3318.08 of the Revised Code, and in which the school district 39370
board covenants and agrees to do one or both of the following: 39371

(1) Apply a specified amount of available proceeds of that 39372
property tax levy, of that school district income tax, or of 39373
securities issued under this section, or of proceeds from any two 39374
or more of those sources, to pay all or part of the district's 39375
portion of the basic project cost of its classroom facilities 39376
project; 39377

(2) Apply available proceeds of either or both a property tax 39378
levied under section 5705.21 or 5705.218 of the Revised Code in 39379
effect for a continuing period of time, or of a school district 39380

income tax levied under Chapter 5748. of the Revised Code in 39381
effect for a continuing period of time to the payment of costs of 39382
maintaining the classroom facilities. 39383

(B) Receive, as a credit against the amount of bonds required 39384
under sections 3318.05 and 3318.06 of the Revised Code, to be 39385
approved by the electors of the district and issued by the 39386
district board for the district's portion of the basic project 39387
cost of its classroom facilities project in order for the district 39388
to receive state assistance for the project, an amount equal to 39389
the specified amount that the district board covenants and agrees 39390
with the commission to apply as set forth in division (A)(1) of 39391
this section; 39392

(C) Receive, as a credit against the amount of the tax levy 39393
required under sections 3318.05 and 3318.06 of the Revised Code, 39394
to be approved by the electors of the district to pay the costs of 39395
maintaining the classroom facilities in order to receive state 39396
assistance for the classroom facilities project, an amount 39397
equivalent to the specified amount of proceeds the school district 39398
board covenants and agrees with the commission to apply as 39399
referred to in division (A)(2) of this section; 39400

(D) Apply proceeds of either or both a school district income 39401
tax levied under Chapter 5748. of the Revised Code that may 39402
lawfully be used to pay the costs of a classroom facilities 39403
project or of a tax levied under section 5705.21 or 5705.218 of 39404
the Revised Code to the payment of debt charges on and financing 39405
costs related to securities issued under this section; 39406

(E) Issue securities to provide moneys to pay all or part of 39407
the district's portion of the basic project cost of its classroom 39408
facilities project in accordance with an agreement entered into 39409
under division (A) of this section. Securities issued under this 39410
section shall be Chapter 133. securities and may be issued as 39411
general obligation securities or issued in anticipation of a 39412

school district income tax or as property tax anticipation notes 39413
under section 133.24 of the Revised Code. The district board's 39414
resolution authorizing the issuance and sale of general obligation 39415
securities under this section shall conform to the applicable 39416
requirements of section 133.22 or 133.23 of the Revised Code. 39417
Securities issued under this section shall have principal payments 39418
during each year after the year of issuance over a period of not 39419
more than twenty-three years and, if so determined by the district 39420
board, during the year of issuance. Securities issued under this 39421
section shall not be included in the calculation of net 39422
indebtedness of the district under section 133.06 of the Revised 39423
Code, including but not limited to the limitation on unvoted 39424
indebtedness specified in division (G) of that section, or under 39425
section 3313.372 of the Revised Code, if the resolution of the 39426
district board authorizing their issuance and sale includes 39427
covenants to appropriate annually from lawfully available proceeds 39428
of a property tax levied under section 5705.21 or 5705.218 of the 39429
Revised Code or of a school district income tax levied under 39430
Chapter 5748. of the Revised Code and to continue to levy and 39431
collect the tax in amounts necessary to pay the debt charges on 39432
and financing costs related to the securities as they become due. 39433
No property tax levied under section 5705.21 or 5705.218 of the 39434
Revised Code and no school district income tax levied under 39435
Chapter 5748. of the Revised Code that is pledged, or that the 39436
school district board has covenanted to levy, collect, and 39437
appropriate annually, to pay the debt charges on and financing 39438
costs related to securities issued under this section shall be 39439
repealed while those securities are outstanding. If such a tax is 39440
reduced by the electors of the district or by the district board 39441
while those securities are outstanding, the school district board 39442
shall continue to levy and collect the tax under the authority of 39443
the original election authorizing the tax at a rate in each year 39444
that the board reasonably estimates will produce an amount in that 39445

year equal to the debt charges on the securities in that year, 39446
except that in the case of a school district income tax that 39447
amount shall be rounded up to the nearest one-fourth of one per 39448
cent. 39449

No state moneys shall be released for a project to which this 39450
section applies until the proceeds of the tax securities issued 39451
under this section that are dedicated for the payment of the 39452
district portion of the basic project cost of its classroom 39453
facilities project are first deposited into the district's project 39454
construction fund. 39455

Sec. 3318.054. (A) If conditional approval of a city, 39456
exempted village, or local school district's project lapses as 39457
provided in section 3318.05 of the Revised Code, or if conditional 39458
approval of a joint vocational school district's project lapses as 39459
provided in division (D) of section 3318.41 of the Revised Code, 39460
because the district's electors have not approved the ballot 39461
measures necessary to generate the district's portion of the basic 39462
project cost, and if the district board desires to seek a new 39463
conditional approval of the project, the district board shall 39464
request that the Ohio ~~school~~ facilities construction commission 39465
set the scope, basic project cost, and school district portion of 39466
the basic project cost prior to resubmitting the ballot measures 39467
to the electors. To do so, the commission shall use the district's 39468
current assessed tax valuation and the district's percentile for 39469
the prior fiscal year. For a district that has entered into an 39470
agreement under section 3318.36 of the Revised Code and desires to 39471
proceed with a project under sections 3318.01 to 3318.20 of the 39472
Revised Code, the district's portion of the basic project cost 39473
shall be the percentage specified in that agreement. The project 39474
scope and basic costs established under this division shall be 39475
valid for thirteen months from the date the commission approves 39476
them. 39477

(B) Upon the commission's approval under division (A) of this section, the district board may submit the ballot measures to the district's electors for approval of the project based on the new project scope and estimated costs. Upon electoral approval of those measures, the district shall be given first priority for project funding as such funds become available.

(C) When the commission determines that funds are available for the district's project, the commission shall do all of the following:

(1) Determine the school district portion of the basic project cost under section 3318.032 of the Revised Code, in the case of a city, exempted village, or local school district, or under section 3318.42 of the Revised Code, in the case of a joint vocational school district;

(2) Conditionally approve the project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code;

(3) Encumber funds for the project under section 3318.11 of the Revised Code;

(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code.

Sec. 3318.06. (A) After receipt of the conditional approval of the Ohio ~~school~~ facilities construction commission, the school district board by a majority of all of its members shall, if it desires to proceed with the project, declare all of the following by resolution:

(1) That by issuing bonds in an amount equal to the school district's portion of the basic project cost the district is unable to provide adequate classroom facilities without assistance from the state;

(2) Unless the school district board has resolved to transfer money in accordance with section 3318.051 of the Revised Code or to apply the proceeds of a property tax or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized under section 3318.052 of the Revised Code, that to qualify for such state assistance it is necessary to do either of the following:

(a) Levy a tax outside the ten-mill limitation the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project;

(b) Earmark for maintenance of classroom facilities from the proceeds of an existing permanent improvement tax levied under section 5705.21 of the Revised Code, if such tax can be used for maintenance, an amount equivalent to the amount of the additional tax otherwise required under this section and sections 3318.05 and 3318.08 of the Revised Code.

(3) That the question of any tax levy specified in a resolution described in division (A)(2)(a) of this section, if required, shall be submitted to the electors of the school district at the next general or primary election, if there be a general or primary election not less than ninety and not more than one hundred ten days after the day of the adoption of such resolution or, if not, at a special election to be held at a time specified in the resolution which shall be not less than ninety days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code.

Such resolution shall also state that the question of issuing bonds of the board shall be combined in a single proposal with the question of such tax levy. More than one election under this section may be held in any one calendar year. Such resolution shall specify both of the following:

(a) That the rate which it is necessary to levy shall be at 39540
the rate of not less than one-half mill for each one dollar of 39541
valuation, and that such tax shall be levied for a period of 39542
twenty-three years; 39543

(b) That the proceeds of the tax shall be used to pay the 39544
cost of maintaining the classroom facilities included in the 39545
project. 39546

(B) A copy of a resolution adopted under division (A) of this 39547
section shall after its passage and not less than ninety days 39548
prior to the date set therein for the election be certified to the 39549
county board of elections. 39550

The resolution of the school district board, in addition to 39551
meeting other applicable requirements of section 133.18 of the 39552
Revised Code, shall state that the amount of bonds to be issued 39553
will be an amount equal to the school district's portion of the 39554
basic project cost, and state the maximum maturity of the bonds 39555
which may be any number of years not exceeding the term calculated 39556
under section 133.20 of the Revised Code as determined by the 39557
board. In estimating the amount of bonds to be issued, the board 39558
shall take into consideration the amount of moneys then in the 39559
bond retirement fund and the amount of moneys to be collected for 39560
and disbursed from the bond retirement fund during the remainder 39561
of the year in which the resolution of necessity is adopted. 39562

If the bonds are to be issued in more than one series, the 39563
resolution may state, in addition to the information required to 39564
be stated under division (B)(3) of section 133.18 of the Revised 39565
Code, the number of series, which shall not exceed five, the 39566
principal amount of each series, and the approximate date each 39567
series will be issued, and may provide that no series, or any 39568
portion thereof, may be issued before such date. Upon such a 39569
resolution being certified to the county auditor as required by 39570
division (C) of section 133.18 of the Revised Code, the county 39571

auditor, in calculating, advising, and confirming the estimated 39572
average annual property tax levy under that division, shall also 39573
calculate, advise, and confirm by certification the estimated 39574
average property tax levy for each series of bonds to be issued. 39575

Notice of the election shall include the fact that the tax 39576
levy shall be at the rate of not less than one-half mill for each 39577
one dollar of valuation for a period of twenty-three years, and 39578
that the proceeds of the tax shall be used to pay the cost of 39579
maintaining the classroom facilities included in the project. 39580

If the bonds are to be issued in more than one series, the 39581
board of education, when filing copies of the resolution with the 39582
board of elections as required by division (D) of section 133.18 39583
of the Revised Code, may direct the board of elections to include 39584
in the notice of election the principal amount and approximate 39585
date of each series, the maximum number of years over which the 39586
principal of each series may be paid, the estimated additional 39587
average property tax levy for each series, and the first calendar 39588
year in which the tax is expected to be due for each series, in 39589
addition to the information required to be stated in the notice 39590
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 39591
Code. 39592

(C)(1) Except as otherwise provided in division (C)(2) of 39593
this section, the form of the ballot to be used at such election 39594
shall be: 39595

"A majority affirmative vote is necessary for passage. 39596

Shall bonds be issued by the (here insert name 39597
of school district) school district to pay the local share of 39598
school construction under the State of Ohio Classroom Facilities 39599
Assistance Program in the principal amount of (here 39600
insert principal amount of the bond issue), to be repaid annually 39601
over a maximum period of (here insert the maximum 39602

number of years over which the principal of the bonds may be paid) 39603
years, and an annual levy of property taxes be made outside the 39604
ten-mill limitation, estimated by the county auditor to average 39605
over the repayment period of the bond issue (here 39606
insert the number of mills estimated) mills for each one dollar of 39607
tax valuation, which amounts to (rate expressed in 39608
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 39609
for each one hundred dollars of tax valuation to pay the annual 39610
debt charges on the bonds and to pay debt charges on any notes 39611
issued in anticipation of the bonds?" 39612

and, unless the additional levy 39613
of taxes is not required pursuant 39614
to division (C) of section 39615
3318.05 of the Revised Code, 39616

"Shall an additional levy of taxes be made for a period of 39617
twenty-three years to benefit the (here insert name 39618
of school district) school district, the proceeds of which shall 39619
be used to pay the cost of maintaining the classroom facilities 39620
included in the project at the rate of (here insert the 39621
number of mills, which shall not be less than one-half mill) mills 39622
for each one dollar of valuation? 39623

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

(2) If authority is sought to issue bonds in more than one 39628
series and the board of education so elects, the form of the 39629
ballot shall be as prescribed in section 3318.062 of the Revised 39630
Code. If the board of education elects the form of the ballot 39631
prescribed in that section, it shall so state in the resolution 39632
adopted under this section. 39633

(D) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (B) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of (here insert principal amount of the bond issue), to be repaid annually over a maximum period of (here insert maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue (here insert number of mills) mills for each one dollar of tax valuation, which amount to (here insert rate expressed in cents or dollars and cents, such as "thirty-six cents" or "\$0.36") for each one hundred dollars of valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the (here insert name of the school district) school district for the purpose of acquiring a site for classroom facilities in the sum of

(here insert annual amount the levy is to produce) estimated by 39666
the county auditor to average (here insert number of 39667
mills) mills for each one hundred dollars of valuation, for a 39668
period of (here insert number of years the millage is to 39669
be imposed) years?" 39670

Where it is necessary to combine the question of issuing 39671
bonds of the school district and levying a tax as described in 39672
division (B) of this section with the question of issuing bonds of 39673
the school district for acquisition of a site, the question 39674
specified in that division to be voted on shall be "For the Bond 39675
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 39676
Levy." 39677

Where it is necessary to combine the question of issuing 39678
bonds of the school district and levying a tax as described in 39679
division (B) of this section with the question of levying a tax 39680
for the acquisition of a site, the question specified in that 39681
division to be voted on shall be "For the Bond Issue and the Tax 39682
Levies" and "Against the Bond Issue and the Tax Levies." 39683

Where the school district board chooses to combine the 39684
question in division (B) of this section with any of the 39685
additional questions described in divisions (A) to (D) of section 39686
3318.056 of the Revised Code, the question specified in division 39687
(B) of this section to be voted on shall be "For the Bond Issues 39688
and the Tax Levies" and "Against the Bond Issues and the Tax 39689
Levies." 39690

If a majority of those voting upon a proposition hereunder 39691
which includes the question of issuing bonds vote in favor 39692
thereof, and if the agreement provided for by section 3318.08 of 39693
the Revised Code has been entered into, the school district board 39694
may proceed under Chapter 133. of the Revised Code, with the 39695
issuance of bonds or bond anticipation notes in accordance with 39696
the terms of the agreement. 39697

Sec. 3318.061. This section applies only to school districts 39698
eligible to receive additional assistance under division (B)(2) of 39699
section 3318.04 of the Revised Code. 39700

The board of education of a school district in which a tax 39701
described by division (B) of section 3318.05 and levied under 39702
section 3318.06 of the Revised Code is in effect, may adopt a 39703
resolution by vote of a majority of its members to extend the term 39704
of that tax beyond the expiration of that tax as originally 39705
approved under that section. The school district board may include 39706
in the resolution a proposal to extend the term of that tax at the 39707
rate of not less than one-half mill for each dollar of valuation 39708
for a period of twenty-three years from the year in which the 39709
school district board and the Ohio ~~school~~ facilities construction 39710
commission enter into an agreement under division (B)(2) of 39711
section 3318.04 of the Revised Code or in the following year, as 39712
specified in the resolution. Such a resolution may be adopted at 39713
any time before such an agreement is entered into and before the 39714
tax levied pursuant to section 3318.06 of the Revised Code 39715
expires. If the resolution is combined with a resolution to issue 39716
bonds to pay the school district's portion of the basic project 39717
cost, it shall conform with the requirements of divisions (A)(1), 39718
(2), and (3) of section 3318.06 of the Revised Code, except that 39719
the resolution also shall state that the tax levy proposed in the 39720
resolution is an extension of an existing tax levied under that 39721
section. A resolution proposing an extension adopted under this 39722
section does not take effect until it is approved by a majority of 39723
electors voting in favor of the resolution at a general, primary, 39724
or special election as provided in this section. 39725

A tax levy extended under this section is subject to the same 39726
terms and limitations to which the original tax levied under 39727
section 3318.06 of the Revised Code is subject under that section, 39728
except the term of the extension shall be as specified in this 39729

section. 39730

The school district board shall certify a copy of the 39731
 resolution adopted under this section to the proper county board 39732
 of elections not later than ninety days before the date set in the 39733
 resolution as the date of the election at which the question will 39734
 be submitted to electors. The notice of the election shall conform 39735
 with the requirements of division (A)(3) of section 3318.06 of the 39736
 Revised Code, except that the notice also shall state that the 39737
 maintenance tax levy is an extension of an existing tax levy. 39738

The form of the ballot shall be as follows: 39739

"Shall the existing tax levied to pay the cost of maintaining 39740
 classroom facilities constructed with the proceeds of the 39741
 previously issued bonds at the rate of (here insert the 39742
 number of mills, which shall not be less than one-half mill) mills 39743
 per dollar of tax valuation, be extended until (here 39744
 insert the year that is twenty-three years after the year in which 39745
 the district and commission will enter into an agreement under 39746
 division (B)(2) of section 3318.04 of the Revised Code or the 39747
 following year)? 39748

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	"

39749
 39750
 39751
 39752

Section 3318.07 of the Revised Code applies to ballot 39753
 questions under this section. 39754

Sec. 3318.07. The board of elections shall certify the result 39755
 of the election to the tax commissioner, to the auditor of the 39756
 county or counties in which the school district is located, to the 39757
 treasurer of the school district board, and to the Ohio ~~school~~ 39758
 facilities construction commission. The necessary tax levy for 39759

debt service on the bonds shall be included in the annual tax 39760
budget that is certified to the county budget commission or, if 39761
adoption of the tax budget is waived under section 5705.281 of the 39762
Revised Code, included among the tax rates required to be provided 39763
to the budget commission under that section. 39764

Sec. 3318.08. Except in the case of a joint vocational school 39765
district that receives assistance under sections 3318.40 to 39766
3318.45 of the Revised Code, if the requisite favorable vote on 39767
the election is obtained, or if the school district board has 39768
resolved to apply the proceeds of a property tax levy or the 39769
proceeds of an income tax, or a combination of proceeds from such 39770
taxes, as authorized in section 3318.052 of the Revised Code, the 39771
Ohio ~~school~~ facilities construction commission, upon certification 39772
to it of either the results of the election or the resolution 39773
under section 3318.052 of the Revised Code, shall enter into a 39774
written agreement with the school district board for the 39775
construction and sale of the project. In the case of a joint 39776
vocational school district that receives assistance under sections 39777
3318.40 to 3318.45 of the Revised Code, if the school district 39778
board of education and the school district electors have satisfied 39779
the conditions prescribed in division (D)(1) of section 3318.41 of 39780
the Revised Code, the commission shall enter into an agreement 39781
with the school district board for the construction and sale of 39782
the project. In either case, the agreement shall include, but need 39783
not be limited to, the following provisions: 39784

(A) The sale and issuance of bonds or notes in anticipation 39785
thereof, as soon as practicable after the execution of the 39786
agreement, in an amount equal to the school district's portion of 39787
the basic project cost, including any securities authorized under 39788
division (J) of section 133.06 of the Revised Code and dedicated 39789
by the school district board to payment of the district's portion 39790
of the basic project cost of the project; provided, that if at 39791

that time the county treasurer of each county in which the school 39792
district is located has not commenced the collection of taxes on 39793
the general duplicate of real and public utility property for the 39794
year in which the controlling board approved the project, the 39795
school district board shall authorize the issuance of a first 39796
installment of bond anticipation notes in an amount specified by 39797
the agreement, which amount shall not exceed an amount necessary 39798
to raise the net bonded indebtedness of the school district as of 39799
the date of the controlling board's approval to within five 39800
thousand dollars of the required level of indebtedness for the 39801
preceding year. In the event that a first installment of bond 39802
anticipation notes is issued, the school district board shall, as 39803
soon as practicable after the county treasurer of each county in 39804
which the school district is located has commenced the collection 39805
of taxes on the general duplicate of real and public utility 39806
property for the year in which the controlling board approved the 39807
project, authorize the issuance of a second and final installment 39808
of bond anticipation notes or a first and final issue of bonds. 39809

The combined value of the first and second installment of 39810
bond anticipation notes or the value of the first and final issue 39811
of bonds shall be equal to the school district's portion of the 39812
basic project cost. The proceeds of any such bonds shall be used 39813
first to retire any bond anticipation notes. Otherwise, the 39814
proceeds of such bonds and of any bond anticipation notes, except 39815
the premium and accrued interest thereon, shall be deposited in 39816
the school district's project construction fund. In determining 39817
the amount of net bonded indebtedness for the purpose of fixing 39818
the amount of an issue of either bonds or bond anticipation notes, 39819
gross indebtedness shall be reduced by moneys in the bond 39820
retirement fund only to the extent of the moneys therein on the 39821
first day of the year preceding the year in which the controlling 39822
board approved the project. Should there be a decrease in the tax 39823
valuation of the school district so that the amount of 39824

indebtedness that can be incurred on the tax duplicates for the 39825
year in which the controlling board approved the project is less 39826
than the amount of the first installment of bond anticipation 39827
notes, there shall be paid from the school district's project 39828
construction fund to the school district's bond retirement fund to 39829
be applied against such notes an amount sufficient to cause the 39830
net bonded indebtedness of the school district, as of the first 39831
day of the year following the year in which the controlling board 39832
approved the project, to be within five thousand dollars of the 39833
required level of indebtedness for the year in which the 39834
controlling board approved the project. The maximum amount of 39835
indebtedness to be incurred by any school district board as its 39836
share of the cost of the project is either an amount that will 39837
cause its net bonded indebtedness, as of the first day of the year 39838
following the year in which the controlling board approved the 39839
project, to be within five thousand dollars of the required level 39840
of indebtedness, or an amount equal to the required percentage of 39841
the basic project costs, whichever is greater. All bonds and bond 39842
anticipation notes shall be issued in accordance with Chapter 133. 39843
of the Revised Code, and notes may be renewed as provided in 39844
section 133.22 of the Revised Code. 39845

(B) The transfer of such funds of the school district board 39846
available for the project, together with the proceeds of the sale 39847
of the bonds or notes, except premium, accrued interest, and 39848
interest included in the amount of the issue, to the school 39849
district's project construction fund; 39850

(C) For all school districts except joint vocational school 39851
districts that receive assistance under sections 3318.40 to 39852
3318.45 of the Revised Code, the following provisions as 39853
applicable: 39854

(1) If section 3318.052 of the Revised Code applies, the 39855
earmarking of the proceeds of a tax levied under section 5705.21 39856

of the Revised Code for general permanent improvements or under 39857
section 5705.218 of the Revised Code for the purpose of permanent 39858
improvements, or the proceeds of a school district income tax 39859
levied under Chapter 5748. of the Revised Code, or the proceeds 39860
from a combination of those two taxes, in an amount to pay all or 39861
part of the service charges on bonds issued to pay the school 39862
district portion of the project and an amount equivalent to all or 39863
part of the tax required under division (B) of section 3318.05 of 39864
the Revised Code; 39865

(2) If section 3318.052 of the Revised Code does not apply, 39866
one of the following: 39867

(a) The levy of the tax authorized at the election for the 39868
payment of maintenance costs, as specified in division (B) of 39869
section 3318.05 of the Revised Code; 39870

(b) If the school district electors have approved a 39871
continuing tax for general permanent improvements under section 39872
5705.21 of the Revised Code and that tax can be used for 39873
maintenance, the earmarking of an amount of the proceeds from such 39874
tax for maintenance of classroom facilities as specified in 39875
division (B) of section 3318.05 of the Revised Code; 39876

(c) If, in lieu of the tax otherwise required under division 39877
(B) of section 3318.05 of the Revised Code, the commission has 39878
approved the transfer of money to the maintenance fund in 39879
accordance with section 3318.051 of the Revised Code, a 39880
requirement that the district board comply with the provisions of 39881
that section. The district board may rescind the provision 39882
prescribed under division (C)(2)(c) of this section only so long 39883
as the electors of the district have approved, in accordance with 39884
section 3318.063 of the Revised Code, the levy of a tax for the 39885
maintenance of the classroom facilities acquired under the 39886
district's project and that levy continues to be collected as 39887
approved by the electors. 39888

(D) For joint vocational school districts that receive 39889
assistance under sections 3318.40 to 3318.45 of the Revised Code, 39890
provision for deposit of school district moneys dedicated to 39891
maintenance of the classroom facilities acquired under those 39892
sections as prescribed in section 3318.43 of the Revised Code; 39893

(E) Dedication of any local donated contribution as provided 39894
for under section 3318.084 of the Revised Code, including a 39895
schedule for depositing such moneys applied as an offset of the 39896
district's obligation to levy the tax described in division (B) of 39897
section 3318.05 of the Revised Code as required under division 39898
(D)(2) of section 3318.084 of the Revised Code; 39899

(F) Ownership of or interest in the project during the period 39900
of construction, which shall be divided between the commission and 39901
the school district board in proportion to their respective 39902
contributions to the school district's project construction fund; 39903

(G) Maintenance of the state's interest in the project until 39904
any obligations issued for the project under section 3318.26 of 39905
the Revised Code are no longer outstanding; 39906

(H) The insurance of the project by the school district from 39907
the time there is an insurable interest therein and so long as the 39908
state retains any ownership or interest in the project pursuant to 39909
division (F) of this section, in such amounts and against such 39910
risks as the commission shall require; provided, that the cost of 39911
any required insurance until the project is completed shall be a 39912
part of the basic project cost; 39913

(I) The certification by the director of budget and 39914
management that funds are available and have been set aside to 39915
meet the state's share of the basic project cost as approved by 39916
the controlling board pursuant to either section 3318.04 or 39917
division (B)(1) of section 3318.41 of the Revised Code; 39918

(J) Authorization of the school district board to advertise 39919

for and receive construction bids for the project, for and on 39920
behalf of the commission, and to award contracts in the name of 39921
the state subject to approval by the commission; 39922

(K) Provisions for the disbursement of moneys from the school 39923
district's project account upon issuance by the commission or the 39924
commission's designated representative of vouchers for work done 39925
to be certified to the commission by the treasurer of the school 39926
district board; 39927

(L) Disposal of any balance left in the school district's 39928
project construction fund upon completion of the project; 39929

(M) Limitations upon use of the project or any part of it so 39930
long as any obligations issued to finance the project under 39931
section 3318.26 of the Revised Code are outstanding; 39932

(N) Provision for vesting the state's interest in the project 39933
to the school district board when the obligations issued to 39934
finance the project under section 3318.26 of the Revised Code are 39935
outstanding; 39936

(O) Provision for deposit of an executed copy of the 39937
agreement in the office of the commission; 39938

(P) Provision for termination of the contract and release of 39939
the funds encumbered at the time of the conditional approval, if 39940
the proceeds of the sale of the bonds of the school district board 39941
are not paid into the school district's project construction fund 39942
and if bids for the construction of the project have not been 39943
taken within such period after the execution of the agreement as 39944
may be fixed by the commission; 39945

(Q) Provision for the school district to maintain the project 39946
in accordance with a plan approved by the commission; 39947

(R) Provision that all state funds reserved and encumbered to 39948
pay the state share of the cost of the project and the funds 39949

provided by the school district to pay for its share of the 39950
project cost, including the respective shares of the cost of a 39951
segment if the project is divided into segments, be spent on the 39952
construction and acquisition of the project or segment 39953
simultaneously in proportion to the state's and the school 39954
district's respective shares of that basic project cost as 39955
determined under section 3318.032 of the Revised Code or, if the 39956
district is a joint vocational school district, under section 39957
3318.42 of the Revised Code. However, if the school district 39958
certifies to the commission that expenditure by the school 39959
district is necessary to maintain the federal tax status or 39960
tax-exempt status of notes or bonds issued by the school district 39961
to pay for its share of the project cost or to comply with 39962
applicable temporary investment periods or spending exceptions to 39963
rebate as provided for under federal law in regard to those notes 39964
or bonds, the school district may commit to spend, or spend, a 39965
greater portion of the funds it provides during any specific 39966
period than would otherwise be required under this division. 39967

(S) A provision stipulating that the commission may prohibit 39968
the district from proceeding with any project if the commission 39969
determines that the site is not suitable for construction 39970
purposes. The commission may perform soil tests in its 39971
determination of whether a site is appropriate for construction 39972
purposes. 39973

(T) A provision stipulating that, unless otherwise authorized 39974
by the commission, any contingency reserve portion of the 39975
construction budget prescribed by the commission shall be used 39976
only to pay costs resulting from unforeseen job conditions, to 39977
comply with rulings regarding building and other codes, to pay 39978
costs related to design clarifications or corrections to contract 39979
documents, and to pay the costs of settlements or judgments 39980
related to the project as provided under section 3318.086 of the 39981

Revised Code; 39982

(U) A provision stipulating that for continued release of 39983
project funds the school district board shall comply with sections 39984
3313.41, 3313.411, and 3313.413 of the Revised Code throughout the 39985
project and shall notify the department of education and the Ohio 39986
community school association when the board plans to dispose of 39987
facilities by sale under that section; 39988

(V) A provision stipulating that the commission shall not 39989
approve a contract for demolition of a facility until the school 39990
district board has complied with sections 3313.41, 3313.411, and 39991
3313.413 of the Revised Code relative to that facility, unless 39992
demolition of that facility is to clear a site for construction of 39993
a replacement facility included in the district's project; 39994

(W) A requirement for the school district to adhere to a 39995
facilities maintenance plan approved by the commission. 39996

Sec. 3318.081. If the board of education of a school district 39997
authorized to impose a tax pursuant to section 3318.06 of the 39998
Revised Code determines that taxable value of property subject to 39999
the tax has increased to the extent it will not be necessary to 40000
impose such tax for twenty-three years in order to generate an 40001
amount equal to the amount of the project cost supplied by the 40002
state, it may request the county auditor to determine the amount 40003
remaining to be paid and the estimated rate of taxation required 40004
each year to pay such remainder in equal installments over the 40005
maximum number of remaining years the tax may be in effect. The 40006
auditor shall make such determination upon request and certify the 40007
results thereof to the board of education. 40008

Upon receipt of the auditor's determination, the board of 40009
education may request the Ohio ~~school~~ facilities construction 40010
commission to enter into a supplemental agreement under which the 40011
district may pay the remainder of the amount in annual amounts 40012

equal to the quotient obtained by dividing the amount remaining to 40013
be paid by the maximum number of remaining years the tax may be in 40014
effect. If such an agreement is entered into, the commission shall 40015
certify a copy thereof to the county auditor and the tax 40016
authorized by section 3318.06 of the Revised Code thereafter shall 40017
be levied at the rate required to make the annual payments 40018
required by the supplemental agreement rather than the rate 40019
required by such section. 40020

Sec. 3318.082. The board of education of any school district 40021
imposing a tax for the purpose of paying the state pursuant to 40022
section 3318.06 of the Revised Code prior to the effective date of 40023
the amendments to that section by Amended Substitute House Bill 40024
No. 748 of the 121st ~~General Assembly~~ general assembly, may enter 40025
into a supplemental agreement with the Ohio ~~school~~ facilities 40026
construction commission under which the proceeds of such tax shall 40027
be distributed in accordance with the requirements of section 40028
3318.06 of the Revised Code, as amended by Amended Substitute 40029
House Bill No. 748 of the 121st general assembly. 40030

Sec. 3318.083. If, after the Ohio ~~school~~ facilities 40031
construction commission and a school district enter into a written 40032
agreement under section 3318.08 of the Revised Code for the 40033
construction of a classroom facilities project, the commission 40034
approves an increase in the basic project cost above the amount 40035
budgeted plus any interest earned and available in the project 40036
construction fund, the state and the school district shall share 40037
the increased cost in proportion to their respective contributions 40038
to the district's project construction fund. 40039

Sec. 3318.084. (A) Notwithstanding anything to the contrary 40040
in Chapter 3318. of the Revised Code, a school district board may 40041
apply any local donated contribution toward any of the following: 40042

(1) The district's portion of the basic project cost of a 40043
project under either sections 3318.01 to 3318.20 or sections 40044
3318.40 to 3318.45 of the Revised Code to reduce the amount of 40045
bonds the district otherwise must issue in order to receive state 40046
assistance under those sections; 40047

(2) If the school district is not a joint vocational school 40048
district proceeding under sections 3318.40 to 3318.45 of the 40049
Revised Code, an offset of all or part of a district's obligation 40050
to levy the tax described in division (B) of section 3318.05 of 40051
the Revised Code, which shall be applied only in the manner 40052
prescribed in division (B) of this section; 40053

(3) If the school district is a joint vocational school 40054
district proceeding under sections 3318.40 to 3318.45 of the 40055
Revised Code, all or part of the amount the school district is 40056
obligated to set aside for maintenance of the classroom facilities 40057
acquired under that project pursuant to section 3318.43 of the 40058
Revised Code. 40059

(B) No school district board shall apply any local donated 40060
contribution under division (A)(2) of this section unless the Ohio 40061
~~school~~ facilities construction commission first approves that 40062
application. 40063

Upon the request of the school district board to apply local 40064
donated contribution under division (A)(2) of this section, the 40065
commission in consultation with the department of taxation shall 40066
determine the amount of total revenue that likely would be 40067
generated by one-half mill of the tax described in division (B) of 40068
section 3318.05 of the Revised Code over the entire 40069
twenty-three-year period required under that section and shall 40070
deduct from that amount any amount of local donated contribution 40071
that the board has committed to apply under division (A)(2) of 40072
this section. The commission then shall determine in consultation 40073
with the department of taxation the rate of tax over twenty-three 40074

years necessary to generate the amount of a one-half mill tax not 40075
offset by the local donated contribution. Notwithstanding anything 40076
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 40077
Revised Code, the rate determined by the commission shall be the 40078
rate for which the district board shall seek elector approval 40079
under those sections to meet its obligation under division (B) of 40080
section 3318.05 of the Revised Code. In the case of a complete 40081
offset of the district's obligation under division (B) of section 40082
3318.05 of the Revised Code, the district shall not be required to 40083
levy the tax otherwise required under that section. At the end of 40084
the twenty-three-year period of the tax required under division 40085
(B) of section 3318.05 of the Revised Code, whether or not the tax 40086
is actually levied, the commission in consultation of the 40087
department of taxation shall recalculate the amount that would 40088
have been generated by the tax if it had been levied at one-half 40089
mill. If the total amount actually generated over that period from 40090
both the tax that was actually levied and any local donated 40091
contribution applied under division (A)(2) of this section is less 40092
than the amount that would have been raised by a one-half mill 40093
tax, the district shall pay any difference. If the total amount 40094
actually raised in such manner is greater than the amount that 40095
would have been raised by a one-half mill tax the difference shall 40096
be zero and no payments shall be made by either the district or 40097
the commission. 40098

(C) As used in this section, "local donated contribution" 40099
means any of the following: 40100

(1) Any moneys irrevocably donated or granted to a school 40101
district board by a source other than the state which the board 40102
has the authority to apply to the school district's project under 40103
sections 3318.01 to 3318.20 of the Revised Code and which the 40104
board has pledged for that purpose by resolution adopted by a 40105
majority of its members; 40106

(2) Any irrevocable letter of credit issued on behalf of a school district which the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education;

(3) Any cash a school district has on hand that the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education, including the following:

(a) Any year-end operating fund balances that can be spent for classroom facilities;

(b) Any cash resulting from a lease-purchase agreement that the school district board has entered into under section 3313.375 of the Revised Code, provided that the agreement and the related financing documents contain provisions protecting the state's superior interest in the project.

(4) Any moneys spent by a source other than the school district or the state for construction or renovation of specific classroom facilities that have been approved by the commission as part of the basic project cost of the district's project. The school district, the commission, and the entity providing the local donated contribution under division (C)(4) of this section shall enter into an agreement identifying the classroom facilities to be acquired by the expenditures made by that entity. The agreement shall include, but not be limited to, stipulations that require an audit by the commission of such expenditures made on behalf of the district and that specify the maximum amount of credit to be allowed for those expenditures. Upon completion of the construction or renovation, the commission shall determine the

actual amount that the commission will credit, at the request of 40139
the district board, toward the district's portion of the basic 40140
project cost, any project cost overruns, or the basic project cost 40141
of future segments if the project has been divided into segments 40142
under section 3318.38 of the Revised Code. The actual amount of 40143
the credit shall not exceed the lesser of the amount specified in 40144
the agreement or the actual cost of the construction or 40145
renovation. 40146

(D) No state moneys shall be released for a project to which 40147
this section applies until: 40148

(1) Any local donated contribution authorized under division 40149
(A)(1) of this section is first deposited into the school 40150
district's project construction fund. 40151

(2) The school district board and the commission have 40152
included a stipulation in their agreement entered into under 40153
section 3318.08 of the Revised Code under which the board will 40154
deposit into a fund approved by the commission according to a 40155
schedule that does not extend beyond the anticipated completion 40156
date of the project the total amount of any local donated 40157
contribution authorized under division (A)(2) or (3) of this 40158
section and dedicated by the board for that purpose. 40159

However, if any local donated contribution as described in 40160
division (C)(4) of this section has been approved under this 40161
section, the state moneys may be released even if the entity 40162
providing that local donated contribution has not spent the moneys 40163
so dedicated as long as the agreement required under that section 40164
has been executed. 40165

Sec. 3318.086. The construction budget for any project under 40166
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 40167
Revised Code shall contain a contingency reserve in an amount 40168
prescribed by the Ohio ~~school~~ facilities construction commission, 40169

which unless otherwise authorized by the commission, shall be used 40170
only to pay costs resulting from unforeseen job conditions, to 40171
comply with rulings regarding building and other codes, to pay 40172
costs related to design clarifications or corrections to contract 40173
documents, and to pay the costs of settlements or judgments 40174
related to the project. 40175

Sec. 3318.091. (A) Promptly after the written agreement 40176
between the school district board and the Ohio ~~school~~ facilities 40177
construction commission has been entered into, the school district 40178
board shall proceed with the issuance of its bonds or notes in 40179
anticipation thereof pursuant to the provision of such agreement 40180
required by division (A) of section 3318.08 of the Revised Code 40181
and the deposit of the proceeds thereof in the school district's 40182
project construction fund pursuant to the provision of such 40183
agreement required by division (B) of section 3318.08 of the 40184
Revised Code, and the school district board, with the approval of 40185
the commission shall employ a qualified professional person or 40186
firm to prepare preliminary plans, working drawings, 40187
specifications, estimates of cost, and such data as the school 40188
district board and the commission consider necessary for the 40189
project. When the preliminary plans and preliminary estimates of 40190
cost have been prepared, and approved by the school district 40191
board, they shall be submitted to the commission for approval, 40192
modification, or rejection. The commission shall ensure that the 40193
plans and materials proposed for use in the project comply with 40194
specifications for plans and materials that shall be established 40195
by the commission. When such preliminary plans and preliminary 40196
estimates of cost and any modifications thereof have been approved 40197
by the commission and the school district board, the school 40198
district board shall cause such qualified professional person or 40199
firm to prepare the working drawings, specifications, and 40200

estimates of cost. 40201

(B) Whenever project plans submitted to the commission for 40202
approval under division (A) of this section propose to locate a 40203
facility on a state route or United States highway or within one 40204
mile of a state route or United States highway, the commission 40205
shall send a copy of the plans to the director of transportation. 40206
The director of transportation shall review the plans to determine 40207
the feasibility of the proposed ingress and egress to the 40208
facility, the traffic circulation pattern on roadways around the 40209
facility, and any improvements that would be necessary to conform 40210
the roadways to provisions of the manual adopted by the department 40211
of transportation pursuant to section 4511.09 of the Revised Code 40212
or state or federal law. The director of transportation shall 40213
provide a written summary of the director's findings to the 40214
commission in a timely manner. The commission shall consider the 40215
findings in deciding whether to approve the plans. 40216

Sec. 3318.10. When such working drawings, specifications, and 40217
estimates of cost have been approved by the school district board 40218
and the Ohio ~~school~~ facilities construction commission, the 40219
treasurer of the school district board shall advertise for 40220
construction bids in accordance with section 3313.46 of the 40221
Revised Code. Such notices shall state that plans and 40222
specifications for the project are on file in the office of the 40223
commission and such other place as may be designated in such 40224
notice, and the time and place when and where bids therefor will 40225
be received. 40226

The form of proposal to be submitted by bidders shall be 40227
supplied by the commission. Bidders may be permitted to bid upon 40228
all the branches of work and materials to be furnished and 40229
supplied, upon any branch thereof, or upon all or any thereof. 40230

When the construction bids for all branches of work and 40231

materials have been tabulated, the commission shall cause to be 40232
prepared a revised estimate of the basic project cost based upon 40233
the lowest responsible bids received. If such revised estimate 40234
exceeds the estimated basic project cost as approved by the 40235
controlling board pursuant to section 3318.04 or division (B)(1) 40236
of section 3318.41 of the Revised Code, no contracts may be 40237
entered into pursuant to this section unless such revised estimate 40238
is approved by the commission and by the controlling board. When 40239
such revised estimate has been prepared, and after such approvals 40240
are given, if necessary, and if the school district board has 40241
caused to be transferred to the project construction fund the 40242
proceeds from the sale of the first or first and final installment 40243
of its bonds or bond anticipation notes pursuant to the provision 40244
of the written agreement required by division (B) of section 40245
3318.08 of the Revised Code, and when the director of budget and 40246
management has certified that there is a balance in the 40247
appropriation, not otherwise obligated to pay precedent 40248
obligations, pursuant to which the state's share of such revised 40249
estimate is required to be paid, the contract for all branches of 40250
work and materials to be furnished and supplied, or for any branch 40251
thereof as determined by the school district board, shall be 40252
awarded by the school district board to the lowest responsible 40253
bidder subject to the approval of the commission. Such award shall 40254
be made within sixty days after the date on which the bids are 40255
opened, and the successful bidder shall enter into a contract 40256
within ten days after the successful bidder is notified of the 40257
award of the contract. 40258

Subject to the approval of the commission, the school 40259
district board may reject all bids and readvertise. Any contract 40260
made under this section shall be made in the name of the state and 40261
executed on its behalf by the president and treasurer of the 40262
school district board. 40263

The provisions of sections 9.312 and 3313.46 of the Revised Code, which are applicable to construction contracts of boards of education, shall apply to construction contracts for the project.

The remedies afforded to any subcontractor, materials supplier, laborer, mechanic, or persons furnishing material or machinery for the project under sections 1311.26 to 1311.32 of the Revised Code, shall apply to contracts entered into under this section and the itemized statement required by section 1311.26 of the Revised Code shall be filed with the school district board.

Notwithstanding any other requirement of this section, a school district, with the approval of the commission, may utilize any otherwise lawful alternative construction delivery method for the construction of the project.

Sec. 3318.11. For any project undertaken with financial assistance from the state under this chapter, the amount of state appropriations to be encumbered for the project in each fiscal year shall be determined by the Ohio ~~school~~ facilities construction commission based on the project's estimated construction schedule for that year. In each fiscal year subsequent to the first year in which state appropriations are encumbered for the project, the project has priority for state funds over projects for which initial state funding is sought.

Sec. 3318.112. (A) As used in this section, "solar_ready" means capable of accommodating the eventual installation of roof top, solar photovoltaic energy equipment.

(B) The Ohio ~~school~~ facilities construction commission shall adopt rules prescribing standards for solar_ready equipment in school buildings under their jurisdiction. The rules shall include, but not be limited to, standards regarding roof space limitations, shading and obstruction, building orientation, roof

loading capacity, and electric systems. 40294

(C) A school district may seek, and the commission may grant 40295
for good cause shown, a waiver from part or all of the standards 40296
prescribed under division (B) of this section. 40297

Sec. 3318.12. (A) The Ohio ~~school~~ facilities construction 40298
commission shall cause to be transferred to the school district's 40299
project construction fund the necessary amounts from amounts 40300
appropriated by the general assembly and set aside for such 40301
purpose, from time to time as may be necessary to pay obligations 40302
chargeable to such fund when due. All investment earnings of a 40303
school district's project construction fund shall be credited to 40304
the fund. 40305

(B)(1) The treasurer of the school district board shall 40306
disburse funds from the school district's project construction 40307
fund, including investment earnings credited to the fund, only 40308
upon the approval of the commission or the commission's designated 40309
representative. The commission or the commission's designated 40310
representative shall issue vouchers against such fund, in such 40311
amounts, and at such times as required by the contracts for 40312
construction of the project. 40313

(2) Notwithstanding anything to the contrary in division 40314
(B)(1) of this section, the school district board may, by a duly 40315
adopted resolution, choose to use all or part of the investment 40316
earnings of the district's project construction fund that are 40317
attributable to the district's contribution to the fund to pay the 40318
cost of classroom facilities or portions or components of 40319
classroom facilities that are not included in the district's basic 40320
project cost but that are related to the district's project. If 40321
the district board adopts a resolution in favor of using those 40322
investment earnings as authorized under division (B)(2) of this 40323
section, the treasurer shall disburse the amount as designated and 40324

directed by the board. However, if the district board chooses to use any part of the investment earnings for classroom facilities or portions or components of classroom facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the district board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After a certificate of completion has been issued for a project under section 3318.48 of the Revised Code:

(1) At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be:

(a) Retained in the project construction fund for future projects;

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(3) Any other surplus remaining in the school district's project construction fund shall be transferred to the commission and the school district board in proportion to their respective

contributions to the fund. The commission shall use the money 40356
transferred to it under this division for expenditure pursuant to 40357
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 40358
Revised Code. 40359

(D) Pursuant to appropriations of the general assembly, any 40360
moneys transferred to the commission under division (C)(2) or (3) 40361
of this section from a project construction fund for a project 40362
under sections 3318.40 to 3318.45 of the Revised Code may be used 40363
for future expenditures for projects under sections 3318.40 to 40364
3318.45 of the Revised Code, notwithstanding the two per cent 40365
annual limit specified in division (B) of section 3318.40 of the 40366
Revised Code. 40367

Sec. 3318.121. As used in this section, "big-eight school 40368
district" has the same meaning as in section 3314.02 of the 40369
Revised Code. 40370

Notwithstanding any provision to the contrary in section 40371
3318.12 or Chapter 5705. of the Revised Code, a big-eight school 40372
district receiving assistance for a project under this chapter, 40373
that has opted with the approval of the Ohio ~~school~~ facilities 40374
construction commission to divide the project into discrete 40375
segments to be completed sequentially, or otherwise, may, with the 40376
approval of the commission or the commission's designated 40377
representative, and pursuant to a resolution adopted by the school 40378
district board, transfer to a special construction fund investment 40379
earnings credited to the project construction fund that are 40380
attributable to the district's contribution to that fund, if the 40381
school district board and the commission, or its designated 40382
representative, determine that the unspent amount of the 40383
district's contribution to the project construction fund, 40384
including any investment earnings on that contribution that are 40385
not to be transferred to the special construction fund, together 40386

with the principal amount of any additional securities authorized 40387
by the voters of the district to be issued to pay the local share 40388
of the basic project cost of the entire project that have not yet 40389
been issued by the district, are projected at the time of the 40390
transfer to be not less than one hundred ten per cent of the 40391
amount required to provide for the entire remaining local share of 40392
the basic project cost because of reductions in the scope and 40393
estimated cost of the project that have been incorporated in the 40394
district's approved master facilities plan. The money in that 40395
special construction fund, including investment earnings 40396
attributable to money in that fund, shall be used by the district 40397
solely to pay costs of classroom facilities (A) in later segments 40398
of the project that are consistent with the specifications for 40399
plans and materials for classroom facilities adopted by the 40400
commission and those specifications used by the district for 40401
classroom facilities included in one or more prior segments, but 40402
which would cause the cost of the facilities in one or more later 40403
segments to be in excess of the approved budgeted basic project 40404
cost for the segment to be shared by the state and the district in 40405
proportion to the state's and the school district's respective 40406
shares of the basic project cost as determined under section 40407
3318.032 of the Revised Code, or (B) that were included in the 40408
master facilities plan prior to the reduction in scope. All 40409
investment earnings on a district's special construction fund 40410
shall be credited to the fund. After the entire project has been 40411
completed, any investment earnings remaining in the special 40412
construction fund shall be transferred to the district's 40413
maintenance fund required by division (B) of section 3318.05 of 40414
the Revised Code, and used solely for maintaining the classroom 40415
facilities included in the project. 40416

Sec. 3318.13. Notwithstanding any provision of sections 40417
5705.27 to 5705.50 of the Revised Code, the tax to be levied on 40418

all taxable property within a school district for the purpose of 40419
paying the cost of maintaining the classroom facilities included 40420
in the project under the agreement provided in section 3318.08 of 40421
the Revised Code or the supplemental agreement provided in section 40422
3318.081 of the Revised Code shall be included in the budget of 40423
the school district for each year upon the certification to the 40424
county budget commission or commissions of the county or counties 40425
in which said school district is located, by the Ohio ~~school~~ 40426
facilities construction commission of the balance due the state 40427
under said agreement or supplemental agreement. Such certification 40428
shall be made on or before the fifteenth day of July in each year. 40429
Thereafter, the respective county budget commissions shall treat 40430
such certification as an additional item on the tax budget for the 40431
school district as to which such certification has been made and 40432
shall provide for the levy therefor in the manner provided in 40433
sections 5705.27 to 5705.50 of the Revised Code for tax levies 40434
included directly in the budgets of the subdivisions. 40435

The levy of taxes shall be included in the next annual tax 40436
budget that is certified to the county budget commission after the 40437
execution of the agreement for the project. 40438

Sec. 3318.15. There is hereby created the public school 40439
building fund within the state treasury consisting of any moneys 40440
transferred or appropriated to the fund by the general assembly, 40441
moneys paid into or transferred in accordance with section 3318.47 40442
of the Revised Code, and any grants, gifts, or contributions 40443
received by the Ohio ~~school~~ facilities construction commission to 40444
be used for the purposes of the fund. All investment earnings of 40445
the fund shall be credited to the fund. 40446

Moneys transferred or appropriated to the fund by the general 40447
assembly and moneys in the fund from grants, gifts, and 40448
contributions shall be used for the purposes of Chapter 3318. of 40449

the Revised Code as prescribed by the general assembly. 40450

Sec. 3318.16. The Ohio ~~school~~ facilities construction 40451
commission shall have an interest in real property purchased with 40452
moneys in the school district's project construction fund. 40453

Once obligations issued to finance a project under section 40454
3318.26 of the Revised Code are no longer outstanding, any 40455
interest held by the commission shall be transferred to the school 40456
district. 40457

Sec. 3318.18. (A) As used in this section: 40458

(1) "Valuation" of a school district means the sum of the 40459
amounts described in divisions (A)(1) and (2) of section 3317.021 40460
of the Revised Code as most recently certified for the district 40461
before the annual computation is made under division (B) of this 40462
section. 40463

(2) "Valuation per pupil" of a school district means the 40464
district's valuation divided by the district's formula ADM as most 40465
recently calculated under section 3317.03 of the Revised Code 40466
before the annual computation is made under division (B) of this 40467
section. 40468

(3) "Statewide average valuation per pupil" means the total 40469
of the valuations of all school districts divided by the total of 40470
the formula ADMs of all school districts as most recently 40471
calculated under section 3317.03 of the Revised Code before the 40472
annual computation is made under division (C) of this section. 40473

(4) "Maintenance levy requirement" means the tax required to 40474
be levied pursuant to division (C)(2)(a) of section 3318.08 and 40475
division (B) of section 3318.05 of the Revised Code or the 40476
application of proceeds of another levy to paying the costs of 40477
maintaining classroom facilities pursuant to division (A)(2) of 40478
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 40479

or division (D)(2) of section 3318.36 of the Revised Code, or a 40480
combination thereof. 40481

(5) "Project agreement" means an agreement between a school 40482
district and the Ohio ~~school~~ facilities construction commission 40483
under section 3318.08 or division (B)(1) of section 3318.36 of the 40484
Revised Code. 40485

(B) On or before July 1, 2006, the department of education 40486
shall compute the statewide average valuation per pupil and the 40487
valuation per pupil of each school district, and provide them to 40488
the Ohio ~~school~~ facilities construction commission. On or before 40489
the first day of July each year beginning in 2007, the department 40490
of education shall compute the statewide average valuation per 40491
pupil and the valuation per pupil of each school district that has 40492
not already entered into a project agreement, and provide the 40493
results of those computations to the commission. 40494

(C)(1) At the time the Ohio ~~school~~ facilities construction 40495
commission enters into a project agreement with a school district, 40496
the commission shall compute the difference between the district's 40497
valuation per pupil and the statewide average valuation per pupil 40498
as most recently provided to the commission under division (B) of 40499
this section. If the school district's valuation per pupil is less 40500
than the average statewide valuation per pupil, the commission 40501
shall multiply the difference between those amounts by one-half 40502
mill times the formula ADM of the district as most recently 40503
reported to the department of education for October under division 40504
(A) of section 3317.03 of the Revised Code. The commission shall 40505
certify the resulting product to the department of education, 40506
along with the date on which the maintenance levy requirement 40507
terminates as provided in the project agreement between the school 40508
district board and the commission. 40509

(2) In the case of a school district that entered into a 40510
project agreement after July 1, 1997, but before July 1, 2006, the 40511

commission shall make the computation described in division (C)(1) 40512
of this section on the basis of the district's valuation per pupil 40513
and the statewide average valuation per pupil computed as of 40514
September 1, 2006, and the district's formula ADM reported for 40515
October 2005. 40516

(3) The amount computed for a school district under division 40517
(C)(1) or (2) of this section shall not change for the period 40518
during which payments are made to the district under division (D) 40519
of this section. 40520

(4) A computation need not be made under division (C)(1) or 40521
(2) of this section for a school district that certified a 40522
resolution to the commission under division (D)(3) of section 40523
3318.36 of the Revised Code until the district becomes eligible 40524
for state assistance as provided in that division. 40525

(D) In the fourth quarter of each fiscal year, for each 40526
school district for which a computation has been made under 40527
division (C) of this section, the department of education shall 40528
pay the amount computed to each such school district. Payments 40529
shall be made to a school district each year until and including 40530
the tax year in which the district's maintenance levy requirement 40531
terminates. Payments shall be paid from the half-mill equalization 40532
fund, subject to appropriation by the general assembly. However, 40533
the department shall make no payments under this section to any 40534
district that elects the procedure authorized by section 3318.051 40535
of the Revised Code. 40536

(E) Payments made to a school district under this section 40537
shall be credited to the district's classroom facilities 40538
maintenance fund and shall be used only for the purpose of 40539
maintaining facilities constructed or renovated under the project 40540
agreement. 40541

(F) There is hereby created in the state treasury the 40542

half-mill equalization fund. The fund shall receive transfers 40543
pursuant to section 5727.85 of the Revised Code. The fund shall be 40544
used first to make annual payments under division (D) of this 40545
section. If a balance remains in the fund after such payments are 40546
made in full for a year, the Ohio ~~school~~ facilities construction 40547
commission may request the controlling board to transfer a 40548
reasonable amount from such remaining balance to the public school 40549
building fund created under section 3318.15 of the Revised Code 40550
for the purposes of this chapter. 40551

All investment earnings arising from investment of money in 40552
the half-mill equalization fund shall be credited to the fund. 40553

Sec. 3318.22. (A) The general assembly finds that many school 40554
districts are prevented by their size, tax base, or other 40555
conditions from performing their essential functions as agencies 40556
of state government to provide adequate classroom facilities and 40557
issuing securities under Chapter 133. of the Revised Code at 40558
favorable interest rates or charges. Accordingly, the Ohio ~~school~~ 40559
facilities construction commission is invested with the powers and 40560
duties provided in sections 3318.21 to 3318.29 of the Revised Code 40561
in order to provide deserved assistance and materially contribute 40562
to the educational revitalization of such school districts and 40563
result in improving the education and welfare of all the people of 40564
the state. 40565

(B) Sections 3318.21 to 3318.29 of the Revised Code do not 40566
authorize the commission or the issuing authority to incur bonded 40567
indebtedness of the state or any political subdivision of the 40568
state, or to obligate or pledge moneys raised by taxation for the 40569
payment of any bonds or notes issued pursuant to sections 3318.21 40570
to 3318.29 of the Revised Code. 40571

Sec. 3318.25. There is hereby created in the state treasury 40572

the school building program assistance fund. The fund shall 40573
consist of the proceeds of obligations issued for the purposes of 40574
such fund pursuant to section 3318.26 of the Revised Code that are 40575
payable from moneys in the lottery profits education fund created 40576
in section 3770.06 of the Revised Code or pursuant to section 40577
151.03 of the Revised Code. All investment earnings of the fund 40578
shall be credited to the fund. Moneys in the fund shall be used as 40579
directed by the Ohio ~~school~~ facilities construction commission for 40580
the cost to the state of constructing classroom facilities under 40581
Chapter 3318. of the Revised Code as prescribed by the general 40582
assembly. 40583

Sec. 3318.26. (A) The provisions of this section apply only 40584
to obligations issued by the issuing authority prior to December 40585
1, 1999. 40586

(B) Subject to the limitations provided in section 3318.29 of 40587
the Revised Code, the issuing authority, upon the certification by 40588
the Ohio ~~school~~ facilities construction commission to the issuing 40589
authority of the amount of moneys or additional moneys needed in 40590
the school building program assistance fund for the purposes of 40591
sections 3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the 40592
Revised Code, or needed for capitalized interest, for funding 40593
reserves, and for paying costs and expenses incurred in connection 40594
with the issuance, carrying, securing, paying, redeeming, or 40595
retirement of the obligations or any obligations refunded thereby, 40596
including payment of costs and expenses relating to letters of 40597
credit, lines of credit, insurance, put agreements, standby 40598
purchase agreements, indexing, marketing, remarketing and 40599
administrative arrangements, interest swap or hedging agreements, 40600
and any other credit enhancement, liquidity, remarketing, renewal, 40601
or refunding arrangements, all of which are authorized by this 40602
section, shall issue obligations of the state under this section 40603
in the required amount. The proceeds of such obligations, except 40604

for obligations issued to provide moneys for the school building 40605
program assistance fund shall be deposited by the treasurer of 40606
state in special funds, including reserve funds, as provided in 40607
the bond proceedings. The issuing authority may appoint trustees, 40608
paying agents, and transfer agents and may retain the services of 40609
financial advisors and accounting experts and retain or contract 40610
for the services of marketing, remarketing, indexing, and 40611
administrative agents, other consultants, and independent 40612
contractors, including printing services, as are necessary in the 40613
issuing authority's judgment to carry out this section. The costs 40614
of such services are payable from the school building program 40615
assistance fund or any special fund determined by the issuing 40616
authority. 40617

(C) The holders or owners of such obligations shall have no 40618
right to have moneys raised by taxation obligated or pledged, and 40619
moneys raised by taxation shall not be obligated or pledged, for 40620
the payment of bond service charges. Such holders or owners shall 40621
have no rights to payment of bond service charges from any money 40622
or property received by the commission, treasurer of state, or the 40623
state, or from any other use of the proceeds of the sale of the 40624
obligations, and no such moneys may be used for the payment of 40625
bond service charges, except for accrued interest, capitalized 40626
interest, and reserves funded from proceeds received upon the sale 40627
of the obligations and except as otherwise expressly provided in 40628
the applicable bond proceedings pursuant to written directions by 40629
the treasurer of state. The right of such holders and owners to 40630
payment of bond service charges shall be limited to all or that 40631
portion of the pledged receipts and those special funds pledged 40632
thereto pursuant to the bond proceedings in accordance with this 40633
section, and each such obligation shall bear on its face a 40634
statement to that effect. 40635

(D) Obligations shall be authorized by resolution or order of 40636

the issuing authority and the bond proceedings shall provide for 40637
the purpose thereof and the principal amount or amounts, and shall 40638
provide for or authorize the manner or agency for determining the 40639
principal maturity or maturities, not exceeding the limits 40640
specified in section 3318.29 of the Revised Code, the interest 40641
rate or rates or the maximum interest rate, the date of the 40642
obligations and the dates of payment of interest thereon, their 40643
denomination, and the establishment within or without the state of 40644
a place or places of payment of bond service charges. Sections 40645
9.98 to 9.983 of the Revised Code are applicable to obligations 40646
issued under this section, subject to any applicable limitation 40647
under section 3318.29 of the Revised Code. The purpose of such 40648
obligations may be stated in the bond proceedings in terms 40649
describing the general purpose or purposes to be served. The bond 40650
proceedings shall also provide, subject to the provisions of any 40651
other applicable bond proceedings, for the pledge of all, or such 40652
part as the issuing authority may determine, of the pledged 40653
receipts and the applicable special fund or funds to the payment 40654
of bond service charges, which pledges may be made either prior or 40655
subordinate to other expenses, claims, or payments, and may be 40656
made to secure the obligations on a parity with obligations 40657
theretofore or thereafter issued, if and to the extent provided in 40658
the bond proceedings. The pledged receipts and special funds so 40659
pledged and thereafter received by the state are immediately 40660
subject to the lien of such pledge without any physical delivery 40661
thereof or further act, and the lien of any such pledges is valid 40662
and binding against all parties having claims of any kind against 40663
the state or any governmental agency of the state, irrespective of 40664
whether such parties have notice thereof, and shall create a 40665
perfected security interest for all purposes of Chapter 1309. of 40666
the Revised Code, without the necessity for separation or delivery 40667
of funds or for the filing or recording of the bond proceedings by 40668
which such pledge is created or any certificate, statement or 40669

other document with respect thereto; and the pledge of such 40670
pledged receipts and special funds is effective and the money 40671
therefrom and thereof may be applied to the purposes for which 40672
pledged without necessity for any act of appropriation, except as 40673
required by section 3770.06 of the Revised Code. Every pledge, and 40674
every covenant and agreement made with respect thereto, made in 40675
the bond proceedings may therein be extended to the benefit of the 40676
owners and holders of obligations authorized by this section, and 40677
to any trustee therefor, for the further security of the payment 40678
of the bond service charges. 40679

(E) The bond proceedings may contain additional provisions as 40680
to: 40681

(1) The redemption of obligations prior to maturity at the 40682
option of the issuing authority at such price or prices and under 40683
such terms and conditions as are provided in the bond proceedings; 40684

(2) Other terms of the obligations; 40685

(3) Limitations on the issuance of additional obligations; 40686

(4) The terms of any trust agreement or indenture securing 40687
the obligations or under which the same may be issued; 40688

(5) The deposit, investment and application of special funds, 40689
and the safeguarding of moneys on hand or on deposit, without 40690
regard to Chapter 131., 133., or 135. of the Revised Code, but 40691
subject to any special provisions of sections 3318.21 to 3318.29 40692
of the Revised Code, with respect to particular funds or moneys, 40693
provided that any bank or trust company that acts as depository of 40694
any moneys in the special funds may furnish such indemnifying 40695
bonds or may pledge such securities as required by the issuing 40696
authority; 40697

(6) Any or every provision of the bond proceedings being 40698
binding upon such officer, board, commission, authority, agency, 40699
department, or other person or body as may from time to time have 40700

the authority under law to take such actions as may be necessary 40701
to perform all or any part of the duty required by such provision; 40702

(7) Any provision that may be made in a trust agreement or 40703
indenture; 40704

(8) The lease or sublease of any interest of the school 40705
district or the state in one or more projects as defined in 40706
division (C) of section 3318.01 of the Revised Code, or in one or 40707
more permanent improvements, to or from the issuing authority, as 40708
provided in one or more lease or sublease agreements between the 40709
school or the state and the issuing authority; 40710

(9) Any other or additional agreements with the holders of 40711
the obligations, or the trustee therefor, relating to the 40712
obligations or the security therefor. 40713

(F) The obligations may have the great seal of the state or a 40714
facsimile thereof affixed thereto or printed thereon. The 40715
obligations and any coupons pertaining to obligations shall be 40716
signed or bear the facsimile signature of the issuing authority. 40717
Any obligations or coupons may be executed by the person who, on 40718
the date of execution, is the proper issuing authority although on 40719
the date of such bonds or coupons such person was not the issuing 40720
authority. In case the issuing authority whose signature or a 40721
facsimile of whose signature appears on any such obligation or 40722
coupon ceases to be the issuing authority before delivery thereof, 40723
such signature or facsimile is nevertheless valid and sufficient 40724
for all purposes as if the issuing authority had remained the 40725
issuing authority until such delivery; and in case the seal to be 40726
affixed to obligations has been changed after a facsimile of the 40727
seal has been imprinted on such obligations, such facsimile seal 40728
shall continue to be sufficient as to such obligations and 40729
obligations issued in substitution or exchange therefor. 40730

(G) All obligations are negotiable instruments and securities 40731

under Chapter 1308. of the Revised Code, subject to the provisions 40732
of the bond proceedings as to registration. The obligations may be 40733
issued in coupon or in registered form, or both, as the issuing 40734
authority determines. Provision may be made for the registration 40735
of any obligations with coupons attached thereto as to principal 40736
alone or as to both principal and interest, their exchange for 40737
obligations so registered, and for the conversion or reconversion 40738
into obligations with coupons attached thereto of any obligations 40739
registered as to both principal and interest, and for reasonable 40740
charges for such registration, exchange, conversion, and 40741
reconversion. 40742

(H) Obligations may be sold at public sale or at private 40743
sale, as determined in the bond proceedings. 40744

(I) Pending preparation of definitive obligations, the 40745
issuing authority may issue interim receipts or certificates which 40746
shall be exchanged for such definitive obligations. 40747

(J) In the discretion of the issuing authority, obligations 40748
may be secured additionally by a trust agreement or indenture 40749
between the issuing authority and a corporate trustee which may be 40750
any trust company or bank having a place of business within the 40751
state. Any such agreement or indenture may contain the resolution 40752
or order authorizing the issuance of the obligations, any 40753
provisions that may be contained in any bond proceedings, and 40754
other provisions that are customary or appropriate in an agreement 40755
or indenture of such type, including, but not limited to: 40756

(1) Maintenance of each pledge, trust agreement, indenture, 40757
or other instrument comprising part of the bond proceedings until 40758
the state has fully paid the bond service charges on the 40759
obligations secured thereby, or provision therefor has been made; 40760

(2) In the event of default in any payments required to be 40761
made by the bond proceedings, or any other agreement of the 40762

issuing authority made as a part of the contract under which the 40763
obligations were issued, enforcement of such payments or agreement 40764
by mandamus, the appointment of a receiver, suit in equity, action 40765
at law, or any combination of the foregoing; 40766

(3) The rights and remedies of the holders of obligations and 40767
of the trustee, and provisions for protecting and enforcing them, 40768
including limitations on rights of individual holders of 40769
obligations; 40770

(4) The replacement of any obligations that become mutilated 40771
or are destroyed, lost, or stolen; 40772

(5) Such other provisions as the trustee and the issuing 40773
authority agree upon, including limitations, conditions, or 40774
qualifications relating to any of the foregoing. 40775

(K) Any holder of obligations or a trustee under the bond 40776
proceedings, except to the extent that the holder's or trustee's 40777
rights are restricted by the bond proceedings, may by any suitable 40778
form of legal proceedings, protect and enforce any rights under 40779
the laws of this state or granted by such bond proceedings. Such 40780
rights include the right to compel the performance of all duties 40781
of the issuing authority, the commission, or the director of 40782
budget and management required by sections 3318.21 to 3318.29 of 40783
the Revised Code or the bond proceedings; to enjoin unlawful 40784
activities; and in the event of default with respect to the 40785
payment of any bond service charges on any obligations or in the 40786
performance of any covenant or agreement on the part of the 40787
issuing authority, the commission, or the director of budget and 40788
management in the bond proceedings, to apply to a court having 40789
jurisdiction of the cause to appoint a receiver to receive and 40790
administer the pledged receipts and special funds, other than 40791
those in the custody of the treasurer of state or the commission, 40792
which are pledged to the payment of the bond service charges on 40793
such obligations or which are the subject of the covenant or 40794

agreement, with full power to pay, and to provide for payment of 40795
bond service charges on, such obligations, and with such powers, 40796
subject to the direction of the court, as are accorded receivers 40797
in general equity cases, excluding any power to pledge additional 40798
revenues or receipts or other income or moneys of the issuing 40799
authority or the state or governmental agencies of the state to 40800
the payment of such principal and interest and excluding the power 40801
to take possession of, mortgage, or cause the sale or otherwise 40802
dispose of any permanent improvement. 40803

Each duty of the issuing authority and the issuing 40804
authority's officers and employees, and of each governmental 40805
agency and its officers, members, or employees, undertaken 40806
pursuant to the bond proceedings or any agreement or loan made 40807
under authority of sections 3318.21 to 3318.29 of the Revised 40808
Code, and in every agreement by or with the issuing authority, is 40809
hereby established as a duty of the issuing authority, and of each 40810
such officer, member, or employee having authority to perform such 40811
duty, specifically enjoined by the law resulting from an office, 40812
trust, or station within the meaning of section 2731.01 of the 40813
Revised Code. 40814

The person who is at the time the issuing authority, or the 40815
issuing authority's officers or employees, are not liable in their 40816
personal capacities on any obligations issued by the issuing 40817
authority or any agreements of or with the issuing authority. 40818

(L) Obligations issued under this section are lawful 40819
investments for banks, societies for savings, savings and loan 40820
associations, deposit guarantee associations, trust companies, 40821
trustees, fiduciaries, insurance companies, including domestic for 40822
life and domestic not for life, trustees or other officers having 40823
charge of sinking and bond retirement or other special funds of 40824
political subdivisions and taxing districts of this state, the 40825
commissioners of the sinking fund of the state, the administrator 40826

of workers' compensation, the state teachers retirement system, 40827
the public employees retirement system, the school employees 40828
retirement system, and the Ohio police and fire pension fund, 40829
notwithstanding any other provisions of the Revised Code or rules 40830
adopted pursuant thereto by any governmental agency of the state 40831
with respect to investments by them, and also are acceptable as 40832
security for the deposit of public moneys. 40833

(M) Unless otherwise provided in any applicable bond 40834
proceedings, moneys to the credit of or in the special funds 40835
established by or pursuant to this section may be invested by or 40836
on behalf of the issuing authority only in notes, bonds, or other 40837
obligations of the United States, or of any agency or 40838
instrumentality of the United States, obligations guaranteed as to 40839
principal and interest by the United States, obligations of this 40840
state or any political subdivision of this state, and certificates 40841
of deposit of any national bank located in this state and any 40842
bank, as defined in section 1101.01 of the Revised Code, subject 40843
to inspection by the superintendent of financial institutions. If 40844
the law or the instrument creating a trust pursuant to division 40845
(J) of this section expressly permits investment in direct 40846
obligations of the United States or an agency of the United 40847
States, unless expressly prohibited by the instrument, such moneys 40848
also may be invested in no front end load money market mutual 40849
funds consisting exclusively of obligations of the United States 40850
or an agency of the United States and in repurchase agreements, 40851
including those issued by the fiduciary itself, secured by 40852
obligations of the United States or an agency of the United 40853
States; and in collective investment funds established in 40854
accordance with section 1111.14 of the Revised Code and consisting 40855
exclusively of any such securities, notwithstanding division 40856
(B)(1)(c) of that section. The income from such investments shall 40857
be credited to such funds as the issuing authority determines, and 40858
such investments may be sold at such times as the issuing 40859

authority determines or authorizes. 40860

(N) Provision may be made in the applicable bond proceedings 40861
for the establishment of separate accounts in the bond service 40862
fund and for the application of such accounts only to the 40863
specified bond service charges on obligations pertinent to such 40864
accounts and bond service fund and for other accounts therein 40865
within the general purposes of such fund. Unless otherwise 40866
provided in any applicable bond proceedings, moneys to the credit 40867
of or in the several special funds established pursuant to this 40868
section shall be disbursed on the order of the treasurer of state, 40869
provided that no such order is required for the payment from the 40870
bond service fund when due of bond service charges on obligations. 40871

(O) The issuing authority may pledge all, or such portion as 40872
the issuing authority determines, of the pledged receipts to the 40873
payment of bond service charges on obligations issued under this 40874
section, and for the establishment and maintenance of any 40875
reserves, as provided in the bond proceedings, and make other 40876
provisions therein with respect to pledged receipts as authorized 40877
by this chapter, which provisions shall be controlling 40878
notwithstanding any other provisions of law pertaining thereto. 40879

(P) The issuing authority may covenant in the bond 40880
proceedings, and any such covenants shall be controlling 40881
notwithstanding any other provision of law, that the state and 40882
applicable officers and governmental agencies of the state, 40883
including the general assembly, so long as any obligations are 40884
outstanding, shall: 40885

(1) Maintain statutory authority for and cause to be operated 40886
the state lottery, including the transfers to and from the lottery 40887
profits education fund created in section 3770.06 of the Revised 40888
Code so that the pledged receipts shall be sufficient in amount to 40889
meet bond service charges, and the establishment and maintenance 40890
of any reserves and other requirements provided for in the bond 40891

proceedings; 40892

(2) Take or permit no action, by statute or otherwise, that 40893
would impair the exclusion from gross income for federal income 40894
tax purposes of the interest on any obligations designated by the 40895
bond proceeding as tax-exempt obligations. 40896

(Q) There is hereby created the school building program bond 40897
service fund, which shall be in the custody of the treasurer of 40898
state but shall be separate and apart from and not a part of the 40899
state treasury. All moneys received by or on account of the 40900
issuing authority or state agencies and required by the applicable 40901
bond proceedings, consistent with this section, to be deposited, 40902
transferred, or credited to the school building program bond 40903
service fund, and all other moneys transferred or allocated to or 40904
received for the purposes of the fund, shall be deposited and 40905
credited to such fund and to any separate accounts therein, 40906
subject to applicable provisions of the bond proceedings, but 40907
without necessity for any act of appropriation, except as required 40908
by section 3770.06 of the Revised Code. During the period 40909
beginning with the date of the first issuance of obligations and 40910
continuing during such time as any such obligations are 40911
outstanding, and so long as moneys in the school building program 40912
bond service fund are insufficient to pay all bond service charges 40913
on such obligations becoming due in each year, a sufficient amount 40914
of the moneys from the lottery profits education fund included in 40915
pledged receipts, subject to appropriation for such purpose as 40916
provided in section 3770.06 of the Revised Code, are committed and 40917
shall be paid to the school building program bond service fund in 40918
each year for the purpose of paying the bond service charges 40919
becoming due in that year. The school building program bond 40920
service fund is a trust fund and is hereby pledged to the payment 40921
of bond service charges solely on obligations issued to provide 40922
moneys for the school building program assistance fund to the 40923

extent provided in the applicable bond proceedings, and payment 40924
thereof from such fund shall be made or provided for by the 40925
treasurer of state in accordance with such bond proceedings 40926
without necessity for any act of appropriation except as required 40927
by section 3770.06 of the Revised Code. 40928

(R) The obligations, the transfer thereof, and the income 40929
therefrom, including any profit made on the sale thereof, at all 40930
times shall be free from taxation within the state. 40931

Sec. 3318.311. ~~Not later than six months after September 14,~~ 40932
~~2000, the~~ The Ohio school facilities construction commission shall 40933
establish design specifications for classroom facilities that are 40934
appropriate for joint vocational education programs. The 40935
specifications shall provide standards for appropriate pupil 40936
instruction space but shall not include standards for any 40937
vocational education furnishings or equipment that is not 40938
comparable to, or the vocational education equivalent of, the 40939
furnishings or equipment for which assistance is available to 40940
other school districts under sections 3318.01 to 3318.20 of the 40941
Revised Code. 40942

Beginning September 1, 2003, from time to time the commission 40943
may amend the specifications as determined necessary by the 40944
commission; however, any project under sections 3318.40 to 3318.45 40945
of the Revised Code approved by the commission prior to the most 40946
recent amendment to the specifications shall not be subject to the 40947
provisions of such amendment. 40948

Sec. 3318.351. (A) As used in this section: 40949

(1) "Classroom facilities" has the same meaning as in section 40950
3318.01 of the Revised Code. 40951

(2) "Emergency project" means reconstruction or renovation of 40952
or repair to any classroom facilities made necessary because of 40953

damage due to an act of God. 40954

(3) "Eligible school district" means any school district in 40955
the first through one-hundredth percentiles as determined under 40956
section 3318.011 of the Revised Code. 40957

(B)(1) There is hereby established the school building 40958
emergency assistance program, under which the Ohio ~~school~~ 40959
facilities construction commission shall distribute grants to 40960
eligible school districts from moneys specifically appropriated by 40961
the general assembly for the purposes of this section to assist in 40962
emergency projects. Any assistance under this section shall be 40963
used to pay the cost of only the portion of an emergency project 40964
that is not covered by insurance or other public or private 40965
emergency assistance received by or payable to the school 40966
district. Any damage to classroom facilities caused by age of the 40967
facilities or by lack of timely maintenance to the facilities 40968
shall not constitute damage that is subject to assistance under 40969
this section. 40970

(2) The commission shall establish procedures and deadlines 40971
for eligible school districts to follow in applying for assistance 40972
under this section. The commission shall consider such 40973
applications on a case-by-case basis taking into account the 40974
amount of moneys available under this section. 40975

(3) Every effort shall be made to conform an emergency 40976
project to design specifications adopted by the commission, 40977
including minimum capacity requirements adopted under section 40978
3318.03 of the Revised Code, unless in the judgment of the 40979
commission it is not possible to conform the project to such 40980
specifications. 40981

Sec. 3318.36. (A)(1) As used in this section: 40982

(a) "Ohio ~~school~~ facilities construction commission," 40983

"classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(2) For purposes of determining the required level of indebtedness, the required percentage of the basic project costs under division (C)(1) of this section, and priority for assistance under sections 3318.01 to 3318.20 of the Revised Code, the percentile ranking of a school district with which the commission has entered into an agreement under this section between the first day of July and the thirty-first day of August in each fiscal year is the percentile ranking calculated for that district for the immediately preceding fiscal year, and the percentile ranking of a school district with which the commission has entered into such agreement between the first day of September and the thirtieth day of June in each fiscal year is the percentile ranking calculated for that district for the current fiscal year.

(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio ~~school~~ facilities construction commission may enter into an agreement with the board of any school district under which the

board may proceed with the new construction or major repairs of a 41016
part of the district's classroom facilities needs, as determined 41017
under sections 3318.01 to 3318.20 of the Revised Code, through the 41018
expenditure of local resources prior to the school district's 41019
eligibility for state assistance under those sections, and may 41020
apply that expenditure toward meeting the school district's 41021
portion of the basic project cost of the total of the district's 41022
classroom facilities needs, as recalculated under division (E) of 41023
this section, when the district becomes eligible for state 41024
assistance under sections 3318.01 to 3318.20 or section 3318.364 41025
of the Revised Code. Any school district that is reasonably 41026
expected to receive assistance under sections 3318.01 to 3318.20 41027
of the Revised Code within two fiscal years from the date the 41028
school district adopts its resolution under division (B) of this 41029
section shall not be eligible to participate in the program 41030
established under this section. 41031

(2) To participate in the program, a school district board 41032
shall first adopt a resolution certifying to the commission the 41033
board's intent to participate in the program. 41034

The resolution shall specify the approximate date that the 41035
board intends to seek elector approval of any bond or tax measures 41036
or to apply other local resources to use to pay the cost of 41037
classroom facilities to be constructed under this section. The 41038
resolution may specify the application of local resources or 41039
elector-approved bond or tax measures after the resolution is 41040
adopted by the board, and in such case the board may proceed with 41041
a discrete portion of its project under this section as soon as 41042
the commission and the controlling board have approved the basic 41043
project cost of the district's classroom facilities needs as 41044
specified in division (D) of this section. The board shall submit 41045
its resolution to the commission not later than ten days after the 41046
date the resolution is adopted by the board. 41047

The commission shall not consider any resolution that is 41048
submitted pursuant to division (B)(2) of this section, as amended 41049
by this amendment, sooner than September 14, 2000. 41050

(3) For purposes of determining when a district that enters 41051
into an agreement under this section becomes eligible for 41052
assistance under sections 3318.01 to 3318.20 of the Revised Code 41053
or priority for assistance under section 3318.364 of the Revised 41054
Code, the commission shall use the district's percentile ranking 41055
determined at the time the district entered into the agreement 41056
under this section, as prescribed by division (A)(2) of this 41057
section. 41058

(4) Any project under this section shall comply with section 41059
3318.03 of the Revised Code and with any specifications for plans 41060
and materials for classroom facilities adopted by the commission 41061
under section 3318.04 of the Revised Code. 41062

(5) If a school district that enters into an agreement under 41063
this section has not begun a project applying local resources as 41064
provided for under that agreement at the time the district is 41065
notified by the commission that it is eligible to receive state 41066
assistance under sections 3318.01 to 3318.20 of the Revised Code, 41067
all assessment and agreement documents entered into under this 41068
section are void. 41069

(6) Only construction of or repairs to classroom facilities 41070
that have been approved by the commission and have been therefore 41071
included as part of a district's basic project cost qualify for 41072
application of local resources under this section. 41073

(C) Based on the results of on-site visits and assessment, 41074
the commission shall determine the basic project cost of the 41075
school district's classroom facilities needs. The commission shall 41076
determine the school district's portion of such basic project 41077
cost, which shall be the greater of: 41078

(1) The required percentage of the basic project costs, 41079
determined based on the school district's percentile ranking; 41080

(2) An amount necessary to raise the school district's net 41081
bonded indebtedness, as of the fiscal year the commission and the 41082
school district enter into the agreement under division (B) of 41083
this section, to within five thousand dollars of the required 41084
level of indebtedness. 41085

(D)(1) When the commission determines the basic project cost 41086
of the classroom facilities needs of a school district and the 41087
school district's portion of that basic project cost under 41088
division (C) of this section, the project shall be conditionally 41089
approved. Such conditional approval shall be submitted to the 41090
controlling board for approval thereof. The controlling board 41091
shall forthwith approve or reject the commission's determination, 41092
conditional approval, and the amount of the state's portion of the 41093
basic project cost; however, no state funds shall be encumbered 41094
under this section. Upon approval by the controlling board, the 41095
school district board may identify a discrete part of its 41096
classroom facilities needs, which shall include only new 41097
construction of or additions or major repairs to a particular 41098
building, to address with local resources. Upon identifying a part 41099
of the school district's basic project cost to address with local 41100
resources, the school district board may allocate any available 41101
school district moneys to pay the cost of that identified part, 41102
including the proceeds of an issuance of bonds if approved by the 41103
electors of the school district. 41104

All local resources utilized under this division shall first 41105
be deposited in the project construction account required under 41106
section 3318.08 of the Revised Code. 41107

(2) Unless the school district board exercises its option 41108
under division (D)(3) of this section, for a school district to 41109
qualify for participation in the program authorized under this 41110

section, one of the following conditions shall be satisfied: 41111

(a) The electors of the school district by a majority vote 41112
shall approve the levy of taxes outside the ten-mill limitation 41113
for a period of twenty-three years at the rate of not less than 41114
one-half mill for each dollar of valuation to be used to pay the 41115
cost of maintaining the classroom facilities included in the basic 41116
project cost as determined by the commission. The form of the 41117
ballot to be used to submit the question whether to approve the 41118
tax required under this division to the electors of the school 41119
district shall be the form for an additional levy of taxes 41120
prescribed in section 3318.361 of the Revised Code, which may be 41121
combined in a single ballot question with the questions prescribed 41122
under section 5705.218 of the Revised Code. 41123

(b) As authorized under division (C) of section 3318.05 of 41124
the Revised Code, the school district board shall earmark from the 41125
proceeds of a permanent improvement tax levied under section 41126
5705.21 of the Revised Code, an amount equivalent to the 41127
additional tax otherwise required under division (D)(2)(a) of this 41128
section for the maintenance of the classroom facilities included 41129
in the basic project cost as determined by the commission. 41130

(c) As authorized under section 3318.051 of the Revised Code, 41131
the school district board shall, if approved by the commission, 41132
annually transfer into the maintenance fund required under section 41133
3318.05 of the Revised Code the amount prescribed in section 41134
3318.051 of the Revised Code in lieu of the tax otherwise required 41135
under division (D)(2)(a) of this section for the maintenance of 41136
the classroom facilities included in the basic project cost as 41137
determined by the commission. 41138

(d) If the school district board has rescinded the agreement 41139
to make transfers under section 3318.051 of the Revised Code, as 41140
provided under division (F) of that section, the electors of the 41141
school district, in accordance with section 3318.063 of the 41142

Revised Code, first shall approve the levy of taxes outside the 41143
ten-mill limitation for the period specified in that section at a 41144
rate of not less than one-half mill for each dollar of valuation. 41145

(e) The school district board shall apply the proceeds of a 41146
tax to leverage bonds as authorized under section 3318.052 of the 41147
Revised Code or dedicate a local donated contribution in the 41148
manner described in division (B) of section 3318.084 of the 41149
Revised Code in an amount equivalent to the additional tax 41150
otherwise required under division (D)(2)(a) of this section for 41151
the maintenance of the classroom facilities included in the basic 41152
project cost as determined by the commission. 41153

(3) A school district board may opt to delay taking any of 41154
the actions described in division (D)(2) of this section until the 41155
school district becomes eligible for state assistance under 41156
sections 3318.01 to 3318.20 of the Revised Code. In order to 41157
exercise this option, the board shall certify to the commission a 41158
resolution indicating the board's intent to do so prior to 41159
entering into an agreement under division (B) of this section. 41160

(4) If pursuant to division (D)(3) of this section a district 41161
board opts to delay levying an additional tax until the district 41162
becomes eligible for state assistance, it shall submit the 41163
question of levying that tax to the district electors as follows: 41164

(a) In accordance with section 3318.06 of the Revised Code if 41165
it will also be necessary pursuant to division (E) of this section 41166
to submit a proposal for approval of a bond issue; 41167

(b) In accordance with section 3318.361 of the Revised Code 41168
if it is not necessary to also submit a proposal for approval of a 41169
bond issue pursuant to division (E) of this section. 41170

(5) No state assistance under sections 3318.01 to 3318.20 of 41171
the Revised Code shall be released until a school district board 41172
that adopts and certifies a resolution under division (D) of this 41173

section also demonstrates to the satisfaction of the commission 41174
compliance with the provisions of division (D)(2) of this section. 41175

Any amount required for maintenance under division (D)(2) of 41176
this section shall be deposited into a separate fund as specified 41177
in division (B) of section 3318.05 of the Revised Code. 41178

(E)(1) If the school district becomes eligible for state 41179
assistance under sections 3318.01 to 3318.20 of the Revised Code 41180
based on its percentile ranking under division (B)(3) of this 41181
section or is offered assistance under section 3318.364 of the 41182
Revised Code, the commission shall conduct a new assessment of the 41183
school district's classroom facilities needs and shall recalculate 41184
the basic project cost based on this new assessment. The basic 41185
project cost recalculated under this division shall include the 41186
amount of expenditures made by the school district board under 41187
division (D)(1) of this section. The commission shall then 41188
recalculate the school district's portion of the new basic project 41189
cost, which shall be the percentage of the original basic project 41190
cost assigned to the school district as its portion under division 41191
(C) of this section. The commission shall deduct the expenditure 41192
of school district moneys made under division (D)(1) of this 41193
section from the school district's portion of the basic project 41194
cost as recalculated under this division. If the amount of school 41195
district resources applied by the school district board to the 41196
school district's portion of the basic project cost under this 41197
section is less than the total amount of such portion as 41198
recalculated under this division, the school district board by a 41199
majority vote of all of its members shall, if it desires to seek 41200
state assistance under sections 3318.01 to 3318.20 of the Revised 41201
Code, adopt a resolution as specified in section 3318.06 of the 41202
Revised Code to submit to the electors of the school district the 41203
question of approval of a bond issue in order to pay any 41204
additional amount of school district portion required for state 41205

assistance. Any tax levy approved under division (D) of this 41206
section satisfies the requirements to levy the additional tax 41207
under section 3318.06 of the Revised Code. 41208

(2) If the amount of school district resources applied by the 41209
school district board to the school district's portion of the 41210
basic project cost under this section is more than the total 41211
amount of such portion as recalculated under this division, within 41212
one year after the school district's portion is recalculated under 41213
division (E)(1) of this section the commission may grant to the 41214
school district the difference between the two calculated 41215
portions, but at no time shall the commission expend any state 41216
funds on a project in an amount greater than the state's portion 41217
of the basic project cost as recalculated under this division. 41218

Any reimbursement under this division shall be only for local 41219
resources the school district has applied toward construction cost 41220
expenditures for the classroom facilities approved by the 41221
commission, which shall not include any financing costs associated 41222
with that construction. 41223

The school district board shall use any moneys reimbursed to 41224
the district under this division to pay off any debt service the 41225
district owes for classroom facilities constructed under its 41226
project under this section before such moneys are applied to any 41227
other purpose. However, the district board first may deposit 41228
moneys reimbursed under this division into the district's general 41229
fund or a permanent improvement fund to replace local resources 41230
the district withdrew from those funds, as long as, and to the 41231
extent that, those local resources were used by the district for 41232
constructing classroom facilities included in the district's basic 41233
project cost. 41234

Sec. 3318.362. This section applies only to a school district 41235
that participates in the school building assistance expedited 41236

local partnership program under section 3318.36 of the Revised Code. 41237
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A school district board that enters into an agreement with the Ohio ~~school~~ facilities construction commission under division (B) of section 3318.36 of the Revised Code may propose for issuance any bonds necessary for its participation in the program under section 3318.36 of the Revised Code for any number of years not exceeding the term calculated pursuant to section 133.20 of the Revised Code. Any moneys received from the state under division (E)(2) of section 3318.36 of the Revised Code shall be applied, as agreed in writing by the school district board and the commission, to pay debt service on outstanding bonds or bond anticipation notes issued by the school district board for its participation in the expedited local partnership program, including by placing those moneys in an applicable escrow fund under division (D) of section 133.34 of the Revised Code. 41239
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Sec. 3318.363. (A) This section applies beginning in fiscal year 2003 and only to a school district participating in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code. 41253
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(B) If there is a decrease in the tax valuation of a school district to which this section applies by ten per cent or greater from one tax year to the next due to a decrease in the assessment rate of the taxable property of an electric company that owns property in the district, as provided for in section 5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd General Assembly, the Ohio ~~school~~ facilities construction commission shall calculate or recalculate the state and school district portions of the basic project cost of the school district's project by determining the percentile rank in which the district would be located if such ranking were made using the 41257
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adjusted valuation per pupil calculated under division (C) of this 41268
section rather than the three-year average adjusted valuation per 41269
pupil, calculated under division (B) of section 3318.011 of the 41270
Revised Code. For such district, the required percentage of the 41271
basic project cost used to determine the state and school district 41272
shares of that cost under division (C) of section 3318.36 of the 41273
Revised Code shall be based on the percentile rank as calculated 41274
under this section rather than as otherwise provided in division 41275
(C)(1) of section 3318.36 of the Revised Code. If the commission 41276
has determined the state and school district portion of the basic 41277
project cost of such a district's project under section 3318.36 of 41278
the Revised Code prior to that decrease in tax valuation, the 41279
commission shall adjust the state and school district shares of 41280
the basic project cost of such project in accordance with this 41281
section. 41282

(C)(1) As used in divisions (C) and (D) of this section, 41283
"total taxable value" and "formula ADM" have the same meanings as 41284
in section 3317.02 of the Revised Code, and "income factor" has 41285
the same meaning as in section 3318.011 of the Revised Code. 41286

(2) The adjusted valuation per pupil for a school district to 41287
which this section applies shall be calculated using the following 41288
formula: 41289

(The district's total taxable value for the tax year 41290
preceding the calendar year in which the current fiscal year 41291
begins / the district's formula ADM for the previous fiscal year) 41292
- [\$30,000 x (1 - the district's income factor)]. 41293

(D) At the request of the Ohio ~~school~~ facilities construction 41294
commission, the department of education shall report a district's 41295
total taxable value for the tax year preceding the calendar year 41296
in which the current fiscal year begins for any district to which 41297
this section applies as that information has been certified to the 41298
department by the tax commissioner pursuant to section 3317.021 of 41299

the Revised Code. 41300

Sec. 3318.364. In any fiscal year, the Ohio ~~school~~ facilities 41301
construction commission may, at its discretion, provide assistance 41302
under sections 3318.01 to 3318.20 of the Revised Code to a school 41303
district that has entered into an expedited local partnership 41304
agreement under section 3318.36 of the Revised Code before the 41305
district is otherwise eligible for that assistance based on its 41306
percentile rank, if the commission determines all of the 41307
following: 41308

(A) The district has made an expenditure of local resources 41309
under its expedited local partnership agreement on a discrete part 41310
of its district-wide project. 41311

(B) The district is ready to complete its district-wide 41312
project or a segment of the project, in accordance with section 41313
3318.034 of the Revised Code. 41314

(C) The district is in compliance with division (D)(2) of 41315
section 3318.36 of the Revised Code. 41316

(D) Sufficient state funds have been appropriated for 41317
classroom facilities projects for the fiscal year to pay the state 41318
share of the district's project or segment after paying the state 41319
share of projects for all of the following: 41320

(1) Districts that previously had their conditional approval 41321
lapse pursuant to section 3318.05 of the Revised Code; 41322

(2) Districts eligible for assistance under division (B)(2) 41323
of section 3318.04 of the Revised Code; 41324

(3) Districts participating in the exceptional needs school 41325
facilities assistance program under section 3318.37 or 3318.371 of 41326
the Revised Code; 41327

(4) Districts participating in the accelerated urban school 41328
building assistance program under section 3318.38 of the Revised 41329

Code. 41330

Assistance under this section shall be offered to eligible 41331
districts in the order of their percentile rankings at the time 41332
they entered into their expedited local partnership agreements, 41333
from lowest to highest percentile. In the event that more than one 41334
district has the same percentile ranking, those districts shall be 41335
offered assistance in the order of the date they entered into 41336
their expedited local partnership agreements, from earliest to 41337
latest date. 41338

As used in this section, "local resources" and "percentile" 41339
have the same meanings as in section 3318.36 of the Revised Code. 41340

Sec. 3318.37. (A)(1) As used in this section: 41341

(a) "Full maintenance amount" has the same meaning as in 41342
section 3318.034 of the Revised Code. 41343

(b) A "school district with an exceptional need for immediate 41344
classroom facilities assistance" means a school district with an 41345
exceptional need for new facilities in order to protect the health 41346
and safety of all or a portion of its students. 41347

(2) No school district that participates in the school 41348
building assistance expedited local partnership program under 41349
section 3318.36 of the Revised Code shall receive assistance under 41350
the program established under this section unless the following 41351
conditions are satisfied: 41352

(a) The district board adopted a resolution certifying its 41353
intent to participate in the school building assistance expedited 41354
local partnership program under section 3318.36 of the Revised 41355
Code prior to September 14, 2000. 41356

(b) The district was selected by the Ohio ~~school~~ facilities 41357
construction commission for participation in the school building 41358
assistance expedited local partnership program under section 41359

3318.36 of the Revised Code in the manner prescribed by the 41360
commission under that section as it existed prior to September 14, 41361
2000. 41362

(B)(1) There is hereby established the exceptional needs 41363
school facilities assistance program. Under the program, the Ohio 41364
~~school~~ facilities construction commission may set aside from the 41365
moneys annually appropriated to it for classroom facilities 41366
assistance projects up to twenty-five per cent for assistance to 41367
school districts with exceptional needs for immediate classroom 41368
facilities assistance. 41369

(2)(a) After consulting with education and construction 41370
experts, the commission shall adopt guidelines for identifying 41371
school districts with an exceptional need for immediate classroom 41372
facilities assistance. 41373

(b) The guidelines shall include application forms and 41374
instructions for school districts to use in applying for 41375
assistance under this section. 41376

(3) The commission shall evaluate the classroom facilities, 41377
and the need for replacement classroom facilities from the 41378
applications received under this section. The commission, 41379
utilizing the guidelines adopted under division (B)(2)(a) of this 41380
section, shall prioritize the school districts to be assessed. 41381

Notwithstanding section 3318.02 of the Revised Code, the 41382
commission may conduct on-site evaluation of the school districts 41383
prioritized under this section and approve and award funds until 41384
such time as all funds set aside under division (B)(1) of this 41385
section have been encumbered. However, the commission need not 41386
conduct the evaluation of facilities if the commission determines 41387
that a district's assessment conducted under section 3318.36 of 41388
the Revised Code is sufficient for purposes of this section. 41389

(4) Notwithstanding division (A) of section 3318.05 of the 41390

Revised Code, the school district's portion of the basic project 41391
cost under this section shall be the "required percentage of the 41392
basic project costs," as defined in division (K) of section 41393
3318.01 of the Revised Code. 41394

(5) Except as otherwise specified in this section, any 41395
project undertaken with assistance under this section shall comply 41396
with all provisions of sections 3318.01 to 3318.20 of the Revised 41397
Code. A school district may receive assistance under sections 41398
3318.01 to 3318.20 of the Revised Code for the remainder of the 41399
district's classroom facilities needs as assessed under this 41400
section when the district is eligible for such assistance pursuant 41401
to section 3318.02 of the Revised Code, but any classroom facility 41402
constructed with assistance under this section shall not be 41403
included in a district's project at that time unless the 41404
commission determines the district has experienced the increased 41405
enrollment specified in division (B)(1) of section 3318.04 of the 41406
Revised Code. 41407

(C) No school district shall receive assistance under this 41408
section for a classroom facility that has been included in the 41409
discrete part of the district's classroom facilities needs 41410
identified and addressed in the district's project pursuant to an 41411
agreement entered into under section 3318.36 of the Revised Code, 41412
unless the district's entire classroom facilities plan consists of 41413
only a single building designed to house grades kindergarten 41414
through twelve. 41415

(D)(1) When undertaking a project under this section, a 41416
school district may elect to prorate its full maintenance amount 41417
by setting aside for maintenance the amount calculated under 41418
division (D)(2) of this section to maintain the classroom 41419
facilities acquired under the project, if the district will use 41420
one or more of the alternative methods authorized in sections 41421
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 41422

the entire amount calculated under that division. If the district
so elects, the commission and the district shall include in the
agreement entered into under section 3318.08 of the Revised Code a
statement specifying that the district will use the amount
calculated under that division only to maintain the classroom
facilities acquired under the project under this section.

(2) The commission shall calculate the amount for a school
district to maintain the classroom facilities acquired under a
project under this section as follows:

The full maintenance amount X (the school district's portion
of the basic project cost under this section / the school
district's portion of the basic project cost for the district's
entire classroom facilities needs, as determined jointly by the
staff of the commission and the district)

(3) A school district may elect to prorate its full
maintenance amount for any number of projects under this section,
provided the district will use one or more of the alternative
methods authorized in sections 3318.051, 3318.052, and 3318.084 of
the Revised Code to generate the entire amount calculated under
division (D)(2) of this section to maintain the classroom
facilities acquired under each project for which it so elects. If
the district cannot use one or more of those alternative methods
to generate the entire amount calculated under that division, the
district shall levy the tax described in division (B) of section
3318.05 of the Revised Code or an extension of that tax under
section 3318.061 of the Revised Code in an amount necessary to
generate the remainder of its full maintenance amount. The
commission shall calculate the remainder of the district's full
maintenance amount as follows:

The full maintenance amount - the sum of the amounts
calculated for the district under division (D)(2) of this section
for each of the district's prior projects under this section

(4) In no case shall the sum of the amounts calculated for a school district's maintenance of classroom facilities under divisions (D)(2) and (3) of this section exceed the amount that would have been required for maintenance if the district had elected to meet its entire classroom facilities needs with a project under sections 3318.01 to 3318.20 of the Revised Code and had not undertaken one or more projects under this section.

(5) If a school district commenced a project under this section prior to ~~the effective date of this amendment~~ September 10, 2012, but has not completed that project, and has not levied the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (D)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

Sec. 3318.371. The Ohio ~~school~~ facilities construction commission may provide assistance under the exceptional needs school facilities program established by section 3318.37 of the Revised Code to any school district for the purpose of the relocation or replacement of classroom facilities required as a result of any contamination of air, soil, or water that impacts the occupants of the facility.

The commission shall make a determination in accordance with guidelines adopted by the commission regarding eligibility and funding for projects under this section. The commission may contract with an independent environmental consultant to conduct a study to assist the commission in making the determination.

If the federal government or other public or private entity

provides funds for restitution of costs incurred by the state or 41486
school district in the relocation or replacement of the classroom 41487
facilities, the school district shall use such funds in excess of 41488
the school district's share to refund the state for the state's 41489
contribution to the environmental contamination portion of the 41490
project. The school district may apply an amount of such 41491
restitution funds up to an amount equal to the school district's 41492
portion of the project, as defined by the commission, toward 41493
paying its portion of that project to reduce the amount of bonds 41494
the school district otherwise must issue to receive state 41495
assistance under sections 3318.01 to 3318.20 of the Revised Code. 41496

Sec. 3318.38. (A) As used in this section, "big-eight school 41497
district" has the same meaning as in section 3314.02 of the 41498
Revised Code. 41499

(B) There is hereby established the accelerated urban school 41500
building assistance program. Under the program, notwithstanding 41501
section 3318.02 of the Revised Code, any big-eight school district 41502
that has not been approved to receive assistance under sections 41503
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 41504
beginning on that date apply for approval of and be approved for 41505
such assistance. Except as otherwise provided in this section, any 41506
project approved and undertaken pursuant to this section shall 41507
comply with all provisions of sections 3318.01 to 3318.20 of the 41508
Revised Code. 41509

The Ohio ~~school~~ facilities construction commission shall 41510
provide assistance to any big-eight school district eligible for 41511
assistance under this section in the following manner: 41512

(1) Notwithstanding section 3318.02 of the Revised Code: 41513

(a) Not later than June 30, 2002, the commission shall 41514
conduct an on-site visit and shall assess the classroom facilities 41515
needs of each big-eight school district eligible for assistance 41516

under this section; 41517

(b) Beginning July 1, 2002, any big-eight school district 41518
eligible for assistance under this section may apply to the 41519
commission for conditional approval of its project as determined 41520
by the assessment conducted under division (B)(1)(a) of this 41521
section. The commission may conditionally approve that project and 41522
submit it to the controlling board for approval pursuant to 41523
section 3318.04 of the Revised Code. 41524

(2) If the controlling board approves the project of a 41525
big-eight school district eligible for assistance under this 41526
section, the commission and the school district shall enter into 41527
an agreement as prescribed in section 3318.08 of the Revised Code. 41528
Any agreement executed pursuant to this division shall include any 41529
applicable segmentation provisions as approved by the commission 41530
under division (B)(3) of this section. 41531

(3) Notwithstanding any provision to the contrary in sections 41532
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 41533
school district eligible for assistance under this section may 41534
with the approval of the commission opt to divide the project as 41535
approved under division (B)(1)(b) of this section into discrete 41536
segments to be completed sequentially. Any project divided into 41537
segments shall comply with all other provisions of sections 41538
3318.05, 3318.06, and 3318.08 of the Revised Code except as 41539
otherwise specified in this division. 41540

If a project is divided into segments under this division: 41541

(a) The school district need raise only the amount equal to 41542
its proportionate share, as determined under section 3318.032 of 41543
the Revised Code, of each segment at any one time and may seek 41544
voter approval of each segment separately; 41545

(b) The state's proportionate share, as determined under 41546
section 3318.032 of the Revised Code, of only the segment which 41547

has been approved by the school district electors or for which the district has applied a local donated contribution under section 3318.084 of the Revised Code shall be encumbered in accordance with section 3318.11 of the Revised Code. Encumbrance of additional amounts to cover the state's proportionate share of later segments shall be approved separately as they are approved by the school district electors or as the district applies a local donated contribution to the segments under section 3318.084 of the Revised Code.

(c) The school district's maintenance levy requirement, as defined in section 3318.18 of the Revised Code, shall run for twenty-three years from the date the first segment is undertaken.

(C) In accordance with division (R) of section 3318.08 of the Revised Code, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of any segment of the project under this section, or of the entire project if it is not divided into segments, shall be spent on the construction and acquisition of the project simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code.

Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the Revised Code apply only to joint vocational school districts.

(2) As used in sections 3318.40 to 3318.45 of the Revised Code:

(a) "Ohio ~~school~~ facilities construction commission," "classroom facilities," "project," and "basic project cost" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Acquisition of classroom facilities" means constructing, reconstructing, repairing, or making additions to classroom

facilities. 41578

(B) There is hereby established the vocational school 41579
facilities assistance program. Under the program, the Ohio ~~school~~ 41580
facilities construction commission shall provide assistance to 41581
joint vocational school districts for the acquisition of classroom 41582
facilities suitable to the vocational education programs of the 41583
districts in accordance with sections 3318.40 to 3318.45 of the 41584
Revised Code. For purposes of the program, beginning July 1, 2003, 41585
the commission annually may set aside up to two per cent of the 41586
aggregate amount appropriated to it for classroom facilities 41587
assistance projects in the public school building fund, 41588
established under section 3318.15 of the Revised Code, and the 41589
school building program assistance fund, established under section 41590
3318.25 of the Revised Code. 41591

(C) The commission shall not provide assistance for any 41592
distinct part of a project under sections 3318.40 to 3318.45 of 41593
the Revised Code that when completed will be used exclusively for 41594
an adult education program or exclusively for operation of a 41595
driver training school for instruction leading to the issuance of 41596
a commercial driver's license under Chapter 4506. of the Revised 41597
Code, except for life safety items and basic building components 41598
necessary for complete and continuous construction or renovation 41599
of a classroom facility as determined by the commission. 41600

(D) The commission shall not provide assistance under 41601
sections 3318.40 to 3318.45 of the Revised Code to acquire 41602
classroom facilities for vocational educational instruction at a 41603
location under the control of a school district that is a member 41604
of a joint vocational school district. Any assistance to acquire 41605
classroom facilities for vocational educational instruction at 41606
such location shall be provided to the school district that is a 41607
member of the joint vocational school district through other 41608
provisions of this chapter when that member school district is 41609

eligible for assistance under those provisions. 41610

(E) By September 1, 2003, the commission shall assess the 41611
classroom facilities needs of at least five joint vocational 41612
school districts, according to the order of priority prescribed in 41613
division (B) of section 3318.42 of the Revised Code, and based on 41614
the results of those assessments shall determine the extent to 41615
which amendments to the specifications adopted under section 41616
3318.311 of the Revised Code are warranted. The commission, 41617
thereafter, may amend the specifications as provided in that 41618
section. 41619

(F) After the commission has conducted the assessments 41620
prescribed in division (E) of this section, the commission shall 41621
establish, by rule adopted in accordance with section 111.15 of 41622
the Revised Code, guidelines for the commission to use in deciding 41623
whether to waive compliance with the design specifications adopted 41624
under section 3318.311 of the Revised Code when determining the 41625
number of facilities and the basic project cost of projects as 41626
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 41627
Code. The guidelines shall address the following situations: 41628

(1) Under what circumstances, if any, particular classroom 41629
facilities are adequate to meet the needs of the school district 41630
even though the facilities do not comply with the specifications 41631
adopted under section 3318.311 of the Revised Code; 41632

(2) Under what circumstances, if any, particular classroom 41633
facilities will be renovated or repaired rather than replaced by 41634
construction of new facilities. 41635

Sec. 3318.41. (A)(1) The Ohio ~~school~~ facilities construction 41636
commission annually shall assess the classroom facilities needs of 41637
the number of joint vocational school districts that the 41638
commission reasonably expects to be able to provide assistance to 41639
in a fiscal year, based on the amount set aside for that fiscal 41640

year under division (B) of section 3318.40 of the Revised Code and 41641
the order of priority prescribed in division (B) of section 41642
3318.42 of the Revised Code, except that in fiscal year 2004 the 41643
commission shall conduct at least the five assessments prescribed 41644
in division (E) of section 3318.40 of the Revised Code. 41645

Upon conducting an assessment of the classroom facilities 41646
needs of a school district, the commission shall make a 41647
determination of all of the following: 41648

(a) The number of classroom facilities to be included in a 41649
project and the basic project cost of acquiring the classroom 41650
facilities included in the project. The number of facilities and 41651
basic project cost shall be determined in accordance with the 41652
specifications adopted under section 3318.311 of the Revised Code 41653
except to the extent that compliance with such specifications is 41654
waived by the commission pursuant to the rule of the commission 41655
adopted under division (F) of section 3318.40 of the Revised Code. 41656

(b) The school district's portion of the basic project cost 41657
as determined under division (C) of section 3318.42 of the Revised 41658
Code; 41659

(c) The remaining portion of the basic project cost that 41660
shall be supplied by the state; 41661

(d) The amount of the state's portion of the basic project 41662
cost to be encumbered in accordance with section 3318.11 of the 41663
Revised Code in the current and subsequent fiscal years from funds 41664
set aside under division (B) of section 3318.40 of the Revised 41665
Code. 41666

(2) Divisions (A), (C), and (D) of section 3318.03 of the 41667
Revised Code apply to any project under sections 3318.40 to 41668
3318.45 of the Revised Code. 41669

(B)(1) If the commission makes a determination under division 41670
(A) of this section in favor of the acquisition of classroom 41671

facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal year. In the event of approval by the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year.

(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any rule adopted by the commission to implement this division shall be tailored to address the classroom facilities needs of joint vocational school districts.

(C) In addition to generating the amount of the school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code, in order for a school district to receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the school district board shall set aside school district moneys for the maintenance of the classroom facilities included in the school district's project in the amount

and manner prescribed in section 3318.43 of the Revised Code. 41704

(D)(1) The conditional approval for a project certified under 41705
division (B)(1) of this section shall lapse and the amount 41706
reserved and encumbered for such project shall be released unless 41707
both of the following conditions are satisfied: 41708

(a) Within one hundred twenty days following the date of 41709
certification of the conditional approval to the joint vocational 41710
school district board, the school district board accepts the 41711
conditional approval and certifies to the commission the school 41712
district board's plan to generate the school district's portion of 41713
the basic project cost, as determined under division (C) of 41714
section 3318.42 of the Revised Code, and to set aside moneys for 41715
maintenance of the classroom facilities acquired under the 41716
project, as prescribed in section 3318.43 of the Revised Code. 41717

(b) Within thirteen months following the date of 41718
certification of the conditional approval to the school district 41719
board, the electors of the school district vote favorably on any 41720
ballot measures proposed by the school district board to generate 41721
the school district's portion of the basic project cost. 41722

(2) If the school district board or electors fail to satisfy 41723
the conditions prescribed in division (D)(1) of this section and 41724
the amount reserved and encumbered for the school district's 41725
project is released, the school district shall be given first 41726
priority over other joint vocational school districts for project 41727
funding under sections 3318.40 to 3318.45 of the Revised Code as 41728
such funds become available, subject to section 3318.054 of the 41729
Revised Code. 41730

(E) If the conditions prescribed in division (D)(1) of this 41731
section are satisfied, the commission and the school district 41732
board shall enter into an agreement as prescribed in section 41733
3318.08 of the Revised Code and shall proceed with the development 41734

of plans, cost estimates, designs, drawings, and specifications as 41735
prescribed in section 3318.091 of the Revised Code. 41736

(F) Costs in excess of those approved by the commission under 41737
section 3318.091 of the Revised Code shall be payable only as 41738
provided in sections 3318.042 and 3318.083 of the Revised Code. 41739

(G) Advertisement for bids and the award of contracts for 41740
construction of any project under sections 3318.40 to 3318.45 of 41741
the Revised Code shall be conducted in accordance with section 41742
3318.10 of the Revised Code. 41743

(H) In accordance with division (R) of section 3318.08 of the 41744
Revised Code, the state funds reserved and encumbered and the 41745
funds provided by the school district to pay the basic project 41746
cost of a project under sections 3318.40 to 3318.45 of the Revised 41747
Code shall be spent simultaneously in proportion to the state's 41748
and the school district's respective portions of that basic 41749
project cost. 41750

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 41751
Code apply to projects under sections 3318.40 to 3318.45 of the 41752
Revised Code. 41753

Sec. 3318.42. (A) Not later than the sixty-first day after 41754
March 14, 2003, and subsequently not later than the sixty-first 41755
day after the first day of each ensuing fiscal year, the 41756
department of education shall do all of the following: 41757

(1) Calculate the valuation per pupil of each joint 41758
vocational school district according to the following formula: 41759

The school district's average taxable value divided by the 41760
school district's formula ADM calculated under section 41761
3317.03 of the Revised Code for the previous fiscal year. 41762

For purposes of this calculation: 41763

(a) "Average taxable value" means the average of the amounts 41764

certified for a school district in the second, third, and fourth 41765
preceding tax years under divisions (A)(1) and (2) of section 41766
3317.021 of the Revised Code. 41767

(b) "Formula ADM" has the same meaning as defined in section 41768
3317.02 of the Revised Code. 41769

(2) Calculate for each school district the three-year average 41770
of the valuations per pupil calculated for the school district for 41771
the current and two preceding fiscal years; 41772

(3) Rank all joint vocational school districts in order from 41773
the school district with the lowest three-year average valuation 41774
per pupil to the school district with the highest three-year 41775
average valuation per pupil; 41776

(4) Divide the ranking under division (A)(3) of this section 41777
into percentiles with the first percentile containing the one per 41778
cent of school districts having the lowest three-year average 41779
valuations per pupil and the one-hundredth percentile containing 41780
the one per cent of school districts having the highest three-year 41781
average valuations per pupil; 41782

(5) Certify the information described in divisions (A)(1) to 41783
(4) of this section to the Ohio ~~school~~ facilities construction 41784
commission. 41785

(B) The commission annually shall select school districts for 41786
assistance under sections 3318.40 to 3318.45 of the Revised Code 41787
in the order of the school districts' three-year average 41788
valuations per pupil such that the school district with the lowest 41789
three-year average valuation per pupil shall be given the highest 41790
priority for assistance. 41791

(C) Each joint vocational school district's portion of the 41792
basic project cost of the school district's project under sections 41793
3318.40 to 3318.45 of the Revised Code shall be one per cent times 41794
the percentile in which the district ranks, except that no school 41795

district's portion shall be less than twenty-five per cent or 41796
greater than ninety-five per cent of the basic project cost. 41797

Sec. 3318.43. Each year for twenty-three successive years 41798
after the commencement of a joint vocational school district's 41799
project under sections 3318.40 to 3318.45 of the Revised Code, the 41800
board of education of that school district shall deposit into a 41801
separate maintenance account or into the school district's capital 41802
and maintenance fund established under section 3315.18 of the 41803
Revised Code, school district moneys dedicated to maintenance of 41804
the classroom facilities acquired under sections 3318.40 to 41805
3318.45 of the Revised Code in an amount equal to one and one-half 41806
of one per cent of the current insurance value of the classroom 41807
facilities acquired under the project, which value shall be 41808
subject to the approval of the Ohio ~~school~~ facilities construction 41809
commission. 41810

Sec. 3318.46. By rule adopted in accordance with section 41811
111.15 of the Revised Code, the Ohio ~~school~~ facilities 41812
construction commission shall establish a program whereby the 41813
board of education of any joint vocational school district may 41814
enter into an agreement with the commission under which the board 41815
may proceed with the new construction or major repairs of a part 41816
of the school district's classroom facilities needs, as determined 41817
under sections 3318.40 to 3318.45 of the Revised Code, through the 41818
expenditure of local resources prior to the school district's 41819
eligibility for state assistance under sections 3318.40 to 3318.45 41820
of the Revised Code. The program shall be structured in a manner 41821
similar to the program established under section 3318.36 of the 41822
Revised Code. The program shall be operational on July 1, 2004. 41823

Sec. 3318.48. (A) When all of the following have occurred, a 41824
project undertaken by a school district pursuant to this chapter 41825

shall be considered complete and the Ohio ~~school~~ facilities 41826
construction commission shall issue a certificate of completion to 41827
the district board of education: 41828

(1) All facilities to be constructed under the project, as 41829
specified in the project agreement entered into under section 41830
3318.08 of the Revised Code, have been completed and the board has 41831
received a permanent certificate of occupancy for each of those 41832
facilities. 41833

(2) The commission has issued certificates of contract 41834
completion on all prime construction contracts entered into by the 41835
board under section 3318.10 of the Revised Code. 41836

(3) The commission has completed a final accounting of the 41837
district's project construction fund and has determined that all 41838
payments from the fund were made in compliance with all policies 41839
of the commission. 41840

(4) Any litigation concerning the project has been finally 41841
resolved with no chance of appeal. 41842

(5) All construction management services typically provided 41843
by the commission to school districts have been delivered and the 41844
commission has canceled any remaining encumbrance of funds for 41845
those services. 41846

(B) The commission may issue a certificate of completion to a 41847
district board prior to all of the conditions described in 41848
division (A) of this section being satisfied, if the commission 41849
determines that the circumstances preventing the conditions from 41850
being satisfied are so minor in nature that the project should be 41851
considered complete. When issuing a certificate of completion 41852
under this division, the commission may specify any of the 41853
following: 41854

(1) Any construction or work that has yet to be completed and 41855

the manner in which the board shall oversee its completion, which 41856
may include procedures for reporting progress to the commission 41857
and for accounting of expenditures; 41858

(2) Terms and conditions for the resolution of any pending 41859
litigation; 41860

(3) Any remaining responsibilities of the construction 41861
manager regarding the project. 41862

(C) The commission may issue a certificate of completion to a 41863
district board that does not voluntarily participate in the 41864
process of closing out the district's project, if the construction 41865
manager for the project verifies that all facilities to be 41866
constructed under the project, as specified in the project 41867
agreement entered into under section 3318.08 of the Revised Code, 41868
have been completed and the commission determines that those 41869
facilities have been occupied for at least one year. In that case, 41870
all funds due to the commission under division (C) of section 41871
3318.12 of the Revised Code shall be returned to the commission 41872
not later than thirty days after receipt of the certificate of 41873
completion. If the funds due to the commission have not been 41874
returned within sixty days after receipt of the certificate of 41875
completion, the auditor of state shall issue a finding for 41876
recovery against the school district and shall request legal 41877
action under section 117.42 of the Revised Code. 41878

(D) Upon issuance of a certificate of completion under this 41879
section, the commission's ownership of and interest in the 41880
project, as specified in division (F) of section 3318.08 of the 41881
Revised Code, shall cease. This cessation shall not alter or 41882
otherwise affect the state's or commission's interest in the 41883
project or any limitations on the use of the project as specified 41884
in the project agreement pursuant to divisions (G), (M), and (N) 41885
of that section or as specified in section 3318.16 of the Revised 41886
Code. 41887

Sec. 3318.49. (A) The corrective action program is hereby 41888
established to provide funding for the correction of work, in 41889
connection with a project funded under sections 3318.01 to 3318.20 41890
or sections 3318.40 to 3318.45 of the Revised Code, that is found 41891
after occupancy of the facility to be defective or to have been 41892
omitted. 41893

(B) The Ohio ~~school~~ facilities construction commission may 41894
provide funding under this section only if the school district 41895
notifies the executive director of the commission of the defective 41896
or omitted work within five years after occupancy of the facility 41897
for which the district seeks the funding. 41898

(C) The commission shall establish procedures and deadlines 41899
for school districts to follow in applying for assistance under 41900
this section. The procedures shall include definitions of 41901
"defective" and "omitted," and shall require that remediation 41902
efforts focus first on engaging the respective contractors that 41903
designed and constructed the areas that have design or 41904
construction-related issues. The commission shall consider 41905
applications on a case-by-case basis, taking into account the 41906
amount of money appropriated and available for purposes of this 41907
section. 41908

(D) The commission may provide funding assistance necessary 41909
to take corrective measures after evaluating the defective or 41910
omitted work. 41911

(1) If the work to be corrected or remediated is part of a 41912
project not yet completed, the commission may amend the project 41913
agreement to increase the project budget and use corrective action 41914
funding to provide the state portion of the amendment. If the work 41915
to be corrected or remediated is part of a completed project and 41916
funds were retained or transferred pursuant to division (C) of 41917
section 3318.12 of the Revised Code, the commission may enter into 41918

a new agreement to address the corrective action. 41919

(2) Whether or not the project is completed, the district 41920
shall contribute a portion of the cost of the corrective action, 41921
to be determined in accordance with section 3318.032 of the 41922
Revised Code or, if the district is a joint vocational school 41923
district, section 3318.42 of the Revised Code. A district that is 41924
unable to provide its portion so that remediation can proceed may 41925
apply to the commission for additional assistance under section 41926
3318.042 of the Revised Code. 41927

(E) The commission shall assess responsibility for the 41928
defective or omitted work and seek cost recovery from responsible 41929
parties, if applicable. Any recovery of the expense of remediation 41930
shall be applied first to the district portion of the cost of the 41931
corrective action. Any remaining funds shall be applied to the 41932
state portion and deposited into the school building program 41933
assistance fund established under section 3318.25 of the Revised 41934
Code. 41935

Sec. 3318.50. (A) As used in this section and in section 41936
3318.52 of the Revised Code, "classroom facilities" means 41937
buildings, land, grounds, equipment, and furnishings used by a 41938
community school in furtherance of its mission and contract 41939
entered into by the school's governing authority under Chapter 41940
3314. of the Revised Code. 41941

(B) There is hereby established the community school 41942
classroom facilities loan guarantee program. Under the program, 41943
the Ohio ~~school~~ facilities construction commission may guarantee 41944
for up to fifteen years up to eighty-five per cent of the sum of 41945
the principal and interest on a loan made to the governing 41946
authority of a community school established under Chapter 3314. of 41947
the Revised Code for the sole purpose of assisting the governing 41948
authority in acquiring, improving, or replacing classroom 41949

facilities for the community school by lease, purchase, remodeling 41950
of existing facilities, or any other means including new 41951
construction. 41952

The commission shall not make any loan guarantee under this 41953
section unless the commission has determined both that the 41954
applicant is creditworthy and that the classroom facilities that 41955
have been acquired, improved, or replaced under the loan meet 41956
applicable health and safety standards established by law for 41957
school buildings or those facilities that will be acquired, 41958
improved, or replaced under the loan will meet such standards. 41959

The commission shall not guarantee any loan under this 41960
section unless the loan is obtained from a financial institution 41961
regulated by the United States or this state. 41962

(C) At no time shall the commission exceed an aggregate 41963
liability of ten million dollars to repay loans guaranteed under 41964
this section. 41965

(D) Any payment made to a lending institution as a result of 41966
default on a loan guaranteed under this section shall be made from 41967
moneys in the community school classroom facilities loan guarantee 41968
fund established under section 3318.52 of the Revised Code. 41969

(E) The commission may assess a fee of up to five hundred 41970
dollars for each loan guaranteed under this section. 41971

(F) Not later than ninety days after September 5, 2001, the 41972
commission shall adopt rules that prescribe loan standards and 41973
procedures consistent with this section that are designed to 41974
protect the state's interest in any loan guaranteed by this 41975
section and to ensure that the state has a reasonable chance of 41976
recovering any payments made by the state in the event of a 41977
default on any such loan. 41978

Sec. 3318.60. (A) As used in this section and section 3318.61 41979

of the Revised Code: 41980

(1) "Acquisition of classroom facilities" means constructing, 41981
reconstructing, repairing, or making additions to classroom 41982
facilities. 41983

(2) "Ohio ~~school~~ facilities construction commission" and 41984
"classroom facilities" have the same meanings as in section 41985
3318.01 of the Revised Code. 41986

(B) There is hereby established the college-preparatory 41987
boarding school facilities program. Under the program, the Ohio 41988
~~school~~ facilities construction commission shall provide assistance 41989
to the boards of trustees of college-preparatory boarding schools 41990
established under Chapter 3328. of the Revised Code for the 41991
acquisition of classroom facilities. 41992

(C) The program shall comply with sections 3318.01 to 3318.20 41993
of the Revised Code, except as follows: 41994

(1) The commission, in consultation with the board of 41995
trustees of a college-preparatory boarding school, shall determine 41996
the basic project cost based on all campus facilities needed for 41997
the school's programs and operations and shall take into account 41998
any unique spaces or square footages needed for such facilities 41999
when calculating the basic project cost. Regardless of the 42000
inclusion of nonclassroom facilities in the calculation of the 42001
basic project cost, state funds provided under the program shall 42002
be used only to pay for the acquisition of classroom facilities 42003
that do not exceed the construction and design standards 42004
established by the commission. 42005

(2) To be eligible for assistance under the program, the 42006
board of trustees of a college-preparatory boarding school shall 42007
secure at least twenty million dollars of private money to satisfy 42008
its share of the basic project cost. Funds provided by the board 42009
may be used for any type of facility. 42010

(3) A college-preparatory boarding school shall not be included in the ranking required by section 3318.011 of the Revised Code. The commission shall initiate procedures for the school's project when the contract required by section 3328.12 of the Revised Code has been executed.

(4) No requirement related to the issuance of bonds or securities or the levying of taxes by a school district shall apply to a college-preparatory boarding school or its board of trustees.

(5) The agreement entered into by the commission with the board of trustees of a college-preparatory boarding school under section 3318.08 of the Revised Code shall provide for termination of the contract and release of the funds encumbered at the time of the project's conditional approval, if the board fails to secure the amount specified in division (C)(2) of this section within such period after the execution of the agreement as may be fixed by the commission.

(D) Within the ninety-day period immediately following ~~the effective date of this section~~ September 29, 2011, the commission shall adopt rules necessary for the implementation and administration of the program.

Sec. 3318.61. (A) In lieu of participating in the college-preparatory boarding school facilities program under section 3318.60 of the Revised Code, if the board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code has leased, purchased, or otherwise acquired a site for the school, the board of trustees may request approval from the Ohio ~~school~~ facilities construction commission for the board of trustees and the commission to enter into an agreement with a person or entity for the development of the site, under which agreement all of the following shall occur:

(1) The board of trustees will lease the site and any facilities located on that site to the person or entity for the purpose of enabling the person or entity to provide the campus facilities needed for the school's programs and operations by constructing new facilities on the site; reconstructing, repairing, or making additions to the existing facilities on the site; or both.

(2) The person or entity will lease the site and any new or existing facilities located on that site back to the board of trustees for use by the school.

(3) The commission will pay the board of trustees state funds for the cost of acquisition of classroom facilities on the site and the board of trustees will use those funds to make rent payments on the lease provided by the person or entity. As agreed to by the commission and the board of trustees, the commission may pay the state funds to the board of trustees in periodic installments or as one lump sum in an amount equal to the outstanding balance on the lease for classroom facilities.

(B) The commission shall approve the request of the board of trustees under division (A) of this section only if the following conditions are satisfied:

(1) The person or entity that would be party to the agreement submits to the board of trustees and the commission a plan for developing the site that includes the following:

(a) Provision for installation of site utilities that meet the requirements of all applicable laws;

(b) A description of the facilities that will be constructed, reconstructed, repaired, or added to and their total square footage;

(c) A description of how the facilities will enable the board of trustees to provide the educational program described in

section 3328.22 of the Revised Code;	42073
(d) Provision for securing property and liability insurance for the facilities;	42074 42075
(e) A description of how the development of the site will be financed by the person or entity;	42076 42077
(f) The length of the lease that the person or entity will offer the board of trustees, which shall not exceed forty years, and the monthly rent that will be owed to the person or entity for that lease.	42078 42079 42080 42081
(2) The commission determines that the plan submitted under division (B)(1) of this section is satisfactory and will meet the needs of the students enrolled in the school and that the classroom facilities described in the plan do not exceed the construction and design standards established by the commission.	42082 42083 42084 42085 42086
(3) The person or entity that would be party to the agreement has demonstrated financial responsibility to the satisfaction of the commission.	42087 42088 42089
(4) The commission, in consultation with the board of trustees, determines that it is in the best interest of the school for the board of trustees and the commission to enter into the agreement.	42090 42091 42092 42093
(C) Upon approval of the commission, the board of trustees and the commission may enter into an agreement with the person or entity for development of the site in accordance with this section. The agreement shall include the following:	42094 42095 42096 42097
(1) A requirement that development of the site begin not later than eighteen months after the agreement is executed and proceed according to a schedule specified in the agreement;	42098 42099 42100
(2) A stipulation that failure of the person or entity developing the site to comply with the schedule shall be grounds	42101 42102

for termination of the agreement; 42103

(3) A provision specifying which party to the agreement owns 42104
the facilities located on the site if the school closes prior to 42105
the expiration of the agreement and a provision indicating the 42106
period of time after the school's closure, if any, during which 42107
rent payments will continue to be paid to the person or entity 42108
developing the site. 42109

Sec. 3318.62. Any agreement between the Ohio ~~school~~ 42110
facilities construction commission and the board of trustees of a 42111
college-preparatory boarding school to provide facilities 42112
assistance under section 3318.60 or 3318.61 of the Revised Code 42113
shall include the following stipulations: 42114

(A) If the school ceases its operations, the school's board 42115
of trustees may permit the classroom facilities to be used for 42116
only an alternative public purpose, including, but not limited to, 42117
primary, secondary, vocational, or higher education services. 42118

(B) If the school ceases its operations due to either the 42119
failure of the school's operator to comply with any of the 42120
requirements of the contract prescribed under section 3328.12 of 42121
the Revised Code or the default by the school's board of trustees 42122
on an underlying leasehold or mortgage agreement, the school's 42123
board of trustees shall return to the commission the unamortized 42124
portion of the state funds provided to the board of trustees under 42125
this chapter, based on a straight-line depreciation over the first 42126
eighteen years of occupancy. However, if, within twenty-four 42127
months after the school's cessation from operation, the classroom 42128
facilities of a college-preparatory boarding school are used for 42129
an alternative public purpose as prescribed by division (A) of 42130
this section, no return of funds by the board of trustees under 42131
this division shall be required. 42132

Sec. 3318.70. (A) As used in this section: 42133

(1) "Acquisition of classroom facilities" has the same 42134
meaning as in section 3318.40 of the Revised Code. 42135

(2) "Classroom facilities" has the same meaning as in section 42136
3318.01 of the Revised Code. 42137

(3) "STEM school" means a science, technology, engineering, 42138
and mathematics school established under Chapter 3326. of the 42139
Revised Code that is not governed by a single school district 42140
board of education, as prescribed by section 3326.51 of the 42141
Revised Code. 42142

(B) The Ohio ~~school~~ facilities construction commission shall 42143
establish guidelines for assisting STEM schools in the acquisition 42144
of classroom facilities. 42145

(C) Upon receipt of a written proposal by the governing body 42146
of a STEM school, the commission, subject to approval of the 42147
controlling board, shall provide funding to assist that STEM 42148
school in the acquisition of classroom facilities. The proposal of 42149
the governing body shall be submitted in a form and in the manner 42150
prescribed by the commission. The proposal shall indicate both the 42151
total amount of funding requested from the commission and the 42152
amount of other funding pledged for the acquisition of the 42153
classroom facilities, the latter of which shall not be less than 42154
the total amount of funding requested from the commission. Once 42155
the commission determines a proposal meets its established 42156
guidelines and if the controlling board approves that funding, the 42157
commission shall enter into an agreement with the governing body 42158
for the acquisition of the classroom facilities and shall 42159
encumber, in accordance with section 3318.11 of the Revised Code, 42160
the approved funding from the amounts appropriated to the 42161
commission for classroom facilities assistance projects. The 42162
agreement shall include a stipulation of the ownership of the 42163

classroom facilities in the event the STEM school permanently 42164
closes at any time. 42165

(D) In the case of the governing body of a group of STEM 42166
schools, as prescribed by section 3326.031 of the Revised Code, 42167
the governing body shall submit a proposal for each school under 42168
its direction separately, and the commission shall consider each 42169
proposal separately. 42170

Sec. 3318.71. (A) As used in this section: 42171

(1) "Acquisition of classroom facilities" has the same 42172
meaning as in section 3318.40 of the Revised Code. 42173

(2) "Classroom facilities" has the same meaning as in section 42174
3318.01 of the Revised Code. 42175

(3) "Qualifying partnership" means a group of city, exempted 42176
village, or local school districts that are part of a 42177
career-technical education compact and have entered into an 42178
agreement for joint or cooperative establishment and operation of 42179
a science, technology, engineering, and mathematics education 42180
program under section 3313.842 of the Revised Code. The aggregate 42181
territory of the school districts composing a qualifying 42182
partnership shall be located in two adjacent counties, each having 42183
a population greater than forty thousand, but less than fifty 42184
thousand, and at least one of which borders another state. 42185

(B) The Ohio ~~school~~ facilities construction commission shall 42186
establish guidelines for assisting a qualifying partnership in the 42187
acquisition of classroom facilities to be used for a joint 42188
science, technology, engineering, and mathematics education 42189
program. 42190

(C) Upon receipt of a written proposal from a qualifying 42191
partnership, the commission, subject to approval of the 42192
controlling board, shall provide funding to assist that qualifying 42193

partnership in the acquisition of classroom facilities described 42194
in division (B) of this section. The proposal of the qualifying 42195
partnership shall be submitted in a form and in the manner 42196
prescribed by the commission. The proposal shall indicate both the 42197
total amount of funding requested from the commission and the 42198
amount of other funding pledged for the acquisition of the 42199
classroom facilities, the latter of which shall not be less than 42200
the total amount of funding requested from the commission. Once 42201
the commission determines a proposal meets its established 42202
guidelines, and if the controlling board approves that funding, 42203
the commission shall enter into an agreement with the qualifying 42204
partnership for the acquisition of the classroom facilities and 42205
shall encumber, in accordance with section 3318.11 of the Revised 42206
Code, the approved funding from the amounts appropriated to the 42207
commission for classroom facilities assistance projects. The 42208
agreement shall include a stipulation of the ownership of the 42209
classroom facilities in the event the qualifying partnership 42210
ceases to exist. 42211

(D) A qualifying partnership may levy taxes and issue bonds 42212
under section 5705.2112 or 5705.2113 of the Revised Code to use 42213
for all or part of the funding pledged for the acquisition of 42214
classroom facilities under division (C) of this section. If a 42215
qualifying partnership chooses to levy taxes or issue bonds for 42216
this purpose, it shall select one of the districts that is a 42217
member of the qualifying partnership to be the fiscal agent of the 42218
qualifying partnership for purposes of those sections. 42219

Sec. 3319.0812. As used in this section, "teacher" has the 42220
same meaning as in section 3319.09 of the Revised Code, except 42221
that it does not include a principal, supervisor, superintendent, 42222
or other school administrator. 42223

A board of education of a city, exempted village, local, or 42224

joint vocational school district or the governing board of an 42225
educational service center may enter into an agreement with any 42226
teacher it employs under which the board or governing board 42227
provides to the teacher early retirement incentives, severance 42228
pay, or both, in return for an agreement to retire from the 42229
teacher's position, only if both of the following are the case: 42230

(A) The board or governing board determines that the 42231
agreement is financially sound. 42232

(B) The board or governing board complies with section 42233
5705.412 of the Revised Code, with regard to any wage or salary 42234
schedule increase made during the school year. 42235

Notwithstanding division (A) of section 4117.10 of the 42236
Revised Code, this section prevails over any collective bargaining 42237
agreement entered into under Chapter 4117. of the Revised Code on 42238
or after the effective date of this section. 42239

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised 42240
Code, this section applies to any person who is employed under a 42241
teacher license issued under this chapter, or under a professional 42242
or permanent teacher's certificate issued under former section 42243
3319.222 of the Revised Code, and who spends at least fifty per 42244
cent of the time employed providing student instruction. However, 42245
this section does not apply to any person who is employed as a 42246
substitute teacher or as an instructor of adult education. 42247
42248

(A) Not later than July 1, 2013, the board of education of 42249
each school district, in consultation with teachers employed by 42250
the board, shall adopt a standards-based teacher evaluation policy 42251
that conforms with the framework for evaluation of teachers 42252
developed under section 3319.112 of the Revised Code. The policy 42253
shall become operative at the expiration of any collective 42254
bargaining agreement covering teachers employed by the board that 42255

is in effect on September 29, 2011, and shall be included in any 42256
renewal or extension of such an agreement. 42257

(B) When using measures of student academic growth as a 42258
component of a teacher's evaluation, those measures shall include 42259
the value-added progress dimension prescribed by section 3302.021 42260
of the Revised Code or an alternative student academic progress 42261
measure if adopted under division (C)(1)(e) of section 3302.03 of 42262
the Revised Code. For teachers of grade levels and subjects for 42263
which the value-added progress dimension or alternative student 42264
academic progress measure is not applicable, the board shall 42265
administer assessments on the list developed under division (B)(2) 42266
of section 3319.112 of the Revised Code. 42267

(C)(1) The board shall conduct an evaluation of each teacher 42268
employed by the board at least once each school year, except as 42269
provided in division (C)(2) of this section. The evaluation shall 42270
be completed by the first day of May and the teacher shall receive 42271
a written report of the results of the evaluation by the tenth day 42272
of May. 42273

(2)(a) The board may evaluate each teacher who received a 42274
rating of accomplished on the teacher's most recent evaluation 42275
conducted under this section once every three school years, so 42276
long as the teacher's student academic growth measure, for the 42277
most recent school year for which data is available, is average or 42278
higher, as determined by the department of education. 42279

(b) The board may evaluate each teacher who received a rating 42280
of skilled on the teacher's most recent evaluation conducted under 42281
this section once every two years, so long as the teacher's 42282
student academic growth measure, for the most recent school year 42283
for which data is available, is average or higher, as determined 42284
by the department of education. 42285

(c) For each teacher who is evaluated pursuant to division 42286

(C)(2) of this section, the evaluation shall be completed by the 42287
first day of May of the applicable school year, and the teacher 42288
shall receive a written report of the results of the evaluation by 42289
the tenth day of May of that school year. 42290

(d) Beginning with the 2014-2015 school year, the board may 42291
elect not to conduct an evaluation of a teacher who meets one of 42292
the following requirements: 42293

(i) The teacher was on leave from the school district for 42294
fifty per cent or more of the school year, as calculated by the 42295
board. 42296

(ii) The teacher has submitted notice of retirement and that 42297
notice has been accepted by the board not later than the first day 42298
of December of the school year in which the evaluation is 42299
otherwise scheduled to be conducted. 42300

~~(e) Beginning with the 2017-2018 school year, the board may 42301
elect not to conduct an evaluation of a teacher who is 42302
participating in the teacher residency program established under 42303
section 3319.223 of the Revised Code for the year during which 42304
that teacher takes, for the first time, at least half of the 42305
performance based assessment prescribed by the state board of 42306
education for resident educators. 42307~~

(3) In any year that a teacher is not formally evaluated 42308
pursuant to division (C) of this section as a result of receiving 42309
a rating of accomplished or skilled on the teacher's most recent 42310
evaluation, an individual qualified to evaluate a teacher under 42311
division (D) of this section shall conduct at least one 42312
observation of the teacher and hold at least one conference with 42313
the teacher. 42314

(D) Each evaluation conducted pursuant to this section shall 42315
be conducted by one or more of the following persons who hold a 42316
credential established by the department of education for being an 42317

evaluator: 42318

(1) A person who is under contract with the board pursuant to 42319
section 3319.01 or 3319.02 of the Revised Code and holds a license 42320
designated for being a superintendent, assistant superintendent, 42321
or principal issued under section 3319.22 of the Revised Code; 42322

(2) A person who is under contract with the board pursuant to 42323
section 3319.02 of the Revised Code and holds a license designated 42324
for being a vocational director, administrative specialist, or 42325
supervisor in any educational area issued under section 3319.22 of 42326
the Revised Code; 42327

(3) A person designated to conduct evaluations under an 42328
agreement entered into by the board, including an agreement 42329
providing for peer review entered into by the board and 42330
representatives of teachers employed by the board; 42331

(4) A person who is employed by an entity contracted by the 42332
board to conduct evaluations and who holds a license designated 42333
for being a superintendent, assistant superintendent, principal, 42334
vocational director, administrative specialist, or supervisor in 42335
any educational area issued under section 3319.22 of the Revised 42336
Code or is qualified to conduct evaluations. 42337

(E) Notwithstanding division (A)(3) of section 3319.112 of 42338
the Revised Code: 42339

(1) The board shall require at least three formal 42340
observations of each teacher who is under consideration for 42341
nonrenewal and with whom the board has entered into a limited 42342
contract or an extended limited contract under section 3319.11 of 42343
the Revised Code. 42344

(2) The board may elect, by adoption of a resolution, to 42345
require only one formal observation of a teacher who received a 42346
rating of accomplished on the teacher's most recent evaluation 42347
conducted under this section, provided the teacher completes a 42348

project that has been approved by the board to demonstrate the 42349
teacher's continued growth and practice at the accomplished level. 42350

(F) The board shall include in its evaluation policy 42351
procedures for using the evaluation results for retention and 42352
promotion decisions and for removal of poorly performing teachers. 42353
Seniority shall not be the basis for a decision to retain a 42354
teacher, except when making a decision between teachers who have 42355
comparable evaluations. 42356

(G) For purposes of section 3333.0411 of the Revised Code, 42357
the board annually shall report to the department of education the 42358
number of teachers for whom an evaluation was conducted under this 42359
section and the number of teachers assigned each rating prescribed 42360
under division (B)(1) of section 3319.112 of the Revised Code, 42361
aggregated by the teacher preparation programs from which and the 42362
years in which the teachers graduated. The department shall 42363
establish guidelines for reporting the information required by 42364
this division. The guidelines shall not permit or require that the 42365
name of, or any other personally identifiable information about, 42366
any teacher be reported under this division. 42367

(H) Notwithstanding any provision to the contrary in Chapter 42368
4117. of the Revised Code, the requirements of this section 42369
prevail over any conflicting provisions of a collective bargaining 42370
agreement entered into on or after September 24, 2012. 42371

Sec. 3319.22. (A)(1) The state board of education shall issue 42372
the following educator licenses: 42373

(a) A resident educator license, which shall be valid for 42374
four years and shall be renewable ~~for reasons specified by rules~~ 42375
~~adopted by the state board pursuant to division (A)(3) of this~~ 42376
~~section. The state board, on a case by case basis, may extend the~~ 42377
~~license's duration as necessary to enable the license holder to~~ 42378
~~complete the Ohio teacher residency program established under~~ 42379

~~section 3319.223 of the Revised Code;~~ 42380

(b) A professional educator license, which shall be valid for 42381
five years and shall be renewable; 42382

(c) A senior professional educator license, which shall be 42383
valid for five years and shall be renewable; 42384

(d) A lead professional educator license, which shall be 42385
valid for five years and shall be renewable. 42386

(2) The state board may issue any additional educator 42387
licenses of categories, types, and levels the board elects to 42388
provide. 42389

(3) The state board shall adopt rules establishing the 42390
standards and requirements for obtaining each educator license 42391
issued under this section. ~~The rules shall also include the 42392
reasons for which a resident educator license may be renewed under 42393
division (A)(1)(a) of this section.~~ 42394

(B) The rules adopted under this section shall require at 42395
least the following standards and qualifications for the educator 42396
licenses described in division (A)(1) of this section: 42397

(1) An applicant for a resident educator license shall hold 42398
at least a bachelor's degree from an accredited teacher 42399
preparation program or be a participant in the teach for America 42400
program and meet the qualifications required under section 42401
3319.227 of the Revised Code. 42402

(2) An applicant for a professional educator license shall: 42403

(a) Hold at least a bachelor's degree from an institution of 42404
higher education accredited by a regional accrediting 42405
organization; 42406

(b) Have ~~successfully completed the Ohio teacher residency 42407
program established under section 3319.223 of the Revised Code, if 42408
the applicant's current or most recently issued license is 42409~~

previously held a resident educator license issued under this 42410
section or an alternative resident educator license issued under 42411
section 3319.26 of the Revised Code. 42412

(3) An applicant for a senior professional educator license 42413
shall: 42414

(a) Hold at least a master's degree from an institution of 42415
higher education accredited by a regional accrediting 42416
organization; 42417

(b) Have previously held a professional educator license 42418
issued under this section or section 3319.222 or under former 42419
section 3319.22 of the Revised Code; 42420

(c) Meet the criteria for the accomplished or distinguished 42421
level of performance, as described in the standards for teachers 42422
adopted by the state board under section 3319.61 of the Revised 42423
Code. 42424

(4) An applicant for a lead professional educator license 42425
shall: 42426

(a) Hold at least a master's degree from an institution of 42427
higher education accredited by a regional accrediting 42428
organization; 42429

(b) Have previously held a professional educator license or a 42430
senior professional educator license issued under this section or 42431
a professional educator license issued under section 3319.222 or 42432
former section 3319.22 of the Revised Code; 42433

(c) Meet the criteria for the distinguished level of 42434
performance, as described in the standards for teachers adopted by 42435
the state board under section 3319.61 of the Revised Code; 42436

(d) Either hold a valid certificate issued by the national 42437
board for professional teaching standards or meet the criteria for 42438
a master teacher or other criteria for a lead teacher adopted by 42439

the educator standards board under division (F)(4) or (5) of 42440
section 3319.61 of the Revised Code. 42441

(C) The state board shall align the standards and 42442
qualifications for obtaining a principal license with the 42443
standards for principals adopted by the state board under section 42444
3319.61 of the Revised Code. 42445

(D) If the state board requires any examinations for educator 42446
licensure, the department of education shall provide the results 42447
of such examinations received by the department to the chancellor 42448
of higher education, in the manner and to the extent permitted by 42449
state and federal law. 42450

(E) Any rules the state board of education adopts, amends, or 42451
rescinds for educator licenses under this section, division (D) of 42452
section 3301.07 of the Revised Code, or any other law shall be 42453
adopted, amended, or rescinded under Chapter 119. of the Revised 42454
Code except as follows: 42455

(1) Notwithstanding division (E) of section 119.03 and 42456
division (A)(1) of section 119.04 of the Revised Code, in the case 42457
of the adoption of any rule or the amendment or rescission of any 42458
rule that necessitates institutions' offering preparation programs 42459
for educators and other school personnel that are approved by the 42460
chancellor of higher education under section 3333.048 of the 42461
Revised Code to revise the curriculum of those programs, the 42462
effective date shall not be as prescribed in division (E) of 42463
section 119.03 and division (A)(1) of section 119.04 of the 42464
Revised Code. Instead, the effective date of such rules, or the 42465
amendment or rescission of such rules, shall be the date 42466
prescribed by section 3333.048 of the Revised Code. 42467

(2) Notwithstanding the authority to adopt, amend, or rescind 42468
emergency rules in division (G) of section 119.03 of the Revised 42469
Code, this authority shall not apply to the state board of 42470

education with regard to rules for educator licenses. 42471

(F)(1) The rules adopted under this section establishing 42472
standards requiring additional coursework for the renewal of any 42473
educator license shall require a school district and a chartered 42474
nonpublic school to establish local professional development 42475
committees. In a nonpublic school, the chief administrative 42476
officer shall establish the committees in any manner acceptable to 42477
such officer. The committees established under this division shall 42478
determine whether coursework that a district or chartered 42479
nonpublic school teacher proposes to complete meets the 42480
requirement of the rules. The department of education shall 42481
provide technical assistance and support to committees as the 42482
committees incorporate the professional development standards 42483
adopted by the state board of education pursuant to section 42484
3319.61 of the Revised Code into their review of coursework that 42485
is appropriate for license renewal. The rules shall establish a 42486
procedure by which a teacher may appeal the decision of a local 42487
professional development committee. 42488

(2) In any school district in which there is no exclusive 42489
representative established under Chapter 4117. of the Revised 42490
Code, the professional development committees shall be established 42491
as described in division (F)(2) of this section. 42492

Not later than the effective date of the rules adopted under 42493
this section, the board of education of each school district shall 42494
establish the structure for one or more local professional 42495
development committees to be operated by such school district. The 42496
committee structure so established by a district board shall 42497
remain in effect unless within thirty days prior to an anniversary 42498
of the date upon which the current committee structure was 42499
established, the board provides notice to all affected district 42500
employees that the committee structure is to be modified. 42501
Professional development committees may have a district-level or 42502

building-level scope of operations, and may be established with 42503
regard to particular grade or age levels for which an educator 42504
license is designated. 42505

Each professional development committee shall consist of at 42506
least three classroom teachers employed by the district, one 42507
principal employed by the district, and one other employee of the 42508
district appointed by the district superintendent. For committees 42509
with a building-level scope, the teacher and principal members 42510
shall be assigned to that building, and the teacher members shall 42511
be elected by majority vote of the classroom teachers assigned to 42512
that building. For committees with a district-level scope, the 42513
teacher members shall be elected by majority vote of the classroom 42514
teachers of the district, and the principal member shall be 42515
elected by a majority vote of the principals of the district, 42516
unless there are two or fewer principals employed by the district, 42517
in which case the one or two principals employed shall serve on 42518
the committee. If a committee has a particular grade or age level 42519
scope, the teacher members shall be licensed to teach such grade 42520
or age levels, and shall be elected by majority vote of the 42521
classroom teachers holding such a license and the principal shall 42522
be elected by all principals serving in buildings where any such 42523
teachers serve. The district superintendent shall appoint a 42524
replacement to fill any vacancy that occurs on a professional 42525
development committee, except in the case of vacancies among the 42526
elected classroom teacher members, which shall be filled by vote 42527
of the remaining members of the committee so selected. 42528

Terms of office on professional development committees shall 42529
be prescribed by the district board establishing the committees. 42530
The conduct of elections for members of professional development 42531
committees shall be prescribed by the district board establishing 42532
the committees. A professional development committee may include 42533
additional members, except that the majority of members on each 42534

such committee shall be classroom teachers employed by the 42535
district. Any member appointed to fill a vacancy occurring prior 42536
to the expiration date of the term for which a predecessor was 42537
appointed shall hold office as a member for the remainder of that 42538
term. 42539

The initial meeting of any professional development 42540
committee, upon election and appointment of all committee members, 42541
shall be called by a member designated by the district 42542
superintendent. At this initial meeting, the committee shall 42543
select a chairperson and such other officers the committee deems 42544
necessary, and shall adopt rules for the conduct of its meetings. 42545
Thereafter, the committee shall meet at the call of the 42546
chairperson or upon the filing of a petition with the district 42547
superintendent signed by a majority of the committee members 42548
calling for the committee to meet. 42549

(3) In the case of a school district in which an exclusive 42550
representative has been established pursuant to Chapter 4117. of 42551
the Revised Code, professional development committees shall be 42552
established in accordance with any collective bargaining agreement 42553
in effect in the district that includes provisions for such 42554
committees. 42555

If the collective bargaining agreement does not specify a 42556
different method for the selection of teacher members of the 42557
committees, the exclusive representative of the district's 42558
teachers shall select the teacher members. 42559

If the collective bargaining agreement does not specify a 42560
different structure for the committees, the board of education of 42561
the school district shall establish the structure, including the 42562
number of committees and the number of teacher and administrative 42563
members on each committee; the specific administrative members to 42564
be part of each committee; whether the scope of the committees 42565
will be district levels, building levels, or by type of grade or 42566

age levels for which educator licenses are designated; the lengths 42567
of terms for members; the manner of filling vacancies on the 42568
committees; and the frequency and time and place of meetings. 42569
However, in all cases, except as provided in division (F)(4) of 42570
this section, there shall be a majority of teacher members of any 42571
professional development committee, there shall be at least five 42572
total members of any professional development committee, and the 42573
exclusive representative shall designate replacement members in 42574
the case of vacancies among teacher members, unless the collective 42575
bargaining agreement specifies a different method of selecting 42576
such replacements. 42577

(4) Whenever an administrator's coursework plan is being 42578
discussed or voted upon, the local professional development 42579
committee shall, at the request of one of its administrative 42580
members, cause a majority of the committee to consist of 42581
administrative members by reducing the number of teacher members 42582
voting on the plan. 42583

(G)(1) The department of education, educational service 42584
centers, county boards of developmental disabilities, regional 42585
professional development centers, special education regional 42586
resource centers, college and university departments of education, 42587
head start programs, and the Ohio education computer network may 42588
establish local professional development committees to determine 42589
whether the coursework proposed by their employees who are 42590
licensed or certificated under this section or section 3319.222 of 42591
the Revised Code, or under the former version of either section as 42592
it existed prior to October 16, 2009, meet the requirements of the 42593
rules adopted under this section. They may establish local 42594
professional development committees on their own or in 42595
collaboration with a school district or other agency having 42596
authority to establish them. 42597

Local professional development committees established by 42598

county boards of developmental disabilities shall be structured in 42599
a manner comparable to the structures prescribed for school 42600
districts in divisions (F)(2) and (3) of this section, as shall 42601
the committees established by any other entity specified in 42602
division (G)(1) of this section that provides educational services 42603
by employing or contracting for services of classroom teachers 42604
licensed or certificated under this section or section 3319.222 of 42605
the Revised Code, or under the former version of either section as 42606
it existed prior to October 16, 2009. All other entities specified 42607
in division (G)(1) of this section shall structure their 42608
committees in accordance with guidelines which shall be issued by 42609
the state board. 42610

(2) Any public agency that is not specified in division 42611
(G)(1) of this section but provides educational services and 42612
employs or contracts for services of classroom teachers licensed 42613
or certificated under this section or section 3319.222 of the 42614
Revised Code, or under the former version of either section as it 42615
existed prior to October 16, 2009, may establish a local 42616
professional development committee, subject to the approval of the 42617
department of education. The committee shall be structured in 42618
accordance with guidelines issued by the state board. 42619

(H) Not later than July 1, 2016, the state board, in 42620
accordance with Chapter 119. of the Revised Code, shall adopt 42621
rules pursuant to division (A)(3) of this section that do both of 42622
the following: 42623

(1) Exempt consistently high-performing teachers from the 42624
requirement to complete any additional coursework for the renewal 42625
of an educator license issued under this section or section 42626
3319.26 of the Revised Code. The rules also shall specify that 42627
such teachers are exempt from any requirements prescribed by 42628
professional development committees established under divisions 42629
(F) and (G) of this section. 42630

(2) For purposes of division (H)(1) of this section, the state board shall define the term "consistently high-performing teacher." 42631
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Sec. 3319.227. (A) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to each person who is assigned to teach in this state as a participant in the teach for America program and who satisfies the following conditions for the duration of the program: 42634
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(1) Holds a bachelor's degree from an accredited institution of higher education; 42641
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(2) Maintained a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent; 42643
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(3) Has passed an examination prescribed by the state board in the subject area to be taught; 42645
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(4) Has successfully completed the summer training institute operated by teach for America; 42647
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(5) Remains an active member of the teach for America two-year support program. 42649
42650

(B) The state board shall issue a resident educator license under this section for teaching in any grade level or subject area for which a person may obtain a resident educator license under section 3319.22 of the Revised Code. The state board shall not adopt rules establishing any additional qualifications for the license beyond those specified in this section. 42651
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(C) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to any applicant who has completed at 42657
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least two years of teaching in another state as a participant in 42661
the teach for America program and meets all of the conditions of 42662
divisions (A)(1) to (4) of this section. ~~The state board shall~~ 42663
~~credit an applicant under this division as having completed two~~ 42664
~~years of the teacher residency program under section 3319.223 of~~ 42665
~~the Revised Code.~~ 42666

(D) In order to place teachers in this state, the teach for 42667
America program shall enter into an agreement with one or more 42668
accredited four-year public or private institutions of higher 42669
education in the state to provide optional training of teach for 42670
America participants for the purpose of enabling those 42671
participants to complete an optional master's degree or an 42672
equivalent amount of coursework. Nothing in this division shall 42673
require any teach for America participant to complete a master's 42674
degree as a condition of holding a license issued under this 42675
section. 42676

(E) The state board shall revoke a resident educator license 42677
issued to a participant in the teach for America program who is 42678
assigned to teach in this state if the participant resigns or is 42679
dismissed from the program prior to completion of the two-year 42680
teach for America support program. 42681

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former 42682
section 3319.229 of the Revised Code by this act, the state board 42683
of education shall accept applications for new, and for renewal 42684
of, professional career-technical teaching licenses through June 42685
30, 2018, and issue them on the basis of the applications received 42686
by that date in accordance with the rules described in that former 42687
section. Except as otherwise provided in divisions (A)(2) and (3) 42688
of this section, beginning July 1, 2018, the state board shall 42689
issue career-technical educator licenses only under this section. 42690

(2) An individual who, on July 1, 2018, holds a professional 42691

career-technical teaching license issued under the rules described 42692
in former section 3319.229 of the Revised Code, may continue to 42693
renew that license in accordance with those rules for the 42694
remainder of the individual's teaching career. However, nothing in 42695
this division shall be construed to prohibit the individual from 42696
applying to the state board for a career-technical educator 42697
license under this section. 42698

(3) An individual who, on July 1, 2018, holds an alternative 42699
resident educator license for teaching career-technical education 42700
issued under section 3319.26 of the Revised Code may, upon the 42701
expiration of the license, apply for a professional 42702
career-technical teaching license issued under the rules described 42703
in former section 3319.229 of the Revised Code. Such an individual 42704
may continue to renew the professional license in accordance with 42705
those rules for the remainder of the individual's teaching career. 42706
However, nothing in this division shall be construed to prohibit 42707
the individual from applying to the state board for a 42708
career-technical educator license under this section. 42709

(B) The state board, in collaboration with the chancellor of 42710
higher education, shall adopt rules establishing standards and 42711
requirements for obtaining a two-year career-technical educator 42712
level I license and a five-year career-technical educator level II 42713
license. Each license shall be valid for teaching career-technical 42714
education or workforce development programs in grades seven 42715
through twelve. The rules shall require applicants for either 42716
license to have a high school diploma. 42717

(C)(1) The state board shall issue a career-technical 42718
educator level I license to an applicant upon request from the 42719
superintendent of a school district that has agreed to employ the 42720
applicant. The license shall be valid for teaching only in the 42721
requesting district. 42722

(2) The holder of a career-technical educator level I 42723

license, as a condition of continuing to hold the license, shall 42724
participate in an educator preparation program offered by an 42725
institution of higher education that meets the same criteria as 42726
are required for the educator preparation programs described in 42727
division (B)(1)(c) of former section 3319.223 of the Revised Code. 42728

(3) The state board shall renew a career-technical educator 42729
level I license if the supervisor of the program described in 42730
division (C)(2) of this section and the superintendent of the 42731
employing school district indicate that the applicant is making 42732
sufficient progress in both the program and the teaching position. 42733

(D) The state board shall issue a career-technical educator 42734
level II license to an applicant who has successfully completed 42735
the program described in division (C)(2) of this section, as 42736
indicated by the supervisor of the program, and who demonstrates 42737
mastery of applicable career-technical education and workforce 42738
development competencies, as indicated by the superintendent of 42739
the employing school district. 42740

(E) The holder of a career-technical educator level II 42741
license shall work with a local professional development committee 42742
established under section 3319.22 of the Revised Code in meeting 42743
requirements for renewal of the license. 42744

Sec. 3319.26. (A) The state board of education shall adopt 42745
rules establishing the standards and requirements for obtaining an 42746
alternative resident educator license for teaching in grades 42747
kindergarten to twelve, or the equivalent, in a designated subject 42748
area or in the area of intervention specialist, as defined by rule 42749
of the state board. The rules shall also include the reasons for 42750
which an alternative resident educator license may be renewed 42751
under division (D) of this section. 42752

(B) The superintendent of public instruction and the 42753
chancellor of ~~the Ohio board of regents~~ higher education jointly 42754

shall develop an intensive pedagogical training institute to 42755
provide instruction in the principles and practices of teaching 42756
for individuals seeking an alternative resident educator license. 42757
The instruction shall cover such topics as student development and 42758
learning, pupil assessment procedures, curriculum development, 42759
classroom management, and teaching methodology. 42760

(C) The rules adopted under this section shall require 42761
applicants for the alternative resident educator license to 42762
satisfy the following conditions prior to issuance of the license, 42763
but they shall not require applicants to have completed a major or 42764
coursework in the subject area for which application is being 42765
made: 42766

(1) Hold a minimum of a baccalaureate degree; 42767

(2) Successfully complete the pedagogical training institute 42768
described in division (B) of this section or a summer training 42769
institute provided to participants of a teacher preparation 42770
program that is operated by a nonprofit organization and has been 42771
approved by the chancellor. The chancellor shall approve any such 42772
program that requires participants to hold a bachelor's degree; 42773
have a cumulative undergraduate grade point average of at least 42774
2.5 out of 4.0, or its equivalent; and successfully complete the 42775
program's summer training institute. 42776

(3) Pass an examination in the subject area for which 42777
application is being made. 42778

(D) An alternative resident educator license shall be valid 42779
for four years and shall be renewable for reasons specified by 42780
rules adopted by the state board pursuant to division (A) of this 42781
section. ~~The state board, on a case by case basis, may extend the~~ 42782
~~license's duration as necessary to enable the license holder to~~ 42783
~~complete the Ohio teacher residency program established under~~ 42784
~~section 3319.223 of the Revised Code.~~ 42785

(E) The rules shall require the holder of an alternative
resident educator license, as a condition of continuing to hold
the license, to do ~~all~~ both of the following:

(1) ~~Participate in the Ohio teacher residency program;~~

~~(2)~~ Show satisfactory progress in taking and successfully
completing one of the following:

(a) At least twelve additional semester hours, or the
equivalent, of college coursework in the principles and practices
of teaching in such topics as student development and learning,
pupil assessment procedures, curriculum development, classroom
management, and teaching methodology;

(b) Professional development provided by a teacher
preparation program that has been approved by the chancellor under
division (C)(2) of this section.

~~(3)~~(2) Take an assessment of professional knowledge in the
second year of teaching under the license.

(F) The rules shall provide for the granting of a
professional educator license to a holder of an alternative
resident educator license upon successfully completing all of the
following:

(1) Four years of teaching under the alternative license;

(2) The additional college coursework or professional
development described in division (E)~~(2)~~(1) of this section;

(3) The assessment of professional knowledge described in
division (E)~~(3)~~(2) of this section. The standards for successfully
completing this assessment and the manner of conducting the
assessment shall be the same as for any other individual who is
required to take the assessment pursuant to rules adopted by the
state board under section 3319.22 of the Revised Code.

(4) ~~The Ohio teacher residency program;~~

(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code. 42816
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(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section. 42819
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Sec. 3319.27. (A) The state board of education shall adopt rules that establish an alternative principal license. The rules establishing an alternative principal license shall include a requirement that an applicant have obtained classroom teaching experience. The rules also shall prohibit an applicant who has completed a masters of business administration degree in lieu of a graduate degree in an education-related field from receiving an alternative principal license unless the applicant has also successfully completed the bright new leaders for Ohio schools program. Beginning on the effective date of the rules, the state board shall cease to issue temporary educator licenses pursuant to section 3319.225 of the Revised Code for employment as a principal. Any person who on the effective date of the rules holds a valid temporary educator license issued under that section and is employed as a principal shall be allowed to continue employment as a principal until the expiration of the license. Employment of any such person as a principal by a school district after the expiration of the temporary educator license shall be contingent upon the state board issuing the person an alternative principal license in accordance with the rules adopted under this division. 42825
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(B) The state board shall adopt rules that establish an alternative administrator license, which shall be valid for 42845
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employment as a superintendent or in any other administrative 42847
position except principal. Beginning on the effective date of the 42848
rules, the state board shall cease to issue temporary educator 42849
licenses pursuant to section 3319.225 of the Revised Code for 42850
employment as a superintendent or in any other administrative 42851
position except principal. Any person who on the effective date of 42852
the rules holds a valid temporary educator license issued under 42853
that section and is employed as a superintendent or in any other 42854
administrative position except principal shall be allowed to 42855
continue employment in that position until the expiration of the 42856
license. Employment of any such person as a superintendent or in 42857
any other administrative position except principal by a school 42858
district after the expiration of the temporary educator license 42859
shall be contingent upon the state board issuing the person an 42860
alternative administrator license in accordance with the rules 42861
adopted under this division. 42862

Sec. 3319.271. (A) The superintendent of public instruction 42863
shall appoint three incorporators who are knowledgeable about the 42864
administration of public schools and about the operation of 42865
nonprofit corporations in Ohio. 42866

(B) The incorporators shall do whatever is necessary and 42867
proper to set up a nonprofit corporation under Chapter 1702. of 42868
the Revised Code. The articles of incorporation, in addition to 42869
meeting the requirements of section 1702.04 of the Revised Code, 42870
shall set forth the following provisions: 42871

(1) That the nonprofit corporation is to create and implement 42872
a pilot program that provides an alternative path for individuals 42873
to receive training and development in the administration of 42874
primary and secondary education and leadership, that will enable 42875
these individuals to earn a degree in public school 42876
administration, that will enable these individuals to obtain 42877

licenses in public school administration, and that promotes the 42878
placement of these individuals in public schools that have a 42879
poverty percentage greater than fifty per cent; 42880

(2) That the board of directors are to establish criteria for 42881
program costs, participant selection, and continued participation, 42882
and metrics to document and measure pilot program activities; 42883

(3) That the name of the nonprofit corporation is "bright new 42884
leaders for Ohio schools;" 42885

(4) That the board of directors is to consist of the 42886
following ~~eleven~~ seven directors: 42887

(a) ~~The governor or the governor's designee;~~ 42888

~~(b) The superintendent of public instruction, or the 42889
superintendent's designee;~~ 42890

~~(c) The chancellor of higher education, or the chancellor's 42891
designee;~~ 42892

~~(d) Four individuals to represent major business enterprises 42893
in Ohio;~~ 42894

~~(e) Two individuals~~ (b) One individual appointed by the 42895
speaker of the house of representatives, ~~one of whom shall be an 42896
active duty or retired military officer;~~ 42897

~~(f) Two individuals~~ (c) One individual appointed by the 42898
president of the senate, ~~one of whom shall be a current or retired 42899
teacher or principal;~~ 42900

(d) One individual appointed by the governor. 42901

The governor or the governor's designee, the superintendent 42902
of public instruction, the chancellor, the dean of the Ohio state 42903
university fisher college of business, and the dean of the Ohio 42904
state university college of education and human ecology are to 42905
serve as ex-officio nonvoting members of the board. 42906

The individuals on the board who represent major business enterprises in Ohio are to be appointed by a statewide organization selected by the governor. The organization is to be nonpartisan and consist of chief executive officers of major corporations organized in Ohio.

(5) That the board is to elect a chairperson from among its members, and is to appoint a president of the corporation;

(6) That the president of the corporation, subject to the approval of the board, is to enter into a contract with the Ohio state university fisher college of business. Under the contract, the college ~~is to provide oversight to the corporation and~~ is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation successfully to fulfill its duties.

(7) That the overhead expenses of the corporation are not to exceed fifteen per cent of the annual budget of the corporation;

(8) That the president is to apply for, and is to receive and accept, grants, gifts, bequests, and contributions from private sources;

(9) That the corporation is to submit an annual report to the general assembly and governor beginning December 31, 2013;

~~(10) That state financial support for the corporation shall cease on June 30, 2018.~~

(C) The governor, president of the senate, and speaker of the house of representatives each may select an individual to be a participant in the bright new leaders for Ohio schools program.

Sec. 3319.272. (A) As used in this section, the "bright new leaders for Ohio schools program" means the program created and implemented by the nonprofit corporation incorporated pursuant to section 3319.271 of the Revised Code to provide an alternative

path for individuals to receive training and development in the 42937
administration of primary and secondary education and leadership, 42938
enable those individuals to earn degrees and obtain licenses in 42939
public school administration, and promote the placement of those 42940
individuals in public schools that have a poverty percentage 42941
greater than fifty per cent. 42942

(B) The state board of education shall issue an alternative 42943
principal license or an administrator license, as applicable, to 42944
an individual who successfully completes the bright new leaders 42945
for Ohio schools program and satisfies the requirements in rules 42946
adopted by the state board under division (C) of this section. 42947

(C) The state board, in consultation with the board of 42948
directors of the bright new leaders for Ohio schools program, 42949
shall adopt rules that prescribe the requirements for obtaining an 42950
alternative principal license or an administrator license under 42951
this section. The state board shall use the rules adopted under 42952
section 3319.27 of the Revised Code as guidance in developing the 42953
rules adopted under this division. 42954

(D) The department of education shall secure principal 42955
positions in low-performing public schools that have a high 42956
percentage of students living in poverty for individuals who 42957
receive alternative principal licenses under this section. 42958

Sec. 3319.291. (A) The state board of education shall require 42959
each of the following persons, at the times prescribed by division 42960
(A) of this section, to undergo a criminal records check, unless 42961
the person has undergone a records check under this section or a 42962
former version of this section less than five years prior to that 42963
time. 42964

(1) Any person initially applying for any certificate, 42965
license, or permit described in this chapter or in division (B) of 42966

section 3301.071 or in section 3301.074 of the Revised Code at the 42967
time that application is made; 42968

(2) Any person applying for renewal of any certificate, 42969
license, or permit described in division (A)(1) of this section at 42970
the time that application is made; 42971

(3) Any person who is teaching under a professional teaching 42972
certificate issued under former section 3319.222 of the Revised 42973
Code upon a date prescribed by the state board; 42974

(4) Any person who is teaching under a permanent teaching 42975
certificate issued under former section 3319.22 as it existed 42976
prior to October 29, 1996, or under former section 3319.222 of the 42977
Revised Code upon a date prescribed by the state board and every 42978
five years thereafter. 42979

(B)(1) Except as otherwise provided in division (B)(2) of 42980
this section, the state board shall require each person subject to 42981
a criminal records check under this section to submit two complete 42982
sets of fingerprints and written permission that authorizes the 42983
superintendent of public instruction to forward the fingerprints 42984
to the bureau of criminal identification and investigation 42985
pursuant to division (F) of section 109.57 of the Revised Code and 42986
that authorizes that bureau to forward the fingerprints to the 42987
federal bureau of investigation for purposes of obtaining any 42988
criminal records that the federal bureau maintains on the person. 42989

(2) If both of the following conditions apply to a person 42990
subject to a criminal records check under this section, the state 42991
board shall require the person to submit one complete set of 42992
fingerprints and written permission that authorizes the 42993
superintendent of public instruction to forward the fingerprints 42994
to the bureau of criminal identification and investigation so that 42995
bureau may forward the fingerprints to the federal bureau of 42996
investigation for purposes of obtaining any criminal records that 42997

the federal bureau maintains on the person: 42998

(a) Under this section or any former version of this section, 42999
the state board or the superintendent of public instruction 43000
previously requested the superintendent of the bureau of criminal 43001
identification and investigation to determine whether the bureau 43002
has any information, gathered pursuant to division (A) of section 43003
109.57 of the Revised Code, on the person. 43004

(b) The person presents proof that the person has been a 43005
resident of this state for the five-year period immediately prior 43006
to the date upon which the person becomes subject to a criminal 43007
records check under this section. 43008

(C) Except as provided in division (D) of this section, prior 43009
to issuing or renewing any certificate, license, or permit for a 43010
person described in division (A)(1) or (2) of this section who is 43011
subject to a criminal records check and in the case of a person 43012
described in division (A)(3) or (4) of this section who is subject 43013
to a criminal records check, the state board or the superintendent 43014
of public instruction shall do one of the following: 43015

(1) If the person is required to submit fingerprints and 43016
written permission under division (B)(1) of this section, request 43017
the superintendent of the bureau of criminal identification and 43018
investigation to determine whether the bureau has any information, 43019
gathered pursuant to division (A) of section 109.57 of the Revised 43020
Code, pertaining to the person and to obtain any criminal records 43021
that the federal bureau of investigation has on the person. 43022

(2) If the person is required to submit fingerprints and 43023
written permission under division (B)(2) of this section, request 43024
the superintendent of the bureau of criminal identification and 43025
investigation to obtain any criminal records that the federal 43026
bureau of investigation has on the person. 43027

(D) The state board or the superintendent of public 43028

instruction may choose not to request any information about a 43029
person required by division (C) of this section if the person 43030
provides proof that a criminal records check that satisfies the 43031
requirements of that division was conducted on the person as a 43032
condition of employment pursuant to section 3319.39 of the Revised 43033
Code within the immediately preceding year. The state board or the 43034
superintendent of public instruction may accept a certified copy 43035
of records that were issued by the bureau of criminal 43036
identification and investigation and that are presented by the 43037
person in lieu of requesting that information under division (C) 43038
of this section if the records were issued by the bureau within 43039
the immediately preceding year. 43040

(E)(1) If a person described in division (A)(3) or (4) of 43041
this section who is subject to a criminal records check fails to 43042
submit fingerprints and written permission by the date specified 43043
in the applicable division, and the state board or the 43044
superintendent of public instruction does not apply division (D) 43045
of this section to the person, or if a person who is subject to 43046
division (G) of this section fails to submit fingerprints and 43047
written permission by the date prescribed under that division, the 43048
superintendent shall prepare a written notice stating that if the 43049
person does not submit the fingerprints and written permission 43050
within fifteen days after the date the notice was mailed, the 43051
person's application will be rejected or the person's professional 43052
or permanent teaching certificate or license will be inactivated. 43053
The superintendent shall send the notification by regular mail to 43054
the person's last known residence address or last known place of 43055
employment, as indicated in the department of education's records, 43056
or both. 43057

If the person fails to submit the fingerprints and written 43058
permission within fifteen days after the date the notice was 43059
mailed, the superintendent of public instruction, on behalf of the 43060

state board, shall issue a written order rejecting the application 43061
or inactivating the person's professional or permanent teaching 43062
certificate or license. The rejection or inactivation shall remain 43063
in effect until the person submits the fingerprints and written 43064
permission. The superintendent shall send the order by regular 43065
mail to the person's last known residence address or last known 43066
place of employment, as indicated in the department's records, or 43067
both. The order shall state the reason for the rejection or 43068
inactivation and shall explain that the rejection or inactivation 43069
remains in effect until the person ~~complies with division (B) of~~ 43070
~~this section~~ submits the fingerprints and written permission. 43071

The rejection or inactivation of a professional or permanent 43072
teaching certificate or license under division (E)(1) of this 43073
section does not constitute a suspension or revocation of the 43074
certificate or license by the state board under section 3319.31 of 43075
the Revised Code and the state board and the superintendent of 43076
public instruction need not provide the person with an opportunity 43077
for a hearing with respect to the rejection or inactivation. 43078

(2) If a person whose professional or permanent teaching 43079
certificate or license has been rejected or inactivated under 43080
division (E)(1) of this section submits fingerprints and written 43081
permission as required by division (B) or (G) of this section, the 43082
superintendent of public instruction, on behalf of the state 43083
board, shall issue a written order issuing or reactivating the 43084
certificate or license. The superintendent shall send the order to 43085
the person by regular mail. 43086

(F) Notwithstanding divisions (A) to (C) of this section, if 43087
a person holds more than one certificate, license, or permit 43088
described in division (A)(1) of this section, the following shall 43089
apply: 43090

(1) If the certificates, licenses, or permits are of 43091
different durations, the person shall be subject to divisions (A) 43092

to (C) of this section only when applying for renewal of the 43093
certificate, license, or permit that is of the longest duration. 43094
Prior to renewing any certificate, license, or permit with a 43095
shorter duration, the state board or the superintendent of public 43096
instruction shall determine whether the department of education 43097
has received any information about the person pursuant to section 43098
109.5721 of the Revised Code, but the person shall not be subject 43099
to divisions (A) to (C) of this section as long as the person's 43100
certificate, license, or permit with the longest duration is 43101
valid. 43102

(2) If the certificates, licenses, or permits are of the same 43103
duration but do not expire in the same year, the person shall 43104
designate one of the certificates, licenses, or permits as the 43105
person's primary certificate, license, or permit and shall notify 43106
the department of that designation. The person shall be subject to 43107
divisions (A) to (C) of this section only when applying for 43108
renewal of the person's primary certificate, license, or permit. 43109
Prior to renewing any certificate, license, or permit that is not 43110
the person's primary certificate, license, or permit, the state 43111
board or the superintendent of public instruction shall determine 43112
whether the department has received any information about the 43113
person pursuant to section 109.5721 of the Revised Code, but the 43114
person shall not be subject to divisions (A) to (C) of this 43115
section as long as the person's primary certificate, license, or 43116
permit is valid. 43117

(3) If the certificates, licenses, or permits are of the same 43118
duration and expire in the same year and the person applies for 43119
renewal of the certificates, licenses, or permits at the same 43120
time, the state board or the superintendent of public instruction 43121
shall request only one criminal records check of the person under 43122
division (C) of this section. 43123

(G) If the department is unable to enroll a person who has 43124

submitted an application for licensure, or to whom the state board 43125
has issued a license, in the retained applicant fingerprint 43126
database established under section 109.5721 of the Revised Code 43127
because the person has not satisfied the requirements for 43128
enrollment, the department shall require the person to satisfy the 43129
requirements for enrollment, including requiring the person to 43130
submit, by a date prescribed by the department, one complete set 43131
of fingerprints and written permission that authorizes the 43132
superintendent of public instruction to forward the fingerprints 43133
to the bureau of criminal identification and investigation for the 43134
purpose of enrolling the person in the database. If the person 43135
fails to comply by the prescribed date, the department shall 43136
reject the application or shall take action to inactivate the 43137
person's license in accordance with division (E) of this section. 43138

Sec. 3319.61. (A) The educator standards board, in 43139
consultation with the chancellor of higher education, shall do all 43140
of the following: 43141

(1) Develop state standards for teachers and principals that 43142
reflect what teachers and principals are expected to know and be 43143
able to do at all stages of their careers. These standards shall 43144
be aligned with the statewide academic content standards for 43145
students adopted pursuant to section 3301.079 of the Revised Code, 43146
be primarily based on educator performance instead of years of 43147
experience or certain courses completed, and rely on 43148
evidence-based factors. These standards shall also be aligned with 43149
the operating standards adopted under division (D)(3) of section 43150
3301.07 of the Revised Code. 43151

(a) The standards for teachers shall reflect the following 43152
additional criteria: 43153

(i) Alignment with the interstate new teacher assessment and 43154
support consortium standards; 43155

(ii) Differentiation among novice, experienced, and advanced teachers;	43156 43157
(iii) Reliance on competencies that can be measured;	43158
(iv) Reliance on content knowledge, teaching skills, discipline-specific teaching methods, and requirements for professional development;	43159 43160 43161
(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;	43162 43163 43164 43165
(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based, real-world learning and differentiated instruction;	43166 43167 43168 43169
(vii) The Ohio leadership framework.	43170
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	43171 43172
(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.	43173 43174 43175 43176 43177 43178 43179
(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards	43180 43181 43182 43183 43184 43185

and the operating standards developed under division (D)(3) of 43186
section 3301.07 of the Revised Code. 43187

(4) Develop standards for the renewal of licenses under 43188
sections 3301.074 and 3319.22 of the Revised Code; 43189

(5) Develop standards for educator professional development; 43190

(6) Investigate and make recommendations for the creation, 43191
expansion, and implementation of school building and school 43192
district leadership academies; 43193

(7) Develop standards for school counselors that reflect what 43194
school counselors are expected to know and be able to do at all 43195
stages of their careers. The standards shall reflect knowledge of 43196
academic, personal, and social counseling for students and 43197
effective principles to implement an effective school counseling 43198
program. The standards also shall reflect Ohio-specific knowledge 43199
of career counseling for students and education options that 43200
provide flexibility for earning credit, such as earning units of 43201
high school credit using the methods adopted by the state board of 43202
education under division (J) of section 3313.603 of the Revised 43203
Code and earning college credit through the college credit plus 43204
program established under Chapter 3365. of the Revised Code. The 43205
standards shall align with the American school counselor 43206
association's professional standards and the operating standards 43207
developed under division (D)(3) of section 3301.07 of the Revised 43208
Code. 43209

The superintendent of public instruction, the chancellor of 43210
higher education, or the education standards board itself may 43211
request that the educator standards board update, review, or 43212
reconsider any standards developed under this section. 43213

(B) The educator standards board shall incorporate indicators 43214
of cultural competency into the standards developed under division 43215
(A) of this section. For this purpose, the educator standards 43216

board shall develop a definition of cultural competency based upon 43217
content and experiences that enable educators to know, understand, 43218
and appreciate the students, families, and communities that they 43219
serve and skills for addressing cultural diversity in ways that 43220
respond equitably and appropriately to the cultural needs of 43221
individual students. 43222

(C) In developing the standards under division (A) of this 43223
section, the educator standards board shall consider the impact of 43224
the standards on closing the achievement gap between students of 43225
different subgroups. 43226

(D) In developing the standards under division (A) of this 43227
section, the educator standards board shall ensure both of the 43228
following: 43229

(1) That teachers have sufficient knowledge to provide 43230
appropriate instruction for students identified as gifted pursuant 43231
to Chapter 3324. of the Revised Code and to assist in the 43232
identification of such students, and have sufficient knowledge 43233
that will enable teachers to provide learning opportunities for 43234
all children to succeed; 43235

(2) That principals, superintendents, school treasurers, and 43236
school business managers have sufficient knowledge to provide 43237
principled, collaborative, foresighted, and data-based leadership 43238
that will provide learning opportunities for all children to 43239
succeed. 43240

(E) The standards for educator professional development 43241
developed under division (A)(5) of this section shall include the 43242
following: 43243

(1) Standards for the inclusion of local professional 43244
development committees established under section 3319.22 of the 43245
Revised Code in the planning and design of professional 43246
development; 43247

(2) Standards that address the crucial link between academic achievement and mental health issues. 43248
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(F) The educator standards board shall also perform the following functions: 43250
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(1) Monitor compliance with the standards developed under division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met; 43252
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(2) Research, develop, and recommend policies on the professions of teaching and school administration; 43256
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(3) Recommend policies to close the achievement gap between students of different subgroups; 43258
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(4) Define a "master teacher" in a manner that can be used uniformly by all school districts; 43260
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(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of criteria adopted by the board. 43262
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(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.

(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of multiple evaluation criteria into ~~each~~ both of the following:

(a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license, or principal license issued under section 3319.22 of the Revised Code;

~~(b) The Ohio teacher residency program established under section 3319.223 of the Revised Code;~~

~~(c) The model teacher and principal evaluation instruments and processes developed under division (F)(6) of this section.~~

(G) The educator standards board shall submit recommendations of standards developed under division (A) of this section to the state board of education not later than September 1, 2010. The state board of education shall review those recommendations at the state board's regular meeting that next succeeds the date that the recommendations are submitted to the state board. At that meeting, the state board of education shall vote to either adopt standards based on those recommendations or request that the educator standards board reconsider its recommendations. The state board of education shall articulate reasons for requesting reconsideration of the recommendations but shall not direct the content of the recommendations. The educator standards board shall reconsider its recommendations if the state board of education so requests, may revise the recommendations, and shall resubmit the recommendations, whether revised or not, to the state board not later than two weeks prior to the state board's regular meeting

that next succeeds the meeting at which the state board requested 43310
reconsideration of the initial recommendations. The state board of 43311
education shall review the recommendations as resubmitted by the 43312
educator standards board at the state board's regular meeting that 43313
next succeeds the meeting at which the state board requested 43314
reconsideration of the initial recommendations and may adopt the 43315
standards as resubmitted or, if the resubmitted standards have not 43316
addressed the state board's concerns, the state board may modify 43317
the standards prior to adopting them. The final responsibility to 43318
determine whether to adopt standards as described in division (A) 43319
of this section and the content of those standards, if adopted, 43320
belongs solely to the state board of education. 43321

Sec. 3323.022. The rules of the state board of education for 43322
staffing ratios for programs with preschool children with 43323
disabilities shall require the following: 43324

(A) A full-time staff member shall be provided when there are 43325
eight full-day or sixteen half-day preschool children eligible for 43326
special education enrolled in a center-based preschool special 43327
education program. 43328

(B) Staff ratios of one teacher for every eight children 43329
shall be maintained at all times for a program with a center-based 43330
teacher, and a second adult shall be present when there are nine 43331
or more children, including nondisabled children enrolled in a 43332
class session. 43333

Sec. 3323.052. (A) ~~Not later than November 28, 2011, the~~ The 43334

department of education shall develop a document that compares a 43335
parent's and child's rights under this chapter and 20 U.S.C. 1400 43336
et seq. with the parent's and child's rights under the Jon 43337
Peterson special needs scholarship program, established in 43338
sections 3310.51 to 3310.64 of the Revised Code, including ~~the~~ 43339

~~deadline for application for a scholarship or renewal of a 43340
scholarship and notice of that application to the child's school 43341
district, prescribed in division (C) of section 3310.52 of the 43342
Revised Code, and the provisions of divisions (A) and (B) of 43343
section 3310.53 of the Revised Code. The department shall revise 43344
that document as necessary to reflect any pertinent changes in 43345
state or federal statutory law, rule, or regulation enacted or 43346
adopted after the initial document is developed. 43347~~

(B) The department and each school district shall ensure that 43348
the document prescribed in division (A) of this section is 43349
included in, appended to, or otherwise distributed in conjunction 43350
with the notice required under 20 U.S.C. 1415(d), and any 43351
provision of the Code of Federal Regulations implementing that 43352
requirement, in the manner and at all the times specified for such 43353
notice in federal law or regulation. 43354

(C) In addition to the requirement prescribed by division (B) 43355
of this section, each time a child's school district completes an 43356
evaluation for a child with a disability or undertakes the 43357
development, review, or revision of the child's IEP, the district 43358
shall notify the child's parent, by letter or electronic means, 43359
about both the autism scholarship program, under section 3310.41 43360
of the Revised Code, and the Jon Peterson special needs 43361
scholarship program, under sections 3310.51 to 3310.64 of the 43362
Revised Code. The notice shall include the following statement: 43363

"Your child may be eligible for a scholarship under the 43364
Autism Scholarship Program or the Jon Peterson Special Needs 43365
Scholarship Program to attend a special education program that 43366
implements the child's individualized education program and that 43367
is operated by an alternative public provider or by a registered 43368
private provider." 43369

The notice shall include the telephone number of the office 43370
of the department responsible for administering the scholarship 43371

programs and the specific location of scholarship information on 43372
the department's web site. 43373

(D) As used in this section, a "child's school district" 43374
means the school district in which the child is entitled to attend 43375
school under section 3313.64 or 3313.65 of the Revised Code. 43376

Sec. 3326.01. (A) As used in this chapter: 43377

(1) "STEM" is an abbreviation of "science, technology, 43378
engineering, and mathematics." 43379

(2) "STEAM" is an abbreviation of "science, technology, 43380
engineering, arts, and mathematics." 43381

(B)(1) A science, technology, engineering, arts, and 43382
mathematics school shall be considered a type of science, 43383
technology, engineering, and mathematics school. 43384

(2) A STEAM school equivalent shall be considered to be a 43385
type of STEM school equivalent. 43386

(3) A STEAM program of excellence shall be considered to be a 43387
type of STEM program of excellence. 43388

(C)(1) Any reference to a STEM school or science, technology, 43389
engineering, and mathematics school in the Revised Code shall be 43390
considered to include a STEAM school, unless the context 43391
specifically indicates a different meaning or intent. All 43392
provisions of the Revised Code applicable to a STEM school shall 43393
apply to a STEAM school in the same manner, except as otherwise 43394
provided in this chapter. 43395

(2) Any reference to a STEM school equivalent in the Revised 43396
Code shall be considered to include a STEAM school equivalent, 43397
unless the context specifically indicates a different meaning or 43398
intent. All provisions of the Revised Code applicable to a STEM 43399
school equivalent shall apply to a STEAM school equivalent in the 43400
same manner, except as otherwise provided in this chapter. 43401

(3) Any reference to a STEM program of excellence in the Revised Code shall be considered to include a STEAM program of excellence, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM program of excellence shall apply to a STEAM program of excellence in the same manner, except as otherwise provided in this chapter.

Sec. 3326.03. (A) The STEM committee shall authorize the establishment of and award grants to science, technology, engineering, and mathematics schools based on proposals submitted to the committee.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals to approve to become a STEM school. In approving proposals for STEM schools, the committee shall consider locating the schools in diverse geographic regions of the state so that all students have access to a STEM school.

The committee shall seek technical assistance from the Ohio STEM learning network, or its successor, throughout the process of accepting and evaluating proposals and choosing which proposals to approve. In approving proposals for STEM schools, the committee shall consider the recommendations of the Ohio STEM learning network, or its successor.

The committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities located in one or more school districts under the direction of a single governing body in the manner prescribed by section 3326.031 of the Revised Code. The committee shall consider the merits of each of the proposed STEM schools within a group and shall authorize each school separately. Anytime after authorizing a group of STEM

schools to be under the direction of a single governing body, upon 43433
a proposal from the governing body, the committee may authorize 43434
one or more additional schools to operate as part of that group. 43435

The STEM committee may approve one or more STEM schools to 43436
serve only students identified as gifted under Chapter 3324. of 43437
the Revised Code. 43438

(B) Proposals may be submitted only by a partnership of 43439
public and private entities consisting of at least all of the 43440
following: 43441

(1) A city, exempted village, local, or joint vocational 43442
school district or an educational service center; 43443

(2) Higher education entities; 43444

(3) Business organizations. 43445

A community school established under Chapter 3314. of the 43446
Revised Code, a chartered nonpublic school, or both may be part of 43447
the partnership. 43448

(C) Each proposal shall include at least the following: 43449

(1) Assurances that the STEM school or group of STEM schools 43450
will be under the oversight of a governing body and a description 43451
of the members of that governing body and how they will be 43452
selected; 43453

(2) Assurances that each STEM school will operate in 43454
compliance with this chapter and the provisions of the proposal as 43455
accepted by the committee; 43456

(3) Evidence that each school will offer a rigorous, diverse, 43457
integrated, and project-based curriculum to students in any of 43458
grades kindergarten through twelve, with the goal to prepare those 43459
students for college, the workforce, and citizenship, and that 43460
does all of the following: 43461

(a) Emphasizes the role of science, technology, engineering, 43462

and mathematics in promoting innovation and economic progress; 43463

(b) Incorporates scientific inquiry and technological design; 43464

(c) Includes the arts and humanities~~+~~. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention. 43465
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(d) Emphasizes personalized learning and teamwork skills. 43471

(4) Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section; 43472
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(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code; 43475
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(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor; 43478
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(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses~~+~~. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations. 43482
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(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities~~+~~. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations. 43487
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(9) A description of how each school's assets will be distributed if the school closes for any reason.

(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.032. (A) The STEM committee may grant a designation of STEM school equivalent to a community school established under Chapter 3314. of the Revised Code or to a chartered nonpublic school. In order to be eligible for this designation, a community school or chartered nonpublic school shall submit a proposal that satisfies the requirements of this section.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals warrant a community school or chartered nonpublic school to be designated as a STEM school equivalent.

(B) A proposal for designation as a STEM school equivalent shall include at least the following:

(1) Assurances that the community school or chartered nonpublic school submitting the proposal has a working partnership with both public and private entities, including higher education entities and business organizations⁺. If the proposal is for a STEAM school equivalent, it also shall include evidence that this partnership includes arts organizations.

(2) Assurances that the school submitting the proposal will operate in compliance with this section and the provisions of the proposal as accepted by the committee;

(3) Evidence that the school submitting the proposal will

offer a rigorous, diverse, integrated, and project-based 43523
curriculum to students in any of grades kindergarten through 43524
twelve, with the goal to prepare those students for college, the 43525
workforce, and citizenship, and that does all of the following: 43526

(a) Emphasizes the role of science, technology, engineering, 43527
and mathematics in promoting innovation and economic progress; 43528

(b) Incorporates scientific inquiry and technological design; 43529

(c) Includes the arts and humanities⁺. If the proposal is for 43530
a STEAM school equivalent, it also shall include evidence that the 43531
curriculum will integrate arts and design into the study of 43532
science, technology, engineering, and mathematics to foster 43533
creative thinking, problem-solving, and new approaches to 43534
scientific invention. 43535

(d) Emphasizes personalized learning and teamwork skills. 43536

(4) Evidence that the school submitting the proposal will 43537
attract school leaders who support the curriculum principles of 43538
division (B)(3) of this section; 43539

(5) A description of how each school's curriculum will be 43540
developed and approved in accordance with section 3326.09 of the 43541
Revised Code; 43542

(6) Evidence that the school submitting the proposal will 43543
utilize an established capacity to capture and share knowledge for 43544
best practices and innovative professional development; 43545

(7) Assurances that the school submitting the proposal has 43546
received commitments of sustained and verifiable fiscal and 43547
in-kind support from regional education and business entities. If 43548
the proposal is for a STEAM school equivalent, it also shall 43549
include assurances that the school has received commitments of 43550
sustained and verifiable fiscal and in-kind support from arts 43551
organizations. 43552

(C)(1) A community school or chartered nonpublic school that 43553
is designated as a STEM school equivalent under this section shall 43554
not be subject to the requirements of Chapter 3326. of the Revised 43555
Code, except that the school shall be subject to the requirements 43556
of this section and to the curriculum requirements of section 43557
3326.09 of the Revised Code. 43558

Nothing in this section, however, shall relieve a community 43559
school of the applicable requirements of Chapter 3314. of the 43560
Revised Code. Nor shall anything in this section relieve a 43561
chartered nonpublic school of any provisions of law outside of 43562
this chapter that are applicable to chartered nonpublic schools. 43563

(2) A community school or chartered nonpublic school that is 43564
designated as a STEM school equivalent under this section shall 43565
not be eligible for operating funding under sections 3326.31 to 43566
3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised Code. 43567

(3) A community school or chartered nonpublic school that is 43568
designated as a STEM school equivalent under this section may 43569
apply for any of the grants and additional funds described in 43570
section 3326.38 of the Revised Code for which the school is 43571
eligible. 43572

(D) If a community school or chartered nonpublic school that 43573
is designated as a STEM school equivalent under this section 43574
intends to close or intends to no longer be designated as a STEM 43575
school equivalent, it shall notify the STEM committee of that 43576
fact. 43577

(E) If a community school or chartered nonpublic school that 43578
is designated as a STEM school equivalent wishes to be designated 43579
as a STEAM school equivalent, it may change its existing proposal 43580
to include the items required under divisions (B)(1), (B)(3)(c), 43581
and (B)(7) of this section and submit the revised proposal to the 43582
STEM committee for approval. 43583

Sec. 3326.04. (A) The STEM committee shall award grants to 43584
support the operation of STEM programs of excellence to serve 43585
students in any of grades kindergarten through ~~eight~~ twelve 43586
through a request for proposals. 43587

(B) Proposals may be submitted by any of the following: 43588

(1) The board of education of a city, exempted village, or 43589
local school district; 43590

(2) The governing authority of a community school established 43591
under Chapter 3314. of the Revised Code; 43592

(3) The governing authority of a chartered nonpublic school. 43593

(C) Each proposal shall demonstrate to the satisfaction of 43594
the STEM committee that the program meets at least the following 43595
standards: 43596

(1) Unless the program is designed to serve only students 43597
identified as gifted under Chapter 3324. of the Revised Code, the 43598
program will serve all students enrolled in the district or school 43599
in the grades for which the program is designed. 43600

(2) The program will offer a rigorous and diverse curriculum 43601
that is based on scientific inquiry and technological design, that 43602
emphasizes personalized learning and teamwork skills, and that 43603
will expose students to advanced scientific concepts within and 43604
outside the classroom. If the proposal is for a STEAM program of 43605
excellence, it also shall include evidence that the curriculum 43606
will integrate arts and design into the curriculum to foster 43607
creative thinking, problem-solving, and new approaches to 43608
scientific invention. 43609

(3) Unless the program is designed to serve only students 43610
identified as gifted under Chapter 3324. of the Revised Code, the 43611
program will not limit participation of students on the basis of 43612
intellectual ability, measures of achievement, or aptitude. 43613

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to include the items required under divisions (C)(2) and (C)(5) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.082. As used in this section, "teacher" has the same meaning as in section 3319.09 of the Revised Code, except that it does not include a principal, supervisor, superintendent, or other school administrator.

The governing body of a science, technology, engineering, and mathematics school may enter into an agreement with any teacher it employs under which the governing body provides to the teacher early retirement incentives, severance pay, or both, in return for the teacher's agreement to retire from the teacher's position, only if the governing body determines that the agreement is financially sound.

Notwithstanding division (A) of section 4117.10 of the Revised Code, this section prevails over any collective bargaining

agreement entered into under Chapter 4117. of the Revised Code on 43644
or after the effective date of this section. 43645

Sec. 3326.09. Subject to approval by its governing body or 43646
governing authority, the curriculum of each science, technology, 43647
engineering, and mathematics school and of each community school 43648
or chartered nonpublic school that is designated as a STEM school 43649
equivalent under section 3326.032 of the Revised Code shall be 43650
developed by a team that consists of at least the school's chief 43651
administrative officer, a teacher, a representative of the higher 43652
education institution that is a collaborating partner in the STEM 43653
school or school designated as a STEM school equivalent, and a 43654
member of the public with expertise in the application of science, 43655
technology, engineering, or mathematics. In the case of a STEAM 43656
school or a STEAM school equivalent, the team also shall include 43657
an expert in the integration of arts and design into the STEM 43658
fields. 43659

Sec. 3326.11. Each science, technology, engineering, and 43660
mathematics school established under this chapter and its 43661
governing body shall comply with sections 9.90, 9.91, 109.65, 43662
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 43663
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 43664
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 43665
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 43666
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 43667
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 43668
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 43669
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 43670
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 43671
3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 43672
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 43673
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 43674

3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 43675
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 43676
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 43677
Revised Code as if it were a school district. 43678

Sec. 3326.33. For each student enrolled in a science, 43679
technology, engineering, and mathematics school established under 43680
this chapter, on a full-time equivalency basis, the department of 43681
education annually shall deduct from the state education aid of a 43682
student's resident school district and, if necessary, from the 43683
payment made to the district under sections 321.24 and 323.156 of 43684
the Revised Code and pay to the school the sum of the following: 43685

(A) An opportunity grant in an amount equal to the formula 43686
amount; 43687

(B) The per pupil amount of targeted assistance funds 43688
calculated under division (A) of section 3317.0217 of the Revised 43689
Code for the student's resident district, as determined by the 43690
department, X 0.25; 43691

(C) Additional state aid for special education and related 43692
services provided under Chapter 3323. of the Revised Code as 43693
follows: 43694

(1) If the student is a category one special education 43695
student, the amount specified in division (A) of section 3317.013 43696
of the Revised Code; 43697

(2) If the student is a category two special education 43698
student, the amount specified in division (B) of section 3317.013 43699
of the Revised Code; 43700

(3) If the student is a category three special education 43701
student, the amount specified in division (C) of section 3317.013 43702
of the Revised Code; 43703

(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	43704 43705 43706
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	43707 43708 43709
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	43710 43711 43712
(D) If the student is in kindergarten through third grade, \$305, in fiscal year 2016, or \$320, in fiscal year 2017;	43713 43714
(E) If the student is economically disadvantaged, an amount equal to the following:	43715 43716
\$272 X the resident district's economically disadvantaged index	43717
(F) Limited English proficiency funds, as follows:	43718
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	43719 43720 43721
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	43722 43723 43724
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	43725 43726 43727
(G) Career-technical education funds as follows:	43728
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	43729 43730 43731
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section	43732 43733

3317.014 of the Revised Code;	43734
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	43735 43736 43737
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	43738 43739 43740
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	43741 43742 43743
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	43744 43745 43746
Sec. 3326.41. (A) For purposes of this section:	43747
(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	43748 43749
(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.	43750 43751
<u>(3) A science, technology, engineering, and mathematics school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code.</u>	43752 43753 43754 43755 43756 43757 43758 43759
(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school <u>a both of the following:</u>	43760 43761 43762 43763

(1) A graduation bonus calculated according to the following 43764
formula: 43765
The school's four-year adjusted cohort graduation rate on its most 43766
recent report card issued by the department under section 3302.03 43767
of the Revised Code X 0.075 X the formula amount X the number of 43768
the school's graduates reported to the department, in accordance 43769
with the guidelines adopted under section 3301.0714 of the Revised 43770
Code, for the same school year for which the most recent report 43771
card was issued 43772

(2) A third-grade reading bonus calculated according to the 43773
following formula: 43774
The school's third-grade reading proficiency percentage X 0.075 X 43775
the formula amount X the number of the school's students scoring 43776
at a proficient level or higher on the third-grade English 43777
language arts assessment prescribed under division (A)(1)(a) of 43778
section 3301.0710 of the Revised Code for the immediately 43779
preceding school year 43780

Sec. 3327.08. Boards of education of city school districts, 43781
local school districts, exempted village school districts, 43782
cooperative education school districts, and joint vocational 43783
school districts and governing boards of educational service 43784
centers may purchase on individual contract school buses and other 43785
equipment used in transporting children to and from school and to 43786
other functions as authorized by the boards, or the boards, at 43787
their discretion, may purchase the buses and equipment through any 43788
system of centralized purchasing established by the state 43789
department of education for that purpose, provided that state 43790
subsidy payments shall be based on the amount of the lowest price 43791
available to the boards by either method of purchase. No board 43792
shall be deprived of any form of state assistance in the purchase 43793
of buses and equipment by reason of purchases of buses and 43794
equipment on an individual contract. 43795

The purchase of school buses shall be made only after 43796
competitive bidding in accordance with section 3313.46 of the 43797
Revised Code. All bids shall state that the buses, prior to 43798
delivery, will comply with the safety rules of the department of 43799
public safety adopted pursuant to section 4511.76 of the Revised 43800
Code and all other pertinent provisions of law. 43801

At no time shall bid bonds be required for the purchase of 43802
school buses, unless the district board or educational service 43803
center governing board requests that bid bonds be part of the 43804
competitive bidding process for a specified purchase. 43805

Sec. 3332.07. (A) Each Except as provided in section 3332.071 43806
of the Revised Code, each application for issuance and renewal of 43807
a certificate of registration, for the issuance and renewal of 43808
program authorization, for issuance and renewal of agent's 43809
permits, and for any other service specified by the state board of 43810
career colleges and schools shall be accompanied by the required 43811
fee. Fees submitted under this section are not returnable even if 43812
approval or renewal is denied. 43813

(B) Fee schedules for the issuance and renewal of 43814
certificates of registration, for the issuance and renewal of 43815
program authorization, for issuance and renewal of agent's 43816
permits, and for any other service specified by the board shall be 43817
established by rule adopted by the state board . The fee for a 43818
one-year certificate of registration shall be one-half the fee for 43819
a two-year certificate. 43820

(C) If in any fiscal year the amount received in fees under 43821
this section does not equal or exceed fifty per cent of board 43822
expenditures for the fiscal year, the board shall increase fees 43823
for the ensuing fiscal year by an amount estimated to be 43824
sufficient to produce revenues equal to fifty per cent of 43825
estimated expenditures for that ensuing fiscal year. 43826

Sec. 3332.071. The state board of career colleges and schools 43827
shall not charge a student disclosure course fee for new Ohio 43828
students who enroll in a college or school that holds a 43829
certificate of registration under this chapter. 43830

Sec. 3333.048. (A) Not later than one year after October 16, 43831
2009, the chancellor of higher education and the superintendent of 43832
public instruction jointly shall do the following: 43833

(1) In accordance with Chapter 119. of the Revised Code, 43834
establish metrics and educator preparation programs for the 43835
preparation of educators and other school personnel and the 43836
institutions of higher education that are engaged in their 43837
preparation. The metrics and educator preparation programs shall 43838
be aligned with the standards and qualifications for educator 43839
licenses adopted by the state board of education under section 43840
3319.22 of the Revised Code ~~and the requirements of the Ohio~~ 43841
~~teacher residency program established under section 3319.223 of~~ 43842
~~the Revised Code.~~ The metrics and educator preparation programs 43843
also shall ensure that educators and other school personnel are 43844
adequately prepared to use the value-added progress dimension 43845
prescribed by section 3302.021 of the Revised Code or the 43846
alternative student academic progress measure if adopted under 43847
division (C)(1)(e) of section 3302.03 of the Revised Code. 43848

(2) Provide for the inspection of institutions of higher 43849
education desiring to prepare educators and other school 43850
personnel. 43851

(B) Not later than one year after October 16, 2009, the 43852
chancellor shall approve institutions of higher education engaged 43853
in the preparation of educators and other school personnel that 43854
maintain satisfactory training procedures and records of 43855
performance, as determined by the chancellor. 43856

(C) If the metrics established under division (A)(1) of this section require an institution of higher education that prepares teachers to satisfy the standards of an independent accreditation organization, the chancellor shall permit each institution to satisfy the standards of any applicable national educator preparation accrediting agency recognized by the United States department of education.

(D) The metrics and educator preparation programs established under division (A)(1) of this section may require an institution of higher education, as a condition of approval by the chancellor, to make changes in the curricula of its preparation programs for educators and other school personnel.

Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, any metrics, educator preparation programs, rules, and regulations, or any amendment or rescission of such metrics, educator preparation programs, rules, and regulations, adopted under this section that necessitate institutions offering preparation programs for educators and other school personnel approved by the chancellor to revise the curricula of those programs shall not be effective for at least one year after the first day of January next succeeding the publication of the said change.

Each institution shall allocate money from its existing revenue sources to pay the cost of making the curricular changes.

(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A)(1) of this section and the institutions of higher education approved under division (B) of this section. The state board shall publish the metrics, educator preparation programs, and approved institutions with the standards and qualifications for each type of educator license.

(F) The graduates of educator preparation programs approved 43888
by the chancellor shall be licensed by the state board in 43889
accordance with the standards and qualifications adopted under 43890
section 3319.22 of the Revised Code. 43891

Sec. 3333.0414. (A) In accordance with Chapter 119. of the 43892
Revised Code, the chancellor of higher education shall adopt rules 43893
that require education preparation programs approved under section 43894
3333.048 of the Revised Code to include instruction in opioid and 43895
other substance abuse prevention. The instruction shall be for all 43896
educator and other school personnel preparation programs for all 43897
content areas and grade levels. 43898

(B) Instruction shall include all of the following: 43899

(1) Information on the magnitude of opioid and other 43900
substance abuse; 43901

(2) The role educators and other school personnel can play in 43902
educating students about the adverse effects of opioid and other 43903
substance abuse; 43904

(3) Resources available to teach students about the 43905
consequences of opioid and substance abuse; 43906

(4) Resources available to help fight and treat opioid abuse. 43907

Sec. 3333.0415. Beginning in 2018, the chancellor of higher 43908
education, in collaboration with the department of education, 43909
shall prepare an annual report regarding the progress the state is 43910
making in increasing the percentage of adults in the state with a 43911
college degree, industry certificate, or other postsecondary 43912
credential to sixty-five per cent by the year 2025. The chancellor 43913
shall submit an electronic copy of the report to the governor, the 43914
president and minority leader of the senate, and speaker and 43915
minority leader of the house of representatives. 43916

Sec. 3333.0416. (A) The chancellor of higher education may do 43917
both of the following with regard to student fees: 43918

(1) Investigate all fees charged to students by any state 43919
institution of higher education, as defined in section 3345.011 of 43920
the Revised Code. 43921

(2) Prohibit any state institution from charging a fee that 43922
the chancellor determines is not in the best interest of the 43923
students. 43924

(B) If the chancellor prohibits a state institution from 43925
charging a fee pursuant to this section, the institution may seek 43926
approval from the controlling board to charge the fee. 43927

Sec. 3333.051. (A) The chancellor of higher education shall 43928
establish a program under which a community college established 43929
under Chapter 3354., technical college established under Chapter 43930
3357., or state community college established under Chapter 3358. 43931
of the Revised Code may apply to the chancellor for authorization 43932
to offer applied bachelor's degree programs. 43933

The chancellor may approve programs under this section that 43934
demonstrate all of the following: 43935

(1) Evidence of an agreement between the college and a 43936
regional business or industry to train students in an in-demand 43937
field and to employ students upon their successful completion of 43938
the program; 43939

(2) That the workforce need of the regional business or 43940
industry is in an in-demand field with long-term sustainability 43941
based upon data provided by the governor's office of workforce 43942
transformation; 43943

(3) Supporting data that identifies the specific workforce 43944
need the program will address; 43945

(4) The absence of a bachelor's degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university; 43946
43947
43948

(5) Willingness of an industry partner to offer workplace-based learning and employment opportunities to students enrolled in the proposed program. 43949
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(B) The chancellor may approve a program under this section that does not meet the criteria described in division (A) of this section, if the program clearly demonstrates a unique approach, as determined by the chancellor, to benefit the state's system of higher education or the state of Ohio. 43952
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(C) Before approving a program under this section, the chancellor shall consult with the governor's office of workforce transformation, the inter-university council of Ohio, the Ohio association of community colleges, and the association of independent colleges and universities of Ohio, or any successor to those organizations. 43957
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(D) As used in this section: 43963

(1) "Applied bachelor's degree" means a bachelor's degree that is both of the following: 43964
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(a) Specifically designed for an individual who holds an associate of applied science degree, or its equivalent, in order to maximize application of the individual's technical course credits toward the bachelor's degree; 43966
43967
43968
43969

(b) Based on curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field. 43970
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(2) "Private college or university" means a nonprofit institution that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 43972
43973
43974

(3) "State university" has the same meaning as in section 43975

3345.011 of the Revised Code. 43976

Sec. 3333.121. There is hereby established in the state 43977
treasury the state ~~need-based~~ financial aid reconciliation fund, 43978
which shall consist of refunds of ~~instructional grant payments~~ 43979
~~made pursuant to section 3333.12 of the Revised Code and refunds~~ 43980
~~of state need-based financial aid payments made pursuant to~~ 43981
~~section 3333.122 of the Revised Code~~ state financial aid payments 43982
originally disbursed by the department of higher education for 43983
programs that the department is responsible for administering. 43984
Revenues credited to the fund shall be used by the chancellor of 43985
higher education to pay to higher education institutions any 43986
outstanding obligations ~~from the prior year owed for the Ohio~~ 43987
~~instructional grant program and the Ohio college opportunity grant~~ 43988
~~program~~ state financial aid programs that are identified through 43989
the annual reconciliation and financial audit or through other 43990
means. Any amount in the fund that is in excess of the amount 43991
certified to the director of budget and management by the 43992
chancellor of higher education as necessary to reconcile ~~prior~~ 43993
~~year~~ payments under the program shall be transferred to the 43994
general revenue fund. 43995

Sec. 3333.122. (A) The chancellor of higher education shall 43996
adopt rules to carry out this section and as authorized under 43997
section 3333.123 of the Revised Code. The rules shall include 43998
definitions of the terms "resident," "expected family 43999
contribution," "full-time student," "three-quarters-time student," 44000
"half-time student," "one-quarter-time student," "state cost of 44001
attendance," and "accredited" for the purpose of those sections. 44002

(B) Only an Ohio resident who meets both of the following is 44003
eligible for a grant awarded under this section: 44004

(1) The resident has an expected family contribution of two 44005

thousand one hundred ninety or less; 44006

(2) The resident enrolls in one of the following: 44007

(a) An undergraduate program, or a nursing diploma program 44008
approved by the board of nursing under section 4723.06 of the 44009
Revised Code, at a state-assisted state institution of higher 44010
education, as defined in section 3345.12 of the Revised Code, that 44011
meets the requirements of Title VI of the Civil Rights Act of 44012
1964+. For purposes of division (B)(2)(a) of this section, 44013
enrollment in an undergraduate program shall include enrollment in 44014
a state institution of higher education in a program that may be 44015
completed in less than one year and for which a certificate or 44016
industry-recognized credential is awarded in an in-demand job, as 44017
defined in section 3333.93 of the Revised Code. 44018

(b) An undergraduate program, or a nursing diploma program 44019
approved by the board of nursing under section 4723.06 of the 44020
Revised Code, at a private, nonprofit institution in this state 44021
holding a certificate of authorization pursuant to Chapter 1713. 44022
of the Revised Code; 44023

(c) An undergraduate program, or a nursing diploma program 44024
approved by the board of nursing under section 4723.06 of the 44025
Revised Code, at a career college in this state that holds a 44026
certificate of registration from the state board of career 44027
colleges and schools under Chapter 3332. of the Revised Code or at 44028
a private institution exempt from regulation under Chapter 3332. 44029
of the Revised Code as prescribed in section 3333.046 of the 44030
Revised Code, if the program has a certificate of authorization 44031
pursuant to Chapter 1713. of the Revised Code. 44032

(C)(1) The chancellor shall establish and administer a 44033
needs-based financial aid grants program based on the United 44034
States department of education's method of determining financial 44035
need. The program shall be known as the Ohio college opportunity 44036

grant program. The general assembly shall support the needs-based 44037
financial aid program by such sums and in such manner as it may 44038
provide, but the chancellor also may receive funds from other 44039
sources to support the program. If, for any academic year, the 44040
amounts available for support of the program are inadequate to 44041
provide grants to all eligible students, the chancellor shall do 44042
one of the following: 44043

(a) Give preference in the payment of grants based upon 44044
expected family contribution, beginning with the lowest expected 44045
family contribution category and proceeding upward by category to 44046
the highest expected family contribution category; 44047

(b) Proportionately reduce the amount of each grant to be 44048
awarded for the academic year under this section; 44049

(c) Use an alternate formula for such grants that addresses 44050
the shortage of available funds and has been submitted to and 44051
approved by the controlling board. 44052

(2) The needs-based financial aid grant shall be paid to the 44053
eligible student through the institution in which the student is 44054
enrolled, except that no needs-based financial aid grant shall be 44055
paid to any person serving a term of imprisonment. Applications 44056
for the grants shall be made as prescribed by the chancellor, and 44057
such applications may be made in conjunction with and upon the 44058
basis of information provided in conjunction with student 44059
assistance programs funded by agencies of the United States 44060
government or from financial resources of the institution of 44061
higher education. The institution shall certify that the student 44062
applicant meets the requirements set forth in division (B) of this 44063
section. Needs-based financial aid grants shall be provided to an 44064
eligible student only as long as the student is making appropriate 44065
progress toward a nursing diploma or an associate or bachelor's 44066
degree. No student shall be eligible to receive a grant for more 44067
than ten semesters, fifteen quarters, or the equivalent of five 44068

academic years. A grant made to an eligible student on the basis 44069
of less than full-time enrollment shall be based on the number of 44070
credit hours for which the student is enrolled and shall be 44071
computed in accordance with a formula adopted by rule issued by 44072
the chancellor. No student shall receive more than one grant on 44073
the basis of less than full-time enrollment. 44074

(D)(1) Except as provided in ~~division~~ divisions (D)(4), (5), 44075
and (6) of this section, no grant awarded under this section shall 44076
exceed the total state cost of attendance. 44077

(2) Subject to divisions (D)(1), (3), ~~and (4)~~, and (5) of 44078
this section, the amount of a grant awarded to a student under 44079
this section who is not enrolled in an institution described in 44080
division (D)(6) of this section shall equal the student's 44081
remaining state cost of attendance after the student's Pell grant 44082
and expected family contribution are applied to the instructional 44083
and general charges for the undergraduate program. However, for 44084
students enrolled in a state university or college as defined in 44085
section 3345.12 of the Revised Code or a university branch, the 44086
chancellor may provide that the grant amount shall equal the 44087
student's remaining instructional and general charges for the 44088
undergraduate program after the student's Pell grant and expected 44089
family contribution have been applied to those charges, but, in no 44090
case, shall the grant amount for such a student exceed any maximum 44091
that the chancellor may set by rule. 44092

(3) For a student enrolled for a semester or quarter in 44093
addition to the portion of the academic year covered by a grant 44094
under this section, the maximum grant amount shall be a percentage 44095
of the maximum specified in any table established in rules adopted 44096
by the chancellor as provided in division (A) of this section. The 44097
maximum grant for a fourth quarter shall be one-third of the 44098
maximum amount so prescribed. The maximum grant for a third 44099
semester shall be one-half of the maximum amount so prescribed. 44100

(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total state cost of attendance to additionally cover housing costs.

(5) For a student who is receiving federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, the amount of a grant awarded under this section shall be applied toward the total state cost of attendance and the student's housing costs and living expenses. Living expenses shall include reasonable costs for room and board.

(6) A student who is enrolled in a program that may be completed in less than one year for which a certificate or industry-recognized credential is awarded in an in-demand job, as defined in section 3333.93 of the Revised Code and who is eligible for a grant under this section shall receive an amount determined by the chancellor using a calculation that does not apply the student's Pell grant to state cost of attendance.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408,

20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 44133
preceding the fiscal year, equal to or greater than thirty per 44134
cent for each of the preceding two fiscal years. 44135

(2) Division (F)(1) of this section does not apply in the 44136
case of either of the following: 44137

(a) The institution pursuant to federal law appeals its loss 44138
of eligibility for federal financial aid and the United States 44139
secretary of education determines its cohort default rate after 44140
recalculation is lower than the rate specified in division (F)(1) 44141
of this section or the secretary determines due to mitigating 44142
circumstances that the institution may continue to participate in 44143
federal financial aid programs. The chancellor shall adopt rules 44144
requiring any such appellant to provide information to the 44145
chancellor regarding an appeal. 44146

(b) Any student who has previously received a grant pursuant 44147
to any provision of this section, including prior to the section's 44148
amendment by H.B. 1 of the 128th general assembly, effective July 44149
17, 2009, and who meets all other eligibility requirements of this 44150
section. 44151

(3) The chancellor shall adopt rules for the notification of 44152
all institutions whose students will be ineligible to participate 44153
in the grant program pursuant to division (F)(1) of this section. 44154

(4) A student's attendance at any institution whose students 44155
are ineligible for grants due to division (F)(1) of this section 44156
shall not affect that student's eligibility to receive a grant 44157
when enrolled in another institution. 44158

(G) Institutions of higher education that enroll students 44159
receiving needs-based financial aid grants under this section 44160
shall report to the chancellor all students who have received such 44161
needs-based financial aid grants but are no longer eligible for 44162
all or part of those grants and shall refund any moneys due the 44163

state within thirty days after the beginning of the quarter or 44164
term immediately following the quarter or term in which the 44165
student was no longer eligible to receive all or part of the 44166
student's grant. There shall be an interest charge of one per cent 44167
per month on all moneys due and payable after such thirty-day 44168
period. The chancellor shall immediately notify the office of 44169
budget and management and the legislative service commission of 44170
all refunds so received. 44171

Sec. 3333.166. (A) As used in this section: 44172

(1) "For-profit private college" means a career college in 44173
this state that holds a certificate of registration from the 44174
chancellor of higher education under Chapter 3332. of the Revised 44175
Code or a private institution exempt from regulation under Chapter 44176
3332. of the Revised Code as prescribed in section 3333.046 of the 44177
Revised Code. 44178

(2) "State institution of higher education" has the same 44179
meaning as in section 3345.011 of the Revised Code. 44180

(B) The chancellor shall establish criteria, policies, and 44181
procedures that enable students to transfer agreed upon courses 44182
completed through a for-profit private college to a state 44183
institution of higher education without unnecessary duplication or 44184
institutional barriers. Where applicable, the policies and 44185
procedures shall build upon the articulation agreement and 44186
transfer initiative course equivalency system required by section 44187
3333.16 of the Revised Code. 44188

Sec. 3333.31. (A) For state subsidy and tuition surcharge 44189
purposes, status as a resident of Ohio shall be defined by the 44190
chancellor of higher education by rule promulgated pursuant to 44191
Chapter 119. of the Revised Code. No adjudication as to the status 44192
of any person under such rule, however, shall be required to be 44193

made pursuant to Chapter 119. of the Revised Code. The term 44194
"resident" for these purposes shall not be equated with the 44195
definition of that term as it is employed elsewhere under the laws 44196
of this state and other states, and shall not carry with it any of 44197
the legal connotations appurtenant thereto. Rather, except as 44198
provided in divisions (B), (C), and (E) of this section, for such 44199
purposes, the rule promulgated under this section shall have the 44200
objective of excluding from treatment as residents those who are 44201
present in the state primarily for the purpose of attending a 44202
state-supported or state-assisted institution of higher education, 44203
and may prescribe presumptive rules, rebuttable or conclusive, as 44204
to such purpose based upon the source or sources of support of the 44205
student, residence prior to first enrollment, evidence of 44206
intention to remain in the state after completion of studies, or 44207
such other factors as the chancellor deems relevant. 44208

(B) The rules of the chancellor for determining student 44209
residency shall grant residency status to a veteran and to the 44210
veteran's spouse and any dependent of the veteran, if both of the 44211
following conditions are met: 44212

(1) The veteran either: 44213

(a) Served one or more years on active military duty and was 44214
honorably discharged or received a medical discharge that was 44215
related to the military service; 44216

(b) Was killed while serving on active military duty or has 44217
been declared to be missing in action or a prisoner of war. 44218

(2) If the veteran seeks residency status for tuition 44219
surcharge purposes, the veteran has established domicile in this 44220
state as of the first day of a term of enrollment in an 44221
institution of higher education. If the spouse or a dependent of 44222
the veteran seeks residency status for tuition surcharge purposes, 44223
the veteran and the spouse or dependent seeking residency status 44224

have established domicile in this state as of the first day of a 44225
term of enrollment in an institution of higher education, except 44226
that if the veteran was killed while serving on active military 44227
duty, has been declared to be missing in action or a prisoner of 44228
war, or is deceased after discharge, only the spouse or dependent 44229
seeking residency status shall be required to have established 44230
domicile in accordance with this division. 44231

(C) The rules of the chancellor for determining student 44232
residency shall grant residency status to both of the following: 44233

(1) A veteran who is the recipient of federal veterans' 44234
benefits under the "All-Volunteer Force Educational Assistance 44235
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 44236
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 44237
successor program, if the veteran meets all of the following 44238
criteria: 44239

(a) The veteran served at least ninety days on active duty. 44240

(b) The veteran enrolls in a state institution of higher 44241
education, as defined in section 3345.011 of the Revised Code. 44242

(c) The veteran lives in the state as of the first day of a 44243
term of enrollment in the state institution of higher education. 44244

(2) A person who is the recipient of the federal Marine 44245
Gunnery Sergeant John David Fry scholarship or transferred federal 44246
veterans' benefits under any of the programs described in division 44247
(C)(1) of this section, if the person meets both of the following 44248
criteria: 44249

(a) The person enrolls in a state institution of higher 44250
education. 44251

(b) The person lives in the state as of the first day of a 44252
term of enrollment in the state institution of higher education. 44253

In order for a person using transferred federal veterans' 44254

benefits to qualify under division (C)(2) of this section, the 44255
~~veteran's period of active duty~~ veteran who transferred the 44256
benefits must have ~~been~~ served at least ninety days on active duty 44257
or the service member who transferred the benefits must be on 44258
active duty. 44259

(D) The rules of the chancellor for determining student 44260
residency shall not deny residency status to a student who is 44261
either a dependent child of a parent, or the spouse of a person 44262
who, as of the first day of a term of enrollment in an institution 44263
of higher education, has accepted full-time employment and 44264
established domicile in this state for reasons other than gaining 44265
the benefit of favorable tuition rates. 44266

Documentation of full-time employment and domicile shall 44267
include both of the following documents: 44268

(1) A sworn statement from the employer or the employer's 44269
representative on the letterhead of the employer or the employer's 44270
representative certifying that the parent or spouse of the student 44271
is employed full-time in Ohio; 44272

(2) A copy of the lease under which the parent or spouse is 44273
the lessee and occupant of rented residential property in the 44274
state, a copy of the closing statement on residential real 44275
property of which the parent or spouse is the owner and occupant 44276
in this state or, if the parent or spouse is not the lessee or 44277
owner of the residence in which the parent or spouse has 44278
established domicile, a letter from the owner of the residence 44279
certifying that the parent or spouse resides at that residence. 44280

Residency officers may also evaluate, in accordance with the 44281
chancellor's rule, requests for immediate residency status from 44282
dependent students whose parents are not living and whose domicile 44283
follows that of a legal guardian who has accepted full-time 44284
employment and established domicile in the state for reasons other 44285

than gaining the benefit of favorable tuition rates. 44286

(E)(1) The rules of the chancellor for determining student 44287
residency shall grant residency status to a person who, while a 44288
resident of this state for state subsidy and tuition surcharge 44289
purposes, graduated from a high school in this state or completed 44290
the final year of instruction at home as authorized under section 44291
3321.04 of the Revised Code, if the person enrolls in an 44292
institution of higher education and establishes domicile in this 44293
state, regardless of the student's residence prior to that 44294
enrollment. 44295

(2) The rules of the chancellor for determining student 44296
residency shall not grant residency status to an alien if the 44297
alien is not also an immigrant or a nonimmigrant. 44298

(F) As used in this section: 44299

(1) "Dependent," "domicile," "institution of higher 44300
education," and "residency officer" have the meanings ascribed in 44301
the chancellor's rules adopted under this section. 44302

(2) "Alien" means a person who is not a United States citizen 44303
or a United States national. 44304

(3) "Immigrant" means an alien who has been granted the right 44305
by the United States bureau of citizenship and immigration 44306
services to reside permanently in the United States and to work 44307
without restrictions in the United States. 44308

(4) "Nonimmigrant" means an alien who has been granted the 44309
right by the United States bureau of citizenship and immigration 44310
services to reside temporarily in the United States. 44311

(5) "Veteran" means any person who has completed service in 44312
the uniformed services, as defined in section 3511.01 of the 44313
Revised Code. 44314

(6) "Service member" has the same meaning as in section 44315

5903.01 of the Revised Code. 44316

Sec. 3333.39. The chancellor of higher education and the 44317
superintendent of public instruction shall establish and 44318
administer the teach Ohio program to promote and encourage 44319
citizens of this state to consider teaching as a profession. The 44320
program shall include all of the following: 44321

(A) A statewide program administered by a nonprofit 44322
corporation that has been in existence for at least fifteen years 44323
with demonstrated results in encouraging high school students from 44324
economically disadvantaged groups to enter the teaching 44325
profession. The chancellor and superintendent jointly shall select 44326
the nonprofit corporation. 44327

(B) The Ohio teaching fellows program established under 44328
sections 3333.391 and 3333.392 of the Revised Code; 44329

~~(C) The Ohio teacher residency program established under 44330
section 3319.223 of the Revised Code; 44331~~

~~(D) Alternative licensure procedures established under 44332
section 3319.26 of the Revised Code; 44333~~

~~(E)~~(D) Any other program as identified by the chancellor and 44334
the superintendent. 44335

Sec. 3333.45. (A) For purposes of this section, "eligible 44336
institution of higher education" means any of the following: 44337

(1) A regionally accredited private, nonprofit institution of 44338
higher education that is created by the governors of several 44339
states. At least one of the governors of these states shall also 44340
be a member of the institution's board of trustees. 44341

(2) A state institution of higher education, as that term is 44342
defined in section 3345.011 of the Revised Code; 44343

(3) A private, nonprofit institution of higher education that 44344

has received a certificate of authorization under Chapter 1713. of 44345
the Revised Code. 44346

(B) The chancellor of higher education may recognize or 44347
endorse an eligible institution of higher education for the 44348
purpose of providing competency-based education programs. 44349

(C) In recognizing or endorsing an eligible institution of 44350
higher education described in division (A)(1) of this section, the 44351
chancellor may specify all of the following: 44352

(1) The eligibility of students enrolled in the institution 44353
for state student financial aid programs; 44354

(2) Any articulation and transfer policies of the chancellor 44355
that apply to the institution; 44356

(3) The reporting requirements for the institution. 44357

(D) In recognizing or endorsing any eligible institution of 44358
higher education, the chancellor may: 44359

(1) Recognize competency-based education as an important 44360
component of this state's higher education system; 44361

(2) Eliminate any unnecessary barriers to the delivery of 44362
competency-based education; 44363

(3) Facilitate opportunities to share best practices on the 44364
delivery of competency-based education with any eligible 44365
institution of higher education; 44366

(4) Establish any other requirements that the chancellor 44367
determines are in the best interest of this state. 44368

(E) The chancellor shall not provide any public operating or 44369
capital assistance to an eligible institution of higher education 44370
described in division (A)(1) of this section for the purpose of 44371
providing competency-based education in this state. 44372

Sec. 3333.91. ~~Not later than December 31, 2014, the~~ The 44373

governor's office of workforce transformation, in collaboration 44374
with the chancellor of higher education, the superintendent of 44375
public instruction, and the department of job and family services, 44376
shall develop and submit to the appropriate federal agency a 44377
single, state unified plan required under the "Workforce 44378
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which 44379
shall include the information required for the adult basic and 44380
literacy education program administered by the United States 44381
secretary of education, ~~and~~ the "Carl D. Perkins Vocational and 44382
Technical Education Act," 20 U.S.C. 2301, et seq., as amended, ~~and~~ 44383
~~the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq.,~~ 44384
~~as amended.~~ Following the plan's initial submission to the 44385
appropriate federal agency, the governor's office of workforce 44386
transformation may update it as necessary. If the plan is updated, 44387
the governor's office of workforce transformation shall submit the 44388
updated plan to the appropriate federal agency. 44389

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs web 44390
site" has the same meaning as in section 6301.01 of the Revised 44391
Code. 44392

(B)(1) ~~Beginning January 1, 2016, each~~ Each participant in an 44393
adult basic and literacy education funded training or education 44394
program shall create an account with the OhioMeansJobs web site at 44395
the twelfth week of the program. 44396

(2) ~~Beginning January 1, 2016, each~~ Each participant in an 44397
Ohio technical center funded training or education program shall 44398
create an account with the OhioMeansJobs web site at the time of 44399
enrollment in the program. 44400

(C) Division (B) of this section does not apply to any 44401
individual who is legally prohibited from using a computer, has a 44402
physical or visual impairment that makes the individual unable to 44403

use a computer, or has a limited ability to read, write, speak, or 44404
understand a language in which the OhioMeansJobs web site is 44405
available. 44406

Sec. 3333.94. (A) As used in this section: 44407

(1) "In-demand job" has the same meaning as in section 44408
3333.93 of the Revised Code. 44409

(2) "Ohio technical center" means a center that provides 44410
adult technical education services and is recognized by the 44411
chancellor of higher education. 44412

(3) "State institution of higher education" has the same 44413
meaning as in section 3345.011 of the Revised Code. 44414

(B) Not later than January 1, 2018, the chancellor of higher 44415
education shall create an inventory of both credit and non-credit 44416
certificate programs and industry-recognized credentials offered 44417
at state institutions of higher education and Ohio technical 44418
centers that align with in-demand jobs in the state. 44419

When awarding funds from the OhioMeansJobs workforce 44420
development revolving loan fund established under section 6301.14 44421
of the Revised Code, the chancellor shall give preference to 44422
certificate programs that support adult learners and are included 44423
in the inventory. 44424

Sec. 3333.951. (A) As used in this section, "state 44425
institution of higher education" has the same meaning as in 44426
section 3345.011 of the Revised Code. 44427

(B) Each state institution of higher education that is 44428
co-located with another state institution of higher education 44429
annually shall review best practices and shared services in order 44430
to improve academic and other services and reduce costs for 44431
students. Each state institution shall report its findings to the 44432

efficiency advisory committee established under section 3333.95 of 44433
the Revised Code. The committee shall include the information 44434
reported under this section in the committee's annual report. 44435

(C) Each state institution of higher education annually shall 44436
report to the efficiency advisory committee on its efforts to 44437
reduce textbook costs to students. 44438

(D) Each state institution of higher education shall conduct 44439
a study to determine the current cost of textbooks for students 44440
enrolled in the institution, and shall submit the study to the 44441
chancellor of higher education annually by a date prescribed by 44442
the chancellor. 44443

Sec. 3333.98. (A) The college-ready program is hereby created 44444
to provide high school students with college-ready transitional 44445
courses. The college-ready program shall approve public and 44446
chartered nonpublic schools to provide courses for students who do 44447
not meet the remediation-free thresholds developed in division 44448
(B)(1) of this section and who need additional coursework to 44449
qualify to take courses to earn college credit while enrolled in 44450
high school and/or to be prepared for college upon graduation. The 44451
chancellor of higher education, in consultation with the 44452
superintendent of public instruction, shall administer the 44453
program. 44454

(B) Not later than December 31, 2017, the chancellor and the 44455
superintendent of public instruction, or their designees, shall 44456
convene a workgroup of faculty and administrators from both 44457
secondary schools and higher education institutions to develop one 44458
or more models for a college-ready program in mathematics. 44459

The workgroup shall develop and make recommendations for the 44460
creation and implementation of the college-ready plan, including, 44461
but not limited to, the following: 44462

<u>(1) Recommend upper and lower score thresholds for student eligibility to participate in the program, based on national standardized test scores and state assessments required under section 3301.0712 of the Revised Code. In creating the thresholds, the workgroup shall use the remediation-free standards established under section 3345.061 of the Revised Code as a guide.</u>	44463 44464 44465 44466 44467 44468
<u>(2) Develop one or more additional instructional models for the program;</u>	44469 44470
<u>(3) Establish criteria for approving participating schools and institutions to provide instruction under the program;</u>	44471 44472
<u>(4) Recommend data collection and evaluation requirements;</u>	44473
<u>(5) Recommend a timeline to develop models for additional subject areas, so that the models will be completed in time to meet the deadline prescribed by division (C) of this section.</u>	44474 44475 44476
<u>(6) Develop an application and approval process for schools and institutions to offer college-ready courses using the models developed under this section.</u>	44477 44478 44479
<u>(C) Not later than February 1, 2018, the chancellor, in consultation with the state superintendent, shall develop and publish all program requirements, deadlines, guidance, forms, documents, and procedures necessary to establish and administer the program.</u>	44480 44481 44482 44483 44484
<u>(D) Public and chartered nonpublic schools with approved programs may offer college-ready courses beginning with the 2018-2019 school year.</u>	44485 44486 44487
<u>(E) As used in this section:</u>	44488
<u>(1) "Chartered nonpublic school" has the same meaning as in section 3310.01 of the Revised Code;</u>	44489 44490
<u>(2) "Public school" includes a school district or a school operated by a school district, a community school established</u>	44491 44492

under Chapter 3314., a STEM school established under Chapter 3326., and a college-preparatory boarding school established under Chapter 3328. of the Revised Code. 44493
44494
44495

Sec. 3335.02. (A) The government of the Ohio state university 44496
shall be vested in a board of ~~fourteen trustees in 2005, and~~ 44497
~~seventeen trustees beginning in 2006,~~ who shall be appointed by 44498
the governor, with the advice and consent of the senate. Two of 44499
the seventeen trustees shall be students at the Ohio state 44500
university, and their selection and terms shall be in accordance 44501
with division (B) of this section. Except as provided in division 44502
(D) of this section and except for the terms of student members, 44503
terms of office shall be for ~~nine~~ six years, commencing on the 44504
fourteenth day of May and ending on the thirteenth day of May. 44505
Each trustee shall hold office from the date of appointment until 44506
the end of the term for which the trustee was appointed. Any 44507
trustee appointed to fill a vacancy occurring prior to the 44508
expiration of the term for which the trustee's predecessor was 44509
appointed shall hold office for the remainder of such term. Any 44510
trustee shall continue in office subsequent to the expiration date 44511
of the trustee's term until the trustee's successor takes office, 44512
or until a period of sixty days has elapsed, whichever occurs 44513
first. No person who has served a full ~~nine-year~~ term as a 44514
nonstudent member or more than ~~six years~~ two-thirds of such a term 44515
shall be eligible for reappointment until a period of four years 44516
has elapsed since the last day of the term for which the person 44517
previously served. ~~The~~ 44518

The trustees shall not receive compensation for their 44519
services, but shall be paid their reasonable necessary expenses 44520
while engaged in the discharge of their official duties. 44521

(B) The student members of the board of trustees of the Ohio 44522
state university shall be students at the Ohio state university. 44523

Unless student members have been granted voting power under 44524
division (C) of this section, they shall have no voting power on 44525
the board, shall not be considered as members of the board in 44526
determining whether a quorum is present, and shall not be entitled 44527
to attend executive sessions of the board. The student members of 44528
the board shall be appointed by the governor, with the advice and 44529
consent of the senate, from a group of five candidates selected 44530
pursuant to a procedure adopted by the university's student 44531
governments and approved by the university's board of trustees. 44532
~~The initial term of office of one of the student members shall~~ 44533
~~commence on May 14, 1988, and shall expire on May 13, 1989, and~~ 44534
~~the initial term of office of the other student member shall~~ 44535
~~commence on May 14, 1988, and expire on May 13, 1990. Thereafter,~~ 44536
~~terms~~ Terms of office of student members shall be for two years, 44537
each term ending on the same day of the same month of the year as 44538
the term it succeeds commencing on the fourteenth day of May and 44539
ending on the thirteenth day of May. In the event a student member 44540
cannot fulfill a two-year term, a replacement shall be selected to 44541
fill the unexpired term in the same manner used to make the 44542
original selection. 44543

(C) Not later than ~~ninety days after the effective date of~~ 44544
~~this amendment~~ December 28, 2015, the board of trustees shall 44545
adopt a resolution that does one of the following: 44546

(1) Grants the student members of the board voting power on 44547
the board. If so granted, in addition to having voting power, the 44548
student members shall be considered as members of the board in 44549
determining whether a quorum is present and shall be entitled to 44550
attend executive sessions of the board. 44551

(2) Declares that student members do not have voting power on 44552
the board. 44553

Thereafter, the board may change the voting status of student 44554
trustees by adopting a subsequent resolution. Each resolution 44555

adopted under this division shall take effect on the fourteenth 44556
day of May following the adoption of the resolution. All members 44557
with voting power at the time of the adoption of a resolution may 44558
vote on the resolution. 44559

If student members are granted voting power under this 44560
division, no student shall be disqualified from membership on the 44561
board of trustees because the student receives a scholarship, 44562
grant, loan, or any other financial assistance payable out of the 44563
state treasury or a university fund, or because the student is 44564
employed by the university in a position pursuant to a work-study 44565
program or other student employment, including as a graduate 44566
teaching assistant, graduate administrative assistant, or graduate 44567
research assistant, the compensation for which is payable out of 44568
the state treasury or a university fund. 44569

Acceptance of such financial assistance or employment by a 44570
student trustee shall not be considered a violation of Chapter 44571
102. or section 2921.42 or 2921.43 of the Revised Code. 44572

~~(D)(1) The initial terms of office for the three additional 44573
trustees appointed in 2005 shall commence on a date in 2005 that 44574
is selected by the governor with one term of office expiring on 44575
May 13, 2009, one term of office expiring on May 13, 2010, and one 44576
term of office expiring on May 13, 2011, as designated by the 44577
governor upon appointment. Thereafter terms of office shall be for 44578
nine years, as provided in division (A) of this section. 44579~~

~~(2) The initial terms of office for the three additional 44580
trustees appointed in 2006 shall commence on May 14, 2006, with 44581
one term of office expiring on May 13, 2012, one term of office 44582
expiring on May 13, 2013, and one term of office expiring on May 44583
13, 2014, as designated by the governor upon appointment. 44584
Thereafter terms of office shall be for nine years, as provided in 44585
division (A) of this section. A nonstudent trustee who was 44586
appointed under this section as it existed prior to the effective 44587~~

date of this amendment shall serve for a nine-year term. A trustee 44588
appointed to fill the vacancy of a nine-year term shall serve for 44589
the remainder of that unexpired nine-year term. Except for a 44590
nonstudent trustee appointed to fill a vacancy for an unexpired 44591
nine-year term, terms of office for a nonstudent trustee appointed 44592
on and after the effective date of this amendment shall be for six 44593
years, as provided in division (A) of this section. 44594

Sec. 3337.01. (A) The body politic and corporate by the name 44595
and style of "The President and Trustees of the Ohio University" 44596
now in the university instituted and established in Athens by the 44597
name and style of "The Ohio University" shall consist of a board 44598
of trustees composed of eleven members, who shall be appointed by 44599
the governor, with the advice and consent of the senate. At least 44600
five of the trustees who are not students shall be graduates of 44601
Ohio university. Two of the trustees shall be students at Ohio 44602
university, and their selection and terms shall be in accordance 44603
with division (B) of this section. A majority of the board 44604
constitutes a quorum. ~~Except~~ 44605

Except as provided in division (C) of this section and except 44606
for the terms of student members, terms of office shall be for 44607
~~nine~~ six years, commencing on the fourteenth day of May and ending 44608
on the thirteenth day of May, ~~except that upon expiration of the~~ 44609
~~term ending on May 14, 1978, the new term which succeeds it shall~~ 44610
~~commence on May 15, 1978 and end on May 13, 1987.~~ Each member 44611
shall hold office from the date of appointment until the end of 44612
the term for which the member was appointed. Any member appointed 44613
to fill a vacancy occurring prior to the expiration of the term 44614
for which the member's predecessor was appointed shall hold office 44615
for the remainder of such term. Any member shall continue in 44616
office subsequent to the expiration date of the member's term 44617
until the member's successor takes office, or until a period of 44618
sixty days has elapsed, whichever occurs first. No person who has 44619

served a full ~~nine-year~~ term as a nonstudent member or more than 44620
~~six years~~ two-thirds of such a term shall be eligible for 44621
reappointment until a period of four years has elapsed since the 44622
last day of the term for which the person previously served. Such 44623
trustees shall receive no compensation for their services, but 44624
shall be paid their actual and necessary expenses while engaged in 44625
the discharge of their official duties. 44626

(B) The student members of the board of trustees of the Ohio 44627
university have no voting power on the board. Student members 44628
shall not be considered as members of the board in determining 44629
whether a quorum is present. Student members shall not be entitled 44630
to attend executive sessions of the board. The student members of 44631
the board shall be appointed by the governor, with the advice and 44632
consent of the senate, from a group of five candidates selected 44633
pursuant to a procedure adopted by the university's student 44634
governments and approved by the university's board of trustees. 44635
~~The initial term of office of one of the student members shall~~ 44636
~~commence on May 14, 1988 and shall expire on May 13, 1989, and the~~ 44637
~~initial term of office of the other student member shall commence~~ 44638
~~on May 14, 1988 and expire on May 13, 1990. Thereafter, terms~~ 44639
Terms of office of student members shall be for two years, ~~each~~ 44640
~~term ending on the same day of the same month of the year as the~~ 44641
~~term it succeeds~~ commencing on the fourteenth day of May and 44642
ending on the thirteenth day of May. In the event that a student 44643
member cannot fulfill the student member's two-year term, a 44644
replacement shall be selected to fill the unexpired term in the 44645
same manner used to make the original selection. 44646

(C) A nonstudent trustee who was appointed under this section 44647
as it existed prior to the effective date of this amendment shall 44648
serve for a nine-year term. A trustee appointed to fill the 44649
vacancy of a nine-year term shall serve for the remainder of that 44650
unexpired nine-year term. Except for a nonstudent trustee 44651

appointed to fill a vacancy for an unexpired nine-year term, terms 44652
of office for a nonstudent trustee appointed on and after the 44653
effective date of this amendment shall be for six years, as 44654
provided in division (A) of this section. 44655

Sec. 3339.01. (A) The government of Miami university shall be 44656
vested in eleven trustees, who shall be appointed by the governor 44657
with the advice and consent of the senate. Two of the trustees 44658
shall be students at Miami university, and their selection and 44659
terms shall be in accordance with division (B) of this section. A 44660
majority of the board constitutes a quorum. ~~Except~~ 44661

Except as provided in division (C) of this section and except 44662
for the terms of student members, terms of office shall be for 44663
~~nine~~ six years, commencing on the first day of March and ending on 44664
the last day of February, ~~except that upon expiration of the~~ 44665
~~trustee term ending on March 1, 1974, the trustee term which~~ 44666
~~succeeds it shall commence on March 2, 1974 and end on February~~ 44667
~~28, 1983; upon expiration of the trustee term ending on March 1,~~ 44668
~~1977, the trustee term which succeeds it shall commence on March~~ 44669
~~2, 1977 and end on February 28, 1986; upon expiration of the~~ 44670
~~trustee term ending on March 1, 1978, the trustee term which~~ 44671
~~succeeds it shall commence on March 2, 1978 and end on February~~ 44672
~~28, 1987; and upon expiration of the trustee term ending on March~~ 44673
~~1, 1979, the trustee term which succeeds it shall commence on~~ 44674
~~March 2, 1979 and end on February 29, 1988.~~ Each trustee shall 44675
hold office from the date of appointment until the end of the term 44676
for which the trustee was appointed. Any trustee appointed to fill 44677
a vacancy occurring prior to the end of the term for which the 44678
trustee's predecessor was appointed shall hold office for the 44679
remainder of such term. Any trustee shall continue in office 44680
subsequent to the expiration date of the trustee's term until a 44681
successor takes office, or until a period of sixty days has 44682
elapsed, whichever occurs first. No person who has served a full 44683

~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 44684
two-thirds of such a term shall be eligible for reappointment 44685
until a period of four years has elapsed since the last day of the 44686
term for which the person previously served. The trustees shall 44687
receive no compensation for their services but shall be paid their 44688
reasonable necessary expenses while engaged in the discharge of 44689
their official duties. 44690

(B) The student members of the board of trustees of Miami 44691
university have no voting power on the board. Student members 44692
shall not be considered as members of the board in determining 44693
whether a quorum is present. Student members shall not be entitled 44694
to attend executive sessions of the board. The student members of 44695
the board shall be appointed by the governor, with the advice and 44696
consent of the senate, from a group of five candidates selected 44697
pursuant to a procedure adopted by the university's student 44698
governments and approved by the university's board of trustees. 44699
~~The initial term of office of one of the student members shall~~ 44700
~~commence on March 1, 1988 and shall expire on February 28, 1989,~~ 44701
~~and the initial term of office of the other student member shall~~ 44702
~~commence on March 1, 1988 and expire on February 28, 1990.~~ 44703
~~Thereafter, terms~~ Terms of office of student members shall be for 44704
two years, each term commencing on the first day of March and 44705
ending on the last day of February. In the event that a student 44706
member cannot fulfill the student member's two-year term, a 44707
replacement shall be selected to fill the unexpired term in the 44708
same manner used to make the original selection. 44709

(C) A nonstudent trustee who was appointed under this section 44710
as it existed prior to the effective date of this amendment shall 44711
serve for a nine-year term. A trustee appointed to fill the 44712
vacancy of a nine-year term shall serve for the remainder of that 44713
unexpired nine-year term. Except for a nonstudent trustee 44714
appointed to fill a vacancy for an unexpired nine-year term, terms 44715

of office for a nonstudent trustee appointed on and after the 44716
effective date of this amendment shall be for six years, as 44717
provided in division (A) of this section. 44718

Sec. 3341.02. (A) The government of Bowling Green state 44719
university is vested in a board of eleven trustees, who shall be 44720
appointed by the governor, with the advice and consent of the 44721
senate. Two of the trustees shall be students at Bowling Green 44722
state university, and their selection and terms shall be in 44723
accordance with division (B) of this section. A majority of the 44724
board constitutes a quorum. ~~Except~~ 44725

Except as provided in division (G) of this section and except 44726
for the terms of student members, terms of office shall be for 44727
~~nine~~ six years, commencing on the seventeenth day of May and 44728
ending on the sixteenth day of May. No person who has served a 44729
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 44730
two-thirds of such a term shall be eligible for reappointment 44731
until a period of four years has elapsed since the last day of the 44732
term for which the person previously served. 44733

(B) The student members of the board of trustees of Bowling 44734
Green state university have no voting power on the board. Student 44735
members shall not be considered as members of the board in 44736
determining whether a quorum is present. Student members shall not 44737
be entitled to attend executive sessions of the board. The student 44738
members of the board shall be appointed by the governor, with the 44739
advice and consent of the senate, from a group of five candidates 44740
selected pursuant to a procedure adopted by the university's 44741
student governments and approved by the university's board of 44742
trustees. ~~The initial term of office of one of the student members~~ 44743
~~shall commence on March 17, 1988, and shall expire on March 16,~~ 44744
~~1989, and the initial term of office of the other student member~~ 44745
~~shall commence on March 17, 1988, and expire on March 16, 1990.~~ 44746

~~After September 22, 2000, terms~~ Terms of office shall commence on 44747
the seventeenth day of May and shall end on the sixteenth day of 44748
May. Terms of office of student members shall be for two years, 44749
each term ending on the same day of the same month of the year as 44750
the term it succeeds. In the event that a student member cannot 44751
fulfill the student member's two-year term, a replacement shall be 44752
selected in the manner used for the original selection to fill the 44753
unexpired term. 44754

(C) The government of Kent state university is vested in a 44755
board of eleven trustees, who shall be appointed by the governor, 44756
with the advice and consent of the senate. Two of the trustees 44757
shall be students at Kent state university, and their selection 44758
and terms shall be in accordance with division (D) of this 44759
section. A majority of the board constitutes a quorum. ~~Except~~ 44760

Except as provided in division (G) of this section and except 44761
for the terms of student members, terms of office shall be for 44762
~~nine~~ six years, commencing on the seventeenth day of May and 44763
ending on the sixteenth day of May. No person who has served a 44764
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 44765
two-thirds of such a term shall be eligible for reappointment 44766
until a period of four years has elapsed since the last day of the 44767
term for which the person previously served. 44768

(D) The student members of the board of trustees of Kent 44769
state university have no voting power on the board. Student 44770
members shall not be considered as members of the board in 44771
determining whether a quorum is present. Student members shall not 44772
be entitled to attend executive sessions of the board. The student 44773
members of the board shall be appointed by the governor, with the 44774
advice and consent of the senate, from a group of five candidates 44775
selected pursuant to a procedure adopted by the university's 44776
student governments and approved by the university's board of 44777
trustees. ~~The initial term of office of one of the student members~~ 44778

~~shall commence on May 17, 1988, and shall expire on May 16, 1989,~~ 44779
~~and the initial term of office of the other student member shall~~ 44780
~~commence on May 17, 1988, and expire on May 16, 1990. Thereafter,~~ 44781
~~terms~~ Terms of office of student members shall be for two years, 44782
each term ending on the same day of the same month of the year as 44783
the term it succeeds commencing on the seventeenth day of May and 44784
ending on the sixteenth day of May. In the event that a student 44785
member cannot fulfill the student member's two-year term, a 44786
replacement shall be selected to fill the unexpired term in the 44787
same manner used to make the original selection. 44788

(E) The trustees shall receive no compensation for their 44789
services but shall be paid their reasonable necessary expenses 44790
while engaged in the discharge of their official duties. 44791

(F) Each trustee shall hold office from the date of 44792
appointment until the end of the term for which the trustee was 44793
appointed. Any trustee appointed to fill a vacancy occurring prior 44794
to the expiration of the term for which the trustee's predecessor 44795
was appointed shall hold office for the remainder of such term. 44796
Any trustee shall continue in office subsequent to the expiration 44797
date of the trustee's term until a successor takes office, or 44798
until a period of sixty days has elapsed, whichever occurs first. 44799

(G) A nonstudent trustee who was appointed to the board of 44800
trustees of either university under this section as it existed 44801
prior to the effective date of this amendment shall serve for a 44802
nine-year term. A trustee appointed to fill the vacancy of a 44803
nine-year term shall serve for the remainder of that unexpired 44804
nine-year term. Except for a nonstudent trustee appointed to fill 44805
a vacancy for an unexpired nine-year term, terms of office for a 44806
nonstudent trustee appointed on and after the effective date of 44807
this amendment shall be for six years, as provided in division (A) 44808
of this section. 44809

Sec. 3343.02. (A) The government of Central state university 44810
shall be vested in a board of trustees to be known as "the board 44811
of trustees of the Central state university." Such board shall 44812
consist of eleven members who shall be appointed by the governor, 44813
with the advice and consent of the senate. Two of the trustees 44814
shall be students at Central state university, and their selection 44815
and terms shall be in accordance with division (B) of this 44816
section. A majority of the board constitutes a quorum. ~~Except~~ 44817

Except as provided in division (C) of this section and except 44818
for the student members, terms of office shall be for ~~nine~~ six 44819
years, commencing on the first day of July and ending on the 44820
thirtieth day of June. Each member shall hold office from the date 44821
of appointment until the end of the term for which the member was 44822
appointed. Any member appointed to fill a vacancy occurring prior 44823
to the expiration of the term for which the member's predecessor 44824
was appointed shall hold office for the remainder of such term. 44825
Any member shall continue in office subsequent to the expiration 44826
date of the member's term until the member's successor takes 44827
office, or until a period of sixty days has elapsed, whichever 44828
occurs first. No person who has served a full ~~nine-year~~ term as a 44829
nonstudent member or more than ~~six years~~ two-thirds of such a term 44830
shall be eligible for reappointment until a period of four years 44831
has elapsed since the last day of the term for which the person 44832
previously served. 44833

(B) The student members of the board of trustees of Central 44834
state university have no voting power on the board. Student 44835
members shall not be considered as members of the board in 44836
determining whether a quorum is present. Student members shall not 44837
be entitled to attend executive sessions of the board. The student 44838
members of the board shall be appointed by the governor, with the 44839
advice and consent of the senate, from a group of five candidates 44840
selected pursuant to a procedure adopted by the university's 44841

student governments and approved by the university's board of 44842
trustees. ~~The initial term of office of one of the student members~~ 44843
~~shall commence on July 1, 1988 and shall expire on June 30, 1989,~~ 44844
~~and the initial term of office of the other student member shall~~ 44845
~~commence on July 1, 1988 and expire on June 30, 1990. Thereafter,~~ 44846
~~terms~~ Terms of office of student members shall be for two years, 44847
each term ending on the same day of the same month of the year as 44848
the term it succeeds commencing on the first day of July and 44849
ending on the thirtieth day of June. In the event that a student 44850
member cannot fulfill a two-year term, a replacement shall be 44851
selected to fill the unexpired term in the same manner used to 44852
make the original selection. 44853

(C) A nonstudent trustee who was appointed under this section 44854
as it existed prior to the effective date of this amendment shall 44855
serve for a nine-year term. A trustee appointed to fill the 44856
vacancy of a nine-year term shall serve for the remainder of that 44857
unexpired nine-year term. Except for a nonstudent trustee 44858
appointed to fill a vacancy for an unexpired nine-year term, terms 44859
of office for a nonstudent trustee appointed on and after the 44860
effective date of this amendment shall be for six years, as 44861
provided in division (A) of this section. 44862

Sec. 3344.01. (A) There is hereby created the Cleveland state 44863
university. The government of the Cleveland state university is 44864
vested in a board of eleven trustees, who shall be appointed by 44865
the governor, with the advice and consent of the senate. Two of 44866
the trustees shall be students at the Cleveland state university, 44867
and their selection and terms shall be in accordance with division 44868
(B) of this section. ~~Except~~ 44869

Except as provided in division (C) of this section and except 44870
for the student members, terms of office shall be for ~~nine~~ six 44871
years, commencing on the second day of May and ending on the first 44872

day of May. Each trustee shall hold office from the date of 44873
appointment until the end of the term for which the trustee was 44874
appointed. Any trustee appointed to fill a vacancy occurring prior 44875
to the expiration of the term for which the trustee's predecessor 44876
was appointed shall hold office for the remainder of such term. 44877
Any trustee shall continue in office subsequent to the expiration 44878
date of the trustee's term until the trustee's successor takes 44879
office, or until a period of sixty days has elapsed, whichever 44880
occurs first. No person who has served a full ~~nine-year~~ term as a 44881
nonstudent member or more than ~~six years two-thirds~~ of such a term 44882
shall be eligible for reappointment until a period of four years 44883
has elapsed since the last day of the term for which the person 44884
previously served. The trustees shall receive no compensation for 44885
their services but shall be paid their reasonable necessary 44886
expenses while engaged in the discharge of their official duties. 44887
A majority of the board constitutes a quorum. 44888

(B) The student members of the board of trustees of the 44889
Cleveland state university have no voting power on the board. 44890
Student members shall not be considered as members of the board in 44891
determining whether a quorum is present. Student members shall not 44892
be entitled to attend executive sessions of the board. The student 44893
members of the board shall be appointed by the governor, with the 44894
advice and consent of the senate, from a group of five candidates 44895
selected pursuant to a procedure adopted by the university's 44896
student governments and approved by the university's board of 44897
trustees. ~~The initial term of office of one of the student members~~ 44898
~~shall commence on May 2, 1988 and shall expire on May 1, 1989, and~~ 44899
~~the initial term of office of the other student member shall~~ 44900
~~commence on May 2, 1988 and expire on May 1, 1990. Thereafter,~~ 44901
~~terms~~ Terms of office of student members shall be for two years, 44902
each term ending on the same day of the same month of the year as 44903
the term it succeeds commencing on the second day of May and 44904
ending on the first day of May. In the event that a student member 44905

cannot fulfill a two-year term, a replacement shall be selected to 44906
fill the unexpired term in the same manner used to make the 44907
original selection. 44908

(C) A nonstudent trustee who was appointed under this section 44909
as it existed prior to the effective date of this amendment shall 44910
serve for a nine-year term. A trustee appointed to fill the 44911
vacancy of a nine-year term shall serve for the remainder of that 44912
unexpired nine-year term. Except for a nonstudent trustee 44913
appointed to fill a vacancy for an unexpired nine-year term, terms 44914
of office for a nonstudent trustee appointed on and after the 44915
effective date of this amendment shall be for six years, as 44916
provided in division (A) of this section. 44917

Sec. 3345.061. (A) Ohio's two-year institutions of higher 44918
education are respected points of entry for students embarking on 44919
post-secondary careers and courses completed at those institutions 44920
are transferable to state universities in accordance with 44921
articulation and transfer agreements developed under sections 44922
3333.16, 3333.161, and 3333.162 of the Revised Code. 44923

(B) Beginning with undergraduate students who commence 44924
undergraduate studies in the 2014-2015 academic year, no state 44925
university listed in section 3345.011 of the Revised Code, except 44926
Central state university, Shawnee state university, and Youngstown 44927
state university, shall receive any state operating subsidies for 44928
any academic remedial or developmental courses for undergraduate 44929
students, including courses prescribed in division (C) of section 44930
3313.603 of the Revised Code, offered at its main campus, except 44931
as provided in divisions (B)(1) to (4) of this section. 44932

(1) In the 2014-2015 and 2015-2016 academic years, a state 44933
university may receive state operating subsidies for academic 44934
remedial or developmental courses completed at the main campus for 44935
not more than three per cent of the total undergraduate credit 44936

hours provided by the university at its main campus. 44937

(2) In the 2016-2017 academic year, a state university may 44938
receive state operating subsidies for academic remedial or 44939
developmental courses completed at the main campus for not more 44940
than fifteen per cent of the first-year students who have 44941
graduated from high school within the previous twelve months and 44942
who are enrolled in the university at its main campus, as 44943
calculated on a full-time-equivalent basis. 44944

(3) In the 2017-2018 academic year, a state university may 44945
receive state operating subsidies for academic remedial or 44946
developmental courses completed at the main campus for not more 44947
than ten per cent of the first-year students who have graduated 44948
from high school within the previous twelve months and who are 44949
enrolled in the university at its main campus, as calculated on a 44950
full-time-equivalent basis. 44951

(4) In the 2018-2019 academic year, a state university may 44952
receive state operating subsidies for academic remedial or 44953
developmental courses completed at the main campus for not more 44954
than five per cent of the first-year students who have graduated 44955
from high school within the previous twelve months and who are 44956
enrolled in the university at its main campus, as calculated on a 44957
full-time-equivalent basis. 44958

Each state university may continue to offer academic remedial 44959
and developmental courses at its main campus beyond the extent for 44960
which state operating subsidies may be paid under this division 44961
and may continue to offer such courses beyond the 2018-2019 44962
academic year. However, the main campus of a state university 44963
shall not receive any state operating subsidies for such courses 44964
above the maximum amounts permitted in this division. 44965

(C) Except as otherwise provided in division (B) of this 44966
section, beginning with students who commence undergraduate 44967

studies in the 2014-2015 academic year, state operating subsidies 44968
for academic remedial or developmental courses offered by state 44969
institutions of higher education may be paid only to Central state 44970
university, Shawnee state university, Youngstown state university, 44971
any university branch, any community college, any state community 44972
college, or any technical college. 44973

(D) Each state university shall grant credit for academic 44974
remedial or developmental courses successfully completed at an 44975
institution described in division (C) of this section pursuant to 44976
any applicable articulation and transfer agreements the university 44977
has entered into in accordance with policies and procedures 44978
adopted under section 3333.16, 3333.161, or 3333.162 of the 44979
Revised Code. 44980

(E) The chancellor of higher education shall do all of the 44981
following: 44982

(1) Withhold state operating subsidies for academic remedial 44983
or developmental courses provided by a main campus of a state 44984
university as required in order to conform to divisions (B) and 44985
(C) of this section; 44986

(2) Adopt uniform statewide standards for academic remedial 44987
and developmental courses offered by all state institutions of 44988
higher education; 44989

(3) Encourage and assist in the design and establishment of 44990
academic remedial and developmental courses by institutions of 44991
higher education; 44992

(4) Define "academic year" for purposes of this section and 44993
section 3345.06 of the Revised Code; 44994

(5) Encourage and assist in the development of articulation 44995
and transfer agreements between state universities and other 44996
institutions of higher education in accordance with policies and 44997
procedures adopted under sections 3333.16, 3333.161, and 3333.162 44998

of the Revised Code. 44999

(F) Not later than December 31, 2012, the presidents, or 45000
equivalent position, of all state institutions of higher 45001
education, or their designees, jointly shall establish uniform 45002
statewide standards in mathematics, science, reading, and writing 45003
each student enrolled in a state institution of higher education 45004
must meet to be considered in remediation-free status. The 45005
presidents also shall establish assessments, if they deem 45006
necessary, to determine if a student meets the standards adopted 45007
under this division. Each institution is responsible for assessing 45008
the needs of its enrolled students in the manner adopted by the 45009
presidents. The board of trustees or managing authority of each 45010
state institution of higher education shall adopt the 45011
remediation-free status standard, and any related assessments, 45012
into the institution's policies. 45013

The chancellor shall assist in coordinating the work of the 45014
presidents under this division. The chancellor shall monitor the 45015
standards in mathematics, science, reading, and writing 45016
established under division (F) of this section to ensure that the 45017
standards adequately demonstrate a student's remediation-free 45018
status. 45019

(G) Each year, not later than a date established by the 45020
chancellor, each state institution of higher education shall 45021
report to the governor, the general assembly, the chancellor, and 45022
the superintendent of public instruction all of the following for 45023
the prior academic year: 45024

(1) The institution's aggregate costs for providing academic 45025
remedial or developmental courses; 45026

(2) The amount of those costs disaggregated according to the 45027
city, local, or exempted village school districts from which the 45028
students taking those courses received their high school diplomas; 45029

(3) Any other information with respect to academic remedial 45030
and developmental courses that the chancellor considers 45031
appropriate. 45032

(H) Not later than December 31, 2011, and the thirty-first 45033
day of each December thereafter, the chancellor and the 45034
superintendent of public instruction shall issue a report 45035
recommending policies and strategies for reducing the need for 45036
academic remediation and developmental courses at state 45037
institutions of higher education. 45038

(I) As used in this section, "state institution of higher 45039
education" has the same meaning as in section 3345.011 of the 45040
Revised Code. 45041

Sec. 3345.062. (A) Not later than December 31, 2017, and each 45042
thirty-first day of December thereafter, the president, or 45043
equivalent position, of each state university shall issue a report 45044
regarding the remediation of students that includes all of the 45045
following: 45046

(1) The number of enrolled students that require remedial 45047
education; 45048

(2) The cost of remedial coursework the state university 45049
provides; 45050

(3) The specific areas of remediation provided by the state 45051
university; 45052

(4) Causes for remediation. 45053

(B) Each president, or equivalent, shall present the findings 45054
of the report to the state university's board of trustees and 45055
shall submit a copy of the report to the chancellor of higher 45056
education and the superintendent of public instruction. 45057

(C) As used in this section, "state university" has the same 45058
meaning as in section 3345.011 of the Revised Code. 45059

Sec. 3345.14. (A) As used in this section, "state college or 45060
university" means any state university or college defined in 45061
division (A)(1) of section 3345.12 of the Revised Code, and any 45062
other institution of higher education defined in division (A)(2) 45063
of that section. 45064

(B) All rights to and interests in discoveries, inventions, 45065
or patents which result from research or investigation conducted 45066
in any experiment station, bureau, laboratory, research facility, 45067
or other facility of any state college or university, or by 45068
employees of any state college or university acting within the 45069
scope of their employment or with funding, equipment, or 45070
infrastructure provided by or through any state college or 45071
university, shall be the sole property of that college or 45072
university. No person, firm, association, corporation, or 45073
governmental agency which uses the facilities of such college or 45074
university in connection with such research or investigation and 45075
no faculty member, employee, or student of such college or 45076
university participating in or making such discoveries or 45077
inventions, shall have any rights to or interests in such 45078
discoveries or inventions, including income therefrom, except as 45079
may, by determination of the board of trustees of such college or 45080
university, be assigned, licensed, transferred, or paid to such 45081
persons or entities in accordance with division (C) of this 45082
section or in accordance with rules adopted under division (D) of 45083
this section. 45084

(C) As may be determined from time to time by the board of 45085
trustees of any state college or university, the college or 45086
university may retain, assign, license, transfer, sell, or 45087
otherwise dispose of, in whole or in part and upon such terms as 45088
the board of trustees may direct, any and all rights to, interests 45089
in, or income from any such discoveries, inventions, or patents 45090
which the college or university owns or may acquire. Such 45091

dispositions may be to any individual, firm, association, 45092
corporation, or governmental agency, or to any faculty member, 45093
employee, or student of the college or university as the board of 45094
trustees may direct. Any and all income or proceeds derived or 45095
retained from such dispositions shall be applied to the general or 45096
special use of the college or university as determined by the 45097
board of trustees of such college or university. 45098

(D)(1) Notwithstanding any provision of the Revised Code to 45099
the contrary, including but not limited to sections 102.03, 45100
102.04, 2921.42, and 2921.43 of the Revised Code, the board of 45101
trustees of any state college or university ~~may~~ shall adopt rules 45102
in accordance with section 111.15 of the Revised Code that set 45103
forth circumstances under which an employee of the college or 45104
university may solicit or accept, and under which a person may 45105
give or promise to give to such an employee, a financial interest 45106
in any firm, corporation, or other association to which the board 45107
has assigned, licensed, transferred, or sold the college or 45108
university's interests in its intellectual property, including 45109
discoveries or inventions made or created by that employee or in 45110
patents issued to that employee. 45111

(2) Rules established under division (D)(1) of this section 45112
shall include the following: 45113

(a) A requirement that each college or university employee 45114
disclose to the college or university board of trustees any 45115
financial interest the employee holds in a firm, corporation, or 45116
other association as described in division (D)(1) of this section; 45117

(b) A requirement that all disclosures made under division 45118
(D)(2)(a) of this section are reviewed by officials designated by 45119
the college or university board of trustees. The officials 45120
designated under this division shall determine the information 45121
that shall be disclosed and safeguards that shall be applied in 45122
order to manage, reduce, or eliminate any actual or potential 45123

conflict of interest. 45124

(c) A requirement that in implementing division (D) of this 45125
section all members of the college or university board of trustees 45126
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 45127
of the Revised Code. 45128

(d) Guidelines to ensure that any financial interest held by 45129
any employee of the college or university does not result in 45130
misuse of the students, employees, or resources of the college or 45131
university for the benefit of the firm, corporation, or other 45132
association in which such interest is held or does not otherwise 45133
interfere with the duties and responsibilities of the employee who 45134
holds such an interest. 45135

(3) Rules established under division (D)(1) of this section 45136
may include other provisions at the discretion of the college or 45137
university board of trustees. 45138

(E) Notwithstanding division (D) of this section, the Ohio 45139
ethics commission retains authority to provide assistance to a 45140
college or university board of trustees in the implementation of 45141
division (D)(2) of this section and to address any matter that is 45142
outside the scope of the exception to division (B) of this section 45143
as set forth in division (D) of this section or as set forth in 45144
rules established under division (D) of this section. 45145

Sec. 3345.35. Not later than ~~January 1, 2016~~ December 31, 45146
2017, and by the first day of ~~January~~ September of every fifth 45147
year thereafter, the board of trustees of each state institution 45148
of higher education, as defined in section 3345.011 of the Revised 45149
Code, shall evaluate all courses and programs the institution 45150
offers based on enrollment and ~~student performance in each course~~ 45151
~~or program~~ duplication of its courses and programs with those of 45152
other state institutions of higher education within a geographic 45153
region, as determined by the chancellor of higher education. For 45154

courses and programs with low enrollment, as defined by the 45155
chancellor ~~of higher education~~, the board of trustees shall 45156
provide a summary of recommended actions, including consideration 45157
of collaboration with other state institutions of higher 45158
education. For duplicative programs, as defined by the chancellor, 45159
the board of trustees shall evaluate the benefits of collaboration 45160
with other institutions of higher education, ~~based on geographic~~ 45161
~~region~~, to deliver the course program. 45162

Each board of trustees shall submit its findings under this 45163
section to the chancellor not later than thirty days after the 45164
completion of the evaluations or as part of submitting the annual 45165
efficiency report required pursuant to section 3333.95 of the 45166
Revised Code. For the findings required to be submitted by 45167
December 31, 2017, a board of trustees may submit the additional 45168
information required under this section as amended by this act, as 45169
an addendum to the findings the board submitted prior to January 45170
1, 2016, under former law. 45171

Sec. 3345.45. (A) On or before January 1, 1994, the 45172
chancellor of higher education jointly with all state 45173
universities, as defined in section 3345.011 of the Revised Code, 45174
shall develop standards for instructional workloads for full-time 45175
and part-time faculty in keeping with the universities' missions 45176
and with special emphasis on the undergraduate learning 45177
experience. The standards shall contain clear guidelines for 45178
institutions to determine a range of acceptable undergraduate 45179
teaching by faculty. 45180

(B) On or before June 30, 1994, the board of trustees of each 45181
state university shall take formal action to adopt a faculty 45182
workload policy consistent with the standards developed under this 45183
section. Notwithstanding section 4117.08 of the Revised Code, the 45184
policies adopted under this section are not appropriate subjects 45185

for collective bargaining. Notwithstanding division (A) of section 45186
4117.10 of the Revised Code, any policy adopted under this section 45187
by a board of trustees prevails over any conflicting provisions of 45188
any collective bargaining agreement between an employees 45189
organization and that board of trustees. 45190

(C)(1) The board of trustees of each state university shall 45191
review the university's policy on faculty tenure and update that 45192
policy to promote excellence in instruction, research, service, or 45193
commercialization, or any combination thereof. 45194

(2) Beginning on January 1, 2018, as a condition for a state 45195
university to receive any state funds for research that are 45196
allocated to the department of higher education under the 45197
appropriation line items referred to as either "research incentive 45198
third frontier fund" or "research incentive third frontier-tax," 45199
the chancellor shall require the university to include multiple 45200
pathways for faculty tenure, one of which may be a 45201
commercialization pathway, in its policy. 45202

Sec. 3345.451. (A) The board of trustees of each state 45203
institution of higher education, as defined in section 3345.011 of 45204
the Revised Code, shall adopt a policy for conducting post-tenure 45205
review that includes development of a comprehensive post-tenure 45206
review plan. Each institution shall supply a copy of that plan to 45207
all tenured faculty. 45208

(B) The policy adopted pursuant to this section shall 45209
accomplish the following objectives: 45210

(1) Facilitate continued faculty development that is 45211
consistent with the academic needs of the state institution of 45212
higher education and the most effective use of institutional 45213
resources; 45214

(2) Ensure accountability through the comprehensive 45215

evaluation of every tenured faculty member's performance. 45216

(C)(1) Each state institution of higher education shall 45217
conduct a post-tenure review of each tenured faculty member at 45218
least once every five years. The review shall indicate whether the 45219
faculty member "exceeds expectations," "meets expectations," or 45220
"does not meet expectations." 45221

(2) A faculty member who is classified as "does not meet 45222
expectations" shall be required to submit a professional 45223
performance improvement plan to address identified areas for 45224
improvement. That plan shall be developed in accordance with 45225
policies provided by the institution through the institution's 45226
provost and in consultation with the appropriate dean of the 45227
college or program. 45228

(3) A tenured faculty member who does not show significant 45229
improvement in the areas identified in the professional 45230
performance improvement plan described in division (C)(2) of this 45231
section shall be subject to discipline, including a reduction in 45232
academic rank and dismissal, if appropriate. 45233

(D) For purposes of this section: 45234

(1) "Does not meet expectations" means a failure, as defined 45235
by the unit, beyond what can be considered the normal range of 45236
year-to-year variation in performance, but of a character that 45237
appears to be subject to correction. 45238

(2) "Exceeds expectations" means a clear and significant 45239
level of accomplishment beyond what is normal for the institution, 45240
discipline, or unit, the faculty rank, or any contractual 45241
expectations as defined by the unit. 45242

(3) "Meets expectations" means a level of accomplishment that 45243
is commensurate with what is normal for the institution, 45244
discipline, unit, the faculty rank, or any contractual 45245
expectations as defined by the unit. 45246

(4) "Tenure" means a faculty status that assures that the faculty member will be able to perform that faculty member's professional institutional responsibilities without fear of arbitrary dismissal, which provides an employment framework that reinforces academic freedom and promotes a professional climate conducive to the success of the institution in fulfilling its mission.

(5) "Unit" means a school, department, program, or other academic equivalent.

Sec. 3345.48. (A) As used in this section: 45256

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who: 45263

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of higher education under section 3333.31 of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of a state university may establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program.

If the board of trustees chooses to establish such a program, the board shall adopt rules for the program that include, but are

not limited to, all of the following: 45277

(1) The number of credit hours required to earn an 45278
undergraduate degree in each major; 45279

(2) A guarantee that the general and instructional fees for 45280
each student in the cohort shall remain constant for four years so 45281
long as the student complies with the requirements of the program, 45282
except that, notwithstanding any law to the contrary, the board 45283
may increase the guaranteed amount by up to six per cent above 45284
~~what has been charged in the previous academic year one time for~~ 45285
~~the first cohort enrolled under the tuition guarantee program. If~~ 45286
~~the board of trustees determines that economic conditions or other~~ 45287
~~circumstances require an increase for the first cohort of above~~ 45288
~~six per cent, the board shall submit a request to increase the~~ 45289
~~amount by a specified percentage to the chancellor. The~~ 45290
~~chancellor, based on information the chancellor requires from the~~ 45291
~~board of trustees, shall approve or disapprove such a request.~~ 45292
~~Thereafter, the board of trustees may increase the guaranteed~~ 45293
~~amount by up to the sum of the following above what has been~~ 45294
~~charged in the previous academic year one time per subsequent~~ 45295
~~cohort.~~ 45296

~~(a) The average rate of inflation, as measured by the~~ 45297
~~consumer price index prepared by the bureau of labor statistics of~~ 45298
~~the United States department of labor (all urban consumers, all~~ 45299
~~items), for the previous sixty month period; and~~ 45300

~~(b) The percentage amount the general assembly restrains~~ 45301
~~increases on in state undergraduate instructional and general fees~~ 45302
~~for the applicable fiscal year. If the general assembly does not~~ 45303
~~enact a limit on the increase of in state undergraduate~~ 45304
~~instructional and general fees, then no limit shall apply under~~ 45305
~~this division for the cohort that first enrolls in any academic~~ 45306
~~year for which the general assembly does not prescribe a limit.~~ 45307

~~If, beginning with the academic year that starts four years after September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other state universities, the board of trustees may submit a request to increase the amount charged to a cohort by a specified percentage to the chancellor, who shall approve or disapprove such a request one time by an amount determined by the board for each cohort enrolled under the tuition guarantee program.~~

(3) A benchmark by which the board sets annual increases in general and instructional fees. This benchmark and any subsequent change to the benchmark shall be subject to approval of the chancellor.

(4) Eligibility requirements for students to participate in the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to complete a degree program within four years, as follows:

(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.

(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.

(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or

courses for completion to the student at a rate determined through 45339
a method established by the board under division (B)(7) of this 45340
section. 45341

(7) Guidelines for adjusting a student's annual charges if 45342
the student, due to circumstances under the student's control, is 45343
unable to complete a degree program within four years; 45344

(8) A requirement that the rules adopted under division (B) 45345
of this section be published or posted in the university handbook, 45346
course catalog, and web site. 45347

(C) If a board of trustees implements a program under this 45348
section, the board shall submit the rules adopted under division 45349
(B) of this section to the chancellor for approval before 45350
beginning implementation of the program. 45351

The chancellor shall not unreasonably withhold approval of a 45352
program if the program conforms in principle with the parameters 45353
and guidelines of this section. 45354

(D) A board of trustees of a state university may establish 45355
an undergraduate tuition guarantee program for nonresident 45356
students. 45357

(E) ~~Within five years after~~ By September 29, ~~2013~~ 2018, the 45358
chancellor shall publish on the chancellor's web site a report 45359
that includes all of the following: 45360

(1) The state universities that have adopted an undergraduate 45361
tuition guarantee program under this section; 45362

(2) The details of each undergraduate tuition guarantee 45363
program established under this section; 45364

(3) Comparative data, including general and instructional 45365
fees, room and board, graduation rates, and retention rates, from 45366
all state universities. 45367

(F) Except as provided in this section, no other limitation 45368

on the increase of in-state undergraduate instructional and 45369
general fees shall apply to a state university that has 45370
established an undergraduate tuition guarantee program under this 45371
section. 45372

Sec. 3345.58. (A) As used in this section, "state institution 45373
of higher education" has the same meaning as in section 3345.011 45374
of the Revised Code. 45375

(B) No state institution of higher education shall refuse to 45376
accept college credit earned in this state within the past five 45377
years as a substitute for comparable coursework offered at the 45378
institution. Additionally, no state institution shall refuse to 45379
accept advanced or upper level coursework completed in the past 45380
five years in this state as a substitute for comparable core or 45381
lower level coursework. 45382

If college credit was earned in this state more than five 45383
years ago, the state institution shall permit the student to take 45384
a competency-based assessment in the relevant subject area. If the 45385
student passes the assessment, the state institution shall excuse 45386
the student from completing the applicable course and shall grant 45387
credit to the student for that course. 45388

Sec. 3345.59. (A) As used in this section: 45389

(1) "Information technology center" means a center 45390
established under section 3301.075 of the Revised Code. 45391

(2) "State institution of higher education" and "state 45392
university" have the same meanings as in section 3345.011 of the 45393
Revised Code. 45394

(B) Not later than June 30, 2018, all state institutions of 45395
higher education that are located in the same region of the state, 45396
as defined by the chancellor of higher education, shall enter into 45397
an agreement providing for the creation of a compact. Under that 45398

<u>agreement, the compact shall do all of the following:</u>	45399
<u>(1) Examine whether unnecessary duplication of academic programming exists;</u>	45400
	45401
<u>(2) Develop strategies to address the workforce education needs of the region;</u>	45402
	45403
<u>(3) Enhance the sharing of resources between institutions to align educational pathways and to increase access within the region. For these purposes, the compact shall do all of the following:</u>	45404
	45405
	45406
	45407
<u>(a) Provide and share resources and programming to improve academic performance and opportunities to address the workforce needs of the region;</u>	45408
	45409
	45410
<u>(b) Identify, develop, and implement shared curriculum and resources to promote educational pathways that minimize the time required to earn a degree. This may include, but is not limited to, curriculum delivered using open educational resources and online formats.</u>	45411
	45412
	45413
	45414
	45415
<u>(c) Analyze operational costs and implement cost-effective procedures that support greater access and opportunities for students in the region.</u>	45416
	45417
	45418
<u>(4) Reduce operational and administrative costs to provide more learning opportunities and collaboration in the region;</u>	45419
	45420
<u>(5) Enhance career counseling and experiential learning opportunities for students;</u>	45421
	45422
<u>(6) Expand alternative education delivery models such as competency-based and project-based learning;</u>	45423
	45424
<u>(7) Develop a strategy to increase collaboration and pathways with information technology centers, adult basic and literacy education programs, and school districts in the region;</u>	45425
	45426
	45427
<u>(8) Develop strategies to enhance the sharing of resources</u>	45428

between institutions to improve and expand the capacity and 45429
capability for research and development; 45430

(9) Identify and implement the best use of university 45431
regional campuses to reflect the goals described in division (B) 45432
of this section. 45433

(C) Nothing in this section shall prohibit a state 45434
institution of higher education from entering into multiple 45435
agreements under division (B) of this section. Additionally, there 45436
is no limit to the number, or the number of each type, of state 45437
institutions of higher education that may enter into an agreement 45438
under that division. 45439

(D) In addition to any agreement entered into pursuant to 45440
division (B) of this section, each state institution of higher 45441
education that is designated a land grant college under the 45442
federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the 45443
"Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any 45444
subsequent act of congress, also shall to enter into an agreement 45445
providing for the creation of a compact that enhances 45446
collaboration between state institutions designated as land grant 45447
colleges. 45448

(E) Each state institution of higher education shall include 45449
in its annual efficiency report to the chancellor the efficiencies 45450
produced as a result of each compact to which the institution 45451
belongs. 45452

Sec. 3347.091. (A) Real property or buildings a university 45453
housing commission identifies as a property site for development 45454
or redevelopment under section 3347.09 of the Revised Code may be 45455
situated within or outside of the political subdivision in which 45456
the administrative offices of the university identified with the 45457
commission are principally located. 45458

(B) If located entirely outside of the political subdivision, 45459
but not less than thirty-three per cent of the property site's 45460
boundary is contiguous, continuously or otherwise, to other 45461
university-owned or leased property, then all of the following 45462
apply: 45463

(1) The uses specified in section 3347.09 of the Revised Code 45464
are unconditionally permitted on the property site. 45465

(2) The property site may be developed to accommodate 45466
population and structural densities exhibited in any other 45467
developed real property and buildings owned or leased by the 45468
university or commission for the purposes provided in section 45469
3347.09 of the Revised Code. 45470

(3) None of the following may be enforced, to the extent they 45471
prohibit, condition, limit, or impair either the development of a 45472
property site in accordance with this section or the housing or 45473
structural types or dimensions proposed for such purposes: 45474

(a) Land use laws enacted by a municipality, township, city, 45475
or county; 45476

(b) Subdivision regulations; 45477

(c) Any other similar lawfully binding provision. 45478

(C) Nothing in this section shall be construed to impair or 45479
prohibit a commission or university from acquiring title to real 45480
property or buildings leased or proposed to be leased in 45481
accordance with this section. 45482

Sec. 3350.10. (A) There is hereby created the northeast Ohio 45483
medical university. The principal goal of the medical university 45484
shall be to collaborate with the university of Akron, Cleveland 45485
state university, Kent state university, and Youngstown state 45486
university to graduate physicians oriented to the practice of 45487
medicine at the community level, especially family physicians. To 45488

accomplish this goal, the medical university may incorporate in 45489
the clinical experience provided its students the several 45490
community hospitals in the cities and areas served by the medical 45491
university; utilize practicing physicians as teachers; and to the 45492
fullest extent possible utilize the basic science capabilities of 45493
the university of Akron, Cleveland state university, Kent state 45494
university, and Youngstown state university. 45495

~~(1) Until December 22, 2008, the government of the northeast 45496
Ohio medical university is vested in a nine member board of 45497
trustees consisting of the presidents of the university of Akron, 45498
Kent state university, and Youngstown state university; one member 45499
each of the boards of trustees of the university of Akron, Kent 45500
state university, and Youngstown state university, to be appointed 45501
by their respective boards of trustees for a term of six years 45502
ending on the first day of May or until the trustee's term on the 45503
respective university board of trustees expires, whichever occurs 45504
first; and one person each to be appointed by the boards of 45505
trustees of the university of Akron, Kent state university, and 45506
Youngstown state university, for a term of nine years ending on 45507
the first day of May; except that the term of those first 45508
appointed by the several boards of trustees shall expire on the 45509
first day of May next following their appointment. Vacancies shall 45510
be filled for the unexpired term in the manner provided for 45511
original appointment. The trustees shall receive no compensation 45512
for their services but shall be paid their reasonable necessary 45513
expenses while engaged in the discharge of their official duties. 45514
A majority of the board constitutes a quorum. 45515~~

~~(2) Beginning December 22, 2008, the The government of the 45516
northeast Ohio medical university is vested in a board of eleven 45517
trustees, who shall be appointed by the governor, with the advice 45518
and consent of the senate. Two of the trustees shall be current 45519
students of the medical university, and their selection and terms 45520~~

shall be in accordance with division (B) of this section. ~~Except~~ 45521

~~Except~~ as provided in division (A)~~(3)~~(2) of this section and 45522
except for the student members, terms of office shall be for ~~nine~~ 45523
six years commencing on the second day of May and ending on the 45524
first day of May. Each trustee shall hold office from the date of 45525
appointment until the end of the term for which the trustee was 45526
appointed. Any trustee appointed to fill a vacancy occurring prior 45527
to the expiration of the term for which the trustee's predecessor 45528
was appointed shall hold office for the remainder of such term. 45529
Any trustee shall continue in office subsequent to the expiration 45530
date of the trustee's term until the trustee's successor takes 45531
office, or until a period of sixty days has elapsed, whichever 45532
occurs first. No person who has served a full ~~nine-year~~ term as a 45533
nonstudent member or more than ~~six years~~ two-thirds of such a term 45534
shall be eligible for reappointment until a period of four years 45535
has elapsed since the last day of the term for which the person 45536
previously served. The trustees shall receive no compensation for 45537
their services but shall be paid their reasonable necessary 45538
expenses while engaged in the discharge of their official duties. 45539
A majority of the board constitutes a quorum. 45540

~~(3) Not later than December 22, 2008, the governor, with the~~ 45541
~~advice and consent of the senate, shall appoint the two student~~ 45542
~~trustees and successors for the trustees serving under division~~ 45543
~~(A)(1) of this section. Except for the student trustees, who shall~~ 45544
~~serve terms pursuant to division (B) of this section, the initial~~ 45545
~~terms of office for trustees appointed under division (A)(2) of~~ 45546
~~this section shall be as follows: one term ending September 23,~~ 45547
~~2009; one term ending September 23, 2010; one term ending~~ 45548
~~September 23, 2011; one term ending September 23, 2012; one term~~ 45549
~~ending September 23, 2013; one term ending September 23, 2014; one~~ 45550
~~term ending September 23, 2015; one term ending September 23,~~ 45551
~~2016; one term ending September 23, 2017. Thereafter, terms of~~ 45552

~~office shall be for nine years, as provided in division (A)(2) of
this section.~~ 45553
45554

(2) A nonstudent trustee who was appointed under this section
as it existed prior to the effective date of this amendment shall
serve for a nine-year term. A trustee appointed to fill the
vacancy of a nine-year term shall serve for the remainder of that
unexpired nine-year term. Except for a nonstudent trustee
appointed to fill a vacancy for an unexpired nine-year term, terms
of office for a nonstudent trustee appointed on and after the
effective date of this amendment shall be for six years, as
provided in division (A)(1) of this section. 45555
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(B) The student members of the board of trustees of the 45564
northeast Ohio medical university have no voting power on the 45565
board. Student members shall not be considered as members of the 45566
board in determining whether a quorum is present. Student members 45567
shall not be entitled to attend executive sessions of the board. 45568
The student members of the board shall be appointed by the 45569
governor, with the advice and consent of the senate, from a group 45570
of five candidates selected pursuant to a procedure adopted by the 45571
university's student governments and approved by the university's 45572
board of trustees. ~~The initial term of office of one of the~~ 45573
~~student members shall commence December 22, 2008, and shall expire~~ 45574
~~on June 30, 2009, and the initial term of office of the other~~ 45575
~~student member shall commence December 22, 2008, and shall expire~~ 45576
~~on June 30, 2010. Thereafter, terms~~ Terms of office of student 45577
members shall be for two years, ~~each term ending on the same day~~ 45578
~~of the same month of the year as the term it succeeds~~ commencing 45579
on the first day of July and ending on the thirtieth day of June. 45580
In the event that a student member cannot fulfill a two-year term, 45581
a replacement shall be selected to fill the unexpired term in the 45582
same manner used to make the original selection. 45583

Sec. 3352.01. (A) There is hereby created a state university 45584
to be known as "Wright state university." The government of Wright 45585
state university is vested in a board of eleven trustees, who 45586
shall be appointed by the governor, with the advice and consent of 45587
the senate. Two of the trustees shall be students at Wright state 45588
university, and their selection and terms shall be in accordance 45589
with division (B) of this section. ~~Except~~ 45590

Except as provided in division (C) of this section and except 45591
for the terms of student members, terms of office shall be for 45592
~~nine~~ six years, commencing on the first day of July and ending on 45593
the thirtieth day of June. Each trustee shall hold office from the 45594
date of appointment until the end of the term for which the 45595
trustee was appointed. Any trustee appointed to fill a vacancy 45596
occurring prior to the expiration of the term for which the 45597
trustee's predecessor was appointed shall hold office for the 45598
remainder of such term. Any trustee shall continue in office 45599
subsequent to the expiration date of the trustee's term until the 45600
trustee's successor takes office, or until a period of sixty days 45601
has elapsed, whichever occurs first. No person who has served a 45602
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 45603
two-thirds of such a term shall be eligible for reappointment 45604
until a period of four years has elapsed since the last day of the 45605
term for which the person previously served. The trustees shall 45606
receive no compensation for their services but shall be paid their 45607
reasonable necessary expenses while engaged in the discharge of 45608
their official duties. A majority of the board constitutes a 45609
quorum. 45610

(B) The student members of the board of trustees of Wright 45611
state university have no voting power on the board. Student 45612
members shall not be considered as members of the board in 45613
determining whether a quorum is present. Student members shall not 45614
be entitled to attend executive sessions of the board. The student 45615

members of the board shall be appointed by the governor, with the 45616
advice and consent of the senate, from a group of five candidates 45617
selected pursuant to a procedure adopted by the university's 45618
student governments and approved by the university's board of 45619
trustees. ~~The initial term of office of one of the student members~~ 45620
~~shall commence on July 1, 1988 and shall expire on June 30, 1989,~~ 45621
~~and the initial term of office of the other student member shall~~ 45622
~~commence on July 1, 1988 and shall expire on June 30, 1990.~~ 45623
~~Thereafter, terms~~ Terms of office of student members shall be for 45624
two years, ~~each term ending on the same day of the same month of~~ 45625
~~the year as the term it succeeds~~ commencing on the first day of 45626
July and ending on the thirtieth day of June. In the event that a 45627
student member cannot fulfill a two-year term, a replacement shall 45628
be selected to fill the unexpired term in the same manner used to 45629
make the original selection. 45630

(C) A nonstudent trustee who was appointed under this section 45631
as it existed prior to the effective date of this amendment shall 45632
serve for a nine-year term. A trustee appointed to fill the 45633
vacancy of a nine-year term shall serve for the remainder of that 45634
unexpired nine-year term. Except for a nonstudent trustee 45635
appointed to fill a vacancy for an unexpired nine-year term, terms 45636
of office for a nonstudent trustee appointed on and after the 45637
effective date of this amendment shall be for six years, as 45638
provided in division (A) of this section. 45639

Sec. 3354.01. As used in sections 3354.01 to 3354.18 of the 45640
Revised Code: 45641

(A) "Community college district" means a political 45642
subdivision of the state and a body corporate with all the powers 45643
of a corporation, comprised of the territory of one or more 45644
contiguous counties having together a total population of not less 45645
than seventy-five thousand preceding the establishment of such 45646

district, and organized for the purpose of establishing, owning, 45647
and operating a community college within the territory of such 45648
district. 45649

(B) "Contiguous counties" means counties so located that each 45650
such county shares at least one boundary in common with at least 45651
one other such county in the group of counties referred to as 45652
being "contiguous." 45653

(C) "Community college" means a public institution of 45654
education beyond the high school organized for the principal 45655
purpose of providing for the people of the community college 45656
district wherein such college is situated the instructional 45657
programs defined in this section as "arts and sciences" and 45658
"technical," or either, and may include the "adult-education" 45659
program as defined in this section. Except for applied bachelor's 45660
degree programs offered approved by the chancellor of higher 45661
education under section ~~3354.071~~ 3333.051 of the Revised Code, 45662
instructional programs shall not exceed two years in duration. 45663

A university maintained and operated by a municipality 45664
located in a county having a total population equal to the 45665
requirement for a community college district as set forth in 45666
division (A) of section 3354.01 of the Revised Code and is found 45667
by the chancellor of higher education to offer instructional 45668
programs which are needed in the community and which are 45669
equivalent to those required of community colleges shall be, for 45670
the purposes of receiving state or federal financial aid only, 45671
considered a community college and shall receive the same state 45672
financial assistance granted to community colleges but only in 45673
respect to students enrolled in their first and second year of 45674
post high school education in the kinds of instructional programs 45675
offered by the municipal university. 45676

(D) "Arts and sciences program" means both of the following: 45677

(1) A curricular program of two years or less duration, 45678
provided within a community college, planned and intended to 45679
enable students to gain academic credit for courses generally 45680
comparable to courses offered in the first two years in accredited 45681
colleges and universities in the state, and designed either to 45682
enable students to transfer to such colleges and universities for 45683
the purpose of earning baccalaureate degrees or to enable students 45684
to terminate academic study after two years with a proportionate 45685
recognition of academic achievement. 45686

(2) ~~A~~ An applied bachelor's degree program approved and 45687
offered under section ~~3354.071~~ 3333.051 of the Revised Code. 45688

(E) "Adult-education program" means the dissemination of post 45689
high school educational service and knowledge, by a community 45690
college, for the occupational, cultural, or general educational 45691
benefit of adult persons, such educational service and knowledge 45692
not being offered for the primary purpose of enabling such persons 45693
to obtain academic credit or other formal academic recognition. 45694

(F) "Charter amendment" means a change in the official plan 45695
of a community college for the purpose of acquiring additional 45696
lands or structures, disposing of or transferring lands or 45697
structures, erection of structures, or creating or abolishing of 45698
one or more academic departments corresponding to generally 45699
recognized fields of academic study. 45700

(G) "Technical program" means a post high school curricular 45701
program of two years or less duration, provided within a community 45702
college, planned and intended to enable students to gain academic 45703
credit for courses designed to prepare such students to meet the 45704
occupational requirements of the community. 45705

(H) "Operating costs" means all expenses for all purposes of 45706
the community college district except expenditures for permanent 45707
improvements having an estimated life of usefulness of five years 45708

or more as certified by the fiscal officer of the community college district. 45709
45710

(I) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code. 45711
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Sec. 3354.09. The board of trustees of a community college district may: 45713
45714

(A) Own and operate a community college, pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code, or enter into a contract with a generally accredited public university or college for operation of such community college by such university or college pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code; 45715
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(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell real and personal property as is necessary for the conduct of the program of the community college on whatever terms and for whatever consideration may be appropriate for the purpose of the college; 45722
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(C) Accept gifts, grants, bequests, and devises absolutely or in trust for support of the college during the existence of the college; 45727
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(D) Appoint the administrative officers, faculty, and staff, necessary and proper for such community college, and fix their compensation except in instances in which the board of trustees has delegated such powers to a college or university operating such community college pursuant to a contract entered into by the board of trustees of the district; 45730
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(E) Provide for a community college necessary lands, buildings or other structures, equipment, means, and appliances; 45736
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(F) Develop and adopt, pursuant to the official plan, the 45738

curricular programs identified in section 3354.01 of the Revised Code as arts and sciences programs and technical programs, or either. Such programs may include adult-education programs.

(G) Except as provided in sections 3333.17 and 3333.32 of the Revised Code, establish schedules of fees and tuition for students who are residents of the district, residents of Ohio but not of the district, and students who are nonresidents of Ohio. The establishment of rules governing the determination of residence shall be subject to approval of the ~~Ohio board of regents~~ chancellor of higher education. Students who are nonresidents of Ohio shall be required to pay higher rates of fees and tuition than the rates required of students who are residents of Ohio but not of the district, and students who are residents of the district shall pay a smaller tuition and fee rate than the rate for either category of nonresident students.

(H) Authorize, approve, ratify, or confirm any agreement relating to any such community college with the United States government, acting through any agency of such government designated or created to aid in the financing of such projects, or with any person or agency offering grants in aid in financing such educational facilities or the operation of such facilities except as prohibited in division (K) of this section.

Such agreement may include a provision for repayment of advances, grants, or loans made to any community college district from funds which may become available to it.

When the United States government or its agent makes a grant of money to any community college district to aid in paying the cost of any projects of such district, or enters into an agreement with the community college district for the making of any such grant of money, the amount thereof is deemed appropriated for such purpose by the community college district and is deemed in process of collection within the meaning of section 5705.41 of the Revised

Code.	45771
(I) Grant appropriate certificates of achievement <u>or degrees</u>	45772
to students successfully completing the community college	45773
programs;	45774
(J) Prescribe rules for the effective operation of a	45775
community college and exercise such other powers as are necessary	45776
for the efficient management of such college;	45777
(K) Receive and expend gifts or grants from the state for the	45778
payment of operating costs, for the acquisition, construction, or	45779
improvement of buildings or other structures, or for the	45780
acquisition or use of land. In no event shall state gifts or	45781
grants be expended for the support of adult-education programs.	45782
Gifts or grants from the state for operating costs shall not in	45783
any biennium exceed the amount recommended by the Ohio board of	45784
regents <u>chancellor</u> to the governor as provided in Chapter 3333. of	45785
the Revised Code. Such gifts or grants shall be distributed to	45786
such districts in equal quarter-annual payments, unless otherwise	45787
provided or authorized in any act appropriating moneys for such	45788
purposes, on or before the last day of February, May, August, and	45789
November in each year.	45790
(L) Retain consultants in the fields of education, planning,	45791
architecture, law, engineering, or other fields of professional	45792
skill;	45793
(M) Purchase:	45794
(1) A policy or policies of insurance insuring the district	45795
against loss of or damage to property, whether real, personal, or	45796
mixed, which is owned by the district or leased by it as lessee or	45797
which is in the process of construction by or for the district;	45798
(2) A policy or policies of fidelity insurance in such	45799
amounts and covering such trustees, officers, and employees of the	45800
district as it considers necessary or desirable;	45801

(3) A policy or policies of liability insurance from an 45802
insurer or insurers licensed to do business in this state insuring 45803
its members, officers, and employees against all civil liability 45804
arising from an act or omission by the member, officer, or 45805
employee when the member, officer, or employee is not acting 45806
manifestly outside the scope of employment or official 45807
responsibilities with the institution, with malicious purpose or 45808
bad faith, or in a wanton or reckless manner, or may otherwise 45809
provide for the indemnification of such persons against such 45810
liability. All or any portion of the cost, premium, or charge for 45811
such a policy or policies or indemnification payment may be paid 45812
from any funds under the institution's control. The policy or 45813
policies of liability insurance or the indemnification policy of 45814
the institution may cover any risks including, but not limited to, 45815
damages resulting from injury to property or person, professional 45816
liability, and other special risks, including legal fees and 45817
expenses incurred in the defense or settlement of claims for such 45818
damages. 45819

(4) A policy or policies of insurance insuring the district 45820
against any liabilities to which it may be subject on account of 45821
damage or injury to persons or property, including liability for 45822
wrongful death. 45823

(N) Designate one or more employees of the institution as 45824
state university law enforcement officers, to serve and have 45825
duties as prescribed in section 3345.04 of the Revised Code. 45826

Any instrument by which real property is acquired pursuant to 45827
this section shall identify the agency of the state that has the 45828
use and benefit of the real property as specified in section 45829
5301.012 of the Revised Code. 45830

Sec. 3356.01. (A) There is hereby created Youngstown state 45831
university. The government of Youngstown state university is 45832

vested in a board of eleven trustees, who shall be appointed by 45833
the governor, with the advice and consent of the senate. Two of 45834
the trustees shall be students at Youngstown state university, and 45835
their selection and terms shall be in accordance with division (B) 45836
of this section. ~~Except~~ 45837

Except as provided in division (C) of this section and except 45838
for the terms of student members, terms of office shall be for 45839
~~nine~~ six years, commencing on the second day of May and ending on 45840
the first day of May. Each trustee shall hold office from the date 45841
of appointment until the end of the term for which the trustee was 45842
appointed. Any trustee appointed to fill a vacancy occurring prior 45843
to the expiration of the term for which the trustee's predecessor 45844
was appointed shall hold office for the remainder of such term. 45845
Any trustee shall continue in office subsequent to the expiration 45846
date of the trustee's term until the trustee's successor takes 45847
office, or until a period of sixty days has elapsed, whichever 45848
occurs first. No person who has served a full ~~nine-year~~ term as a 45849
nonstudent member or more than ~~six years~~ two-thirds of such a term 45850
shall be eligible to reappointment until a period of four years 45851
has elapsed since the last day of the term for which the person 45852
previously served. The trustees shall receive no compensation for 45853
their services but shall be paid their reasonable necessary 45854
expenses while engaged in the discharge of their duties. A 45855
majority of the board constitutes a quorum. 45856

(B) The student members of the board of trustees of 45857
Youngstown state university have no voting power on the board. 45858
Student members shall not be considered as members of the board in 45859
determining whether a quorum is present. Student members shall not 45860
be entitled to attend executive sessions of the board. The student 45861
members of the board shall be appointed by the governor, with the 45862
advice and consent of the senate, from a group of five candidates 45863
selected pursuant to a procedure adopted by the university's 45864

student governments and approved by the university's board of 45865
trustees. ~~The initial term of office of one of the student members~~ 45866
~~shall commence on May 2, 1988 and shall expire on May 1, 1989, and~~ 45867
~~the initial term of office of the other student member shall~~ 45868
~~commence on May 2, 1988 and expire on May 1, 1990. Thereafter,~~ 45869
~~terms~~ Terms of office of student members shall be for two years, 45870
each term ending on the same day of the same month of the year as 45871
the term it succeeds commencing on the second day of May and 45872
ending on the first day of May. In the event that a student member 45873
cannot fulfill a two-year term, a replacement shall be selected to 45874
fill the unexpired term in the same manner used to make the 45875
original selection. 45876

(C) A nonstudent trustee who was appointed under this section 45877
as it existed prior to the effective date of this amendment shall 45878
serve for a nine-year term. A trustee appointed to fill the 45879
vacancy of a nine-year term shall serve for the remainder of that 45880
unexpired nine-year term. Except for a nonstudent trustee 45881
appointed to fill a vacancy for an unexpired nine-year term, terms 45882
of office for a nonstudent trustee appointed on and after the 45883
effective date of this amendment shall be for six years, as 45884
provided in division (A) of this section. 45885

Sec. 3357.01. As used in this chapter: 45886

(A) "Technical college" means an institution of education 45887
beyond the high school, including an institution of higher 45888
education, organized for the principal purpose of providing for 45889
the residents of the technical college district, wherein such 45890
college is situated, any one or more of the instructional programs 45891
defined in this section as "technical college," or 45892
"adult-education technical programs," normally not exceeding two 45893
years' duration and not leading to a baccalaureate degree, except 45894
as provided in section 3333.051 of the Revised Code. 45895

(B) "Technical college district" means a political subdivision of the state and a body corporate with all the powers of a corporation, comprised of the territory of a city school district or a county, or two or more contiguous school districts or counties, which meets the standards prescribed by the ~~Ohio board of regents~~ chancellor of higher education pursuant to section 3357.02 of the Revised Code, and which is organized for the purpose of establishing, owning, and operating one or more technical colleges within the territory of such district.

(C) "Contiguous school districts or counties" means school districts or counties so located that each such school district or county shares at least one boundary or a portion thereof in common with at least one other such school district or county in the group of school districts or counties referred to as being "contiguous."

(D) "Technical college program" means a post high school curricular program provided within a technical college, planned and intended to qualify students, after satisfactory completion of such a program normally two years in duration, to pursue careers in which they provide immediate technical assistance to professional or managerial persons generally required to hold baccalaureate or higher academic degrees in technical or professional fields. The technical and professional fields referred to in this section include, but are not limited to, engineering and physical, medical, or other sciences.

(E) "Adult-education technical program" means the dissemination of post high school technical education service and knowledge, for the occupational, or general educational benefit of adult persons.

(F) "Charter amendment" means a change in the official plan of a technical college for the purpose of acquiring additional lands or structures, disposing of or transferring lands or

structures, erecting structures, creating or abolishing technical 45928
college or adult education technical curricular programs. 45929

(G) "Baccalaureate-oriented associate degree program" means a 45930
curricular program of not more than two years' duration that is 45931
planned and intended to enable students to gain academic credit 45932
for courses comparable to first- and second-year courses offered 45933
by accredited colleges and universities. The purpose of 45934
baccalaureate-oriented associate degree coursework in technical 45935
colleges is to enable students to transfer to colleges and 45936
universities and earn baccalaureate degrees or to enable students 45937
to terminate academic study after two years with a proportionate 45938
recognition of academic achievement through receipt of an 45939
associate degree. 45940

(H) "Applied bachelor's degree" has the same meaning as in 45941
section 3333.051 of the Revised Code. 45942

Sec. 3357.09. The board of trustees of a technical college 45943
district may: 45944

(A) Own and operate a technical college, pursuant to an 45945
official plan prepared and approved in accordance with section 45946
3357.07 of the Revised Code; 45947

(B) Hold, encumber, control, acquire by donation, purchase, 45948
or condemnation, construct, own, lease, use, and sell, real and 45949
personal property as necessary for the conduct of the program of 45950
the technical college on whatever terms and for whatever 45951
consideration may be appropriate for the purposes of the 45952
institution; 45953

(C) Accept gifts, grants, bequests, and devises absolutely or 45954
in trust for support of the technical college; 45955

(D) Appoint the president, faculty, and such other employees 45956
as necessary and proper for such technical college, and fix their 45957

compensation; 45958

(E) Provide for a technical college necessary lands, 45959
buildings or other structures, equipment, means, and appliances; 45960

(F) Develop and adopt, pursuant to the official plan, any one 45961
or more of the curricular programs identified in section 3357.01 45962
of the Revised Code as technical-college programs, or 45963
adult-education technical programs, and applied bachelor's degree 45964
programs under section 3333.051 of the Revised Code; 45965

(G) Except as provided in sections 3333.17 and 3333.32 of the 45966
Revised Code, establish schedules of fees and tuition for: 45967
students who are residents of the district; students who are 45968
residents of Ohio but not of the district; students who are 45969
nonresidents of Ohio. The establishment of rules governing the 45970
determination of residence shall be subject to approval of the 45971
~~Ohio board of regents~~ chancellor of higher education. Students who 45972
are nonresidents of Ohio shall be required to pay higher rates of 45973
fees and tuition than the rates required of students who are 45974
residents of Ohio but not of the district, and students who are 45975
residents of the district shall pay smaller tuition and fee rates 45976
than the rates for either of the above categories of nonresident 45977
students, except that students who are residents of Ohio but not 45978
of the district shall be required to pay higher fees and tuition 45979
than students who are residents of the district only when a 45980
district tax levy has been adopted and is in effect under the 45981
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 45982
Code. 45983

(H) Authorize, approve, ratify, or confirm, with approval of 45984
the ~~Ohio board of regents~~ chancellor, any agreement with the 45985
United States government, acting through any agency designated to 45986
aid in the financing of technical college projects, or with any 45987
person, organization, or agency offering grants-in-aid for 45988
technical college facilities or operation; 45989

(I) Receive assistance for the cost of equipment and for the 45990
operation of such technical colleges from moneys appropriated for 45991
technical education or for matching of Title VIII of the "National 45992
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 45993
Moneys shall be distributed by the ~~Ohio board of regents~~ 45994
chancellor in accordance with rules which the board shall 45995
establish governing its allocations to technical colleges 45996
chartered under section 3357.07 of the Revised Code. 45997

(J) Grant appropriate associate degrees to students 45998
successfully completing the technical college programs, 45999
appropriate applied bachelor's degrees to students successfully 46000
completing applied bachelor's degree programs, and certificates of 46001
achievement to those students who complete other programs; 46002

(K) Prescribe rules for the effective operation of a 46003
technical college, and exercise such other powers as are necessary 46004
for the efficient management of such college; 46005

(L) Enter into contracts and conduct technical college 46006
programs or technical courses outside the technical college 46007
district; 46008

(M) Enter into contracts with the board of education of any 46009
local, exempted village, or city school district or the governing 46010
board of any educational service center to permit the school 46011
district or service center to use the facilities of the technical 46012
college district; 46013

(N) Designate one or more employees of the institution as 46014
state university law enforcement officers, to serve and have 46015
duties as prescribed in section 3345.04 of the Revised Code; 46016

(O) Subject to the approval of the ~~Ohio board of regents~~ 46017
chancellor, offer technical college programs or technical courses 46018
for credit at locations outside the technical college district. 46019
For purposes of computing state aid, students enrolled in such 46020

courses shall be deemed to be students enrolled in programs and 46021
courses at off-campus locations in the district. 46022

(P) Purchase a policy or policies of liability insurance from 46023
an insurer or insurers licensed to do business in this state 46024
insuring its members, officers, and employees against all civil 46025
liability arising from an act or omission by the member, officer, 46026
or employee, when the member, officer, or employee is not acting 46027
manifestly outside the scope of the member's, officer's, or 46028
employee's employment or official responsibilities with the 46029
institution, with malicious purpose or bad faith, or in a wanton 46030
or reckless manner, or may otherwise provide for the 46031
indemnification of such persons against such liability. All or any 46032
portion of the cost, premium, or charge for such a policy or 46033
policies or indemnification payment may be paid from any funds 46034
under the institution's control. The policy or policies of 46035
liability insurance or the indemnification policy of the 46036
institution may cover any risks including, but not limited to, 46037
damages resulting from injury to property or person, professional 46038
liability, and other special risks, including legal fees and 46039
expenses incurred in the defense or settlement of claims for such 46040
damages. 46041

Any instrument by which real property is acquired pursuant to 46042
this section shall identify the agency of the state that has the 46043
use and benefit of the real property as specified in section 46044
5301.012 of the Revised Code. 46045

Sec. 3357.19. ~~The Ohio board of regents~~ chancellor of higher 46046
education shall: 46047

(A) Promulgate rules, regulations, and standards in 46048
conformity with Chapter 119. of the Revised Code relative to the 46049
qualifications of teaching personnel in technical colleges, and 46050
require conformity to all such rules, regulations, and standards 46051

as a condition upon the issuance of a charter to any technical 46052
college and upon the continued operation of such colleges; 46053

(B) Promulgate rules, regulations, and standards relative to 46054
the quality and content of instructional courses in technical 46055
colleges, and relative to the awarding of certificates of 46056
achievement or ~~associate~~ degrees to students in such colleges, and 46057
require conformity to all such rules, regulations, and standards 46058
as a condition upon the issuance of a charter to any technical 46059
college and upon the continued operation of such college; 46060

(C) Conduct studies and examinations of the operation and 46061
facilities of technical colleges, and require reports from such 46062
colleges, from time to time as the ~~board~~ chancellor deems 46063
necessary, and revoke or suspend pursuant to Chapter 119. of the 46064
Revised Code, the charter of any technical college found to be in 46065
substantial violation of law, of rules, regulations, or standards 46066
of the ~~board~~ chancellor, or of the approved official plan of such 46067
college; 46068

(D) Employ such professional, administrative, clerical, or 46069
secretarial personnel as may be found necessary to assist the 46070
~~board~~ chancellor in the performance of ~~its~~ the chancellor's 46071
duties; 46072

(E) Perform biennial examinations of the budget requirements 46073
of the technical colleges in the state, and present 46074
recommendations to the governor with respect to such budget 46075
requirements; 46076

(F) Perform research studies relative to technical college 46077
education. 46078

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the 46079
Revised Code: 46080

(A) "State community college district" means a political 46081

subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code.

(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer applied bachelor's degree programs pursuant to section 3333.051 of the Revised Code.

(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include, but are not limited to, programs in the technologies of business, engineering, health, natural science, and public service and are programs which, after two years of academic study, result in proportionate recognition of academic achievement through receipt

of an associate degree. 46114

(E) "Adult continuing education program" means the offering 46115
of short courses, seminars, workshops, exhibits, performances, and 46116
other educational activities for the general educational or 46117
occupational benefit of adults. 46118

(F) "Applied bachelor's degree" has the same meaning as in 46119
section 3333.051 of the Revised Code. 46120

Sec. 3358.08. The board of trustees of a state community 46121
college district may: 46122

(A) Own and operate a state community college; 46123

(B) Hold, encumber, control, acquire by donation, purchase or 46124
condemn, construct, own, lease, use, and sell, real and personal 46125
property as necessary for the conduct of the program of the state 46126
community college on whatever terms and for whatever consideration 46127
may be appropriate for the purpose of the institution; 46128

(C) Accept gifts, grants, bequests, and devises absolute or 46129
in trust for support of the state community college; 46130

(D) Employ a president, and appoint or approve the 46131
appointment of other necessary administrative officers, full-time 46132
faculty members, and operating staff. The board may delegate the 46133
appointment of operating staff and part-time faculty members to 46134
the college president. The board shall fix the rate of 46135
compensation of the president and all officers and full-time 46136
employees as are necessary and proper for state community 46137
colleges. 46138

(E) Provide for the state community college necessary lands, 46139
buildings, or other structures, equipment, means, and appliances; 46140

(F) Establish within the maximum amounts permitted by law, 46141
schedules of fees and tuition for students who are Ohio residents 46142
and students who are not; 46143

(G) Grant appropriate associate degrees to students	46144
successfully completing the state community college's programs,	46145
and certificates of achievement to students who complete other	46146
programs;	46147
(H) Prescribe policies for the effective operation of the	46148
state community college and exercise such other powers as are	46149
necessary for the efficient management of the college;	46150
(I) Enter into contracts with neighboring colleges and	46151
universities for the conduct of state community college programs	46152
or technical courses outside the state community college district;	46153
(J) Purchase:	46154
(1) A policy or policies of insurance insuring the district	46155
against loss or damage to property, whether real, personal, or	46156
mixed, which is owned by the district or leased by it as lessee or	46157
which is in the process of construction by or for the district;	46158
(2) A policy or policies of fidelity insurance in such	46159
amounts and covering such trustees, officers, and employees of the	46160
district as the board may consider necessary or desirable;	46161
(3) A policy or policies of liability insurance from an	46162
insurer or insurers licensed to do business in this state insuring	46163
its members, officers, and employees against all civil liability	46164
arising from an act or omission by the member, officer, or	46165
employee, when the member, officer, or employee is not acting	46166
manifestly outside the scope of employment or official	46167
responsibilities with the institution, with malicious purpose or	46168
bad faith, or in a wanton or reckless manner, or may otherwise	46169
provide for the indemnification of such persons against such	46170
liability. All or any portion of the cost, premium, or charge for	46171
such a policy or policies or indemnification payment may be paid	46172
from any funds under the institution's control. The policy or	46173
policies of liability insurance or the indemnification policy of	46174

the institution may cover any risks including, but not limited to, 46175
damages resulting from injury to property or person, professional 46176
liability, and other special risks, including legal fees and 46177
expenses incurred in the defense or settlement claims of such 46178
damages. 46179

(4) A policy or policies of insurance insuring the district 46180
against any liabilities to which it may be subject on account of 46181
damage or injury to persons or property, including liability for 46182
wrongful death. 46183

Any instrument by which real property is acquired pursuant to 46184
this section shall identify the agency of the state that has the 46185
use and benefit of the real property as specified in section 46186
5301.012 of the Revised Code. 46187

Sec. 3359.01. (A) There is hereby created a state university 46188
to be known as "The University of Akron." The government of the 46189
university of Akron is vested in a board of eleven trustees who 46190
shall be appointed by the governor, with the advice and consent of 46191
the senate. Two of the trustees shall be students at the 46192
university of Akron, and their selection and terms shall be in 46193
accordance with division (B) of this section. ~~Except~~ 46194

Except as provided in division (C) of this section and except 46195
for the terms of student members, terms of office shall be for 46196
~~nine~~ six years, commencing on the second day of July and ending on 46197
the first day of July. Each trustee shall hold office from the 46198
date of appointment until the end of the term for which the 46199
trustee was appointed. Any trustee appointed to fill a vacancy 46200
occurring prior to the expiration of the term for which the 46201
trustee's predecessor was appointed shall hold office for the 46202
remainder of such term. Any trustee shall continue in office 46203
subsequent to the expiration date of the trustee's term until the 46204
trustee's successor takes office, or until a period of sixty days 46205

has elapsed, whichever occurs first. No person who has served a 46206
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 46207
two-thirds of such a term shall be eligible for reappointment 46208
until a period of four years has elapsed since the last day of the 46209
term for which the person previously served. The trustees shall 46210
receive no compensation for their services but shall be paid their 46211
reasonable necessary expenses while engaged in the discharge of 46212
their official duties. A majority of the board constitutes a 46213
quorum. 46214

(B) The student members of the board of trustees of the 46215
university of Akron have no voting power on the board. Student 46216
members shall not be considered as members of the board in 46217
determining whether a quorum is present. Student members shall not 46218
be entitled to attend executive sessions of the board. The student 46219
members of the board shall be appointed by the governor, with the 46220
advice and consent of the senate, from a group of five candidates 46221
selected pursuant to a procedure adopted by the university's 46222
student governments and approved by the university's board of 46223
trustees. ~~The initial term of office of one of the student members~~ 46224
~~shall commence on July 2, 1988 and shall expire on July 1, 1989,~~ 46225
~~and the initial term of office of the other student member shall~~ 46226
~~commence on July 2, 1988 and expire on July 1, 1990. Thereafter,~~ 46227
~~terms~~ Terms of office of student members shall be for two years, 46228
each ~~term ending on the same day of the same month of the year as~~ 46229
~~the term it succeeds~~ commencing on the second day of July and 46230
ending on the first day of July. In the event that a student 46231
member cannot fulfill a two-year term, a replacement shall be 46232
selected to fill the unexpired term in the same manner used to 46233
make the original selection. 46234

(C) A nonstudent trustee who was appointed under this section 46235
as it existed prior to the effective date of this amendment shall 46236
serve for a nine-year term. A trustee appointed to fill the 46237

vacancy of a nine-year term shall serve for the remainder of that 46238
unexpired nine-year term. Except for a nonstudent trustee 46239
appointed to fill a vacancy for an unexpired nine-year term, terms 46240
of office for a nonstudent trustee appointed on and after the 46241
effective date of this amendment shall be for six years, as 46242
provided in division (A) of this section. 46243

Sec. 3361.01. (A) There is hereby created a state university 46244
to be known as the "university of Cincinnati." The government of 46245
the university of Cincinnati is vested in a board of eleven 46246
trustees who shall be appointed by the governor with the advice 46247
and consent of the senate. Two of the trustees shall be students 46248
at the university of Cincinnati, and their selection and terms 46249
shall be in accordance with division (B) of this section. The 46250
terms of the first nine members of the board of trustees shall 46251
commence upon the effective date of the transfer of assets of the 46252
state-affiliated university of Cincinnati to the university of 46253
Cincinnati hereby created. ~~One of such trustees shall be appointed~~ 46254
~~for a term ending on the first day of January occurring at least~~ 46255
~~twelve months after such date of transfer, and each of the other~~ 46256
~~trustees shall be appointed for respective terms ending on each~~ 46257
~~succeeding first day of January, so that one term will expire on~~ 46258
~~each first day of January after expiration of the shortest term.~~ 46259
Except 46260

Except as provided in division (C) of this section and except 46261
for the two student trustees, each successor trustee shall be 46262
appointed for a term ending on the first day of January, ~~nine~~ six 46263
years from the expiration date of the term the trustee succeeds, 46264
except that any person appointed to fill a vacancy shall be 46265
appointed to serve only for the unexpired term. 46266

Any trustee shall continue in office subsequent to the 46267
expiration date of the trustee's term until the trustee's 46268

successor takes office, or until a period of sixty days has 46269
elapsed, whichever occurs first. 46270

No person who has served a full ~~nine-year~~ term as a 46271
nonstudent member or longer or more than ~~six years~~ two-thirds of 46272
such a term shall be eligible to reappointment until a period of 46273
four years has elapsed since the last day of the term for which 46274
the person previously served. 46275

The trustees shall receive no compensation for their services 46276
but shall be paid their reasonable necessary expenses while 46277
engaged in the discharge of their official duties. A majority of 46278
the board constitutes a quorum. 46279

(B) The student members of the board of trustees of the 46280
university of Cincinnati have no voting power on the board. 46281
Student members shall not be considered as members of the board in 46282
determining whether a quorum is present. Student members shall not 46283
be entitled to attend executive sessions of the board. The student 46284
members of the board shall be appointed by the governor, with the 46285
advice and consent of the senate, from a group of five candidates 46286
selected pursuant to a procedure adopted by the university's 46287
student governments and approved by the university's board of 46288
trustees. ~~The initial term of office of one of the student members~~ 46289
~~shall commence on May 14, 1988 and shall expire on May 13, 1989,~~ 46290
~~and the initial term of office of the other student member shall~~ 46291
~~commence on May 14, 1988 and expire on May 13, 1990. Thereafter,~~ 46292
~~terms~~ Terms of office of student members shall be for two years, 46293
each ~~term ending on the same day of the same month of the year as~~ 46294
~~the term it succeeds~~ commencing on the fourteenth day of May and 46295
ending on the thirteenth day of May. In the event that a student 46296
cannot fulfill a two-year term, a replacement shall be selected to 46297
fill the unexpired term in the same manner used to make the 46298
original selection. 46299

(C) A nonstudent trustee who was appointed under this section 46300

as it existed prior to the effective date of this amendment shall 46301
serve for a nine-year term. A trustee appointed to fill the 46302
vacancy of a nine-year term shall serve for the remainder of that 46303
unexpired nine-year term. Except for a nonstudent trustee 46304
appointed to fill a vacancy for an unexpired nine-year term, terms 46305
of office for a nonstudent trustee appointed on and after the 46306
effective date of this amendment shall be for six years, as 46307
provided in division (A) of this section. 46308

Sec. 3362.01. (A) There is hereby created a state university 46309
to be known as "Shawnee state university." The government of 46310
Shawnee state university is vested in a board of eleven trustees 46311
who shall be appointed by the governor with the advice and consent 46312
of the senate. Two of the trustees shall be students at Shawnee 46313
state university, and their selection and terms shall be in 46314
accordance with division (B) of this section. ~~The remaining~~ 46315
~~trustees shall be appointed as follows: one for a term of one~~ 46316
~~year, one for a term of two years, one for a term of three years,~~ 46317
~~one for a term of four years, one for a term of five years, one~~ 46318
~~for a term of six years, one for a term of seven years, one for a~~ 46319
~~term of eight years, and one for a term of nine years. Thereafter~~ 46320

Except as provided in division (C) of this section and except 46321
for the terms of student members, terms shall be for ~~nine~~ six 46322
years. All terms of office shall commence on the first day of July 46323
and end on the thirtieth day of June. 46324

Each trustee shall hold office from the date of appointment 46325
until the end of the term for which the trustee was appointed. Any 46326
trustee appointed to fill a vacancy occurring prior to the 46327
expiration of the term for which the trustee's predecessor was 46328
appointed shall hold office for the remainder of such term. Any 46329
trustee shall continue in office subsequent to the expiration date 46330
of the trustee's term until the trustee's successor takes office, 46331

or until a period of sixty days has elapsed, whichever occurs 46332
first. No person who has served a full ~~nine-year~~ term as a 46333
nonstudent member or more than ~~six years~~ two-thirds of such a term 46334
shall be eligible for reappointment until a period of four years 46335
has elapsed since the last day of the term for which the person 46336
previously served. 46337

The trustees shall receive no compensation for their services 46338
but shall be paid their reasonable and necessary expenses while 46339
engaged in the discharge of their official duties. 46340

A majority of the board constitutes a quorum. 46341

(B) The student members of the board of trustees of Shawnee 46342
state university have no voting power on the board. Student 46343
members shall not be considered as members of the board in 46344
determining whether a quorum is present. Student members shall not 46345
be entitled to attend executive sessions of the board. The student 46346
members of the board shall be appointed by the governor, with the 46347
advice and consent of the senate, from a group of five candidates 46348
selected pursuant to a procedure adopted by the university's 46349
student governments and approved by the university's board of 46350
trustees. ~~The initial term of office of one of the student members~~ 46351
~~shall commence on July 1, 1988, and shall expire on June 30, 1989,~~ 46352
~~and the initial term of office of the other student member shall~~ 46353
~~commence on July 1, 1988, and expire on June 30, 1990. Thereafter,~~ 46354
~~terms~~ Terms of office of student members shall be for two years, 46355
each ~~term ending on the same day of the same month of the year as~~ 46356
~~the term it succeeds~~ commencing on the first day of July and 46357
ending on the thirtieth day of June. In the event a student member 46358
cannot fulfill a two-year term, a replacement shall be selected to 46359
fill the unexpired term in the same manner used to make the 46360
original selection. 46361

(C) A nonstudent trustee who was appointed under this section 46362
as it existed prior to the effective date of this amendment shall 46363

serve for a nine-year term. A trustee appointed to fill the 46364
vacancy of a nine-year term shall serve for the remainder of that 46365
unexpired nine-year term. Except for a nonstudent trustee 46366
appointed to fill a vacancy for an unexpired nine-year term, terms 46367
of office for a nonstudent trustee appointed on and after the 46368
effective date of this amendment shall be for six years, as 46369
provided in division (A) of this section. 46370

Sec. 3364.01. (A) The university of Toledo, as authorized 46371
under former Chapter 3360. of the Revised Code, and the medical 46372
university of Ohio at Toledo, as authorized under former sections 46373
3350.01 to 3350.05 of the Revised Code, shall be combined as one 46374
state university to be known as the "university of Toledo." 46375

(B)(1) The government of the ~~combined~~ university of Toledo is 46376
vested in a board of eleven trustees ~~which, except as prescribed~~ 46377
~~in division (B)(2) of this section,~~ who shall be appointed by the 46378
governor with the advice and consent of the senate. The ~~initial~~ 46379
~~board of trustees of the combined university shall be as~~ 46380
~~prescribed in division (B)(2) of this section. After the~~ 46381
~~abolishment of offices as prescribed in division (B)(2)(a) of this~~ 46382
~~section,~~ the board of trustees of the ~~combined~~ university shall 46383
consist of nine voting members, who except as provided in division 46384
(C) of this section shall serve for terms of ~~nine~~ six years, ~~and,~~ 46385
The board also shall consist of two nonvoting members, who shall 46386
be students of the combined university and who shall serve for 46387
terms of two years. Terms of office of trustees shall begin on the 46388
second day of July and end on the first day of July. 46389

(2) ~~The initial board of trustees of the combined university~~ 46390
~~shall consist of seventeen voting members who are the eight~~ 46391
~~members who made up the board of trustees of the medical~~ 46392
~~university of Ohio at Toledo prior to May 1, 2006, under former~~ 46393
~~section 3350.01 of the Revised Code, and whose terms would expire~~ 46394

~~under that section after May 1, 2006; the eight voting members who
made up the board of trustees of the university of Toledo, under
former section 3360.01 of the Revised Code, and whose terms would
expire under that section after July 1, 2006; and one additional
member appointed by the governor with the advice and consent of
the senate. The terms of office, abolishment of office, and
succession of the voting members of the initial board shall be as
prescribed in division (B)(2)(a) of this section. The initial
board also shall consist of two nonvoting members who are students
of the combined university, as prescribed in division (B)(2)(b) of
this section.~~

~~(a) The term of office of the voting member of the initial
board of trustees of the combined university who was not formerly
a member of either the board of trustees of the medical university
of Ohio at Toledo or the board of trustees of the university of
Toledo shall be for nine years, beginning on July 2, 2006, and
ending on July 1, 2015.~~

~~The terms of office of the sixteen other voting members of
the initial board of trustees shall expire on July 1 of the year
they otherwise would expire under former section 3350.01 or
3360.01 of the Revised Code.~~

~~The office of one voting member whose term expires on July 1,
2007, shall be abolished on that date. The governor, with the
advice and consent of the senate, shall appoint a successor to the
office of the other voting member whose term expires on that date
to a nine year term beginning on July 2, 2007.~~

~~The office of one voting member whose term expires on July 1,
2008, shall be abolished on that date. The governor, with the
advice and consent of the senate, shall appoint a successor to the
office of the other voting member whose term expires on that date
to a nine year term beginning on July 2, 2008.~~

~~The office of one voting member whose term expires on July 1, 2009, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2009.~~

~~The office of one voting member whose term expires on July 1, 2010, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2010.~~

~~The office of one voting member whose term expires on July 1, 2011, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2011.~~

~~The office of one voting member whose term expires on July 1, 2012, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2012.~~

~~The office of one voting member whose term expires on July 1, 2013, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2013.~~

~~The office of one voting member whose term expires on July 1, 2014, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2014.~~

~~The governor, with the advice and consent of the senate,~~

~~shall appoint a successor to the office of the voting member whose term expires on July 1, 2015, to a nine year term beginning on July 2, 2015.~~

~~Thereafter the terms of office of all subsequent voting members of the board of trustees shall be for nine years beginning on the second day of July and ending on the first day of July.~~

~~(b) One of the student members of the initial board of trustees shall be the student member of the former university of Toledo board of trustees, appointed under former section 3360.01 of the Revised Code, whose term would expire under that section on July 1, 2007. The term of that student member shall expire on July 1, 2007. The other student member shall be a new appointee, representing the portion of the combined university that made up the former medical university of Ohio at Toledo, appointed to a two year term beginning on July 2, 2006, and ending on July 1, 2008. That student trustee shall be appointed by the governor, with the advice and consent of the senate, from a group of three candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. Thereafter appointment and terms of office of student members of the board of trustees shall be as prescribed by division (B)(3) of this section.~~

~~(3) The student members of the board of trustees of the combined university shall be appointed by the governor, with the advice and consent of the senate, from a group of six candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. Terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the~~

original selection. 46489

~~(4)~~(3) Each trustee shall hold office from the date of 46490
appointment until the end of the term for which the trustee was 46491
appointed. Any trustee appointed to fill a vacancy occurring prior 46492
to the expiration of the term for which the trustee's predecessor 46493
was appointed shall hold office for the remainder of such term. 46494
Any trustee shall continue in office subsequent to the expiration 46495
date of the trustee's term until the trustee's successor takes 46496
office, or until a period of sixty days has elapsed, whichever 46497
occurs first. 46498

~~(5)~~(4) No person who has served as a voting member of the 46499
board of trustees for a full ~~nine-year~~ term as a nonstudent member 46500
or more than ~~six years~~ two-thirds of such a term and no person who 46501
is a voting member of the initial board of trustees as prescribed 46502
in division (B)(2)(a) of this section as it existed before the 46503
effective date of this amendment is eligible for reappointment to 46504
the board until a period of four years has elapsed since the last 46505
day of the term for which the person previously served. 46506

No person who served as a voting member of the board of 46507
trustees of the former university of Toledo, as authorized under 46508
former Chapter 3360. of the Revised Code, for a full nine-year 46509
term or more than six years of such a term, and no person who 46510
served on the board of trustees of the former medical university 46511
of Ohio at Toledo, as authorized under former sections 3350.01 to 46512
3350.05 of the Revised Code, for a full nine-year term or more 46513
than six years of such a term is eligible for appointment to the 46514
board of trustees of the combined university until a period of 46515
four years has elapsed since the last day of the term for which 46516
the person previously served. 46517

(C) A nonstudent trustee who was appointed under this section 46518
as it existed prior to the effective date of this amendment shall 46519
serve for a nine-year term. A trustee appointed to fill the 46520

vacancy of a nine-year term shall serve for the remainder of that 46521
unexpired nine-year term. Except for a nonstudent trustee 46522
appointed to fill a vacancy for an unexpired nine-year term, terms 46523
of office for a nonstudent trustee appointed after the effective 46524
date of this amendment shall be for six years, as provided in 46525
division (B) of this section. 46526

(D) The trustees shall receive no compensation for their 46527
services but shall be paid their reasonable necessary expenses 46528
while engaged in the discharge of their official duties. A 46529
majority of the board constitutes a quorum. The student members of 46530
the board have no voting power on the board. Student members shall 46531
not be considered as members of the board in determining whether a 46532
quorum is present. Student members shall not be entitled to attend 46533
executive sessions of the board. 46534

Sec. 3365.01. As used in this chapter: 46535

(A) "Articulated credit" means post-secondary credit that is 46536
reflected on the official record of a student at an institution of 46537
higher education only upon enrollment at that institution after 46538
graduation from a secondary school. 46539

(B) "Default ceiling amount" means one of the following 46540
amounts, whichever is applicable: 46541

(1) For a participant enrolled in a college operating on a 46542
semester schedule, the amount calculated according to the 46543
following formula: 46544

$$((0.83 \times \text{formula amount}) / 30)$$
 46545

X number of enrolled credit hours 46547

(2) For a participant enrolled in a college operating on a 46548
quarter schedule, the amount calculated according to the following 46549
formula: 46550

46551

((0.83 X formula amount) / 45)

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X number of enrolled credit hours

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(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.

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(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of ~~the Ohio board of regents~~ higher education to participate in the college credit plus program.

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(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.

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(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

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(G) "Governing entity" means a board of education of a school district, a governing authority of a community school established under Chapter 3314., a governing body of a STEM school established under Chapter 3326., or a board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

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(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is participating in the program established by this chapter.

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(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:

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(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:

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((formula amount / 30)

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X number of enrolled credit hours)	46581
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	46582 46583 46584
((formula amount / 45) X number of enrolled credit hours)	46585 46586
(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.	46587 46588 46589 46590
(K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal from a course would have negatively affected the participant's transcripted grade, as prescribed by the college's established withdrawal policy.	46591 46592 46593 46594 46595 46596
(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.	46597 46598
(M) "Participant" means any student enrolled in a college under the program established by this chapter.	46599 46600
(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.	46601 46602 46603
(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.	46604 46605 46606 46607
(P) "Private college" means any of the following:	46608
(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	46609 46610

(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university.

(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(S) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(T) "Secondary grade" means any of grades nine through twelve.

(U) "Standard rate" means the amount per credit hour assessed by the college for an in-state student who is enrolled in an undergraduate course at that college, but who is not participating in the college credit plus program, as prescribed by the college's established tuition policy.

(V) "Textbook" means any paper, electronic, or other purchased coursework material.

(W) "Transcribed credit" means post-secondary credit that is conferred by an institution of higher education and is reflected on a student's official record at that institution upon completion

of a course. 46641

Sec. 3365.03. (A) A student enrolled in a public or nonpublic 46642
secondary school during the student's ninth, tenth, eleventh, or 46643
twelfth grade school year; a student enrolled in a nonchartered 46644
nonpublic secondary school in the student's ninth, tenth, 46645
eleventh, or twelfth grade school year; or a student who has been 46646
excused from the compulsory attendance law for the purpose of home 46647
instruction under section 3321.04 of the Revised Code and is the 46648
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 46649
may apply to and enroll in a college under the college credit plus 46650
program. 46651

(1) In order for a public secondary school student to 46652
participate in the program, all of the following criteria shall be 46653
met: 46654

(a) The student or the student's parent shall inform the 46655
principal, or equivalent, of the student's school by the first day 46656
of April of the student's intent to participate in the program 46657
during the following school year. Any student who fails to provide 46658
the notification by the required date may not participate in the 46659
program during the following school year without the written 46660
consent of the principal, or equivalent. If a student seeks 46661
consent from the principal after failing to provide notification 46662
by the required date, the principal shall notify the department of 46663
education of the student's intent to participate within ten days 46664
of the date on which the student seeks consent. If the principal 46665
does not provide written consent, the student may appeal the 46666
principal's decision to the ~~state board of education~~ governing 46667
entity of the school, except for a student who is enrolled in a 46668
school district, who may appeal the decision to the district 46669
superintendent. Not later than thirty days after the notification 46670
of the appeal, the ~~state board~~ district superintendent or 46671

governing entity shall hear the appeal and shall make a decision 46672
to either grant or deny that student's participation in the 46673
program. The decision of the district superintendent or governing 46674
entity shall be final. 46675

(b) The student shall ~~both~~: 46676

(i) Apply to a public or a participating private college, or 46677
an eligible out-of-state college participating in the program, in 46678
accordance with the college's established procedures for 46679
admission, pursuant to section 3365.05 of the Revised Code; 46680

(ii) As a condition of eligibility, be remediation-free, in 46681
accordance with one of the assessments established under division 46682
(F) of section 3345.061 of the Revised Code. However, a student 46683
who scores within one standard error of measurement below the 46684
remediation-free threshold for one of those assessments shall be 46685
considered to have met this requirement if the student also 46686
either: 46687

(I) Has a cumulative high school grade point average of at 46688
least 3.0. If the student is seeking to participate under section 46689
3365.033 of the Revised Code, the student must have an equivalent 46690
cumulative grade point average in the applicable grade levels. 46691

(II) Receives a recommendation from a school counselor, 46692
principal, or career-technical program advisor. 46693

(iii) Meet the college's and relevant academic program's 46694
established standards for admission, enrollment, and ~~for~~ course 46695
placement, including course-specific capacity limitations, 46696
pursuant to section 3365.05 of the Revised Code. 46697

(c) The student shall elect at the time of enrollment to 46698
participate under either division (A) or (B) of section 3365.06 of 46699
the Revised Code for each course under the program. 46700

(d) The student and the student's parent shall sign a form, 46701

provided by the school, stating that they have received the 46702
counseling required under division (B) of section 3365.04 of the 46703
Revised Code and that they understand the responsibilities they 46704
must assume in the program. 46705

(2) In order for a nonpublic secondary school student, a 46706
nonchartered nonpublic secondary school student, or a 46707
home-instructed student to participate in the program, both of the 46708
following criteria shall be met: 46709

(a) The student shall meet the criteria in divisions 46710
(A)(1)(b) and (c) of this section. 46711

(b)(i) If the student is enrolled in a nonpublic secondary 46712
school, that student shall send to the department of education a 46713
copy of the student's acceptance from a college and an 46714
application. The application shall be made on forms provided by 46715
the state board of education and shall include information about 46716
the student's proposed participation, including the school year in 46717
which the student wishes to participate; and the semesters or 46718
terms the student wishes to enroll during such year. The 46719
department shall mark each application with the date and time of 46720
receipt. 46721

(ii) If the student is enrolled in a nonchartered nonpublic 46722
secondary school or is home-instructed, the parent or guardian of 46723
that student shall notify the department by the first day of April 46724
prior to the school year in which the student wishes to 46725
participate. 46726

(B) Except as provided for in division (C) of this section 46727
and in sections 3365.031 and 3365.032 of the Revised Code: 46728

(1) No public secondary school shall prohibit a student 46729
enrolled in that school from participating in the program if that 46730
student meets all of the criteria in division (A)(1) of this 46731
section. 46732

(2) No participating nonpublic secondary school shall 46733
prohibit a student enrolled in that school from participating in 46734
the program if the student meets all of the criteria in division 46735
(A)(2) of this section and, if the student is enrolled under 46736
division (B) of section 3365.06 of the Revised Code, the student 46737
is awarded funding from the department in accordance with rules 46738
adopted by the chancellor of ~~the Ohio board of regents~~ higher 46739
education, in consultation with the superintendent of public 46740
instruction, pursuant to section 3365.071 of the Revised Code. 46741

(C) For purposes of this section, during the period of an 46742
expulsion imposed by a public secondary school, a student is 46743
ineligible to apply to enroll in a college under this section, 46744
unless the student is admitted to another public secondary or 46745
participating nonpublic secondary school. If a student is enrolled 46746
in a college under this section at the time the student is 46747
expelled, the student's status for the remainder of the college 46748
term in which the expulsion is imposed shall be determined under 46749
section 3365.032 of the Revised Code. 46750

(D) Upon a student's graduation from high school, 46751
participation in the college credit plus program shall not affect 46752
the student's eligibility at any public college for scholarships 46753
or for other benefits or opportunities that are available to 46754
first-time college students and are awarded by that college, 46755
regardless of the number of credit hours that the student 46756
completed under the program. 46757

(E) The college to which a student applies to participate 46758
under this section shall pay for one assessment used to determine 46759
that student's eligibility under this section. However, 46760
notwithstanding anything to the contrary in Chapter 3365. of the 46761
Revised Code, any additional assessments used to determine the 46762
student's eligibility shall be the financial responsibility of the 46763
student. 46764

Sec. 3365.04. Each public and participating nonpublic secondary school shall do all of the following with respect to the college credit plus program:

(A) Provide information about the program prior to the first day of ~~March~~ February of each year to all students enrolled in grades six through eleven;

(B) Provide counseling services to students in grades six through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible consequences and benefits of participation. Counseling information shall include:

(1) Program eligibility;

(2) The process for granting academic credits;

(3) Any necessary financial arrangements for tuition, textbooks, and fees;

(4) Criteria for any transportation aid;

(5) Available support services;

(6) Scheduling;

(7) Communicating the possible consequences and benefits of participation, including all of the following:

(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;

(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;

(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the

overall costs of, and the amount of time required for, a college education. 46794
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(8) The academic and social responsibilities of students and parents under the program; 46796
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(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll; 46798
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(10) The standard packet of information for the program developed by the chancellor of ~~the Ohio board of regents~~ higher education pursuant to section 3365.15 of the Revised Code; 46800
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For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so. 46803
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(C) Promote the program on the school's web site, including the details of the school's current agreements with partnering colleges; 46807
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(D) Schedule at least one informational session per school year to allow each partnering college that is located within thirty miles of the school to meet with interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering colleges located within thirty miles of the school, the school shall coordinate with the closest partnering college to offer an informational session. 46810
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(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A)(2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall require a participant to receive a grade of "C" or better in the course in order to receive high school credit for that course. 46819
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The policy also shall be equivalent to the school's policy 46825
for courses taken under the advanced standing programs described 46826
in divisions (A)(2) and (3) of section 3313.6013 of the Revised 46827
Code or for other courses designated as honors courses by the 46828
school. If the policy includes awarding a weighted grade or 46829
enhancing a student's class standing for these courses, the policy 46830
adopted under this section shall also provide for these procedures 46831
to be applied to courses taken under the college credit plus 46832
program. 46833

(F) Develop model course pathways, pursuant to section 46834
3365.13 of the Revised Code, and publish the course pathways among 46835
the school's official list of course offerings for the program. 46836

(G) Annually collect, report, and track specified data 46837
related to the program according to data reporting guidelines 46838
adopted by the chancellor and the superintendent of public 46839
instruction pursuant to section 3365.15 of the Revised Code. 46840

Sec. 3365.05. Each public and participating private college 46841
shall do all of the following with respect to the college credit 46842
plus program: 46843

(A) Apply established standards and procedures for admission 46844
to the college and for course placement for participants. When 46845
determining admission and course placement, the college shall do 46846
all of the following: 46847

(1) Consider all available student data that may be an 46848
indicator of college readiness, including grade point average and 46849
end-of-course examination scores, if applicable; 46850

(2) Give priority to its current students regarding 46851
enrollment in courses. However, once a participant has been 46852
accepted into a course, the college shall not displace the 46853
participant for another student. 46854

(3) Adhere to any capacity limitations that the college has established for specified courses. 46855
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(B) Send written notice to a the participant, the participant's parent, and the participant's secondary school, ~~and the superintendent of public instruction,~~ not later than fourteen calendar days prior to the first day of classes for that term, of the participant's admission to the college and to specified courses under the program. 46857
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(C) Provide both of the following, not later than twenty-one calendar days after the first day of classes for that term, to each participant, and the participant's secondary school, ~~and the superintendent of public instruction:~~ 46863
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(1) The courses and hours of enrollment of the participant; 46867

(2) The option elected by the participant under division (A) or (B) of section 3365.06 of the Revised Code for each course. 46868
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The college shall also provide to each partnering school a roster of participants from that school that are enrolled in the college and a list of course assignments for each participant. 46870
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(D) Promote the program on the college's web site, including the details of the college's current agreements with partnering secondary schools. 46873
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(E) Coordinate with each partnering secondary school that is located within thirty miles of the college to present at least one informational session per school year for interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering schools located within thirty miles of the college, the college shall coordinate with the closest partnering school to offer an informational session. 46876
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(F) Assign an academic advisor that is employed by the college to each participant enrolled in that college. Prior to the date on which a withdrawal from a course would negatively affect a participant's transcribed grade, as prescribed by the college's established withdrawal policy, the college shall ensure that the academic advisor and the participant meet at least once to discuss the program and the courses in which the participant is enrolled.

(G) Implement a policy for the awarding of grades for courses taken under the program. The policy adopted under this division shall require a participant to receive a grade of "C" or better in the course in order to receive college credit for that course.

(H) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program:

(1) Provide at least one professional development session per school year;

(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course.

~~(H)~~(I) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code.

~~(I)~~(J) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section.

Sec. 3365.06. The rules adopted under section 3365.02 of the

Revised Code shall provide for participants to enroll in courses 46915
under either of the ~~following~~ options+ prescribed by division (A) 46916
or (B) of this section. 46917

(A) The participant may elect at the time of enrollment to be 46918
responsible for payment of all tuition and the cost of all 46919
textbooks, materials, and fees associated with the course. The 46920
college shall notify the participant about payment of tuition and 46921
fees in the customary manner followed by the college. A 46922
participant electing this option also shall elect, at the time of 46923
enrollment, whether to receive only college credit or high school 46924
credit and college credit for the course. 46925

(1) The participant may elect to receive only college credit 46926
for the course. Except as provided in section 3365.032 of the 46927
Revised Code, if the participant successfully completes the 46928
course, the college shall award the participant full credit for 46929
the course, but the governing entity of a public secondary school 46930
or the governing body of a participating nonpublic secondary 46931
school shall not award the high school credit. 46932

(2) The participant may elect to receive both high school 46933
credit and college credit for the course. Except as provided in 46934
section 3365.032 of the Revised Code, if the participant 46935
successfully completes the course, the college shall award the 46936
participant full credit for the course and the governing entity of 46937
a public school or the governing body of a participating nonpublic 46938
school shall award the participant high school credit. 46939

(B) ~~The~~ If a course is eligible for funding under rules 46940
adopted pursuant to division (C)(1) of this section, the 46941
participant may elect at the time of enrollment for ~~each~~ the 46942
course to have the college reimbursed under section 3365.07 of the 46943
Revised Code. Except as provided in section 3365.032 of the 46944
Revised Code, if the participant successfully completes the 46945
course, the college shall award the participant full credit for 46946

the course and the governing entity of a public school or the 46947
governing body of a participating nonpublic school shall award the 46948
participant high school credit. If the participant elects to have 46949
the college reimbursed under this division, the department shall 46950
reimburse the college for the number of enrolled credit hours in 46951
accordance with section 3365.07 of the Revised Code. 46952

(C)(1) The chancellor of higher education, in consultation 46953
with the superintendent of public instruction, shall adopt rules 46954
specifying which courses are eligible for funding under section 46955
3365.07 of the Revised Code. 46956

The rules shall address at least the following: 46957

(a) Whether courses must be taken in a specified sequence; 46958

(b) Whether to restrict funding and limit eligibility to 46959
certain types of courses, including (i) courses that are included 46960
in the statewide articulation and transfer system, established by 46961
the chancellor pursuant to section 3333.161 of the Revised Code; 46962
(ii) courses that may be applied to multiple degree pathways or 46963
are applicable to in-demand jobs; or (iii) other types of courses; 46964

(c) Whether courses with private instruction, as defined by 46965
the chancellor, are eligible for funding. 46966

The rules also shall specify the school year for which 46967
implementation of the rules adopted pursuant to this division 46968
shall first apply. 46969

(2) In developing the rules, the chancellor, in consultation 46970
with the state superintendent, shall establish a process to 46971
receive input from public and nonpublic secondary schools, public 46972
and private colleges, and other interested parties. 46973

(D) When determining a school district's enrollment under 46974
section 3317.03 of the Revised Code, the time a participant is 46975
attending courses under division (A) of this section shall be 46976

considered as time the participant is not attending or enrolled in 46977
school anywhere, and the time a participant is attending courses 46978
under division (B) of this section shall be considered as time the 46979
participant is attending or enrolled in the district's schools. 46980

Sec. 3365.07. The department of education shall calculate and 46981
pay state funds to colleges for participants in the college credit 46982
plus program under division (B) of section 3365.06 of the Revised 46983
Code pursuant to this section. For a nonpublic secondary school 46984
participant, a nonchartered nonpublic secondary school 46985
participant, or a home-instructed participant, the department 46986
shall pay state funds pursuant to this section only if that 46987
participant is awarded funding according to rules adopted by the 46988
chancellor of higher education, in consultation with the 46989
superintendent of public instruction, pursuant to section 3365.071 46990
of the Revised Code. The program shall be the sole mechanism by 46991
which state funds are paid to colleges for students to earn 46992
transcripted credit for college courses while enrolled in both a 46993
secondary school and a college, with the exception of state funds 46994
paid to colleges according to an agreement described in division 46995
(A)(1) of section 3365.02 of the Revised Code. 46996

Beginning with participation for the 2018-2019 school year, 46997
section 3365.072 of the Revised Code shall govern all arrangements 46998
for the provision and payment of textbooks under the program. 46999

(A) For each public or nonpublic secondary school participant 47000
enrolled in a public college: 47001

(1) If no agreement has been entered into under division 47002
(A)(2) of this section, both of the following shall apply: 47003

(a) The department shall pay to the college the applicable 47004
amount as follows: 47005

(i) For a participant enrolled in a college course delivered 47006

on the college campus, at another location operated by the 47007
college, or online, the lesser of the default ceiling amount or 47008
the college's standard rate; 47009

(ii) For a participant enrolled in a college course delivered 47010
at the participant's secondary school but taught by college 47011
faculty, the lesser of fifty per cent of the default ceiling 47012
amount or the college's standard rate; 47013

(iii) For a participant enrolled in a college course 47014
delivered at the participant's secondary school and taught by a 47015
high school teacher who has met the credential requirements 47016
established for purposes of the program in rules adopted by the 47017
chancellor, the default floor amount. 47018

(b) The ~~participant's secondary school shall pay for~~ 47019
~~textbooks, and the~~ college shall waive payment of all other fees 47020
related to participation in the program. 47021

(2) The governing entity of a participant's secondary school 47022
and the college may enter into an agreement to establish an 47023
alternative payment structure for tuition, ~~textbooks,~~ and fees. 47024
Under such an agreement, payments for each participant made by the 47025
department shall be not less than the default floor amount, unless 47026
approved by the chancellor, and not more than either the default 47027
ceiling amount or the college's standard rate, whichever is less. 47028
The chancellor shall approve an agreement that includes a payment 47029
below the default floor amount, as long as the provisions of the 47030
agreement comply with all other requirements of this chapter to 47031
ensure program quality. If no agreement is entered into under 47032
division (A)(2) of this section, both of the following shall 47033
apply: 47034

(a) The department shall pay to the college the applicable 47035
default amounts prescribed by division (A)(1)(a) of this section, 47036
depending upon the method of delivery and instruction. 47037

(b) In accordance with division (A)(1)(b) of this section, 47038
~~the participant's secondary school shall pay for textbooks, and~~ 47039
the college shall waive payment of all other fees related to 47040
participation in the program. 47041

(3) No participant that is enrolled in a public college shall 47042
be charged for any tuition,~~textbooks,~~ or other fees related to 47043
participation in the program. 47044

(B) For each public secondary school participant enrolled in 47045
a private college: 47046

(1) If no agreement has been entered into under division 47047
(B)(2) of this section, the department shall pay to the college 47048
the applicable amount calculated in the same manner as in division 47049
(A)(1)(a) of this section. 47050

(2) The governing entity of a participant's secondary school 47051
and the college may enter into an agreement to establish an 47052
alternative payment structure for tuition,~~textbooks,~~ and fees. 47053
Under such an agreement, payments shall be not less than the 47054
default floor amount, unless approved by the chancellor, and not 47055
more than either the default ceiling amount or the college's
standard rate, whichever is less. 47056
47057

If an agreement is entered into under division (B)(2) of this 47058
section, both of the following shall apply: 47059

(a) The department shall make a payment to the college for 47060
each participant that is equal to the default floor amount, unless 47061
approved by the chancellor to pay an amount below the default 47062
floor amount. The chancellor shall approve an agreement that 47063
includes a payment below the default floor amount, as long as the 47064
provisions of the agreement comply with all other requirements of 47065
this chapter to ensure program quality. 47066

(b) Payment for costs for the participant that exceed the 47067
amount paid by the department pursuant to division (B)(2)(a) of 47068

this section shall be negotiated by the school and the college. 47069
The agreement may include a stipulation permitting the charging of 47070
a participant. 47071

However, under no circumstances shall: 47072

(i) Payments for a participant made by the department under 47073
division (B)(2) of this section exceed the lesser of the default 47074
ceiling amount or the college's standard rate; 47075

(ii) The amount charged to a participant under division 47076
(B)(2) of this section exceed the difference between the maximum 47077
per participant charge amount and the default floor amount; 47078

(iii) The sum of the payments made by the department for a 47079
participant and the amount charged to that participant under 47080
division (B)(2) of this section exceed the following amounts, as 47081
applicable: 47082

(I) For a participant enrolled in a college course delivered 47083
on the college campus, at another location operated by the 47084
college, or online, the maximum per participant charge amount; 47085

(II) For a participant enrolled in a college course delivered 47086
at the participant's secondary school but taught by college 47087
faculty, one hundred twenty-five dollars; 47088

(III) For a participant enrolled in a college course 47089
delivered at the participant's secondary school and taught by a 47090
high school teacher who has met the credential requirements 47091
established for purposes of the program in rules adopted by the 47092
chancellor, one hundred dollars. 47093

(iv) A participant that is identified as economically 47094
disadvantaged according to rules adopted by the department be 47095
charged under division (B)(2) of this section for any tuition, 47096
textbooks, or other fees related to participation in the program. 47097

(C) For each nonpublic secondary school participant enrolled 47098

in a private or eligible out-of-state college, the department 47099
shall pay to the college the applicable amount calculated in the 47100
same manner as in division (A)(1)(a) of this section. Payment for 47101
costs for the participant that exceed the amount paid by the 47102
department shall be negotiated by the governing body of the 47103
nonpublic secondary school and the college. 47104

However, under no circumstances shall: 47105

(1) The payments for a participant made by the department 47106
under this division exceed the lesser of the default ceiling 47107
amount or the college's standard rate. 47108

(2) Any nonpublic secondary school participant, who is 47109
enrolled in that secondary school with a scholarship awarded under 47110
either the educational choice scholarship pilot program, as 47111
prescribed by sections 3310.01 to 3310.17, or the pilot project 47112
scholarship program, as prescribed by sections 3313.974 to 47113
3313.979 of the Revised Code, and who qualifies as a low-income 47114
student under either of those programs, be charged for any 47115
tuition, ~~textbooks,~~ or other fees related to participation in the 47116
college credit plus program. 47117

(D) For each nonchartered nonpublic secondary school 47118
participant and each home-instructed participant enrolled in a 47119
public, private, or eligible out-of-state college, the department 47120
shall pay to the college the lesser of the default ceiling amount 47121
or the college's standard rate, if that participant is enrolled in 47122
a college course delivered on the college campus, at another 47123
location operated by the college, or online. 47124

(E) Not later than thirty days after the end of each term, 47125
each college expecting to receive payment for the costs of a 47126
participant under this section shall notify the department of the 47127
number of enrolled credit hours for each participant. 47128

(F) Each January and July, or as soon as possible thereafter, 47129

the department shall make the applicable payments under this 47130
section to each college, which provided proper notification to the 47131
department under division (E) of this section, for the number of 47132
enrolled credit hours for participants enrolled in the college 47133
under division (B) of section 3365.06 of the Revised Code. The 47134
department shall not make any payments to a college under this 47135
section if a participant withdrew from a course prior to the date 47136
on which a withdrawal from the course would have negatively 47137
affected the participant's transcribed grade, as prescribed by 47138
the college's established withdrawal policy. 47139

(1) Payments made for public secondary school participants 47140
under this section shall be deducted from the school foundation 47141
payments made to the participant's school district or, if the 47142
participant is enrolled in a community school, a STEM school, or a 47143
college-preparatory boarding school, from the payments made to 47144
that school under section 3314.08, 3326.33, or 3328.34 of the 47145
Revised Code. If the participant is enrolled in a joint vocational 47146
school district, a portion of the amount shall be deducted from 47147
the payments to the joint vocational school district and a portion 47148
shall be deducted from the payments to the participant's city, 47149
local, or exempted village school district in accordance with the 47150
full-time equivalency of the student's enrollment in each 47151
district. Amounts deducted under division (F)(1) of this section 47152
shall be calculated in accordance with rules adopted by the 47153
chancellor, in consultation with the state superintendent, 47154
pursuant to division (B) of section 3365.071 of the Revised Code. 47155

(2) Payments made for nonpublic secondary school 47156
participants, nonchartered nonpublic secondary school 47157
participants, and home-instructed participants under this section 47158
shall be deducted from moneys appropriated by the general assembly 47159
for such purpose. Payments shall be allocated and distributed in 47160
accordance with rules adopted by the chancellor, in consultation 47161

with the state superintendent, pursuant to division (A) of section 47162
3365.071 of the Revised Code. 47163

(G) Any public college that enrolls a student under division 47164
(B) of section 3365.06 of the Revised Code may include that 47165
student in the calculation used to determine its state share of 47166
instruction funds appropriated to the department of higher 47167
education by the general assembly. 47168

Sec. 3365.072. This section applies only to participants who 47169
elect to participate under division (B) of section 3365.06 of the 47170
Revised Code. This section shall first apply to participation for 47171
the 2018-2019 school year. 47172

(A) The governing entity of each public secondary school and 47173
the governing body of each participating nonpublic secondary 47174
school and nonchartered nonpublic secondary school shall enter 47175
into an agreement with each college in which a participant from 47176
the school enrolls in courses under the college credit plus 47177
program for the provision of textbooks. The agreement shall be 47178
separate from any funding agreement entered into by the school and 47179
college under section 3365.07 of the Revised Code. 47180

Each agreement entered into under division (A) of this 47181
section shall include the following provisions: 47182

(1) The college shall provide each participant with all 47183
required textbooks for courses in which the participant is 47184
enrolled at the college. Unless otherwise specified in the 47185
agreement, the college may obtain required textbooks from any 47186
source offering the textbooks. 47187

(2) The secondary school shall either: 47188

(a) Pay the college an amount equal to fifty per cent of the 47189
cost of all required textbooks for courses in which the 47190
participant is enrolled at the college. Under this option, the 47191

college shall own the textbooks and the participant shall return 47192
the textbooks to the college upon completion of the course. 47193

(b) Pay the college an amount agreed upon by both the 47194
secondary school and the college. Under this option, the secondary 47195
school and the college shall specify which entity owns the 47196
textbooks and to which entity the participant must return the 47197
textbooks upon completion of the course. 47198

(3) No participant shall be charged for any textbooks 47199
required for courses in which the participant is enrolled under 47200
the program. 47201

(4) The procedures established for the efficient distribution 47202
of textbooks to participants. For this purpose, the agreement 47203
shall include the following information: 47204

(a) The name and contact information of the person at the 47205
college and the person at the secondary school responsible for 47206
implementing the procedures described in the agreement; 47207

(b) The entity and person responsible for ensuring that 47208
participants receive all required textbooks in a timely manner; 47209

(c) The entity that owns the textbooks provided to 47210
participants, in accordance with the requirements of this section; 47211

(d) Protocols and timelines for notifying the college of 47212
textbooks needed for participants; 47213

(e) The responsibilities of participants for the acquisition 47214
and return of textbooks and the duties of each entity with regard 47215
to notifying participants of those responsibilities; 47216

(f) Payment procedures for the textbooks, which shall require 47217
the college to submit a request for payment to the secondary 47218
school not earlier than fourteen days after the starting date of 47219
the applicable semester or quarter and shall require the school to 47220
remit payment to the college within sixty days of receipt of the 47221

request; 47222

(g) Procedures for reimbursing a participant for the cost of a textbook if the participant, after a good faith effort to follow the agreement's procedures for acquiring the textbook, purchases the textbook at the participant's own expense to ensure having the textbook in time for the start of the course; 47223
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(h) If the secondary school and the college agreed to a payment amount in accordance with division (A)(2)(b) of this section, the textbook payment structure as agreed upon in the agreement and, if applicable, any options available for renting the textbooks. 47228
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(B) For textbooks that are required for courses delivered at the secondary school on a regular basis and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor of higher education, an agreement entered into under division (A) of this section may establish a payment structure and arrangements for multiple academic years. 47233
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(C) Each secondary school shall include information on the terms of the agreements entered into under division (A) of this section in the counseling information required under division (B) of section 3365.04 of the Revised Code. 47240
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(D) Each home-instructed participant shall select one of the following options for procuring the textbooks required for a course in which the participant is enrolled at a college under the program: 47244
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(1) The participant shall pay the college an amount equal to fifty per cent of the cost of all required textbooks to rent the textbooks from the college. Under this option, the college shall own the textbooks and the participant shall return the textbooks to the college upon completion of the course. 47248
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(2) The participant shall purchase the textbooks at the participant's expense. Under this option, the participant shall own the textbooks. 47253
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At the time of course registration, each home-instructed participant shall inform the college of which option the participant chooses to procure textbooks. 47256
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(E) The chancellor, in consultation with the superintendent of public instruction, shall establish a process for collecting regular feedback from secondary schools, public and private colleges, and other interested parties regarding the implementation of this section. 47259
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Sec. 3365.091. (A) The chancellor of higher education, in consultation with the superintendent of public instruction, shall adopt rules specifying the conditions under which an underperforming participant may continue to participate in the college credit plus program. 47264
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The rules shall address at least the following: 47269

(1) The definition of an "underperforming participant"; 47270

(2) Any additional conditions that participants with repeated underperformance must satisfy; 47271
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(3) The timeframe for notifying an underperforming participant who is determined to be ineligible for participation of such ineligibility; 47273
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(4) Mechanisms available to assist underperforming participants; 47276
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(5) The role of school guidance counselors and college academic advisers in assisting underperforming participants; 47278
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(6) If an underperforming participant is determined to be ineligible for participation, any consequences that such 47280
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ineligibility may have on the student's ability to complete the 47282
secondary school's graduation requirements. 47283

The rules also shall specify the school year for which 47284
implementation of the rules adopted pursuant to division (A) of 47285
this section shall first apply. 47286

(B) In developing the rules pursuant to division (A) of this 47287
section, the chancellor, in consultation with the state 47288
superintendent, shall establish a process to receive input from 47289
public and nonpublic secondary schools, public and private 47290
colleges, and other interested parties. 47291

Sec. 3365.12. (A) All courses offered under the college 47292
credit plus program shall be the same courses that are included in 47293
the partnering college's course catalogue for college-level, 47294
nonremedial courses and shall apply to at least one degree or 47295
professional certification at the partnering college. 47296

(B)(1) ~~High~~ In accordance with division (E) of section 47297
3365.04 of the Revised Code, high school credit awarded for 47298
courses successfully completed under this chapter shall count 47299
toward the graduation requirements and subject area requirements 47300
of the public secondary school or participating nonpublic 47301
secondary school. If a course comparable to one a participant 47302
completed at a college is offered by the school, the governing 47303
entity or governing body shall award comparable credit for the 47304
course completed at the college. If no comparable course is 47305
offered by the school, the governing entity or governing body 47306
shall grant an appropriate number of elective credits to the 47307
participant. 47308

(2) If there is a dispute between a participant's school and 47309
a participant regarding high school credits granted for a course, 47310
the participant may appeal the decision to the ~~state board~~ 47311
department of education. The ~~state board's~~ department's decision 47312

regarding any high school credits granted under this section is 47313
final. 47314

(C) Evidence of successful completion of each course and the 47315
high school credits awarded by the school shall be included in the 47316
student's record. The record shall indicate that the credits were 47317
earned as a participant under this chapter and shall include the 47318
name of the college at which the credits were earned. 47319

Sec. 3365.15. The chancellor of higher education and the 47320
superintendent of public instruction jointly shall do all of the 47321
following: 47322

(A) Adopt data reporting guidelines specifying the types of 47323
data that public and participating nonpublic secondary schools and 47324
public and participating private colleges, including eligible 47325
out-of-state colleges participating in the program, must annually 47326
collect, report, and track under division (G) of section 3365.04 47327
and division ~~(H)~~(I) of section 3365.05 of the Revised Code. The 47328
types of data shall include all of the following: 47329

(1) For each secondary school and college: 47330

(a) The number of participants disaggregated by grade level, 47331
socioeconomic status, race, gender, and disability; 47332

(b) The number of completed courses and credit hours, 47333
disaggregated by the college in which participants were enrolled; 47334

(c) The number of courses in which participants enrolled, 47335
disaggregated by subject area and level of difficulty. 47336

(2) For each secondary school, the number of students who 47337
were denied participation in the program under division (A)(1)(a) 47338
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 47339
Revised Code. Each participating nonpublic secondary school shall 47340
also include the number of students who were denied participation 47341
due to the student not being awarded funding by the department of 47342

education pursuant to section 3365.071 of the Revised Code. 47343

(3) For each college: 47344

(a) The number of students who applied to enroll in the 47345
college under the program but were not granted admission; 47346

(b) The average number of completed courses per participant; 47347

(c) The average grade point average for participants in 47348
college courses under the program. 47349

The guidelines adopted under this division shall also include 47350
policies and procedures for the collection, reporting, and 47351
tracking of such data. 47352

(B) Annually compile the data required under division (A) of 47353
this section. Not later than the thirty-first day of December of 47354
each year, the data from the previous school year shall be posted 47355
in a prominent location on both the chancellor of higher 47356
education's and the department of education's web sites. 47357

(C) ~~Submit a biennial report detailing the status of the 47358
college credit plus program, including an analysis of quality 47359
assurance measures related to the program, both of the following 47360
to the governor, the president of the senate, the speaker of the 47361
house of representatives, and the chairpersons of the education 47362
committees of the senate and house of representatives;~~ 47363

(1) A biennial report detailing the status of the college 47364
credit plus program, including an analysis of quality assurance 47365
measures related to the program. The report shall include only 47366
data available through the higher education information system 47367
administered by the chancellor. The first report shall be 47368
submitted not later than December 31, 2017, and each subsequent 47369
report shall be submitted not later than the thirty-first day of 47370
December every two years thereafter. 47371

(2) Until December 2023, an annual report on outcomes of the 47372

<u>college credit plus program that are supported by empirical</u>	47373
<u>evidence. The report shall include all of the following,</u>	47374
<u>disaggregated by cohort:</u>	47375
<u>(a) Number of degrees attained;</u>	47376
<u>(b) Level and type of degrees attained;</u>	47377
<u>(c) Number of students who receive a degree in two different</u>	47378
<u>subject areas;</u>	47379
<u>(d) Time to completion of a degree, disaggregated by level</u>	47380
<u>and type of degree attained;</u>	47381
<u>(e) Time to enrollment in a graduate or doctoral degree</u>	47382
<u>program;</u>	47383
<u>(f) The number of students who participate in a study abroad</u>	47384
<u>course;</u>	47385
<u>(g) How all of the measures described in division (C)(2) of</u>	47386
<u>this section compare to both:</u>	47387
<u>(i) The overall student population who did not participate in</u>	47388
<u>the college credit plus program;</u>	47389
<u>(ii) Any similar measures compiled under the former</u>	47390
<u>postsecondary enrollment options program, to the extent that such</u>	47391
<u>data is available.</u>	47392
<u>The first report shall be submitted not later than December</u>	47393
<u>31, 2018, and each subsequent report shall be submitted not later</u>	47394
<u>than the thirty-first day of December each year thereafter until</u>	47395
<u>December 2023.</u>	47396
(D) Establish a college credit plus advisory committee to	47397
assist in the development of performance metrics and the	47398
monitoring of the program's progress. At least one member of the	47399
advisory committee shall be a school guidance counselor.	47400
The chancellor shall also, in consultation with the	47401

superintendent, create a standard packet of information for the 47402
college credit plus program directed toward students and parents 47403
that are interested in the program. 47404

(E) For purposes of this section, "cohort" means a group of 47405
students who participated in the college credit plus program and 47406
who, upon graduation from high school, enroll in an Ohio 47407
institution of higher education during the same academic year. 47408

Sec. 3375.03. (A) As used in this section: 47409

(1) "Metropolitan planning organization" means a metropolitan 47410
planning organization designated under 23 U.S.C. 134, as amended. 47411

(2) "Open format" has the meaning defined in section 149.61 47412
of the Revised Code. 47413

(3) "Public record" has the meaning defined in section 149.43 47414
of the Revised Code. 47415

(B) There is hereby established the local government 47416
information exchange grant program. The program shall be 47417
administered by the state librarian. The state librarian shall 47418
adopt rules under Chapter 119. of the Revised Code as are 47419
necessary to administer the program. The rules shall include all 47420
of the following: 47421

(1) Grant eligibility criteria, which shall include a 47422
requirement that a grantee be a county, township, municipal 47423
corporation, or public library, or a regional planning commission, 47424
metropolitan planning organization, or regional council of 47425
governments, which may apply for a grant on behalf of a county, 47426
township, municipal corporation, public library, or group thereof, 47427
to assist them in meeting the requirements of this section; 47428

(2) Specifications for what data sets of public records must 47429
be included by a county, township, municipal corporation, or 47430
public library in order for the county, township, municipal 47431

corporation, or public library to be eligible for a grant; 47432

(3) A requirement that data satisfying the grant criteria be 47433
posted on the internet by the county, township, municipal 47434
corporation, or public library, in an open format; 47435

(4) Specifications for consistent formatting and technology 47436
standards for data satisfying the grant eligibility criteria; 47437

(5) Specifications for accounting standards for data provided 47438
by a county, township, municipal corporation, or public library; 47439
and 47440

(6) A requirement that the data provided by a grantee be 47441
provided in an open format that is compatible with, and able to be 47442
published by the treasurer of state as part of, the Ohio online 47443
checkbook or a similar program. 47444

Required data may be different for counties, townships, 47445
municipal corporations, or public libraries. 47446

(C) The state librarian shall disburse a grant of ten 47447
thousand dollars to each county, township, municipal corporation, 47448
or public library that meets the grant eligibility criteria 47449
established by the state librarian, or to a regional planning 47450
commission, metropolitan planning organization, or regional 47451
council of governments that applied for a grant on behalf of a 47452
county, township, municipal corporation, public library, or group 47453
thereof that meets the grant eligibility criteria established by 47454
the state librarian. Grants shall be awarded in the order in which 47455
a county, township, municipal corporation, or public library has 47456
met the eligibility criteria. The total amount of grants awarded 47457
shall not exceed the amount that can be funded with appropriations 47458
made by the general assembly for this purpose. 47459

(D) Nothing in this section prohibits a grantee who received 47460
a grant under this section from pooling the grant with other 47461
grants received under this section by other grantees, to assist 47462

them in meeting the requirements of this section or to comply with 47463
section 149.61 of the Revised Code. 47464

Sec. 3513.02. ~~(A)(1) If, in any odd numbered year, no valid~~ 47465
~~declaration of candidacy person is filed for nomination certified~~ 47466
as a candidate for the nomination of a political party for 47467
~~election to any of the offices~~ an office to be voted for at the a 47468
general election ~~to be held in such year,~~ or if the number of 47469
persons ~~filing such declarations of candidacy for nominations~~ 47470
certified as candidates for the nomination of ~~one~~ that political 47471
party for ~~election to such offices~~ that office does not exceed, ~~as~~ 47472
~~to any such office,~~ the number of candidates ~~which such~~ that 47473
political party is entitled to nominate as its candidates for 47474
~~election to such~~ that office, then no primary election shall be 47475
held for the purpose of nominating party candidates of ~~such~~ that 47476
party for ~~election to offices to be voted for at such general~~ 47477
~~election and no primary ballots shall be provided for such party~~ 47478
that office. If, however, the only office for which there are more 47479
~~valid declarations of candidacy filed~~ certified candidates than 47480
the number to be nominated by a political party, ~~is the office of~~ 47481
councilperson in a ward, a primary election shall be held for ~~such~~ 47482
that party for that office only in the ward or wards in which 47483
there is a contest, and only the names of the candidates for the 47484
office of councilperson in ~~such~~ that ward shall appear on the 47485
primary ballot of ~~such~~ that political party. 47486

~~The~~ (2) If the number of persons certified as candidates for 47487
the nomination of a political party for an office does not exceed 47488
the number of candidates the political party is entitled to 47489
nominate as its candidates for that office, then the election 47490
officials whose duty it would have been to ~~provide for and conduct~~ 47491
~~the holding of such primary election, declare the results thereof,~~ 47492
~~and~~ issue certificates of nomination to the persons entitled 47493
~~thereto if such~~ nominated at the primary election ~~had been held~~ 47494

shall declare each of ~~such~~ those persons to be nominated as of the 47495
date of the ~~ninetieth~~ sixty-fifth day before the primary election, 47496
issue appropriate certificates of nomination to each of them, and 47497
certify their names to the proper election officials, in order 47498
that their names may be printed on the official ballots provided 47499
for use in the succeeding general election in the same manner as 47500
though ~~such~~ the primary election had been held and ~~such~~ those 47501
persons had been nominated at ~~such~~ the election. 47502

(B) If the number of persons certified as candidates for the 47503
nomination of a political party for an office exceeds the number 47504
of candidates the political party is entitled to nominate as its 47505
candidates for that office and one or more candidates die, 47506
withdraw, or are disqualified before the day of the primary 47507
election, such that the number of candidates no longer exceeds the 47508
number of candidates that the political party is entitled to 47509
nominate as its candidates for that office, and the vacancy or 47510
vacancies are not filled under division (F) of section 3513.052 of 47511
the Revised Code, then all of the following apply: 47512

(1) No primary election shall be held for the purpose of 47513
nominating party candidates of that party for that office. 47514

(2) If the ballots for that election have already been 47515
prepared and primary election is to be held for that party for the 47516
purpose of nominating or electing candidates for other offices, 47517
the board of elections shall not remove the names of the 47518
candidates from the ballots. The board of elections shall post a 47519
notice at each polling place on the day of the election that no 47520
primary is being held for the purpose of nominating party 47521
candidates of that party for that office and that votes for those 47522
candidates will be void and will not be counted. The board also 47523
shall enclose a copy of that notice with each absent voter's 47524
ballot given or mailed after all but one candidate has died, 47525
withdrawn, or been disqualified. Any votes for those candidates 47526

are void and shall not be counted. 47527

(3) The election officials whose duty it would have been to 47528
issue certificates of nomination to the persons nominated at the 47529
primary election shall declare the remaining candidate or 47530
candidates to be nominated as of the date of the primary election, 47531
issue appropriate certificates of nomination to each of them, and 47532
certify their names to the proper election officials, in order 47533
that their names may be printed on the official ballots provided 47534
for use in the succeeding general election in the same manner as 47535
though the primary election had been held and those persons had 47536
been nominated at that election. 47537

Sec. 3513.30. (A)(1) ~~If only one valid declaration of~~ 47538
~~candidacy is filed for nomination~~ the number of persons certified 47539
~~as a candidate~~ candidates for the nomination of a political party 47540
for an office does not exceed the number of candidates that 47541
political party is entitled to nominate as its candidates for that 47542
office and ~~that candidate dies~~ one or more candidates die, 47543
withdraw, or are disqualified prior to the tenth day before the 47544
primary election, both of the following may occur: 47545

(a) The political party whose candidate died, withdrew, or 47546
was disqualified may fill the vacancy so created as provided in 47547
division (A)(2) of this section. 47548

(b) Any major political party other than the one whose 47549
candidate died, withdrew, or was disqualified may select a 47550
candidate as provided in division (A)(2) of this section under 47551
either of the following circumstances: 47552

(i) No person ~~has filed a valid declaration of candidacy for~~ 47553
~~nomination is certified~~ as that party's a candidate at the primary 47554
~~election~~ for that party's nomination for that office. 47555

(ii) ~~Only one person has filed a valid declaration of~~ 47556

~~candidacy for nomination~~ The number of persons certified as that 47557
~~party's candidate at the primary election~~ candidates for that 47558
~~party's nomination for that office does not exceed the number of~~ 47559
~~candidates that political party is entitled to nominate as its~~ 47560
~~candidates for that office, that person has one or more candidates~~ 47561
have withdrawn, died, or been disqualified under section 3513.052 47562
of the Revised Code, and the vacancy or vacancies so created ~~has~~ 47563
have not been filled. 47564

(2) A vacancy may be filled under division (A)(1)(a) and a 47565
selection may be made under division (A)(1)(b) of this section by 47566
the appropriate committee of the political party in the same 47567
manner as provided in divisions (A) to (E) of section 3513.31 of 47568
the Revised Code for the filling of similar vacancies created by 47569
withdrawals or disqualifications under section 3513.052 of the 47570
Revised Code after the primary election, except that the 47571
certification required under that section may not be filed with 47572
the secretary of state, or with a board of the most populous 47573
county of a district, or with the board of a county in which the 47574
major portion of the population of a subdivision is located, later 47575
than four p.m. of the tenth day before the day of such primary 47576
election, or with any other board later than four p.m. of the 47577
fifth day before the day of such primary election. 47578

(3) If ~~only one valid declaration of candidacy is filed for~~ 47579
~~nomination~~ the number of persons certified as a candidate 47580
candidates for the nomination of a political party for an office 47581
does not exceed the number of candidates that political party is 47582
entitled to nominate as its candidates for that office and that 47583
~~candidate dies~~ one or more candidates die, withdraw, or are 47584
disqualified on or after the tenth day before the day of the 47585
primary election, ~~that~~ each such candidate is considered to have 47586
received the nomination of that candidate's political party at 47587
that primary election, and, for purposes of filling the vacancy so 47588

created, that candidate's death, withdrawal, or disqualification 47589
shall be treated as if ~~that candidate died~~ it occurred on the day 47590
after the day of the primary election. 47591

(B) Any ~~person filing a declaration of candidacy~~ candidate 47592
for the nomination of a political party for an office may withdraw 47593
as such candidate at any time prior to the primary election. The 47594
withdrawal shall be effected and the statement of withdrawal shall 47595
be filed in accordance with the procedures prescribed in division 47596
(D) of this section for the withdrawal of persons nominated in a 47597
primary election or by nominating petition. 47598

(C) A person who is the first choice for president of the 47599
United States by a candidate for delegate or alternate to a 47600
national convention of a political party may withdraw consent for 47601
the selection of the person as such first choice no later than 47602
four p.m. of the fortieth day before the day of the presidential 47603
primary election. Withdrawal of consent shall be for the entire 47604
slate of candidates for delegates and alternates who named such 47605
person as their presidential first choice and shall constitute 47606
withdrawal from the primary election by such delegates and 47607
alternates. The withdrawal shall be made in writing and delivered 47608
to the secretary of state. If the withdrawal is delivered to the 47609
secretary of state on or before the seventieth day before the day 47610
of the primary election, the boards of elections shall remove both 47611
the name of the withdrawn first choice and the names of such 47612
withdrawn candidates from the ballots according to the directions 47613
of the secretary of state. If the withdrawal is delivered to the 47614
secretary of state after the seventieth day before the day of the 47615
primary election, the board of elections shall not remove the name 47616
of the withdrawn first choice and the names of the withdrawn 47617
candidates from the ballots. The board of elections shall post a 47618
notice at each polling location on the day of the primary 47619
election, and shall enclose with each absent voter's ballot given 47620

or mailed after the candidate withdraws, a notice that votes for 47621
the withdrawn first choice or the withdrawn candidates will be 47622
void and will not be counted. If such names are not removed from 47623
all ballots before the day of the election, the votes for the 47624
withdrawn first choice or the withdrawn candidates are void and 47625
shall not be counted. 47626

(D) Any person nominated in a primary election or by 47627
nominating petition as a candidate for election at the next 47628
general election may withdraw as such candidate at any time prior 47629
to the general election. Such withdrawal may be effected by the 47630
filing of a written statement by such candidate announcing the 47631
candidate's withdrawal and requesting that the candidate's name 47632
not be printed on the ballots. If such candidate's declaration of 47633
candidacy or nominating petition was filed with the secretary of 47634
state, the candidate's statement of withdrawal shall be addressed 47635
to and filed with the secretary of state. If such candidate's 47636
declaration of candidacy or nominating petition was filed with a 47637
board of elections, the candidate's statement of withdrawal shall 47638
be addressed to and filed with such board. 47639

(E) When a person withdraws under division (B) or (D) of this 47640
section on or before the seventieth day before the day of the 47641
primary election or the general election, the board of elections 47642
shall remove the name of the withdrawn candidate from the ballots 47643
according to the directions of the secretary of state. When a 47644
person withdraws under division (B) or (D) of this section after 47645
the seventieth day before the day of the primary election or the 47646
general election, the board of elections shall not remove the name 47647
of the withdrawn candidate from the ballots. The board of 47648
elections shall post a notice at each polling place on the day of 47649
the election, and shall enclose with each absent voter's ballot 47650
given or mailed after the candidate withdraws, a notice that votes 47651
for the withdrawn candidate will be void and will not be counted. 47652

If the name is not removed from all ballots before the day of the election, the votes for the withdrawn candidate are void and shall not be counted. 47653
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Sec. 3513.301. (A) Notwithstanding section 3513.30 of the Revised Code and except as otherwise provided in division (B)(2) of this section, if only one person has filed a valid declaration of candidacy for nomination as the candidate of a political party for the office of representative to congress and that person withdraws as a candidate or dies at any time before the primary election, a special election shall be held under division (B)(1) of this section as soon as reasonably practicable to nominate the following: 47656
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(1) That party's candidate for congress; 47665

(2) The candidate for congress of any other major political party under either of the following circumstances: 47666
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(a) No person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election. 47668
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(b) Only one person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election, that person has withdrawn or died, and the vacancy so created has not been filled. 47670
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(B) ~~The (1)~~ Except as otherwise provided in division (B)(2) of this section, the boards of elections of all the counties contained in whole or in part within the congressional district for which a special election is being held under this section shall, ~~as soon as reasonably practicable~~, conduct the special election on a date designated by the secretary of state and give notice of the time and places of holding the election as provided in section 3501.03 of the Revised Code. The election shall be held and conducted and returns of it made as in the case of a primary 47674
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election, except that the secretary of state shall designate the 47683
deadline to file a declaration of candidacy or a declaration of 47684
intent to be a write-in candidate for the election. 47685

(2) If, for each nomination to be made at the special 47686
election to be held under division (B)(1) of this section, only 47687
one person has filed a valid declaration of candidacy or no person 47688
has filed a valid declaration of candidacy, then no special 47689
election shall be held. If no special election is held, then for 47690
each nomination for which only one person has filed a valid 47691
declaration of candidacy, the board of elections of the most 47692
populous county of the congressional district shall certify the 47693
person's name to the secretary of state, the secretary of state 47694
shall issue a certificate of nomination to the person, and the 47695
person's name shall appear on the ballot as that party's candidate 47696
at the general election. 47697

(C) The state shall pay all costs of any special election 47698
held under this section. 47699

Sec. 3513.312. (A) Notwithstanding section 3513.31 of the 47700
Revised Code, if a person nominated in a primary election or 47701
nominated by petition under section 3517.012 of the Revised Code 47702
as a party candidate for the office of representative to congress 47703
for election at the next general election withdraws as such 47704
candidate prior to the ninetieth day before the day of such 47705
general election, or dies prior to the ninetieth day before the 47706
day of such general election, the vacancy in the party nomination 47707
so created shall be filled ~~by a special election held in~~ 47708
accordance with division (B)(1) of this section as soon as 47709
reasonably practicable. 47710

(B) ~~The (1)~~ Except as otherwise provided in division (B)(2) 47711
of this section, the boards of elections of all the counties 47712
contained in whole or in part within the congressional district in 47713

which a vacancy occurs as described in division (A) of this 47714
section shall, ~~as soon as reasonably practicable,~~ conduct the 47715
special election on a date designated by the secretary of state 47716
and give notice of the time and places of holding such election as 47717
provided in section 3501.03 of the Revised Code. Such election 47718
shall be held and conducted and returns thereof made as in the 47719
case of a primary election, except that the secretary of state 47720
shall designate the deadline to file a declaration of candidacy or 47721
a declaration of intent to be a write-in candidate for the 47722
election. 47723

(2) If only one person has filed a valid declaration of 47724
candidacy for the special election to be held under division 47725
(B)(1) of this section, or if no person has filed a valid 47726
declaration of candidacy, then no special election shall be held. 47727
If one person has filed a valid declaration of candidacy, the 47728
board of elections of the most populous county of the 47729
congressional district shall certify the person's name to the 47730
secretary of state, the secretary of state shall issue a 47731
certificate of nomination to the person, and the person's name 47732
shall appear on the ballot as that party's candidate at the 47733
general election. 47734

(C) The state shall pay all costs of any special election 47735
held pursuant to this section. 47736

Sec. 3517.17. (A)(1) At the beginning of each calendar 47737
quarter, after the costs of audits are deducted under division 47738
(B)(1) of section 3517.16 of the Revised Code, the tax 47739
commissioner shall ~~divide~~ distribute any remaining moneys that 47740
have accrued in the Ohio political party fund during the previous 47741
quarter ~~equally among all qualified political parties in the~~ 47742
~~following manner. Of the public moneys to which a party is~~ 47743
~~entitled:~~ 47744

~~(1) One half shall be paid to the treasurer of the state executive committee of the party. Along with the distribution, the commissioner shall provide a list of amounts to be allocated to each county executive committee, which shall be determined by multiplying one-half of the total distribution by the ratio that the number of checkoffs in each county bears to the total number of checkoffs.~~ 47745
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~~(2) One half shall be distributed Upon receiving a distribution of funds under division (A)(1) of this section, the treasurer of the state executive committee of the party shall distribute, from one-half of the received distribution of funds, an amount to the treasurer of each county executive committee of the various counties in accordance with the ratio that the number of checkoffs in each county bears to the total number of checkoffs, as determined list provided by the tax commissioner.~~ 47752
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Each party treasurer receiving public moneys from the Ohio political party fund shall deposit those moneys into the party's restricted fund created under section 3517.1012 of the Revised Code, shall expend and maintain those moneys subject to the requirements of that section and section 3517.18 of the Revised Code, and shall file deposit and disbursement statements as required by division (B) of section 3517.1012 of the Revised Code. The auditor of state shall annually audit the deposit and disbursement statements of the state committee of a political party that is eligible to receive public moneys collected during the previous year, to ascertain that all moneys in the party's restricted fund are expended in accordance with law. The auditor of state shall audit the deposit and disbursement statements of each county committee of such a political party to ascertain that all moneys in the party's restricted fund are expended in accordance with law at the time of the public office audit of that county under Chapter 117. of the Revised Code. 47760
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(B) Only major political parties, as defined in section 47777
3501.01 of the Revised Code, may apply for public moneys from the 47778
Ohio political party fund. At the end of each even-numbered 47779
calendar year, the secretary of state shall announce the names of 47780
all such political parties, indicating that they may apply to 47781
receive such moneys during the ensuing two years. Any political 47782
party named at this time may, not later than the last day of 47783
January of the ensuing odd-numbered year, make application with 47784
the tax commissioner to receive public moneys. A political party 47785
that fails to make a timely application shall not receive public 47786
moneys during that two-year period. The tax commissioner shall 47787
prescribe an appropriate application form. Moneys from the fund 47788
shall be provided during the appropriate two-year period to each 47789
political party that makes a timely application in accordance with 47790
this division. 47791

Sec. 3701.12. (A) As used in this section: 47792

(1) "Third party" means any person or government entity other 47793
than the department of health or a program administered by the 47794
department. 47795

(2) "Third party benefits" means any and all benefits paid by 47796
a third party to or on behalf of an individual or the individual's 47797
parent or guardian for goods or services the individual has 47798
received from the department of health or a grantee or contractor 47799
of the department. 47800

(B) Except as provided in division (C) of this section, the 47801
department of health shall not, on or after January 1, 2018, pay 47802
for goods or services that are payable through third party 47803
benefits. 47804

(C) The prohibition in division (B) of this section does not 47805
apply when expressly contrary to another provision of the Revised 47806
Code or when, as determined by the director of health, department 47807

of health funds are required to mitigate the spread of infectious 47808
disease or are needed for exceptional circumstances. 47809

Sec. 3701.144. (A) As used in this section, "cost sharing" 47810
has the same meaning as in section 3923.85 of the Revised Code. 47811

(B) The department of health shall administer the state's 47812
participation in the national breast and cervical cancer early 47813
detection program (NBCCEDP), which shall be known as the Ohio 47814
breast and cervical cancer project. The project shall be 47815
administered in accordance with Title XV of the "Public Health 47816
Service Act," 42 U.S.C. 300k et seq., and the department's NBCCEDP 47817
grant agreement with the United States centers for disease control 47818
and prevention. 47819

(C) In administering the project, the department shall set 47820
eligibility requirements for services provided through the project 47821
as follows: 47822

(1) The woman must have countable family income not exceeding 47823
two hundred fifty per cent of the federal poverty line. 47824

(2) One of the following must be the case: 47825

(a) The woman is not covered by health insurance. 47826

(b) The woman is covered by health insurance that does not 47827
include the screening or diagnostic services the woman seeks 47828
through the project. 47829

(c) The woman is covered by health insurance that imposes 47830
cost sharing for the screening or diagnostic services the woman 47831
seeks through the project that exceeds the limit specified by the 47832
director of health in rules adopted under division (D) of this 47833
section. 47834

(3) In the case of a woman seeking cervical cancer screening 47835
and diagnostic services through the project, the woman must be at 47836
least twenty-one and less than sixty-five years of age. 47837

(4) In the case of a woman seeking breast cancer screening and diagnostic services through the project, either of the following must be the case: 47838
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(a) The woman is at least forty and less than sixty-five years of age. 47841
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(b) The woman is at least twenty-five and less than forty years of age and has been determined by a physician to need breast cancer screening and diagnostic services due to the results of a clinical breast examination, the woman's family history, or other factors. 47843
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(D) The director shall adopt rules for purposes of division (C)(2)(c) of this section specifying the cost sharing limit for each screening and diagnostic service that may be obtained through the project. The director may adopt other rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 47848
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Sec. 3701.243. (A) Except as provided in this section or section 3701.248 of the Revised Code, no person or agency of state or local government that acquires the information while providing any health care service or while in the employ of a health care facility or health care provider shall disclose or compel another to disclose any of the following: 47854
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(1) The identity of any individual on whom an HIV test is performed; 47860
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(2) The results of an HIV test in a form that identifies the individual tested; 47862
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(3) The identity of any individual diagnosed as having AIDS or an AIDS-related condition. 47864
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(B)(1) Except as provided in divisions (B)(2), (C), (D), and (F) of this section, the results of an HIV test or the identity of 47866
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an individual on whom an HIV test is performed or who is diagnosed 47868
as having AIDS or an AIDS-related condition may be disclosed only 47869
to the following: 47870

(a) The individual who was tested or the individual's legal 47871
guardian, and the individual's spouse or any sexual partner; 47872

(b) A person to whom disclosure is authorized by a written 47873
release, executed by the individual tested or by the individual's 47874
legal guardian and specifying to whom disclosure of the test 47875
results or diagnosis is authorized and the time period during 47876
which the release is to be effective; 47877

(c) ~~The individual's~~ Any physician who treats the individual; 47878

(d) The department of health or a health commissioner to 47879
which reports are made under section 3701.24 of the Revised Code; 47880

(e) A health care facility or provider that procures, 47881
processes, distributes, or uses a human body part from a deceased 47882
individual, donated for a purpose specified in Chapter 2108. of 47883
the Revised Code, and that needs medical information about the 47884
deceased individual to ensure that the body part is medically 47885
acceptable for its intended purpose; 47886

(f) Health care facility staff committees or accreditation or 47887
oversight review organizations conducting program monitoring, 47888
program evaluation, or service reviews; 47889

(g) A health care provider, emergency medical services 47890
worker, or peace officer who sustained a significant exposure to 47891
the body fluids of another individual, if that individual was 47892
tested pursuant to division (E)(6) of section 3701.242 of the 47893
Revised Code, except that the identity of the individual tested 47894
shall not be revealed; 47895

(h) To law enforcement authorities pursuant to a search 47896
warrant or a subpoena issued by or at the request of a grand jury, 47897

a prosecuting attorney, a city director of law or similar chief 47898
legal officer of a municipal corporation, or a village solicitor, 47899
in connection with a criminal investigation or prosecution. 47900

(2) The results of an HIV test or a diagnosis of AIDS or an 47901
AIDS-related condition may be disclosed to a health care provider, 47902
or an authorized agent or employee of a health care facility or a 47903
health care provider, if the provider, agent, or employee has a 47904
medical need to know the information and is participating in the 47905
diagnosis, care, or treatment of the individual on whom the test 47906
was performed or who has been diagnosed as having AIDS or an 47907
AIDS-related condition. 47908

This division does not impose a standard of disclosure 47909
different from the standard for disclosure of all other specific 47910
information about a patient to health care providers and 47911
facilities. Disclosure may not be requested or made solely for the 47912
purpose of identifying an individual who has a positive HIV test 47913
result or has been diagnosed as having AIDS or an AIDS-related 47914
condition in order to refuse to treat the individual. Referral of 47915
an individual to another health care provider or facility based on 47916
reasonable professional judgment does not constitute refusal to 47917
treat the individual. 47918

(3) Not later than ninety days after November 1, 1989, each 47919
health care facility in this state shall establish a protocol to 47920
be followed by employees and individuals affiliated with the 47921
facility in making disclosures authorized by division (B)(2) of 47922
this section. A person employed by or affiliated with a health 47923
care facility who determines in accordance with the protocol 47924
established by the facility that a disclosure is authorized by 47925
division (B)(2) of this section is immune from liability to any 47926
person in a civil action for damages for injury, death, or loss to 47927
person or property resulting from the disclosure. 47928

(C)(1) Any person or government agency may seek access to or 47929

authority to disclose the HIV test records of an individual in 47930
accordance with the following provisions: 47931

(a) The person or government agency shall bring an action in 47932
a court of common pleas requesting disclosure of or authority to 47933
disclose the results of an HIV test of a specific individual, who 47934
shall be identified in the complaint by a pseudonym but whose name 47935
shall be communicated to the court confidentially, pursuant to a 47936
court order restricting the use of the name. The court shall 47937
provide the individual with notice and an opportunity to 47938
participate in the proceedings if the individual is not named as a 47939
party. Proceedings shall be conducted in chambers unless the 47940
individual agrees to a hearing in open court. 47941

(b) The court may issue an order granting the plaintiff 47942
access to or authority to disclose the test results only if the 47943
court finds by clear and convincing evidence that the plaintiff 47944
has demonstrated a compelling need for disclosure of the 47945
information that cannot be accommodated by other means. In 47946
assessing compelling need, the court shall weigh the need for 47947
disclosure against the privacy right of the individual tested and 47948
against any disservice to the public interest that might result 47949
from the disclosure, such as discrimination against the individual 47950
or the deterrence of others from being tested. 47951

(c) If the court issues an order, it shall guard against 47952
unauthorized disclosure by specifying the persons who may have 47953
access to the information, the purposes for which the information 47954
shall be used, and prohibitions against future disclosure. 47955

(2) A person or government agency that considers it necessary 47956
to disclose the results of an HIV test of a specific individual in 47957
an action in which it is a party may seek authority for the 47958
disclosure by filing an in camera motion with the court in which 47959
the action is being heard. In hearing the motion, the court shall 47960
employ procedures for confidentiality similar to those specified 47961

in division (C)(1) of this section. The court shall grant the 47962
motion only if it finds by clear and convincing evidence that a 47963
compelling need for the disclosure has been demonstrated. 47964

(3) Except for an order issued in a criminal prosecution or 47965
an order under division (C)(1) or (2) of this section granting 47966
disclosure of the result of an HIV test of a specific individual, 47967
a court shall not compel a blood bank, hospital blood center, or 47968
blood collection facility to disclose the result of HIV tests 47969
performed on the blood of voluntary donors in a way that reveals 47970
the identity of any donor. 47971

(4) In a civil action in which the plaintiff seeks to recover 47972
damages from an individual defendant based on an allegation that 47973
the plaintiff contracted the HIV virus as a result of actions of 47974
the defendant, the prohibitions against disclosure in this section 47975
do not bar discovery of the results of any HIV test given to the 47976
defendant or any diagnosis that the defendant suffers from AIDS or 47977
an AIDS-related condition. 47978

(D) The results of an HIV test or the identity of an 47979
individual on whom an HIV test is performed or who is diagnosed as 47980
having AIDS or an AIDS-related condition may be disclosed to a 47981
federal, state, or local government agency, or the official 47982
representative of such an agency, for purposes of the medicaid 47983
program, the medicare program, or any other public assistance 47984
program. 47985

(E) Any disclosure pursuant to this section shall be in 47986
writing and accompanied by a written statement that includes the 47987
following or substantially similar language: "This information has 47988
been disclosed to you from confidential records protected from 47989
disclosure by state law. You shall make no further disclosure of 47990
this information without the specific, written, and informed 47991
release of the individual to whom it pertains, or as otherwise 47992
permitted by state law. A general authorization for the release of 47993

medical or other information is not sufficient for the purpose of 47994
the release of HIV test results or diagnoses." 47995

(F) An individual who knows that the individual has received 47996
a positive result on an HIV test or has been diagnosed as having 47997
AIDS or an AIDS-related condition shall disclose this information 47998
to any other person with whom the individual intends to make 47999
common use of a hypodermic needle or engage in sexual conduct as 48000
defined in section 2907.01 of the Revised Code. An individual's 48001
compliance with this division does not prohibit a prosecution of 48002
the individual for a violation of division (B) of section 2903.11 48003
of the Revised Code. 48004

(G) Nothing in this section prohibits the introduction of 48005
evidence concerning an HIV test of a specific individual in a 48006
criminal proceeding. 48007

Sec. 3701.601. There is hereby created in the state treasury 48008
the breast and cervical cancer project income tax contribution 48009
fund, which shall consist of money contributed to it under section 48010
5747.113 of the Revised Code and of contributions made directly to 48011
it. Any person may contribute directly to the fund in addition to 48012
or independently of the income tax refund contribution system 48013
established in section 5747.113 of the Revised Code. 48014

The director of health shall distribute the contributed funds 48015
to the Ohio breast and cervical cancer project ~~funded by the~~ 48016
~~national breast and cervical cancer early detection program~~ 48017
~~established under the "Breast and Cervical Cancer Mortality~~ 48018
~~Prevention Act of 1990," 104 Stat. 409, 42 U.S.C. 300k et seq.~~ 48019
administered under section 3701.144 of the Revised Code. The 48020
contributed funds shall be used specifically for the provision of 48021
breast and cervical cancer screening, diagnostic, and outreach 48022
services to uninsured and under-insured women who meet the 48023
eligibility requirements specified in that section. The breast and 48024

cervical cancer project, through its regional agencies, shall 48025
~~first~~ use the contributed funds to pay for services provided 48026
directly by personnel of local departments of health, federally 48027
qualified health centers as defined by section 3701.047 of the 48028
Revised Code, or other community health centers. ~~If contributed~~ 48029
~~funds remain after a regional agency pays for all screening,~~ 48030
~~diagnostic, and outreach services provided by local departments of~~ 48031
~~health, federally qualified health centers, or other community~~ 48032
~~health centers, the regional agency may use contributed funds to~~ 48033
~~pay for services provided by other providers.~~ 48034

Sec. 3701.61. (A)(1) The department of health shall establish 48035
the help me grow program ~~as~~. The program shall have a home 48036
visiting component and a part C early intervention services 48037
component. The department of health is the lead agency for the 48038
home visiting component. In accordance with division (F) of 48039
section 5123.02 of the Revised Code, the department of 48040
developmental disabilities is the lead agency for the part C early 48041
intervention services component. 48042

(2) The home visiting component of the help me grow program 48043
is to be the state's evidence-based parent support program that 48044
encourages early prenatal and well-baby care, as well as provides 48045
parenting education to promote the comprehensive health and 48046
development of children. ~~The program component shall also~~ provide 48047
home visiting services to families with a pregnant woman or an 48048
infant or toddler under three years of age who meet the 48049
eligibility requirements established in rules adopted under this 48050
section. Home visiting services shall be provided through 48051
evidence-based home visiting models or innovative, promising home 48052
visiting models recommended by the Ohio home visiting consortium 48053
created under section 3701.612 of the Revised Code. 48054

(3) The part C early intervention services component of the 48055

help me grow program is to be the state's system for the provision 48056
of coordinated early intervention services to children under three 48057
years of age who have developmental delays or disabilities and 48058
meet eligibility requirements established in rules adopted under 48059
section 5123.041 of the Revised Code. It is the general assembly's 48060
intent that early intervention services be grounded in the 48061
philosophy that young children learn best from familiar people in 48062
familiar settings. Accordingly, each family with a child that 48063
receives early intervention services shall be a member of a local 48064
early intervention services team that includes not only the family 48065
but also a service coordinator and service providers. The team 48066
members shall work together to ensure that a child is accessing 48067
available supports and resources to enhance the child's learning 48068
and development. 48069

(B) Families shall be referred to the appropriate home 48070
visiting services or part C early intervention services through 48071
the central intake and referral system created under section 48072
3701.611 of the Revised Code. 48073

(C) To the extent possible, ~~the~~ both of the following shall 48074
be the case: 48075

(1) The goals of the home visiting component of the help me 48076
grow program shall be consistent with the goals of the federal 48077
home visiting program, as specified by the maternal and child 48078
health bureau of the health resources and services administration 48079
in the United States department of health and human services or 48080
its successor. 48081

(2) The goals of the part C early intervention services 48082
component of the help me grow program shall be consistent with 48083
goals and intent for the part C early intervention program for 48084
infants and toddlers with disabilities as expressed by the United 48085
States department of education in "Early Intervention Program for 48086
Infants and Toddlers with Disabilities," 76 Federal Register 48087

60140-60309. 48088

(D) The director of health shall enter into an interagency agreement with the department of developmental disabilities, as authorized by section 5123.024 of the Revised Code, to implement the help me grow program and ensure coordination of early childhood programs. The director may enter into an interagency agreement with one or more other state agencies to implement the help me grow program and ensure coordination of early childhood programs for that same purpose. 48089
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(E) The director ~~may~~ of health shall distribute help me grow program funds ~~through contracts, grants, or subsidies to entities providing services under the program in accordance with a formula included in the interagency agreement with the department of developmental disabilities required by division (D) of this section. The amount to be distributed to the department of developmental disabilities shall be proportional to the number of referrals that department receives through the central intake and referral system created and implemented under section 3701.611 of the Revised Code. The director of health may distribute the remaining help me grow program funds through contracts, grants, or subsidies to entities providing home visiting services under the program. 48097
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(F) As a condition of receiving payments for home visiting services, providers shall do both of the following: 48110
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(1) Promote the use of technology-based resources, such as mobile telephone or text messaging applications, that offer tips on having a healthy pregnancy and healthy baby to families with a pregnant woman or infant who is less than one year of age; 48112
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(2) Report to the director data on the program performance indicators, specified in rules adopted under division (G) of this section, that are used to assess progress toward achieving all of 48116
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the following:	48119
(a) The benchmark domains established for the federal home	48120
visiting program, including improvement in maternal and newborn	48121
health; reduction in child injuries, abuse, and neglect; improved	48122
school readiness and achievement; reduction in crime and domestic	48123
violence; and improved family economic self-sufficiency;	48124
(b) Improvement in birth outcomes and reduction in	48125
stillbirths, as that term is defined in section 3701.97 of the	48126
Revised Code;	48127
(c) Reduction in tobacco use by pregnant women, new parents,	48128
and others living in households with children.	48129
The providers shall report the data in the format and within	48130
the time frames specified in the rules.	48131
The director shall prepare an annual report on the data	48132
received from the providers. The director shall make the report	48133
available on the internet web site maintained by the department of	48134
health.	48135
(G) Pursuant to Chapter 119. of the Revised Code, the	48136
director shall adopt rules that are necessary and proper to	48137
implement this section. The rules shall specify all of the	48138
following:	48139
(1) Subject to division (H) of this section, eligibility	48140
requirements for home visiting services;	48141
(2) Eligibility requirements for providers of home visiting	48142
services;	48143
(3) Standards and procedures for the provision of program	48144
services, including data collection, program monitoring, and	48145
program evaluation;	48146
(4) Procedures for appealing the denial of an application for	48147
program services or the termination of services;	48148

(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;	48149 48150 48151
(6) Procedures for addressing complaints;	48152
(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;	48153 48154 48155 48156 48157
(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;	48158 48159 48160
(9) Criteria for payment of approved providers of program services;	48161 48162
(10) Any other rules necessary to implement the program.	48163
(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.	48164 48165 48166 48167 48168
Sec. 3701.611. (A) Not later <u>earlier</u> than six months after the effective date of this section <u>April 6, 2017</u> , the department of health and the department of developmental disabilities shall create <u>and implement</u> a central intake and referral system for the state's part C early intervention services program and all home visiting programs operating in this state. The system shall comply with all regulations governing the part C early intervention program for infants and toddlers with disabilities that are promulgated under the "Individuals with Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended. Through a competitive	48169 48170 48171 48172 48173 48174 48175 48176 48177 48178

bidding process, the department of health and department of 48179
developmental disabilities may select one or more persons or 48180
government entities to operate the system. 48181

Before issuing a request for proposals to operate the system, 48182
the department of health and department of developmental 48183
disabilities shall consult the appropriate stakeholders to 48184
identify best practices and coordinate goals to ensure adequate 48185
access to services offered through the system. The request for 48186
proposals shall require bidders to specify how they would achieve 48187
the best practices and coordinated goals and allow adequate time 48188
for bidders to develop the partnerships that are necessary to 48189
implement the coordinated goals. 48190

(B) If the department of health and department of 48191
developmental disabilities choose to select one or more system 48192
operators as described in division (A) of this section, a contract 48193
with any system operator shall require that the system do ~~both~~ all 48194
of the following: 48195

(1) Serve as a single point of entry for access, assessment, 48196
and referral of families to appropriate home visiting services and 48197
part C early intervention services based on each family's location 48198
of residence; 48199

(2) Use a standardized form or other mechanism to assess for 48200
each family member's risk factors and social determinants of 48201
health, as well as ensure that the family is referred to the 48202
appropriate home visiting or part C early intervention program or 48203
service; 48204

(3) Promote the availability of both home visiting and part C 48205
early intervention services; 48206

(4) Authorize providers, central coordinators, and other 48207
stakeholders to use help me grow promotional materials for both 48208

the home visiting and part C early intervention services 48209
components and make the materials accessible through the central 48210
intake and referral system. 48211

(C) The standardized form or other mechanism described in 48212
division (B)(2) of this section shall be agreed to by the home 48213
visiting consortium created under section 3701.612 of the Revised 48214
Code and the early intervention services advisory council created 48215
under section 5123.0422 of the Revised Code. 48216

~~If the Ohio home visiting consortium created under section~~ 48217
~~3701.612 of the Revised Code has recommended a standardized form~~ 48218
~~or other mechanism for this purpose, the contract may require the~~ 48219
~~use of that form or other mechanism.~~ 48220

(D) A contract entered into under division (B) of this 48221
section shall require a system operator to issue an annual report 48222
to the department of health and department of developmental 48223
disabilities that includes data regarding referrals made by the 48224
central intake and referral system, costs associated with the 48225
referrals, and the quality of services received by families who 48226
were referred to services through the system. The report shall be 48227
distributed to the home visiting consortium created under section 48228
3701.612 of the Revised Code and the early intervention services 48229
advisory council created under section 5123.0422 of the Revised 48230
Code. 48231

(E) Nothing in this section is intended to do either of the 48232
following: 48233

(1) Prohibit the department of health or department of 48234
developmental disabilities from using alternative promotional 48235
materials or names for the central intake and referral system; 48236

(2) Require the use of help me grow program promotional 48237
materials or names. 48238

Sec. 3701.65. (A) There is hereby created in the state 48239
treasury the "choose life" fund. The fund shall consist of the 48240
contributions that are paid to the registrar of motor vehicles by 48241
applicants who voluntarily elect to obtain "choose life" license 48242
plates pursuant to section 4503.91 of the Revised Code and any 48243
money returned to the fund under division (E)(1)(d) of this 48244
section. All investment earnings of the fund shall be credited to 48245
the fund. 48246

(B)(1) At least annually, the director of health shall 48247
distribute the money in the fund to any private, nonprofit 48248
organization that is eligible to receive funds under this section 48249
and that applies for funding under division (C) of this section. 48250

(2) The director shall allocate the funds to each county in 48251
proportion to the number of "choose life" license plates issued 48252
during the preceding year to vehicles registered in each county. 48253
The director shall distribute funds allocated for a county as 48254
follows: 48255

(a) To one or more eligible organizations located within the 48256
county; 48257

(b) If no eligible organization located within the county 48258
applies for funding, to one or more eligible organizations located 48259
in contiguous counties; 48260

(c) If no eligible organization located within the county or 48261
a contiguous county applies for funding, to one or more eligible 48262
organizations within any other county. 48263

(3) The director shall ensure that any funds allocated for a 48264
county are distributed equally among eligible organizations that 48265
apply for funding within the county. 48266

(C) Any organization seeking funds under this section 48267
annually shall apply for distribution of the funds based on the 48268

county in which the organization is located. An organization also 48269
may apply for funding in a county in which it is not located if it 48270
demonstrates that it provides services for pregnant women residing 48271
in that county. The director shall develop an application form and 48272
may determine the schedule and procedures that an organization 48273
shall follow when annually applying for funds. The application 48274
shall inform the applicant of the conditions for receiving and 48275
using funds under division (E) of this section. The application 48276
shall require evidence that the organization meets all of the 48277
following requirements: 48278

(1) Is a private, nonprofit organization; 48279

(2) Is committed to counseling pregnant women about the 48280
option of adoption; 48281

(3) Provides services within the state to pregnant women who 48282
are planning to place their children for adoption, including 48283
counseling and meeting the material needs of the women; 48284

(4) Does not charge women for any services received; 48285

(5) Is not involved or associated with any abortion 48286
activities, including counseling for or referrals to abortion 48287
clinics, providing medical abortion-related procedures, or 48288
pro-abortion advertising; 48289

(6) Does not discriminate in its provision of any services on 48290
the basis of race, religion, color, age, marital status, national 48291
origin, handicap, gender, or age; 48292

(7) If the organization is applying for funding in a county 48293
in which it is not located, provides services for pregnant women 48294
residing in that county. 48295

(D) The director shall not distribute funds to an 48296
organization that does not provide verifiable evidence of the 48297
requirements specified in the application under division (C) of 48298

this section and shall not provide additional funds to any 48299
organization that fails to comply with division (E) of this 48300
section in regard to its previous receipt of funds under this 48301
section. 48302

(E)(1) An organization receiving funds under this section 48303
shall do all of the following: 48304

(a) Use not more than sixty per cent of the funds distributed 48305
to it for the material needs of pregnant women who are planning to 48306
place their children for adoption or for infants awaiting 48307
placement with adoptive parents, including clothing, housing, 48308
medical care, food, utilities, and transportation; 48309

(b) Use not more than forty per cent of the funds distributed 48310
to it for counseling, training, or advertising; 48311

(c) Not use any of the funds distributed to it for 48312
administrative expenses, legal expenses, or capital expenditures; 48313

(d) Annually return to the fund created under division (A) of 48314
this section any unused money that exceeds ten per cent of the 48315
money distributed to the organization. 48316

(2) The organization annually shall submit to the director an 48317
audited financial statement verifying its compliance with division 48318
(E)(1) of this section. 48319

(F) The director, in accordance with Chapter 119. of the 48320
Revised Code, shall adopt rules to implement this section. 48321

It is not the intent of the general assembly that the 48322
department create a new position within the department to 48323
implement and administer this section. It is the intent of the 48324
general assembly that the implementation and administration of 48325
this section be accomplished by existing department personnel. 48326

(G) If funds that have been allocated to a county for any 48327
previous year have not been distributed to one or more eligible 48328

organizations, the director may distribute those funds in 48329
accordance with this section. 48330

Sec. 3701.83. There is hereby created in the state treasury 48331
the general operations fund. Moneys in the fund shall be used for 48332
the purposes specified in sections 3701.04, 3701.344, 3702.20, 48333
~~3710.15,~~ 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 48334
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 48335
3749.07, 4736.06, 4747.04, and 4769.09 of the Revised Code. 48336

Sec. 3701.881. (A) As used in this section: 48337

(1) "Applicant" means a person who is under final 48338
consideration for employment with a home health agency in a 48339
full-time, part-time, or temporary position that involves 48340
providing direct care to an individual or is referred to a home 48341
health agency by an employment service for such a position. 48342

(2) "Community-based long-term care provider" means a 48343
provider as defined in section 173.39 of the Revised Code. 48344

(3) "Community-based long-term care subcontractor" means a 48345
subcontractor as defined in section 173.38 of the Revised Code. 48346

(4) "Criminal records check" has the same meaning as in 48347
section 109.572 of the Revised Code. 48348

(5) "Direct care" means any of the following: 48349

(a) Any service identified in divisions (A)(8)(a) to (f) of 48350
this section that is provided in a patient's place of residence 48351
used as the patient's home; 48352

(b) Any activity that requires the person performing the 48353
activity to be routinely alone with a patient or to routinely have 48354
access to a patient's personal property or financial documents 48355
regarding a patient; 48356

(c) For each home health agency individually, any other 48357

routine service or activity that the chief administrator of the 48358
home health agency designates as direct care. 48359

(6) "Disqualifying offense" means any of the offenses listed 48360
or described in divisions (A)(3)(a) to (e) of section 109.572 of 48361
the Revised Code. 48362

(7) "Employee" means a person employed by a home health 48363
agency in a full-time, part-time, or temporary position that 48364
involves providing direct care to an individual and a person who 48365
works in such a position due to being referred to a home health 48366
agency by an employment service. 48367

(8) "Home health agency" means a person or government entity, 48368
other than a nursing home, residential care facility, hospice care 48369
program, or pediatric respite care program, that has the primary 48370
function of providing any of the following services to a patient 48371
at a place of residence used as the patient's home: 48372

(a) Skilled nursing care; 48373

(b) Physical therapy; 48374

(c) Speech-language pathology; 48375

(d) Occupational therapy; 48376

(e) Medical social services; 48377

(f) Home health aide services. 48378

(9) "Home health aide services" means any of the following 48379
services provided by an employee of a home health agency: 48380

(a) Hands-on bathing or assistance with a tub bath or shower; 48381

(b) Assistance with dressing, ambulation, and toileting; 48382

(c) Catheter care but not insertion; 48383

(d) Meal preparation and feeding. 48384

(10) "Hospice care program" and "pediatric respite care 48385

program" have the same meanings as in section 3712.01 of the Revised Code. 48386
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(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician. 48388
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(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 48391
48392

(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code. 48393
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(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code. 48396
48397

(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code. 48398
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(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker. 48400
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(17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code. 48403
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(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code. 48405
48406

(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply: 48407
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(1) A review of the databases listed in division (D) of this section reveals any of the following: 48411
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(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section; 48413
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(b) That there is in the state nurse aide registry 48416
established under section 3721.32 of the Revised Code a statement 48417
detailing findings by the director of health that the applicant or 48418
employee abused, neglected, or ~~abused~~ exploited a long-term care 48419
facility or residential care facility resident or misappropriated 48420
property of such a resident; 48421

(c) That the applicant or employee is included in one or more 48422
of the databases, if any, specified in rules adopted under this 48423
section and the rules prohibit the home health agency from 48424
employing an applicant or continuing to employ an employee 48425
included in such a database in a position that involves providing 48426
direct care to an individual. 48427

(2) After the applicant or employee is provided, pursuant to 48428
division (E)(2)(a) of this section, a copy of the form prescribed 48429
pursuant to division (C)(1) of section 109.572 of the Revised Code 48430
and the standard impression sheet prescribed pursuant to division 48431
(C)(2) of that section, the applicant or employee fails to 48432
complete the form or provide the applicant's or employee's 48433
fingerprint impressions on the standard impression sheet. 48434

(3) Except as provided in rules adopted under this section, 48435
the applicant or employee is found by a criminal records check 48436
required by this section to have been convicted of, pleaded guilty 48437
to, or been found eligible for intervention in lieu of conviction 48438
for a disqualifying offense. 48439

(C) Except as provided by division (F) of this section, the 48440
chief administrator of a home health agency shall inform each 48441
applicant of both of the following at the time of the applicant's 48442
initial application for employment or referral to the home health 48443
agency by an employment service for a position that involves 48444
providing direct care to an individual: 48445

(1) That a review of the databases listed in division (D) of 48446

this section will be conducted to determine whether the home health agency is prohibited by division (B)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(D) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a home health agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to conduct a database review of an applicant or employee if division (F) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 48478
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 48481
48482

(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 48483
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(7) Any other database, if any, specified in rules adopted under this section. 48485
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(E)(1) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a home health agency shall request the superintendent to conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of 48487
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investigation in a criminal records check, the chief administrator 48510
shall request that the superintendent obtain information from the 48511
federal bureau of investigation as a part of the criminal records 48512
check. Even if an applicant or employee for whom a criminal 48513
records check request is required by this section presents proof 48514
that the applicant or employee has been a resident of this state 48515
for that five-year period, the chief administrator may request 48516
that the superintendent include information from the federal 48517
bureau of investigation in the criminal records check. 48518

(2) The chief administrator shall do all of the following: 48519

(a) Provide to each applicant and employee for whom a 48520
criminal records check request is required by this section a copy 48521
of the form prescribed pursuant to division (C)(1) of section 48522
109.572 of the Revised Code and a standard impression sheet 48523
prescribed pursuant to division (C)(2) of that section; 48524

(b) Obtain the completed form and standard impression sheet 48525
from each applicant and employee; 48526

(c) Forward the completed form and standard impression sheet 48527
to the superintendent at the time the chief administrator requests 48528
the criminal records check. 48529

(3) A home health agency shall pay to the bureau of criminal 48530
identification and investigation the fee prescribed pursuant to 48531
division (C)(3) of section 109.572 of the Revised Code for each 48532
criminal records check the agency requests under this section. A 48533
home health agency may charge an applicant a fee not exceeding the 48534
amount the agency pays to the bureau under this section if both of 48535
the following apply: 48536

(a) The home health agency notifies the applicant at the time 48537
of initial application for employment of the amount of the fee and 48538
that, unless the fee is paid, the applicant will not be considered 48539
for employment. 48540

(b) The medicaid program does not reimburse the home health agency for the fee it pays to the bureau under this section. 48541
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(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply: 48543
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(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee. 48549
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(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following: 48553
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(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency; 48558
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(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section. 48560
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(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies: 48563
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(a) The chief administrator of the home health agency requests the criminal records check in accordance with division 48570
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(E) of this section not later than five business days after the applicant begins conditional employment. 48572
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(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following: 48574
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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 48580
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(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 48583
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(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter; 48587
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(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results. 48590
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(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency. 48594
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(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any 48599
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request for information from the federal bureau of investigation, 48603
are not obtained within the period ending sixty days after the 48604
date the request for the criminal records check is made. 48605
Regardless of when the results of the criminal records check are 48606
obtained, if the results indicate that the applicant has been 48607
convicted of, pleaded guilty to, or been found eligible for 48608
intervention in lieu of conviction for a disqualifying offense, 48609
the home health agency shall terminate the applicant's employment 48610
unless circumstances specified in rules adopted under this section 48611
that permit the agency to employ the applicant exist and the 48612
agency chooses to employ the applicant. Termination of employment 48613
under this division shall be considered just cause for discharge 48614
for purposes of division (D)(2) of section 4141.29 of the Revised 48615
Code if the applicant makes any attempt to deceive the home health 48616
agency about the applicant's criminal record. 48617

(H) The report of any criminal records check conducted by the 48618
bureau of criminal identification and investigation in accordance 48619
with section 109.572 of the Revised Code and pursuant to a request 48620
made under this section is not a public record for the purposes of 48621
section 149.43 of the Revised Code and shall not be made available 48622
to any person other than the following: 48623

(1) The applicant or employee who is the subject of the 48624
criminal records check or the applicant's or employee's 48625
representative; 48626

(2) The home health agency requesting the criminal records 48627
check or its representative; 48628

(3) The administrator of any other facility, agency, or 48629
program that provides direct care to individuals that is owned or 48630
operated by the same entity that owns or operates the home health 48631
agency that requested the criminal records check; 48632

(4) The employment service that requested the criminal 48633

records check;	48634
(5) The director of health and the staff of the department of health who monitor a home health agency's compliance with this section;	48635 48636 48637
(6) The director of aging or the director's designee if either of the following apply:	48638 48639
(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care provider or community-based long-term care subcontractor;	48640 48641 48642 48643
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor.	48644 48645 48646 48647 48648
(7) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either of the following apply:	48649 48650 48651
(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency;	48652 48653 48654
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency.	48655 48656 48657 48658
(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	48659 48660
(a) A denial of employment of the applicant or employee;	48661
(b) Employment or unemployment benefits of the applicant or employee;	48662 48663

(c) A civil or criminal action regarding the medicaid program. 48664
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(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply: 48666
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(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 48671
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(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section. 48677
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(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 48682
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(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 48689
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(1) The rules may do the following: 48691

(a) Require employees to undergo database reviews and criminal records checks under this section; 48692
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 48694
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(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 48697
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(2) The rules shall specify all of the following: 48700

(a) The procedures for conducting database reviews under this section; 48701
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 48703
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(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 48707
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(d) Circumstances under which a home health agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards. 48712
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Sec. 3701.916. (A) As used in this section, "direct care" and "home health agency" have the same meanings as in section 3701.881 of the Revised Code. 48718
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(B) For the purpose of identifying jobs that are in demand in this state under section 6301.11 of the Revised Code, direct care provided by a home health agency shall be considered a targeted 48721
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industry sector as identified by the governor's office of 48724
workforce transformation. 48725

(C) The director of job and family services shall review the 48726
criteria for any program that provides occupational training, 48727
adult education, or career pathway assistance through a grant or 48728
other source of funding to determine whether an employee of a home 48729
health agency may participate in the program, and, to the extent 48730
possible, make any necessary changes to the criteria to allow a 48731
home health agency employee to participate in the program. 48732

Sec. 3702.304. (A)(1) The director of health may grant a 48733
variance from the written transfer agreement requirement of 48734
section 3702.303 of the Revised Code if the ambulatory surgical 48735
facility submits to the director a complete variance application, 48736
prescribed by the director, and the director determines after 48737
reviewing the application that the facility is capable of 48738
achieving the purpose of a written transfer agreement in the 48739
absence of one. The director's determination is final. 48740

(2) Not later than sixty days after receiving a variance 48741
application from an ambulatory surgical facility, the director 48742
shall grant or deny the variance. A variance application that has 48743
not been approved within sixty days is considered denied. 48744

(B) A variance application is complete for purposes of 48745
division (A)(1) of this section if it contains or includes as 48746
attachments all of the following: 48747

(1) A statement explaining why application of the requirement 48748
would cause the facility undue hardship and why the variance will 48749
not jeopardize the health and safety of any patient; 48750

(2) A letter, contract, or memorandum of understanding signed 48751
by the facility and one or more consulting physicians who have 48752
admitting privileges at a minimum of one local hospital, 48753

memorializing the physician or physicians' agreement to provide 48754
back-up coverage when medical care beyond the level the facility 48755
can provide is necessary; 48756

(3) For each consulting physician described in division 48757
(B)(2) of this section: 48758

(a) A signed statement in which the physician attests that 48759
the physician is familiar with the facility and its operations, 48760
and agrees to provide notice to the facility of any changes in the 48761
physician's ability to provide back-up coverage; 48762

(b) The estimated travel time from the physician's main 48763
residence or office to each local hospital where the physician has 48764
admitting privileges; 48765

(c) Written verification that the facility has a record of 48766
the name, telephone numbers, and practice specialties of the 48767
physician; 48768

(d) Written verification from the state medical board that 48769
the physician possesses a valid ~~certificate~~ license to practice 48770
medicine and surgery or osteopathic medicine and surgery issued 48771
under Chapter 4731. of the Revised Code; 48772

(e) Documented verification that each hospital at which the 48773
physician has admitting privileges has been informed in writing by 48774
the physician that the physician is a consulting physician for the 48775
ambulatory surgical facility and has agreed to provide back-up 48776
coverage for the facility when medical care beyond the care the 48777
facility can provide is necessary. 48778

(4) A copy of the facility's operating procedures or 48779
protocols that, at a minimum, do all of the following: 48780

(a) Address how back-up coverage by consulting physicians is 48781
to occur, including how back-up coverage is to occur when 48782
consulting physicians are temporarily unavailable; 48783

(b) Specify that each consulting physician is required to 48784
notify the facility, without delay, when the physician is unable 48785
to expeditiously admit patients to a local hospital and provide 48786
for continuity of patient care; 48787

(c) Specify that a patient's medical record maintained by the 48788
facility must be transferred contemporaneously with the patient 48789
when the patient is transferred from the facility to a hospital. 48790

(5) Any other information the director considers necessary. 48791

(C) The director's decision to grant, refuse, or rescind a 48792
variance is final. 48793

(D) The director shall consider each application for a 48794
variance independently without regard to any decision the director 48795
may have made on a prior occasion to grant or deny a variance to 48796
that ambulatory surgical facility or any other facility. 48797

Sec. 3702.307. An ambulatory surgical facility shall notify 48798
the director of health when any of the following occurs: 48799

(A) The facility modifies any provision of its most recent 48800
written transfer agreement filed with the director under section 48801
3702.303 of the Revised Code. Notification under these 48802
circumstances shall occur not later than the business day after 48803
the modification is finalized. As used in this division, "business 48804
day" means a day of the week excluding Saturday, Sunday, and a 48805
legal holiday as defined in section 1.14 of the Revised Code. 48806

(B) The facility modifies its operating procedures or 48807
protocols described in division (B)(4) of section 3702.304 of the 48808
Revised Code. Notification under these circumstances shall occur 48809
not later than forty-eight hours after the modification is made. 48810

(C) The ambulatory surgical facility becomes aware of an 48811
event, including disciplinary action by the state medical board 48812
pursuant to section 4731.22 of the Revised Code, that may affect a 48813

consulting physician's ~~certificate~~ license to practice medicine 48814
and surgery or osteopathic medicine and surgery or the physician's 48815
ability to admit patients to a hospital identified in a variance 48816
application, as described in division (B)(3)(e) of section 48817
3702.304 of the Revised Code. Notification under these 48818
circumstances shall occur not later than one week after the 48819
facility becomes aware of the event's occurrence. 48820

Sec. 3702.52. The director of health shall administer a state 48821
certificate of need program in accordance with sections 3702.51 to 48822
3702.62 of the Revised Code and rules adopted under those 48823
sections. Administration of the program shall include both a 48824
standard review process and an expedited review process. 48825

(A) The director shall issue rulings on whether a particular 48826
proposed project is a reviewable activity. The director shall 48827
issue a ruling not later than forty-five days after receiving a 48828
request for a ruling accompanied by the information needed to make 48829
the ruling, except that if an expedited review is requested, the 48830
ruling shall be issued not later than fourteen days after 48831
receiving the request for a ruling accompanied by the information 48832
needed to make the ruling. If the director does not issue a ruling 48833
in ~~that~~ the required time, the project shall be considered to have 48834
been ruled not a reviewable activity. 48835

(B)(1) Each application for a certificate of need shall be 48836
submitted to the director on forms and in the manner prescribed by 48837
the director. ~~Each~~ An application for which expedited review is 48838
requested must meet the same requirements as all other 48839
applications. 48840

Each application shall include a plan for obligating the 48841
capital expenditures or implementing the proposed project on a 48842
timely basis in accordance with section 3702.524 of the Revised 48843
Code. Each application shall also include all other information 48844

required by rules adopted under division (B) of section 3702.57 of the Revised Code. 48845
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(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted. 48847
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(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. The director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the director receives the application or a response to an earlier request for information. Except as provided in section 3702.522 of the Revised Code, the director shall not make more than two requests for additional information. The director's determination that an application is not complete is final and not subject to appeal. 48857
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(4) Except as necessary to comply with a subpoena issued under division (F) of this section, after a notice of completeness 48875
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has been received, no person shall make revisions to information 48877
that was submitted to the director before the director mailed the 48878
notice of completeness or knowingly discuss in person or by 48879
telephone the merits of the application with the director. A 48880
person may supplement an application after a notice of 48881
completeness has been received by submitting clarifying 48882
information to the director. 48883

(C) All of the following apply to the process of granting or 48884
denying a certificate of need: 48885

(1) If the project proposed in a certificate of need 48886
application meets all of the applicable certificate of need 48887
criteria for approval under sections 3702.51 to 3702.62 of the 48888
Revised Code and the rules adopted under those sections, the 48889
director shall grant a certificate of need for all or part of the 48890
project that is the subject of the application by the applicable 48891
deadline specified in division (C)(4) of this section or any 48892
extension of it under division (C)(5) of this section. 48893

(2) The director's grant of a certificate of need does not 48894
affect, and sets no precedent for, the director's decision to 48895
grant or deny other applications for similar reviewable 48896
activities. 48897

(3) Any affected person may submit written comments regarding 48898
an application. The director shall consider all written comments 48899
received by the forty-fifth day after the application is submitted 48900
to the director, except that in an expedited review to be 48901
considered written comments must be received by the twenty-first 48902
day after the application is submitted. 48903

(4) Except as provided in division (C)(5) of this section, 48904
the director shall grant or deny certificate of need applications 48905
not later than sixty days after mailing the notice of completeness 48906
unless the application is receiving expedited review. If the 48907

application is receiving expedited review, the director shall 48908
grant or deny the application not later than thirty days after 48909
mailing the notice of completeness. 48910

(5) Except as otherwise provided in division (C)(6) of this 48911
section, the director or the applicant may extend the deadline 48912
prescribed in division (C)(4) of this section once, for no longer 48913
than thirty days, by written notice before the end of the deadline 48914
prescribed by division (C)(4) of this section. An extension by the 48915
director under division (C)(5) of this section shall apply to all 48916
applications that are in comparative review. 48917

(6) No applicant in a comparative review may extend the 48918
deadline specified in division (C)(4) of this section. 48919

(7) If the director does not grant or deny the certificate by 48920
the applicable deadline specified in division (C)(4) of this 48921
section or any extension of it under division (C)(5) of this 48922
section, the certificate shall be considered to have been granted. 48923

(8) In granting a certificate of need, the director shall 48924
specify as the maximum capital expenditure the certificate holder 48925
may obligate under the certificate a figure equal to one hundred 48926
ten per cent of the approved project cost. 48927

(9) In granting a certificate of need, the director may grant 48928
the certificate with conditions that must be met by the holder of 48929
the certificate. 48930

(D) When a certificate of need is granted for a project under 48931
which beds are to be relocated, upon completion of the project for 48932
which the certificate of need was granted a number of beds equal 48933
to the number of beds relocated shall cease to be operated in the 48934
long-term care facility from which they are relocated, except that 48935
the beds may continue to be operated for not more than fifteen 48936
days to allow relocation of residents to the facility to which the 48937
beds have been relocated. Notwithstanding section 3721.03 of the 48938

Revised Code, if the relocated beds are in a home licensed under 48939
Chapter 3721. of the Revised Code, the facility's license is 48940
automatically reduced by the number of beds relocated effective 48941
fifteen days after the beds are relocated. If the beds are in a 48942
facility that is certified as a skilled nursing facility or 48943
nursing facility under Title XVIII or XIX of the "Social Security 48944
Act," the certification for the beds shall be surrendered. If the 48945
beds are registered under section 3701.07 of the Revised Code as 48946
skilled nursing beds or long-term care beds, the director shall 48947
remove the beds from registration not later than fifteen days 48948
after the beds are relocated. 48949

(E) During the period beginning with the granting of a 48950
certificate of need and ending five years after implementation of 48951
the reviewable activity for which the certificate was granted, the 48952
director shall monitor the activities of the person granted the 48953
certificate to determine whether the reviewable activity is 48954
conducted in substantial accordance with the certificate. A 48955
reviewable activity shall not be determined to be not in 48956
substantial accordance with the certificate of need solely because 48957
of a either of the following: 48958

(1) A decrease in bed capacity; 48959

(2) A change in the owner or operator of the facility unless 48960
any of the circumstances specified in division (B) of section 48961
3702.59 of the Revised Code apply to the new owner or operator. 48962

(F) When reviewing applications for certificates of need, 48963
considering appeals under section 3702.60 of the Revised Code, or 48964
monitoring activities of persons granted certificates of need, the 48965
director may issue and enforce, in the manner provided in section 48966
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 48967
compel a person to testify and produce documents relevant to 48968
review of the application, consideration of the appeal, or 48969
monitoring of the activities. In addition, the director or the 48970

director's designee may visit the sites where the activities are 48971
or will be conducted. 48972

(G) The director may withdraw certificates of need. 48973

(H) All long-term care facilities shall submit to the 48974
director, upon request, any information prescribed by rules 48975
adopted under division (H) of section 3702.57 of the Revised Code 48976
that is necessary to conduct reviews of certificate of need 48977
applications and to develop criteria for reviews. 48978

(I) Any decision to grant or deny a certificate of need shall 48979
consider the special needs and circumstances resulting from moral 48980
and ethical values and the free exercise of religious rights of 48981
long-term care facilities administered by religious organizations, 48982
and the special needs and circumstances of inner city and rural 48983
communities. 48984

Sec. 3702.72. (A) A primary care physician who will not have 48985
an outstanding obligation for medical service to the federal 48986
government, a state, or other entity at the time of participation 48987
in the physician loan repayment program and meets one of the 48988
following requirements may apply for participation in the 48989
physician loan repayment program: 48990

(1) The primary care physician is enrolled in the final year 48991
of an accredited program required for board certification in a 48992
primary care specialty. 48993

(2) The primary care physician is enrolled in the final year 48994
of a fellowship program in a primary care specialty. 48995

(3) The primary care physician holds a valid ~~certificate~~ 48996
license to practice medicine and surgery or osteopathic medicine 48997
and surgery issued under Chapter 4731. of the Revised Code. 48998

(B) An application for participation in the physician loan 48999
repayment program shall be submitted to the director of health on 49000

a form that the director shall prescribe. The information required 49001
to be submitted with an application includes the following: 49002

(1) The applicant's name, permanent address or address at 49003
which the applicant is currently residing if different from the 49004
permanent address, and telephone number; 49005

(2) The applicant's primary care specialty or specialties; 49006

(3) The medical school or osteopathic medical school the 49007
applicant attended, the dates of attendance, and verification of 49008
attendance; 49009

(4) The facility or institution where the applicant's medical 49010
residency program was completed or is being performed, and, if 49011
completed, the date of completion; 49012

(5) If applicable, the facility or institution where the 49013
applicant's fellowship was completed or is being performed, and, 49014
if completed, the date of completion; 49015

(6) A summary and verification of the educational expenses 49016
for which the applicant seeks reimbursement under the program; 49017

(7) Verification of the applicant's authorization under 49018
Chapter 4731. of the Revised Code to practice medicine and surgery 49019
or osteopathic medicine and surgery; 49020

(8) Verification of the applicant's United States citizenship 49021
or status as a legal alien. 49022

Sec. 3704.01. As used in this chapter: 49023

(A) "Administrator" means the administrator of the United 49024
States environmental protection agency or the chief executive of 49025
any successor federal agency responsible for implementation of the 49026
federal Clean Air Act. 49027

(B) "Air contaminant" means particulate matter, dust, fumes, 49028
gas, mist, radionuclides, smoke, vapor, or odorous substances, or 49029

any combination thereof, but does not mean emissions from 49030
agricultural production activities, as defined in section 929.01 49031
of the Revised Code, that are consistent with generally accepted 49032
agricultural practices, were established prior to adjacent 49033
nonagricultural activities, have no substantial, adverse effect on 49034
the public health, safety, or welfare, do not result from the 49035
negligent or other improper operations of any such agricultural 49036
activities, and would not be required to obtain a Title V permit. 49037
For the purposes of this chapter, agricultural production 49038
activities do not include the installation and operation of 49039
off-farm facilities for the storage or processing of agricultural 49040
products, including, but not limited to, alfalfa dehydrating 49041
facilities, rendering plants, and feed and grain mills, elevators, 49042
and terminals. 49043

(C) "Air contaminant source" means each separate operation or 49044
activity that results or may result in the emission of any air 49045
contaminant. 49046

(D) "Air pollution" means the presence in the ambient air of 49047
one or more air contaminants or any combination thereof in 49048
sufficient quantity and of such characteristics and duration as is 49049
or threatens to be injurious to human health or welfare, plant or 49050
animal life, or property, or as unreasonably interferes with the 49051
comfortable enjoyment of life or property. 49052

(E) "Ambient air" means that portion of the atmosphere 49053
outside of buildings and other enclosures, stacks, or ducts that 49054
surrounds human, plant, or animal life or property. 49055

(F) "Best available technology" means any combination of work 49056
practices, raw material specifications, throughput limitations, 49057
source design characteristics, an evaluation of the annualized 49058
cost per ton of pollutant removed, and air pollution control 49059
devices that have been previously demonstrated to the director of 49060
environmental protection to operate satisfactorily in this state 49061

or other states with similar air quality on substantially similar 49062
air pollution sources. 49063

(G) "Change within a permitted facility" means, within the 49064
context of the Title V permit program established under section 49065
3704.036 of the Revised Code, a change that is limited by a 49066
federally enforceable provision of an applicable Title V permit 49067
and that does not include physical, production, or other changes 49068
that are neither addressed nor limited by the federally 49069
enforceable portion of a Title V permit unless the change would 49070
result in a violation of a federally enforceable requirement or a 49071
modification under Title I of the federal Clean Air Act or would 49072
be subject to any requirements under Title IV of that act. 49073

(H) "Emit" or "emission" means the release into the ambient 49074
air of an air contaminant. 49075

(I) "Emission limitation" and "emission standard" mean a 49076
requirement that limits the quantity, rate, or concentration of 49077
emissions of air contaminants, including any requirement relating 49078
to the operation or maintenance of an air contaminant source. 49079

(J) "Facility," for the purposes of the Title V permit 49080
program established under section 3704.036 of the Revised Code, 49081
means all of the emitting activities that are located on 49082
contiguous or adjacent properties that are under the control of 49083
the same person or persons or are under common control and that 49084
are in the same major group as described in the standard 49085
Industrial Classification Manual, 1987. 49086

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 49087
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 49088
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 49089
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 49090
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 49091
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 49092

Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 49093
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 49094
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 49095
that have been or may hereafter be adopted, or any supplements to 49096
those acts and laws of the United States that have been or may 49097
hereafter be enacted in substitution therefor, together with any 49098
regulations that have been or may hereafter be adopted by the 49099
administrator by virtue of and in accordance with those acts and 49100
laws. Reference to a particular title or section of the federal 49101
Clean Air Act includes any amendments that have been or may 49102
hereafter be enacted in substitution therefor and any regulations 49103
pertaining to the title or section that have been or may hereafter 49104
be adopted by the administrator by virtue of and in accordance 49105
with the federal Clean Air Act. 49106

(L) "Hazardous air pollutant" means any pollutant listed 49107
under section 112(b) of the federal Clean Air Act. 49108

(M) "Implementation plan" means a program for the prevention 49109
and abatement of air pollution in the state that has been 49110
promulgated or approved by the administrator pursuant to the 49111
federal Clean Air Act. 49112

(N) "Local air pollution control authority" includes all of 49113
the following unless terminated by the political subdivisions 49114
represented thereby: 49115

(1) All of the following agencies representing the following 49116
political subdivisions, as those agencies existed on ~~the effective~~ 49117
~~date of this section~~ July 1, 1993: 49118

(a) The Akron regional air quality management district 49119
representing Medina, Summit, and Portage counties; 49120

(b) The Canton city health department representing Stark 49121
county; 49122

(c) The Hamilton county department of environmental services, 49123

<u>southwest Ohio air quality agency</u> representing Butler, Warren, Hamilton, and Clermont counties;	49124 49125
(d) The city of Cleveland division of the environment representing the city of Cleveland <u>Cuyahoga county</u> ;	49126 49127
(e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;	49128 49129
(f) The Lake county general health district representing Lake and Geauga counties;	49130 49131
(g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;	49132 49133
(h) The north Ohio valley air authority representing Carroll, Jefferson, Columbiana, Harrison, Belmont, and Monroe counties;	49134 49135
(i) The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county;	49136 49137
(j) <u>(i)</u> The Mahoning-Trumbull air pollution control agency, city of Youngstown, representing Trumbull and Mahoning counties.	49138 49139
(2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to (j) <u>(i)</u> of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;	49140 49141 49142 49143 49144 49145 49146 49147
(3) Any new local air pollution control authority established on or after the effective date of this section <u>July 1, 1993</u> , by one or more political subdivisions of this state for the purposes of exercising the powers reserved to political subdivisions of this state under division (A) of section 3704.11 of the Revised Code.	49148 49149 49150 49151 49152 49153

(O) "Person" means the federal government or any agency 49154
thereof, the state or any agency thereof, any political 49155
subdivision or any agency thereof, or any public or private 49156
corporation, individual, partnership, or other entity. 49157

(P) "Research and development sources" means sources whose 49158
activities are conducted for nonprofit scientific or educational 49159
purposes; sources whose activities are conducted to test more 49160
efficient production processes or methods for preventing or 49161
reducing adverse environmental impacts, provided that the 49162
activities do not include the production of an intermediate or 49163
final product for sale or exchange for commercial profit, except 49164
in a de minimis manner; a research or laboratory source the 49165
primary purpose of which is to conduct research and development 49166
into new processes and products, that is operated under the close 49167
supervision of technically trained personnel, and that is not 49168
engaged in the manufacture of products for sale or exchange for 49169
commercial profit, except in a de minimis manner; the temporary 49170
use of normal production sources in a research and development 49171
mode to test the technical or commercial viability of alternative 49172
raw materials or production processes, provided that the use does 49173
not include the production of an intermediate or final product for 49174
sale or exchange for commercial profit, except in a de minimis 49175
manner; the experimental firing of any fuel or combination of 49176
fuels in a boiler, heater, furnace, or dryer for the purpose of 49177
conducting research and development of more efficient combustion 49178
or more effective prevention or control of air pollutant 49179
emissions, provided that, during those periods of research and 49180
development, the heat generated is not used for normal production 49181
purposes or for producing a product for sale or exchange for 49182
commercial profit, except in a de minimis manner; and such other 49183
similar sources as the director may prescribe by rule. 49184

(Q) "Responsible official" means one of the following, as 49185

applicable:	49186
(1) For a corporation: a president, secretary, treasurer, or	49187
vice-president of the corporation in charge of a principal	49188
business function, any other person who performs similar policy or	49189
decision-making functions for the corporation, or a duly	49190
authorized representative of any such person if the representative	49191
is responsible for the overall operation of one or more	49192
manufacturing, production, or operating facilities applying for or	49193
subject to a Title V permit and if one of the following applies:	49194
(a) The facilities employ more than two hundred fifty	49195
individuals or have gross annual sales or expenditures exceeding	49196
twenty-five million dollars, in second quarter 1980 dollars;	49197
(b) The delegation of authority to the representative is	49198
approved in advance by the director.	49199
(2) For a partnership or sole proprietorship: a general	49200
partner or the proprietor, respectively.	49201
(3) For the federal government or any agency thereof, the	49202
state or any agency thereof, a political subdivision or any agency	49203
thereof, or any other public agency, either a principal executive	49204
officer or authorized elected official. For the purposes of this	49205
division, a principal executive officer of a federal agency	49206
includes the chief executive officer having responsibility for the	49207
overall operation of a principal geographic unit of the agency.	49208
(4) For affected sources, both of the following:	49209
(a) The designated representative insofar as actions,	49210
standards, requirements, or prohibitions under Title IV of the	49211
federal Clean Air Act or regulations adopted under it are	49212
concerned;	49213
(b) The designated representative for any other purposes	49214
under 40 C.F.R. part 70.	49215

(R) "Small business stationary source" means any building, structure, facility, or installation that emits any federally regulated air pollutant and is owned or operated by a person who employs one hundred or fewer individuals; is a small business concern as defined in the "Small Business Act," 72 Stat. 384 (1958), 15 U.S.C.A. 632, as amended; is not a major stationary source as defined in section 302(j) of the federal Clean Air Act; does not emit fifty tons or more per year of any federally regulated air pollutant or any hazardous air pollutant; and emits less than seventy-five tons per year of all federally regulated air pollutants.

(S) "Title V permit" means an operating permit required to be issued by the state under section 502 of the federal Clean Air Act and issued under section 3704.036 of the Revised Code and rules adopted under it.

(T) For the purposes of the Title V permit program established under this chapter and rules adopted under it, all terms defined in 40 C.F.R. part 70 have the same meaning as in that part.

Sec. 3704.035. (A) There is hereby created in the state treasury the Title V clean air fund. Except as otherwise provided in division (K) of section 3745.11 of the Revised Code, all moneys collected under division (B) of that section, and any gifts, grants, or contributions received by the director of environmental protection for the purposes of the fund, shall be credited to the fund.

The director shall expend all moneys credited to the fund solely to administer and enforce the Title V program pursuant to the federal Clean Air Act, this chapter, and rules adopted under it, except as costs relating to enforcement are limited by the federal Clean Air Act. The director shall establish separate and

distinct accounting for all such moneys. 49247

(B) There is hereby created in the state treasury the 49248
non-Title V clean air fund. All money collected under section 49249
3710.15 and divisions (D), (F), (G), (H), (I), and (J) of section 49250
3745.11 of the Revised Code shall be credited to the fund. In 49251
addition, any gifts, grants, or contributions received by the 49252
director for the purposes of the fund shall be credited to the 49253
fund. 49254

The director shall expend money in the fund exclusively to 49255
pay the cost of administering and enforcing the laws of this state 49256
pertaining to the prevention, control, and abatement of air 49257
pollution, the prevention, control, and abatement of asbestos, 49258
rules adopted under those laws, and terms and conditions of 49259
permits, variances, and orders issued under those laws, and 49260
asbestos abatement licensure and certification issued under those 49261
laws. However, the director shall not expend money credited to the 49262
fund for the administration and enforcement of the Title V permit 49263
program established under this chapter and rules adopted under it 49264
or motor vehicle inspection and maintenance programs established 49265
under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 49266
of the Revised Code. 49267

(C) The director shall report biennially to the general 49268
assembly the amounts of fees and other moneys credited to the 49269
funds under this section and the amounts expended from them for 49270
each of the various air pollution control programs. 49271

Sec. 3704.111. (A) Not later than October 1, 1993, the 49272
director of environmental protection shall enter into a delegation 49273
agreement with each local air pollution control authority listed 49274
in divisions ~~(J)~~(N)(1)(a) to ~~(j)~~(i) of section 3704.01 of the 49275
Revised Code under which the local air pollution control authority 49276
agrees to perform on behalf of the environmental protection agency 49277

air pollution control regulatory services within the political 49278
subdivision represented by the local air pollution control 49279
authority. The director may enter into such a delegation agreement 49280
with a local air pollution control authority established on or 49281
after the effective date of this section, subject to the condition 49282
established in division (B) of this section. Each delegation 49283
agreement shall be self-renewing on an annual basis on the first 49284
day of October of each year. The terms of each such delegation 49285
agreement shall remain unchanged from year to year unless they are 49286
amended by mutual agreement of the director and the local air 49287
pollution control authority. 49288

(B) The director may conduct a periodic performance 49289
evaluation of the air pollution control program operated by each 49290
local air pollution control authority. Based upon the findings of 49291
such a performance evaluation, the director may terminate or 49292
refuse to renew the delegation agreement with a local air 49293
pollution control authority if ~~he~~ the director determines that the 49294
local air pollution control authority is not adequately performing 49295
its obligations under the agreement. 49296

(C) The director may enter into contracts for payments to 49297
local air pollution control authorities from moneys credited to 49298
the clean air fund created in section 3704.035 of the Revised 49299
Code, subject to the limitation specified in that section, and any 49300
other moneys appropriated by the general assembly for that 49301
purpose. The director shall distribute the moneys available for 49302
making payments to the local air pollution control authorities 49303
pursuant to such contracts equitably among the local air pollution 49304
control authorities based upon the amount of local funding and the 49305
workload of each local air pollution control authority, including, 49306
without limitation, population served, number of air permits 49307
issued for both new and existing sources, land area, and number of 49308
air contaminant sources. The director biennially shall review the 49309

workload of each local air pollution control authority and shall 49310
determine the percentage of the moneys available for the purpose 49311
of making payments under the contracts. In determining the 49312
percentage of those moneys that is to be so distributed, the 49313
director shall consider the recommendations of the local air 49314
pollution control authorities. 49315

(D) The director may modify a contract between the director 49316
and a local air pollution control authority to authorize the local 49317
air pollution control authority to perform air pollution control 49318
activities outside the geographic boundaries of that local air 49319
pollution control authority. 49320

Sec. 3705.07. (A) The local registrar of vital statistics 49321
shall number consecutively ~~the birth, each fetal death, and death~~ 49322
~~certificates in three separate series, beginning with "number one"~~ 49323
~~for the first birth, the first fetal death, and the first death~~ 49324
~~registered in each calendar year~~ certificate printed on paper that 49325
the local registrar receives from the electronic death 49326
registration system (EDRS) maintained by the department of health. 49327
The number assigned to each certificate shall be the one provided 49328
by EDRS. Such local registrar shall sign the local registrar's 49329
name in attest to the date of filing in the local office. The 49330
local registrar shall make a complete and accurate copy of each 49331
~~birth, fetal death, and death certificate registered~~ printed on 49332
paper that is filed. Each paper copy shall be filed and 49333
~~permanently~~ preserved as the local record ~~of such birth, fetal~~ 49334
~~death, or death except as provided in sections 3705.09, 3705.12,~~ 49335
~~and 3705.124 of the Revised Code~~ until the electronic information 49336
regarding the event has been completed and made available in EDRS 49337
and EDRS is capable of issuing a complete and accurate electronic 49338
copy of the certificate. The local record may be a ~~typewritten,~~ 49339
photographic, electronic, or other reproduction. ~~On or before the~~ 49340
~~tenth day of each month, the~~ The local registrar shall transmit to 49341

the state office of vital statistics all original ~~birth,~~ fetal 49342
~~death, and death, and military service~~ certificates received, ~~and~~ 49343
~~all social security numbers obtained under section 3705.09,~~ 49344
~~3705.10, or 3705.16 of the Revised Code, during the preceding~~ 49345
~~month using the state transmittal schedule specified by the~~ 49346
department of health. The local registrar shall immediately notify 49347
the health commissioner with jurisdiction in the registration 49348
district of the receipt of a death certificate attesting that 49349
death resulted from a communicable disease. 49350

The office of vital statistics shall carefully examine the 49351
records and certificates received from local registrars of vital 49352
statistics and shall secure any further information that may be 49353
necessary to make each record and certificate complete and 49354
satisfactory. It shall arrange and preserve the records and 49355
certificates, or reproductions of them produced pursuant to 49356
section 3705.03 of the Revised Code, in a systematic manner and 49357
shall maintain a permanent index of all births, fetal deaths, and 49358
deaths registered, which shall show the name of the child or 49359
deceased person, place and date of birth or death, and number of 49360
~~the record or certificate, and the volume in which it is~~ 49361
~~contained.~~ 49362

(B)(1) The office of vital statistics shall make available to 49363
the division of child support in the department of job and family 49364
services all social security numbers that ~~were furnished to a~~ 49365
~~local registrar of vital statistics~~ accompany a birth certificate 49366
submitted for filing under division ~~(I)~~(H) of section 3705.09 or 49367
~~under~~ section 3705.10 ~~or 3705.16~~ of the Revised Code ~~and that were~~ 49368
~~transmitted to the office under division (A) of this section or~~ 49369
that accompany a death certificate registered under section 49370
3705.16 of the Revised Code. 49371

(2) The office of vital statistics also shall make available 49372
to the division of child support in the department of job and 49373

family services any other information recorded in the birth record 49374
that may enable the division to use the social security numbers 49375
provided under division (B)(1) of this section to obtain the 49376
location of the father of the child whose birth certificate was 49377
accompanied by the social security number or to otherwise enforce 49378
a child support order pertaining to that child or any other child. 49379

Sec. 3705.08. (A) The director of health, by rule, shall 49380
prescribe the form of records and certificates required by this 49381
chapter. Records and certificates shall include the items and 49382
information prescribed by the director, including the items 49383
recommended by the national center for health statistics of the 49384
United States department of health and human services, subject to 49385
approval of and modification by the director. 49386

(B) All birth certificates shall include a statement setting 49387
forth the names of the child's parents ~~and a line for the mother's~~ 49388
~~and the father's signature.~~ 49389

(C) All death certificates shall include, in the medical 49390
certification portion of the certificate, a space to indicate, if 49391
the deceased individual is female and the manner of death is 49392
determined to be a suspicious or violent death, whether any of the 49393
following conditions apply to the individual: 49394

(1) Not pregnant within the past year; 49395

(2) Pregnant at the time of death; 49396

(3) Not pregnant, but had been pregnant within forty-two days 49397
prior to the time of death; 49398

(4) Not pregnant, but had been pregnant within forty-three 49399
days to one year prior to the time of death; 49400

(5) Unknown whether pregnant within the past year. 49401

(D)(1) The director shall prescribe electronic methods, and 49402
~~forms, and blanks and shall furnish necessary postage, forms, and~~ 49403

~~blanks~~ for obtaining registration of births, deaths, and other 49404
vital statistics in each registration district, and for preserving 49405
the records of the office of vital statistics, and no forms or 49406
blanks shall be used other than those prescribed by the director. 49407

(2) All birth, fetal death, and death records and 49408
certificates shall be ~~signed~~ certified. Except as provided in 49409
division (G) of section 3705.09, section 3705.12, 3705.121, 49410
3705.122, or 3705.124, division (D) of section 3705.15, or section 49411
3705.16 of the Revised Code, a birth, ~~fetal death, or death~~ 49412
~~certificate shall be signed by the person required to sign the~~ 49413
~~certificate~~ certificate requiring signature may be electronically 49414
certified by the person in charge of the institution or that 49415
person's designee. A death certificate may be electronically 49416
certified by the individual who attests to the facts of death. 49417

(3) All vital records shall contain the date received for 49418
~~registration~~ filing. 49419

(4) Information and signatures required in certificates, 49420
records, or reports authorized by this chapter may be filed and 49421
registered by photographic, electronic, or other means as 49422
prescribed by the director. 49423

Sec. 3705.09. (A) A birth certificate for each live birth in 49424
this state shall be filed in the registration district in which it 49425
occurs within ten calendar days after such birth and shall be 49426
registered if it has been completed and filed in accordance with 49427
this section. 49428

(B) When a birth occurs in or en route to an institution, the 49429
person in charge of the institution or a designated representative 49430
shall obtain the personal data, prepare the certificate, ~~secure~~ 49431
~~the signatures required,~~ and file complete and certify the facts 49432
of birth on the certificate within ten calendar days ~~with the~~ 49433
~~local registrar of vital statistics.~~ The physician or certified 49434

nurse-midwife in attendance shall ~~provide the medical information~~ 49435
~~required by the certificate and certify to the facts of birth~~ 49436
~~within seventy two hours after the birth~~ be listed on the birth 49437
record. 49438

(C) When a birth occurs outside an institution, the birth 49439
certificate shall be prepared and filed by one of the following in 49440
the indicated order of priority: 49441

(1) The physician or certified nurse-midwife in attendance at 49442
or immediately after the birth; 49443

(2) Any other person in attendance at or immediately after 49444
the birth; 49445

(3) The father; 49446

(4) The mother; 49447

(5) The person in charge of the premises where the birth 49448
occurred. 49449

(D) Either of the parents of the child or other informant 49450
shall attest to the accuracy of the personal data entered on the 49451
birth certificate in time to permit the filing of the certificate 49452
within the ten days prescribed in this section. 49453

(E) When a birth occurs in a moving conveyance within the 49454
United States and the child is first removed from the conveyance 49455
in this state, the birth shall be registered in this state and the 49456
place where it is first removed shall be considered the place of 49457
birth. When a birth occurs on a moving conveyance while in 49458
international waters or air space or in a foreign country or its 49459
air space and the child is first removed from the conveyance in 49460
this state, the birth shall be registered in this state but the 49461
record shall show the actual place of birth insofar as can be 49462
determined. 49463

(F)(1) If the mother of a child was married at the time of 49464

either conception or birth or between conception and birth, the 49465
child shall be registered in the surname designated by the mother, 49466
and the name of the husband shall be entered on the certificate as 49467
the father of the child. The presumption of paternity shall be in 49468
accordance with section 3111.03 of the Revised Code. 49469

(2) If the mother was not married at the time of conception 49470
or birth or between conception and birth, the child shall be 49471
registered by the surname designated by the mother. The name of 49472
the father of such child shall also be inserted on the birth 49473
certificate if both the mother and the father sign an 49474
acknowledgement of paternity affidavit before the birth record has 49475
been sent to the local registrar. If the father is not named on 49476
the birth certificate pursuant to division (F)(1) or (2) of this 49477
section, no other information about the father shall be entered on 49478
the record. 49479

(G) When a man is presumed, found, or declared to be the 49480
father of a child, according to section 2105.26, sections 3111.01 49481
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 49482
of the Revised Code, or the father has acknowledged the child as 49483
his child in an acknowledgment of paternity, and the 49484
acknowledgment has become final pursuant to section 2151.232, 49485
3111.25, or 3111.821 of the Revised Code, and documentary evidence 49486
of such fact is submitted to the department of health in such form 49487
as the director may require, a new birth record shall be issued by 49488
the department which shall have the same overall appearance as the 49489
record which would have been issued under this section if a 49490
marriage had occurred before the birth of such child. Where 49491
handwriting is required to effect such appearance, the department 49492
shall supply it. Upon the issuance of such new birth record, the 49493
original birth record shall cease to be a public record. Except as 49494
provided in division (C) of section 3705.091 of the Revised Code, 49495
the original record and any documentary evidence supporting the 49496

new registration of birth shall be placed in an envelope which 49497
shall be sealed by the department and shall not be open to 49498
inspection or copy unless so ordered by a court of competent 49499
jurisdiction. 49500

~~The department shall then promptly forward a copy of the new 49501
birth record to the local registrar of vital statistics of the 49502
district in which the birth occurred, and such local registrar 49503
shall file a copy of such new birth record along with and in the 49504
same manner as the other copies of birth records in such local 49505
registrar's possession. All copies of the original birth record in 49506
the possession of the local registrar or the probate court, as 49507
well as any and all index references to it, shall be destroyed. 49508
Such new birth record, as well as any certified or exact copy of 49509
it, when properly authenticated by a duly authorized person shall 49510
be prima facie evidence in all courts and places of the facts 49511
stated in it. 49512~~

~~(H) When a woman who is a legal resident of this state has 49513
given birth to a child in a foreign country that does not have a 49514
system of registration of vital statistics, a birth record may be 49515
filed in the office of vital statistics on evidence satisfactory 49516
to the director of health. 49517~~

~~(I)(H) Every birth certificate filed under this section on or 49518
after July 1, 1990, shall be accompanied by all social security 49519
numbers that have been issued to the parents of the child, unless 49520
the division of child support in the department of job and family 49521
services, acting in accordance with regulations prescribed under 49522
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 49523
as amended, finds good cause for not requiring that the numbers be 49524
furnished with the certificate. The parents' social security 49525
numbers shall not be recorded on the certificate. The local 49526
registrar of vital statistics shall transmit the social security 49527
numbers to the state office of vital statistics in accordance with 49528~~

~~section 3705.07 of the Revised Code.~~ No social security number 49529
obtained under this division shall be used for any purpose other 49530
than child support enforcement. 49531

Sec. 3705.10. Any birth certificate submitted for filing 49532
eleven or more days after the birth occurred constitutes a delayed 49533
birth registration. A delayed birth certificate may be filed in 49534
accordance with rules which shall be adopted by the director of 49535
health. The rules shall include, but not be limited to, all of the 49536
following requirements for each delayed birth certificate filed on 49537
or after July 1, 1990: 49538

(A) The certificate shall be accompanied by all social 49539
security numbers that have been issued to the parents of the 49540
child, unless the division of child support in the department of 49541
job and family services, acting in accordance with regulations 49542
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 49543
42 U.S.C.A. 405, as amended, finds good cause for not requiring 49544
that the numbers be furnished with the certificate. 49545

(B) The parents' social security numbers shall not be 49546
recorded on the certificate. 49547

~~(C) The local registrar of vital statistics shall transmit 49548
the social security numbers to the state office of vital 49549
statistics in accordance with section 3705.07 of the Revised Code. 49550~~

~~(D)~~ No social security number obtained under this section 49551
shall be used for any purpose other than child support 49552
enforcement. 49553

Sec. 3706.05. The Ohio air quality development authority may 49554
at any time issue revenue bonds and notes of the state in such 49555
principal amount as, in the opinion of the authority, are 49556
necessary for the purpose of paying any part of the cost of one or 49557
more air quality projects or parts thereof, including one or more 49558

payments pursuant to a commodity contract entered into in 49559
connection with the acquisition or construction of air quality 49560
facilities. The authority may at any time issue renewal notes, 49561
issue bonds to pay such notes and whenever it deems refunding 49562
expedient, refund any bonds by the issuance of air quality revenue 49563
refunding bonds of the state, whether the bonds to be refunded 49564
have or have not matured, and issue bonds partly to refund bonds 49565
then outstanding, and partly for any other authorized purpose. The 49566
refunding bonds shall be sold and the proceeds applied to the 49567
purchase, redemption, or payment of the bonds to be refunded. 49568
Except as may otherwise be expressly provided by the authority, 49569
every issue of its bonds or notes shall be ~~general~~ obligations of 49570
the authority payable solely out of the revenues of the authority 49571
that are pledged for such payment, without preference or priority 49572
of the first bonds issued, subject only to any agreements with the 49573
holders of particular bonds or notes pledging any particular 49574
revenues. Such pledge shall be valid and binding from the time the 49575
pledge is made and the revenues so pledged and thereafter received 49576
by the authority shall immediately be subject to the lien of such 49577
pledge without any physical delivery thereof or further act, and 49578
the lien of any such pledge is valid and binding as against all 49579
parties having claims of any kind in tort, contract, or otherwise 49580
against the authority, irrespective of whether such parties have 49581
notice thereof. Neither the resolution nor any trust agreement by 49582
which a pledge is created need be filed or recorded except in the 49583
records of the authority. 49584

Whether or not the bonds or notes are of such form and 49585
character as to be negotiable instruments, the bonds or notes 49586
shall have all the qualities and incidents of negotiable 49587
instruments, subject only to the provisions of the bonds or notes 49588
for registration. 49589

The bonds and notes shall be authorized by resolution of the 49590

authority, shall bear such date or dates, and shall mature at such 49591
time or times, in the case of any such note or any renewals 49592
thereof not exceeding five years from the date of issue of such 49593
original note and in the case of any such bond not exceeding forty 49594
years from the date of issue, as such resolution or resolutions 49595
may provide. The bonds and notes shall bear interest at such rate 49596
or rates, be in such denominations, be in such form, either coupon 49597
or registered, carry such registration privileges, be payable in 49598
such medium of payment, at such place or places, and be subject to 49599
such terms of redemption as the authority may authorize. The bonds 49600
and notes of the authority may be sold by the authority, at public 49601
or private sale, at or at not less than such price or prices as 49602
the authority determines. The bonds and notes shall be executed by 49603
the chairperson and vice-chairperson of the authority, either or 49604
both of whom may use a facsimile signature, the official seal of 49605
the authority or a facsimile thereof shall be affixed thereto or 49606
printed thereon and attested, manually or by facsimile signature, 49607
by the secretary-treasurer of the authority, and any coupons 49608
attached thereto shall bear the signature or facsimile signature 49609
of the chairperson of the authority. In case any officer whose 49610
signature, or a facsimile of whose signature, appears on any 49611
bonds, notes or coupons ceases to be such officer before delivery 49612
of bonds or notes, such signature or facsimile shall nevertheless 49613
be sufficient for all purposes the same as if the officer had 49614
remained in office until such delivery, and in case the seal of 49615
the authority has been changed after a facsimile has been 49616
imprinted on such bonds or notes, such facsimile seal will 49617
continue to be sufficient for all purposes. 49618

Any resolution or resolutions authorizing any bonds or notes 49619
or any issue thereof may contain provisions, subject to such 49620
agreements with bondholders or noteholders as may then exist, 49621
which provisions shall be a part of the contract with the holders 49622
thereof, as to: the pledging of all or any part of the revenues of 49623

the authority to secure the payment of the bonds or notes or of 49624
any issue thereof; the use and disposition of revenues of the 49625
authority; a covenant to fix, alter, and collect rentals and other 49626
charges so that pledged revenues will be sufficient to pay costs 49627
of operation, maintenance, and repairs, pay principal of and 49628
interest on bonds or notes secured by the pledge of such revenues, 49629
and provide such reserves as may be required by the applicable 49630
resolution or trust agreement; the setting aside of reserve funds, 49631
sinking funds, or replacement and improvement funds and the 49632
regulation and disposition thereof; the crediting of the proceeds 49633
of the sale of bonds or notes to and among the funds referred to 49634
or provided for in the resolution authorizing the issuance of the 49635
bonds or notes; the use, lease, sale, or other disposition of any 49636
air quality project or any other assets of the authority; 49637
limitations on the purpose to which the proceeds of sale of bonds 49638
or notes may be applied and the pledging of such proceeds to 49639
secure the payment of the bonds or notes or of any issue thereof; 49640
as to notes issued in anticipation of the issuance of bonds, the 49641
agreement of the authority to do all things necessary for the 49642
authorization, issuance, and sale of such bonds in such amounts as 49643
may be necessary for the timely retirement of such notes; 49644
limitations on the issuance of additional bonds or notes; the 49645
terms upon which additional bonds or notes may be issued and 49646
secured; the refunding of outstanding bonds or notes; the 49647
procedure, if any, by which the terms of any contract with 49648
bondholders or noteholders may be amended or abrogated, the amount 49649
of bonds or notes the holders of which must consent thereto, and 49650
the manner in which such consent may be given; limitations on the 49651
amount of moneys to be expended by the authority for operating, 49652
administrative, or other expenses of the authority; securing any 49653
bonds or notes by a trust agreement in accordance with section 49654
3706.07 of the Revised Code; any other matters, of like or 49655
different character, that in any way affect the security or 49656

protection of the bonds or notes. 49657

Neither the members of the authority nor any person executing 49658
the bonds or notes shall be liable personally on the bonds or 49659
notes or be subject to any personal liability or accountability by 49660
reason of the issuance thereof. 49661

Sec. 3706.27. (A) There is hereby created in the state 49662
treasury the advanced energy research and development fund to 49663
provide grants for advanced energy projects. There is hereby 49664
created in the state treasury the advanced energy research and 49665
development taxable fund to provide loans for advanced energy 49666
projects. 49667

(B)(1) The advanced energy research and development fund and 49668
the advanced energy research and development taxable fund shall 49669
consist of the proceeds of obligations that were issued prior to 49670
the effective date of this amendment under section 166.08 of the 49671
Revised Code. Money shall be credited to the respective funds in 49672
the proportion that the executive director of the Ohio air quality 49673
development authority, with the affirmative vote of a majority of 49674
the members of the authority, determines appropriate. 49675

(2) Any investment earnings from the money in the advanced 49676
energy research and development fund and in the advanced energy 49677
research and development taxable fund shall be credited to those 49678
funds, respectively. Any repayment of loans made from money in the 49679
advanced energy research and development taxable fund shall be 49680
credited to the alternative fuel transportation fund created in 49681
section 122.075 of the Revised Code. 49682

(C) The director of budget and management shall establish and 49683
maintain records or accounts for or within these funds in such a 49684
manner as to show the ~~amount~~ amounts credited to the funds 49685
~~pursuant to section 166.08 of the Revised Code~~ and that the 49686
amounts so credited have been expended for the purposes set forth 49687

in Section 2p or 13 of Article VIII, Ohio Constitution, and 49688
sections 166.08~~7~~ and 166.30~~7~~ of the Revised Code and former 49689
section 3706.26 of the Revised Code. 49690

Sec. 3709.29. (A) If the estimated amount of money necessary 49691
to meet the expenses of a general health district ~~program, other~~ 49692
than one formed under section 3709.10 of the Revised Code, will 49693
not be forthcoming to the district board of health ~~of such~~ 49694
~~district~~ out of the district health fund because the taxes within 49695
the ten-mill limitation will be insufficient, the board of health 49696
shall certify the fact of ~~such~~ that insufficiency to the board of 49697
county commissioners of the county in which ~~such the~~ district is 49698
located. ~~Such board of county commissioners is hereby ordained to~~ 49699
be, which shall proceed as provided in division (B) of this 49700
section. In the case of a general health district formed under 49701
section 3709.10 of the Revised Code, the board of health may adopt 49702
a resolution as provided under section 5705.191 of the Revised 49703
Code in its capacity as a taxing authority under that section. 49704

(B) A board of county commissioners to which a certification 49705
is made by a board of health under division (A) of this section is 49706
a special taxing authority for the purposes of this section only, 49707
and, notwithstanding any other law to the contrary, the board of 49708
county commissioners of any county in which a general health 49709
district is located is the taxing authority for such special levy 49710
outside the ten-mill limitation. ~~The board of county commissioners~~ 49711
~~shall thereupon, in~~ In the year preceding that in which ~~such the~~ 49712
health program will be effective, the board, by vote of two-thirds 49713
of all ~~the its~~ members ~~of that body,~~ shall declare by resolution 49714
that the amount of taxes which may be raised within the ten-mill 49715
limitation will be insufficient to provide an adequate amount for 49716
the necessary requirements of ~~such the~~ district ~~within the county,~~ 49717
and that it is necessary to levy a tax in excess of ~~such that~~ 49718
limitation in order to provide the board of health with sufficient 49719

funds to carry out ~~such~~ the health program. ~~Such~~ The resolution 49720
shall be filed with the board of elections not later than four 49721
p.m. of the ninetieth day before the day of the election. 49722

~~Such~~ The resolution shall specify the amount of increase in 49723
rate which it is necessary to levy and the number of years during 49724
which ~~such~~ the increase shall be in effect, which shall not be for 49725
a longer period than ten years. 49726

The resolution shall conform to section 5705.191 of the 49727
Revised Code and be certified and submitted in the manner provided 49728
in section 5705.25 of the Revised Code, provided that the proposal 49729
shall be placed on the ballot at the next primary or general 49730
election occurring more than ninety days after the resolution is 49731
filed with the board of elections. 49732

Sec. 3710.01. As used in this chapter: 49733

(A) "Asbestos" means the asbestiform varieties of ~~chrysotile~~ 49734
~~or serpentine, amosite or cummingtonite-grunerite, crocidolite or~~ 49735
~~riebeckite, actinolite, tremolite, and anthophyllite~~ serpentine 49736
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 49737
anthophyllite, and actinolite-tremolite as determined using the 49738
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 49739
Section 1, Polarized Light Microscopy (PLM). 49740

(B) "Asbestos hazard abatement activity" means any activity 49741
involving the removal, renovation, enclosure, repair, or 49742
encapsulation of reasonably related friable asbestos-containing 49743
materials in an amount greater than fifty linear feet or fifty 49744
square feet. "Asbestos hazard abatement activity" also includes 49745
any such activity involving such asbestos-containing materials in 49746
an amount of fifty linear or fifty square feet or less if, when 49747
combined with any other reasonably related activity in terms of 49748
time and location of the activity, the total amount is in an 49749
amount greater than fifty linear or fifty square feet. 49750

(C) "Asbestos hazard abatement contractor" means a business 49751
entity or public entity that engages in or intends to engage in 49752
asbestos hazard abatement activities and that employs or 49753
supervises one or more asbestos hazard abatement specialists for 49754
asbestos hazard abatement activities. "Asbestos hazard abatement 49755
contractor" does not mean an employee of an asbestos hazard 49756
abatement contractor, a general contractor who subcontracts to an 49757
asbestos hazard abatement contractor an asbestos hazard abatement 49758
activity, or any individual who engages in asbestos hazard 49759
abatement activity in the individual's own home. 49760

(D) "Asbestos hazard abatement project" means one or more 49761
asbestos hazard abatement activities that are conducted by one 49762
asbestos hazard abatement contractor and that are reasonably 49763
related to each other. 49764

(E) "Asbestos hazard abatement specialist" means a person 49765
with responsibility for the oversight or supervision of asbestos 49766
hazard abatement activities, including asbestos hazard abatement 49767
project managers, hazard abatement project supervisors and 49768
foremen, and employees of school districts or other governmental 49769
or public entities who coordinate or directly supervise or oversee 49770
asbestos hazard abatement activities performed by school district, 49771
governmental, or other public employees in school district, 49772
governmental, or other public buildings. 49773

(F) "Asbestos hazard evaluation specialist" means a person 49774
responsible for the identification, detection, and assessment of 49775
asbestos-containing materials, the determination of appropriate 49776
response actions, or the preparation of asbestos management plans 49777
for the purpose of protecting the public health from the hazards 49778
associated with exposure to asbestos, including the performance of 49779
air and bulk sampling. This category of specialists includes 49780
management planners, health professionals, industrial hygienists, 49781
private consultants, or other individuals involved in asbestos 49782

risk identification or assessment or regulatory activities. 49783

(G) "Business entity" means a partnership, firm, association, 49784
corporation, sole proprietorship, or other business concern. 49785

(H) "Public entity" means the state or any of its political 49786
subdivisions or any agency or instrumentality of either. 49787

(I) "License" means a document issued by the ~~department of~~ 49788
health director of environmental protection to a business entity 49789
or public entity affirming that the entity has met the 49790
requirements set forth in this chapter to engage in asbestos 49791
hazard abatement activities as an asbestos hazard abatement 49792
contractor. 49793

(J) "Certificate" means: 49794

(1) A document issued by the ~~department~~ director to an 49795
individual affirming that the individual has successfully 49796
completed the training and other requirements set forth in this 49797
chapter to qualify as an asbestos hazard abatement specialist, an 49798
asbestos hazard evaluation specialist, an asbestos hazard 49799
abatement worker, an asbestos hazard abatement project designer, 49800
an asbestos hazard abatement air-monitoring technician, an 49801
approved asbestos hazard training provider, or other category of 49802
asbestos hazard specialist that the director establishes by rule; 49803
or 49804

(2) A document issued by a training institution in accordance 49805
with rules adopted by the director affirming that an individual 49806
has successfully completed the instruction required in all 49807
categories as provided in sections 3710.07 and 3710.10 of the 49808
Revised Code. 49809

(K) "Person" means any individual, business entity, 49810
governmental body, or other public or private entity. 49811

(L) "Encapsulate" means to coat, bind, or resurface walls, 49812

ceilings, pipes, or other structures ~~to prevent friable asbestos~~ 49813
for asbestos-containing materials with suitable products to 49814
prevent friable asbestos from becoming airborne. 49815

(M) "Friable asbestos-containing material" means ~~any material~~ 49816
~~that contains more than one per cent asbestos by weight and that~~ 49817
~~can be crumbled, pulverized, or reduced to powder, when dry, by~~ 49818
~~hand pressure~~ friable asbestos material as defined in rules 49819
adopted under Chapter 3704. of the Revised Code. 49820

(N) "Enclosure" means the permanent confinement of friable 49821
asbestos-containing materials with an airtight barrier in an area 49822
not used as an air plenum. 49823

(O) "Renovation" means ~~the removal or stripping of friable~~ 49824
~~asbestos-containing materials used on any pipe, duct, boiler,~~ 49825
~~tank, reactor, turbine, furnace, or load supporting member~~ 49826
altering a facility or one or more facility components in any way, 49827
including the stripping or removal of friable asbestos-containing 49828
material from a facility component. 49829

(P) "Asbestos hazard abatement worker" means the person 49830
responsible in a nonsupervisory capacity for the performance of an 49831
asbestos hazard abatement activity. 49832

(Q) "Asbestos hazard abatement project designer" means the 49833
person responsible for the determination of the workscope, work 49834
sequence, or performance standards for an asbestos hazard 49835
abatement activity, including preparation of specifications, 49836
plans, and contract documents. 49837

(R) ~~"Director" means the director of health or the director's~~ 49838
~~authorized representative.~~ 49839

~~(S)~~ "Clearance air sampling" means an air sampling performed 49840
after the completion of any asbestos hazard abatement activity and 49841
prior to the reoccupation of the contained work area by the public 49842
and conducted for the purpose of protecting the public from the 49843

health hazards associated with exposure to friable 49844
asbestos-containing material. 49845

~~(F)~~(S) "Asbestos hazard abatement air-monitoring technician" 49846
means the person who is responsible for environmental monitoring 49847
or work area clearance air sampling, including air monitoring 49848
performed to determine completion of response actions under the 49849
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 49850
States environmental protection agency pursuant to the "Asbestos 49851
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 49852
2970. "Asbestos hazard abatement air-monitoring technician" does 49853
not mean an industrial hygienist or industrial hygienist in 49854
training, certified by the American board of industrial hygiene. 49855

Sec. 3710.02. (A) In accordance with Chapter 119. of the 49856
Revised Code, the director of ~~health~~ environmental protection 49857
shall, as the director determines necessary, adopt rules to carry 49858
out this chapter. The rules shall include all of the following: 49859

(1) Criteria and procedures for the certification of asbestos 49860
hazard abatement specialists, asbestos hazard evaluation 49861
specialists, asbestos hazard abatement workers, asbestos hazard 49862
abatement project designers, and asbestos hazard abatement 49863
air-monitoring technicians by the director ~~of health~~; 49864

(2) Criteria and procedures for the director to examine the 49865
records of licensees, certificate holders, and asbestos hazard 49866
abatement training schools; 49867

(3) Procedures and criteria in addition to those provided in 49868
this chapter for the approval of courses for asbestos hazard 49869
training; 49870

(4) Fees for licenses, certifications, and course approvals 49871
in excess of the levels set in section 3710.05 of the Revised Code 49872
and fees for the certification of asbestos hazard abatement 49873

air-monitoring technicians;	49874
(5) Levels of asbestos exposure or other circumstances	49875
constituting a public <u>an environmental</u> health emergency that	49876
authorize the director to issue an emergency order under division	49877
(B) of section 3710.13 of the Revised Code;	49878
(6) Employee training standards, work practices that reduce	49879
the risk of contamination and recontamination of the environment,	49880
record-keeping requirements, action levels, project clearance	49881
levels, and other requirements that asbestos hazard abatement	49882
contractors, asbestos hazard abatement specialists, asbestos	49883
hazard evaluation specialists, asbestos hazard abatement project	49884
designers, asbestos hazard abatement air-monitoring technicians,	49885
asbestos hazard abatement workers, and other persons involved with	49886
asbestos hazard abatement activities must follow for the	49887
prevention of hazard to the public;	49888
(7) Worker protection equipment and practices and other	49889
health and safety standards for employees and agents of public	49890
entities coming in contact with asbestos through asbestos hazard	49891
abatement activity;	49892
(8) Standards of acceptable conduct for licensees and	49893
certificate holders engaged in asbestos hazard abatement or	49894
evaluation activities and acts and omissions that constitute	49895
grounds for the suspension or revocation of a license or	49896
certificate, or the denial of an application or renewal of a	49897
license or certificate in addition to those otherwise provided in	49898
this chapter;	49899
(9) Training requirements for asbestos hazard abatement	49900
project designers and asbestos hazard abatement air-monitoring	49901
technicians;	49902
(10)(a) Subject to the condition specified in division	49903
(A)(10)(b) of this section, a standard requiring that the amount	49904

of asbestos contained in the air in areas accessible to the public 49905
in buildings that are owned, operated, or leased by a public 49906
entity be not more than ten thousand asbestos fibers longer than 49907
five microns per cubic meter of air calculated as an eight-hour 49908
time-weighted average, which is measured during periods of normal 49909
building occupancy, and a requirement that measurement of airborne 49910
asbestos be made by either or both of the following methods, 49911
provided that results derived by use of the method described in 49912
division (A)(10)(a)(i) of this section supersede results derived 49913
by use of the method described in division (A)(10)(a)(ii) of this 49914
section if both methods are used and the methods yield conflicting 49915
results concerning the presence of fibers in the tested air that 49916
may not be asbestos: 49917

(i) Transmission electron microscopy in the manner described 49918
in the measurement protocol established by the United States 49919
environmental protection agency as set forth in 40 C.F.R. 763; 49920

(ii) Optical phase contrast microscopy in the manner 49921
described in the measurement protocol established by the United 49922
States occupational safety and health administration as set forth 49923
in 29 C.F.R. 1910. 49924

(b) The director periodically shall review the standard 49925
required by division (A)(10)(a) of this section and determine 49926
whether and how it should be amended and how it shall be used in 49927
conjunction with visual and physical assessment of 49928
asbestos-containing materials located in buildings that are owned, 49929
operated, or leased by a public entity to determine appropriate 49930
and cost-effective response actions to such asbestos-containing 49931
materials and shall amend the standard if it determines that such 49932
action is necessary. 49933

(11) Other rules that the director determines necessary for 49934
the implementation of this chapter and to protect the public 49935
health from the hazards associated with exposure to asbestos. 49936

(B) The director shall do all of the following:	49937
(1) Administer and enforce this chapter and the rules adopted pursuant thereto;	49938 49939
(2) Develop comprehensive programs and policies for the control and prevention of nonoccupational exposure of the public to friable asbestos-containing materials;	49940 49941 49942
(3) Ensure that persons are trained and licensed or certified, where appropriate, in accordance with this chapter and the rules adopted pursuant thereto;	49943 49944 49945
(4) Examine those records of licensed asbestos hazard abatement contractors, certified asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, and asbestos hazard training courses in accordance with rules adopted by the director as the director determines necessary to determine compliance with this chapter and the rules adopted pursuant thereto;	49946 49947 49948 49949 49950 49951 49952 49953
(5) Prohibit and prevent improper asbestos hazard abatement procedures and require the modification or alteration of asbestos abatement procedures as they relate to this chapter and the rules adopted pursuant thereto;	49954 49955 49956 49957
(6) Collect and disseminate health education information relating to safe management of asbestos hazards;	49958 49959
(7) Accept and administer grants from the federal government and other sources, both public and private, for carrying out any of the director's functions;	49960 49961 49962
(8) As the director determines appropriate, conduct on-site inspections at any location where an asbestos hazard abatement activity is planned, in progress, or has been completed, at any location where a public <u>an environmental</u> health emergency	49963 49964 49965 49966

involving asbestos may occur, is occurring, or has occurred, or to 49967
evaluate the performance or compliance of any person subject to 49968
this chapter; 49969

(9) Conduct an on-site audit of each asbestos hazard training 49970
provider approved pursuant to this chapter, at least once 49971
biennially, during an actual course conducted by the provider 49972
within the state; 49973

(10) Cooperate and assist in investigations, as such relate 49974
to this chapter, conducted by local law enforcement agencies, ~~the~~ 49975
~~Ohio environmental protection agency~~, the United States 49976
occupational safety and health administration, and other local, 49977
state, and federal agencies. 49978

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 49979
contractor's license, a business entity or public entity shall 49980
meet the requirements of this section. 49981

(B) Each employee or agent of the business entity or public 49982
entity applying for a license who will come in contact with 49983
asbestos or will be responsible for an asbestos hazard abatement 49984
project shall: 49985

(1) Be familiar with all applicable state and federal 49986
standards for asbestos hazard abatement projects; 49987

(2) Have successfully completed the course of instruction on 49988
asbestos hazard abatement activities, for their particular 49989
certification, approved by the ~~department of health~~ Ohio 49990
environmental protection agency pursuant to section 3710.10 of the 49991
Revised Code, have passed an examination approved by the 49992
~~department~~ agency, and demonstrate to the ~~department~~ agency that 49993
the employee or agent is capable of complying with all applicable 49994
standards of this state, the United States environmental 49995
protection agency, and the United States occupational safety and 49996

health administration. 49997

(C) A business entity or public entity applying for an 49998
asbestos hazard abatement contractor's license shall, in addition 49999
to the other requirements of this section, provide at least one 50000
asbestos hazard abatement specialist, certified pursuant to this 50001
chapter and the rules adopted under it, for each asbestos hazard 50002
abatement project, and demonstrate to the satisfaction of the 50003
~~department~~ Ohio environmental protection agency that the 50004
applicant: 50005

(1) Has access to at least one asbestos disposal site 50006
approved by the ~~Ohio environmental protection~~ agency that is 50007
sufficient for the deposit of all asbestos waste that the 50008
applicant will generate during the term of the license; 50009

(2) Is sufficiently qualified to safely remove asbestos, 50010
demonstrated by reliability as an asbestos hazard abatement 50011
contractor, possesses a work program that prevents the 50012
contamination or recontamination of the environment and protects 50013
the public health from the hazards of exposure to asbestos, 50014
possesses evidence of certification of each individual employee or 50015
agent who will be responsible for others who may come in contact 50016
with friable asbestos-containing materials, possesses evidence of 50017
training of workers required by section 3710.07 of the Revised 50018
Code, and has prior successful experience in asbestos hazard 50019
abatement projects or equivalent qualifications as determined in 50020
accordance with rules adopted by the director of ~~health~~ 50021
environmental protection; 50022

(3) Possesses a worker protection program consistent with 50023
requirements established by the director if the contractor is a 50024
public entity, and a worker protection program consistent with the 50025
requirements of the United States occupational safety and health 50026
administration if the contractor is a business entity; 50027

(4) Is registered as a business entity with the secretary of state.	50028 50029
(D) No applicant for licensure as an asbestos hazard abatement contractor, in order to meet the requirements of this chapter, shall list an employee of another contractor.	50030 50031 50032
(E) The business entity or public entity shall meet any other standards that the director, by rule, sets.	50033 50034
(F) Nothing in this chapter or the rules adopted pursuant thereto relating to asbestos hazard abatement project designers shall be interpreted as authorizing or permitting an individual who is certified as an asbestos hazard abatement project designer to perform the services of a registered architect or professional engineer unless that person is registered under Chapter 4703. or 4733. of the Revised Code to perform such services.	50035 50036 50037 50038 50039 50040 50041
Sec. 3710.05. (A) Except as otherwise provided in this chapter, no person shall engage in any asbestos hazard abatement activities in this state unless licensed or certified pursuant to this chapter.	50042 50043 50044 50045
(B) To apply for licensure as an asbestos abatement contractor or certification as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement project designer, or an asbestos hazard abatement air-monitoring technician, a person shall do all of the following:	50046 50047 50048 50049 50050
(1) Submit a completed application to the department <u>director of health environmental protection</u> , on a form provided by the department <u>agency</u> ;	50051 50052 50053
(2) Pay the requisite fee as provided in division (D) of this section;	50054 50055
(3) Submit any other information the director of health by rule requires.	50056 50057

(C) The application form for a business entity or public entity applying for an asbestos hazard abatement contractor's license shall include all of the following:	50058 50059 50060
(1) A description of the protective clothing and respirators that the public entity will use to comply with rules adopted by the director and that the business entity will use to comply with requirements of the United States occupational safety and health administration;	50061 50062 50063 50064 50065
(2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public health from the hazards associated with exposure to asbestos;	50066 50067 50068 50069 50070
(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;	50071 50072
(4) A description of the site decontamination procedures that the business entity or public entity will use;	50073 50074
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	50075 50076
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	50077 50078
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;	50079 50080 50081 50082
(8) A description of the final clean-up procedures that the business entity or public entity will use;	50083 50084
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	50085 50086
(10) The federal tax identification number of the business	50087

entity or the public entity. 50088

(D) The fees to be charged to each public entity, except for 50089
the agency, and each business entity and their employees and 50090
agents for licensure, certification, approval, and renewal of 50091
licenses, certifications, and approvals granted under this 50092
chapter, subject to division (A)(4) of section 3710.02 of the 50093
Revised Code, are: 50094

(1) Seven hundred fifty dollars for asbestos hazard abatement 50095
contractors; 50096

(2) Two hundred dollars for asbestos hazard abatement project 50097
designers; 50098

(3) Fifty dollars for asbestos hazard abatement workers; 50099

(4) Two hundred dollars for asbestos hazard abatement 50100
specialists; 50101

(5) Two hundred dollars for asbestos hazard evaluation 50102
specialists; and 50103

(6) Nine hundred dollars for approval or renewal of asbestos 50104
hazard training providers. 50105

(E) Notwithstanding division (A) of this section, no business 50106
entity which engages in asbestos hazard abatement activities 50107
solely at its own place of business is required to be licensed as 50108
an asbestos hazard abatement contractor provided that the business 50109
entity is required to and does comply with all applicable 50110
standards of the United States environmental protection agency and 50111
the United States occupational safety and health administration 50112
and provided further that all persons employed by the business 50113
entity on the activity meet the requirements of this chapter. 50114

Sec. 3710.051. No person shall enter into an agreement to 50115
perform any aspect of an asbestos hazard abatement project unless 50116
the agreement is written and contains at least all of the 50117

following: 50118

(A) A requirement that all persons working on the project are 50119
licensed or certified by the ~~department of health~~ director of 50120
environmental protection as required by this chapter; 50121

(B) A requirement that all project clearance levels and 50122
sampling be in accordance with rules adopted by the director of ~~of~~ 50123
~~health~~; 50124

(C) A requirement that all clearance air-monitoring be 50125
conducted by asbestos hazard abatement air-monitoring technicians 50126
or asbestos hazard evaluation specialists certified by the 50127
~~department~~ director. 50128

Sec. 3710.06. (A) Within fifteen business days after 50129
receiving an application, the ~~department of health~~ director of 50130
environmental protection shall acknowledge receipt of the 50131
application and notify the applicant of any deficiency in the 50132
application. Within sixty calendar days after receiving a 50133
completed application, including all additional information 50134
requested by the ~~department~~ director, the ~~department~~ director 50135
shall issue a license or certificate or deny the application. The 50136
~~department~~ director shall issue only one license or certificate 50137
that is in effect at one time to a business entity and its 50138
principal officers and a public entity and its principal officers. 50139

(B)(1) The ~~department~~ director shall deny an application if 50140
it determines that the applicant has not demonstrated the ability 50141
to comply fully with all applicable federal and state requirements 50142
and all requirements, procedures, and standards established by the 50143
director of ~~health~~ in this chapter, Chapter 3704. of the Revised 50144
Code, or rules adopted under those chapters, as those chapters and 50145
rules pertain to asbestos. 50146

(2) The ~~department~~ director shall deny any application for an 50147

asbestos hazard abatement contractor's license if the applicant or 50148
an officer or employee of the applicant has been convicted of a 50149
felony under any state or federal law designed to protect the 50150
environment. 50151

(3) The ~~department~~ director shall send all denials of an 50152
application by certified mail to the applicant. If the ~~department~~ 50153
director receives a timely request for a hearing from the 50154
applicant on the proposed denial of an application, as provided in 50155
division (D) of section 3710.13 of the Revised Code, the 50156
~~department~~ director shall hold a hearing in accordance with 50157
Chapter 119. of the Revised Code, as provided in division (A) of 50158
section 3710.13 of the Revised Code. 50159

(C) In an emergency that results from a sudden, unexpected 50160
event that is not a planned asbestos hazard abatement project, the 50161
~~department~~ director may waive the requirements for a license or 50162
certificate. For the purposes of this division, "emergency" 50163
includes operations necessitated by nonroutine failures of 50164
equipment or by actions of fire and emergency medical personnel 50165
pursuant to duties within their official capacities. Any person 50166
who performs an asbestos hazard abatement activity under emergency 50167
conditions shall notify the director within three days after 50168
performance thereof. 50169

(D) Each license or certificate issued under this chapter 50170
expires one year after the date of issue, but each licensee or 50171
certificate holder may apply to the ~~department~~ environmental 50172
protection agency for the extension of the holder's license or 50173
certificate under the standard renewal procedures of Chapter 4745. 50174
of the Revised Code. 50175

To qualify for renewal of a license or certificate issued 50176
under this chapter, each licensee or certificate holder shall send 50177
the appropriate renewal fee set forth in division (D) of section 50178
3710.05 of the Revised Code or as adopted by rule by the director 50179

pursuant to division (A)(4) of section 3710.02 of the Revised Code. 50180
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Certificate holders also shall successfully complete an annual renewal course approved by the ~~department~~ agency pursuant to section 3710.10 of the Revised Code. 50182
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(E) The ~~department~~ director may charge a fee in addition to those specified in division (D) of section 3710.05 of the Revised Code or in rules adopted by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code if the licensee or certificate holder applies for renewal after the expiration thereof or requests a reissuance of any license or certificate, provided that no such fee shall exceed the original fees by more than fifty per cent. 50185
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Sec. 3710.07. (A) Prior to engaging in any asbestos hazard abatement project, an asbestos hazard abatement contractor shall do all of the following: 50193
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(1) Prepare a written respiratory protection program as defined by the director of ~~health~~ environmental protection pursuant to rule, and make the program available to the ~~department of health~~ environmental protection agency, and workers at the job site if the contractor is a public entity or prepare a written respiratory protection program, consistent with 29 C.F.R. 1910.134 and make the program available to the ~~department~~ agency, and workers at the job site if the contractor is a business entity; 50196
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(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be physically capable of working while wearing a respirator; 50204
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(3) Ensure that each of the contractor's employees or agents who will come in contact with asbestos-containing materials or 50208
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will be responsible for an asbestos hazard abatement project 50210
receives the appropriate certification or licensure required by 50211
this chapter and the following training: 50212

(a) An initial course approved by the ~~department~~ agency 50213
pursuant to section 3710.10 of the Revised Code, completed before 50214
engaging in any asbestos hazard abatement project; and 50215

(b) An annual review course approved by the ~~department~~ agency 50216
pursuant to section 3710.10 of the Revised Code. 50217

(B) After obtaining or renewing a license, an asbestos hazard 50218
abatement contractor shall notify the ~~department~~ agency, on a form 50219
approved by the director ~~of health~~, at least ten days before 50220
beginning each asbestos hazard abatement project conducted during 50221
the term of the contractor's license. 50222

(C) In addition to any other fee imposed under this chapter, 50223
an asbestos hazard abatement contractor shall pay, at the time of 50224
providing notice under division (B) of this section, the 50225
~~department~~ agency a fee of sixty-five dollars for each asbestos 50226
hazard abatement project conducted. 50227

Sec. 3710.08. (A) An asbestos hazard abatement contractor 50228
engaging in any asbestos hazard abatement project shall, during 50229
the course of the project: 50230

(1) Conduct each project in a manner that is in compliance 50231
with the requirements the director of environmental protection 50232
adopts pursuant to section 3704.03 of the Revised Code and the 50233
asbestos requirements of the United States occupational safety and 50234
health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 50235

(2) Comply with all applicable rules adopted by the director 50236
of ~~health~~ environmental protection pursuant to ~~section~~ sections 50237
3704.03 and 3710.02 of the Revised Code. 50238

(B) An asbestos hazard abatement contractor that is a public 50239

entity shall: 50240

(1) Provide workers with protective clothing and equipment 50241
and ensure that the workers involved in any asbestos hazard 50242
abatement project use the items properly. Protective clothing and 50243
equipment shall include: 50244

(a) Respirators approved by the national institute of 50245
occupational safety and health. These respirators shall be fit 50246
tested in accordance with requirements of the United States 50247
occupational safety and health administration set forth in 29 50248
C.F.R. ~~1926.58(h)~~ 1926.1101. At the request of an employee, the 50249
asbestos hazard abatement contractor shall provide the employee 50250
with a powered air purifying respirator, in which case, the 50251
testing requirements of division (B)(1)(a) of this section do not 50252
apply. 50253

(b) Items required by the director ~~of health~~ by rule as 50254
provided in division (A)(7) of section 3710.02 of the Revised 50255
Code. 50256

(2) Comply with all applicable standards of conduct and 50257
requirements adopted by the director ~~of health~~ pursuant to section 50258
3710.02 of the Revised Code. 50259

(C) An asbestos hazard abatement specialist engaging in any 50260
asbestos hazard abatement project shall, during the course of the 50261
project: 50262

(1) Conduct each project in a manner that will meet 50263
decontamination procedures, project containment procedures, and 50264
asbestos fiber dispersal methods as provided in division (A)(6) of 50265
section 3710.02 of the Revised Code; 50266

(2) Ensure that workers utilize, handle, remove, and dispose 50267
of the disposable clothing provided by abatement contractors in a 50268
manner that will prevent contamination or recontamination of the 50269
environment and protect the public health from the hazards of 50270

exposure to asbestos; 50271

(3) Ensure that workers utilize protective clothing and 50272
equipment and comply with the applicable health and safety 50273
standards set forth in division (A) of section 3710.08 of the 50274
Revised Code; 50275

(4) Ensure that there is no smoking, eating, or drinking in 50276
the work area; 50277

(5) Comply with all applicable standards of conduct and 50278
requirements adopted by the director ~~of health~~ pursuant to ~~section~~ 50279
sections 3704.03 and 3710.02 of the Revised Code. 50280

(D) An asbestos hazard evaluation specialist engaged in the 50281
identification, detection, and assessment of asbestos-containing 50282
materials, the determination of appropriate response actions, or 50283
other activities associated with an abatement project or the 50284
preparation of management plans, shall comply with the applicable 50285
standards of conduct and requirements adopted by the director ~~of~~ 50286
~~health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the 50287
Revised Code. 50288

(E) Every asbestos hazard abatement worker shall comply with 50289
all applicable standards adopted by the director ~~of health~~ 50290
pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised 50291
Code. 50292

(F) The ~~department~~ director may, on a case-by-case basis, 50293
approve an alternative to the worker protection requirements of 50294
divisions (A), (B), and (C) of this section for an asbestos hazard 50295
abatement project conducted by a public entity, provided that the 50296
asbestos hazard abatement contractor submits the alternative 50297
procedure to the ~~department~~ director in writing and demonstrates 50298
to the satisfaction of the ~~department~~ director that the proposed 50299
alternative procedure provides equivalent worker protection. 50300

Sec. 3710.09. (A) As a means of protecting the public, each 50301
asbestos hazard abatement contractor licensed under this chapter 50302
shall maintain records of all asbestos hazard abatement projects 50303
which the contractor performs and make these records available to 50304
the ~~department of health~~ the director of environmental protection 50305
upon request. The licensee shall maintain the records for at least 50306
thirty years. 50307

(B) The records required by this section shall include all of 50308
the following: 50309

(1) The name, social security number, and address of the 50310
person who supervised the asbestos hazard abatement project; 50311

(2) The names and social security numbers of all workers at 50312
the job site; 50313

(3) The location and description of the asbestos hazard 50314
abatement project and the amount of asbestos-containing material 50315
that was removed; 50316

(4) The starting and completion dates of each asbestos hazard 50317
abatement project; 50318

(5) A summary of the procedures that were used to comply with 50319
all applicable federal, state, and local standards; 50320

(6) The name and address of each asbestos disposal site where 50321
the waste containing asbestos was deposited; 50322

(7) Any other information that the director ~~of health~~, by 50323
rule, requires. 50324

Sec. 3710.10. (A) No person other than the ~~department of~~ 50325
~~health~~ director of environmental protection shall conduct or offer 50326
to conduct any initial or review training course or examination 50327
required by this chapter unless that person is approved to sponsor 50328
the courses and examinations under this section. In conducting any 50329

such course or examination, the ~~department~~ director and the 50330
approved person shall administer the courses and examinations 50331
according to the United States environmental protection agency 50332
"Model Accreditation Plan," 40 C.F.R. 763, Subpart E, Appendix C, 50333
and the rules of the director ~~of health~~ adopted pursuant to 50334
division (A)(3) of section 3710.02 of the Revised Code. A person 50335
may apply for approval or renewal of a course on the health and 50336
safety aspects of asbestos hazard abatement activities which meets 50337
the requirements of division (A)(3) of section 3710.07 of the 50338
Revised Code by submitting a written application on forms provided 50339
by the ~~department~~ director. 50340

(B) In order to obtain or renew ~~department~~ approval, a person 50341
sponsoring a course shall substantially satisfy all of the 50342
following criteria: 50343

(1) Provide courses of instruction and examinations that meet 50344
the requirements of division (A) of this section; 50345

(2) Ensure that instruction is given or supervised by 50346
personnel with sufficient education and experience as determined 50347
in rules adopted by the director; 50348

(3) Maintain lists of students trained and the dates on which 50349
training occurred for at least twenty years, and make this 50350
information available to the ~~department~~ director upon request. 50351

(C) In order to obtain or renew ~~department~~ approval, a person 50352
sponsoring an initial course or a review course annually shall 50353
apply to the ~~department~~ director for approval. In applying, the 50354
person shall submit the fee set forth in division (D) of section 50355
3710.05 of the Revised Code along with any increase in fee adopted 50356
pursuant to division (A)(4) of section 3710.02 of the Revised 50357
Code. 50358

(D)(1) The ~~department~~ director shall act or acknowledge 50359
receipt of an application within ten working days after receiving 50360

the application. 50361

(2) The ~~department~~ director shall act on the application 50362
within ninety days after it is complete. 50363

(3) The ~~department~~ director shall grant contingent approval 50364
of an application if the ~~department~~ director determines the course 50365
substantially satisfies or will substantially satisfy the criteria 50366
in this chapter and the rules adopted by the director. 50367

(4) The ~~department~~ director may deny or revoke approval of a 50368
course if the ~~department~~ director determines the course does not 50369
or will not substantially satisfy the criteria in this chapter or 50370
the rules adopted by the director. 50371

(5) The ~~department~~ director shall grant final approval of a 50372
course only after an on-site audit by the ~~department~~ director 50373
which reveals that the course substantially satisfies the criteria 50374
in this chapter and the rules adopted by the director. Course 50375
approvals expire one year from the date of final approval under 50376
division (D)(5) of this section. 50377

(E) Each course approval issued under this section expires 50378
one year after the date of issue, but a person who received 50379
approval may apply to the ~~department~~ director for renewal under 50380
the standard renewal procedures of Chapter 4745. of the Revised 50381
Code. The fee prescribed in section 3710.05 of the Revised Code 50382
must accompany the application. 50383

Sec. 3710.11. Persons licensed, certified, or otherwise 50384
approved under the laws of another state to perform functions 50385
substantially similar to those of an asbestos hazard abatement 50386
contractor, asbestos hazard abatement specialist, asbestos hazard 50387
evaluation specialist, asbestos hazard abatement project designer, 50388
or asbestos hazard abatement air-monitoring technician, may apply 50389
to the director of ~~health~~ environmental protection for licensure 50390

or certification. The director shall license or certify persons 50391
under this section upon a determination that the standards for 50392
certification, licensure, or approval in the other state are at 50393
least substantially equivalent to those established by this 50394
chapter and the rules adopted thereunder. The director may require 50395
an examination before licensure or certification under this 50396
section. 50397

Persons certified or licensed under this section are subject 50398
to the same duties and requirements for renewal as other persons 50399
certified or licensed pursuant to this chapter and the rules 50400
adopted thereunder. 50401

Sec. 3710.12. Subject to ~~the hearing provisions of this~~ 50402
~~chapter section 3710.13 of the Revised Code, the department of~~ 50403
~~health~~ director of environmental protection may deny, suspend, or 50404
revoke any license or certificate, or renewal thereof, if the 50405
licensee or certificate holder: 50406

(A) Fraudulently or deceptively obtains or attempts to obtain 50407
a license or certificate; 50408

(B) Fails at any time to meet the qualifications for a 50409
license or certificate; 50410

(C) Is violating or threatening to violate any provisions of 50411
any of the following: 50412

(1) This chapter, Chapters 3704. and 3745. of the Revised 50413
Code, or the rules of the director ~~of health~~ adopted pursuant 50414
~~thereto to those chapters, as those chapters and rules pertain to~~ 50415
asbestos; 50416

(2) The "National Emission Standard for Hazardous Air 50417
Pollutants" regulations of the United States environmental 50418
protection agency as the regulations pertain to asbestos; 50419

(3) The regulations of the United States occupational safety 50420

and health administration as the regulations pertain to asbestos. 50421

Sec. 3710.13. (A) ~~Except as otherwise provided in Chapter~~ 50422
~~119. of the Revised Code or this section, before~~ Before the 50423
~~department of health~~ director of environmental protection takes 50424
any action under section 3710.12 of the Revised Code, ~~it~~ the 50425
director shall give the license applicant, licensee, or 50426
certificate holder against whom action is contemplated an 50427
opportunity for a hearing. 50428

Except as otherwise provided in this section, the ~~department~~ 50429
director shall give notice and hold the hearing in accordance with 50430
Chapter 119. of the Revised Code. 50431

(B) The ~~department~~ director, without notice or hearing and in 50432
accordance with rules adopted by the director ~~of health~~, may issue 50433
an order requiring any action necessary to meet a ~~public~~ an 50434
environmental health emergency involving asbestos. Any person to 50435
whom an order is directed shall immediately comply with the order. 50436
Upon application to the director ~~of health~~, the person shall be 50437
afforded a hearing as soon as possible, but no more than twenty 50438
days after receipt of the application by the director. 50439

(C) If the director determines, pursuant to division (B) of 50440
this section, that a ~~public~~ an environmental health emergency 50441
involving asbestos exists, the director may order, without a 50442
hearing, the denial, suspension, or revocation of any license or 50443
certificate issued under this chapter of the parties involved, 50444
provided that an opportunity for a hearing is provided to the 50445
affected party as soon as reasonably possible. 50446

~~(D) All proceedings under this chapter are subject to Chapter~~ 50447
~~119. of the Revised Code, except that:~~ 50448

~~(1) Upon the request of a licensee or certificate holder, the~~ 50449
~~location of an adjudicatory hearing is the county seat of the~~ 50450

~~county in which the licensee or certificate holder conducts
business.~~ 50451
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~~(2) The director shall notify, by certified mail or personal
delivery, a licensee or certificate holder that the licensee or
certificate holder is entitled to a hearing if the licensee or
certificate holder requests it, in writing, within ten days of the
time that the licensee or certificate holder receives the notice.
If the licensee or certificate holder requests such a hearing, the
director shall set the hearing date no later than ten days after
the director receives the request.~~ 50453
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~~(3) The director shall not apply for or receive a
postponement or continuation of an adjudication hearing. If a
licensee or certificate holder requests a postponement or
continuation of an adjudication hearing, the director only shall
grant the request if the licensee or certificate holder
demonstrates extreme hardship in complying with the hearing date.
If the director grants a postponement or continuation on the
grounds of extreme hardship, the director shall include in the
record of the case, the nature and cause of the extreme hardship.~~ 50461
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~~(4) In lieu of an adjudicatory hearing required by this
chapter, a licensee or certificate holder, by no later than the
date set for a hearing pursuant to division (A)(3) of this
section, may by written request to the director, request that the
matter be resolved by the licensee or certificate holder
submitting documents, papers, and other written evidence to the
director to support the licensee's or certificate holder's claim.~~ 50470
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~~(5) If the director appoints a referee or an examiner to
conduct a hearing, all of the following apply:~~ 50477
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~~(a) The examiner or referee shall serve, by certified mail
and within three business days of the conclusion of the hearing, a
copy of the written adjudication report and the referee's or~~ 50479
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~~examiner's recommendations, on the director and the affected 50482
licensee or certificate holder or the licensee's or certificate 50483
holder's attorney or other representative of record. 50484~~

~~(b) The licensee or certificate holder, within three business 50485
days of receipt of the report under division (D)(5)(a) of this 50486
section, may file with the director written objections to the 50487
report and recommendations. 50488~~

~~(c) The director shall consider any objections received under 50489
division (D)(5)(b) of this section prior to approving, modifying, 50490
or disapproving the report and recommendations. Within six 50491
business days of receiving the report under division (D)(5)(a) of 50492
this section, the director shall serve the director's order, by 50493
certified mail, on the affected licensee or certificate holder or 50494
the licensee's or certificate holder's attorney or other 50495
representative of record. 50496~~

~~(6) If the director conducts an adjudicatory hearing under 50497
this chapter, the director shall serve the director's decision, by 50498
certified mail and within three business days of the conclusion of 50499
the hearing, on the affected licensee or certificate holder or the 50500
licensee's or certificate holder's attorney or other 50501
representative of record. 50502~~

~~(7) If no hearing is held, the director shall issue an order, 50503
by certified mail and within three business days of the last date 50504
possible for a hearing, based upon the record available to the 50505
director, to the affected licensee or certificate holder or the 50506
licensee's or certificate holder's attorney or other 50507
representative of record. 50508~~

~~(8) A licensee or certificate holder shall file a notice of 50509
appeal to an adverse adjudication decision within fifteen days 50510
after receipt of the director's order. 50511~~

Sec. 3710.14. (A) At the request of the director of ~~health~~ environmental protection, the attorney general may commence a civil action for civil penalties and injunctions, in a court of common pleas, against any person who has violated, is violating, or is threatening to violate this chapter, any rule adopted under this chapter, or any license or certificate issued under this chapter.

(B) The court of common pleas in which an action for injunctive relief is filed has jurisdiction to, and shall grant, preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate any provision of this ~~chapter~~ chapter, any rule adopted under this chapter, or any license or certificate issued under this chapter.

(C) Upon a finding of a violation, the court shall assess a civil penalty of not more than five thousand dollars against the person.

(D) Each day a violation continues is a separate violation under this section.

(E) The remedies provided in Chapter 3710. of the Revised Code are in addition to remedies otherwise available under any federal, state, or local law.

Sec. 3710.15. All civil and criminal penalties ordered pursuant to this chapter and paid as provided in the chapter, and all fees and other moneys collected pursuant to the chapter, shall be deposited in the ~~general operations~~ non-title V clean air fund created in section ~~3701.83~~ 3704.035 of the Revised Code ~~and shall be used for the sole purpose of administering and enforcing this chapter and the rules adopted under it.~~

Sec. 3710.17. (A) Where any person is certified or licensed 50541
by the ~~department of health~~ director of environmental protection 50542
to engage in asbestos hazard abatement or evaluation activity 50543
pursuant to this chapter, the liability of that person when 50544
performing such activity in accordance with procedures established 50545
pursuant to state or federal law for an injury to any individual 50546
or property caused or related to this activity shall be limited to 50547
acts or omissions of the person during the course of performing 50548
the activity which can be shown, based on a preponderance of the 50549
evidence, to have been negligent. For the purposes of this 50550
section, the demonstration that acts or omissions of a person 50551
performing asbestos hazard abatement or evaluation activities were 50552
in accordance with generally accepted practice and with procedures 50553
established by state or federal law at the time the abatement or 50554
evaluation activity was performed creates a rebuttable presumption 50555
that the acts or omissions were not negligent. 50556

(B) Where any person contracts with a certified asbestos 50557
hazard abatement specialist, asbestos hazard evaluation 50558
specialist, or other category of asbestos hazard specialist 50559
established by the director of health, or a licensed asbestos 50560
hazard abatement contractor, the liability of that person for 50561
asbestos-related injuries caused by the person's contractee in the 50562
performance of asbestos hazard abatement or evaluation activities 50563
shall be limited to those asbestos-related injuries arising from 50564
acts which the person knew or could reasonably have been expected 50565
to know were not in accordance with generally accepted practice or 50566
with procedures established by state or federal law at the time 50567
the abatement activity took place. 50568

(C) Notwithstanding any other provisions of the Revised Code 50569
or rules of a court to the contrary, this section governs all 50570
claims for asbestos-related injuries arising from asbestos hazard 50571
abatement or evaluation activities. 50572

Sec. 3710.19. On receipt of a notice pursuant to section 50573
3123.43 of the Revised Code, the ~~department of health~~ director of 50574
environmental protection shall comply with sections 3123.41 to 50575
3123.50 of the Revised Code and any applicable rules adopted under 50576
section 3123.63 of the Revised Code with respect to a license or 50577
certificate issued pursuant to this chapter. 50578

Sec. 3710.99. (A) At the request of the director of ~~health~~ 50579
environmental protection, a prosecuting attorney, city director of 50580
law, or similar chief legal officer may commence a criminal 50581
action, in a court of this state, against any person who violates 50582
any provision of ~~Chapter 3710. of the Revised Code~~ this chapter, 50583
any rule adopted under this chapter, any license or certificate 50584
issued under ~~the~~ this chapter, or any order issued pursuant to ~~the~~ 50585
this chapter. 50586

(B) Upon conviction, the person is subject to: 50587

(1) A fine of at least ten thousand dollars but not more than 50588
twenty-five thousand dollars or imprisonment at least one year but 50589
not more than two years, or both, for a first offense; or 50590

(2) A fine of at least twenty thousand dollars but not more 50591
than forty thousand dollars or imprisonment of at least two years 50592
but not more than four years or both for a second or subsequent 50593
offense. 50594

Sec. 3713.04. (A) In accordance with Chapter 119. of the 50595
Revised Code, the superintendent of industrial compliance shall: 50596

(1) Adopt rules pertaining to the definition, name, and 50597
description of materials necessary to carry out this chapter; 50598

(2) Determine the testing standards, fees, and charges to be 50599
paid for making any test or analysis required pursuant to section 50600
3713.08 of the Revised Code. 50601

(B) In accordance with Chapter 119. of the Revised Code, the 50602
superintendent may adopt rules regarding the following: 50603

(1) Establishing an initial application fee or an annual 50604
registration renewal fee not more than fifty per cent higher than 50605
the fees set forth in section 4713.05 of the Revised Code; 50606

(2) Establishing standards, on a reciprocal basis, for the 50607
acceptance of labels and laboratory analyses from other states 50608
where the labeling requirements and laboratory analysis standards 50609
are substantially equal to the requirements of this state, 50610
provided the other state extends similar reciprocity to labels and 50611
laboratory analysis conducted under this chapter; 50612

(3) Any other rules necessary to administer and carry out 50613
this chapter. 50614

(C) The superintendent may do any of the following: 50615

(1) Issue administrative orders, conduct hearings, and take 50616
all actions necessary under the authority of Chapter 119. of the 50617
Revised Code for the administration of this chapter. The authority 50618
granted under this division shall include the authority to 50619
suspend, revoke, or deny registration under this chapter. 50620

(2) Establish and maintain facilities within the department 50621
of commerce to make tests and analysis of materials used in the 50622
manufacture of bedding and stuffed toys. The superintendent also 50623
may designate established laboratories ~~in various sections of the~~ 50624
~~state~~ that are qualified to make these tests. These laboratories 50625
may be used for making any test or analysis of materials used in 50626
the manufacture of bedding and stuffed toys. If the superintendent 50627
exercises this authority, the superintendent shall adopt rules to 50628
determine the fees and charges to be paid for making the tests or 50629
analyses authorized under this section. 50630

(3) Exercise such other powers and duties as are necessary to 50631
carry out the purpose and intent of this chapter. 50632

Sec. 3715.021. (A) As used in this section, "food processing establishment" means a premises or part of a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale. "Food processing establishment" includes the activities of a bakery, confectionery, cannery, bottler, warehouse, or distributor, and the activities of an entity that receives or salvages distressed food for sale or use as food. A "food processing establishment" does not include a cottage food production operation; a processor of maple syrup who boils sap when a minimum of seventy-five per cent of the sap used to produce the syrup is collected directly from trees by that processor; a processor of sorghum who processes sorghum juice when a minimum of seventy-five per cent of the sorghum juice used to produce the sorghum is extracted directly from sorghum plants by that processor; ~~or~~ a beekeeper who jars honey when a minimum of seventy-five per cent of the honey is from that beekeeper's own hives; or a processor of apple syrup or apple butter who directly harvests from trees a minimum of seventy-five per cent of the apples used to produce the apple syrup or apple butter.

(B) The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that establish, when otherwise not established by the Revised Code, standards and good manufacturing practices for food processing establishments, including the facilities of food processing establishments and their sanitation. The rules shall conform with or be equivalent to the standards for foods established by the United States food and drug administration in Title 21 of the Code of Federal Regulations.

A business or that portion of a business that is regulated by the department of agriculture under Chapter 917. or 918. of the Revised Code is not subject to regulation under this section as a

food processing establishment. 50665

Sec. 3715.041. (A)(1) As used in this section, "food 50666
processing establishment" has the same meaning as in section 50667
3715.021 of the Revised Code. 50668

(2) A person that operates a food processing establishment 50669
shall register the establishment annually with the director of 50670
agriculture. The person shall submit an application for 50671
registration or renewal on a form prescribed and provided by the 50672
director. Except as provided in division (G) of this section, an 50673
application for registration or renewal shall be accompanied by a 50674
registration fee in an amount established in rules adopted under 50675
this section. If a person files an application for registration on 50676
or after the first day of August of any year, the fee shall be 50677
one-half of the annual registration fee. 50678

(B)(1) The director shall inspect the food processing 50679
establishment for which an application for initial registration 50680
has been submitted. If, upon inspection, the director finds that 50681
the establishment is in compliance with this chapter and Chapter 50682
911., 913., 915., or 925. of the Revised Code, as applicable, or 50683
applicable rules adopted under those chapters, the director shall 50684
issue a certificate of registration to the food processing 50685
establishment. A food processing establishment registration 50686
expires on the thirty-first day of January and is valid until that 50687
date unless it is suspended or revoked under this section. 50688

(2) A person that is operating a food processing 50689
establishment ~~on the effective date of this section~~ shall apply to 50690
the director for a certificate of registration ~~not later than~~ 50691
~~ninety days after the effective date of this section~~ not later 50692
than a date specified by the director in rules adopted under this 50693
section. If an application is not filed with the director or 50694
postmarked on or before ~~ninety days after the effective date of~~ 50695

~~this section~~ that date, the director shall assess a late fee in an amount established in rules adopted under this section.

(C)(1) A food processing establishment registration may be renewed by the director. A person seeking registration renewal shall submit an application for renewal to the director not later than the thirty-first day of January. The director shall issue a renewed certificate of registration on receipt of a complete renewal application except as provided in division (C)(2) of this section.

(2) If a renewal application is not filed with the director or postmarked on or before the thirty-first day of January, the director shall assess a late fee in an amount established in rules adopted under this section. The director shall not renew the registration until the applicant pays the late fee.

(D) A copy of the food processing establishment registration certificate shall be conspicuously displayed in an area of the establishment to which customers of the establishment have access.

(E)(1) The director or the director's designee may issue an order suspending or revoking a food processing establishment registration upon determining that the registration holder is in violation of this chapter or Chapter 911., 913., 915., or 925. of the Revised Code, as applicable, or applicable rules adopted under those chapters. Except as provided in division (E)(2) of this section, a registration shall not be suspended or revoked until the registration holder is provided an opportunity to appeal the suspension or revocation in accordance with Chapter 119. of the Revised Code.

(2) If the director determines that a food processing establishment presents an immediate danger to the public health, the director may issue an order immediately suspending the establishment's registration without affording the registration

holder an opportunity for a hearing. The director then shall 50727
afford the registration holder a hearing in accordance with 50728
Chapter 119. of the Revised Code not later than ten days after the 50729
date of suspension. 50730

(3) If the director finds that a person is operating a food 50731
processing establishment without registering the establishment 50732
under this section, the director shall issue a letter of warning 50733
to the person giving the person ten days to register the 50734
establishment. If the person fails to register the establishment 50735
within that ten-day time period, the director may assess a civil 50736
penalty against the person. If the director assesses a civil 50737
penalty, the director shall do so as follows: 50738

(a) If, within five years of the issuance of the letter of 50739
warning to the person, the director has not previously assessed a 50740
civil penalty against the person under this section, in an amount 50741
not exceeding five hundred dollars; 50742

(b) If, within five years of the issuance of the letter of 50743
warning to the person, the director has previously assessed one 50744
civil penalty against the person under this section, in an amount 50745
not exceeding one thousand five hundred dollars; 50746

(c) If, within five years of the issuance of the letter of 50747
warning to the person, the director has previously assessed two or 50748
more civil penalties against the person under this section, in an 50749
amount not exceeding five thousand dollars. 50750

(F) The director shall adopt rules in accordance with Chapter 50751
119. of the Revised Code that establish all of the following: 50752

(1) The date by which a person that is operating a food 50753
processing establishment must submit an application for a food 50754
processing establishment registration; 50755

(2) The amount of the registration fee that must be submitted 50756
with an application for a food processing establishment 50757

registration and with an application for renewal;	50758
(2) (3) The amount of the late fee that is required in	50759
division (B)(2) of this section;	50760
(3) (4) The amount of the fee for the late renewal of a food	50761
processing establishment registration that is required in division	50762
(C)(2) of this section;	50763
(4) (5) Any other procedures and requirements that are	50764
necessary to administer and enforce this section.	50765
(G) The following are not required to pay any registration	50766
fee that is otherwise required in this section:	50767
(1) Home bakeries <u>Bakeries</u> registered under section 911.02 of	50768
the Revised Code;	50769
(2) Canneries licensed under section 913.02 of the Revised	50770
Code;	50771
(3) Soft drink plants licensed under section 913.23 of the	50772
Revised Code;	50773
(4) Cold-storage warehouses licensed under section 915.02 of	50774
the Revised Code;	50775
(5) Persons licensed under section 915.15 of the Revised	50776
Code;	50777
(6) Persons that are engaged in egg production and that	50778
maintain annually five hundred or fewer laying hens.	50779
(H) All money that is collected under this section shall be	50780
credited to the food safety fund created in section 915.24 of the	50781
Revised Code.	50782
<u>Sec. 3715.08.</u> (A) As used in this section:	50783
(1) <u>"Medication-assisted treatment" has the same meaning as</u>	50784
<u>in section 340.01 of the Revised Code.</u>	50785

(2) "Prescriber" means any of the following: 50786

(a) An advanced practice registered nurse who holds a 50787
current, valid license issued under Chapter 4723. of the Revised 50788
Code and is designated as a clinical nurse specialist, certified 50789
nurse-midwife, or certified nurse practitioner; 50790

(b) A physician authorized under Chapter 4731. of the Revised 50791
Code to practice medicine and surgery or osteopathic medicine and 50792
surgery; 50793

(c) A physician assistant who is licensed under Chapter 4730. 50794
of the Revised Code, holds a valid prescriber number issued by the 50795
state medical board, and has been granted physician-delegated 50796
prescriptive authority. 50797

(3) "Qualifying practitioner" has the same meaning as in 50798
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 50799
1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended. 50800

(B) Before initiating medication-assisted treatment, a 50801
prescriber shall give the patient or the patient's representative 50802
information about all drugs approved by the United States food and 50803
drug administration for use in medication-assisted treatment. The 50804
information must be provided both orally and in writing. The 50805
prescriber or the prescriber's delegate shall note in the 50806
patient's medical record when this information was provided and 50807
make the record available to employees of the board of nursing or 50808
state medical board on their request. 50809

If the prescriber is not a qualifying practitioner and the 50810
patient's choice is treatment with a controlled substance 50811
containing buprenorphine and the prescriber determines that such 50812
treatment is clinically appropriate and meets generally accepted 50813
standards of medicine, the prescriber shall refer the patient to a 50814
qualifying practitioner. If the patient's choice is methadone 50815
treatment and the prescriber determines that such treatment is 50816

clinically appropriate and meets generally accepted standards of 50817
medicine, the prescriber shall refer the patient to a community 50818
addiction services provider licensed under section 5119.391 of the 50819
Revised Code. In either case, the prescriber or the prescriber's 50820
delegate shall make a notation in the patient's medical record 50821
naming the practitioner or provider to whom the patient was 50822
referred and specifying when the referral was made. 50823

Sec. 3719.04. (A) ~~A licensed manufacturer or wholesaler of~~ 50824
~~controlled substances~~ person identified in division (B)(1)(a) of 50825
section 4729.52 of the Revised Code who holds a category III 50826
license under that section may sell at wholesale controlled 50827
substances to any of the following persons and subject to the 50828
following conditions: 50829

(1) ~~To a licensed manufacturer or wholesaler of controlled~~ 50830
~~substances~~ another person who holds a category III license under 50831
section 4729.50 of the Revised Code, or a terminal distributor of 50832
dangerous drugs having a category III license under section 50833
4729.54 of the Revised Code; 50834

(2) To a person in the employ of the United States government 50835
or of any state, territorial, district, county, municipal, or 50836
insular government, purchasing, receiving, possessing, or 50837
dispensing controlled substances by reason of official duties; 50838

(3) To a master of a ship or a person in charge of any 50839
aircraft upon which no physician is regularly employed, for the 50840
actual medical needs of persons on board the ship or aircraft, 50841
when not in port; provided such controlled substances shall be 50842
sold to the master of the ship or person in charge of the aircraft 50843
only in pursuance of a special official written order approved by 50844
a commissioned medical officer or acting assistant surgeon of the 50845
United States public health service; 50846

(4) To a person in a foreign country, if the federal drug 50847

abuse control laws are complied with. 50848

(B) An official written order for any schedule II controlled 50849
substances shall be signed in triplicate by the person giving the 50850
order or by the person's authorized agent. The original shall be 50851
presented to the person who sells or dispenses the schedule II 50852
controlled substances named in the order and, if that person 50853
accepts the order, each party to the transaction shall preserve 50854
the party's copy of the order for a period of three years in such 50855
a way as to be readily accessible for inspection by any public 50856
officer or employee engaged in the enforcement of Chapter 3719. of 50857
the Revised Code. Compliance with the federal drug abuse control 50858
laws, respecting the requirements governing the use of a special 50859
official written order constitutes compliance with this division. 50860

Sec. 3719.07. (A) As used in this section, "description" 50861
means the dosage form, strength, and quantity, and the brand name, 50862
if any, or the generic name, of a drug or controlled substance. 50863

(B)(1) Every licensed health professional authorized to 50864
prescribe drugs shall keep a record of all controlled substances 50865
received and a record of all controlled substances administered, 50866
dispensed, or used other than by prescription. Every other person, 50867
except a pharmacist, or a manufacturer, or wholesaler, or other 50868
person licensed under section 4729.52 of the Revised Code, who is 50869
authorized to purchase and use controlled substances shall keep a 50870
record of all controlled substances purchased and used other than 50871
by prescription. The records shall be kept in accordance with 50872
division (C)(1) of this section. 50873

(2) Manufacturers and, wholesalers, and other persons 50874
licensed under section 4729.52 of the Revised Code shall keep 50875
records of all controlled substances compounded, mixed, 50876
cultivated, grown, or by any other process produced or prepared by 50877
them, and of all controlled substances received or sold by them. 50878

The records shall be kept in accordance with division (C)(2) of 50879
this section. 50880

(3) Every category III terminal distributor of dangerous 50881
drugs shall keep records of all controlled substances received or 50882
sold. The records shall be kept in accordance with division (C)(3) 50883
of this section. 50884

(4) Every person who sells or purchases for resale schedule V 50885
controlled substances exempted by section 3719.15 of the Revised 50886
Code shall keep a record showing the quantities and kinds thereof 50887
received or sold. The records shall be kept in accordance with 50888
divisions (C)(1), (2), and (3) of this section. 50889

(C)(1) The records required by divisions (B)(1) and (4) of 50890
this section shall contain the following: 50891

(a) The description of all controlled substances received, 50892
the name and address of the person from whom received, and the 50893
date of receipt; 50894

(b) The description of controlled substances administered, 50895
dispensed, purchased, sold, or used; the date of administering, 50896
dispensing, purchasing, selling, or using; the name and address of 50897
the person to whom, or for whose use, or the owner and species of 50898
the animal for which the controlled substance was administered, 50899
dispensed, purchased, sold, or used. 50900

(2) The records required by divisions (B)(2) and (4) of this 50901
section shall contain the following: 50902

(a) The description of all controlled substances produced or 50903
prepared, the name and address of the person from whom received, 50904
and the date of receipt; 50905

(b) The description of controlled substances sold, the name 50906
and address of each person to whom a controlled substance is sold, 50907
the amount of the controlled substance sold to each person, and 50908

the date it was sold. 50909

(3) The records required by divisions (B)(3) and (4) of this 50910
section shall contain the following: 50911

(a) The description of controlled substances received, the 50912
name and address of the person from whom controlled substances are 50913
received, and the date of receipt; 50914

(b) The name and place of residence of each person to whom 50915
controlled substances, including those otherwise exempted by 50916
section 3719.15 of the Revised Code, are sold, the description of 50917
the controlled substances sold to each person, and the date the 50918
controlled substances are sold to each person. 50919

(D) Every record required by this section shall be kept for a 50920
period of three years. 50921

The keeping of a record required by or under the federal drug 50922
abuse control laws, containing substantially the same information 50923
as specified in this section, constitutes compliance with this 50924
section. 50925

Every person who purchases for resale or who sells controlled 50926
substance preparations exempted by section 3719.15 of the Revised 50927
Code shall keep the record required by or under the federal drug 50928
abuse control laws. 50929

Sec. 3719.08. (A) ~~Whenever~~ As used in this division, 50930
"repackager" and "outsourcing facility" have the same meanings as 50931
in section 4729.01 of the Revised Code. 50932

Whenever a manufacturer sells a controlled substance, and 50933
whenever a wholesaler, repackager, or outsourcing facility sells a 50934
controlled substance in a package the wholesaler, repackager, or 50935
outsourcing facility has prepared, the manufacturer or the 50936
wholesaler, repackager, or outsourcing facility, as the case may 50937
be, shall securely affix to each package in which the controlled 50938

substance is contained a label showing in legible English the name 50939
and address of the vendor and the quantity, kind, and form of 50940
controlled substance contained therein. No person, except a 50941
pharmacist for the purpose of dispensing a controlled substance 50942
upon a prescription shall alter, deface, or remove any label so 50943
affixed. 50944

(B) Except as provided in division (C) of this section, when 50945
a pharmacist dispenses any controlled substance on a prescription 50946
for use by a patient, or supplies a controlled substance to a 50947
licensed health professional authorized to prescribe drugs for use 50948
by the professional in personally furnishing patients with 50949
controlled substances, the pharmacist shall affix to the container 50950
in which the controlled substance is dispensed or supplied a label 50951
showing the following: 50952

(1) The name and address of the pharmacy dispensing or 50953
supplying the controlled substance; 50954

(2) The name of the patient for whom the controlled substance 50955
is prescribed and, if the patient is an animal, the name of the 50956
owner and the species of the animal; 50957

(3) The name of the prescriber; 50958

(4) All directions for use stated on the prescription or 50959
provided by the prescriber; 50960

(5) The date on which the controlled substance was dispensed 50961
or supplied; 50962

(6) The name, quantity, and strength of the controlled 50963
substance and, if applicable, the name of the distributor or 50964
manufacturer. 50965

(C) The requirements of division (B) of this section do not 50966
apply when a controlled substance is prescribed or supplied for 50967
administration to an ultimate user who is institutionalized. 50968

(D) A licensed health professional authorized to prescribe 50969
drugs who personally furnishes a controlled substance to a patient 50970
shall comply with division (A) of section 4729.291 of the Revised 50971
Code with respect to labeling and packaging of the controlled 50972
substance. 50973

(E) No person shall alter, deface, or remove any label 50974
affixed pursuant to this section as long as any of the original 50975
contents remain. 50976

(F) Every label for a schedule II, III, or IV controlled 50977
substance shall contain the following warning: 50978

"Caution: federal law prohibits the transfer of this drug to 50979
any person other than the patient for whom it was prescribed." 50980

Sec. 3721.02. (A) As used in this section, "residential 50981
facility" means a residential facility licensed under section 50982
5119.34 of the Revised Code that provides accommodations, 50983
supervision, and personal care services for three to sixteen 50984
unrelated adults. 50985

(B)(1) The director of health shall license homes and 50986
establish procedures to be followed in inspecting and licensing 50987
homes. The director may inspect a home at any time. Each home 50988
shall be inspected by the director at least once prior to the 50989
issuance of a license and at least once every fifteen months 50990
thereafter. The state fire marshal or a township, municipal, or 50991
other legally constituted fire department approved by the marshal 50992
shall also inspect a home prior to issuance of a license, at least 50993
once every fifteen months thereafter, and at any other time 50994
requested by the director. A home does not have to be inspected 50995
prior to issuance of a license by the director, state fire 50996
marshal, or a fire department if ownership of the home is assigned 50997
or transferred to a different person and the home was licensed 50998
under this chapter immediately prior to the assignment or 50999

transfer. A nursing home does not need to be inspected before the 51000
director increases the nursing home's licensed capacity if the 51001
beds being added to the nursing home are placed in an area of the 51002
nursing home that was inspected as part of the most recent 51003
previous inspection of the nursing home. The director may enter at 51004
any time, for the purposes of investigation, any institution, 51005
residence, facility, or other structure that has been reported to 51006
the director or that the director has reasonable cause to believe 51007
is operating as a nursing home, residential care facility, or home 51008
for the aging without a valid license required by section 3721.05 51009
of the Revised Code or, in the case of a county home or district 51010
home, is operating despite the revocation of its residential care 51011
facility license. The director may delegate the director's 51012
authority and duties under this chapter to any division, bureau, 51013
agency, or official of the department of health. 51014

(2)(a) If, prior to issuance of a license, a home submits a 51015
request for an expedited licensing inspection and the request is 51016
submitted in a manner and form approved by the director, the 51017
director shall commence an inspection of the home not later than 51018
ten business days after receiving the request. 51019

(b) On request, submitted in a manner and form approved by 51020
the director, the director may review plans for a building that is 51021
to be used as a home for compliance with applicable state and 51022
local building and safety codes. 51023

(c) The director may charge a fee for an expedited licensing 51024
inspection or a plan review that is adequate to cover the expense 51025
of expediting the inspection or reviewing the plans. The fee shall 51026
be deposited in the state treasury to the credit of the general 51027
operations fund created in section 3701.83 of the Revised Code and 51028
used solely for expediting inspections and reviewing plans. 51029

(C) A single facility may be licensed both as a nursing home 51030
pursuant to this chapter and as a residential facility pursuant to 51031

section 5119.34 of the Revised Code if the director determines 51032
that the part or unit to be licensed as a nursing home can be 51033
maintained separate and discrete from the part or unit to be 51034
licensed as a residential facility. 51035

(D) In determining the number of residents in a home for the 51036
purpose of licensing, the director shall consider all the 51037
individuals for whom the home provides accommodations as one group 51038
unless one of the following is the case: 51039

(1) The home is a home for the aging, in which case all the 51040
individuals in the part or unit licensed as a nursing home shall 51041
be considered as one group, and all the individuals in the part or 51042
unit licensed as a rest home shall be considered as another group. 51043

(2) The home is both a nursing home and a residential 51044
facility. In that case, all the individuals in the part or unit 51045
licensed as a nursing home shall be considered as one group, and 51046
all the individuals in the part or unit licensed as an adult care 51047
facility shall be considered as another group. 51048

(3) The home maintains, in addition to a nursing home or 51049
residential care facility, a separate and discrete part or unit 51050
that provides accommodations to individuals who do not require or 51051
receive skilled nursing care and do not receive personal care 51052
services from the home, in which case the individuals in the 51053
separate and discrete part or unit shall not be considered in 51054
determining the number of residents in the home if the separate 51055
and discrete part or unit is in compliance with the Ohio basic 51056
building code established by the board of building standards under 51057
Chapters 3781. and 3791. of the Revised Code and the home permits 51058
the director, on request, to inspect the separate and discrete 51059
part or unit and speak with the individuals residing there, if 51060
they consent, to determine whether the separate and discrete part 51061
or unit meets the requirements of this division. 51062

(E)(1) The director of health shall charge the following 51063
application fee and annual renewal licensing and inspection fee 51064
for each fifty persons or part thereof of a home's licensed 51065
capacity: 51066

(a) For state fiscal year 2010, two hundred twenty dollars; 51067

(b) For state fiscal year 2011, two hundred seventy dollars; 51068

(c) For each state fiscal year thereafter, three hundred 51069
twenty dollars. 51070

(2) All fees collected by the director for the issuance or 51071
renewal of licenses shall be deposited into the state treasury to 51072
the credit of the general operations fund created in section 51073
3701.83 of the Revised Code for use only in administering and 51074
enforcing this chapter and rules adopted under it. 51075

(F)(1) Except as otherwise provided in this section, the 51076
results of an inspection or investigation of a home that is 51077
conducted under this section, including any statement of 51078
deficiencies and all findings and deficiencies cited in the 51079
statement on the basis of the inspection or investigation, shall 51080
be used solely to determine the home's compliance with this 51081
chapter or another chapter of the Revised Code in any action or 51082
proceeding other than an action commenced under division (I) of 51083
section 3721.17 of the Revised Code. Those results of an 51084
inspection or investigation, that statement of deficiencies, and 51085
the findings and deficiencies cited in that statement shall not be 51086
used in either of the following: 51087

(a) Any court or in any action or proceeding that is pending 51088
in any court and are not admissible in evidence in any action or 51089
proceeding unless that action or proceeding is an appeal of an 51090
action by the department of health under this chapter or is an 51091
action by any department or agency of the state to enforce this 51092
chapter or another chapter of the Revised Code; 51093

(b) An advertisement, unless the advertisement includes all	51094
of the following:	51095
(i) The date the inspection or investigation was conducted;	51096
(ii) A statement that the director of health inspects all	51097
homes at least once every fifteen months;	51098
(iii) If a finding or deficiency cited in the statement of	51099
deficiencies has been substantially corrected, a statement that	51100
the finding or deficiency has been substantially corrected and the	51101
date that the finding or deficiency was substantially corrected;	51102
(iv) The number of findings and deficiencies cited in the	51103
statement of deficiencies on the basis of the inspection or	51104
investigation;	51105
(v) The average number of findings and deficiencies cited in	51106
a statement of deficiencies on the basis of an inspection or	51107
investigation conducted under this section during the same	51108
calendar year as the inspection or investigation used in the	51109
advertisement;	51110
(vi) A statement that the advertisement is neither authorized	51111
nor endorsed by the department of health or any other government	51112
agency.	51113
(2) Nothing in division (F)(1) of this section prohibits the	51114
results of an inspection or investigation conducted under this	51115
section from being used in a criminal investigation or	51116
prosecution.	51117
Sec. 3721.031. (A) The director of health may investigate any	51118
complaint the director receives concerning a home.	51119
(1) Except as required by court order, as necessary for the	51120
administration or enforcement of any statute relating to homes, or	51121
as provided in division (C) of this section, the director and any	51122
employee of the department of health shall not release any of the	51123

following information without the permission of the individual or 51124
of the individual's legal representative: 51125

(a) The identity of any patient or resident; 51126

(b) The identity of any individual who submits a complaint 51127
about a home; 51128

(c) The identity of any individual who provides the director 51129
with information about a home and has requested confidentiality; 51130

(d) Any information that reasonably would tend to disclose 51131
the identity of any individual described in division (A)(1)(a) to 51132
(c) of this section. 51133

(2) An agency or individual to whom the director is required, 51134
by court order or for the administration or enforcement of a 51135
statute relating to homes, to release information described in 51136
division (A)(1) of this section shall not release the information 51137
without the permission of the individual who would be or would 51138
reasonably tend to be identified, or of the individual's legal 51139
representative, unless the agency or individual is required to 51140
release it by division (C) of this section, by court order, or for 51141
the administration or enforcement of a statute relating to homes. 51142

(B) Except as provided in division (C) of this section, any 51143
record that identifies an individual described in division 51144
(A)(1)(a) to (c) of this section or that reasonably would tend to 51145
identify such an individual is not a public record for the 51146
purposes of section 149.43 of the Revised Code, and is not subject 51147
to inspection and copying under section 1347.08 of the Revised 51148
Code. 51149

(C)(1) If the director, or an agency or individual to whom 51150
the director is required by court order or for administration or 51151
enforcement of a statute relating to homes to release information 51152
described in division (A)(1) of this section, uses information in 51153
any administrative or judicial proceeding against a home that 51154

reasonably would tend to identify an individual described in 51155
division (A)(1)(a) to (c) of this section, the director, agency, 51156
or individual shall disclose that information to the home. 51157
However, the director, agency, or individual shall not disclose 51158
information that directly identifies an individual described in 51159
divisions (A)(1)(a) to (c) of this section, unless the individual 51160
is to testify in the proceedings. 51161

(2)(a) On the request of the director of aging or the 51162
director's designee and subject to division (C)(2)(b) of this 51163
section, the director of health may release to the department of 51164
aging the identity of a patient or resident of a home who receives 51165
assisted living services pursuant to sections 173.54 to 173.548 of 51166
the Revised Code. 51167

(b) The department of aging shall not use information 51168
obtained under division (C)(2)(a) for any purpose other than 51169
monitoring the well-being of patients or residents who receive 51170
assisted living services. 51171

(D) No person shall knowingly register a false complaint 51172
about a home with the director, or knowingly swear or affirm the 51173
truth of a false complaint, when the complaint is made for the 51174
purpose of incriminating another. 51175

(E) An individual who in good faith submits a complaint under 51176
this section or any other provision of the Revised Code regarding 51177
a violation of this chapter, or participates in any investigation, 51178
administrative proceeding, or judicial proceeding resulting from 51179
the complaint, has the full protection against retaliatory action 51180
provided by sections 4113.51 to 4113.53 of the Revised Code. 51181

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the 51182
Revised Code: 51183

(A) "Long-term care facility" means either of the following: 51184

(1) A nursing home as defined in section 3721.01 of the Revised Code;	51185 51186
(2) A facility or part of a facility that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act."	51187 51188 51189
(B) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.	51190 51191
(C) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a resident by physical contact with the resident or by use of physical or chemical restraint, medication, or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in amounts that preclude habilitation and treatment <u>any of the following:</u>	51192 51193 51194 51195 51196 51197 51198
<u>(1) Physical abuse;</u>	51199
<u>(2) Psychological abuse;</u>	51200
<u>(3) Sexual abuse.</u>	51201
(D) "Neglect" means recklessly failing to provide a resident with any treatment, care, goods, or service necessary to maintain the health or safety of the resident when the failure results in serious physical harm to the resident. "Neglect" does not include allowing a resident, at the resident's option, to receive only treatment by spiritual means through prayer in accordance with the tenets of a recognized religious denomination.	51202 51203 51204 51205 51206 51207 51208
(E) <u>"Exploitation" means taking advantage of a resident, regardless of whether the action was for personal gain, whether the resident knew of the action, or whether the resident was harmed.</u>	51209 51210 51211 51212
(F) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by	51213 51214

any means prohibited by the Revised Code, including violations of 51215
Chapter 2911. or 2913. of the Revised Code. 51216

~~(F)~~(G) "Resident" includes a resident, patient, former 51217
resident or patient, or deceased resident or patient of a 51218
long-term care facility or a residential care facility. 51219

(H) "Physical abuse" means knowingly causing physical harm or 51220
recklessly causing serious physical harm to a resident through 51221
either of the following: 51222

(1) Physical contact with the resident; 51223

(2) The use of physical restraint, chemical restraint, 51224
medication that does not constitute a chemical restraint, or 51225
isolation, if the restraint, medication, or isolation is 51226
excessive, for punishment, for staff convenience, a substitute for 51227
treatment, or in an amount that precludes habilitation and 51228
treatment. 51229

(I) "Psychological abuse" means knowingly or recklessly 51230
causing psychological harm to a resident, whether verbally or by 51231
action. 51232

(J) "Sexual abuse" means sexual conduct or sexual contact 51233
with a resident, as those terms are defined in section 2907.01 of 51234
the Revised Code. 51235

~~(G)~~(K) "Physical restraint" has the same meaning as in 51236
section 3721.10 of the Revised Code. 51237

~~(H)~~(L) "Chemical restraint" has the same meaning as in 51238
section 3721.10 of the Revised Code. 51239

~~(I)~~(M) "Nursing and nursing-related services" means the 51240
personal care services and other services not constituting skilled 51241
nursing care that are specified in rules the director of health 51242
shall adopt in accordance with Chapter 119. of the Revised Code. 51243

~~(J)~~(N) "Personal care services" has the same meaning as in 51244

section 3721.01 of the Revised Code. 51245

~~(K)~~(O)(1) Except as provided in division ~~(K)~~(O)(2) of this 51246
section, "nurse aide" means an individual who provides nursing and 51247
nursing-related services to residents in a long-term care 51248
facility, either as a member of the staff of the facility for 51249
monetary compensation or as a volunteer without monetary 51250
compensation. 51251

(2) "Nurse aide" does not include either of the following: 51252

(a) A licensed health professional practicing within the 51253
scope of the professional's license; 51254

(b) An individual providing nursing and nursing-related 51255
services in a religious nonmedical health care institution, if the 51256
individual has been trained in the principles of nonmedical care 51257
and is recognized by the institution as being competent in the 51258
administration of care within the religious tenets practiced by 51259
the residents of the institution. 51260

~~(L)~~(P) "Licensed health professional" means all of the 51261
following: 51262

(1) An occupational therapist or occupational therapy 51263
assistant licensed under Chapter 4755. of the Revised Code; 51264

(2) A physical therapist or physical therapy assistant 51265
licensed under Chapter 4755. of the Revised Code; 51266

(3) A physician authorized under Chapter 4731. of the Revised 51267
Code to practice medicine and surgery, osteopathic medicine and 51268
surgery, or ~~pediatry~~ podiatric medicine and surgery; 51269

(4) A physician assistant authorized under Chapter 4730. of 51270
the Revised Code to practice as a physician assistant; 51271

(5) A registered nurse or licensed practical nurse licensed 51272
under Chapter 4723. of the Revised Code; 51273

(6) A social worker or independent social worker licensed 51274

under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;	51275 51276
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	51277 51278
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	51279 51280
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	51281 51282
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	51283 51284
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	51285 51286
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	51287 51288
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	51289 51290
(14) A licensed professional counselor or licensed professional clinical counselor licensed under Chapter 4757. of the Revised Code;	51291 51292 51293
(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.	51294 51295 51296
(M) <u>(O)</u> "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.	51297 51298 51299 51300 51301 51302 51303 51304

~~(N)~~(R) "Competency evaluation program" means a program 51305
through which the competency of a nurse aide to provide nursing 51306
and nursing-related services is evaluated. 51307

~~(O)~~(S) "Training and competency evaluation program" means a 51308
program of nurse aide training and evaluation of competency to 51309
provide nursing and nursing-related services. 51310

Sec. 3721.22. (A)~~(1)~~ No licensed health professional person 51311
identified in division (P)(1) to (12), (14), or (15) of section 51312
3721.21 of the Revised Code who knows or suspects that a resident 51313
has been abused ~~or~~, neglected, or exploited, or that a resident's 51314
property has been misappropriated, by any individual used by a 51315
long-term care facility or residential care facility to provide 51316
services to residents, shall fail to report that knowledge or 51317
suspicion to the ~~director of health~~ facility. 51318

(2) No nursing home administrator licensed or temporarily 51319
licensed under Chapter 4751. of the Revised Code, and no 51320
administrator of a residential care facility, who knows or 51321
suspects that a resident has been abused, neglected, or exploited, 51322
or that a resident's property has been misappropriated, by any 51323
individual used by a long-term care facility or residential care 51324
facility to provide services to residents, shall fail to report 51325
that knowledge or suspicion to the director of health. 51326

(B) Any person, including a resident, who knows or suspects 51327
that a resident has been abused ~~or~~, neglected, or exploited, or 51328
that a resident's property has been misappropriated, by any 51329
individual used by a long-term care facility or residential care 51330
facility to provide services to residents, may report that 51331
knowledge or suspicion to the director of health. 51332

(C) Any person who in good faith reports suspected abuse, 51333
neglect, exploitation, or misappropriation to a facility or the 51334
director of health, provides information during an investigation 51335

of suspected abuse, neglect, exploitation, or misappropriation 51336
conducted by the director, or participates in a hearing conducted 51337
under section 3721.23 of the Revised Code is not subject to 51338
criminal prosecution, liable in damages in a tort or other civil 51339
action, or subject to professional disciplinary action because of 51340
injury or loss to person or property allegedly arising from the 51341
making of the report, provision of information, or participation 51342
in the hearing. 51343

(D) If the director has reason to believe that a violation of 51344
division (A) of this section has occurred, the director may report 51345
the suspected violation to the appropriate professional licensing 51346
authority and to the attorney general, county prosecutor, or other 51347
appropriate law enforcement official. 51348

(E) No person shall knowingly make a false allegation of 51349
abuse ~~or~~, neglect, or exploitation of a resident or 51350
misappropriation of a resident's property, or knowingly swear or 51351
affirm the truth of a false allegation, when the allegation is 51352
made for the purpose of incriminating another. 51353

Sec. 3721.23. (A) The director of health shall receive, 51354
review, and investigate allegations of abuse ~~or~~, neglect, or 51355
exploitation of a resident or misappropriation of the property of 51356
a resident by any individual used by a long-term care facility or 51357
residential care facility to provide services to residents. 51358

(B) The director shall make findings regarding alleged abuse, 51359
neglect, exploitation, or misappropriation of property after doing 51360
both of the following: 51361

(1) Investigating the allegation and determining that there 51362
is a reasonable basis for it; 51363

(2) Giving notice to the individual named in the allegation 51364
and affording the individual a reasonable opportunity for a 51365

hearing. 51366

Notice to the person named in an allegation shall be given 51367
and the hearing shall be conducted pursuant to rules adopted by 51368
the director under section 3721.26 of the Revised Code. For 51369
purposes of conducting a hearing under this section, the director 51370
may issue subpoenas compelling attendance of witnesses or 51371
production of documents. The subpoenas shall be served in the same 51372
manner as subpoenas and subpoenas duces tecum issued for a trial 51373
of a civil action in a court of common pleas. If a person who is 51374
served a subpoena fails to attend a hearing or to produce 51375
documents, or refuses to be sworn or to answer any questions, the 51376
director may apply to the common pleas court of the county in 51377
which the person resides, or the county in which the long-term 51378
care facility or residential care facility is located, for a 51379
contempt order, as in the case of a failure of a person who is 51380
served a subpoena issued by the court to attend or to produce 51381
documents or a refusal of such person to testify. 51382

(C)(1) If the director finds that an individual used by a 51383
long-term care facility or residential care facility has abused, 51384
neglected, or ~~abused~~ exploited a resident or misappropriated 51385
property of a resident, the director shall ~~notify~~ do both of the 51386
following: 51387

(a) Notify the individual, the facility using the individual, 51388
~~and~~ the attorney general, county prosecutor, or other appropriate 51389
law enforcement official. ~~The director also shall do the~~ 51390
~~following:~~ 51391

~~(a) If the individual is used by a long term care facility as~~ 51392
~~a nurse aide, the director shall, in accordance with section~~ 51393
~~3721.32 of the Revised Code, include in the nurse aide registry~~ 51394
~~established under that section a statement detailing the findings~~ 51395
~~pertaining to the individual.~~ 51396

~~(b) If the individual is a licensed health professional used by a long term care facility or residential care facility to provide services to residents, the director shall notify, and, if applicable,~~ the appropriate professional licensing authority established under Title XLVII of the Revised Code.

~~(c) If the individual is used by a long term care facility and is neither a nurse aide nor a licensed health professional, or is used by a residential care facility and is not a licensed health professional, the director shall, in:~~

(b) In accordance with section 3721.32 of the Revised Code, include in the nurse aide registry established under that section a statement detailing the findings pertaining to the individual.

(2) ~~A nurse aide or other~~ An individual about whom a statement is required by this division to be included in the nurse aide registry may provide the director with a statement disputing the director's findings and explaining the circumstances of the allegation. The statement shall be included in the nurse aide registry with the director's findings.

(D)(1) If the director finds that alleged abuse, neglect, or ~~abuse~~ exploitation of a resident or misappropriation of property of a resident cannot be substantiated, the director shall notify the individual and expunge all files and records of the investigation and the hearing by doing all of the following:

(a) Removing and destroying the files and records, originals and copies, and deleting all index references;

(b) Reporting to the individual the nature and extent of any information about the individual transmitted to any other person or government entity by the director of health;

(c) Otherwise ensuring that any examination of files and records in question show no record whatever with respect to the individual.

(2)(a) If, in accordance with division (C)(1)~~(a) or (c)~~ of 51428
this section, the director includes in the nurse aide registry a 51429
statement of a finding of neglect, the individual found to have 51430
neglected a resident may, not earlier than one year after the date 51431
of the finding, petition the director to rescind the finding and 51432
remove the statement and any accompanying information from the 51433
nurse aide registry. The director shall consider the petition. If, 51434
in the judgment of the director, the neglect was a singular 51435
occurrence and the employment and personal history of the 51436
individual does not evidence abuse, exploitation, or any other 51437
incident of neglect of residents, the director shall notify the 51438
individual and remove the statement and any accompanying 51439
information from the nurse aide registry. The director shall 51440
expunge all files and records of the investigation and the 51441
hearing, except the petition for rescission of the finding of 51442
neglect and the director's notice that the rescission has been 51443
approved. 51444

(b) A petition for rescission of a finding of neglect and the 51445
director's notice that the rescission has been approved are not 51446
public records for the purposes of section 149.43 of the Revised 51447
Code. 51448

(3) When files and records have been expunged under division 51449
(D)(1) or (2) of this section, all rights and privileges are 51450
restored, and the individual, the director, and any other person 51451
or government entity may properly reply to an inquiry that no such 51452
record exists as to the matter expunged. 51453

Sec. 3721.24. (A) No person or government entity shall 51454
retaliate against an employee or another individual used by the 51455
person or government entity to perform any work or services who, 51456
in good faith, makes or causes to be made a report of suspected 51457
abuse ~~or~~, neglect, or exploitation of a resident or 51458

misappropriation of the property of a resident; indicates an 51459
intention to make such a report; provides information during an 51460
investigation of suspected abuse, neglect, exploitation, or 51461
misappropriation conducted by the director of health; or 51462
participates in a hearing conducted under section 3721.23 of the 51463
Revised Code or in any other administrative or judicial 51464
proceedings pertaining to the suspected abuse, neglect, 51465
exploitation, or misappropriation. For purposes of this division, 51466
retaliatory actions include discharging, demoting, or transferring 51467
the employee or other person, preparing a negative work 51468
performance evaluation of the employee or other person, reducing 51469
the benefits, pay, or work privileges of the employee or other 51470
person, and any other action intended to retaliate against the 51471
employee or other person. 51472

(B)(1) No person or government entity shall retaliate against 51473
a resident who reports or causes to be reported suspected abuse, 51474
neglect, exploitation, or misappropriation; indicates an intention 51475
to make such a report; provides information during an 51476
investigation of alleged abuse, neglect, exploitation, or 51477
misappropriation conducted by the director; or participates in a 51478
hearing under section 3721.23 of the Revised Code or in any other 51479
administrative or judicial proceeding pertaining to the suspected 51480
abuse, neglect, exploitation, or misappropriation; or on whose 51481
behalf any other person or government entity takes any of those 51482
actions. ~~For~~ 51483

(2) No person or government entity shall retaliate against a 51484
resident whose family member, guardian, sponsor, or personal 51485
representative reports or causes to be reported suspected abuse, 51486
neglect, exploitation, or misappropriation; indicates an intention 51487
to make such a report; provides information during an 51488
investigation of alleged abuse, neglect, exploitation, or 51489
misappropriation conducted by the director; or participates in a 51490

hearing under section 3721.23 of the Revised Code or in any other 51491
administrative or judicial proceeding pertaining to the suspected 51492
abuse, neglect, exploitation, or misappropriation; or on whose 51493
behalf any other person or government entity takes any of those 51494
actions. 51495

(3) For purposes of ~~this division~~ divisions (B)(1) and (2) of 51496
this section, retaliatory actions include abuse, verbal threats or 51497
other harsh language, change of room assignment, withholding of 51498
services, failure to provide care in a timely manner, and any 51499
other action intended to retaliate against the resident. 51500

(C) Any person has a cause of action against a person or 51501
government entity for harm resulting from violation of division 51502
(A) or (B) of this section. If it finds that a violation has 51503
occurred, the court may award damages and order injunctive relief. 51504
The court may award court costs and reasonable attorney's fees to 51505
the prevailing party. 51506

Sec. 3721.25. (A)(1) Except as required by court order, as 51507
necessary for the administration or enforcement of any statute or 51508
rule relating to long-term care facilities or residential care 51509
facilities, or as provided in division (D) of this section, the 51510
director of health shall not disclose any of the following without 51511
the consent of the individual or the individual's legal 51512
representative: 51513

(a) The name of an individual who reports suspected abuse ~~or~~, 51514
neglect, or exploitation of a resident or misappropriation of a 51515
resident's property to the facility or director; 51516

(b) The name of an individual who provides information during 51517
an investigation of suspected abuse, neglect, exploitation, or 51518
misappropriation conducted by the director; 51519

(c) Any information that would tend to disclose the identity 51520

of an individual described in division (A)(1)(a) or (b) of this section. 51521
51522

(2) An agency or individual to whom the director is required, 51523
by court order or for the administration or enforcement of a 51524
statute relating to long-term care facilities or residential care 51525
facilities, to release information described in division (A)(1) of 51526
this section shall not release the information without the 51527
permission of the individual who would be or would reasonably tend 51528
to be identified, or of the individual's legal representative, 51529
unless the agency or individual is required to release it by 51530
division (D) of this section, by court order, or for the 51531
administration or enforcement of a statute relating to long-term 51532
care facilities or residential care facilities. 51533

(B) Except as provided in division (D) of this section, any 51534
record that identifies an individual described in division 51535
(A)(1)(a) or (b) of this section, or that would tend to disclose 51536
the identity of such an individual, is not a public record for the 51537
purposes of section 149.43 of the Revised Code, and is not subject 51538
to inspection or copying under section 1347.08 of the Revised 51539
Code. 51540

(C) Except as provided in division (B) of this section and 51541
division (D) of section 3721.23 of the Revised Code, the records 51542
of a hearing conducted under section 3721.23 of the Revised Code 51543
are public records for the purposes of section 149.43 of the 51544
Revised Code and are subject to inspection and copying under 51545
section 1347.08 of the Revised Code. 51546

(D) If the director, or an agency or individual to whom the 51547
director is required by court order or for administration or 51548
enforcement of a statute relating to long-term care facilities or 51549
residential care facilities to release information described in 51550
division (A)(1) of this section, uses information in any 51551
administrative or judicial proceeding against a long-term care 51552

facility or residential care facility that reasonably would tend 51553
to identify an individual described in division (A)(1)(a) or (b) 51554
of this section, the director, agency, or individual shall 51555
disclose that information to the facility. However, the director, 51556
agency, or individual shall not disclose information that directly 51557
identifies an individual described in division (A)(1)(a) or (b) of 51558
this section, unless the individual is to testify in the 51559
proceedings. 51560

Sec. 3721.32. (A) The director of health shall establish a 51561
state nurse aide registry listing all individuals who have done 51562
any of the following: 51563

(1) Were used by a long-term care facility as nurse aides on 51564
a full-time, temporary, per diem, or other basis at any time 51565
during the period commencing July 1, 1989, and ending January 1, 51566
1990, and successfully completed, not later than October 1, 1990, 51567
a competency evaluation program approved by the director under 51568
division (A) of section 3721.31 of the Revised Code or conducted 51569
by the director under division (C) of that section; 51570

(2) Successfully completed a training and competency 51571
evaluation program approved by the director under division (A) of 51572
section 3721.31 of the Revised Code or met the conditions 51573
specified in division (F) of section 3721.28 of the Revised Code, 51574
and, if the training and competency evaluation program or the 51575
training, instruction, or education the individual completed in 51576
meeting the conditions specified in division (F) of section 51577
3721.28 of the Revised Code was conducted in or by a long-term 51578
care facility, or if the director so required pursuant to division 51579
(E) of section 3721.31 of the Revised Code, has successfully 51580
completed a competency evaluation program conducted by the 51581
director; 51582

(3) Successfully completed a training and competency 51583

evaluation program conducted by the director under division (C) of 51584
section 3721.31 of the Revised Code; 51585

(4) Successfully completed, prior to July 1, 1989, a program 51586
that the director has determined under division (B)(3) of section 51587
3721.28 of the Revised Code included a competency evaluation 51588
component no less stringent than the competency evaluation 51589
programs approved or conducted by the director under section 51590
3721.31 of the Revised Code, and was otherwise comparable to the 51591
training and competency evaluation program being approved by the 51592
director under section 3721.31 of the Revised Code; 51593

(5) Are listed in a nurse aide registry maintained by another 51594
state that certifies that its program for training and evaluation 51595
of competency of nurse aides complies with Titles XVIII and XIX of 51596
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 51597
as amended, or regulations adopted thereunder; 51598

(6) Were found competent, as provided in division (B)(5) of 51599
section 3721.28 of the Revised Code, prior to July 1, 1989, after 51600
the completion of a course of nurse aide training of at least one 51601
hundred hours' duration; 51602

(7) Are enrolled in a prelicensure program of nursing 51603
education approved by the board of nursing or by an agency of 51604
another state that regulates nursing education, have provided the 51605
long-term care facility with a certificate from the program 51606
indicating that the individual has successfully completed the 51607
courses that teach basic nursing skills including infection 51608
control, safety and emergency procedures, and personal care, and 51609
have successfully completed a competency evaluation program 51610
conducted by the director under division (A) of section 3721.31 of 51611
the Revised Code; 51612

(8) Have the equivalent of twelve months or more of full-time 51613
employment in the five years preceding listing in the registry as 51614

a hospital aide or orderly and have successfully completed a competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code.

(B) ~~The~~ In addition to the list of individuals required by division (A) of this section, the registry shall include both of the following:

(1) The statement required by section 3721.23 of the Revised Code detailing findings by the director under that section regarding alleged abuse ~~or~~ neglect, or exploitation of a resident or misappropriation of resident property;

(2) Any statement provided by an individual under section 3721.23 of the Revised Code disputing the director's findings.

Whenever an inquiry is received as to the information contained in the registry concerning an individual about whom a statement required by section 3721.23 of the Revised Code is included in the registry, the director shall disclose the statement or a summary of the statement together with any statement provided by the individual under section 3721.23 or a clear and accurate summary of that statement.

(C) The director may by rule specify additional information that must be provided to the registry by long-term care facilities and persons or government agencies conducting approved competency evaluation programs and training and competency evaluation programs.

(D) Information contained in the registry is a public record for the purposes of section 149.43 of the Revised Code, and is subject to inspection and copying under section 1347.08 of the Revised Code.

Sec. 3727.45. The director of health may apply to the court of common pleas of the county in which a hospital is located for a

temporary or permanent injunction restraining the hospital from 51645
failure to comply with ~~sections 3727.33, 3727.34, and section~~ 51646
3727.42 of the Revised Code. 51647

Sec. 3727.54. (A) At least once ~~a year~~ every two years, the 51648
hospital-wide nursing care committee convened pursuant to section 51649
3727.51 of the Revised Code shall do both of the following: 51650

~~(A)(1)~~ Review how the ~~most current~~ nursing services staffing 51651
plan in effect at the time of the review does all of the 51652
following: 51653

~~(1)(a)~~ Affects inpatient care outcomes; 51654

~~(2)(b)~~ Affects clinical management; 51655

~~(3)(c)~~ Facilitates a delivery system that provides, on a 51656
cost-effective basis, quality nursing care consistent with 51657
acceptable and prevailing standards of safe nursing care and 51658
~~evidenced based~~ evidence-based guidelines established by national 51659
nursing organizations. 51660

~~(B)(2)~~ Make recommendations, based on the ~~most recent~~ review 51661
conducted under division (A)(1) of this section, regarding how the 51662
~~most current~~ nursing services staffing plan should be revised, if 51663
at all. 51664

(B) Beginning in 2018, a hospital shall submit to the 51665
department of health, by March 1 of each even-numbered year, a 51666
copy of the hospital's nursing services staffing plan in effect at 51667
that time. 51668

Sec. 3729.08. (A) The licenser of the health district in 51669
which a recreational vehicle park, recreation camp, combined 51670
park-camp, or temporary park-camp is or is to be located, in 51671
accordance with Chapter 119. of the Revised Code, may refuse to 51672
grant, may suspend, or may revoke any license granted to any 51673

person for failure to comply with this chapter or with any rule 51674
adopted by the director of health under section 3729.02 of the 51675
Revised Code. 51676

(B) If a recreational vehicle park or combined park-camp 51677
operator is found to have used the park or park-camp as a chronic 51678
nuisance in violation of division (B) of section 3729.14 of the 51679
Revised Code, the licensor shall immediately revoke any license 51680
held by the park or park-camp operator upon receipt of information 51681
provided by the local board of health in accordance with division 51682
(D) of that section. 51683

Sec. 3729.14. (A) As used in this section: 51684

(1) "Chronic nuisance property" means a property on which 51685
three or more nuisance activities have occurred during any 51686
consecutive six-month period. 51687

(2) "Deadly weapon" and "firearm" have the same meanings as 51688
in section 2923.11 of the Revised Code. 51689

(3) "Nuisance activity" includes all of the following: 51690

(a) A felony drug abuse offense as defined in section 2925.01 51691
of the Revised Code; 51692

(b) A felony sex offense as defined in section 2967.28 of the 51693
Revised Code; 51694

(c) A felony offense of violence; 51695

(d) A felony or a specification an element of which includes 51696
the possession or use of a deadly weapon, including an explosive 51697
or a firearm. 51698

(4) "Offense of violence" has the same meaning as in section 51699
2901.01 of the Revised Code. 51700

(5) "Person associated with the property" includes a camp 51701
operator; camp employee; camp official; camp agent; campsite user; 51702

any other person licensed under Chapter 3729. of the Revised Code; 51703
any person occupying a campsite including a tenant or invitee; or 51704
any person present on the property of a recreational park camp or 51705
combined park-camp with the permission of the camp operator or 51706
other person licensed under Chapter 3729. of the Revised Code or 51707
the consent of any campsite user, tenant, or invitee. 51708

(6) "Property" means the property of a recreational vehicle 51709
park or a combined park-camp, including all lots, buildings, or 51710
campsites, whether contained on one or multiple parcels of real 51711
property. 51712

(B) No person shall use or operate a recreational vehicle 51713
park or combined park-camp as a chronic nuisance. No camp operator 51714
shall let a park or park-camp be so used, or knowingly permit a 51715
person who has entered into a campsite use agreement with the 51716
operator to engage in such conduct in the park or park-camp. 51717

(C) If a local board of health of the health district in 51718
which a recreational vehicle park or combined park-camp is located 51719
finds that persons associated with the property of the park or 51720
park-camp have engaged in a nuisance activity on the park or 51721
park-camp property two or more times in any consecutive six-month 51722
period, the local board of health shall send notice to the camp 51723
operator specifying the conduct that constitutes the nuisance 51724
activity. The notice shall be sent to the camp operator by 51725
certified mail. The notice shall inform the operator that if one 51726
or more nuisance activities occurs on the property within the 51727
consecutive six-month period beginning on the date of the first 51728
nuisance activity, the property will be declared a chronic 51729
nuisance as described in division (A) of this section and the camp 51730
operator's license will be revoked. 51731

If subsequent to the mailing of the notice, the local board 51732
of health learns of an additional nuisance activity on the 51733
recreational vehicle park or combined park-camp property during a 51734

consecutive six-month period beginning on the date the notice was 51735
mailed to the park operator, the board shall immediately report to 51736
the licensing authority that the property is a chronic nuisance. 51737
Upon receipt of such information, the licensing authority shall 51738
revoke the camp operator's license in accordance with section 51739
3729.08 of the Revised Code. 51740

(D) This section does not limit any recourse permitted 51741
elsewhere in the Revised Code or at common law for conduct that 51742
violates this section. 51743

Sec. 3734.02. (A) The director of environmental protection, 51744
in accordance with Chapter 119. of the Revised Code, shall adopt 51745
and may amend, suspend, or rescind rules having uniform 51746
application throughout the state governing solid waste facilities 51747
and the inspections of and issuance of permits and licenses for 51748
all solid waste facilities in order to ensure that the facilities 51749
will be located, maintained, and operated, and will undergo 51750
closure and post-closure care, in a sanitary manner so as not to 51751
create a nuisance, cause or contribute to water pollution, create 51752
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 51753
257.3-8, as amended. The rules may include, without limitation, 51754
financial assurance requirements for closure and post-closure care 51755
and corrective action and requirements for taking corrective 51756
action in the event of the surface or subsurface discharge or 51757
migration of explosive gases or leachate from a solid waste 51758
facility, or of ground water contamination resulting from the 51759
transfer or disposal of solid wastes at a facility, beyond the 51760
boundaries of any area within a facility that is operating or is 51761
undergoing closure or post-closure care where solid wastes were 51762
disposed of or are being disposed of. The rules shall not concern 51763
or relate to personnel policies, salaries, wages, fringe benefits, 51764
or other conditions of employment of employees of persons owning 51765
or operating solid waste facilities. The director, in accordance 51766

with Chapter 119. of the Revised Code, shall adopt and may amend, 51767
suspend, or rescind rules governing the issuance, modification, 51768
revocation, suspension, or denial of variances from the director's 51769
solid waste rules, including, without limitation, rules adopted 51770
under this chapter governing the management of scrap tires. 51771

Variances shall be issued, modified, revoked, suspended, or 51772
rescinded in accordance with this division, rules adopted under 51773
it, and Chapter 3745. of the Revised Code. The director may order 51774
the person to whom a variance is issued to take such action within 51775
such time as the director may determine to be appropriate and 51776
reasonable to prevent the creation of a nuisance or a hazard to 51777
the public health or safety or the environment. Applications for 51778
variances shall contain such detail plans, specifications, and 51779
information regarding objectives, procedures, controls, and other 51780
pertinent data as the director may require. The director shall 51781
grant a variance only if the applicant demonstrates to the 51782
director's satisfaction that construction and operation of the 51783
solid waste facility in the manner allowed by the variance and any 51784
terms or conditions imposed as part of the variance will not 51785
create a nuisance or a hazard to the public health or safety or 51786
the environment. In granting any variance, the director shall 51787
state the specific provision or provisions whose terms are to be 51788
varied and also shall state specific terms or conditions imposed 51789
upon the applicant in place of the provision or provisions. 51790

The director may hold a public hearing on an application for 51791
a variance or renewal of a variance at a location in the county 51792
where the operations that are the subject of the application for 51793
the variance are conducted. The director shall give not less than 51794
twenty days' notice of the hearing to the applicant by certified 51795
mail or by another type of mail accompanied by a receipt and shall 51796
publish at least one notice of the hearing in a newspaper with 51797
general circulation in the county where the hearing is to be held. 51798

The director shall make available for public inspection at the principal office of the environmental protection agency a current list of pending applications for variances and a current schedule of pending variance hearings. The director shall make a complete stenographic record of testimony and other evidence submitted at the hearing.

Within ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal of a variance within six months of the date upon which the director receives a complete application with all pertinent information and data required. No variance shall be issued, revoked, modified, or denied until the director has considered the relative interests of the applicant, other persons and property affected by the variance, and the general public. Any variance granted under this division shall be for a period specified by the director and may be renewed from time to time on such terms and for such periods as the director determines to be appropriate. No application shall be denied and no variance shall be revoked or modified without a written order stating the findings upon which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by certified mail or by another type of mail accompanied by a receipt.

(B) The director shall prescribe and furnish the forms necessary to administer and enforce this chapter. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this chapter. The director may exercise all incidental powers necessary to carry out the purposes of this chapter.

(C) Except as provided in this division and divisions (N)(2)

and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director, except that no permit shall be required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code.

No person shall continue to operate a solid waste facility for which the director ~~has denied a permit for which an application was required under division (A)(3) of section 3734.05 of the Revised Code, or for which the director~~ has disapproved plans and specifications required to be filed by an order issued under division (A)~~(5)~~(3) of ~~that~~ section 3734.05 of the Revised Code, after the date prescribed for commencement of closure of the facility in the order issued under division (A)~~(6)~~(4) of that section ~~3734.05 of the Revised Code~~ denying the permit application or approval.

On and after the effective date of the rules adopted under division (A) of this section and division (D) of section 3734.12 of the Revised Code governing solid waste transfer facilities, no person shall establish a new, or modify an existing, solid waste transfer facility without first submitting an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation to the director and receiving a permit issued by the director.

No person shall establish a new compost facility or continue to operate an existing compost facility that accepts exclusively source separated yard wastes without submitting a completed

registration for the facility to the director in accordance with 51863
rules adopted under divisions (A) and (N)(3) of this section. 51864

This division does not apply to a generator of infectious 51865
wastes that does any of the following: 51866

(1) Treats, by methods, techniques, and practices established 51867
by rules adopted under division (B)(2)(a) of section 3734.021 of 51868
the Revised Code, any of the following: 51869

(a) Infectious wastes that are generated on any premises that 51870
are owned or operated by the generator; 51871

(b) Infectious wastes that are generated by a generator who 51872
has staff privileges at a hospital as defined in section 3727.01 51873
of the Revised Code; 51874

(c) Infectious wastes that are generated in providing care to 51875
a patient by an emergency medical services organization as defined 51876
in section 4765.01 of the Revised Code. 51877

(2) Holds a license or renewal of a license to operate a 51878
crematory facility issued under Chapter 4717. and a permit issued 51879
under Chapter 3704. of the Revised Code; 51880

(3) Treats or disposes of dead animals or parts thereof, or 51881
the blood of animals, and is subject to any of the following: 51882

(a) Inspection under the "Federal Meat Inspection Act," 81 51883
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 51884

(b) Chapter 918. of the Revised Code; 51885

(c) Chapter 953. of the Revised Code. 51886

(D) Neither this chapter nor any rules adopted under it apply 51887
to single-family residential premises; to infectious wastes 51888
generated by individuals for purposes of their own care or 51889
treatment; to the temporary storage of solid wastes, other than 51890
scrap tires, prior to their collection for disposal; to the 51891
storage of one hundred or fewer scrap tires unless they are stored 51892

in such a manner that, in the judgment of the director or the 51893
board of health of the health district in which the scrap tires 51894
are stored, the storage causes a nuisance, a hazard to public 51895
health or safety, or a fire hazard; or to the collection of solid 51896
wastes, other than scrap tires, by a political subdivision or a 51897
person holding a franchise or license from a political subdivision 51898
of the state; to composting, as defined in section 1511.01 of the 51899
Revised Code, conducted in accordance with section 1511.022 of the 51900
Revised Code; or to any person who is licensed to transport raw 51901
rendering material to a compost facility pursuant to section 51902
953.23 of the Revised Code. 51903

(E)(1) As used in this division: 51904

(a) "On-site facility" means a facility that stores, treats, 51905
or disposes of hazardous waste that is generated on the premises 51906
of the facility. 51907

(b) "Off-site facility" means a facility that stores, treats, 51908
or disposes of hazardous waste that is generated off the premises 51909
of the facility and includes such a facility that is also an 51910
on-site facility. 51911

(c) "Satellite facility" means any of the following: 51912

(i) An on-site facility that also receives hazardous waste 51913
from other premises owned by the same person who generates the 51914
waste on the facility premises; 51915

(ii) An off-site facility operated so that all of the 51916
hazardous waste it receives is generated on one or more premises 51917
owned by the person who owns the facility; 51918

(iii) An on-site facility that also receives hazardous waste 51919
that is transported uninterruptedly and directly to the facility 51920
through a pipeline from a generator who is not the owner of the 51921
facility. 51922

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed ten years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

TYPE OF BASIC				
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	
Storage facility using:				
Containers	On-site, off-site, and			
	satellite		\$ 500	

Tanks	On-site, off-site, and		51955
	satellite	500	51956
Waste pile	On-site, off-site, and		51957
	satellite	3,000	51958
Surface impoundment	On-site and satellite	8,000	51959
	Off-site	10,000	51960
Disposal facility using:			51961
Deep well injection	On-site and satellite	15,000	51962
	Off-site	25,000	51963
Landfill	On-site and satellite	25,000	51964
	Off-site	40,000	51965
Land application	On-site and satellite	2,500	51966
	Off-site	5,000	51967
Surface impoundment	On-site and satellite	10,000	51968
	Off-site	20,000	51969
Treatment facility using:			51970
Tanks	On-site, off-site, and		51971
	satellite	700	51972
Surface impoundment	On-site and satellite	8,000	51973
	Off-site	10,000	51974
Incinerator	On-site and satellite	5,000	51975
	Off-site	10,000	51976
Other forms			51977
of treatment	On-site, off-site, and		51978
	satellite	1,000	51979

A hazardous waste disposal facility that disposes of 51980
hazardous waste by deep well injection and that pays the annual 51981
permit fee established in section 6111.046 of the Revised Code is 51982
not subject to the permit fee established in this division for 51983
disposal facilities using deep well injection unless the director 51984
determines that the facility is not in compliance with applicable 51985
requirements established under this chapter and rules adopted 51986
under it. 51987

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit does not apply to either of the following:

(a) A facility that is operating in accordance with a permit renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86

Stat. 1052, 33 U.S.C.A. 1401, as amended; 52050

(5) A hazardous waste facility as described in division 52051
(E)(3)(a) or (b) of this section. 52052

(G) The director, by order, may exempt any person generating, 52053
collecting, storing, treating, disposing of, or transporting solid 52054
wastes, infectious wastes, or hazardous waste, or processing solid 52055
wastes that consist of scrap tires, in such quantities or under 52056
such circumstances that, in the determination of the director, are 52057
unlikely to adversely affect the public health or safety or the 52058
environment from any requirement to obtain a registration 52059
certificate, permit, or license or comply with the manifest system 52060
or other requirements of this chapter. Such an exemption shall be 52061
consistent with and equivalent to any regulations adopted by the 52062
administrator of the United States environmental protection agency 52063
under the "Resource Conservation and Recovery Act of 1976," 90 52064
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 52065
provided in this chapter. 52066

(H) No person shall engage in filling, grading, excavating, 52067
building, drilling, or mining on land where a hazardous waste 52068
facility, or a solid waste facility, was operated without prior 52069
authorization from the director, who shall establish the procedure 52070
for granting such authorization by rules adopted in accordance 52071
with Chapter 119. of the Revised Code. 52072

A public utility that has main or distribution lines above or 52073
below the land surface located on an easement or right-of-way 52074
across land where a solid waste facility was operated may engage 52075
in any such activity within the easement or right-of-way without 52076
prior authorization from the director for purposes of performing 52077
emergency repair or emergency replacement of its lines; of the 52078
poles, towers, foundations, or other structures supporting or 52079
sustaining any such lines; or of the appurtenances to those 52080
structures, necessary to restore or maintain existing public 52081

utility service. A public utility may enter upon any such easement 52082
or right-of-way without prior authorization from the director for 52083
purposes of performing necessary or routine maintenance of those 52084
portions of its existing lines; of the existing poles, towers, 52085
foundations, or other structures sustaining or supporting its 52086
lines; or of the appurtenances to any such supporting or 52087
sustaining structure, located on or above the land surface on any 52088
such easement or right-of-way. Within twenty-four hours after 52089
commencing any such emergency repair, replacement, or maintenance 52090
work, the public utility shall notify the director or the 52091
director's authorized representative of those activities and shall 52092
provide such information regarding those activities as the 52093
director or the director's representative may request. Upon 52094
completion of the emergency repair, replacement, or maintenance 52095
activities, the public utility shall restore any land of the solid 52096
waste facility disturbed by those activities to the condition 52097
existing prior to the commencement of those activities. 52098

(I) No owner or operator of a hazardous waste facility, in 52099
the operation of the facility, shall cause, permit, or allow the 52100
emission therefrom of any particulate matter, dust, fumes, gas, 52101
mist, smoke, vapor, or odorous substance that, in the opinion of 52102
the director, unreasonably interferes with the comfortable 52103
enjoyment of life or property by persons living or working in the 52104
vicinity of the facility, or that is injurious to public health. 52105
Any such action is hereby declared to be a public nuisance. 52106

(J) Notwithstanding any other provision of this chapter, in 52107
the event the director finds an imminent and substantial danger to 52108
public health or safety or the environment that creates an 52109
emergency situation requiring the immediate treatment, storage, or 52110
disposal of hazardous waste, the director may issue a temporary 52111
emergency permit to allow the treatment, storage, or disposal of 52112
the hazardous waste at a facility that is not otherwise authorized 52113

by a hazardous waste facility installation and operation permit to 52114
treat, store, or dispose of the waste. The emergency permit shall 52115
not exceed ninety days in duration and shall not be renewed. The 52116
director shall adopt, and may amend, suspend, or rescind, rules in 52117
accordance with Chapter 119. of the Revised Code governing the 52118
issuance, modification, revocation, and denial of emergency 52119
permits. 52120

(K) Except for infectious wastes generated by a person who 52121
produces fewer than fifty pounds of infectious wastes at a 52122
premises during any one month, no owner or operator of a sanitary 52123
landfill shall knowingly accept for disposal, or dispose of, any 52124
infectious wastes that have not been treated to render them 52125
noninfectious. 52126

(L) The director, in accordance with Chapter 119. of the 52127
Revised Code, shall adopt, and may amend, suspend, or rescind, 52128
rules having uniform application throughout the state establishing 52129
a training and certification program that shall be required for 52130
employees of boards of health who are responsible for enforcing 52131
the solid waste and infectious waste provisions of this chapter 52132
and rules adopted under them and for persons who are responsible 52133
for the operation of solid waste facilities or infectious waste 52134
treatment facilities. The rules shall provide all of the 52135
following, without limitation: 52136

(1) The program shall be administered by the director and 52137
shall consist of a course on new solid waste and infectious waste 52138
technologies, enforcement procedures, and rules; 52139

(2) The course shall be offered on an annual basis; 52140

(3) Those persons who are required to take the course under 52141
division (L) of this section shall do so triennially; 52142

(4) Persons who successfully complete the course shall be 52143
certified by the director; 52144

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not

been acquired or is not administered by the secretary of the 52177
United States department of the interior, located in this state, 52178
or any candidate area located in this state and identified for 52179
potential inclusion in the national park system in the edition of 52180
the "national park system plan" submitted under paragraph (b) of 52181
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 52182
U.S.C.A. 1a-5, as amended, current at the time of filing of the 52183
application for the permit, unless the facility or proposed 52184
facility is or is to be used exclusively for the disposal of solid 52185
wastes generated within the park or recreation area and the 52186
director determines that the facility or proposed facility will 52187
not degrade any of the natural or cultural resources of the park 52188
or recreation area. The director shall not issue a variance under 52189
division (A) of this section and rules adopted under it, or issue 52190
an exemption order under division (G) of this section, that would 52191
authorize any such establishment or expansion of a solid waste 52192
facility within the boundaries of any such park or recreation 52193
area, state park purchase area, or candidate area, other than a 52194
solid waste facility exclusively for the disposal of solid wastes 52195
generated within the park or recreation area when the director 52196
determines that the facility will not degrade any of the natural 52197
or cultural resources of the park or recreation area. 52198

(N)(1) The rules adopted under division (A) of this section, 52199
other than those governing variances, do not apply to scrap tire 52200
collection, storage, monocell, monofill, and recovery facilities. 52201
Those facilities are subject to and governed by rules adopted 52202
under sections 3734.70 to 3734.73 of the Revised Code, as 52203
applicable. 52204

(2) Division (C) of this section does not apply to scrap tire 52205
collection, storage, monocell, monofill, and recovery facilities. 52206
The establishment and modification of those facilities are subject 52207
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 52208

Code, as applicable. 52209

(3) The director may adopt, amend, suspend, or rescind rules 52210
under division (A) of this section creating an alternative system 52211
for authorizing the establishment, operation, or modification of a 52212
solid waste compost facility in lieu of the requirement that a 52213
person seeking to establish, operate, or modify a solid waste 52214
compost facility apply for and receive a permit under division (C) 52215
of this section and section 3734.05 of the Revised Code and a 52216
license under division (A)(1) of that section. The rules may 52217
include requirements governing, without limitation, the 52218
classification of solid waste compost facilities, the submittal of 52219
operating records for solid waste compost facilities, and the 52220
creation of a registration or notification system in lieu of the 52221
issuance of permits and licenses for solid waste compost 52222
facilities. The rules shall specify the applicability of divisions 52223
(A)(1), and (2)(a), ~~(3), and (4)~~ of section 3734.05 of the Revised 52224
Code to a solid waste compost facility. 52225

(O)(1) As used in this division, "secondary aluminum waste" 52226
means waste material or byproducts, when disposed of, containing 52227
aluminum generated from secondary aluminum smelting operations and 52228
consisting of dross, salt cake, baghouse dust associated with 52229
aluminum recycling furnace operations, or dry-milled wastes. 52230

(2) The owner or operator of a sanitary landfill shall not 52231
dispose of municipal solid waste that has been commingled with 52232
secondary aluminum waste. 52233

(3) The owner or operator of a sanitary landfill may dispose 52234
of secondary aluminum waste, but only in a monocell or monofill 52235
that has been permitted for that purpose in accordance with this 52236
chapter and rules adopted under it. 52237

(P)(1) As used in divisions (P) and (Q) of this section: 52238

(a) "Natural background" means two picocuries per gram or the 52239

actual number of picocuries per gram as measured at an individual 52240
solid waste facility, subject to verification by the director of 52241
health. 52242

(b) "Drilling operation" includes a production operation as 52243
defined in section 1509.01 of the Revised Code. 52244

(2) The owner or operator of a solid waste facility shall not 52245
accept for transfer or disposal technologically enhanced naturally 52246
occurring radioactive material if that material contains or is 52247
contaminated with radium-226, radium-228, or any combination of 52248
radium-226 and radium-228 at concentrations equal to or greater 52249
than five picocuries per gram above natural background. 52250

(3) The owner or operator of a solid waste facility may 52251
receive and process for purposes other than transfer or disposal 52252
technologically enhanced naturally occurring radioactive material 52253
that contains or is contaminated with radium-226, radium-228, or 52254
any combination of radium-226 and radium-228 at concentrations 52255
equal to or greater than five picocuries per gram above natural 52256
background, provided that the owner or operator has obtained and 52257
maintains all other necessary authorizations, including any 52258
authorization required by rules adopted by the director of health 52259
under section 3748.04 of the Revised Code. 52260

(4) The director of environmental protection may adopt rules 52261
in accordance with Chapter 119. of the Revised Code governing the 52262
receipt, acceptance, processing, handling, management, and 52263
disposal by solid waste facilities of material that contains or is 52264
contaminated with radioactive material, including, without 52265
limitation, technologically enhanced naturally occurring 52266
radioactive material that contains or is contaminated with 52267
radium-226, radium-228, or any combination of radium-226 and 52268
radium-228 at concentrations less than five picocuries per gram 52269
above natural background. Rules adopted by the director may 52270
include at a minimum both of the following: 52271

(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;

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(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

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(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

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Sec. 3734.041. (A) The owner or operator holding a license issued under division (A) of section 3734.05 of the Revised Code for a sanitary landfill that is so situated that a residence or other occupied structure off the premises of the landfill is located within one thousand feet horizontal distance from the exterior boundary of the landfill, and the owner or operator of any closed landfill that is so situated and for which a license was issued under division (A) of section 3734.05 of the Revised Code, or the subsequent owner, lessee, or other person who has control of the land on which the closed landfill is located, shall, within sixty days after the effective date of the rules adopted under division (F) of this section, submit an explosive gas monitoring plan for the landfill or closed landfill to the director of environmental protection for approval for compliance

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with those rules. After approval of the plan, the owner ~~or,~~ 52303
operator ~~of the landfill, or, in the instance of a closed~~ 52304
~~landfill, the owner or operator of the closed landfill, or the,~~ 52305
subsequent owner, lessee, or other person ~~who has control of the~~ 52306
~~land on which the closed landfill is located~~ shall conduct 52307
monitoring of explosive gas levels at the landfill or closed 52308
landfill, and submit written reports of the results of the 52309
monitoring to the director and the board of health of the health 52310
district in which the landfill is located in accordance with the 52311
approved plan and the schedule for implementation contained in the 52312
approved plan. 52313

No person shall violate or fail to perform a duty imposed by 52314
a plan approved under this section. 52315

(B) Division (A) of this section does not apply to a sanitary 52316
landfill or closed sanitary landfill that exclusively disposes, or 52317
disposed, of solid wastes generated on the premises where the 52318
landfill or closed landfill is located; to a sanitary landfill or 52319
closed sanitary landfill that exclusively disposes, or disposed, 52320
of solid wastes generated on one or more premises owned by the 52321
person who owns the landfill or closed landfill; or to a sanitary 52322
landfill or closed sanitary landfill owned or operated by a person 52323
other than the generator of the wastes that exclusively disposes, 52324
or disposed, of nonputrescible solid wastes or nonputrescible 52325
wastes generated by a single generator at one or more premises 52326
owned by the generator. 52327

(C) ~~When~~ As used in this division and division (D) of this 52328
section, "responsible party" includes the owner or operator of a 52329
solid waste disposal facility; any current or former owner of a 52330
closed solid waste disposal facility; any person who was 52331
responsible for the operations of a closed solid waste disposal 52332
facility; any lessee or other person who has control of the 52333
property on which a closed solid waste disposal facility is 52334

located; a receiver appointed pursuant to Chapter 2735. of the 52335
Revised Code with respect to a solid waste disposal facility or 52336
closed solid waste disposal facility; and a trustee in bankruptcy. 52337

Notwithstanding division (B) of this section, if the director 52338
determines that, due to the types of wastes disposed of, the 52339
engineering design, the hydrogeological setting, the period of 52340
time since the commencement of operation, ~~and~~ the proximity of 52341
residential or other occupied structures located off the premises 52342
of ~~the landfill~~ a solid waste disposal facility to the exterior 52343
boundaries, ~~of~~ or information related to concentrations of 52344
explosive gas at or surrounding a sanitary landfill licensed under 52345
~~division (A) of section 3734.05 of the Revised Code~~ facility or 52346
closed ~~sanitary landfill for which a license was issued under that~~ 52347
~~division~~ facility, the potential exists for the formation and 52348
subsurface migration of explosive gases in such quantities and 52349
under such conditions as to ~~endanger~~ threaten human health or 52350
safety or the environment, the director ~~shall~~ may issue to the 52351
~~owner or operator of the sanitary landfill, or, in the instance of~~ 52352
~~a closed sanitary landfill, the owner or operator of the sanitary~~ 52353
~~landfill, or the subsequent owner, lessee, or other person who has~~ 52354
~~control of the property on which the closed landfill is located,~~ 52355
any responsible party an order directing ~~such owner~~ the 52356
responsible party to prepare, ~~obtain approval of, and implement an~~ 52357
and submit a new or revised explosive gas monitoring and reporting 52358
~~plan, in accordance with division (A) of~~ that complies with 52359
division (A) of this section and provides for the adequate 52360
evaluation of explosive gas generation at and migration from the 52361
solid waste disposal facility or closed solid waste disposal 52362
facility. A plan so submitted shall be approved in accordance with 52363
division (A) of this section. After approval of the plan, the 52364
responsible party shall conduct monitoring of explosive gas levels 52365
at the facility or closed facility and submit written reports of 52366
the results of the monitoring in accordance with the plan approved 52367

under this section. For the purposes of this division and division 52368
(D) of this section, explosive gases shall be considered to 52369
~~endanger~~ threaten human health or safety or the environment if 52370
concentrations of methane generated by ~~the landfill~~ a facility in 52371
~~landfill~~ occupied structures, ~~excluding gas control or recovery~~ 52372
~~system components,~~ exceed twenty-five per cent of the lower 52373
explosive limit or if concentrations of methane generated by the 52374
~~landfill~~ facility at the ~~landfill~~ facility boundary exceed the 52375
lower explosive limit. As used in this division, "lower explosive 52376
limit" means the lowest per cent by volume of methane that will 52377
produce a flame in air at twenty-five degrees centigrade and 52378
atmospheric pressure. 52379

(D) If a report submitted pursuant to a plan approved under 52380
division (A) of this section indicates that the formation of 52381
explosive gases at, and migration of explosive gases from, a 52382
~~sanitary landfill~~ solid waste disposal facility or closed ~~sanitary~~ 52383
~~landfill~~ solid waste disposal facility threatens human health or 52384
safety or the environment, the director or his authorized 52385
representative ~~shall promptly~~ may conduct an evaluation of the 52386
levels of explosive gases on the premises of the ~~landfill~~ facility 52387
and in occupied structures located in proximity to the boundaries 52388
of the ~~landfill~~ facility to determine whether the formation of 52389
explosive gases at, and migration of those gases from, the 52390
~~landfill~~ facility or closed ~~landfill~~ facility constitutes such a 52391
threat. In addition, the director or the director's authorized 52392
representative, on their own initiative, may conduct an evaluation 52393
in accordance with division (G) of this section. Based upon the 52394
findings of ~~the an~~ an evaluation, ~~or of an evaluation conducted by~~ 52395
~~the director, or his authorized representative, on his own~~ 52396
initiative, the director ~~shall~~ may issue an order under division 52397
(A) or (B) of section 3734.13 of the Revised Code, as the director 52398
considers necessary or appropriate, directing ~~the owner or~~ 52399
~~operator of the landfill, or, in the instance of a closed~~ 52400

~~landfill, the owner or operator of the landfill, or the subsequent~~ 52401
~~owner, lessee, or other person who has control of the land on~~ 52402
~~which the closed landfill is located, any responsible party to~~ 52403
perform such measures as the director considers necessary or 52404
appropriate, to abate or minimize the formation of explosive gases 52405
or their migration off the premises of the ~~landfill~~ facility, to 52406
abate or remedy any conditions caused by the formation and 52407
migration of such gases that ~~endanger~~ threaten human health or 52408
safety or the environment and to take such actions as the director 52409
finds necessary or appropriate to prevent recurrence of the 52410
migration of explosive gases or decrease their concentration to 52411
levels set forth in division (C) of this section. 52412

After the issuance of an order under this division, the 52413
director shall inspect the ~~landfill at least once each week, or~~ 52414
facility at such ~~other~~ intervals as the director or ~~his~~ an 52415
authorized representative of the director considers necessary or 52416
appropriate, to ascertain compliance with the order until such 52417
time as the director determines that full compliance with those 52418
terms and conditions has been achieved. 52419

If a report submitted pursuant to a plan approved under 52420
division (A) of this section indicates that the formation of 52421
explosive gases at, and migration of explosive gases from, a 52422
~~landfill~~ solid waste disposal facility that is subject to an order 52423
issued under division (D) of this section has recurred in such 52424
quantities or under such conditions as to threaten human health or 52425
safety or the environment, or if the director determines from an 52426
inspection of any such ~~landfill~~ facility that the ~~owner or~~ 52427
~~operator of the landfill, or, in the instance of a closed~~ 52428
~~landfill, the owner or operator of the landfill, or the subsequent~~ 52429
~~owner, lessee, or other person who has control of the land on~~ 52430
~~which the closed landfill is located, responsible party has~~ 52431
violated or is violating a term or condition of the order or that 52432

measures in addition to those prescribed by the order are 52433
necessary or appropriate under the circumstances, the director 52434
shall take such actions under division (A), (B), or (C) of section 52435
3734.13 of the Revised Code as ~~he~~ the director considers necessary 52436
or appropriate to protect human health or safety or the 52437
environment. 52438

(E) The director shall conduct random inspections of licensed 52439
and closed sanitary landfills for explosive gas levels and to 52440
monitor the accuracy of the reports submitted pursuant to plans 52441
approved under division (A) of this section. 52442

(F) The director shall adopt rules under Chapter 119. of the 52443
Revised Code prescribing standards for conducting the explosive 52444
gas monitoring required by division (A) of this section including, 52445
without limitation, standards governing the numbers, locations, 52446
and design and construction of monitoring wells; quality control 52447
procedures to be followed by persons conducting those evaluations 52448
to ensure the accuracy of the monitoring; the frequency for 52449
sampling the monitoring wells, which shall be at least quarterly, 52450
except as otherwise provided in this division; and the frequency 52451
of reporting monitoring results to the director and board of 52452
health. The rules shall require that, in the instance of closed 52453
sanitary landfills, explosive gas monitoring be conducted for the 52454
period of twenty years after closure or for such other period as 52455
the director considers necessary or appropriate. Such explosive 52456
gas monitoring shall be conducted quarterly during each of the 52457
five years immediately following closure of the landfills and 52458
semiannually thereafter. If such semiannual sampling shows that 52459
the methane limits set in division (C) of this section are 52460
exceeded, sampling may be resumed at a frequency determined by the 52461
director. 52462

(G) The director or the director's authorized representative 52463
may enter upon a solid waste disposal facility or a closed solid 52464

waste disposal facility to conduct an evaluation of the 52465
concentration of explosive gas generated at or migrating from the 52466
facility. The owner or operator of a solid waste disposal facility 52467
or closed solid waste disposal facility shall allow the director 52468
or representative to conduct such an evaluation of the facility, 52469
any structures within the boundary of the facility, and any 52470
occupied structures in close proximity to the boundary of the 52471
facility that are owned or controlled by the owner or operator. 52472

(H) The remedy provided by division (D) of this section is 52473
cumulative and concurrent with any other remedy provided in this 52474
chapter or Chapter 3704. of the Revised Code, and the existence or 52475
exercise of one remedy does not prevent the exercise of any other. 52476

Sec. 3734.05. (A)(1) Except as provided in divisions (A)~~(4)~~ 52477
~~(8)~~, (6) and ~~(9)~~, (7) of this section, no person shall operate or 52478
maintain a solid waste facility without a license issued under 52479
this division by the board of health of the health district in 52480
which the facility is located or by the director of environmental 52481
protection when the health district in which the facility is 52482
located is not on the approved list under section 3734.08 of the 52483
Revised Code. 52484

During the month of December, but before the first day of 52485
January of the next year, every person proposing to continue to 52486
operate an existing solid waste facility shall procure a license 52487
under this division to operate the facility for that year from the 52488
board of health of the health district in which the facility is 52489
located or, if the health district is not on the approved list 52490
under section 3734.08 of the Revised Code, from the director. The 52491
application for such a license shall be submitted to the board of 52492
health or to the director, as appropriate, on or before the last 52493
day of September of the year preceding that for which the license 52494
is sought. In addition to the application fee prescribed in 52495

division (A)(2) of this section, a person who submits an 52496
application after that date shall pay an additional ten per cent 52497
of the amount of the application fee for each week that the 52498
application is late. Late payment fees accompanying an application 52499
submitted to the board of health shall be credited to the special 52500
fund of the health district created in division (B) of section 52501
3734.06 of the Revised Code, and late payment fees accompanying an 52502
application submitted to the director shall be credited to the 52503
general revenue fund. A person who has received a license, upon 52504
sale or disposition of a solid waste facility, and upon consent of 52505
the board of health and the director, may have the license 52506
transferred to another person. The board of health or the director 52507
may include such terms and conditions in a license or revision to 52508
a license as are appropriate to ensure compliance with this 52509
chapter and rules adopted under it. The terms and conditions may 52510
establish the authorized maximum daily waste receipts for the 52511
facility. Limitations on maximum daily waste receipts shall be 52512
specified in cubic yards of volume for the purpose of regulating 52513
the design, construction, and operation of solid waste facilities. 52514
Terms and conditions included in a license or revision to a 52515
license by a board of health shall be consistent with, and pertain 52516
only to the subjects addressed in, the rules adopted under 52517
division (A) of section 3734.02 and division (D) of section 52518
3734.12 of the Revised Code. 52519

(2)(a) Except as provided in divisions (A)(2)(b), ~~(8)(6)~~, and 52520
~~(9)(7)~~ of this section, each person proposing to open a new solid 52521
waste facility or to modify an existing solid waste facility shall 52522
submit an application for a permit with accompanying detail plans 52523
and specifications to the environmental protection agency for 52524
required approval under the rules adopted by the director pursuant 52525
to division (A) of section 3734.02 of the Revised Code and 52526
applicable rules adopted under division (D) of section 3734.12 of 52527
the Revised Code at least two hundred seventy days before proposed 52528

operation of the facility and shall concurrently make application 52529
for the issuance of a license under division (A)(1) of this 52530
section with the board of health of the health district in which 52531
the proposed facility is to be located. 52532

(b) On and after the effective date of the rules adopted 52533
under division (A) of section 3734.02 of the Revised Code and 52534
division (D) of section 3734.12 of the Revised Code governing 52535
solid waste transfer facilities, each person proposing to open a 52536
new solid waste transfer facility or to modify an existing solid 52537
waste transfer facility shall submit an application for a permit 52538
with accompanying engineering detail plans, specifications, and 52539
information regarding the facility and its method of operation to 52540
the environmental protection agency for required approval under 52541
those rules at least two hundred seventy days before commencing 52542
proposed operation of the facility and concurrently shall make 52543
application for the issuance of a license under division (A)(1) of 52544
this section with the board of health of the health district in 52545
which the facility is located or proposed. 52546

(c) Each application for a permit under division (A)(2)(a) or 52547
(b) of this section shall be accompanied by a nonrefundable 52548
application fee of four hundred dollars that shall be credited to 52549
the general revenue fund. Each application for an annual license 52550
under division (A)(1) or (2) of this section shall be accompanied 52551
by a nonrefundable application fee of one hundred dollars. If the 52552
application for an annual license is submitted to a board of 52553
health on the approved list under section 3734.08 of the Revised 52554
Code, the application fee shall be credited to the special fund of 52555
the health district created in division (B) of section 3734.06 of 52556
the Revised Code. If the application for an annual license is 52557
submitted to the director, the application fee shall be credited 52558
to the general revenue fund. If a permit or license is issued, the 52559
amount of the application fee paid shall be deducted from the 52560

amount of the permit fee due under division (Q) of section 3745.11 52561
of the Revised Code or the amount of the license fee due under 52562
division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the 52563
Revised Code. 52564

(d) As used in divisions (A)(2)(d), (e), and (f) of this 52565
section, "modify" means any of the following: 52566

(i) Any increase of more than ten per cent in the total 52567
capacity of a solid waste facility; 52568

(ii) Any expansion of the limits of solid waste placement at 52569
a solid waste facility; 52570

(iii) Any increase in the depth of excavation at a solid 52571
waste facility; 52572

(iv) Any change in the technique of waste receipt or type of 52573
waste received at a solid waste facility that may endanger human 52574
health, as determined by the director by rules adopted in 52575
accordance with Chapter 119. of the Revised Code. 52576

Not later than forty-five days after submitting an 52577
application under division (A)(2)(a) or (b) of this section for a 52578
permit to open a new or modify an existing solid waste facility, 52579
the applicant, in conjunction with an officer or employee of the 52580
environmental protection agency, shall hold a public meeting on 52581
the application within the county in which the new or modified 52582
solid waste facility is or is proposed to be located or within a 52583
contiguous county. Not less than thirty days before holding the 52584
public meeting on the application, the applicant shall publish 52585
notice of the meeting in each newspaper of general circulation 52586
that is published in the county in which the facility is or is 52587
proposed to be located. If no newspaper of general circulation is 52588
published in the county, the applicant shall publish the notice in 52589
a newspaper of general circulation in the county. The notice shall 52590
contain the date, time, and location of the public meeting and a 52591

general description of the proposed new or modified facility. Not 52592
later than five days after publishing the notice, the applicant 52593
shall send by certified mail a copy of the notice and the date the 52594
notice was published to the director and the legislative authority 52595
of each municipal corporation, township, and county, and to the 52596
chief executive officer of each municipal corporation, in which 52597
the facility is or is proposed to be located. At the public 52598
meeting, the applicant shall provide information and describe the 52599
application and respond to comments or questions concerning the 52600
application, and the officer or employee of the agency shall 52601
describe the permit application process. At the public meeting, 52602
any person may submit written or oral comments on or objections to 52603
the application. Not more than thirty days after the public 52604
meeting, the applicant shall provide the director with a copy of a 52605
transcript of the full meeting, copies of any exhibits, displays, 52606
or other materials presented by the applicant at the meeting, and 52607
the original copy of any written comments submitted at the 52608
meeting. 52609

(e) Except as provided in division (A)(2)(f) of this section, 52610
prior to taking an action, other than a proposed or final denial, 52611
upon an application submitted under division (A)(2)(a) of this 52612
section for a permit to open a new or modify an existing solid 52613
waste facility, the director shall hold a public information 52614
session and a public hearing on the application within the county 52615
in which the new or modified solid waste facility is or is 52616
proposed to be located or within a contiguous county. If the 52617
application is for a permit to open a new solid waste facility, 52618
the director shall hold the hearing not less than fourteen days 52619
after the information session. If the application is for a permit 52620
to modify an existing solid waste facility, the director may hold 52621
both the information session and the hearing on the same day 52622
unless any individual affected by the application requests in 52623
writing that the information session and the hearing not be held 52624

on the same day, in which case the director shall hold the hearing 52625
not less than fourteen days after the information session. The 52626
director shall publish notice of the public information session or 52627
public hearing not less than thirty days before holding the 52628
information session or hearing, as applicable. The notice shall be 52629
published in each newspaper of general circulation that is 52630
published in the county in which the facility is or is proposed to 52631
be located. If no newspaper of general circulation is published in 52632
the county, the director shall publish the notice in a newspaper 52633
of general circulation in the county. The notice shall contain the 52634
date, time, and location of the information session or hearing, as 52635
applicable, and a general description of the proposed new or 52636
modified facility. At the public information session, an officer 52637
or employee of the environmental protection agency shall describe 52638
the status of the permit application and be available to respond 52639
to comments or questions concerning the application. At the public 52640
hearing, any person may submit written or oral comments on or 52641
objections to the approval of the application. The applicant, or a 52642
representative of the applicant who has knowledge of the location, 52643
construction, and operation of the facility, shall attend the 52644
information session and public hearing to respond to comments or 52645
questions concerning the facility directed to the applicant or 52646
representative by the officer or employee of the environmental 52647
protection agency presiding at the information session and 52648
hearing. 52649

(f) The solid waste management policy committee of a county 52650
or joint solid waste management district may adopt a resolution 52651
requesting expeditious consideration of a specific application 52652
submitted under division (A)(2)(a) of this section for a permit to 52653
modify an existing solid waste facility within the district. The 52654
resolution shall make the finding that expedited consideration of 52655
the application without the public information session and public 52656
hearing under division (A)(2)(e) of this section is in the public 52657

interest and will not endanger human health, as determined by the 52658
director by rules adopted in accordance with Chapter 119. of the 52659
Revised Code. Upon receiving such a resolution, the director, at 52660
the director's discretion, may issue a final action upon the 52661
application without holding a public information session or public 52662
hearing pursuant to division (A)(2)(e) of this section. 52663

~~(3) Except as provided in division (A)(10) of this section, 52664
and unless the owner or operator of any solid waste facility, 52665
other than a solid waste transfer facility or a compost facility 52666
that accepts exclusively source separated yard wastes, that 52667
commenced operation on or before July 1, 1968, has obtained an 52668
exemption from the requirements of division (A)(3) of this section 52669
in accordance with division (G) of section 3734.02 of the Revised 52670
Code, the owner or operator shall submit to the director an 52671
application for a permit with accompanying engineering detail 52672
plans, specifications, and information regarding the facility and 52673
its method of operation for approval under rules adopted under 52674
division (A) of section 3734.02 of the Revised Code and applicable 52675
rules adopted under division (D) of section 3734.12 of the Revised 52676
Code in accordance with the following schedule: 52677~~

~~(a) Not later than September 24, 1988, if the facility is 52678
located in the city of Garfield Heights or Parma in Cuyahoga 52679
county; 52680~~

~~(b) Not later than December 24, 1988, if the facility is 52681
located in Delaware, Greene, Guernsey, Hamilton, Madison, 52682
Mahoning, Ottawa, or Vinton county; 52683~~

~~(c) Not later than March 24, 1989, if the facility is located 52684
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 52685
Washington county, or is located in the city of Brooklyn or 52686
Cuyahoga Heights in Cuyahoga county; 52687~~

~~(d) Not later than June 24, 1989, if the facility is located 52688~~

~~in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or
Summit county or is located in Cuyahoga county outside the cities
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights;~~

~~(e) Not later than September 24, 1989, if the facility is
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross
county;~~

~~(f) Not later than December 24, 1989, if the facility is
located in a county not listed in divisions (A)(3)(a) to (c) of
this section;~~

~~(g) Notwithstanding divisions (A)(3)(a) to (f) of this
section, not later than December 31, 1990, if the facility is a
solid waste facility owned by a generator of solid wastes when the
solid waste facility exclusively disposes of solid wastes
generated at one or more premises owned by the generator
regardless of whether the facility is located on a premises where
the wastes are generated and if the facility disposes of more than
one hundred thousand tons of solid wastes per year, provided that
any such facility shall be subject to division (A)(5) of this
section.~~

~~(4) Except as provided in divisions (A)(8), (9), and (10) of
this section, unless the owner or operator of any solid waste
facility for which a permit was issued after July 1, 1968, but
before January 1, 1980, has obtained an exemption from the
requirements of division (A)(4) of this section under division (C)
of section 3734.02 of the Revised Code, the owner or operator
shall submit to the director an application for a permit with
accompanying engineering detail plans, specifications, and
information regarding the facility and its method of operation for
approval under those rules.~~

~~(5) The director may issue an order in accordance with
Chapter 3745. of the Revised Code to the owner or operator of a~~

solid waste facility requiring the person to submit to the 52720
director updated engineering detail plans, specifications, and 52721
information regarding the facility and its method of operation for 52722
approval under rules adopted under division (A) of section 3734.02 52723
of the Revised Code and applicable rules adopted under division 52724
(D) of section 3734.12 of the Revised Code if, in the director's 52725
judgment, conditions at the facility constitute a substantial 52726
threat to public health or safety or are causing or contributing 52727
to or threatening to cause or contribute to air or water pollution 52728
or soil contamination. Any person who receives such an order shall 52729
submit the updated engineering detail plans, specifications, and 52730
information to the director within one hundred eighty days after 52731
the effective date of the order. 52732

~~(6)(4)~~ The director shall act upon ~~an application submitted~~ 52733
~~under division (A)(3) or (4) of this section and~~ any updated 52734
engineering plans, specifications, and information submitted under 52735
division (A)~~(5)(3)~~ of this section within one hundred eighty days 52736
after receiving them. If the director ~~denies any such permit~~ 52737
~~application, the issues an order denying the application or~~ 52738
~~disapproving the plans, specifications, and information submitted~~ 52739
under division (A)(3) of this section, the order shall include all 52740
of the following requirements that: 52741

(a) That the owner or operator submit a plan for closure and 52742
post-closure care of the facility to the director for approval 52743
within six months after issuance of the order~~;~~ 52744

(b) That the owner or operator cease accepting solid wastes 52745
for disposal or transfer at the facility~~;~~ and 52746

(c) The owner or operator commence closure of the facility 52747
not later than one year after issuance of the order. ~~If~~ 52748

If the director determines that closure of the facility 52749
within that one-year period would result in the unavailability of 52750

sufficient solid waste management facility capacity within the 52751
county or joint solid waste management district in which the 52752
facility is located to dispose of or transfer the solid waste 52753
generated within the district, the director in the order of ~~denial~~ 52754
~~or~~ disapproval may postpone commencement of closure of the 52755
facility for such period of time as the director finds necessary 52756
for the board of county commissioners or directors of the district 52757
to secure access to or for there to be constructed within the 52758
district sufficient solid waste management facility capacity to 52759
meet the needs of the district, provided that the director shall 52760
certify in the director's order that postponing the date for 52761
commencement of closure will not endanger groundwater or any 52762
property surrounding the facility, allow methane gas migration to 52763
occur, or cause or contribute to any other type of environmental 52764
damage. 52765

If an emergency need for disposal capacity that may affect 52766
public health and safety exists as a result of closure of a 52767
facility under division (A)~~(6)~~(4) of this section, the director 52768
may issue an order designating another solid waste facility to 52769
accept the wastes that would have been disposed of at the facility 52770
to be closed. 52771

~~(7)~~(5) If the director determines that standards more 52772
stringent than those applicable in rules adopted under division 52773
(A) of section 3734.02 of the Revised Code and division (D) of 52774
section 3734.12 of the Revised Code, or standards pertaining to 52775
subjects not specifically addressed by those rules, are necessary 52776
to ensure that a solid waste facility constructed at the proposed 52777
location will not cause a nuisance, cause or contribute to water 52778
pollution, or endanger public health or safety, the director may 52779
issue a permit for the facility with such terms and conditions as 52780
the director finds necessary to protect public health and safety 52781
and the environment. If a permit is issued, the director shall 52782

state in the order issuing it the specific findings supporting 52783
each such term or condition. 52784

~~(8)(6)~~ Divisions (A)(1), and (2)(a), ~~(3), and (4)~~ of this 52785
section do not apply to a solid waste compost facility that 52786
accepts exclusively source separated yard wastes and that is 52787
registered under division (C) of section 3734.02 of the Revised 52788
Code or, unless otherwise provided in rules adopted under division 52789
(N)(3) of section 3734.02 of the Revised Code, to a solid waste 52790
compost facility if the director has adopted rules establishing an 52791
alternative system for authorizing the establishment, operation, 52792
or modification of a solid waste compost facility under that 52793
division. 52794

~~(9)(7)~~ Divisions (A)(1) to ~~(7)(5)~~ of this section do not 52795
apply to scrap tire collection, storage, monocell, monofill, and 52796
recovery facilities. The approval of plans and specifications, as 52797
applicable, and the issuance of registration certificates, 52798
permits, and licenses for those facilities are subject to sections 52799
3734.75 to 3734.78 of the Revised Code, as applicable, and section 52800
3734.81 of the Revised Code. 52801

~~(10) Divisions (A)(3) and (4) of this section do not apply to~~ 52802
~~a solid waste incinerator that was placed into operation on or~~ 52803
~~before October 12, 1994, and that is not authorized to accept and~~ 52804
~~treat infectious wastes pursuant to division (B) of this section.~~ 52805

(B)(1) No person shall operate or maintain an infectious 52806
waste treatment facility without a license issued by the board of 52807
health of the health district in which the facility is located or 52808
by the director when the health district in which the facility is 52809
located is not on the approved list under section 3734.08 of the 52810
Revised Code. 52811

(2)(a) During the month of December, but before the first day 52812
of January of the next year, every person proposing to continue to 52813

operate an existing infectious waste treatment facility shall 52814
procure a license to operate the facility for that year from the 52815
board of health of the health district in which the facility is 52816
located or, if the health district is not on the approved list 52817
under section 3734.08 of the Revised Code, from the director. The 52818
application for such a license shall be submitted to the board of 52819
health or to the director, as appropriate, on or before the last 52820
day of September of the year preceding that for which the license 52821
is sought. In addition to the application fee prescribed in 52822
division (B)(2)(c) of this section, a person who submits an 52823
application after that date shall pay an additional ten per cent 52824
of the amount of the application fee for each week that the 52825
application is late. Late payment fees accompanying an application 52826
submitted to the board of health shall be credited to the special 52827
infectious waste fund of the health district created in division 52828
(C) of section 3734.06 of the Revised Code, and late payment fees 52829
accompanying an application submitted to the director shall be 52830
credited to the general revenue fund. A person who has received a 52831
license, upon sale or disposition of an infectious waste treatment 52832
facility and upon consent of the board of health and the director, 52833
may have the license transferred to another person. The board of 52834
health or the director may include such terms and conditions in a 52835
license or revision to a license as are appropriate to ensure 52836
compliance with the infectious waste provisions of this chapter 52837
and rules adopted under them. 52838

(b) Each person proposing to open a new infectious waste 52839
treatment facility or to modify an existing infectious waste 52840
treatment facility shall submit an application for a permit with 52841
accompanying detail plans and specifications to the environmental 52842
protection agency for required approval under the rules adopted by 52843
the director pursuant to section 3734.021 of the Revised Code two 52844
hundred seventy days before proposed operation of the facility and 52845
concurrently shall make application for a license with the board 52846

of health of the health district in which the facility is or is 52847
proposed to be located. Not later than ninety days after receiving 52848
a complete application under division (B)(2)(b) of this section 52849
for a permit to open a new infectious waste treatment facility or 52850
modify an existing infectious waste treatment facility to expand 52851
its treatment capacity, or receiving a complete application under 52852
division (A)(2)(a) of this section for a permit to open a new 52853
solid waste incineration facility, or modify an existing solid 52854
waste incineration facility to also treat infectious wastes or to 52855
increase its infectious waste treatment capacity, that pertains to 52856
a facility for which a notation authorizing infectious waste 52857
treatment is included or proposed to be included in the solid 52858
waste incineration facility's license pursuant to division (B)(3) 52859
of this section, the director shall hold a public hearing on the 52860
application within the county in which the new or modified 52861
infectious waste or solid waste facility is or is proposed to be 52862
located or within a contiguous county. Not less than thirty days 52863
before holding the public hearing on the application, the director 52864
shall publish notice of the hearing in each newspaper that has 52865
general circulation and that is published in the county in which 52866
the facility is or is proposed to be located. If there is no 52867
newspaper that has general circulation and that is published in 52868
the county, the director shall publish the notice in a newspaper 52869
of general circulation in the county. The notice shall contain the 52870
date, time, and location of the public hearing and a general 52871
description of the proposed new or modified facility. At the 52872
public hearing, any person may submit written or oral comments on 52873
or objections to the approval or disapproval of the application. 52874
The applicant, or a representative of the applicant who has 52875
knowledge of the location, construction, and operation of the 52876
facility, shall attend the public hearing to respond to comments 52877
or questions concerning the facility directed to the applicant or 52878
representative by the officer or employee of the environmental 52879

protection agency presiding at the hearing. 52880

(c) Each application for a permit under division (B)(2)(b) of 52881
this section shall be accompanied by a nonrefundable application 52882
fee of four hundred dollars that shall be credited to the general 52883
revenue fund. Each application for an annual license under 52884
division (B)(2)(a) of this section shall be accompanied by a 52885
nonrefundable application fee of one hundred dollars. If the 52886
application for an annual license is submitted to a board of 52887
health on the approved list under section 3734.08 of the Revised 52888
Code, the application fee shall be credited to the special 52889
infectious waste fund of the health district created in division 52890
(C) of section 3734.06 of the Revised Code. If the application for 52891
an annual license is submitted to the director, the application 52892
fee shall be credited to the general revenue fund. If a permit or 52893
license is issued, the amount of the application fee paid shall be 52894
deducted from the amount of the permit fee due under division (Q) 52895
of section 3745.11 of the Revised Code or the amount of the 52896
license fee due under division (C) of section 3734.06 of the 52897
Revised Code. 52898

(d) The director may issue an order in accordance with 52899
Chapter 3745. of the Revised Code to the owner or operator of an 52900
infectious waste treatment facility requiring the person to submit 52901
to the director updated engineering detail plans, specifications, 52902
and information regarding the facility and its method of operation 52903
for approval under rules adopted under section 3734.021 of the 52904
Revised Code if, in the director's judgment, conditions at the 52905
facility constitute a substantial threat to public health or 52906
safety or are causing or contributing to or threatening to cause 52907
or contribute to air or water pollution or soil contamination. Any 52908
person who receives such an order shall submit the updated 52909
engineering detail plans, specifications, and information to the 52910
director within one hundred eighty days after the effective date 52911

of the order. 52912

(e) The director shall act on any updated engineering plans, 52913
specifications, and information submitted under division (B)(2)(d) 52914
of this section within one hundred eighty days after receiving 52915
them. If the director disapproves any such updated engineering 52916
plans, specifications, and information, the director shall include 52917
in the order disapproving the plans the requirement that the owner 52918
or operator cease accepting infectious wastes for treatment at the 52919
facility. 52920

(3) Division (B) of this section does not apply to a 52921
generator of infectious wastes that meets any of the following 52922
conditions: 52923

(a) Treats, by methods, techniques, and practices established 52924
by rules adopted under division (B)(2)(a) of section 3734.021 of 52925
the Revised Code, any of the following wastes: 52926

(i) Infectious wastes that are generated on any premises that 52927
are owned or operated by the generator; 52928

(ii) Infectious wastes that are generated by a generator who 52929
has staff privileges at a hospital as defined in section 3727.01 52930
of the Revised Code; 52931

(iii) Infectious wastes that are generated in providing care 52932
to a patient by an emergency medical services organization as 52933
defined in section 4765.01 of the Revised Code. 52934

(b) Holds a license or renewal of a license to operate a 52935
crematory facility issued under Chapter 4717. and a permit issued 52936
under Chapter 3704. of the Revised Code; 52937

(c) Treats or disposes of dead animals or parts thereof, or 52938
the blood of animals, and is subject to any of the following: 52939

(i) Inspection under the "Federal Meat Inspection Act," 81 52940
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 52941

(ii) Chapter 918. of the Revised Code; 52942

(iii) Chapter 953. of the Revised Code. 52943

Nothing in division (B) of this section requires a facility 52944
that holds a license issued under division (A) of this section as 52945
a solid waste facility and that also treats infectious wastes by 52946
the same method, technique, or process to obtain a license under 52947
division (B) of this section as an infectious waste treatment 52948
facility. However, the solid waste facility license for the 52949
facility shall include the notation that the facility also treats 52950
infectious wastes. 52951

The director shall not issue a permit to open a new solid 52952
waste incineration facility unless the proposed facility complies 52953
with the requirements for the location of new infectious waste 52954
incineration facilities established in rules adopted under 52955
division (B)(2)(b) of section 3734.021 of the Revised Code. 52956

(C) Except for a facility or activity described in division 52957
(E)(3) of section 3734.02 of the Revised Code, a person who 52958
proposes to establish or operate a hazardous waste facility shall 52959
submit a complete application for a hazardous waste facility 52960
installation and operation permit and accompanying detail plans, 52961
specifications, and such information as the director may require 52962
to the environmental protection agency at least one hundred eighty 52963
days before the proposed beginning of operation of the facility. 52964
The applicant shall notify by certified mail the legislative 52965
authority of each municipal corporation, township, and county in 52966
which the facility is proposed to be located of the submission of 52967
the application within ten days after the submission or at such 52968
earlier time as the director may establish by rule. If the 52969
application is for a proposed new hazardous waste disposal or 52970
thermal treatment facility, the applicant also shall give actual 52971
notice of the general design and purpose of the facility to the 52972
legislative authority of each municipal corporation, township, and 52973

county in which the facility is proposed to be located at least 52974
ninety days before the permit application is submitted to the 52975
environmental protection agency. 52976

In accordance with rules adopted under section 3734.12 of the 52977
Revised Code, prior to the submission of a complete application 52978
for a hazardous waste facility installation and operation permit, 52979
the applicant shall hold at least one meeting in the township or 52980
municipal corporation in which the facility is proposed to be 52981
located, whichever is geographically closer to the proposed 52982
location of the facility. The meeting shall be open to the public 52983
and shall be held to inform the community of the proposed 52984
hazardous waste management activities and to solicit questions 52985
from the community concerning the activities. 52986

(D)(1) Except as provided in section 3734.123 of the Revised 52987
Code, upon receipt of a complete application for a hazardous waste 52988
facility installation and operation permit under division (C) of 52989
this section, the director shall consider the application and 52990
accompanying information to determine whether the application 52991
complies with agency rules and the requirements of division (D)(2) 52992
of this section. After making a determination, the director shall 52993
issue either a draft permit or a notice of intent to deny the 52994
permit. The director, in accordance with rules adopted under 52995
section 3734.12 of the Revised Code or with rules adopted to 52996
implement Chapter 3745. of the Revised Code, shall provide public 52997
notice of the application and the draft permit or the notice of 52998
intent to deny the permit, provide an opportunity for public 52999
comments, and, if significant interest is shown, schedule a public 53000
meeting in the county in which the facility is proposed to be 53001
located and give public notice of the date, time, and location of 53002
the public meeting in a newspaper of general circulation in that 53003
county. 53004

(2) The director shall not approve an application for a 53005

hazardous waste facility installation and operation permit or an application for a modification under division (I)(3) of this section unless the director finds and determines as follows:

(a) The nature and volume of the waste to be treated, stored, or disposed of at the facility;

(b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code;

(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;

(d) That the facility represents the minimum risk of all of the following:

(i) Fires or explosions from treatment, storage, or disposal methods;

(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;

(iii) Adverse impact on the public health and safety.

(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and

Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 53036
amended, and all regulations adopted under it, and similar laws 53037
and rules of other states if any such prior operation was located 53038
in another state that demonstrates sufficient reliability, 53039
expertise, and competency to operate a hazardous waste facility 53040
under the applicable provisions of this chapter and Chapters 3704. 53041
and 6111. of the Revised Code, the applicable rules and standards 53042
adopted under them, and terms and conditions of a hazardous waste 53043
facility installation and operation permit, given the potential 53044
for harm to the public health and safety and the environment that 53045
could result from the irresponsible operation of the facility. For 53046
off-site facilities, as defined in section 3734.41 of the Revised 53047
Code, the director may use the investigative reports of the 53048
attorney general prepared pursuant to section 3734.42 of the 53049
Revised Code as a basis for making a finding and determination 53050
under division (D)(2)(f) of this section. 53051

(g) That the active areas within a new hazardous waste 53052
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 53053
(e), as amended, or organic waste that is toxic and is listed 53054
under 40 C.F.R. 261, as amended, is being stored, treated, or 53055
disposed of and where the aggregate of the storage design capacity 53056
and the disposal design capacity of all hazardous waste in those 53057
areas is greater than two hundred fifty thousand gallons, are not 53058
located or operated within any of the following: 53059

(i) Two thousand feet of any residence, school, hospital, 53060
jail, or prison; 53061

(ii) Any naturally occurring wetland; 53062

(iii) Any flood hazard area if the applicant cannot show that 53063
the facility will be designed, constructed, operated, and 53064
maintained to prevent washout by a one-hundred-year flood. 53065

Division (D)(2)(g) of this section does not apply to the 53066

facility of any applicant who demonstrates to the director that 53067
the limitations specified in that division are not necessary 53068
because of the nature or volume of the waste and the manner of 53069
management applied, the facility will impose no substantial danger 53070
to the health and safety of persons occupying the structures 53071
listed in division (D)(2)(g)(i) of this section, and the facility 53072
is to be located or operated in an area where the proposed 53073
hazardous waste activities will not be incompatible with existing 53074
land uses in the area. 53075

(h) That the facility will not be located within the 53076
boundaries of a state park established or dedicated under Chapter 53077
1546. of the Revised Code, a state park purchase area established 53078
under section 1546.06 of the Revised Code, any unit of the 53079
national park system, or any property that lies within the 53080
boundaries of a national park or recreation area, but that has not 53081
been acquired or is not administered by the secretary of the 53082
United States department of the interior, located in this state, 53083
or any candidate area located in this state identified for 53084
potential inclusion in the national park system in the edition of 53085
the "national park system plan" submitted under paragraph (b) of 53086
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 53087
U.S.C.A. 1a-5, as amended, current at the time of filing of the 53088
application for the permit, unless the facility will be used 53089
exclusively for the storage of hazardous waste generated within 53090
the park or recreation area in conjunction with the operation of 53091
the park or recreation area. Division (D)(2)(h) of this section 53092
does not apply to the facility of any applicant for modification 53093
of a permit unless the modification application proposes to 53094
increase the land area included in the facility or to increase the 53095
quantity of hazardous waste that will be treated, stored, or 53096
disposed of at the facility. 53097

(3) Not later than one hundred eighty days after the end of 53098

the public comment period, the director, without prior hearing, 53099
shall issue or deny the permit in accordance with Chapter 3745. of 53100
the Revised Code. If the director approves an application for a 53101
hazardous waste facility installation and operation permit, the 53102
director shall issue the permit, upon such terms and conditions as 53103
the director finds are necessary to ensure the construction and 53104
operation of the hazardous waste facility in accordance with the 53105
standards of this section. 53106

(E) No political subdivision of this state shall require any 53107
additional zoning or other approval, consent, permit, certificate, 53108
or condition for the construction or operation of a hazardous 53109
waste facility authorized by a hazardous waste facility 53110
installation and operation permit issued pursuant to this chapter, 53111
nor shall any political subdivision adopt or enforce any law, 53112
ordinance, or rule that in any way alters, impairs, or limits the 53113
authority granted in the permit. 53114

(F) The director may issue a single hazardous waste facility 53115
installation and operation permit to a person who operates two or 53116
more adjoining facilities where hazardous waste is stored, 53117
treated, or disposed of if the application includes detail plans, 53118
specifications, and information on all facilities. For the 53119
purposes of this section, "adjoining" means sharing a common 53120
boundary, separated only by a public road, or in such proximity 53121
that the director determines that the issuance of a single permit 53122
will not create a hazard to the public health or safety or the 53123
environment. 53124

(G) No person shall falsify or fail to keep or submit any 53125
plans, specifications, data, reports, records, manifests, or other 53126
information required to be kept or submitted to the director by 53127
this chapter or the rules adopted under it. 53128

(H)(1) Each person who holds an installation and operation 53129
permit issued under this section and who wishes to obtain a permit 53130

renewal shall submit a completed application for an installation 53131
and operation permit renewal and any necessary accompanying 53132
general plans, detail plans, specifications, and such information 53133
as the director may require to the director no later than one 53134
hundred eighty days prior to the expiration date of the existing 53135
permit or upon a later date prior to the expiration of the 53136
existing permit if the permittee can demonstrate good cause for 53137
the late submittal. The director shall consider the application 53138
and accompanying information, inspection reports of the facility, 53139
results of performance tests, a report regarding the facility's 53140
compliance or noncompliance with the terms and conditions of its 53141
permit and rules adopted by the director under this chapter, and 53142
such other information as is relevant to the operation of the 53143
facility and shall issue a draft renewal permit or a notice of 53144
intent to deny the renewal permit. The director, in accordance 53145
with rules adopted under this section or with rules adopted to 53146
implement Chapter 3745. of the Revised Code, shall give public 53147
notice of the application and draft renewal permit or notice of 53148
intent to deny the renewal permit, provide for the opportunity for 53149
public comments within a specified time period, schedule a public 53150
meeting in the county in which the facility is located if 53151
significant interest is shown, and give public notice of the 53152
public meeting. 53153

(2) Within sixty days after the public meeting or close of 53154
the public comment period, the director, without prior hearing, 53155
shall issue or deny the renewal permit in accordance with Chapter 53156
3745. of the Revised Code. The director shall not issue a renewal 53157
permit unless the director determines that the facility under the 53158
existing permit has a history of compliance with this chapter, 53159
rules adopted under it, the existing permit, or orders entered to 53160
enforce such requirements that demonstrates sufficient 53161
reliability, expertise, and competency to operate the facility 53162
henceforth under this chapter, rules adopted under it, and the 53163

renewal permit. If the director approves an application for a 53164
renewal permit, the director shall issue the permit subject to the 53165
payment of the annual permit fee required under division (E) of 53166
section 3734.02 of the Revised Code and upon such terms and 53167
conditions as the director finds are reasonable to ensure that 53168
continued operation, maintenance, closure, and post-closure care 53169
of the hazardous waste facility are in accordance with the rules 53170
adopted under section 3734.12 of the Revised Code. 53171

(3) An installation and operation permit renewal application 53172
submitted to the director that also contains or would constitute 53173
an application for a modification shall be acted upon by the 53174
director in accordance with division (I) of this section in the 53175
same manner as an application for a modification. In approving or 53176
disapproving the renewal portion of a permit renewal application 53177
containing an application for a modification, the director shall 53178
apply the criteria established under division (H)(2) of this 53179
section. 53180

(4) An application for renewal or modification of a permit 53181
that does not contain an application for a modification as 53182
described in divisions (I)(3)(a) to (d) of this section shall not 53183
be subject to division (D)(2) of this section. 53184

(I)(1) As used in this section, "modification" means a change 53185
or alteration to a hazardous waste facility or its operations that 53186
is inconsistent with or not authorized by its existing permit or 53187
authorization to operate. Modifications shall be classified as 53188
Class 1, 2, or 3 modifications in accordance with rules adopted 53189
under division (K) of this section. Modifications classified as 53190
Class 3 modifications, in accordance with rules adopted under that 53191
division, shall be further classified by the director as either 53192
Class 3 modifications that are to be approved or disapproved by 53193
the director under divisions (I)(3)(a) to (d) of this section or 53194
as Class 3 modifications that are to be approved or disapproved by 53195

the director under division (I)(5) of this section. Not later than 53196
thirty days after receiving a request for a modification under 53197
division (I)(4) of this section that is not listed in Appendix I 53198
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 53199
section, the director shall classify the modification and shall 53200
notify the owner or operator of the facility requesting the 53201
modification of the classification. Notwithstanding any other law 53202
to the contrary, a modification that involves the transfer of a 53203
hazardous waste facility installation and operation permit to a 53204
new owner or operator for any off-site facility as defined in 53205
section 3734.41 of the Revised Code shall be classified as a Class 53206
3 modification. The transfer of a hazardous waste facility 53207
installation and operation permit to a new owner or operator for a 53208
facility that is not an off-site facility shall be classified as a 53209
Class 1 modification requiring prior approval of the director. 53210

(2) Except as provided in section 3734.123 of the Revised 53211
Code, a hazardous waste facility installation and operation permit 53212
may be modified at the request of the director or upon the written 53213
request of the permittee only if any of the following applies: 53214

(a) The permittee desires to accomplish alterations, 53215
additions, or deletions to the permitted facility or to undertake 53216
alterations, additions, deletions, or activities that are 53217
inconsistent with or not authorized by the existing permit; 53218

(b) New information or data justify permit conditions in 53219
addition to or different from those in the existing permit; 53220

(c) The standards, criteria, or rules upon which the existing 53221
permit is based have been changed by new, amended, or rescinded 53222
standards, criteria, or rules, or by judicial decision after the 53223
existing permit was issued, and the change justifies permit 53224
conditions in addition to or different from those in the existing 53225
permit; 53226

(d) The permittee proposes to transfer the permit to another person. 53227
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(3) The director shall approve or disapprove an application for a modification in accordance with division (D)(2) of this section and rules adopted under division (K) of this section for all of the following categories of Class 3 modifications: 53229
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(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit; 53233
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(b) Modification or addition of a hazardous waste management unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's treatment rate of more than twenty-five per cent over the rate so authorized, or an increase in a facility's disposal capacity over the capacity so authorized. The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility. In no case during a five-year period shall a facility's storage capacity or treatment rate be modified to increase by more than twenty-five per cent in the aggregate without the director's approval in accordance with division (D)(2) of this section. Notwithstanding any provision of division (I) of this section to the contrary, a request for modification of a facility's annual total waste receipt limit shall be classified and approved or disapproved by the director under division (I)(5) of this section. 53237
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(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not 53255
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previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(d) Authority to treat, store, or dispose of waste types listed or characterized as reactive or explosive, in rules adopted under section 3734.12 of the Revised Code, or any acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit unless the requested authority is limited to wastes that no longer exhibit characteristics meeting the criteria for listing or characterization as reactive or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes as established in rules adopted under section 3734.12 of the Revised Code because of the requirements established in 40 C.F.R. 261(a) and (e), as amended, that is, the "mixture," "derived-from," or "contained-in" regulations.

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance with this section and rules adopted under it.

(5) Class 1 modification applications that require prior approval of the director, as provided in division (I)(1) of this section or as determined in accordance with rules adopted under

division (K) of this section, Class 2 modification applications, 53291
and Class 3 modification applications that are not described in 53292
divisions (I)(3)(a) to (d) of this section shall be approved or 53293
disapproved by the director in accordance with rules adopted under 53294
division (K) of this section. The board of county commissioners of 53295
the county, the board of township trustees of the township, and 53296
the city manager or mayor of the municipal corporation in which a 53297
hazardous waste facility is located shall receive notification of 53298
any application for a modification for that facility and shall be 53299
considered as interested persons with respect to the director's 53300
consideration of the application. 53301

As used in division (I) of this section: 53302

(a) "Owner" means the person who owns a majority or 53303
controlling interest in a facility. 53304

(b) "Operator" means the person who is responsible for the 53305
overall operation of a facility. 53306

The director shall approve or disapprove an application for a 53307
Class 1 modification that requires the director's approval within 53308
sixty days after receiving the request for modification. The 53309
director shall approve or disapprove an application for a Class 2 53310
modification within three hundred days after receiving the request 53311
for modification. The director shall approve or disapprove an 53312
application for a Class 3 modification within three hundred 53313
sixty-five days after receiving the request for modification. 53314

(6) The approval or disapproval by the director of a Class 1 53315
modification application is not a final action that is appealable 53316
under Chapter 3745. of the Revised Code. The approval or 53317
disapproval by the director of a Class 2 modification or a Class 3 53318
modification is a final action that is appealable under that 53319
chapter. In approving or disapproving a request for a 53320
modification, the director shall consider all comments pertaining 53321

to the request that are received during the public comment period 53322
and the public meetings. The administrative record for appeal of a 53323
final action by the director in approving or disapproving a 53324
request for a modification shall include all comments received 53325
during the public comment period relating to the request for 53326
modification, written materials submitted at the public meetings 53327
relating to the request, and any other documents related to the 53328
director's action. 53329

(7) Notwithstanding any other provision of law to the 53330
contrary, a change or alteration to a hazardous waste facility 53331
described in division (E)(3)(a) or (b) of section 3734.02 of the 53332
Revised Code, or its operations, is a modification for the 53333
purposes of this section. An application for a modification at 53334
such a facility shall be submitted, classified, and approved or 53335
disapproved in accordance with divisions (I)(1) to (6) of this 53336
section in the same manner as a modification to a hazardous waste 53337
facility installation and operation permit. 53338

(J)(1) Except as provided in division (J)(2) of this section, 53339
an owner or operator of a hazardous waste facility that is 53340
operating in accordance with a permit by rule under rules adopted 53341
by the director under division (E)(3)(b) of section 3734.02 of the 53342
Revised Code shall submit either a hazardous waste facility 53343
installation and operation permit application for the facility or 53344
a modification application, whichever is required under division 53345
(J)(1)(a) or (b) of this section, within one hundred eighty days 53346
after the director has requested the application or upon a later 53347
date if the owner or operator demonstrates to the director good 53348
cause for the late submittal. 53349

(a) If the owner or operator does not have a hazardous waste 53350
facility installation and operation permit for any hazardous waste 53351
treatment, storage, or disposal activities at the facility, the 53352
owner or operator shall submit an application for such a permit to 53353

the director for the activities authorized by the permit by rule. 53354
Notwithstanding any other provision of law to the contrary, the 53355
director shall approve or disapprove the application for the 53356
permit in accordance with the procedures governing the approval or 53357
disapproval of permit renewals under division (H) of this section. 53358

(b) If the owner or operator has a hazardous waste facility 53359
installation and operation permit for hazardous waste treatment, 53360
storage, or disposal activities at the facility other than those 53361
authorized by the permit by rule, the owner or operator shall 53362
submit to the director a request for modification in accordance 53363
with division (I) of this section. Notwithstanding any other 53364
provision of law to the contrary, the director shall approve or 53365
disapprove the modification application in accordance with 53366
division (I)(5) of this section. 53367

(2) The owner or operator of a boiler or industrial furnace 53368
that is conducting thermal treatment activities in accordance with 53369
a permit by rule under rules adopted by the director under 53370
division (E)(3)(b) of section 3734.02 of the Revised Code shall 53371
submit a hazardous waste facility installation and operation 53372
permit application if the owner or operator does not have such a 53373
permit for any hazardous waste treatment, storage, or disposal 53374
activities at the facility or, if the owner or operator has such a 53375
permit for hazardous waste treatment, storage, or disposal 53376
activities at the facility other than thermal treatment activities 53377
authorized by the permit by rule, a modification application to 53378
add those activities authorized by the permit by rule, whichever 53379
is applicable, within one hundred eighty days after the director 53380
has requested the submission of the application or upon a later 53381
date if the owner or operator demonstrates to the director good 53382
cause for the late submittal. The application shall be accompanied 53383
by information necessary to support the request. The director 53384
shall approve or disapprove an application for a hazardous waste 53385

facility installation and operation permit in accordance with 53386
division (D) of this section and approve or disapprove an 53387
application for a modification in accordance with division (I)(3) 53388
of this section, except that the director shall not disapprove an 53389
application for the thermal treatment activities on the basis of 53390
the criteria set forth in division (D)(2)(g) or (h) of this 53391
section. 53392

(3) As used in division (J) of this section: 53393

(a) "Modification application" means a request for a 53394
modification submitted in accordance with division (I) of this 53395
section. 53396

(b) "Thermal treatment," "boiler," and "industrial furnace" 53397
have the same meanings as in rules adopted under section 3734.12 53398
of the Revised Code. 53399

(K) The director shall adopt, and may amend, suspend, or 53400
rescind, rules in accordance with Chapter 119. of the Revised Code 53401
in order to implement divisions (H) and (I) of this section. 53402
Except when in actual conflict with this section, rules governing 53403
the classification of and procedures for the modification of 53404
hazardous waste facility installation and operation permits shall 53405
be substantively and procedurally identical to the regulations 53406
governing hazardous waste facility permitting and permit 53407
modifications adopted under the "Resource Conservation and 53408
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 53409
amended. 53410

Sec. 3734.06. (A)(1) Except as provided in divisions (A)(2), 53411
(3), (4), and (5) of this section and in section 3734.82 of the 53412
Revised Code, the annual fee for a solid waste facility license 53413
shall be in accordance with the following schedule: 53414

AUTHORIZED MAXIMUM	ANNUAL	53415
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DAILY WASTE	LICENSE	53416
RECEIPT (TONS)	FEE	53417
100 or less	\$ 5,000	53418
101 to 200	12,500	53419
201 to 500	30,000	53420
501 or more	60,000	53421

For the purpose of determining the applicable license fee 53422
under divisions (A)(1), (2), and (3) of this section, the 53423
authorized maximum daily waste receipt shall be the maximum amount 53424
of wastes the facility is authorized to receive daily that is 53425
established in the permit for the facility, and any modifications 53426
to that permit, issued under division (A)(2) ~~or (3)~~ of section 53427
3734.05 of the Revised Code; the annual license for the facility, 53428
and any revisions to that license, issued under division (A)(1) of 53429
section 3734.05 of the Revised Code; the approved operating plan 53430
or operational report for which submission and approval are 53431
required by rules adopted by the director of environmental 53432
protection under section 3734.02 of the Revised Code; or an order 53433
issued by the director as authorized by rule; ~~or the updated~~ 53434
~~engineering plans, specifications, and facility and operation~~ 53435
~~information approved under division (A)(4) of section 3734.05 of~~ 53436
~~the Revised Code.~~ If no authorized maximum daily waste receipt is 53437
so established, the annual license fee is sixty thousand dollars 53438
under division (A)(1) of this section and thirty thousand dollars 53439
under divisions (A)(2) and (3) of this section. 53440

The authorized maximum daily waste receipt set forth in any 53441
such document shall be stated in terms of cubic yards of volume 53442
for the purpose of regulating the design, construction, and 53443
operation of a solid waste facility. For the purpose of 53444
determining applicable license fees under this section, the 53445
authorized maximum daily waste receipt so stated shall be 53446
converted from cubic yards to tons as the unit of measurement 53447
based upon a conversion factor of three cubic yards per ton for 53448

compacted wastes generally and one cubic yard per ton for baled wastes. 53449
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(2) The annual license fee for a facility that is an incinerator facility is one-half the amount shown in division (A)(1) of this section. When a municipal corporation, county, or township owns and operates more than one incinerator within its boundaries, the municipal corporation, county, or township shall pay one fee for the licenses for all of its incinerators. The fee shall be determined on the basis of the aggregate maximum daily waste receipt for all the incinerators owned and operated by the municipal corporation, county, or township in an amount that is one-half the amount shown in division (A)(1) of this section. 53451
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(3) The annual fee for a solid waste compost facility license shall be in accordance with the following schedule: 53461
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AUTHORIZED MAXIMUM	ANNUAL	53463
DAILY WASTE	LICENSE	53464
RECEIPT (TONS)	FEE	53465
12 or less	\$ 300	53466
13 to 25	600	53467
26 to 50	1,200	53468
51 to 75	1,800	53469
76 to 100	2,500	53470
101 to 150	3,750	53471
151 to 200	5,000	53472
201 to 250	6,250	53473
251 to 300	7,500	53474
301 to 400	10,000	53475
401 to 500	12,500	53476
501 or more	30,000	53477

(4) The annual license fee for a solid waste facility, regardless of its authorized maximum daily waste receipt, is five thousand dollars for a facility meeting either of the following 53478
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53480

qualifications: 53481

(a) The facility is owned by a generator of solid wastes when 53482
the solid waste facility exclusively disposes of solid wastes 53483
generated at one or more premises owned by the generator 53484
regardless of whether the facility is located on a premises where 53485
the wastes are generated. 53486

(b) The facility exclusively disposes of wastes that are 53487
generated from the combustion of coal, or from the combustion of 53488
primarily coal in combination with scrap tires, that is not 53489
combined in any way with garbage at one or more premises owned by 53490
the generator. 53491

(5) The annual license fee for a facility that is a transfer 53492
facility is seven hundred fifty dollars. 53493

(6) The same fees shall apply to private operators and to the 53494
state and its political subdivisions and shall be paid within 53495
thirty days after issuance of a license. The fee includes the cost 53496
of licensing, all inspections, and other costs associated with the 53497
administration of the solid waste provisions of this chapter and 53498
rules adopted under them, excluding the provisions governing scrap 53499
tires. Each such license shall specify that it is conditioned upon 53500
payment of the applicable fee to the board of health or the 53501
director, as appropriate, within thirty days after issuance of the 53502
license. 53503

(B) The board of health shall retain two thousand five 53504
hundred dollars of each license fee collected by the board under 53505
divisions (A)(1), (2), (3), and (4) of this section or the entire 53506
amount of any such fee that is less than two thousand five hundred 53507
dollars. The moneys retained shall be paid into a special fund, 53508
which is hereby created in each health district, and used solely 53509
to administer and enforce the solid waste provisions of this 53510
chapter and the rules adopted under them, excluding the provisions 53511

governing scrap tires. The remainder of each license fee collected 53512
by the board shall be transmitted to the director within 53513
forty-five days after receipt of the fee. The director shall 53514
transmit these moneys to the treasurer of state to be credited to 53515
the general revenue fund. The board of health shall retain the 53516
entire amount of each fee collected under division (A)(5) of this 53517
section, which moneys shall be paid into the special fund of the 53518
health district. 53519

(C)(1) Except as provided in divisions (C)(2) and (3) of this 53520
section, the annual fee for an infectious waste treatment facility 53521
license shall be in accordance with the following schedule: 53522

MAXIMUM	ANNUAL	53523
DAILY WASTE	LICENSE	53524
RECEIPT (TONS)	FEE	53525
100 or less	\$ 5,000	53526
101 to 200	12,500	53527
201 to 500	30,000	53528
501 or more	60,000	53529

For the purpose of determining the applicable license fee 53530
under divisions (C)(1) and (2) of this section, the maximum daily 53531
waste receipt shall be the maximum amount of infectious wastes the 53532
facility is authorized to receive daily that is established in the 53533
permit for the facility, and any modifications to that permit, 53534
issued under division (B)(2)(b) of section 3734.05 of the Revised 53535
Code; or the annual license for the facility, and any revisions to 53536
that license, issued under division (B)(2)(a) of section 3734.05 53537
of the Revised Code. If no maximum daily waste receipt is so 53538
established, the annual license fee is sixty thousand dollars 53539
under division (C)(1) of this section and thirty thousand dollars 53540
under division (C)(2) of this section. 53541

(2) The annual license fee for an infectious waste treatment 53542
facility that is an incinerator is one-half the amount shown in 53543

division (C)(1) of this section. 53544

(3) Fees levied under divisions (C)(1) and (2) of this 53545
section shall apply to private operators and to the state and its 53546
political subdivisions and shall be paid within thirty days after 53547
issuance of a license. The fee includes the cost of licensing, all 53548
inspections, and other costs associated with the administration of 53549
the infectious waste provisions of this chapter and rules adopted 53550
under them. Each such license shall specify that it is conditioned 53551
upon payment of the applicable fee to the board of health or the 53552
director, as appropriate, within thirty days after issuance of the 53553
license. 53554

(4) The board of health shall retain two thousand five 53555
hundred dollars of each license fee collected by the board under 53556
divisions (C)(1) and (2) of this section. The moneys retained 53557
shall be paid into a special infectious waste fund, which is 53558
hereby created in each health district, and used solely to 53559
administer and enforce the infectious waste provisions of this 53560
chapter and the rules adopted under them. The remainder of each 53561
license fee collected by the board shall be transmitted to the 53562
director within forty-five days after receipt of the fee. The 53563
director shall transmit these moneys to the treasurer of state to 53564
be credited to the general revenue fund. 53565

Sec. 3734.15. (A) No person shall transport hazardous waste 53566
anywhere in this state unless the person has first ~~registered~~ 53567
filed an annual registration statement with, and ~~obtained a~~ 53568
uniform permit from the public utilities commission paid an annual 53569
registration fee to, the United States department of 53570
transportation in accordance with ~~Chapter 4921. of the Revised~~ 53571
~~Code~~ 49 C.F.R. 107.601 to 107.620. 53572

For the purposes of this section, "registered transporter" 53573
means any person who ~~is registered~~ has filed an annual 53574

~~registration statement with and has received a uniform permit from~~ 53575
~~the public utilities commission pursuant to Chapter 4921. of the~~ 53576
~~Revised Code, and paid an annual registration fee to, the United~~ 53577
~~States department of transportation in accordance with 49 C.F.R.~~ 53578
~~107.601 to 107.620.~~ 53579

(B) A registered transporter of hazardous waste shall be 53580
responsible for the safe delivery of any hazardous waste that the 53581
registered transporter transports from such time as the registered 53582
transporter obtains the waste until the registered transporter 53583
delivers it to a treatment, storage, or disposal facility 53584
specified in division (F) of section 3734.02 of the Revised Code, 53585
as recorded on the manifest required in division (B) of section 53586
3734.12 of the Revised Code. Any registered transporter who 53587
violates this chapter or any rule adopted under the chapter while 53588
transporting hazardous waste shall be liable for any damage or 53589
injury caused by the violation and for the costs of rectifying the 53590
violation and conditions caused by the violation. 53591

(C) No person who generates hazardous waste shall cause the 53592
waste to be transported by any person who is not a registered 53593
transporter. No person shall accept for treatment, storage, or 53594
disposal any hazardous waste from an unregistered transporter. Any 53595
person who is requested to accept such waste for treatment, 53596
storage, or disposal shall notify the director, the board of 53597
health in the person's location, and the public utilities 53598
commission of the request. 53599

If a generator causes an unregistered transporter to 53600
transport the hazardous waste, the generator of the waste, the 53601
transporter, and any person who accepts the waste for treatment, 53602
storage, or disposal shall be jointly and severally liable for any 53603
damage or injury caused by the handling of the waste and for the 53604
costs of rectifying their violation and conditions caused by their 53605
violation. 53606

Sec. 3734.57. (A) The following fees are hereby levied on the 53607
transfer or disposal of solid wastes in this state: 53608

(1) Ninety cents per ton through June 30, ~~2018~~ 2020, twenty 53609
cents of the proceeds of which shall be deposited in the state 53610
treasury to the credit of the hazardous waste facility management 53611
fund created in section 3734.18 of the Revised Code and seventy 53612
cents of the proceeds of which shall be deposited in the state 53613
treasury to the credit of the hazardous waste clean-up fund 53614
created in section 3734.28 of the Revised Code; 53615

(2) An additional seventy-five cents per ton through June 30, 53616
~~2018~~ 2020, the proceeds of which shall be deposited in the state 53617
treasury to the credit of the waste management fund created in 53618
section 3734.061 of the Revised Code. 53619

(3) An additional two dollars and eighty-five cents per ton 53620
through June 30, ~~2018~~ 2020, the proceeds of which shall be 53621
deposited in the state treasury to the credit of the environmental 53622
protection fund created in section 3745.015 of the Revised Code; 53623

(4) An additional twenty-five cents per ton through June 30, 53624
~~2018~~ 2020, the proceeds of which shall be deposited in the state 53625
treasury to the credit of the soil and water conservation district 53626
assistance fund created in section 940.15 of the Revised Code. 53627

In the case of solid wastes that are taken to a solid waste 53628
transfer facility located in this state prior to being transported 53629
for disposal at a solid waste disposal facility located in this 53630
state or outside of this state, the fees levied under this 53631
division shall be collected by the owner or operator of the 53632
transfer facility as a trustee for the state. The amount of fees 53633
required to be collected under this division at such a transfer 53634
facility shall equal the total tonnage of solid wastes received at 53635
the facility multiplied by the fees levied under this division. In 53636
the case of solid wastes that are not taken to a solid waste 53637

transfer facility located in this state prior to being transported 53638
to a solid waste disposal facility, the fees shall be collected by 53639
the owner or operator of the solid waste disposal facility as a 53640
trustee for the state. The amount of fees required to be collected 53641
under this division at such a disposal facility shall equal the 53642
total tonnage of solid wastes received at the facility that was 53643
not previously taken to a solid waste transfer facility located in 53644
this state multiplied by the fees levied under this division. Fees 53645
levied under this division do not apply to materials separated 53646
from a mixed waste stream for recycling by a generator or 53647
materials removed from the solid waste stream through recycling, 53648
as "recycling" is defined in rules adopted under section 3734.02 53649
of the Revised Code. 53650

The owner or operator of a solid waste transfer facility or 53651
disposal facility, as applicable, shall prepare and file with the 53652
director of environmental protection each month a return 53653
indicating the total tonnage of solid wastes received at the 53654
facility during that month and the total amount of the fees 53655
required to be collected under this division during that month. In 53656
addition, the owner or operator of a solid waste disposal facility 53657
shall indicate on the return the total tonnage of solid wastes 53658
received from transfer facilities located in this state during 53659
that month for which the fees were required to be collected by the 53660
transfer facilities. The monthly returns shall be filed on a form 53661
prescribed by the director. Not later than thirty days after the 53662
last day of the month to which a return applies, the owner or 53663
operator shall mail to the director the return for that month 53664
together with the fees required to be collected under this 53665
division during that month as indicated on the return or may 53666
submit the return and fees electronically in a manner approved by 53667
the director. If the return is filed and the amount of the fees 53668
due is paid in a timely manner as required in this division, the 53669
owner or operator may retain a discount of three-fourths of one 53670

per cent of the total amount of the fees that are required to be 53671
paid as indicated on the return. 53672

The owner or operator may request an extension of not more 53673
than thirty days for filing the return and remitting the fees, 53674
provided that the owner or operator has submitted such a request 53675
in writing to the director together with a detailed description of 53676
why the extension is requested, the director has received the 53677
request not later than the day on which the return is required to 53678
be filed, and the director has approved the request. If the fees 53679
are not remitted within thirty days after the last day of the 53680
month to which the return applies or are not remitted by the last 53681
day of an extension approved by the director, the owner or 53682
operator shall not retain the three-fourths of one per cent 53683
discount and shall pay an additional ten per cent of the amount of 53684
the fees for each month that they are late. For purposes of 53685
calculating the late fee, the first month in which fees are late 53686
begins on the first day after the deadline has passed for timely 53687
submitting the return and fees, and one additional month shall be 53688
counted every thirty days thereafter. 53689

The owner or operator of a solid waste facility may request a 53690
refund or credit of fees levied under this division and remitted 53691
to the director that have not been paid to the owner or operator. 53692
Such a request shall be made only if the fees have not been 53693
collected by the owner or operator, have become a debt that has 53694
become worthless or uncollectable for a period of six months or 53695
more, and may be claimed as a deduction, including a deduction 53696
claimed if the owner or operator keeps accounts on an accrual 53697
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 53698
U.S.C. 166, as amended, and regulations adopted under it. Prior to 53699
making a request for a refund or credit, an owner or operator 53700
shall make reasonable efforts to collect the applicable fees. A 53701
request for a refund or credit shall not include any costs 53702

resulting from those efforts to collect unpaid fees. 53703

A request for a refund or credit of fees shall be made in 53704
writing, on a form prescribed by the director, and shall be 53705
supported by evidence that may be required in rules adopted by the 53706
director under this chapter. After reviewing the request, and if 53707
the request and evidence submitted with the request indicate that 53708
a refund or credit is warranted, the director shall grant a refund 53709
to the owner or operator or shall permit a credit to be taken by 53710
the owner or operator on a subsequent monthly return submitted by 53711
the owner or operator. The amount of a refund or credit shall not 53712
exceed an amount that is equal to ninety days' worth of fees owed 53713
to an owner or operator by a particular debtor of the owner or 53714
operator. A refund or credit shall not be granted by the director 53715
to an owner or operator more than once in any twelve-month period 53716
for fees owed to the owner or operator by a particular debtor. 53717

If, after receiving a refund or credit from the director, an 53718
owner or operator receives payment of all or part of the fees, the 53719
owner or operator shall remit the fees with the next monthly 53720
return submitted to the director together with a written 53721
explanation of the reason for the submittal. 53722

For purposes of computing the fees levied under this division 53723
or division (B) of this section, any solid waste transfer or 53724
disposal facility that does not use scales as a means of 53725
determining gate receipts shall use a conversion factor of three 53726
cubic yards per ton of solid waste or one cubic yard per ton for 53727
baled waste, as applicable. 53728

The fees levied under this division and divisions (B) and (C) 53729
of this section are in addition to all other applicable fees and 53730
taxes and shall be paid by the customer or a political subdivision 53731
to the owner or operator of a solid waste transfer or disposal 53732
facility. In the alternative, the fees shall be paid by a customer 53733
or political subdivision to a transporter of waste who 53734

subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the

basis of cubic yards shall do so in accordance with division (A) 53766
of this section. 53767

The fee levied under division (B)(1) of this section shall be 53768
not less than one dollar per ton nor more than two dollars per 53769
ton, the fee levied under division (B)(2) of this section shall be 53770
not less than two dollars per ton nor more than four dollars per 53771
ton, and the fee levied under division (B)(3) of this section 53772
shall be not more than the fee levied under division (B)(1) of 53773
this section. 53774

Prior to the approval of the solid waste management plan of a 53775
district under section 3734.55 of the Revised Code, the solid 53776
waste management policy committee of a district may levy fees 53777
under this division by adopting a resolution establishing the 53778
proposed amount of the fees. Upon adopting the resolution, the 53779
committee shall deliver a copy of the resolution to the board of 53780
county commissioners of each county forming the district and to 53781
the legislative authority of each municipal corporation and 53782
township under the jurisdiction of the district and shall prepare 53783
and publish the resolution and a notice of the time and location 53784
where a public hearing on the fees will be held. Upon adopting the 53785
resolution, the committee shall deliver written notice of the 53786
adoption of the resolution; of the amount of the proposed fees; 53787
and of the date, time, and location of the public hearing to the 53788
director and to the fifty industrial, commercial, or institutional 53789
generators of solid wastes within the district that generate the 53790
largest quantities of solid wastes, as determined by the 53791
committee, and to their local trade associations. The committee 53792
shall make good faith efforts to identify those generators within 53793
the district and their local trade associations, but the 53794
nonprovision of notice under this division to a particular 53795
generator or local trade association does not invalidate the 53796
proceedings under this division. The publication shall occur at 53797

least thirty days before the hearing. After the hearing, the 53798
committee may make such revisions to the proposed fees as it 53799
considers appropriate and thereafter, by resolution, shall adopt 53800
the revised fee schedule. Upon adopting the revised fee schedule, 53801
the committee shall deliver a copy of the resolution doing so to 53802
the board of county commissioners of each county forming the 53803
district and to the legislative authority of each municipal 53804
corporation and township under the jurisdiction of the district. 53805
Within sixty days after the delivery of a copy of the resolution 53806
adopting the proposed revised fees by the policy committee, each 53807
such board and legislative authority, by ordinance or resolution, 53808
shall approve or disapprove the revised fees and deliver a copy of 53809
the ordinance or resolution to the committee. If any such board or 53810
legislative authority fails to adopt and deliver to the policy 53811
committee an ordinance or resolution approving or disapproving the 53812
revised fees within sixty days after the policy committee 53813
delivered its resolution adopting the proposed revised fees, it 53814
shall be conclusively presumed that the board or legislative 53815
authority has approved the proposed revised fees. The committee 53816
shall determine if the resolution has been ratified in the same 53817
manner in which it determines if a draft solid waste management 53818
plan has been ratified under division (B) of section 3734.55 of 53819
the Revised Code. 53820

The committee may amend the schedule of fees levied pursuant 53821
to a resolution adopted and ratified under this division by 53822
adopting a resolution establishing the proposed amount of the 53823
amended fees. The committee may repeal the fees levied pursuant to 53824
such a resolution by adopting a resolution proposing to repeal 53825
them. Upon adopting such a resolution, the committee shall proceed 53826
to obtain ratification of the resolution in accordance with this 53827
division. 53828

Not later than fourteen days after declaring the new fees to 53829

be ratified or the fees to be repealed under this division, the 53830
committee shall notify by certified mail the owner or operator of 53831
each solid waste disposal facility that is required to collect the 53832
fees of the ratification and the amount of the fees or of the 53833
repeal of the fees. Collection of any fees shall commence or 53834
collection of repealed fees shall cease on the first day of the 53835
second month following the month in which notification is sent to 53836
the owner or operator. 53837

Fees levied under this division also may be established, 53838
amended, or repealed by a solid waste management policy committee 53839
through the adoption of a new district solid waste management 53840
plan, the adoption of an amended plan, or the amendment of the 53841
plan or amended plan in accordance with sections 3734.55 and 53842
3734.56 of the Revised Code or the adoption or amendment of a 53843
district plan in connection with a change in district composition 53844
under section 3734.521 of the Revised Code. 53845

Not later than fourteen days after the director issues an 53846
order approving a district's solid waste management plan, amended 53847
plan, or amendment to a plan or amended plan that establishes, 53848
amends, or repeals a schedule of fees levied by the district, the 53849
committee shall notify by certified mail the owner or operator of 53850
each solid waste disposal facility that is required to collect the 53851
fees of the approval of the plan or amended plan, or the amendment 53852
to the plan, as appropriate, and the amount of the fees, if any. 53853
In the case of an initial or amended plan approved under section 53854
3734.521 of the Revised Code in connection with a change in 53855
district composition, other than one involving the withdrawal of a 53856
county from a joint district, the committee, within fourteen days 53857
after the change takes effect pursuant to division (G) of that 53858
section, shall notify by certified mail the owner or operator of 53859
each solid waste disposal facility that is required to collect the 53860
fees that the change has taken effect and of the amount of the 53861

fees, if any. Collection of any fees shall commence or collection 53862
of repealed fees shall cease on the first day of the second month 53863
following the month in which notification is sent to the owner or 53864
operator. 53865

If, in the case of a change in district composition involving 53866
the withdrawal of a county from a joint district, the director 53867
completes the actions required under division (G)(1) or (3) of 53868
section 3734.521 of the Revised Code, as appropriate, forty-five 53869
days or more before the beginning of a calendar year, the policy 53870
committee of each of the districts resulting from the change that 53871
obtained the director's approval of an initial or amended plan in 53872
connection with the change, within fourteen days after the 53873
director's completion of the required actions, shall notify by 53874
certified mail the owner or operator of each solid waste disposal 53875
facility that is required to collect the district's fees that the 53876
change is to take effect on the first day of January immediately 53877
following the issuance of the notice and of the amount of the fees 53878
or amended fees levied under divisions (B)(1) to (3) of this 53879
section pursuant to the district's initial or amended plan as so 53880
approved or, if appropriate, the repeal of the district's fees by 53881
that initial or amended plan. Collection of any fees set forth in 53882
such a plan or amended plan shall commence on the first day of 53883
January immediately following the issuance of the notice. If such 53884
an initial or amended plan repeals a schedule of fees, collection 53885
of the fees shall cease on that first day of January. 53886

If, in the case of a change in district composition involving 53887
the withdrawal of a county from a joint district, the director 53888
completes the actions required under division (G)(1) or (3) of 53889
section 3734.521 of the Revised Code, as appropriate, less than 53890
forty-five days before the beginning of a calendar year, the 53891
director, on behalf of each of the districts resulting from the 53892
change that obtained the director's approval of an initial or 53893

amended plan in connection with the change proceedings, shall 53894
notify by certified mail the owner or operator of each solid waste 53895
disposal facility that is required to collect the district's fees 53896
that the change is to take effect on the first day of January 53897
immediately following the mailing of the notice and of the amount 53898
of the fees or amended fees levied under divisions (B)(1) to (3) 53899
of this section pursuant to the district's initial or amended plan 53900
as so approved or, if appropriate, the repeal of the district's 53901
fees by that initial or amended plan. Collection of any fees set 53902
forth in such a plan or amended plan shall commence on the first 53903
day of the second month following the month in which notification 53904
is sent to the owner or operator. If such an initial or amended 53905
plan repeals a schedule of fees, collection of the fees shall 53906
cease on the first day of the second month following the month in 53907
which notification is sent to the owner or operator. 53908

If the schedule of fees that a solid waste management 53909
district is levying under divisions (B)(1) to (3) of this section 53910
is amended or repealed, the fees in effect immediately prior to 53911
the amendment or repeal shall continue to be collected until 53912
collection of the amended fees commences or collection of the 53913
repealed fees ceases, as applicable, as specified in this 53914
division. In the case of a change in district composition, money 53915
so received from the collection of the fees of the former 53916
districts shall be divided among the resulting districts in 53917
accordance with division (B) of section 343.012 of the Revised 53918
Code and the agreements entered into under division (B) of section 53919
343.01 of the Revised Code to establish the former and resulting 53920
districts and any amendments to those agreements. 53921

For the purposes of the provisions of division (B) of this 53922
section establishing the times when newly established or amended 53923
fees levied by a district are required to commence and the 53924
collection of fees that have been amended or repealed is required 53925

to cease, "fees" or "schedule of fees" includes, in addition to 53926
fees levied under divisions (B)(1) to (3) of this section, those 53927
levied under section 3734.573 or 3734.574 of the Revised Code. 53928

(C) For the purposes of defraying the added costs to a 53929
municipal corporation or township of maintaining roads and other 53930
public facilities and of providing emergency and other public 53931
services, and compensating a municipal corporation or township for 53932
reductions in real property tax revenues due to reductions in real 53933
property valuations resulting from the location and operation of a 53934
solid waste disposal facility within the municipal corporation or 53935
township, a municipal corporation or township in which such a 53936
solid waste disposal facility is located may levy a fee of not 53937
more than twenty-five cents per ton on the disposal of solid 53938
wastes at a solid waste disposal facility located within the 53939
boundaries of the municipal corporation or township regardless of 53940
where the wastes were generated. 53941

The legislative authority of a municipal corporation or 53942
township may levy fees under this division by enacting an 53943
ordinance or adopting a resolution establishing the amount of the 53944
fees. Upon so doing the legislative authority shall mail a 53945
certified copy of the ordinance or resolution to the board of 53946
county commissioners or directors of the county or joint solid 53947
waste management district in which the municipal corporation or 53948
township is located or, if a regional solid waste management 53949
authority has been formed under section 343.011 of the Revised 53950
Code, to the board of trustees of that regional authority, the 53951
owner or operator of each solid waste disposal facility in the 53952
municipal corporation or township that is required to collect the 53953
fee by the ordinance or resolution, and the director of 53954
environmental protection. Although the fees levied under this 53955
division are levied on the basis of tons as the unit of 53956
measurement, the legislative authority, in its ordinance or 53957

resolution levying the fees under this division, may direct that 53958
the fees be levied on the basis of cubic yards as the unit of 53959
measurement based upon a conversion factor of three cubic yards 53960
per ton generally or one cubic yard per ton for baled wastes. 53961

Not later than five days after enacting an ordinance or 53962
adopting a resolution under this division, the legislative 53963
authority shall so notify by certified mail the owner or operator 53964
of each solid waste disposal facility that is required to collect 53965
the fee. Collection of any fee levied on or after March 24, 1992, 53966
shall commence on the first day of the second month following the 53967
month in which notification is sent to the owner or operator. 53968

(D)(1) The fees levied under divisions (A), (B), and (C) of 53969
this section do not apply to the disposal of solid wastes that: 53970

(a) Are disposed of at a facility owned by the generator of 53971
the wastes when the solid waste facility exclusively disposes of 53972
solid wastes generated at one or more premises owned by the 53973
generator regardless of whether the facility is located on a 53974
premises where the wastes are generated; 53975

(b) Are generated from the combustion of coal, or from the 53976
combustion of primarily coal, regardless of whether the disposal 53977
facility is located on the premises where the wastes are 53978
generated; 53979

(c) Are asbestos or asbestos-containing materials or products 53980
disposed of at a construction and demolition debris facility that 53981
is licensed under Chapter 3714. of the Revised Code or at a solid 53982
waste facility that is licensed under this chapter. 53983

(2) Except as provided in section 3734.571 of the Revised 53984
Code, any fees levied under division (B)(1) of this section apply 53985
to solid wastes originating outside the boundaries of a county or 53986
joint district that are covered by an agreement for the joint use 53987
of solid waste facilities entered into under section 343.02 of the 53988

Revised Code by the board of county commissioners or board of 53989
directors of the county or joint district where the wastes are 53990
generated and disposed of. 53991

(3) When solid wastes, other than solid wastes that consist 53992
of scrap tires, are burned in a disposal facility that is an 53993
incinerator or energy recovery facility, the fees levied under 53994
divisions (A), (B), and (C) of this section shall be levied upon 53995
the disposal of the fly ash and bottom ash remaining after burning 53996
of the solid wastes and shall be collected by the owner or 53997
operator of the sanitary landfill where the ash is disposed of. 53998

(4) When solid wastes are delivered to a solid waste transfer 53999
facility, the fees levied under divisions (B) and (C) of this 54000
section shall be levied upon the disposal of solid wastes 54001
transported off the premises of the transfer facility for disposal 54002
and shall be collected by the owner or operator of the solid waste 54003
disposal facility where the wastes are disposed of. 54004

(5) The fees levied under divisions (A), (B), and (C) of this 54005
section do not apply to sewage sludge that is generated by a waste 54006
water treatment facility holding a national pollutant discharge 54007
elimination system permit and that is disposed of through 54008
incineration, land application, or composting or at another 54009
resource recovery or disposal facility that is not a landfill. 54010

(6) The fees levied under divisions (A), (B), and (C) of this 54011
section do not apply to solid wastes delivered to a solid waste 54012
composting facility for processing. When any unprocessed solid 54013
waste or compost product is transported off the premises of a 54014
composting facility and disposed of at a landfill, the fees levied 54015
under divisions (A), (B), and (C) of this section shall be 54016
collected by the owner or operator of the landfill where the 54017
unprocessed waste or compost product is disposed of. 54018

(7) When solid wastes that consist of scrap tires are 54019

processed at a scrap tire recovery facility, the fees levied under 54020
divisions (A), (B), and (C) of this section shall be levied upon 54021
the disposal of the fly ash and bottom ash or other solid wastes 54022
remaining after the processing of the scrap tires and shall be 54023
collected by the owner or operator of the solid waste disposal 54024
facility where the ash or other solid wastes are disposed of. 54025

(8) The director of environmental protection may issue an 54026
order exempting from the fees levied under this section solid 54027
wastes, including, but not limited to, scrap tires, that are 54028
generated, transferred, or disposed of as a result of a contract 54029
providing for the expenditure of public funds entered into by the 54030
administrator or regional administrator of the United States 54031
environmental protection agency, the director of environmental 54032
protection, or the director of administrative services on behalf 54033
of the director of environmental protection for the purpose of 54034
remediating conditions at a hazardous waste facility, solid waste 54035
facility, or other location at which the administrator or regional 54036
administrator or the director of environmental protection has 54037
reason to believe that there is a substantial threat to public 54038
health or safety or the environment or that the conditions are 54039
causing or contributing to air or water pollution or soil 54040
contamination. An order issued by the director of environmental 54041
protection under division (D)(8) of this section shall include a 54042
determination that the amount of the fees not received by a solid 54043
waste management district as a result of the order will not 54044
adversely impact the implementation and financing of the 54045
district's approved solid waste management plan and any approved 54046
amendments to the plan. Such an order is a final action of the 54047
director of environmental protection. 54048

(E) The fees levied under divisions (B) and (C) of this 54049
section shall be collected by the owner or operator of the solid 54050
waste disposal facility where the wastes are disposed of as a 54051

trustee for the county or joint district and municipal corporation 54052
or township where the wastes are disposed of. Moneys from the fees 54053
levied under division (B) of this section shall be forwarded to 54054
the board of county commissioners or board of directors of the 54055
district in accordance with rules adopted under division (H) of 54056
this section. Moneys from the fees levied under division (C) of 54057
this section shall be forwarded to the treasurer or such other 54058
officer of the municipal corporation as, by virtue of the charter, 54059
has the duties of the treasurer or to the fiscal officer of the 54060
township, as appropriate, in accordance with those rules. 54061

(F) Moneys received by the treasurer or other officer of the 54062
municipal corporation under division (E) of this section shall be 54063
paid into the general fund of the municipal corporation. Moneys 54064
received by the fiscal officer of the township under that division 54065
shall be paid into the general fund of the township. The treasurer 54066
or other officer of the municipal corporation or the township 54067
fiscal officer, as appropriate, shall maintain separate records of 54068
the moneys received from the fees levied under division (C) of 54069
this section. 54070

(G) Moneys received by the board of county commissioners or 54071
board of directors under division (E) of this section or section 54072
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 54073
shall be paid to the county treasurer, or other official acting in 54074
a similar capacity under a county charter, in a county district or 54075
to the county treasurer or other official designated by the board 54076
of directors in a joint district and kept in a separate and 54077
distinct fund to the credit of the district. If a regional solid 54078
waste management authority has been formed under section 343.011 54079
of the Revised Code, moneys received by the board of trustees of 54080
that regional authority under division (E) of this section shall 54081
be kept by the board in a separate and distinct fund to the credit 54082
of the district. Moneys in the special fund of the county or joint 54083

district arising from the fees levied under division (B) of this 54084
section and the fee levied under division (A) of section 3734.573 54085
of the Revised Code shall be expended by the board of county 54086
commissioners or directors of the district in accordance with the 54087
district's solid waste management plan or amended plan approved 54088
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 54089
exclusively for the following purposes: 54090

(1) Preparation of the solid waste management plan of the 54091
district under section 3734.54 of the Revised Code, monitoring 54092
implementation of the plan, and conducting the periodic review and 54093
amendment of the plan required by section 3734.56 of the Revised 54094
Code by the solid waste management policy committee; 54095

(2) Implementation of the approved solid waste management 54096
plan or amended plan of the district, including, without 54097
limitation, the development and implementation of solid waste 54098
recycling or reduction programs; 54099

(3) Providing financial assistance to boards of health within 54100
the district, if solid waste facilities are located within the 54101
district, for enforcement of this chapter and rules, orders, and 54102
terms and conditions of permits, licenses, and variances adopted 54103
or issued under it, other than the hazardous waste provisions of 54104
this chapter and rules adopted and orders and terms and conditions 54105
of permits issued under those provisions; 54106

(4) Providing financial assistance to each county within the 54107
district to defray the added costs of maintaining roads and other 54108
public facilities and of providing emergency and other public 54109
services resulting from the location and operation of a solid 54110
waste facility within the county under the district's approved 54111
solid waste management plan or amended plan; 54112

(5) Pursuant to contracts entered into with boards of health 54113
within the district, if solid waste facilities contained in the 54114

district's approved plan or amended plan are located within the 54115
district, for paying the costs incurred by those boards of health 54116
for collecting and analyzing samples from public or private water 54117
wells on lands adjacent to those facilities; 54118

(6) Developing and implementing a program for the inspection 54119
of solid wastes generated outside the boundaries of this state 54120
that are disposed of at solid waste facilities included in the 54121
district's approved solid waste management plan or amended plan; 54122

(7) Providing financial assistance to boards of health within 54123
the district for the enforcement of section 3734.03 of the Revised 54124
Code or to local law enforcement agencies having jurisdiction 54125
within the district for enforcing anti-littering laws and 54126
ordinances; 54127

(8) Providing financial assistance to boards of health of 54128
health districts within the district that are on the approved list 54129
under section 3734.08 of the Revised Code to defray the costs to 54130
the health districts for the participation of their employees 54131
responsible for enforcement of the solid waste provisions of this 54132
chapter and rules adopted and orders and terms and conditions of 54133
permits, licenses, and variances issued under those provisions in 54134
the training and certification program as required by rules 54135
adopted under division (L) of section 3734.02 of the Revised Code; 54136

(9) Providing financial assistance to individual municipal 54137
corporations and townships within the district to defray their 54138
added costs of maintaining roads and other public facilities and 54139
of providing emergency and other public services resulting from 54140
the location and operation within their boundaries of a 54141
composting, energy or resource recovery, incineration, or 54142
recycling facility that either is owned by the district or is 54143
furnishing solid waste management facility or recycling services 54144
to the district pursuant to a contract or agreement with the board 54145
of county commissioners or directors of the district; 54146

(10) Payment of any expenses that are agreed to, awarded, or 54147
ordered to be paid under section 3734.35 of the Revised Code and 54148
of any administrative costs incurred pursuant to that section. In 54149
the case of a joint solid waste management district, if the board 54150
of county commissioners of one of the counties in the district is 54151
negotiating on behalf of affected communities, as defined in that 54152
section, in that county, the board shall obtain the approval of 54153
the board of directors of the district in order to expend moneys 54154
for administrative costs incurred. 54155

Prior to the approval of the district's solid waste 54156
management plan under section 3734.55 of the Revised Code, moneys 54157
in the special fund of the district arising from the fees shall be 54158
expended for those purposes in the manner prescribed by the solid 54159
waste management policy committee by resolution. 54160

Notwithstanding division (G)(6) of this section as it existed 54161
prior to October 29, 1993, or any provision in a district's solid 54162
waste management plan prepared in accordance with division 54163
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 54164
prior to that date, any moneys arising from the fees levied under 54165
division (B)(3) of this section prior to January 1, 1994, may be 54166
expended for any of the purposes authorized in divisions (G)(1) to 54167
(10) of this section. 54168

(H) The director shall adopt rules in accordance with Chapter 54169
119. of the Revised Code prescribing procedures for collecting and 54170
forwarding the fees levied under divisions (B) and (C) of this 54171
section to the boards of county commissioners or directors of 54172
county or joint solid waste management districts and to the 54173
treasurers or other officers of municipal corporations and the 54174
fiscal officers of townships. The rules also shall prescribe the 54175
dates for forwarding the fees to the boards and officials and may 54176
prescribe any other requirements the director considers necessary 54177
or appropriate to implement and administer divisions (A), (B), and 54178

(C) of this section.	54179
Sec. 3734.576. (A) As used in this section:	54180
(1) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded materials for the purpose of recovering and reusing the materials.	54181 54182 54183
(2) "Automotive shredder residue" means the nonrecyclable residue that is generated as a direct result of processing automobiles, appliances, sheet steel, and other ferrous and nonferrous scrap metals through a hammermill shredder for purposes of recycling and that meets all of the following requirements:	54184 54185 54186 54187 54188
(a) The residue is solid waste.	54189
(b) The residue is not hazardous waste.	54190
(e) <u>(b)</u> The residue created during the recycling process comprises not more than thirty-five per cent of the total weight of material that is processed for recycling.	54191 54192 54193
(d) <u>(c)</u> The residue is generated by processing recycled materials that are to be sold, used, or reused within ninety days of the time when the material is processed.	54194 54195 54196
(B) <u>Automotive shredder residue is not solid waste as defined in section 3734.01 of the Revised Code and is exempt from solid waste fees otherwise applicable under sections 3734.57 and 3734.573 of the Revised Code if both of the following apply:</u>	54197 54198 54199 54200
<u>(1) The automotive shredder residue conforms to specifications that result in a residue of a uniform consistency resembling dirt or mulch;</u>	54201 54202 54203
<u>(2) The particulate pieces that make up the residue do not exceed three inches in diameter.</u>	54204 54205
<u>(C) Automotive shredder residue that does not comply with division (B) of this section is solid waste as defined in section</u>	54206 54207

3734.01 of the Revised Code and is not exempt from solid waste fees applicable under sections 3734.57 and 3734.573 of the Revised Code. 54208
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(D) Automotive shredder residue that complies with division (B) of this section may be used as daily cover, as defined in rules adopted under Chapter 3745. of the Revised Code, if the residue provides protection comparable to six inches of soil. 54211
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(E)(1) The solid waste management policy committee of a solid waste management district that is levying a solid waste generation fee under section 3734.573 of the Revised Code may adopt a resolution exempting automotive shredder residue that does not comply with division (B) of this section from that fee without the necessity for ratification of the resolution or may include the exemption in an amended solid waste management plan of the district adopted under section 3734.56 of the Revised Code at the time when adoption of an amended plan is required. Not later than seven days after the adoption of such a resolution or the approval of an amended plan, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility or transfer facility that is required to collect generation fees on behalf of the district of the exemption. The exemption shall take effect on the first day of the first month following the month in which notification is sent to each disposal facility and transfer facility, as applicable. 54215
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The policy committee of a solid waste management district may establish procedures and requirements, including record-keeping procedures and requirements, that are necessary for the administration and enforcement of an exemption established under division ~~(B)~~(E)(1) of this section. 54232
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(2) If the policy committee of a solid waste management district has adopted a resolution under division ~~(B)~~(E)(1) of this section and the committee seeks to continue exempting automotive 54237
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54239

shredder residue that does not comply with division (B) of this section from the district's generation fee at the time when the district is required to adopt an amended solid waste management plan under section 3734.56 of the Revised Code, the committee shall include the exemption in the amended plan of the district. If the exemption is not included in the amended plan of the district, the exemption shall expire and shall cease to apply as provided in division ~~(C)~~(F) of this section.

~~(C)~~(F) If the policy committee of a solid waste management district seeks to eliminate an exemption of automotive shredder residue that does not comply with division (B) of this section from the district's generation fee that was established under division ~~(B)~~(E)(1) of this section, the committee shall adopt a resolution eliminating the exemption without the necessity for ratification of the resolution. After adoption of the resolution and if the district has included the exemption in its amended solid waste management plan in accordance with either division ~~(B)~~(E)(1) or (2) of this section, the committee shall subsequently amend the plan to reflect the elimination of the exemption at the time when the adoption of an amended plan is required under section 3734.56 of the Revised Code.

Upon expiration of the exemption or adoption of a resolution eliminating the exemption, the policy committee shall notify by certified mail the owner or operator of each solid waste disposal facility or transfer facility that is required to collect generation fees on behalf of the district of the expiration or elimination of the exemption, as applicable. The exemption shall cease to apply on the first day of the first month following the month in which notification is sent to each disposal facility and transfer facility, as applicable.

Sec. 3734.82. (A) The annual fee for a scrap tire recovery

facility license issued under section 3734.81 of the Revised Code		54271
shall be in accordance with the following schedule:		54272
Daily Design	Annual	54273
Input Capacity	License	54274
(Tons)	Fee	54275
1 or less	\$ 100	54276
2 to 25	500	54277
26 to 50	1,000	54278
51 to 100	1,500	54279
101 to 200	2,500	54280
201 to 500	3,500	54281
501 or more	5,500	54282

For the purpose of determining the applicable license fee 54283
under this division, the daily design input capacity shall be the 54284
quantity of scrap tires the facility is designed to process daily 54285
as set forth in the registration certificate or permit for the 54286
facility, and any modifications to the permit, if applicable, 54287
issued under section 3734.78 of the Revised Code. 54288

(B) The annual fee for a scrap tire monocell or monofill 54289
facility license shall be in accordance with the following 54290
schedule: 54291

Authorized Maximum	Annual	54292
Daily Waste Receipt	License	54293
(Tons)	Fee	54294
100 or less	\$ 5,000	54295
101 to 200	12,500	54296
201 to 500	30,000	54297
501 or more	60,000	54298

For the purpose of determining the applicable license fee 54299
under this division, the authorized maximum daily waste receipt 54300
shall be the maximum amount of scrap tires the facility is 54301
authorized to receive daily that is established in the permit for 54302

the facility, and any modification to that permit, issued under 54303
section 3734.77 of the Revised Code. 54304

(C)(1) Except as otherwise provided in division (C)(2) of 54305
this section, the annual fee for a scrap tire storage facility 54306
license shall equal one thousand dollars times the number of acres 54307
on which scrap tires are to be stored at the facility during the 54308
license year, as set forth on the application for the annual 54309
license, except that the total annual license fee for any such 54310
facility shall not exceed three thousand dollars. 54311

(2) The annual fee for a scrap tire storage facility license 54312
for a storage facility that is owned or operated by a motor 54313
vehicle salvage dealer licensed under Chapter 4738. of the Revised 54314
Code is one hundred dollars. 54315

(D)(1) Except as otherwise provided in division (D)(2) of 54316
this section, the annual fee for a scrap tire collection facility 54317
license is two hundred dollars. 54318

(2) The annual fee for a scrap tire collection facility 54319
license for a collection facility that is owned or operated by a 54320
motor vehicle salvage dealer licensed under Chapter 4738. of the 54321
Revised Code is fifty dollars. 54322

(E) Except as otherwise provided in divisions (C)(2) and 54323
(D)(2) of this section, the same fees apply to private operators 54324
and to the state and its political subdivisions and shall be paid 54325
within thirty days after the issuance of a license. The fees 54326
include the cost of licensing, all inspections, and other costs 54327
associated with the administration of the scrap tire provisions of 54328
this chapter and rules adopted under them. Each license shall 54329
specify that it is conditioned upon payment of the applicable fee 54330
to the board of health or the director of environmental 54331
protection, as appropriate, within thirty days after the issuance 54332
of the license. 54333

(F) The board of health shall retain fifteen thousand dollars 54334
of each license fee collected by the board under division (B) of 54335
this section, or the entire amount of any such fee that is less 54336
than fifteen thousand dollars, and the entire amount of each 54337
license fee collected by the board under divisions (A), (C), and 54338
(D) of this section. The moneys retained shall be paid into a 54339
special fund, which is hereby created in each health district, and 54340
used solely to administer and enforce the scrap tire provisions of 54341
this chapter and rules adopted under them. The remainder, if any, 54342
of each license fee collected by the board under division (B) of 54343
this section shall be transmitted to the director within 54344
forty-five days after receipt of the fee. 54345

(G) The director shall transmit the moneys received by the 54346
director from license fees collected under division (B) of this 54347
section to the treasurer of state to be credited to the scrap tire 54348
management fund, which is hereby created in the state treasury. 54349
The fund shall consist of all federal moneys received by the 54350
environmental protection agency for the scrap tire management 54351
program; all grants, gifts, and contributions made to the director 54352
for that program; and all other moneys that may be provided by law 54353
for that program. The director shall use moneys in the fund as 54354
follows: 54355

(1) Expend amounts determined necessary by the director to 54356
implement, administer, and enforce the scrap tire provisions of 54357
this chapter and rules adopted under them; 54358

(2) During each fiscal year, if the director of environmental 54359
protection determines it to be appropriate and advisable, request 54360
the director of budget and management to, and the director of 54361
budget and management ~~shall~~ may, transfer up to one million 54362
dollars to the scrap tire grant fund created in section 3734.822 54363
of the Revised Code for supporting market development activities 54364
for scrap tires and synthetic rubber from tire manufacturing 54365

processes and tire recycling processes. In addition, during a 54366
fiscal year, the director of environmental protection may request 54367
the director of budget and management to, and the director of 54368
budget and management shall, transfer up to an additional five 54369
hundred thousand dollars to the scrap tire grant fund for scrap 54370
tire amnesty events and scrap tire cleanup events. 54371

(3) After the expenditures and transfers are made under 54372
divisions (G)(1) and (2) of this section, expend the balance of 54373
the money in the scrap tire management fund remaining in each 54374
fiscal year to conduct removal actions under section 3734.85 of 54375
the Revised Code and to provide grants to boards of health under 54376
section 3734.042 of the Revised Code. 54377

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 54378
defray the cost of administering and enforcing the scrap tire 54379
provisions of this chapter, rules adopted under those provisions, 54380
and terms and conditions of orders, variances, and licenses issued 54381
under those provisions; to abate accumulations of scrap tires; to 54382
make grants supporting market development activities for scrap 54383
tires and synthetic rubber from tire manufacturing processes and 54384
tire recycling processes and to support scrap tire amnesty and 54385
cleanup events; to make loans to promote the recycling or recovery 54386
of energy from scrap tires; and to defray the costs of 54387
administering and enforcing sections 3734.90 to 3734.9014 of the 54388
Revised Code, a fee of fifty cents per tire is hereby levied on 54389
the sale of tires. The proceeds of the fee shall be deposited in 54390
the state treasury to the credit of the scrap tire management fund 54391
created in section 3734.82 of the Revised Code. The fee is levied 54392
from the first day of the calendar month that begins next after 54393
thirty days from October 29, 1993, through June 30, ~~2018~~ 2020. 54394

(2) Beginning on July 1, 2011, and ending on June 30, ~~2018~~ 54395
2020, there is hereby levied an additional fee of fifty cents per 54396

tire on the sale of tires the proceeds of which shall be deposited 54397
in the state treasury to the credit of the soil and water 54398
conservation district assistance fund created in section 940.15 of 54399
the Revised Code. 54400

(B) Only one sale of the same article shall be used in 54401
computing the amount of the fee due. 54402

Sec. 3734.9011. (A) No wholesale distributor or other person 54403
shall sell tires to a retail dealer within this state, and no 54404
retail dealer or other person shall import or otherwise acquire 54405
tires for sale at retail within this state from a person who is 54406
not a registered wholesale distributor, without having a 54407
registration therefor. 54408

(B) Each wholesale distributor and each retail dealer 54409
required to be registered under division (A) of this section shall 54410
apply for registration ~~on or before the date that is two months~~ 54411
~~after the effective date of this section, or~~ on or before the 54412
first day of doing business that ~~required~~ requires the 54413
registration. The application shall be filed with the tax 54414
commissioner, in a form and providing such information as 54415
prescribed by the commissioner. The commissioner shall assign an 54416
account number to each registration and shall so notify the 54417
registrant. ~~The~~ An unrevoked registration shall remain in effect 54418
until canceled by the wholesale distributor or retail dealer upon 54419
the cessation of business. 54420

(C) The tax commissioner shall not accept a registration 54421
under division (B) of this section or may suspend or revoke the 54422
registration of a wholesale distributor or retail dealer if the 54423
wholesale distributor or retail dealer has failed to file any 54424
returns, submit any information, or pay any outstanding taxes, 54425
charges, or fees as required for any tax, charge, or fee 54426
administered by the commissioner, to the extent that the 54427

commissioner is aware of such failure at the time of the 54428
application. 54429

Sec. 3735.31. A metropolitan housing authority created under 54430
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 54431
corporate and politic. Nothing in this chapter shall limit the 54432
authority of a metropolitan housing authority, or a nonprofit 54433
corporation formed by a metropolitan housing authority to carry 54434
out its functions, to compete for and perform federal housing 54435
contracts or grants within or outside this state. To clear, plan, 54436
and rebuild slum areas within the district in which the authority 54437
is created, to provide safe and sanitary housing accommodations to 54438
families of low income within that district, or to accomplish any 54439
combination of the foregoing purposes, the authority may do any of 54440
the following: 54441

(A) Sue and be sued; have a seal; have corporate succession; 54442
receive grants from state, federal, or other governments, or from 54443
private sources; conduct investigations into housing and living 54444
conditions; enter any buildings or property in order to conduct 54445
its investigations; conduct examinations, subpoena, and require 54446
the attendance of witnesses and the production of books and 54447
papers; issue commissions for the examination of witnesses who are 54448
out of the state or unable to attend before the authority or 54449
excused from attendance; and in connection with these powers, any 54450
member of the authority may administer oaths, take affidavits, and 54451
issue subpoenas; 54452

(B) Determine what areas constitute slum areas, and prepare 54453
plans for housing or other projects in those areas; purchase, 54454
lease, sell, exchange, transfer, assign, or mortgage any property, 54455
real or personal, or any interest in that property, or acquire the 54456
same by gift, bequest, or eminent domain; own, hold, clear, and 54457
improve property; provide and set aside housing projects, or 54458

dwelling units comprising portions of housing projects, designed 54459
especially for the use of families, the head of which or the 54460
spouse of which is sixty-five years of age or older; engage in, or 54461
contract for, the construction, reconstruction, alteration, or 54462
repair, or both, of any housing project or part of any housing 54463
project; include in any contract let in connection with a project, 54464
stipulations requiring that the contractor and any subcontractors 54465
comply with requirements as to minimum wages and maximum hours of 54466
labor, and comply with any conditions that the federal government 54467
has attached to its financial aid of the project; lease or 54468
operate, or both, any project, and establish or revise schedules 54469
of rents for any projects or part of any project; arrange with the 54470
county or municipal corporations, or both, for the planning and 54471
replanning of streets, alleys, and other public places or 54472
facilities in connection with any area or project; borrow money 54473
upon its notes, debentures, or other evidences of indebtedness, 54474
and secure the same by mortgages upon property held or to be held 54475
by it, or by pledge of its revenues, or in any other manner; 54476
invest any funds held in reserves or sinking funds or not required 54477
for immediate disbursements; enter into a shared service agreement 54478
with another metropolitan housing authority; execute contracts and 54479
all other instruments necessary or convenient to the exercise of 54480
the powers granted in this section; make, amend, and repeal bylaws 54481
and rules to carry into effect its powers and purposes; 54482

(C) Borrow money or accept grants or other financial 54483
assistance from the federal government for or in aid of any 54484
housing project within its territorial limits; take over or lease 54485
or manage any housing project or undertaking constructed or owned 54486
by the federal government; comply with any conditions and enter 54487
into any mortgages, trust indentures, leases, or agreements that 54488
are necessary, convenient, or desirable; 54489

(D) Subject to section 3735.311 of the Revised Code, employ a 54490

police force to protect the lives and property of the residents of 54491
housing projects within the district, to preserve the peace in the 54492
housing projects, and to enforce the laws, ordinances, and 54493
regulations of this state and its political subdivisions in the 54494
housing projects and, when authorized by law, outside the limits 54495
of the housing projects. 54496

(E) Enter into an agreement with a county, municipal 54497
corporation, or township in whose jurisdiction the metropolitan 54498
housing authority is located that permits metropolitan housing 54499
authority police officers employed under division (D) of this 54500
section to exercise full arrest powers as provided in section 54501
2935.03 of the Revised Code, perform any police function, exercise 54502
any police power, or render any police service within specified 54503
areas of the county, municipal corporation, or township for the 54504
purpose of preserving the peace and enforcing all laws of the 54505
state, ordinances of the municipal corporation, or regulations of 54506
the township. 54507

Sec. 3735.33. Any two or more metropolitan housing 54508
authorities created under sections 3735.27 to 3735.50, ~~inclusive,~~ 54509
of the Revised Code, may join or cooperate with one another in the 54510
exercise, either jointly or otherwise, of any or all of their 54511
powers relative to the purpose of financing as provided in 54512
sections 3735.31 and 3735.45 to 3735.49, ~~inclusive,~~ of the Revised 54513
Code. The moneys received from such joint or cooperative financing 54514
may be used for planning, undertaking, owning, constructing, 54515
operating, or contracting with respect to a housing project or 54516
projects located within the area of operation of any one or more 54517
of the authorities. An authority may by resolution prescribe and 54518
authorize any other authority or authorities, joining or 54519
cooperating with it, to act on its behalf with respect to any or 54520
all powers relative to the purpose of financing, as its agent or 54521
otherwise, in the name of the authority or authorities so joining 54522

or cooperating, or in its own name. 54523

Any two or more metropolitan housing authorities created 54524
under sections 3735.27 to 3735.50 of the Revised Code may enter 54525
into a shared service agreement. 54526

Sec. 3735.40. As used in sections 3735.27, 3735.31, and 54527
3735.40 to 3735.50 of the Revised Code: 54528

(A) "Federal government" includes the United States, the 54529
federal works administrator, or any other agency or 54530
instrumentality, corporate or otherwise, of the United States. 54531

(B) "Slum" has the meaning defined in section 1.08 of the 54532
Revised Code. 54533

(C) "Housing project" or "project" means any of the following 54534
works or undertakings: 54535

(1) Demolish, clear, or remove buildings from any slum area. 54536
Such work or undertaking may embrace the adaptation of such area 54537
to public purposes, including parks or other recreational or 54538
community purposes. 54539

(2) Provide decent, safe, and sanitary urban or rural 54540
dwellings, apartments, or other living accommodations for persons 54541
of low income. ~~Such work or undertaking may include~~ 54542

(3) Provide for buildings, land, equipment, facilities, and 54543
other real or personal property for necessary, convenient, or 54544
desirable appurtenances, streets, sewers, water service, parks, 54545
site preparation, gardening, administrative, community, health, 54546
recreational, educational, welfare, commercial, residential, or 54547
other purposes. 54548

~~(3)~~(4) Accomplish a combination of the foregoing. "Housing 54549
project" also may be applied to the planning of the buildings and 54550
improvements, the acquisition of property, the demolition of 54551
existing structures, the construction, reconstruction, alteration, 54552

and repair of the improvements, and all other work in connection 54553
therewith. 54554

(D) "Families of low income" means persons or families who 54555
lack the amount of income which is necessary, as determined by the 54556
metropolitan housing authority undertaking the housing project, to 54557
enable them, without financial assistance, to live in decent, 54558
safe, and sanitary dwellings, without overcrowding. 54559

(E) "Families" means families consisting of two or more 54560
persons, a single person who has attained the age at which an 54561
individual may elect to receive an old age benefit under Title II 54562
of the "Social Security Act" or is under disability as defined in 54563
section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 54564
amended, or the remaining member of a tenant family. 54565

(F) "Families" also means a single person discharged by the 54566
head of a hospital pursuant to section 5122.21 of the Revised Code 54567
after March 10, 1964. 54568

Sec. 3735.41. Except as otherwise provided in section 3735.43 54569
of the Revised Code, in the operation or management of housing 54570
projects a metropolitan housing authority shall observe the 54571
following with respect to rentals and tenant selection: 54572

(A)(1) It shall not ~~accept~~ provide a federally derived rent 54573
subsidy to any person as a tenant in for any dwelling in a housing 54574
project if the persons who would occupy the dwelling have an 54575
aggregate annual net income ~~less such deductions and exemptions~~ 54576
~~therefrom as are authorized by law or the regulations established~~ 54577
~~by the public housing administration which that~~ equals or exceeds 54578
the amount ~~which that~~ the authority determines to be necessary ~~in~~ 54579
~~order~~ to enable such persons to secure do both of the following: 54580

(a) Secure safe, sanitary, and uncongested dwelling 54581
accommodations within the area of operation of the authority ~~and~~ 54582

~~to provide;~~ 54583

(b) Provide an adequate standard of living for themselves. 54584

(2) As used in this division, "aggregate annual net income" 54585
means the aggregate annual income less the deductions and 54586
exemptions from that income authorized by law or regulations 54587
established by the United States department of housing and urban 54588
development. 54589

(B) It may rent or lease the dwelling accommodations therein 54590
only at rentals within the financial reach of persons who lack the 54591
amount of income which it determines, pursuant to division (A) of 54592
this section, to be necessary in order to obtain safe, sanitary, 54593
and uncongested dwelling accommodations within the area of 54594
operation of the authority and to provide an adequate standard of 54595
living. 54596

(C) It may use a federally derived rent subsidy to rent or 54597
lease to a tenant a dwelling consisting of the number of rooms, 54598
but no greater number, which it considers necessary to provide 54599
safe and sanitary accommodations to the proposed occupants 54600
thereof, without overcrowding. 54601

Sections 3735.27 to 3735.50 of the Revised Code do not limit 54602
the power of an authority to vest in a bondholder the right, in 54603
the event of a default by such authority, to take possession of a 54604
housing project or cause the appointment of a receiver thereof or 54605
acquire title thereto through foreclosure proceedings, free from 54606
all the restrictions imposed by such sections. 54607

Sec. 3735.66. The legislative authorities of municipal 54608
corporations and counties may survey the housing within their 54609
jurisdictions and, after the survey, may adopt resolutions 54610
describing the boundaries of community reinvestment areas which 54611
contain the conditions required for the finding under division (B) 54612

of section 3735.65 of the Revised Code. The findings resulting 54613
from the survey shall be incorporated in the resolution describing 54614
the boundaries of an area. The legislative authority may stipulate 54615
in the resolution that only new structures or remodeling 54616
classified as to use as commercial, industrial, or residential, or 54617
some combination thereof, and otherwise satisfying the 54618
requirements of section 3735.67 of the Revised Code are eligible 54619
for exemption from taxation under that section. If the resolution 54620
does not include such a stipulation, all new structures and 54621
remodeling satisfying the requirements of section 3735.67 of the 54622
Revised Code are eligible for exemption from taxation regardless 54623
of classification. Whether or not the resolution includes such a 54624
stipulation, the classification of the structures or remodeling 54625
eligible for exemption in the area shall at all times be 54626
consistent with zoning restrictions applicable to the area. For 54627
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 54628
whether a structure or remodeling composed of multiple units is 54629
classified as commercial or residential shall be determined by 54630
resolution or ordinance of the legislative authority or, in the 54631
absence of such a determination, by the classification of the use 54632
of the structure or remodeling under the applicable zoning 54633
regulations. 54634

If construction or remodeling classified as residential is 54635
eligible for exemption from taxation, the resolution shall specify 54636
a percentage, not to exceed one hundred per cent, of the assessed 54637
valuation of such property to be exempted. The percentage 54638
specified shall apply to all residential construction or 54639
remodeling for which exemption is granted. 54640

The resolution adopted pursuant to this section shall be 54641
published in a newspaper of general circulation in the municipal 54642
corporation, if the resolution is adopted by the legislative 54643
authority of a municipal corporation, or in a newspaper of general 54644

circulation in the county, if the resolution is adopted by the 54645
legislative authority of the county, once a week for two 54646
consecutive weeks or as provided in section 7.16 of the Revised 54647
Code, immediately following its adoption. 54648

Each legislative authority adopting a resolution pursuant to 54649
this section shall designate a housing officer. In addition, each 54650
such legislative authority, not later than ~~fifteen~~ sixty days 54651
after the adoption of the resolution, shall petition the director 54652
of development services for the director to confirm the findings 54653
described in the resolution. The petition shall be accompanied by 54654
a copy of the resolution and by a map of the community 54655
reinvestment area in sufficient detail to denote the specific 54656
boundaries of the area and to indicate zoning restrictions 54657
applicable to the area. The director shall determine whether the 54658
findings contained in the resolution are valid, and whether the 54659
classification of structures or remodeling eligible for exemption 54660
under the resolution is consistent with zoning restrictions 54661
applicable to the area as indicated on the map. Within thirty days 54662
of receiving the petition, the director shall forward the 54663
director's determination to the legislative authority. The 54664
legislative authority or housing officer shall not grant any 54665
exemption from taxation under section 3735.67 of the Revised Code 54666
until the director forwards the director's determination to the 54667
legislative authority. The director shall assign to each community 54668
reinvestment area a unique designation by which the area shall be 54669
identified for purposes of sections 3735.65 to 3735.70 of the 54670
Revised Code. 54671

If zoning restrictions in any part of a community 54672
reinvestment area are changed at any time after the legislative 54673
authority petitions the director under this section, the 54674
legislative authority shall notify the director and shall submit a 54675
map of the area indicating the new zoning restrictions in the 54676

area. 54677

Sec. 3735.661. (A) For the purpose of determining the "first 54678
two amendments" referenced in division (B) of Section 3 of Am. 54679
Sub. S.B. 19 of the 120th general assembly, an amendment means any 54680
modification to an ordinance or resolution adopted under section 54681
3735.66 of the Revised Code that does any of the following: 54682

(1) Expands the geographic size of a community reinvestment 54683
area; 54684

(2) Increases a property's or category of property's exempted 54685
percentage of assessed valuation, notwithstanding the requirements 54686
of section 3735.66 of the Revised Code as that section existed on 54687
July 21, 1994. Division (A)(2) of this section does not authorize 54688
a municipal corporation or county to increase a property's or 54689
category of property's exempted percentage of assessed valuation 54690
pursuant to that section. 54691

(3) Increases the term of any tax exemption or category of 54692
tax exemptions, except as provided in division (B)(6) of this 54693
section; 54694

(4) Extends the duration of a community reinvestment area; 54695

(5) Changes eligibility requirements for receiving tax 54696
exemptions. 54697

(B) For the purpose of determining the "first two amendments" 54698
in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th 54699
general assembly, an amendment does not include any modification 54700
to an ordinance or resolution adopted under section 3735.66 of the 54701
Revised Code that does any of the following: 54702

(1) Restricts the availability of tax exemptions, including 54703
any of the following: 54704

(a) Removes area from or decreases the geographic size of a 54705
community reinvestment area; 54706

(b) Decreases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (B)(1)(b) of this section does not authorize a municipal corporation or county to decrease a property's or category of property's exempted percentage of assessed valuation pursuant to that section.

(c) Decreases the term of any tax exemption or category of exemption;

(d) Shortens the period of time after which the granting of tax exemptions may be terminated.

(2) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;

(3) Recognizes or confirms a previously granted tax exemption;

(4) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;

(5) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code;

(6) Increases the term of tax exemption for remodeling to not more than that authorized by H.B. 463 of the 131st general assembly for an exemption application that has been filed but not yet granted, or has been filed, on or after April 6, 2017, or that is filed on or after any other later date, provided the maximum term of the exemption for such remodeling before the ordinance's

or resolution's modification was the maximum term allowed under 54738
division (D)(1) or (2) of section 3735.67 of the Revised Code as 54739
that section existed before its amendment by H.B. 463 of the 131st 54740
general assembly. 54741

Sec. 3735.672. (A) On or before the thirty-first day of March 54742
each year, a legislative authority that has entered into an 54743
agreement with a party under section 3735.671 of the Revised Code 54744
shall submit to the director of development services and the board 54745
of education of each school district of which a municipal 54746
corporation or township to which such an agreement applies is a 54747
part a report on all such agreements in effect during the 54748
preceding calendar year. The report shall include the following 54749
information: 54750

(1) The designation, assigned by the director of development 54751
services, of each community reinvestment area within the municipal 54752
corporation or county, and the total population of each area 54753
according to the most recent data available; 54754

(2) The number of agreements and the number of full-time 54755
employees subject to those agreements within each area, each 54756
according to the most recent data available and identified and 54757
categorized by the appropriate standard industrial code, and the 54758
rate of unemployment in the municipal corporation or county in 54759
which the area is located for each year since the area was 54760
certified; 54761

(3) The number of agreements approved and executed during the 54762
calendar year for which the report is submitted, the total number 54763
of agreements in effect on the thirty-first day of December of the 54764
preceding calendar year, the number of agreements that expired 54765
during the calendar year for which the report is submitted, and 54766
the number of agreements scheduled to expire during the calendar 54767
year in which the report is submitted. For each agreement that 54768

expired during the calendar year for which the report is 54769
submitted, the legislative authority shall include the amount of 54770
taxes exempted under the agreement. 54771

(4) The number of agreements receiving compliance reviews by 54772
the tax incentive review council in the municipal corporation or 54773
county during the calendar year for which the report is submitted, 54774
including all of the following information: 54775

(a) The number of agreements the terms of which the party has 54776
complied with, indicating separately for each such agreement the 54777
value of the real property exempted pursuant to the agreement and 54778
a comparison of the stipulated and actual schedules for hiring new 54779
employees, for retaining existing employees, and for the amount of 54780
payroll of the party attributable to these employees; 54781

(b) The number of agreements the terms of which a party has 54782
failed to comply with, indicating separately for each such 54783
agreement the value of the real and personal property exempted 54784
pursuant to the agreement and a comparison of the stipulated and 54785
actual schedules for hiring new employees, for retaining existing 54786
employees, and for the amount of payroll of the enterprise 54787
attributable to these employees; 54788

(c) The number of agreements about which the tax incentive 54789
review council made recommendations to the legislative authority, 54790
and the number of such recommendations that have not been 54791
followed; 54792

(d) The number of agreements rescinded during the calendar 54793
year for which the report is submitted. 54794

(5) The number of parties subject to agreements that expanded 54795
within each area, including the number of new employees hired and 54796
existing employees retained by that party, and the number of new 54797
parties subject to agreements that established within each area, 54798
including the number of new employees hired by each party; 54799

(6) For each agreement in effect during any part of the 54800
preceding year, the number of employees employed by the party at 54801
the property that is the subject of the agreement immediately 54802
prior to formal approval of the agreement, the number of employees 54803
employed by the party at that property on the thirty-first day of 54804
December of the preceding year, the payroll of the party for the 54805
preceding year, the amount of taxes paid on real property that was 54806
exempted under the agreement, and the amount of such taxes that 54807
were not paid because of the exemption. 54808

(B) Upon the failure of a municipal corporation or county to 54809
comply with division (A) of this section: 54810

(1) Beginning on the first day of April of the calendar year 54811
in which the municipal corporation or county fails to comply with 54812
that division, the municipal corporation or county shall not enter 54813
into any agreements under section 3735.671 of the Revised Code 54814
until the municipal corporation or county has complied with 54815
division (A) of this section. 54816

(2) On the first day of each ensuing calendar month until the 54817
municipal corporation or county complies with that division, the 54818
director of development services shall either order the proper 54819
county auditor to deduct from the next succeeding payment of taxes 54820
to the municipal corporation or county under section 321.31, 54821
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 54822
five hundred dollars for each calendar month the municipal 54823
corporation or county fails to comply with that division, or order 54824
the county auditor to deduct such an amount from the next 54825
succeeding payment to the municipal corporation or county from the 54826
undivided local government fund under section 5747.51 of the 54827
Revised Code. At the time such a payment is made, the county 54828
auditor shall comply with the director's order by issuing a 54829
warrant, drawn on the fund from which such money would have been 54830
paid, to the director of development services, who shall deposit 54831

the warrant into the state community reinvestment area program 54832
administration fund created in division (C) of this section. 54833

(C) The director, by rule, shall establish the state's 54834
application fee for applications submitted to a municipal 54835
corporation or county to enter into an agreement under section 54836
3735.671 of the Revised Code. In establishing the amount of the 54837
fee, the director shall consider the state's cost of administering 54838
the community reinvestment area program, including the cost of 54839
reviewing the reports required under division (A) of this section. 54840
The director may change the amount of the fee at such times and in 54841
such increments as the director considers necessary. Any municipal 54842
corporation or county that receives an application shall collect 54843
the application fee and remit the fee for deposit in the state 54844
treasury to the credit of the ~~business assistance~~ tax incentives 54845
operating fund created in section 122.174 of the Revised Code. 54846

Sec. 3737.21. (A) The director of the department of commerce 54847
shall appoint, from names submitted to the director by the state 54848
fire council, a state fire marshal, who shall serve at the 54849
pleasure of the director and shall possess the following 54850
qualifications: 54851

(1) A degree from an accredited college or university with 54852
specialized study in either the field of fire protection or fire 54853
protection engineering, or the equivalent qualifications 54854
determined from training, experience, and duties in a fire 54855
service; 54856

(2) Five years of recent, progressively more responsible 54857
experience in fire inspection, fire code enforcement, fire 54858
investigation, fire protection engineering, teaching of fire 54859
safety engineering, or fire fighting. 54860

(B) When a vacancy occurs in the position of state fire 54861
marshal, the director shall notify the state fire council. ~~The~~ 54862

~~council shall communicate the fact of the vacancy by regular mail~~ 54863
~~to all fire chiefs and fire protection engineers known to the~~ 54864
~~council, or whose identity may be ascertained by the council by~~ 54865
~~the exercise of due diligence. The council, no earlier than thirty~~ 54866
~~days after mailing the notification, shall compile a list of all~~ 54867
~~applicants for the position of fire marshal who are qualified~~ 54868
~~under this section.~~ The council shall submit the names of at least 54869
three persons on the list for the position of state fire marshal 54870
who are qualified under this section to the director. The director 54871
shall appoint the state fire marshal from the list of at least 54872
three names or may request the council to submit additional names. 54873

Sec. 3742.01. As used in this chapter: 54874

(A) "Board of health" means the board of health of a city or 54875
general health district or the authority having the duties of a 54876
board of health under section 3709.05 of the Revised Code. 54877

(B) "Child care facility" means each area of any of the 54878
following in which child care, as defined in section 5104.01 of 54879
the Revised Code, is provided to children under six years of age: 54880

(1) A child day-care center, type A family day-care home, or 54881
type B family day-care home as defined in section 5104.01 of the 54882
Revised Code; 54883

(2) A preschool program or school child program as defined in 54884
section 3301.52 of the Revised Code. 54885

(C) "Clearance examination" means an examination to determine 54886
whether the lead hazards in a residential unit, child care 54887
facility, or school have been sufficiently controlled. A clearance 54888
examination includes a visual assessment, collection, and analysis 54889
of environmental samples. 54890

(D) "Clearance technician" means a person, other than a 54891
licensed lead inspector or licensed lead risk assessor, who 54892

performs a clearance examination. 54893

(E) "Clinical laboratory" means a facility for the 54894
biological, microbiological, serological, chemical, 54895
immunohematological, hematological, biophysical, cytological, 54896
pathological, or other examination of substances derived from the 54897
human body for the purpose of providing information for the 54898
diagnosis, prevention, or treatment of any disease, or in the 54899
assessment or impairment of the health of human beings. "Clinical 54900
laboratory" does not include a facility that only collects or 54901
prepares specimens, or serves as a mailing service, and does not 54902
perform testing. 54903

(F) "Encapsulation" means the coating and sealing of surfaces 54904
with durable surface coating specifically formulated to be 54905
elastic, able to withstand sharp and blunt impacts, long-lasting, 54906
and resilient, while also resistant to cracking, peeling, algae, 54907
fungus, and ultraviolet light, so as to prevent any part of 54908
lead-containing paint from becoming part of house dust or 54909
otherwise accessible to children. 54910

(G) "Enclosure" means the resurfacing or covering of surfaces 54911
with durable materials such as wallboard or paneling, and the 54912
sealing or caulking of edges and joints, so as to prevent or 54913
control chalking, flaking, peeling, scaling, or loose 54914
lead-containing substances from becoming part of house dust or 54915
otherwise accessible to children. 54916

(H) "Environmental lead analytical laboratory" means a 54917
facility that analyzes air, dust, soil, water, paint, film, or 54918
other substances, other than substances derived from the human 54919
body, for the presence and concentration of lead. 54920

(I) "HEPA" means the designation given to a product, device, 54921
or system that has been equipped with a high-efficiency 54922
particulate air filter, which is a filter capable of removing 54923

particles of 0.3 microns or larger from air at 99.97 per cent or
greater efficiency. 54924
54925

(J) "Interim controls" means a set of measures designed to 54926
reduce temporarily human exposure or likely human exposure to lead 54927
hazards. Interim controls include specialized cleaning, repairs, 54928
painting, temporary containment, ongoing lead hazard maintenance 54929
activities, and the establishment and operation of management and 54930
resident education programs. 54931

(K)(1) "Lead abatement" means a measure or set of measures 54932
designed for the single purpose of permanently eliminating lead 54933
hazards. "Lead abatement" includes all of the following: 54934

(a) Removal of lead-based paint and lead-contaminated dust; 54935

(b) Permanent enclosure or encapsulation of lead-based paint; 54936

(c) Replacement of surfaces or fixtures painted with 54937
lead-based paint; 54938

(d) Removal or permanent covering of lead-contaminated soil; 54939

(e) Preparation, cleanup, and disposal activities associated 54940
with lead abatement. 54941

(2) "Lead abatement" does not include any of the following: 54942

(a) ~~Preventive treatments~~ Residential rental unit lead-safe 54943
maintenance practices performed pursuant to ~~section~~ sections 54944
3742.41 and 3742.42 of the Revised Code; 54945

(b) Implementation of interim controls; 54946

(c) Activities performed by a property owner on a residential 54947
unit to which both of the following apply: 54948

(i) It is a freestanding single-family home used as the 54949
property owner's private residence. 54950

(ii) No child under six years of age who has lead poisoning 54951
resides in the unit. 54952

(L) "Lead abatement contractor" means any individual who 54953
engages in or intends to engage in lead abatement and employs or 54954
supervises one or more lead abatement workers, including on-site 54955
supervision of lead abatement projects, or prepares 54956
specifications, plans, or documents for a lead abatement project. 54957

(M) "Lead abatement project" means one or more lead abatement 54958
activities that are conducted by a lead abatement contractor and 54959
are reasonably related to each other. 54960

(N) "Lead abatement project designer" means a person who is 54961
responsible for designing lead abatement projects and preparing a 54962
pre-abatement plan for all designed projects. 54963

(O) "Lead abatement worker" means an individual who is 54964
responsible in a nonsupervisory capacity for the performance of 54965
lead abatement. 54966

(P) "Lead-based paint" means any paint or other similar 54967
surface-coating substance containing lead at or in excess of the 54968
level that is hazardous to human health, as that level is 54969
established in rules adopted under section ~~3742.50~~ 3742.45 of the 54970
Revised Code. 54971

(Q) "Lead-contaminated dust" means dust that contains an area 54972
or mass concentration of lead at or in excess of the level that is 54973
hazardous to human health, as that level is established in rules 54974
adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 54975

(R) "Lead-contaminated soil" means soil that contains lead at 54976
or in excess of the level that is hazardous to human health, as 54977
that level is established in rules adopted under section ~~3742.50~~ 54978
3742.45 of the Revised Code. 54979

(S) "Lead ~~hazard~~ free" means no lead-based paint is present 54980
in any area referenced in division (B) of section 3742.42 of the 54981
Revised Code. 54982

(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section ~~3742.50~~ 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

~~(T)~~(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

~~(U)~~(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

~~(V)~~(W) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section ~~3742.50~~ 3742.45 of the Revised Code.

~~(W)~~(X) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

~~(X)~~(Y) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis

plan; conducting inspections for lead hazards in a residential 55014
unit, child care facility, or school; interpreting results of 55015
inspections and risk assessments; identifying hazard control 55016
strategies to reduce or eliminate lead exposures; and completing a 55017
risk assessment report. 55018

~~(Y) "Lead safe renovation" means the supervision or 55019
performance of services for the general improvement of all or part 55020
of an existing structure, including a residential unit, child care 55021
facility, or school, when the services are supervised or performed 55022
by a lead safe renovator. 55023~~

~~(Z) "Lead safe renovator" means a person who has successfully 55024
completed a training program in lead safe renovation approved 55025
under section 3742.47 of the Revised Code. "Lead-safe residential 55026
rental unit" means a residential rental unit that has undergone 55027
the residential rental unit lead-safe maintenance practices 55028
described in section 3742.42 of the Revised Code, including 55029
post-maintenance dust sampling or are registered pursuant to 55030
division (D) of section 3742.41 of the Revised Code. 55031~~

(AA) "Manager" means a person, who may be the same person as 55032
the owner, responsible for the daily operation of a residential 55033
unit, child care facility, or school. 55034

(BB) "Permanent" means an expected design life of at least 55035
twenty years. 55036

(CC) "Replacement" means an activity that entails removing 55037
components such as windows, doors, and trim that have lead hazards 55038
on their surfaces and installing components free of lead hazards. 55039

(DD) "Residential unit" means a dwelling or any part of a 55040
building being used as an individual's private residence. 55041
"Residential unit" includes a residential rental unit. 55042

(EE) ~~"School"~~ "Residential rental unit" means a rental 55043
property containing a dwelling or any part of a building being 55044

used as an individual's private residence. 55045

(FF) "School" means a public or nonpublic school in which 55046
children under six years of age receive education. 55047

Sec. 3742.02. (A) No person shall do any of the following: 55048

(1) Violate any provision of this chapter or the rules 55049
adopted pursuant to it; 55050

(2) Apply or cause to be applied any lead-based paint on or 55051
inside a residential unit, child care facility, or school, unless 55052
the director of health has determined by rule under section 55053
~~3742.50~~ 3742.45 of the Revised Code that no suitable substitute 55054
exists; 55055

(3) Interfere with an investigation conducted by the director 55056
of health or a board of health in accordance with section 3742.35 55057
of the Revised Code. 55058

(B) No person shall knowingly authorize or employ an 55059
individual to perform lead abatement on a residential unit, child 55060
care facility, or school unless the individual who will perform 55061
the lead abatement holds a valid license issued under section 55062
3742.05 of the Revised Code. 55063

(C) No person shall do any of the following when a 55064
residential unit, child care facility, or school is involved: 55065

(1) Perform a lead inspection without a valid lead inspector 55066
license issued under section 3742.05 of the Revised Code; 55067

(2) Perform a lead risk assessment or provide professional 55068
advice regarding lead abatement without a valid lead risk assessor 55069
license issued under section 3742.05 of the Revised Code; 55070

(3) Act as a lead abatement contractor without a valid lead 55071
abatement contractor's license issued under section 3742.05 of the 55072
Revised Code; 55073

(4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under section 3742.05 of the Revised Code;	55074 55075 55076
(5) Perform lead abatement without a valid lead abatement worker license issued under section 3742.05 of the Revised Code;	55077 55078
(6) Effective one year after April 7, 2003, perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;	55079 55080 55081 55082 55083
(7) Perform lead training for the licensing purposes of this chapter without a valid approval from the director of health under section 3742.08 of the Revised Code;	55084 55085 55086
(8) Perform interim controls without complying with 24 C.F.R. Part 35.	55087 55088
Sec. 3742.04. (A) The director of health shall do all of the following:	55089 55090
(1) Administer and enforce the requirements of sections 3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules adopted pursuant to those sections;	55091 55092 55093
(2) Examine records and reports submitted by lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, lead abatement workers, and clearance technicians in accordance with section 3742.05 of the Revised Code to determine whether the requirements of this chapter are being met;	55094 55095 55096 55097 55098 55099
(3) Examine records and reports submitted by physicians, clinical laboratories, and environmental lead analytical laboratories under section 3701.25 or 3742.09 of the Revised Code;	55100 55101 55102
(4) Issue approval to manufacturers of encapsulants that have	55103

done all of the following:	55104
(a) Submitted an application for approval to the director on a form prescribed by the director;	55105 55106
(b) Paid the application fee established by the director;	55107
(c) Submitted results from an independent laboratory indicating that the manufacturer's encapsulants satisfy the requirements established in rules adopted under division (H) of section 3742.03 of the Revised Code;	55108 55109 55110 55111
(d) Complied with rules adopted by the director regarding durability and safety to workers and residents.	55112 55113
(5) Establish liaisons and cooperate with the directors or agencies in states having lead abatement, licensing, accreditation, certification, and approval programs to promote consistency between the requirements of this chapter and those of other states in order to facilitate reciprocity of the programs among states;	55114 55115 55116 55117 55118 55119
(6) Establish a program to monitor and audit the quality of work of lead inspectors, lead risk assessors, lead abatement project designers, lead abatement contractors, lead abatement workers, and clearance technicians. The director may refer improper work discovered through the program to the attorney general for appropriate action.	55120 55121 55122 55123 55124 55125
(B) In addition to any other authority granted by this chapter, the director of health may do any of the following:	55126 55127
(1) Employ persons who have received training from a program the director has determined provides the necessary background. The appropriate training may be obtained in a state that has an ongoing lead abatement program under which it conducts educational programs.	55128 55129 55130 55131 55132
(2) Cooperate with the United States environmental protection	55133

agency in any joint oversight procedures the agency may propose 55134
for laboratories that offer lead analysis services and are 55135
accredited under the agency's laboratory accreditation program; 55136

(3) Advise, consult, cooperate with, or enter into contracts 55137
or cooperative agreements with any person, government entity, 55138
interstate agency, or the federal government as the director 55139
considers necessary to fulfill the requirements of this chapter 55140
and the rules adopted under it. 55141

(C) In accordance with Section 34 of Article II of the Ohio 55142
Constitution, the purpose of this chapter and rules adopted under 55143
it is to protect the comfort, safety, and general welfare of 55144
employees and others who may encounter lead and lead-based paint. 55145
Therefore, it is the intent of the general assembly that the 55146
Revised Code and rules adopted under it be the sole and exclusive 55147
means by which lead abatement activities may be compelled, 55148
prohibited, licensed, or regulated. Any law or rule governing the 55149
abatement of lead, lead-based paint, or the employment or 55150
licensing of lead abatement professionals who abate lead and 55151
lead-based paint enacted or adopted by a political subdivision 55152
before or after the effective date of this section is void. 55153

(1) The department of health has the sole and exclusive 55154
authority to compel, prohibit, license, or regulate lead abatement 55155
activities within the state, including the licensing of lead 55156
abatement professionals, and excepting only those activities for 55157
which oversight has been delegated by the Revised Code to boards 55158
of health. The regulation of lead abatement activities is a matter 55159
of general statewide interest that requires uniform statewide 55160
regulation, and this chapter and rules adopted under it constitute 55161
a comprehensive plan with respect to all aspects of lead abatement 55162
within this state. In order to assist the department in the 55163
furtherance of its sole and exclusive authority as established in 55164
this section, the director may enter into cooperative agreements 55165

with other state agencies for advice and consultation. Such 55166
cooperative agreements do not confer on other state agencies any 55167
authority to administer or enforce this chapter and rules adopted 55168
under it. In addition, such cooperative agreements shall not be 55169
construed to dilute or diminish the department's sole and 55170
exclusive authority as established in this section. 55171

(2) The director of health has the sole and exclusive 55172
authority to adopt rules pertaining to lead and lead abatement, 55173
the purposes of which are, in part, to protect the health, safety, 55174
and welfare of persons owning or living in homes containing lead 55175
and persons working to abate lead. Any such rules shall be adopted 55176
in accordance with Chapter 119. of the Revised Code and shall 55177
include procedures and requirements governing all of the 55178
following: 55179

(a) The dissemination of information for purposes of 55180
educating persons who own, dwell, or work in homes containing lead 55181
or lead-based paint through affirmations, warnings, and 55182
guidelines; 55183

(b) The dissemination of information for purposes of the 55184
training of lead abatement employees in order to address the 55185
hazardous duties and inherent risks associated with lead abatement 55186
and testing; 55187

(c) The gathering of data for purposes of improving the 55188
implementation of this chapter. 55189

(D) Nothing in this section shall be construed to eliminate 55190
any authority statutorily granted to the department of health 55191
prior to the effective date of this section. 55192

Sec. 3742.31. (A) The director of health shall establish, 55193
promote, and maintain a child lead poisoning prevention program. 55194
The program shall provide statewide coordination of screening, 55195

diagnosis, and treatment services for children under age six, 55196
including both of the following: 55197

(1) Collecting the social security numbers of all children 55198
screened, diagnosed, or treated as part of the program's case 55199
management system; 55200

(2) Disclosing to the department of medicaid on at least an 55201
annual basis the identity and lead screening test results of each 55202
child screened pursuant to section 3742.30 of the Revised Code. 55203
The director shall collect and disseminate information relating to 55204
child lead poisoning and controlling lead hazards. 55205

(B) The director of health shall operate the child lead 55206
poisoning prevention program in accordance with rules adopted 55207
under section ~~3742.50~~ 3742.45 of the Revised Code. The director 55208
may enter into an interagency agreement with one or more other 55209
state agencies to perform one or more of the program's duties. The 55210
director shall supervise and direct an agency's performance of 55211
such a duty. 55212

Sec. 3742.35. When the director of health or a board of 55213
health authorized to enforce sections 3742.35 to 3742.40 of the 55214
Revised Code becomes aware that an individual under six years of 55215
age has lead poisoning, the director or board shall conduct an 55216
investigation to determine the source of the lead poisoning. The 55217
director or board may conduct such an investigation when the 55218
director or board becomes aware that an individual six years of 55219
age or older has lead poisoning. The director or board shall 55220
conduct the investigation in accordance with rules adopted under 55221
section ~~3742.50~~ 3742.45 of the Revised Code. 55222

In conducting the investigation, the director or board may 55223
request permission to enter the residential unit, child care 55224
facility, or school that the director or board reasonably suspects 55225

to be the source of the lead poisoning. If the property is 55226
occupied, the director or board shall ask the occupant for 55227
permission. If the property is not occupied, the director or board 55228
shall ask the property owner or manager for permission. If the 55229
occupant, owner, or manager fails or refuses to permit entry, the 55230
director or board may petition and obtain an order to enter the 55231
property from a court of competent jurisdiction in the county in 55232
which the property is located. 55233

As part of the investigation, the director or board may 55234
review the records and reports, if any, maintained by a lead 55235
inspector, lead abatement contractor, lead risk assessor, lead 55236
abatement project designer, lead abatement worker, or clearance 55237
technician. 55238

Sec. 3742.36. When the director of health or an authorized 55239
board of health determines pursuant to an investigation conducted 55240
under section 3742.35 of the Revised Code that a residential unit, 55241
child care facility, or school is a possible source of the child's 55242
lead poisoning, the director or board shall conduct a risk 55243
assessment of that property in accordance with rules adopted under 55244
section ~~3742.50~~ 3742.45 of the Revised Code. 55245

Sec. 3742.41. (A) ~~A property~~ The director of health shall 55246
establish and maintain a lead-safe residential rental unit 55247
registry in accordance with rules adopted under section 3742.45 of 55248
the Revised Code. The director shall not impose a fee for 55249
registration of a residential rental unit on the registry. 55250

(B) Beginning six months after the effective date of the 55251
rules referenced in division (A) of this section, the owner of a 55252
residential rental unit constructed before January 1, ~~1950~~ 1978, 55253
~~that is used as a residential unit, child care facility, or school~~ 55254
~~shall be legally presumed not to contain a lead hazard and not to~~ 55255

~~be the source of the lead poisoning of an individual who resides 55256
in the unit or receives child care or education at the facility or 55257
school if the owner or manager of the unit, facility, or school 55258
successfully completes both of the following preventive 55259
treatments: 55260~~

~~(1) Follows may implement the essential residential rental 55261
unit lead-safe maintenance practices specified in section 3742.42 55262
of the Revised Code for the control of any lead hazards. 55263~~

~~(2) Covers all rough, pitted, or porous horizontal surfaces 55264
of the inhabited or occupied areas within the unit, facility, or 55265
school with a smooth, cleanable covering or coating, such as metal 55266
coil stock, plastic, polyurethane, carpet, or linoleum. 55267~~

~~(B) The owner or manager of a residential unit, child care 55268
facility, or school has successfully completed the preventive 55269
treatments specified in division (A) of this section if the unit, 55270
facility, or school passes a clearance examination in accordance 55271
with standards for passage established by rules adopted under 55272
section 3742.49 of the Revised Code. 55273~~

~~(C) The legal presumption established under this section is 55274
rebuttable in a court of law only on a showing of clear and 55275
convincing evidence to the contrary After completion of the 55276
residential rental unit lead-safe maintenance practices, the owner 55277
may register the property as a lead-safe residential rental unit 55278
with the department of health for inclusion on the registry. 55279~~

~~(D) The owner of a residential rental unit also may register 55280
the unit as a lead-safe residential rental unit with the 55281
department for inclusion on the registry if either of the 55282
following apply: 55283~~

~~(1) The residential rental unit was or is constructed after 55284
January 1, 1978; 55285~~

~~(2) The residential rental unit is lead free as determined by 55286~~

a licensed lead inspector or lead risk assessor after an 55287
inspection of the unit. 55288

(E)(1) The owner of a residential rental unit that is subject 55289
to a lead hazard control order under section 3742.37 of the 55290
Revised Code shall register the residential rental unit on the 55291
lead-safe residential rental unit lead-safe registry after the 55292
unit passes a clearance examination, as specified in section 55293
3742.39 of the Revised Code, indicating that the lead hazards 55294
identified in the order are controlled. 55295

(2) The owner of a residential rental unit that is designated 55296
as housing for the elderly or senior housing by the director is 55297
exempt from the requirement to register under division (E)(1) of 55298
this section. 55299

Sec. 3742.42. (A) In completing ~~the essential~~ residential 55300
rental unit lead-safe maintenance practices ~~portion of the~~ 55301
~~preventive treatments specified in section 3742.41 of the Revised~~ 55302
Code, the owner or ~~manager~~ agent of the owner of a residential 55303
rental unit, ~~child care facility, or school~~ shall do all of the 55304
following: 55305

(1) ~~Use only safe work practices, which include compliance~~ 55306
~~with section 3742.44 of the Revised Code, to prevent the spread of~~ 55307
~~lead-contaminated dust~~ Successfully complete a training program in 55308
residential rental unit lead-safe maintenance practices approved 55309
by the director under section 3742.43 of the Revised Code; 55310

(2) ~~Perform~~ Annually perform a visual ~~examinations~~ 55311
examination for deteriorated paint, underlying damage, and other 55312
conditions that may cause exposure to lead; 55313

(3) ~~Promptly and safely~~ After completing the visual 55314
examination and identification of deteriorated paint or other 55315
conditions that may cause exposure to lead, repair deteriorated 55316

paint or other building components that may cause exposure to lead 55317
and eliminate the cause of the deterioration in accordance with 55318
the work practice standards established by the United States 55319
environmental protection agency in 40 C.F.R. Part 745.85; 55320

~~(4) Ask tenants in a residential unit, and parents,~~ 55321
~~guardians, and custodians of children in a child care facility or~~ 55322
~~school, to report concerns about potential lead hazards by~~ 55323
~~providing written notices to the tenants or parents, guardians,~~ 55324
~~and custodians or by posting notices in conspicuous locations~~ 55325
Conduct post-maintenance dust sampling in accordance with rules 55326
adopted under section 3742.45 of the Revised Code; 55327

~~(5) Perform specialized cleaning in accordance with section~~ 55328
~~3742.45 of the Revised Code to control lead contaminated dust;~~ 55329

~~(6) Cover any bare soil on the property, except soil proven~~ 55330
~~not to be lead contaminated;~~ 55331

~~(7) Maintain a record of essential residential rental unit~~ 55332
~~lead-safe maintenance practices for at least three years that~~ 55333
~~documents all essential those maintenance practices;~~ 55334

~~(8) Successfully complete a training program in essential~~ 55335
~~maintenance practices that has been approved under section~~ 55336
~~3742.47, including post-maintenance dust sampling conducted in~~ 55337
~~accordance with rules adopted under section 3742.45 of the Revised~~ 55338
~~Code.~~ 55339

(B) The areas of a residential rental unit, ~~child care~~ 55340
~~facility, or school~~ that are subject to division (A) of this 55341
section include all of the following: 55342

(1) The interior surfaces and all common areas ~~of the unit,~~ 55343
~~facility, or school;~~ 55344

(2) Every attached or unattached structure located within the 55345
same lot line as the residential rental unit, ~~facility, or school~~ 55346

that the owner or manager considers to be associated with the 55347
operation of the residential rental unit, facility, or school, 55348
including garages, play equipment, and fences; 55349

(3) The lot or land that the residential rental unit, 55350
facility, or school occupies. 55351

(C) The residential rental unit lead-safe maintenance 55352
practices described in this section are not required to be 55353
performed by a person licensed as a lead abatement contractor or 55354
lead abatement worker under this chapter. However, six months 55355
after the effective date of this amendment, any person other than 55356
a lead abatement contractor or lead abatement worker who performs 55357
the residential rental unit lead-safe maintenance practices shall 55358
have successfully completed a training program in residential 55359
rental unit lead-safe maintenance practices approved by the 55360
director under section 3742.43 of the Revised Code. 55361

Sec. 3742.43. (A) A person seeking approval of a training 55362
program in residential rental unit lead-safe maintenance practices 55363
shall apply for approval of the training program to the director 55364
of health. The application shall be made on a form prescribed by 55365
the director and shall include the nonrefundable application fee 55366
established in division (B) of this section. The director shall 55367
approve the training program if the applicant demonstrates to the 55368
satisfaction of the director both of the following: 55369

(1) That the training program will provide written proof of 55370
completion to each person who completes the program and passes an 55371
examination; 55372

(2) The program is in compliance with any other training 55373
program requirements established in rules adopted under section 55374
3742.45 of the Revised Code. 55375

(B) The director of health shall establish a nonrefundable 55376

application fee for approving a training program under this 55377
section. The fee shall be reasonable and shall not exceed the 55378
expense incurred in conducting evaluation and approval of a 55379
training program. 55380

Sec. ~~3742.49~~ 3742.44. The director of health, in consultation 55381
with the individual authorized by the governor to act as the state 55382
historic preservation officer, shall develop recommendations for 55383
controlling lead hazards that take into consideration the historic 55384
nature of the property in which the hazards are located. The 55385
director shall provide periodic notifications of the 55386
recommendations to all persons licensed under this chapter. All 55387
lead hazard control orders issued under section 3742.37 of the 55388
Revised Code shall inform the recipient of the recommendations 55389
developed under this section. 55390

In no event shall a person use the recommendations as 55391
justification for refusing to comply with a lead hazard control 55392
order issued under section 3742.37 of the Revised Code. 55393

Sec. ~~3742.50~~ 3742.45. (A) The director of health shall adopt 55394
rules in accordance with Chapter 119. of the Revised Code 55395
establishing all of the following: 55396

(1) Procedures necessary for the development and operation of 55397
the child lead poisoning prevention program established under 55398
section 3742.31 of the Revised Code; 55399

(2) Standards and procedures for conducting investigations 55400
and risk assessments under sections 3742.35 and 3742.36 of the 55401
Revised Code; 55402

(3) Standards and procedures for issuing lead hazard control 55403
orders under section 3742.37 of the Revised Code, including 55404
standards and procedures for determining appropriate deadlines for 55405
complying with lead hazard control orders; 55406

(4) The level of lead in human blood that is hazardous to human health, consistent with the guidelines issued by the centers for disease control and prevention in the public health service of the United States department of health and human services;

(5) The level of lead in paint, dust, and soil that is hazardous to human health;

(6) Standards and procedures to be followed when ~~implementing preventive treatments for the control of lead hazards pursuant to registering a residential rental unit on the lead-safe residential rental unit registry under~~ section 3742.41 of the Revised Code that are based on information from the United States environmental protection agency, ~~department of housing and urban development, occupational safety and health administration, or other agencies with recommendations or guidelines regarding implementation of preventive treatments;~~

(7) Standards that must be met to pass a clearance examination;

(8) Procedures and criteria for approving ~~under section 3742.47 of the Revised Code~~ training programs in essential residential rental unit lead-safe maintenance practices ~~and lead-safe renovation and requirements~~, in addition to those specified in section ~~3742.47~~ 3742.43 of the Revised Code, ~~that a program must meet to receive approval;~~

(9) ~~The examination to be administered by a training program approved under section 3742.47 of the Revised Code and the examination's passing score~~ Procedures for post-maintenance dust sampling.

(B) The director shall establish procedures for revising its rules to ensure that the child lead poisoning prevention activities conducted under this chapter continue to meet the requirements necessary to obtain any federal funding available for

those activities, including requirements established by the United States environmental protection agency, United States department of housing and urban development, or any other federal agency with jurisdiction over activities pertaining to child lead poisoning prevention.

Sec. ~~3742.51~~ 3742.46. (A) There is hereby created in the state treasury the lead poisoning prevention fund. The fund shall include all moneys appropriated to the department of health for the administration and enforcement of sections 3742.31 to ~~3742.50~~ 3742.45 of the Revised Code and the rules adopted under those sections. Any grants, contributions, or other moneys collected by the department for purposes of preventing lead poisoning shall be deposited in the state treasury to the credit of the fund.

(B) Moneys in the fund shall be used solely for the purposes of the child lead poisoning prevention program established under section 3742.31 of the Revised Code, including providing financial assistance to individuals who are unable to pay for the following:

(1) Costs associated with obtaining lead tests and lead poisoning treatment for children under six years of age who are not covered by private medical insurance or are underinsured, are not eligible for the medicaid program or any other government health program, and do not have access to another source of funds to cover the cost of lead tests and any indicated treatments;

(2) Costs associated with having lead abatement performed or having the ~~preventive treatments~~ residential rental unit lead-safe maintenance practices specified in section ~~3742.41~~ 3742.42 of the Revised Code performed.

Sec. 3745.012. (A) The director of environmental protection shall collect all moneys for permits, licenses, plan approvals, variances, and certifications of any nature issued and

administered by the environmental protection agency under Chapter 55468
3704., 3714., 3734., 6109., or 6111. of the Revised Code. The 55469
director shall keep a record of all such moneys collected showing 55470
the amounts received, from whom, and for what purpose collected. 55471
All such moneys shall be credited to the general revenue fund, 55472
except for such moneys required to be credited to any other fund. 55473

(B) The director may reduce or waive a fee incurred for 55474
either of the following: 55475

(1) Submitting a late payment if the original amount has been 55476
paid in full; 55477

(2) Responding to an emergency, including fees for the 55478
disposal of material and debris, if the governor declares a state 55479
of emergency. 55480

Sec. 3745.016. There is hereby created in the state treasury 55481
the federally supported cleanup and response fund consisting of 55482
money credited to the fund from federal grants, gifts, and 55483
contributions ~~to support the investigation and remediation of~~ 55484
~~contaminated property.~~ The environmental protection agency shall 55485
use money in the fund to support the investigation and remediation 55486
of contaminated property and implementation of the hazardous waste 55487
provisions of Chapter 3734. of the Revised Code. 55488

Sec. 3745.018. The director of environmental protection shall 55489
establish within environmental protection the agency a division to 55490
administer the agency's financial, technical, and compliance 55491
programs to assist communities, businesses, and other regulated 55492
entities. The division shall administer all of the following: 55493

(A) State revolving wastewater and drinking water loan 55494
programs under sections 6109.22 and 6111.036 of the Revised Code; 55495

(B) Agency grant programs, including recycling and litter 55496
prevention grant programs under section 3736.05 of the Revised 55497

<u>Code:</u>	55498
<u>(C) Programs for providing compliance and pollution prevention assistance to regulated entities under sections 3704.18 and 3745.017 of the Revised Code:</u>	55499
	55500
	55501
<u>(D) Statewide source reduction, recycling, recycling market development, and litter prevention programs under section 3736.02 of the Revised Code.</u>	55502
	55503
	55504
Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.	55505
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(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in this division. For the purposes of this division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.	55513
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The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:	55522
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	55524
	55525
(1) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through	55526
	55527

December 1993, to be collected no sooner than July 1, 1994; 55528

(2) Twenty dollars per ton on the total actual emissions of 55529
each such regulated pollutant during calendar year 1994, to be 55530
collected no sooner than April 15, 1995; 55531

(3) Twenty-five dollars per ton on the total actual emissions 55532
of each such regulated pollutant in calendar year 1995, and each 55533
subsequent calendar year, to be collected no sooner than the 55534
fifteenth day of April of the year next succeeding the calendar 55535
year in which the emissions occurred. 55536

The fees levied under this division do not apply to that 55537
portion of the emissions of a regulated pollutant at a facility 55538
that exceed four thousand tons during a calendar year. 55539

(C)(1) The fees assessed under division (B) of this section 55540
are for the purpose of providing funding for the Title V permit 55541
program. 55542

(2) The fees assessed under division (B) of this section do 55543
not apply to emissions from any electric generating unit 55544
designated as a Phase I unit under Title IV of the federal Clean 55545
Air Act prior to calendar year 2000. Those fees shall be assessed 55546
on the emissions from such a generating unit commencing in 55547
calendar year 2001 based upon the total actual emissions from the 55548
generating unit during calendar year 2000 and shall continue to be 55549
assessed each subsequent calendar year based on the total actual 55550
emissions from the generating unit during the preceding calendar 55551
year. 55552

(3) The director shall issue invoices to owners or operators 55553
of air contaminant sources who are required to pay a fee assessed 55554
under division (B) or (D) of this section. Any such invoice shall 55555
be issued no sooner than the applicable date when the fee first 55556
may be collected in a year under the applicable division, shall 55557
identify the nature and amount of the fee assessed, and shall 55558

indicate that the fee is required to be paid within thirty days 55559
after the issuance of the invoice. 55560

(D)(1) Except as provided in division (D)(3) of this section, 55561
from January 1, 1994, through December 31, 2003, each person who 55562
owns or operates an air contaminant source; who is required to 55563
apply for a permit to operate pursuant to rules adopted under 55564
division (G), or a variance pursuant to division (H), of section 55565
3704.03 of the Revised Code; and who is not required to apply for 55566
and obtain a Title V permit under section 3704.036 of the Revised 55567
Code shall pay a single fee based upon the sum of the actual 55568
annual emissions from the facility of the regulated pollutants 55569
particulate matter, sulfur dioxide, nitrogen oxides, organic 55570
compounds, and lead in accordance with the following schedule: 55571

Total tons per year		55572
of regulated pollutants	Annual fee	55573
emitted	per facility	55574
More than 0, but less than 50	\$ 75	55575
50 or more, but less than 100	300	55576
100 or more	700	55577

(2) Except as provided in division (D)(3) of this section, 55578
beginning January 1, 2004, each person who owns or operates an air 55579
contaminant source; who is required to apply for a permit to 55580
operate pursuant to rules adopted under division (G), or a 55581
variance pursuant to division (H), of section 3704.03 of the 55582
Revised Code; and who is not required to apply for and obtain a 55583
Title V permit under section 3704.03 of the Revised Code shall pay 55584
a single fee based upon the sum of the actual annual emissions 55585
from the facility of the regulated pollutants particulate matter, 55586
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 55587
accordance with the following schedule: 55588

Total tons per year		55589
of regulated pollutants	Annual fee	55590

emitted	per facility	55591
More than 0, but less than 10	\$ 100	55592
10 or more, but less than 50	200	55593
50 or more, but less than 100	300	55594
100 or more	700	55595

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2018~~ 2020, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons		55609
per year of all regulated	Annual fee	55610
pollutants emitted	per facility	55611
Less than 10	\$ 170	55612
10 or more, but less than 20	340	55613
20 or more, but less than 30	670	55614
30 or more, but less than 40	1,010	55615
40 or more, but less than 50	1,340	55616
50 or more, but less than 60	1,680	55617
60 or more, but less than 70	2,010	55618
70 or more, but less than 80	2,350	55619
80 or more, but less than 90	2,680	55620
90 or more, but less than 100	3,020	55621
100 or more	3,350	55622

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the

twelve-month period ending on the thirty-first day of August of 55655
that year. 55656

(b) If the 1989 consumer price index is revised, the director 55657
shall use the revision of the consumer price index that is most 55658
consistent with that for calendar year 1989. 55659

(F) Each person who is issued a permit to install pursuant to 55660
rules adopted under division (F) of section 3704.03 of the Revised 55661
Code on or after July 1, 2003, shall pay the fees specified in the 55662
following schedules: 55663

(1) Fuel-burning equipment (boilers, furnaces, or process 55664
heaters used in the process of burning fuel for the primary 55665
purpose of producing heat or power by indirect heat transfer) 55666
Input capacity (maximum) 55667
(million British thermal units per hour) Permit to install 55668

Greater than 0, but less than 10	\$ 200	55669
10 or more, but less than 100	400	55670
100 or more, but less than 300	1000	55671
300 or more, but less than 500	2250	55672
500 or more, but less than 1000	3750	55673
1000 or more, but less than 5000	6000	55674
5000 or more	9000	55675

Units burning exclusively natural gas, number two fuel oil, 55676
or both shall be assessed a fee that is one-half the applicable 55677
amount shown in division (F)(1) of this section. 55678

(2) Combustion turbines and stationary internal combustion 55679
engines designed to generate electricity 55680
Generating capacity (mega watts) Permit to install 55681

0 or more, but less than 10	\$ 25	55682
10 or more, but less than 25	150	55683
25 or more, but less than 50	300	55684
50 or more, but less than 100	500	55685

100 or more, but less than 250	1000	55686
250 or more	2000	55687
(3) Incinerators		55688
Input capacity (pounds per hour)	Permit to install	55689
0 to 100	\$ 100	55690
101 to 500	500	55691
501 to 2000	1000	55692
2001 to 20,000	1500	55693
more than 20,000	3750	55694
(4)(a) Process		55695
Process weight rate (pounds per hour)	Permit to install	55696
0 to 1000	\$ 200	55697
1001 to 5000	500	55698
5001 to 10,000	750	55699
10,001 to 50,000	1000	55700
more than 50,000	1250	55701
In any process where process weight rate cannot be		55702
ascertained, the minimum fee shall be assessed. A boiler, furnace,		55703
combustion turbine, stationary internal combustion engine, or		55704
process heater designed to provide direct heat or power to a		55705
process not designed to generate electricity shall be assessed a		55706
fee established in division (F)(4)(a) of this section. A		55707
combustion turbine or stationary internal combustion engine		55708
designed to generate electricity shall be assessed a fee		55709
established in division (F)(2) of this section.		55710
(b) Notwithstanding division (F)(4)(a) of this section, any		55711
person issued a permit to install pursuant to rules adopted under		55712
division (F) of section 3704.03 of the Revised Code shall pay the		55713
fees set forth in division (F)(4)(c) of this section for a process		55714
used in any of the following industries, as identified by the		55715
applicable two-digit, three-digit, or four-digit standard		55716
industrial classification code according to the Standard		55717

Industrial Classification Manual published by the United States	55718	
office of management and budget in the executive office of the	55719	
president, 1987, as revised:	55720	
Major group 10, metal mining;	55721	
Major group 12, coal mining;	55722	
Major group 14, mining and quarrying of nonmetallic minerals;	55723	
Industry group 204, grain mill products;	55724	
2873 Nitrogen fertilizers;	55725	
2874 Phosphatic fertilizers;	55726	
3281 Cut stone and stone products;	55727	
3295 Minerals and earth, ground or otherwise treated;	55728	
4221 Grain elevators (storage only);	55729	
5159 Farm related raw materials;	55730	
5261 Retail nurseries and lawn and garden supply stores.	55731	
(c) The fees set forth in the following schedule apply to the	55732	
issuance of a permit to install pursuant to rules adopted under	55733	
division (F) of section 3704.03 of the Revised Code for a process	55734	
identified in division (F)(4)(b) of this section:	55735	
Process weight rate (pounds per	Permit to install	55736
hour)		
0 to 10,000	\$ 200	55737
10,001 to 50,000	400	55738
50,001 to 100,000	500	55739
100,001 to 200,000	600	55740
200,001 to 400,000	750	55741
400,001 or more	900	55742
(5) Storage tanks		55743
Gallons (maximum useful capacity)	Permit to install	55744
0 to 20,000	\$ 100	55745

20,001 to 40,000	150	55746
40,001 to 100,000	250	55747
100,001 to 500,000	400	55748
500,001 or greater	750	55749
(6) Gasoline/fuel dispensing facilities		55750
For each gasoline/fuel		55751
dispensing facility (includes all	Permit to install	55752
units at the facility)	\$ 100	55753
(7) Dry cleaning facilities		55754
For each dry cleaning		55755
facility (includes all units	Permit to install	55756
at the facility)	\$ 100	55757
(8) Registration status		55758
For each source covered	Permit to install	55759
by registration status	\$ 75	55760
(G) An owner or operator who is responsible for an asbestos		55761
demolition or renovation project pursuant to rules adopted under		55762
section 3704.03 of the Revised Code shall <u>pay, upon submitting a</u>		55763
<u>notification pursuant to rules adopted under that section,</u> the		55764
fees set forth in the following schedule:		55765
Action	Fee	55766
Each notification	\$75	55767
Asbestos removal	\$3/unit	55768
Asbestos cleanup	\$4/cubic yard	55769
For purposes of this division, "unit" means any combination of		55770
linear feet or square feet equal to fifty.		55771
(H) A person who is issued an extension of time for a permit		55772
to install an air contaminant source pursuant to rules adopted		55773
under division (F) of section 3704.03 of the Revised Code shall		55774
pay a fee equal to one-half the fee originally assessed for the		55775
permit to install under this section, except that the fee for such		55776

an extension shall not exceed two hundred dollars. 55777

(I) A person who is issued a modification to a permit to 55778
install an air contaminant source pursuant to rules adopted under 55779
section 3704.03 of the Revised Code shall pay a fee equal to 55780
one-half of the fee that would be assessed under this section to 55781
obtain a permit to install the source. The fee assessed by this 55782
division only applies to modifications that are initiated by the 55783
owner or operator of the source and shall not exceed two thousand 55784
dollars. 55785

(J) Notwithstanding division (F) of this section, a person 55786
who applies for or obtains a permit to install pursuant to rules 55787
adopted under division (F) of section 3704.03 of the Revised Code 55788
after the date actual construction of the source began shall pay a 55789
fee for the permit to install that is equal to twice the fee that 55790
otherwise would be assessed under the applicable division unless 55791
the applicant received authorization to begin construction under 55792
division (W) of section 3704.03 of the Revised Code. This division 55793
only applies to sources for which actual construction of the 55794
source begins on or after July 1, 1993. The imposition or payment 55795
of the fee established in this division does not preclude the 55796
director from taking any administrative or judicial enforcement 55797
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 55798
of the Revised Code, or a rule adopted under any of them, in 55799
connection with a violation of rules adopted under division (F) of 55800
section 3704.03 of the Revised Code. 55801

As used in this division, "actual construction of the source" 55802
means the initiation of physical on-site construction activities 55803
in connection with improvements to the source that are permanent 55804
in nature, including, without limitation, the installation of 55805
building supports and foundations and the laying of underground 55806
pipework. 55807

(K)(1) Money received under division (B) of this section 55808

shall be deposited in the state treasury to the credit of the 55809
Title V clean air fund created in section 3704.035 of the Revised 55810
Code. Annually, not more than fifty cents per ton of each fee 55811
assessed under division (B) of this section on actual emissions 55812
from a source and received by the environmental protection agency 55813
pursuant to that division ~~shall~~ may be transferred by the director 55814
using an interstate transfer voucher to the state treasury to the 55815
credit of the small business assistance fund created in section 55816
3706.19 of the Revised Code. In addition, annually, the amount of 55817
money necessary for the operation of the office of ombudsperson as 55818
determined under division (B) of that section shall be transferred 55819
to the state treasury to the credit of the small business 55820
ombudsperson fund created by that section. 55821

(2) Money received by the agency pursuant to divisions (D), 55822
(F), (G), (H), (I), and (J) of this section shall be deposited in 55823
the state treasury to the credit of the non-Title V clean air fund 55824
created in section 3704.035 of the Revised Code. 55825

~~(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 55826
or (c) of this section, a person issued a water discharge permit 55827
or renewal of a water discharge permit pursuant to Chapter 6111. 55828
of the Revised Code shall pay a fee based on each point source to 55829
which the issuance is applicable in accordance with the following 55830
schedule:~~ 55831

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	55833
1,001 to 5000	100	55834
5,001 to 50,000	200	55835
50,001 to 100,000	300	55836
100,001 to 300,000	525	55837
over 300,000	750	55838

~~(b) Notwithstanding the fee schedule specified in division 55839
(L)(1)(a) of this section, the fee for a water discharge permit 55840~~

~~that is applicable to coal mining operations regulated under Chapter 1513. of the Revised Code shall be two hundred fifty dollars per mine.~~

~~(c) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit for a public discharger identified by I in the third character of the permittee's NPDES permit number shall not exceed seven hundred fifty dollars.~~

~~(2) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2018~~ 2020, and a nonrefundable application fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2018~~ 2020, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2018~~ 2020, and five thousand dollars on and after July 1, ~~2018~~ 2020. The fee shall be paid at the time the application is submitted.~~

~~(3) A person issued a modification of a water discharge permit shall pay a fee equal to one half the fee that otherwise would be charged for a water discharge permit, except that the fee for the modification shall not exceed four hundred dollars.~~

~~(4)(2) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.~~

~~(5)~~(3)(a)(i) Not later than January 30, ~~2016~~ 2018, and 55873
January 30, ~~2017~~ 2019, a person holding an NPDES discharge permit 55874
issued pursuant to Chapter 6111. of the Revised Code with an 55875
average daily discharge flow of five thousand gallons or more 55876
shall pay a nonrefundable annual discharge fee. Any person who 55877
fails to pay the fee at that time shall pay an additional amount 55878
that equals ten per cent of the required annual discharge fee. 55879

(ii) The billing year for the annual discharge fee 55880
established in division (L)~~(5)~~(3)(a)(i) of this section shall 55881
consist of a twelve-month period beginning on the first day of 55882
January of the year preceding the date when the annual discharge 55883
fee is due. In the case of an existing source that permanently 55884
ceases to discharge during a billing year, the director shall 55885
reduce the annual discharge fee, including the surcharge 55886
applicable to certain industrial facilities pursuant to division 55887
(L)~~(5)~~(3)(c) of this section, by one-twelfth for each full month 55888
during the billing year that the source was not discharging, but 55889
only if the person holding the NPDES discharge permit for the 55890
source notifies the director in writing, not later than the first 55891
day of October of the billing year, of the circumstances causing 55892
the cessation of discharge. 55893

(iii) The annual discharge fee established in division 55894
(L)~~(5)~~(3)(a)(i) of this section, except for the surcharge 55895
applicable to certain industrial facilities pursuant to division 55896
(L)~~(5)~~(3)(c) of this section, shall be based upon the average 55897
daily discharge flow in gallons per day calculated using first day 55898
of May through thirty-first day of October flow data for the 55899
period two years prior to the date on which the fee is due. In the 55900
case of NPDES discharge permits for new sources, the fee shall be 55901
calculated using the average daily design flow of the facility 55902
until actual average daily discharge flow values are available for 55903
the time period specified in division (L)~~(5)~~(3)(a)(iii) of this 55904

section. The annual discharge fee may be prorated for a new source 55905
as described in division (L)~~(5)~~(3)(a)(ii) of this section. 55906

(b)(i) An NPDES permit holder that is a public discharger 55907
shall pay the fee specified in the following schedule: 55908

Average daily	Fee due by	
discharge flow	January 30,	
	2016 <u>2018</u> , and	
	January 30, 2017	
	<u>2019</u>	
5,000 to 49,999	\$ 200	55913
50,000 to 100,000	500	55914
100,001 to 250,000	1,050	55915
250,001 to 1,000,000	2,600	55916
1,000,001 to 5,000,000	5,200	55917
5,000,001 to 10,000,000	10,350	55918
10,000,001 to 20,000,000	15,550	55919
20,000,001 to 50,000,000	25,900	55920
50,000,001 to 100,000,000	41,400	55921
100,000,001 or more	62,100	55922

(ii) Public dischargers owning or operating two or more 55923
publicly owned treatment works serving the same political 55924
subdivision, as "treatment works" is defined in section 6111.01 of 55925
the Revised Code, and that serve exclusively political 55926
subdivisions having a population of fewer than one hundred 55927
thousand persons shall pay an annual discharge fee under division 55928
(L)~~(5)~~(3)(b)(i) of this section that is based on the combined 55929
average daily discharge flow of the treatment works. 55930

(c)(i) An NPDES permit holder that is an industrial 55931
discharger, other than a coal mining operator identified by P in 55932
the third character of the permittee's NPDES permit number, shall 55933
pay the fee specified in the following schedule: 55934

Average daily	Fee due by	
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discharge flow	January 30,	55936
	2016 <u>2018</u> , and	55937
	January 30, 2017	55938
	<u>2019</u>	
5,000 to 49,999	\$ 250	55939
50,000 to 250,000	1,200	55940
250,001 to 1,000,000	2,950	55941
1,000,001 to 5,000,000	5,850	55942
5,000,001 to 10,000,000	8,800	55943
10,000,001 to 20,000,000	11,700	55944
20,000,001 to 100,000,000	14,050	55945
100,000,001 to 250,000,000	16,400	55946
250,000,001 or more	18,700	55947

(ii) In addition to the fee specified in the above schedule, 55948
an NPDES permit holder that is an industrial discharger classified 55949
as a major discharger during all or part of the annual discharge 55950
fee billing year specified in division (L)~~(5)~~(3)(a)(ii) of this 55951
section shall pay a nonrefundable annual surcharge of seven 55952
thousand five hundred dollars not later than January 30, ~~2016~~ 55953
2018, and not later than January 30, ~~2017~~ 2019. Any person who 55954
fails to pay the surcharge at that time shall pay an additional 55955
amount that equals ten per cent of the amount of the surcharge. 55956

(d) Notwithstanding divisions (L)~~(5)~~(3)(b) and (c) of this 55957
section, a public discharger, that is not a separate municipal 55958
storm sewer system, identified by I in the third character of the 55959
permittee's NPDES permit number and an industrial discharger 55960
identified by I, J, L, V, W, X, Y, or Z in the third character of 55961
the permittee's NPDES permit number shall pay a nonrefundable 55962
annual discharge fee of one hundred eighty dollars not later than 55963
January 30, ~~2016~~ 2018, and not later than January 30, ~~2017~~ 2019. 55964
Any person who fails to pay the fee at that time shall pay an 55965
additional amount that equals ten per cent of the required fee. 55966

~~(6)~~(4) Each person obtaining a ~~national pollutant discharge~~ 55967
~~elimination system general or individual~~ an NPDES permit for 55968
municipal storm water discharge shall pay a nonrefundable storm 55969
water annual discharge fee of ~~one hundred~~ ten dollars per 55970
one-tenth of a square mile of area permitted. The fee shall not 55971
exceed ten thousand dollars and shall be payable on or before 55972
January 30, 2004, and the thirtieth day of January of each year 55973
thereafter. Any person who fails to pay the fee on the date 55974
specified in division (L)~~(6)~~(4) of this section shall pay an 55975
additional amount per year equal to ten per cent of the annual fee 55976
that is unpaid. 55977

~~(7)~~(5) The director shall transmit all moneys collected under 55978
division (L) of this section to the treasurer of state for deposit 55979
into the state treasury to the credit of the surface water 55980
protection fund created in section 6111.038 of the Revised Code. 55981

~~(8)~~(6) As used in ~~division (L)~~ of this section: 55982

(a) "NPDES" means the federally approved national pollutant 55983
discharge elimination system individual and general program for 55984
issuing, modifying, revoking, reissuing, terminating, monitoring, 55985
and enforcing permits and imposing and enforcing pretreatment 55986
requirements under Chapter 6111. of the Revised Code and rules 55987
adopted under it. 55988

(b) "Public discharger" means any holder of an NPDES permit 55989
identified by P in the second character of the NPDES permit number 55990
assigned by the director. 55991

(c) "Industrial discharger" means any holder of an NPDES 55992
permit identified by I in the second character of the NPDES permit 55993
number assigned by the director. 55994

(d) "Major discharger" means any holder of an NPDES permit 55995
classified as major by the regional administrator of the United 55996
States environmental protection agency in conjunction with the 55997

director. 55998

(M) Through June 30, ~~2018~~ 2020, a person applying for a 55999
license or license renewal to operate a public water system under 56000
section 6109.21 of the Revised Code shall pay the appropriate fee 56001
established under this division at the time of application to the 56002
director. Any person who fails to pay the fee at that time shall 56003
pay an additional amount that equals ten per cent of the required 56004
fee. The director shall transmit all moneys collected under this 56005
division to the treasurer of state for deposit into the drinking 56006
water protection fund created in section 6109.30 of the Revised 56007
Code. 56008

Except as provided in divisions (M)(4) and (5) of this 56009
section, fees required under this division shall be calculated and 56010
paid in accordance with the following schedule: 56011

(1) For the initial license required under section 6109.21 of 56012
the Revised Code for any public water system that is a community 56013
water system as defined in section 6109.01 of the Revised Code, 56014
and for each license renewal required for such a system prior to 56015
January 31, ~~2018~~ 2020, the fee is: 56016

Number of service connections	Fee amount	
Not more than 49	\$ 112	56018
50 to 99	176	56019
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	56021
2,500 to 4,999	1.48	56022
5,000 to 7,499	1.42	56023
7,500 to 9,999	1.34	56024
10,000 to 14,999	1.16	56025
15,000 to 24,999	1.10	56026
25,000 to 49,999	1.04	56027
50,000 to 99,999	.92	56028
100,000 to 149,999	.86	56029

150,000 to 199,999	.80	56030
200,000 or more	.76	56031

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2018~~ 2020, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	56045
150 to 299	176	56046
300 to 749	384	56047
750 to 1,499	628	56048
1,500 to 2,999	1,268	56049
3,000 to 7,499	2,816	56050
7,500 to 14,999	5,510	56051
15,000 to 22,499	9,048	56052
22,500 to 29,999	12,430	56053
30,000 or more	16,820	56054

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2018~~ 2020, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	56068
2	112	56069
3	176	56070
4	278	56071
5	568	56072
System designated as using a surface water source	792	56074

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2018~~ 2020, and fifteen thousand dollars on and

after July 1, ~~2018~~ 2020. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2018~~ 2020, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		56110
MMO-MUG	\$2,000	56111
MF	2,100	56112
MMO-MUG and MF	2,550	56113
organic chemical	5,400	56114
trace metals	5,400	56115
standard chemistry	2,800	56116
limited chemistry	1,550	56117

On and after July 1, ~~2018~~ 2020, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	56120
organic chemicals	3,500	56121
trace metals	3,500	56122
standard chemistry	1,800	56123
limited chemistry	1,000	56124

The fee for those services shall be paid at the time the request 56125
for the survey is made. Through June 30, ~~2018~~ 2020, an individual 56126
laboratory shall not be assessed a fee under this division more 56127
than once in any three-year period unless the person requests the 56128
addition of analytical methods or analysts, in which case the 56129
person shall pay eighteen hundred dollars for each additional 56130
survey requested. 56131

As used in division (N)(3) of this section: 56132

(a) "MF" means microfiltration. 56133

(b) "MMO" means minimal medium ONPG. 56134

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 56135

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 56136

The director shall transmit all moneys collected under this 56137
division to the treasurer of state for deposit into the drinking 56138
water protection fund created in section 6109.30 of the Revised 56139
Code. 56140

(O) Any person applying to the director to take an 56141
examination for certification as an operator of a water supply 56142
system or wastewater system under Chapter 6109. or 6111. of the 56143
Revised Code that is administered by the director, at the time the 56144
application is submitted, shall pay a fee in accordance with the 56145
following schedule through November 30, ~~2018~~ 2020: 56146

Class A operator	\$ 80	56147
Class I operator	105	56148
Class II operator	120	56149
Class III operator	130	56150
Class IV operator	145	56151

On and after December 1, ~~2018~~ 2020, the applicant shall pay a 56152
fee in accordance with the following schedule: 56153

Class A operator	\$ 50	56154
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Class I operator	70	56155
Class II operator	80	56156
Class III operator	90	56157
Class IV operator	100	56158

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	56167
Class I operator	35	56168
Class II operator	45	56169
Class III operator	55	56170
Class IV operator	65	56171

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	56177
Class I operator	55	56178
Class II operator	65	56179
Class III operator	75	56180
Class IV operator	85	56181

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a

water supply system or wastewater treatment system examination 56187
provider shall pay an annual fee that is equal to ten per cent of 56188
the fees that the provider assesses and collects for administering 56189
water supply system or wastewater treatment system certification 56190
examinations in this state for the calendar year. The fee shall be 56191
paid not later than forty-five days after the end of a calendar 56192
year. 56193

The director shall transmit all moneys collected under this 56194
division to the treasurer of state for deposit into the drinking 56195
water protection fund created in section 6109.30 of the Revised 56196
Code. 56197

(P) Any person submitting an application for an industrial 56198
water pollution control certificate under section 6111.31 of the 56199
Revised Code, as that section existed before its repeal by H.B. 95 56200
of the 125th general assembly, shall pay a nonrefundable fee of 56201
five hundred dollars at the time the application is submitted. The 56202
director shall transmit all moneys collected under this division 56203
to the treasurer of state for deposit into the surface water 56204
protection fund created in section 6111.038 of the Revised Code. A 56205
person paying a certificate fee under this division shall not pay 56206
an application fee under division (S)(1) of this section. On and 56207
after June 26, 2003, persons shall file such applications and pay 56208
the fee as required under sections 5709.20 to 5709.27 of the 56209
Revised Code, and proceeds from the fee shall be credited as 56210
provided in section 5709.212 of the Revised Code. 56211

(Q) Except as otherwise provided in division (R) of this 56212
section, a person issued a permit by the director for a new solid 56213
waste disposal facility other than an incineration or composting 56214
facility, a new infectious waste treatment facility other than an 56215
incineration facility, or a modification of such an existing 56216
facility that includes an increase in the total disposal or 56217
treatment capacity of the facility pursuant to Chapter 3734. of 56218

the Revised Code shall pay a fee of ten dollars per thousand cubic 56219
yards of disposal or treatment capacity, or one thousand dollars, 56220
whichever is greater, except that the total fee for any such 56221
permit shall not exceed eighty thousand dollars. A person issued a 56222
modification of a permit for a solid waste disposal facility or an 56223
infectious waste treatment facility that does not involve an 56224
increase in the total disposal or treatment capacity of the 56225
facility shall pay a fee of one thousand dollars. A person issued 56226
a permit to install a new, or modify an existing, solid waste 56227
transfer facility under that chapter shall pay a fee of two 56228
thousand five hundred dollars. A person issued a permit to install 56229
a new or to modify an existing solid waste incineration or 56230
composting facility, or an existing infectious waste treatment 56231
facility using incineration as its principal method of treatment, 56232
under that chapter shall pay a fee of one thousand dollars. The 56233
increases in the permit fees under this division resulting from 56234
the amendments made by Amended Substitute House Bill 592 of the 56235
117th general assembly do not apply to any person who submitted an 56236
application for a permit to install a new, or modify an existing, 56237
solid waste disposal facility under that chapter prior to 56238
September 1, 1987; any such person shall pay the permit fee 56239
established in this division as it existed prior to June 24, 1988. 56240
In addition to the applicable permit fee under this division, a 56241
person issued a permit to install or modify a solid waste facility 56242
or an infectious waste treatment facility under that chapter who 56243
fails to pay the permit fee to the director in compliance with 56244
division (V) of this section shall pay an additional ten per cent 56245
of the amount of the fee for each week that the permit fee is 56246
late. 56247

Permit and late payment fees paid to the director under this 56248
division shall be credited to the general revenue fund. 56249

(R)(1) A person issued a registration certificate for a scrap 56250

tire collection facility under section 3734.75 of the Revised Code 56251
shall pay a fee of two hundred dollars, except that if the 56252
facility is owned or operated by a motor vehicle salvage dealer 56253
licensed under Chapter 4738. of the Revised Code, the person shall 56254
pay a fee of twenty-five dollars. 56255

(2) A person issued a registration certificate for a new 56256
scrap tire storage facility under section 3734.76 of the Revised 56257
Code shall pay a fee of three hundred dollars, except that if the 56258
facility is owned or operated by a motor vehicle salvage dealer 56259
licensed under Chapter 4738. of the Revised Code, the person shall 56260
pay a fee of twenty-five dollars. 56261

(3) A person issued a permit for a scrap tire storage 56262
facility under section 3734.76 of the Revised Code shall pay a fee 56263
of one thousand dollars, except that if the facility is owned or 56264
operated by a motor vehicle salvage dealer licensed under Chapter 56265
4738. of the Revised Code, the person shall pay a fee of fifty 56266
dollars. 56267

(4) A person issued a permit for a scrap tire monocell or 56268
monofill facility under section 3734.77 of the Revised Code shall 56269
pay a fee of ten dollars per thousand cubic yards of disposal 56270
capacity or one thousand dollars, whichever is greater, except 56271
that the total fee for any such permit shall not exceed eighty 56272
thousand dollars. 56273

(5) A person issued a registration certificate for a scrap 56274
tire recovery facility under section 3734.78 of the Revised Code 56275
shall pay a fee of one hundred dollars. 56276

(6) A person issued a permit for a scrap tire recovery 56277
facility under section 3734.78 of the Revised Code shall pay a fee 56278
of one thousand dollars. 56279

(7) In addition to the applicable registration certificate or 56280
permit fee under divisions (R)(1) to (6) of this section, a person 56281

issued a registration certificate or permit for any such scrap 56282
tire facility who fails to pay the registration certificate or 56283
permit fee to the director in compliance with division (V) of this 56284
section shall pay an additional ten per cent of the amount of the 56285
fee for each week that the fee is late. 56286

(8) The registration certificate, permit, and late payment 56287
fees paid to the director under divisions (R)(1) to (7) of this 56288
section shall be credited to the scrap tire management fund 56289
created in section 3734.82 of the Revised Code. 56290

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 56291
(P), and (S)(2) of this section, division (A)(2) of section 56292
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 56293
and rules adopted under division (T)(1) of this section, any 56294
person applying for a registration certificate under section 56295
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 56296
variance, or plan approval under Chapter 3734. of the Revised Code 56297
shall pay a nonrefundable fee of fifteen dollars at the time the 56298
application is submitted. 56299

(b) Except as otherwise provided, any person applying for a 56300
permit, variance, or plan approval under Chapter 6109. or 6111. of 56301
the Revised Code shall pay a nonrefundable application fee of one 56302
hundred dollars at the time the application is submitted through 56303
June 30, ~~2018~~ 2020, and a nonrefundable application fee of fifteen 56304
dollars at the time the application is submitted on and after July 56305
1, ~~2018~~ 2020. ~~Except~~ 56306

(c)(i) Except as otherwise provided in ~~division~~ divisions 56307
(S)~~(3)~~(1)(c)(iii) and (iv) of this section, through June 30, ~~2018~~ 56308
2020, any person applying for a ~~national pollutant discharge~~ 56309
~~elimination system~~ an NPDES permit under Chapter 6111. of the 56310
Revised Code shall pay a nonrefundable application fee of two 56311
hundred dollars at the time of application for the permit. On and 56312
after July 1, ~~2018~~ 2020, such a person shall pay a nonrefundable 56313

application fee of fifteen dollars at the time of application. 56314

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule: 56315
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<u>Design flow discharge (gallons per day)</u>	<u>Fee</u>	
<u>0 to 1000</u>	<u>\$ 0</u>	56320
<u>1,001 to 5000</u>	<u>100</u>	56321
<u>5,001 to 50,000</u>	<u>200</u>	56322
<u>50,001 to 100,000</u>	<u>300</u>	56323
<u>100,001 to 300,000</u>	<u>525</u>	56324
<u>over 300,000</u>	<u>750</u>	56325
		56326

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars. 56327
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(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine. 56332
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(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars. 56337
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(d) In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for a 56343
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~~national pollutant discharge elimination system~~ an NPDES general 56345
storm water construction permit shall pay a nonrefundable fee of 56346
twenty dollars per acre for each acre that is permitted above five 56347
acres at the time the application is submitted. However, the per 56348
acreage fee shall not exceed three hundred dollars. In addition to 56349
the application fee established under division (S)(1)(c)(i) of 56350
this section, any person applying for a ~~national pollutant~~ 56351
~~discharge elimination system~~ an NPDES general storm water 56352
industrial permit shall pay a nonrefundable fee of one hundred 56353
fifty dollars at the time the application is submitted. 56354

(e) The director shall transmit all moneys collected under 56355
division (S)(1) of this section pursuant to Chapter 6109. of the 56356
Revised Code to the treasurer of state for deposit into the 56357
drinking water protection fund created in section 6109.30 of the 56358
Revised Code. 56359

(f) The director shall transmit all moneys collected under 56360
division (S)(1) of this section pursuant to Chapter 6111. of the 56361
Revised Code and under division (S)(3) of this section to the 56362
treasurer of state for deposit into the surface water protection 56363
fund created in section 6111.038 of the Revised Code. 56364

(g) If a registration certificate is issued under section 56365
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 56366
the application fee paid shall be deducted from the amount of the 56367
registration certificate fee due under division (R)(1), (2), or 56368
(5) of this section, as applicable. 56369

(h) If a person submits an electronic application for a 56370
registration certificate, permit, variance, or plan approval for 56371
which an application fee is established under division (S)(1) of 56372
this section, the person shall pay ~~the all~~ applicable application 56373
fee fees as expeditiously as possible after the submission of the 56374
electronic application. An application for a registration 56375
certificate, permit, variance, or plan approval for which an 56376

application fee is established under division (S)(1) of this 56377
section shall not be reviewed or processed until the applicable 56378
application fee, and any other fees established under this 56379
division, are paid. 56380

(2) Division (S)(1) of this section does not apply to an 56381
application for a registration certificate for a scrap tire 56382
collection or storage facility submitted under section 3734.75 or 56383
3734.76 of the Revised Code, as applicable, if the owner or 56384
operator of the facility or proposed facility is a motor vehicle 56385
salvage dealer licensed under Chapter 4738. of the Revised Code. 56386

(3) A person applying for coverage under ~~a national pollutant~~ 56387
~~discharge elimination system~~ an NPDES general discharge permit for 56388
household sewage treatment systems shall pay the following fees: 56389

(a) A nonrefundable fee of two hundred dollars at the time of 56390
application for initial permit coverage; 56391

(b) A nonrefundable fee of one hundred dollars at the time of 56392
application for a renewal of permit coverage. 56393

(T) The director may adopt, amend, and rescind rules in 56394
accordance with Chapter 119. of the Revised Code that do all of 56395
the following: 56396

(1) Prescribe fees to be paid by applicants for and holders 56397
of any license, permit, variance, plan approval, or certification 56398
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 56399
the Revised Code that are not specifically established in this 56400
section. The fees shall be designed to defray the cost of 56401
processing, issuing, revoking, modifying, denying, and enforcing 56402
the licenses, permits, variances, plan approvals, and 56403
certifications. 56404

The director shall transmit all moneys collected under rules 56405
adopted under division (T)(1) of this section pursuant to Chapter 56406
6109. of the Revised Code to the treasurer of state for deposit 56407

into the drinking water protection fund created in section 6109.30 56408
of the Revised Code. 56409

The director shall transmit all moneys collected under rules 56410
adopted under division (T)(1) of this section pursuant to Chapter 56411
6111. of the Revised Code to the treasurer of state for deposit 56412
into the surface water protection fund created in section 6111.038 56413
of the Revised Code. 56414

(2) Exempt the state and political subdivisions thereof, 56415
including education facilities or medical facilities owned by the 56416
state or a political subdivision, or any person exempted from 56417
taxation by section 5709.07 or 5709.12 of the Revised Code, from 56418
any fee required by this section; 56419

(3) Provide for the waiver of any fee, or any part thereof, 56420
otherwise required by this section whenever the director 56421
determines that the imposition of the fee would constitute an 56422
unreasonable cost of doing business for any applicant, class of 56423
applicants, or other person subject to the fee; 56424

(4) Prescribe measures that the director considers necessary 56425
to carry out this section. 56426

(U) When the director reasonably demonstrates that the direct 56427
cost to the state associated with the issuance of a permit ~~to~~ 56428
~~install~~, license, variance, plan approval, or certification 56429
exceeds the fee for the issuance or review specified by this 56430
section, the director may condition the issuance or review on the 56431
payment by the person receiving the issuance or review of, in 56432
addition to the fee specified by this section, the amount, or any 56433
portion thereof, in excess of the fee specified under this 56434
section. The director shall not so condition issuances for which a 56435
fee is prescribed in division ~~(L)(1)(b)~~ (S)(1)(c)(iii) of this 56436
section. 56437

(V) Except as provided in divisions (L), (M), ~~and~~ (P), and 56438

(S) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the

development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 56470
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(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 56472
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(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions; 56475
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(e) Emission and ambient monitoring; 56478

(f) Modeling, analyses, or demonstrations; 56479

(g) Preparing inventories and tracking emissions; 56480

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code. 56481
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(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. 56488
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(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year 56491
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preceding the date on which payment of the fee is due. 56500

(2)(a) Except as provided in division (Y)(2)(d) of this 56501
section, each sewage sludge facility shall pay a minimum annual 56502
sewage sludge fee of one hundred dollars. 56503

(b) The annual sludge fee required to be paid by a sewage 56504
sludge facility that treats or disposes of exceptional quality 56505
sludge in this state shall be thirty-five per cent less per dry 56506
ton of exceptional quality sludge than the fee assessed under 56507
division (Y)(1) of this section, subject to the following 56508
exceptions: 56509

(i) Except as provided in division (Y)(2)(d) of this section, 56510
a sewage sludge facility that treats or disposes of exceptional 56511
quality sludge shall pay a minimum annual sewage sludge fee of one 56512
hundred dollars. 56513

(ii) A sewage sludge facility that treats or disposes of 56514
exceptional quality sludge shall not be required to pay the annual 56515
sludge fee for treatment or disposal in this state of exceptional 56516
quality sludge generated outside of this state and contained in 56517
bags or other containers not greater than one hundred pounds in 56518
capacity. 56519

A thirty-five per cent reduction for exceptional quality 56520
sludge applies to the maximum annual fees established under 56521
division (Y)(3) of this section. 56522

(c) A sewage sludge facility that transfers sewage sludge to 56523
another sewage sludge facility in this state for further treatment 56524
prior to disposal in this state shall not be required to pay the 56525
annual sludge fee for the tons of sewage sludge that have been 56526
transferred. In such a case, the sewage sludge facility that 56527
disposes of the sewage sludge shall pay the annual sludge fee. 56528
However, the facility transferring the sewage sludge shall pay the 56529
one-hundred-dollar minimum fee required under division (Y)(2)(a) 56530

of this section. 56531

In the case of a sewage sludge facility that treats sewage 56532
sludge in this state and transfers it out of this state to another 56533
entity for disposal, the sewage sludge facility in this state 56534
shall be required to pay the annual sludge fee for the tons of 56535
sewage sludge that have been transferred. 56536

(d) A sewage sludge facility that generates sewage sludge 56537
resulting from an average daily discharge flow of less than five 56538
thousand gallons per day is not subject to the fees assessed under 56539
division (Y) of this section. 56540

(3) No sewage sludge facility required to pay the annual 56541
sludge fee shall be required to pay more than the maximum annual 56542
fee for each disposal method that the sewage sludge facility uses. 56543
The maximum annual fee does not include the additional amount that 56544
may be charged under division (Y)(5) of this section for late 56545
payment of the annual sludge fee. The maximum annual fee for the 56546
following methods of disposal of sewage sludge is as follows: 56547

(a) Incineration: five thousand dollars; 56548

(b) Preexisting land reclamation project or disposal in a 56549
landfill: five thousand dollars; 56550

(c) Land application, land reclamation, surface disposal, or 56551
any other disposal method not specified in division (Y)(3)(a) or 56552
(b) of this section: twenty thousand dollars. 56553

(4)(a) In the case of an entity that generates sewage sludge 56554
or a sewage sludge facility that treats sewage sludge and 56555
transfers the sewage sludge to an incineration facility for 56556
disposal, the incineration facility, and not the entity generating 56557
the sewage sludge or the sewage sludge facility treating the 56558
sewage sludge, shall pay the annual sludge fee for the tons of 56559
sewage sludge that are transferred. However, the entity or 56560
facility generating or treating the sewage sludge shall pay the 56561

one-hundred-dollar minimum fee required under division (Y)(2)(a) 56562
of this section. 56563

(b) In the case of an entity that generates sewage sludge and 56564
transfers the sewage sludge to a landfill for disposal or to a 56565
sewage sludge facility for land reclamation or surface disposal, 56566
the entity generating the sewage sludge, and not the landfill or 56567
sewage sludge facility, shall pay the annual sludge fee for the 56568
tons of sewage sludge that are transferred. 56569

(5) Not later than the first day of April of the calendar 56570
year following March 17, 2000, and each first day of April 56571
thereafter, the director shall issue invoices to persons who are 56572
required to pay the annual sludge fee. The invoice shall identify 56573
the nature and amount of the annual sludge fee assessed and state 56574
the first day of May as the deadline for receipt by the director 56575
of objections regarding the amount of the fee and the first day of 56576
July as the deadline for payment of the fee. 56577

Not later than the first day of May following receipt of an 56578
invoice, a person required to pay the annual sludge fee may submit 56579
objections to the director concerning the accuracy of information 56580
regarding the number of dry tons of sewage sludge used to 56581
calculate the amount of the annual sludge fee or regarding whether 56582
the sewage sludge qualifies for the exceptional quality sludge 56583
discount established in division (Y)(2)(b) of this section. The 56584
director may consider the objections and adjust the amount of the 56585
fee to ensure that it is accurate. 56586

If the director does not adjust the amount of the annual 56587
sludge fee in response to a person's objections, the person may 56588
appeal the director's determination in accordance with Chapter 56589
119. of the Revised Code. 56590

Not later than the first day of June, the director shall 56591
notify the objecting person regarding whether the director has 56592

found the objections to be valid and the reasons for the finding. 56593
If the director finds the objections to be valid and adjusts the 56594
amount of the annual sludge fee accordingly, the director shall 56595
issue with the notification a new invoice to the person 56596
identifying the amount of the annual sludge fee assessed and 56597
stating the first day of July as the deadline for payment. 56598

Not later than the first day of July, any person who is 56599
required to do so shall pay the annual sludge fee. Any person who 56600
is required to pay the fee, but who fails to do so on or before 56601
that date shall pay an additional amount that equals ten per cent 56602
of the required annual sludge fee. 56603

(6) The director shall transmit all moneys collected under 56604
division (Y) of this section to the treasurer of state for deposit 56605
into the surface water protection fund created in section 6111.038 56606
of the Revised Code. The moneys shall be used to defray the costs 56607
of administering and enforcing provisions in Chapter 6111. of the 56608
Revised Code and rules adopted under it that govern the use, 56609
storage, treatment, or disposal of sewage sludge. 56610

(7) Beginning in fiscal year 2001, and every two years 56611
thereafter, the director shall review the total amount of moneys 56612
generated by the annual sludge fees to determine if that amount 56613
exceeded six hundred thousand dollars in either of the two 56614
preceding fiscal years. If the total amount of moneys in the fund 56615
exceeded six hundred thousand dollars in either fiscal year, the 56616
director, after review of the fee structure and consultation with 56617
affected persons, shall issue an order reducing the amount of the 56618
fees levied under division (Y) of this section so that the 56619
estimated amount of moneys resulting from the fees will not exceed 56620
six hundred thousand dollars in any fiscal year. 56621

If, upon review of the fees under division (Y)(7) of this 56622
section and after the fees have been reduced, the director 56623
determines that the total amount of moneys collected and 56624

accumulated is less than six hundred thousand dollars, the 56625
director, after review of the fee structure and consultation with 56626
affected persons, may issue an order increasing the amount of the 56627
fees levied under division (Y) of this section so that the 56628
estimated amount of moneys resulting from the fees will be 56629
approximately six hundred thousand dollars. Fees shall never be 56630
increased to an amount exceeding the amount specified in division 56631
(Y)(7) of this section. 56632

Notwithstanding section 119.06 of the Revised Code, the 56633
director may issue an order under division (Y)(7) of this section 56634
without the necessity to hold an adjudicatory hearing in 56635
connection with the order. The issuance of an order under this 56636
division is not an act or action for purposes of section 3745.04 56637
of the Revised Code. 56638

(8) As used in division (Y) of this section: 56639

(a) "Sewage sludge facility" means an entity that performs 56640
treatment on or is responsible for the disposal of sewage sludge. 56641

(b) "Sewage sludge" means a solid, semi-solid, or liquid 56642
residue generated during the treatment of domestic sewage in a 56643
treatment works as defined in section 6111.01 of the Revised Code. 56644
"Sewage sludge" includes, but is not limited to, scum or solids 56645
removed in primary, secondary, or advanced wastewater treatment 56646
processes. "Sewage sludge" does not include ash generated during 56647
the firing of sewage sludge in a sewage sludge incinerator, grit 56648
and screenings generated during preliminary treatment of domestic 56649
sewage in a treatment works, animal manure, residue generated 56650
during treatment of animal manure, or domestic septage. 56651

(c) "Exceptional quality sludge" means sewage sludge that 56652
meets all of the following qualifications: 56653

(i) Satisfies the class A pathogen standards in 40 C.F.R. 56654
503.32(a); 56655

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	56656 56657
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	56658 56659
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	56660 56661
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	56662 56663 56664
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	56665 56666 56667
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	56668 56669 56670 56671 56672
(g) "Land reclamation" means the returning of disturbed land to productive use.	56673 56674
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	56675 56676 56677 56678
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	56679 56680 56681 56682
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if	56683 56684 56685

they are separated by a public road or highway. 56686

(k) "Annual sludge fee" means the fee assessed under division 56687
(Y)(1) of this section. 56688

(l) "Landfill" means a sanitary landfill facility, as defined 56689
in rules adopted under section 3734.02 of the Revised Code, that 56690
is licensed under section 3734.05 of the Revised Code. 56691

(m) "Preexisting land reclamation project" means a 56692
property-specific land reclamation project that has been in 56693
continuous operation for not less than five years pursuant to 56694
approval of the activity by the director and includes the 56695
implementation of a community outreach program concerning the 56696
activity. 56697

Sec. 3749.01. As used in sections 3749.01 to 3749.10 of the 56698
Revised Code: 56699

(A) "Board of health" means a city board of health or a 56700
general health district, or an authority having the duties of a 56701
city board of health as authorized by section 3709.05 of the 56702
Revised Code. 56703

(B) "Health district" means any city or general health 56704
district created pursuant to section 3709.01 of the Revised Code. 56705

(C) "Person" means the state, any political subdivision, 56706
special district, public or private corporation, individual, firm, 56707
partnership, association, or any other entity. 56708

(D) "Licensor" means a city board of health or a general 56709
health district, an authority having the duties of a city board of 56710
health as authorized pursuant to section 3709.05 of the Revised 56711
Code, or the director of ~~the department of~~ health when acting 56712
under section 3749.07 of the Revised Code. 56713

(E) "Director" means the director of ~~the department of~~ health 56714
or his an authorized representative of the director of health. 56715

(F) "Private residential swimming pool" means any indoor or 56716
outdoor structure, chamber, or tank containing a body of water for 56717
swimming, diving, or bathing located at a dwelling housing no more 56718
than three families and used exclusively by the residents and 56719
their nonpaying guests. 56720

(G) "Public swimming pool" means any indoor or outdoor 56721
structure, chamber, or tank containing a body of water for 56722
swimming, diving, or bathing that is intended to be used 56723
collectively for swimming, diving, or bathing and is operated by 56724
any person whether as the owner, lessee, operator, licensee, or 56725
concessionaire, regardless of whether or not a fee is charged for 56726
use, but does not mean any public bathing area or private 56727
residential swimming pool. 56728

(H) "Public spa" means any public swimming pool that is 56729
typically operated as a smaller, higher temperature pool for 56730
recreational or nonmedical uses. 56731

(I) "Special use pool" means a public swimming pool 56732
containing flume slides, wave generating equipment, or other 56733
special features that necessitate different design and safety 56734
requirements. ~~Special use pool does not include any water slide or~~ 56735
~~wave generating pool at a public amusement area which is licensed~~ 56736
~~and inspected by the department of agriculture pursuant to~~ 56737
~~sections 1711.50 to 1711.57 of the Revised Code.~~ 56738

(J) "Public bathing area" means an impounding reservoir, 56739
basin, lake, pond, creek, river, or other similar natural body of 56740
water. 56741

(K) "Aquatic amusement ride" means an amusement ride, as 56742
defined in section 1711.50 of the Revised Code, that contains a 56743
water slide, catch pool, wave generating equipment, or a body of 56744
water that is used for bathing, swimming, or other purposes 56745
related to those activities. 56746

Sec. 3749.02. The director of health shall, subject to 56747
Chapter 119. of the Revised Code, adopt rules of general 56748
application throughout the state governing the issuance of 56749
licenses, approval of plans, layout, construction, sanitation, 56750
safety, and operation of public swimming pools, public spas, and 56751
special use pools. Such rules shall not be applied to the 56752
construction, erection, or manufacture of any building to which 56753
section 3781.06 of the Revised Code is applicable when the 56754
building or structure is either integral to or appurtenant to a 56755
public swimming pool, a public spa, or a special use pool. 56756

The director of health shall, subject to Chapter 119. of the 56757
Revised Code, adopt rules for general application throughout the 56758
state governing the operation, components, appurtenant facilities, 56759
surrounding areas, water quality, disinfection, and health of 56760
aquatic amusement rides. The structural integrity and physical 56761
safety of an aquatic amusement ride shall be the responsibility of 56762
the department of agriculture in accordance with sections 1711.50 56763
to 1711.57 of the Revised Code. 56764

Sec. 3749.03. (A) No person shall construct or install, or 56765
renovate or otherwise substantially alter, a public swimming pool, 56766
public spa, or special use pool after September 10, 1987, or an 56767
aquatic amusement ride after the effective date of this amendment, 56768
until the plans for the pool ~~or~~, spa, or ride have been submitted 56769
to and approved by the director of health. Within thirty days of 56770
receipt of the plans, the director shall approve or disapprove 56771
them. The plans and approval required under this division do not 56772
apply to repairs or ordinary maintenance that does not 56773
substantially affect the manner of water recirculation or basic 56774
design of the public swimming pool, public spa, ~~or~~ special use 56775
pool, or aquatic amusement ride. 56776

Any person aggrieved by the director's disapproval of plans 56777

under this division may, within thirty days following receipt of 56778
the director's notice of disapproval, request a hearing on the 56779
matter. The hearing shall be held in accordance with Chapter 119. 56780
of the Revised Code and may be appealed in the manner provided in 56781
that chapter. 56782

(B) Prior to the issuance of a license to operate a newly 56783
constructed or altered public swimming pool, public spa, ~~or~~ 56784
special use pool, or aquatic amusement ride, the director or a 56785
licensor authorized by the director shall verify that the 56786
construction or alterations are consistent with the plans 56787
submitted and approved under division (A) of this section. The 56788
director or licensor authorized by the director shall have two 56789
working days from the time notification is received that a public 56790
swimming pool, public spa, ~~or~~ special use pool, or aquatic 56791
amusement ride is ready for an inspection to verify the 56792
construction or alterations. 56793

(C)(1) Except as provided in division (C)(2) of this section, 56794
the fees for the approval of plans are as follows: 56795

(a) Five per cent of the total cost of the equipment and 56796
installation not to exceed two hundred seventy-five dollars for a 56797
public swimming pool, public spa, ~~or~~ special use pool, aquatic 56798
amusement ride, or a combination thereof, that has less than two 56799
thousand square feet of surface area; 56800

(b) Five per cent of the total cost of the equipment and 56801
installation not to exceed five hundred fifty dollars for a public 56802
swimming pool, public spa, special use pool, aquatic amusement 56803
ride, or a combination thereof, that has two thousand or more 56804
square feet of surface area. 56805

(2) The director may, by rule adopted in accordance with 56806
Chapter 119. of the Revised Code, increase the fees established by 56807
this section. 56808

(D) All plan approval fees shall be paid into the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. The fees shall be administered by the director and shall be used solely for the administration and enforcement of this chapter and the rules adopted thereunder.

(E) Plan approvals issued under this section shall not constitute an exemption from the land use and building requirements of the political subdivision in which the public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride is or is to be located.

Sec. 3749.04. (A) No person shall operate or maintain a public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride without a license issued by the licensor having jurisdiction.

(B) Every person who intends to operate or maintain an existing public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride shall, during the month of April of each year, apply to the licensor having jurisdiction for a license to operate the pool ~~or~~, spa, or ride. Any person proposing to operate or maintain a new or otherwise unlicensed public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride shall apply to the licensor having jurisdiction at least thirty days prior to the intended start of operation of the pool ~~or~~, spa, or ride. Within thirty days of receipt of an application for licensure of a public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride, the licensor shall process the application and either issue a license or otherwise respond to the applicant regarding the application.

(C) Each license issued shall be effective from the date of issuance until the last day of May of the following year.

(D) Each licensor administering and enforcing sections 56840
3749.01 to 3749.09 of the Revised Code and the rules adopted 56841
thereunder may establish licensing and inspection fees in 56842
accordance with section 3709.09 of the Revised Code, which shall 56843
not exceed the cost of licensing and inspecting public swimming 56844
pools, public spas, ~~and~~ special use pools, and aquatic amusement 56845
rides. 56846

(E) Except as provided in division (F) of this section and in 56847
division (B) of section 3749.07 of the Revised Code, all license 56848
fees collected by a licensor shall be deposited into a swimming 56849
pool fund, which is hereby created in each health district. The 56850
fees shall be used by the licensor solely for the purpose of 56851
administering and enforcing this chapter and the rules adopted 56852
under this chapter. 56853

(F) An annual license fee established under division (D) of 56854
this section shall include any additional amount determined by 56855
rule of the director of health, which the board of health shall 56856
collect and transmit to the director pursuant to section 3709.092 56857
of the Revised Code. The amounts collected under this division 56858
shall be administered by the director of health and shall be used 56859
solely for the administration and enforcement of this chapter and 56860
the rules adopted under this chapter. 56861

Sec. 3749.05. The licensor of the district in which a public 56862
swimming pool, public spa, ~~or~~ special use pool, or aquatic 56863
amusement ride is located may, in accordance with Chapter 119. of 56864
the Revised Code, refuse to grant a license or suspend or revoke 56865
any license issued to any person for failure to comply with the 56866
requirements of Chapter 3749. of the Revised Code and the rules 56867
adopted thereunder. 56868

Sec. 3749.06. Prior to the issuance of an initial license and 56869

annually thereafter, the licensor shall inspect each public 56870
swimming pool, public spa, ~~or~~ special use pool, or aquatic 56871
amusement ride in ~~his~~ the licensor's jurisdiction to determine 56872
whether or not the pool ~~or~~, spa, or ride is in compliance with 56873
Chapter 3749. of the Revised Code and the rules adopted 56874
thereunder. A licensor may, as ~~he~~ the licensor determines 56875
appropriate, inspect a public swimming pool, public spa, ~~or~~ 56876
special use pool, or aquatic amusement ride at any other time. The 56877
licensor shall make the initial inspection within five days from 56878
the date of receipt of notification that the pool ~~or~~, spa, or ride 56879
is ready for operation and shall maintain a record of each 56880
inspection that ~~he~~ the licensor conducts for a period of at least 56881
five years on forms prescribed by the director of health. 56882

Sec. 3749.07. (A) The director of health shall annually 56883
survey each health district that licenses public swimming pools, 56884
public spas, ~~and special use~~ special use pools, and aquatic 56885
amusement rides to determine whether or not the health district is 56886
in substantial compliance with this chapter and the rules adopted 56887
thereunder. If the director determines that a health district is 56888
in substantial compliance, ~~he~~ the director shall place the 56889
district on an approved health district licensing list. The 56890
director shall, as ~~he~~ the director determines necessary, make 56891
additional surveys of health districts and shall remove from the 56892
approved health district licensing list any health district ~~he~~ the 56893
director determines not to be in substantial compliance with this 56894
chapter and the rules adopted thereunder. 56895

(B) If the director determines that a health district is not 56896
eligible to be placed on the approved health district licensing 56897
list, ~~he~~ the director shall certify the same to the board of 56898
health of the health district and shall perform the duties of a 56899
health district in that area until the health district is eligible 56900
for placement on the approved list. All fees payable to the health 56901

district during the time that the director performs the duties of 56902
the health district and all other such fees that have not been 56903
expended or otherwise encumbered shall be deposited by the 56904
director in the state treasury to the credit of the general 56905
operations fund created by section 3701.83 of the Revised Code, to 56906
be used by the director in ~~his~~ the director's capacity as a 56907
licensor. The director shall keep a record of the fees so 56908
deposited and, when the health district is placed on the approved 56909
list, shall transfer any remaining balance of the fees to the 56910
health district swimming pool fund created under division (E) of 56911
section 3749.04 of the Revised Code. 56912

Sec. 3751.01. As used in this chapter: 56913

(A) "Confidential business information" means the types or 56914
categories of information identified in rules adopted by the 56915
administrator of the United States environmental protection agency 56916
under division (A)(1)(g) of section 3751.02 of the Revised Code 56917
EPCRA. 56918

(B) "EPCRA" means the "Emergency Planning and Community 56919
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, et 56920
seq. 56921

(C) "Facility" means all buildings, equipment, structures, 56922
and other stationary items that are located on a single site or on 56923
contiguous or adjacent sites and that are owned or operated by the 56924
same person or by any person who controls, is controlled by, or is 56925
under common control with such person. 56926

~~(C)~~(D) "Manufacture" means the production, preparation, 56927
importation, or compounding of a toxic chemical. The term also 56928
applies to a toxic chemical produced coincidentally during the 56929
manufacture, processing, use, or disposal of another substance or 56930
mixture including, without limitation, byproducts and coproducts 56931
that are separated from the other substance or mixture and 56932

impurities that remain in that substance or mixture. 56933

~~(D)~~(E) "Person" includes the state, any political subdivision 56934
or other state or local body, the United States and any agency or 56935
instrumentality thereof, and any entity defined as a person under 56936
section 1.59 of the Revised Code. 56937

~~(E)~~(F) "Process" means the preparation of a toxic chemical 56938
after its manufacture for distribution in commerce: 56939

(1) In the same form or physical state as, or in a different 56940
form or physical state from, that in which it was received by the 56941
person so preparing such chemical; 56942

(2) As part of an article containing the toxic chemical. 56943

~~(F)~~(G) "Release" means any spilling, leaking, pumping, 56944
pouring, emitting, emptying, discharging, injecting, escaping, 56945
leaching, dumping, or discharging into the environment of any 56946
toxic chemical including, without limitation, the abandonment or 56947
discarding of barrels, containers, and other closed receptacles 56948
that contained a toxic chemical. 56949

~~(G)~~(H) "Toxic chemical" means a chemical listed in rules 56950
adopted by the administrator of the United States environmental 56951
protection agency ~~under division (A)(1)(a) of section 3751.02 of~~ 56952
~~the Revised Code~~ EPCRA. 56953

Sec. 3751.02. ~~(A)~~ The director of environmental protection 56954
~~shall~~ may do any of the following: 56955

~~(1)~~(A) Adopt rules in accordance with Chapter 119. of the 56956
Revised Code ~~that are consistent with and equivalent in scope,~~ 56957
~~content, and coverage to, and no more stringent than section 313~~ 56958
~~of the "Emergency Planning and Community Right To Know Act of~~ 56959
~~1986," 100 Stat. 1741, 42 U.S.C.A. 11023, and regulations adopted~~ 56960
~~under that section:~~ 56961

~~(a) Identifying and listing toxic chemicals, establishing~~ 56962

~~threshold quantities for any such chemical used, manufactured, or processed at a facility that differ from and supersede a threshold quantity prescribed in division (C) of section 3751.03 of the Revised Code, and establishing ranges of quantities of those chemicals to be used in preparing toxic chemical release forms under that section. The rules may establish different annual threshold quantities based upon whether a toxic chemical is used, manufactured, or processed at a facility or based upon classes of chemicals or categories of facilities.~~

~~(b) Adding or deleting standard industrial classification codes from the list in division (A)(1) of section 3751.03 of the Revised Code establishing the categories of facilities subject to the reporting requirements of that section;~~

~~(c) Applying the reporting requirements of section 3751.03 of the Revised Code to owners or operators of individual facilities in this state that manufacture, process, or otherwise use a toxic chemical, in addition to those subject to the reporting requirements of that section pursuant to the criteria contained in it or rules adopted under division (A)(1)(a) or (b) of this section;~~

~~(d) Modifying the frequency for submitting the report required by division (A) of section 3751.03 of the Revised Code applicable to:~~

~~(i) All toxic chemical release forms required to be submitted by division (A) of section 3751.03 of the Revised Code;~~

~~(ii) A class of toxic chemicals or a category of facilities;~~

~~(iii) A specific toxic chemical;~~

~~(iv) A specific facility.~~

~~(e) Establishing procedures for receiving and fulfilling requests from the public for information held by the director~~

under this chapter;	56993
(f) Establishing procedures and criteria to protect trade secret and confidential business information from unauthorized disclosure;	56994
(g) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;	56995
(h) Establishing other <u>establishing</u> requirements or authorizations that the director considers necessary or appropriate to implement and administer this chapter.	56996
(2) Adopt rules in accordance with Chapter 119. of the Revised Code requiring that all claims for protection of information obtained under this chapter as a trade secret be submitted to the administrator of the United States environmental protection agency for determination under section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section.	56997
(3) Prescribe and publish a uniform toxic release form to be used by owners or operators of facilities subject to the reporting requirements of section 3751.03 of the Revised Code. The form shall require the submission of only the information and certifications required by division (B) of section 3751.03 of the Revised Code and such additional information as is required to be provided on the uniform toxic chemical release form published by the administrator under section 313 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11023.	56998
(B) The director may:	56999
(1) As the representative of the governor pursuant to section 313(b) of the "Emergency Planning and Community Right To Know Act	57000
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of 1986," 100 Stat. 1741, 42 U.S.C.A. 10041 EPCRA, request the 57024
administrator of the United States environmental protection agency 57025
to apply the toxic chemical release reporting requirements of 57026
~~section 313~~ of that act to the owner or operator of any facility 57027
in this state that manufactures, processes, or otherwise uses a 57028
toxic chemical if, in the director's judgment, such reporting is 57029
warranted by the toxicity of the toxic chemical manufactured, 57030
processed, or otherwise used at the facility; the proximity of the 57031
facility to other facilities that release the toxic chemical or to 57032
population centers; or the history of releases of the toxic 57033
chemical at the facility; 57034

~~(2)(C)~~ As the representative of the governor pursuant to 57035
~~section 313(e)(2)~~ of the "~~Emergency Planning and Community~~ 57036
~~Right To Know Act of 1986,~~" 100 Stat. 1741, 42 U.S.C.A. 11041 57037
EPCRA, petition the administrator to, by regulation, add a 57038
chemical to or delete a chemical from the list of toxic chemicals 57039
subject to the toxic chemical release reporting requirements of 57040
~~section 313~~ of that act if, in the director's judgment, the 57041
chemical meets the criteria of ~~paragraph (d)(2) or (3)~~ of required 57042
by that section act. 57043

Sec. 3751.03. (A)(1) On or before the first day of July of 57044
each year or as otherwise prescribed ~~in rules adopted by the~~ 57045
administrator of the United States environmental protection agency 57046
~~under division (A)(1)(d) of section 3751.02 of the Revised Code~~ 57047
EPCRA, the owner or operator of a facility ~~that is in standard~~ 57048
~~industrial classification codes 20 to 39 and any other codes added~~ 57049
~~by rules adopted under division (A)(1)(b) of section 3751.02 of~~ 57050
~~the Revised Code, as those standard industrial classification~~ 57051
~~codes were in effect on July 1, 1985, that has ten or more~~ 57052
~~full-time employees, and that manufactured, processed, or~~ 57053
~~otherwise used during the preceding calendar year a toxic chemical~~ 57054
~~in an amount exceeding the applicable threshold quantity~~ 57055

~~established in division (C) of this section or otherwise~~ 57056
~~prescribed in rules adopted under division (A)(1)(a) of section~~ 57057
~~3751.02 of the Revised Code, described in division (A)(2) of this~~ 57058
~~section shall prepare and submit to the director of environmental~~ 57059
~~protection administrator a completed toxic chemical release form~~ 57060
~~for each toxic chemical that was so manufactured, processed, or~~ 57061
~~otherwise used at the facility during the preceding calendar year.~~ 57062
~~The electronic submission of the form to the administrator~~ 57063
~~constitutes simultaneous submission of the form to the director of~~ 57064
~~environmental protection for purposes of EPCRA. The~~ 57065

(2) Division (A)(1) of this section applies to the owner or 57066
operator of a facility to which all of the following apply: 57067

(a) The facility is in standard industrial classification 57068
codes 20 to 39, as those codes were in effect on July 1, 1985, or 57069
in any other applicable code added by the administrator. 57070

(b) The owner or operator has ten or more full-time 57071
employees. 57072

(c) The facility manufactured, processed, or otherwise used 57073
during the calendar year immediately preceding the first day of 57074
July or date otherwise prescribed by the administrator, a toxic 57075
chemical in an amount exceeding the applicable threshold quantity 57076
established by the administrator under EPCRA. 57077

(3) The owner or operator shall submit the information 57078
~~required by division (B) of this section on a uniform toxic~~ 57079
~~chemical release form prescribed by the administrator under~~ 57080
~~division (A)(3) of section 3751.02 of the Revised Code EPCRA. If~~ 57081
~~the director has not prescribed the form, an owner or operator~~ 57082
~~shall submit the information required to be included on the form~~ 57083
~~under that division to the director by means of a letter~~ 57084
~~postmarked not later than the date on which the form is due under~~ 57085
~~this division.~~ 57086

~~(2) In addition to the owners or operators of facilities meeting the criteria enumerated in division (A)(1) of this section, the owners and operators of facilities identified in rules adopted under division (A)(1)(c) of section 3751.02 of the Revised Code shall comply with division (A)(1) of this section. Division (A)(1) of this section does not apply to the owner or operator of a facility in a standard industrial classification code that has been deleted from the list in division (A)(1) of this section by rules adopted under division (A)(1)(b) of section 3751.02 of the Revised Code.~~

~~(B) The uniform toxic chemical release form shall contain all of the following information:~~

~~(1) The name, location of, and principal business activities conducted at the facility;~~

~~(2) Each of the following items of information regarding the toxic chemical:~~

~~(a) Whether the toxic chemical is manufactured, processed, or otherwise used and the general category or categories of use of the chemical;~~

~~(b) An estimate of the maximum amount in pounds of the toxic chemical present at the facility at any time during the preceding calendar year. The estimate shall be provided in the appropriate reporting range established by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.~~

~~(c) The waste treatment or disposal methods employed for each waste stream and an estimate of the efficiency typically achieved by those methods for that waste stream;~~

~~(d) The quantity of the toxic chemical entering each environmental medium annually;~~

~~(e) An indication as to whether the owner or operator chooses~~

~~to withhold information about it as a trade secret and, if so, 57117
whether the owner or operator has filed a claim with the 57118
administrator of the United States environmental protection agency 57119
for protection of that information as a trade secret pursuant to 57120
rules adopted under division (A)(2) of section 3751.02 of the 57121
Revised Code. 57122~~

~~(3) An appropriate certification regarding the accuracy and 57123
completeness of the report, signed by an official of the owner or 57124
operator with management responsibility. 57125~~

~~(C) The threshold amounts for purposes of reporting toxic 57126
chemicals under this section are as follow: 57127~~

~~(1) With respect to a toxic chemical used at a facility, ten 57128
thousand pounds for the applicable calendar year; 57129~~

~~(2) With respect to a toxic chemical manufactured or 57130
processed at a facility: 57131~~

~~(a) For the form required to be submitted on or before July 57132
1, 1989, fifty thousand pounds per year; 57133~~

~~(b) For the form required to be submitted on or before July 57134
1, 1990, and for each year thereafter, twenty five thousand pounds 57135
per year; 57136~~

~~(c) Such other threshold quantities as may be prescribed by 57137
rules adopted under division (A)(1)(a) of section 3751.02 of the 57138
Revised Code. 57139~~

~~(D)(B) The toxic chemical release forms required by this 57140
section are intended to provide information to federal, state, and 57141
local governments and the public, including residents of 57142
communities surrounding facilities covered by this section. 57143
Subject to the limitations prescribed in section 3751.04 of the 57144
Revised Code and rules adopted under division (A)(1)(f) of section 57145
3751.02 of the Revised Code governing the protection of trade 57146~~

~~secrets and confidential business information, the director, upon~~ 57147
~~request, shall make toxic chemical release forms submitted under~~ 57148
~~this section available to inform persons about releases of toxic~~ 57149
~~chemicals to the environment, to assist government agencies,~~ 57150
~~researchers, and other persons in conducting research and~~ 57151
~~gathering data, to aid in the development of appropriate rules,~~ 57152
~~guidelines, standards, and emergency plans, and for other similar~~ 57153
~~purposes.~~ 57154

~~(E)(C)~~ No owner or operator of a facility who is required by 57155
this section to file a toxic chemical release form shall fail to 57156
submit a toxic chemical release form as required by this section. 57157

~~(F)(D)~~ An owner or operator of a facility who is required 57158
under this section to file a toxic chemical release form and who 57159
knowingly makes a false statement on that form, on a record upon 57160
which the information on that form is based, or on other 57161
information or records required to be kept or submitted under this 57162
chapter and the rules adopted under this chapter is guilty of 57163
falsification under section 2921.13 of the Revised Code. 57164

Sec. 3751.04. (A) Except as otherwise provided in division 57165
(D) of this section, any person required to provide information ~~to~~ 57166
~~the director of environmental protection~~ under section 3751.03 of 57167
the Revised Code may withhold from submission ~~to the director or~~ 57168
~~any other person~~ the specific chemical identity, including the 57169
chemical name and other specific identification, of the toxic 57170
chemical on the grounds that the information constitutes a trade 57171
secret if either of the following conditions is met: 57172

(1)(a) At the time of submitting the information sought to be 57173
classified as a trade secret, the owner or operator of the 57174
facility submits a claim for protection of that information as a 57175
trade secret pursuant to ~~rules adopted~~ regulations promulgated by 57176
the administrator of the United States environmental protection 57177

~~agency under division (A)(2) of section 3751.02 of the Revised Code EPCRA, and submits a copy of the required toxic chemical release form that indicates that such a claim has been filed and contains the generic class or category of the identity in place of the identity and that is accompanied by a copy of the substantiation supporting the trade secret claim that was submitted to the administrator of the United States environmental protection agency. The owner or operator may withhold from the copy of the explanations and supplemental information submitted to the director information identified as confidential business information in rules adopted under division (A)(1)(g) of section 3751.02 of the Revised Code.~~ 57178
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(b) A determination of the claim remains pending pursuant to those ~~rules~~ regulations. 57190
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(2) It has been determined by the administrator pursuant to ~~rules adopted under division (A)(2) of section 3751.02 of the Revised Code~~ those regulations that a trade secret exists. 57192
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(B) No person shall withhold the specific identity of a toxic chemical on the grounds that the information is a trade secret in either of the following instances: 57195
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(1) From any toxic chemical release form if it has been determined by the administrator pursuant to ~~rules adopted regulations promulgated under division (A)(2) of section 3751.02 of the Revised Code EPCRA~~ that no trade secret exists; 57198
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(2) When required to provide the specific chemical identity to a health professional, physician, or nurse pursuant to division (D) of this section. 57202
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(C) The governor may, pursuant to ~~section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042 EPCRA,~~ request the administrator of the United States environmental protection agency to provide 57205
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specific chemical identities that are claimed or have been 57209
determined to be trade secret information or the explanations and 57210
supplemental information supporting trade secret protection claims 57211
regarding facilities located in this state that are subject to 57212
this chapter. The governor shall not make any trade secret or 57213
confidential information obtained under this division available to 57214
any member of the emergency planning commission created in section 57215
3750.02 of the Revised Code or to any member of a local emergency 57216
planning committee of an emergency planning district established 57217
under section 3750.03 of the Revised Code who is not also an 57218
officer or employee of the state or a political subdivision. Any 57219
trade secret or confidential business information obtained under 57220
this division shall be protected from unauthorized disclosure ~~in~~ 57221
~~accordance with rules adopted under division (A)(1)(f) of section~~ 57222
~~3751.02 of the Revised Code.~~ 57223

(D)(1) The owner or operator of a facility that is subject to 57224
section 3751.03 of the Revised Code shall provide the specific 57225
chemical identity of a toxic chemical, if the specific chemical 57226
identity is known, to any health professional who submits to the 57227
owner or operator a written request and statement of need for the 57228
specific chemical identity. The written statement of need shall be 57229
a statement of the health professional that the health 57230
professional has a reasonable basis to believe that all of the 57231
following conditions pertain to the request: 57232

(a) The information is needed for purposes of diagnosis or 57233
treatment of an individual; 57234

(b) The individual being diagnosed or treated has been 57235
exposed to the chemical concerned; 57236

(c) Knowledge of the specific chemical identity of the 57237
chemical will assist in diagnosis and treatment. 57238

An owner or operator to whom such a written request and 57239

statement of need is submitted shall provide the requested 57240
information to the health professional promptly after receiving 57241
the request and statement of need, subject to division (D)(4) of 57242
this section. 57243

(2) The owner or operator of a facility that is subject to 57244
section 3751.03 of the Revised Code shall provide a copy of a 57245
toxic chemical release form that contains the specific chemical 57246
identity of a toxic chemical, if the specific chemical identity is 57247
known, to any treating physician or nurse who requests that 57248
information if the physician or nurse determines that all of the 57249
following conditions pertain to the request: 57250

(a) A medical emergency exists; 57251

(b) The specific chemical identity of the chemical concerned 57252
is necessary for or will assist in emergency or first aid 57253
diagnosis or treatment; 57254

(c) The individual being diagnosed or treated has been 57255
exposed to the chemical concerned. 57256

The owner or operator shall provide the requested information 57257
to the physician or nurse immediately upon receiving such a 57258
request. The owner or operator shall not require any such treating 57259
physician or nurse to provide a written confidentiality agreement 57260
or statement of need as a precondition for disclosure of a 57261
specific chemical identity under this division; however, the owner 57262
or operator may require the treating physician or nurse to provide 57263
a written confidentiality agreement under division (D)(4) of this 57264
section and a statement setting forth the conditions listed in 57265
divisions (D)(2)(a) to (c) of this section as soon after the 57266
disclosure is made as circumstances permit. 57267

(3) The owner or operator of a facility that is subject to 57268
section 3751.03 of the Revised Code shall provide the specific 57269
chemical identity of a toxic chemical, if the specific chemical 57270

identity is known, to any health professional, including, without 57271
limitation, a physician, toxicologist, or epidemiologist, who is 57272
either employed by or under contract with a political subdivision 57273
and who submits to the owner or operator a written request for the 57274
information, a written statement of need for the information that 57275
meets the requirements of division (D)(3) of this section, and a 57276
written confidentiality agreement under division (D)(4) of this 57277
section. The owner or operator shall promptly after receipt of the 57278
written request, statement of need, and confidentiality agreement 57279
provide the requested information to the local health professional 57280
who requested it. 57281

The written statement of need for a specific chemical 57282
identity required by division (D)(3) of this section shall 57283
describe with reasonable detail one or more of the following 57284
health needs for the information: 57285

(a) To assess exposure of persons living in a local community 57286
to the hazards of the chemical concerned; 57287

(b) To conduct or assess sampling to determine exposure 57288
levels of various population groups to the chemical concerned; 57289

(c) To conduct periodic medical surveillance of population 57290
groups exposed to the chemical concerned; 57291

(d) To provide medical treatment to individuals or population 57292
groups exposed to the chemical concerned; 57293

(e) To conduct studies to determine the health effects of 57294
exposure to the chemical concerned; 57295

(f) To conduct studies to aid in the identification of a 57296
chemical that may reasonably be anticipated to cause an observed 57297
health effect. 57298

(4) Any person who obtains information under division (D)(1) 57299
or (3) of this section shall, as a precondition for receiving that 57300

information, enter into a written confidentiality agreement with 57301
the owner or operator of the facility from whom the information 57302
was requested that the person will not use the information for any 57303
purpose other than the health needs asserted in the statement of 57304
need provided thereunder, except as otherwise may be authorized by 57305
the terms of the agreement or by the person providing the 57306
information. 57307

(E) An officer or employee of the environmental protection 57308
agency shall not request the owner or operator of a facility 57309
subject to this chapter to submit to the officer or employee a 57310
trade secret claim, toxic chemical release form required by 57311
section 3751.03 of the Revised Code, substantiation of a trade 57312
secret claim, or explanation or supporting information or copy 57313
thereof pertaining to a trade secret claim, that contains any 57314
information claimed or determined to be a trade secret ~~pursuant to~~ 57315
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 57316
~~Revised Code~~ or identified as confidential business information ~~by~~ 57317
~~rules adopted under division (A)(1)(g) of that section~~ EPCRA. If 57318
any officer or employee of the agency knows or has reason to 57319
believe that a trade secret claim, toxic chemical release form, 57320
substantiation, or explanation or supporting information 57321
pertaining to a trade secret claim contains any such information, 57322
the officer or employee immediately shall return it to the owner 57323
or operator of the facility who submitted it without reading it 57324
and shall request the owner or operator to submit the appropriate 57325
report or substantiation that does not contain the information 57326
claimed or determined to be a trade secret or so identified as 57327
confidential business information. 57328

(F) No officer or employee of the environmental protection 57329
agency, health professional, physician, nurse, or other person who 57330
receives information claimed or determined to be a trade secret 57331
~~pursuant to rules adopted under division (A)(2) of section 3751.02~~ 57332

~~of the Revised Code or identified as confidential business~~ 57333
~~information by rules adopted by regulations promulgated by the~~ 57334
~~administrator under division (A)(1)(g) of section 3751.02 of the~~ 57335
Revised Code EPCRA shall release any information so classified or 57336
identified to any person not authorized to have that information 57337
under division (C) of this section ~~or rules adopted under division~~ 57338
~~(A)(1)(f) of section 3751.02 of the Revised Code.~~ A violation of 57339
this division is not also a violation of section 2913.02 or 57340
2913.04 of the Revised Code. 57341

Sec. 3751.05. ~~(A) The owner or operator of a facility~~ 57342
~~required to annually file one or more toxic chemical release forms~~ 57343
~~under section 3751.03 of the Revised Code shall submit with the~~ 57344
~~release forms a filing fee of fifty dollars. In addition to the~~ 57345
~~filing fee, the owner or operator shall submit an additional fee~~ 57346
~~of fifteen dollars per release form filed but not exceeding a~~ 57347
~~total additional fee of five hundred dollars.~~ 57348

~~(B) An owner or operator of a facility who fails to submit a~~ 57349
~~toxic chemical release form within thirty days after the~~ 57350
~~applicable filing date prescribed in that section shall submit~~ 57351
~~with the form a late filing fee of fifteen per cent of the total~~ 57352
~~fees due under division (A) of this section, whichever is more, in~~ 57353
~~addition to the fees due under that division.~~ 57354

~~(C) The director of environmental protection may establish~~ 57355
~~fees to be paid by persons, other than public officers or~~ 57356
~~employees, obtaining copies of documents or information submitted~~ 57357
~~to the director under this chapter and rules adopted under it. The~~ 57358
~~fee shall be established at a level calculated to defray the costs~~ 57359
~~of copying the documents or information. The director may charge~~ 57360
~~the actual costs involved in accessing any computerized data base~~ 57361
~~established by him under this chapter or by the administrator of~~ 57362
~~the United States environmental protection agency under the~~ 57363

~~"Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11002, needed to fulfill a request for information regarding releases of toxic chemicals for which reporting is required by this chapter and rules adopted under it.~~

~~(D) All moneys received by the director under this section and all civil penalties received under division (B) of section 3751.10 of the Revised Code shall be credited to the toxic chemical release reporting fund, hereby created in the state treasury. Moneys credited to the fund shall be expended by the director exclusively for the purposes of implementing, administering, and enforcing this chapter and the rules adopted and orders issued under it.~~

Sec. 3751.10. (A) The attorney general, the prosecuting attorney of the county, or the city director of law of the city where a violation has occurred or is occurring, upon the written request of the director of environmental protection, shall prosecute to termination or bring an action for injunction against any person who has violated or is violating any section of this chapter or any rule adopted or order issued under it. The court of common pleas in which an action for injunction is filed has the jurisdiction to and shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated or is violating any section of this chapter or a rule adopted or order issued under it. The court shall give precedence to such an action over all other cases.

Upon the certified written request of any person, the director shall conduct such investigations and make such inquiries as are necessary to secure compliance with this chapter or rules adopted or orders issued under it. The director may, upon request or upon ~~his~~ the director's own initiative, investigate or make inquiries into any violation of this chapter or rules adopted or

orders issued under it. 57395

(B) Whoever violates division ~~(E)~~(C) of section 3751.03, 57396
division (B)(1) or (2) of section 3751.04 of the Revised Code, or 57397
an order issued under this chapter, shall pay a civil penalty of 57398
not more than twenty-five thousand dollars for each day of 57399
violation. The attorney general, the prosecuting attorney of the 57400
county, or the city director of law of the city where a violation 57401
of this chapter or a rule adopted or order issued under it has 57402
occurred or is occurring, upon the written request of the 57403
director, shall bring an action for imposition of a civil penalty 57404
under this division against any person who has committed or is 57405
committing any such violation. All civil penalties received under 57406
this division shall be credited to the toxic chemical release 57407
reporting fund created in section 3751.05 of the Revised Code. 57408

(C) Any action for injunction or civil penalties under 57409
division (A) or (B) of this section is a civil action governed by 57410
the Rules of Civil Procedure. 57411

Sec. 3751.11. A member of the emergency response commission, 57412
officer or employee of the environmental protection agency, member 57413
or employee of a local emergency planning committee, officer or 57414
employee of a fire department, health professional, physician, 57415
nurse, or other person who receives information classified as a 57416
trade secret ~~pursuant to rules adopted under division (A)(2) of~~ 57417
~~section 3751.02 of the Revised Code~~ or identified as confidential 57418
business information ~~by rules adopted under division (A)(1)(g) of~~ 57419
~~section 3751.02 of the Revised Code~~ pursuant to EPCRA and who 57420
violates division (F) of section 3751.04 of the Revised Code or 57421
otherwise discloses information classified as a trade secret or 57422
identified as confidential business information pursuant to ~~those~~ 57423
~~rules that act~~ to a person not authorized to have that information 57424
under division (C) of section 3751.04 of the Revised Code or ~~rules~~ 57425

~~adopted under division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA~~, is liable in damages in a civil action to the owner of the trade secret information for any injury or loss to person or property sustained by ~~him~~ the owner resulting from the violation or unauthorized disclosure of that information. Any owner of information so classified as a trade secret or identified as confidential business information who, as a result of a violation of division (F) of section 3751.04 of the Revised Code or by disclosure of trade secret or confidential business information to a person not authorized to have it pursuant to division (C) of section 3751.04 of the Revised Code or ~~rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA~~, sustains any injury or loss to person or property may bring a civil action for damages and other appropriate relief against the person who violated that division or otherwise disclosed the trade secret or confidential business information to a person not so authorized to have it.

In such a civil action, if the plaintiff establishes by a preponderance of the evidence, and if the trier of fact finds, that the defendant violated that division or otherwise disclosed information classified as a trade secret or identified as confidential business information to a person not so authorized to have it, and that the plaintiff sustained injury or loss to person or property as a result of the violation or unauthorized disclosure of the information, the trier of fact may award compensatory damages and such other relief as the trier of fact finds appropriate.

In any civil action under this section the court may award costs and reasonable attorney's fees to the prevailing party.

Liability imposed under this section for a violation of division (F) of section 3751.04 of the Revised Code is in addition to other civil liability, if any, under the Revised Code or common

law of this state and in addition to any criminal penalty that is 57458
imposed for the same violation under section 3751.99 of the 57459
Revised Code. 57460

Sec. 3769.087. (A) In addition to the commission of eighteen 57461
per cent retained by each permit holder as provided in section 57462
3769.08 of the Revised Code, each permit holder shall retain an 57463
additional amount equal to four per cent of the total of all 57464
moneys wagered on each racing day on all wagering pools other than 57465
win, place, and show, of which amount retained an amount equal to 57466
three per cent of the total of all moneys wagered on each racing 57467
day on those pools shall be paid in the manner prescribed under 57468
section 3769.103 of the Revised Code, as a tax. Subject to the 57469
restrictions contained in divisions (B), (C), and (M) of section 57470
3769.08 of the Revised Code, from such additional moneys paid to 57471
the tax commissioner: 57472

(1) Four-sixths shall be allocated to fund distribution as 57473
provided in division (M) of section 3769.08 of the Revised Code. 57474

(2) One-twelfth shall be paid into the Ohio fairs fund 57475
created by section 3769.082 of the Revised Code. 57476

(3) ~~One-sixth~~ One-twelfth of the additional moneys paid to 57477
the tax commissioner by thoroughbred racing permit holders shall 57478
be paid into the Ohio thoroughbred race fund created by section 57479
3769.083 of the Revised Code. 57480

(4) One-twelfth of the additional moneys paid to the tax 57481
commissioner by harness horse racing permit holders shall be paid 57482
to the Ohio standardbred development fund created by section 57483
3769.085 of the Revised Code. 57484

(5) One-sixth shall be paid into the state racing commission 57485
operating fund created by section 3769.03 of the Revised Code. 57486

(6) One-twelfth of the additional moneys paid to the tax 57487

commissioner by quarterhorse racing permit holders shall be paid 57488
into the Ohio thoroughbred race fund created by section 3769.083 57489
of the Revised Code to support quarterhorse development and 57490
purses. 57491

The remaining one per cent that is retained of the total of 57492
all moneys wagered on each racing day on all pools other than win, 57493
place, and show, shall be retained by racing permit holders, and, 57494
except as otherwise provided in section 3769.089 of the Revised 57495
Code, racing permit holders shall use one-half for purse money and 57496
retain one-half. 57497

(B) In addition to the commission of eighteen per cent 57498
retained by each permit holder as provided in section 3769.08 of 57499
the Revised Code and the additional amount retained by each permit 57500
holder as provided in division (A) of this section, each permit 57501
holder shall retain an additional amount equal to one-half of one 57502
per cent of the total of all moneys wagered on each racing day on 57503
all wagering pools other than win, place, and show. The additional 57504
amount retained under this division shall be paid in the manner 57505
prescribed under section 3769.103 of the Revised Code, as a tax. 57506
The tax commissioner shall pay the amount of the tax received 57507
under this division to the state racing commission operating fund 57508
created by section 3769.03 of the Revised Code. 57509

(C) Unless otherwise agreed to by the video lottery sales 57510
agent and the applicable horsemen's association recognized by the 57511
state racing commission to represent such persons, within ninety 57512
days after September 29, 2013, for video lottery sales agents 57513
operating as such on September 29, 2013, or within six months 57514
after the date a video lottery sales agent begins operating as 57515
such for video lottery sales agents not operating as such on 57516
September 29, 2013, the state racing commission shall direct 57517
through rule that a percentage of the lottery sales agent's 57518
commission as determined by the state lottery commission for 57519

conducting video lottery terminal gaming on behalf of the state be 57520
paid to the state racing commission for the benefit of breeding 57521
and racing in this state. The percentage so determined shall not 57522
be less than nine per cent or more than eleven per cent of the 57523
video lottery terminal income, and shall be a sliding scale based 57524
upon capital expenditures necessary to build the video lottery 57525
sales agent's facility. The aggregate of one hundred per cent of 57526
video lottery terminal income minus the lottery sales agent's 57527
commission percentage as determined by the state lottery 57528
commission plus the percentage of the lottery sale agent's 57529
commission, as determined by the state racing commission or 57530
otherwise agreed to by the video lottery sales agent and the 57531
applicable horsemen's association recognized by the state racing 57532
commission to represent such persons, for the benefit of breeding 57533
and racing in this state shall not exceed forty-five per cent of 57534
the video lottery terminal income. In addition, beginning July 1, 57535
2013, the state lottery commission shall adopt a rule to require 57536
the lottery sales agent conducting video lottery terminal gaming 57537
on behalf of the state to disperse to the state lottery commission 57538
one-half of one per cent of such a lottery sales agent's 57539
commission for the purpose of providing funding support to 57540
appropriate state agencies for programs that provide for gambling 57541
addiction and other related addiction services. The state lottery 57542
commission's rule also may require the lottery sales agent 57543
conducting video lottery terminal gaming on behalf of the state to 57544
disperse to the state lottery commission an additional amount up 57545
to one-half of one per cent of such a lottery sales agent's 57546
commission for that purpose. 57547

Sec. 3770.02. (A) Subject to the advice and consent of the 57548
senate, the governor shall appoint a director of the state lottery 57549
commission who shall serve at the pleasure of the governor. The 57550
director shall devote full time to the duties of the office and 57551

shall hold no other office or employment. The director shall meet 57552
all requirements for appointment as a member of the commission and 57553
shall, by experience and training, possess management skills that 57554
equip the director to administer an enterprise of the nature of a 57555
state lottery. The director shall receive an annual salary in 57556
accordance with pay range 48 of section 124.152 of the Revised 57557
Code. 57558

(B)(1) The director shall attend all meetings of the 57559
commission and shall act as its secretary. The director shall keep 57560
a record of all commission proceedings and shall keep the 57561
commission's records, files, and documents at the commission's 57562
principal office. All records of the commission's meetings shall 57563
be available for inspection by any member of the public, upon a 57564
showing of good cause and prior notification to the director. 57565

(2) The director shall be the commission's executive officer 57566
and shall be responsible for keeping all commission records and 57567
supervising and administering the state lottery in accordance with 57568
this chapter, and carrying out all commission rules adopted under 57569
section 3770.03 of the Revised Code. 57570

(C)(1) The director shall appoint ~~an assistant director,~~ 57571
~~deputy directors of marketing, operations, sales, finance, public~~ 57572
~~relations, security, and administration, as necessary~~ and as many 57573
regional managers as are required. The director may also appoint 57574
necessary professional, technical, and clerical assistants. All 57575
such officers and employees shall be appointed and compensated 57576
pursuant to Chapter 124. of the Revised Code. Regional and 57577
assistant regional managers, sales representatives, and any 57578
lottery executive account representatives shall remain in the 57579
unclassified service. The assistant director shall act as director 57580
in the absence or disability of the director. If the director does 57581
not appoint an assistant director, the director shall designate a 57582
deputy director to act as director in the absence or disability of 57583

the director. 57584

(2) The director, in consultation with the director of 57585
administrative services, may establish standards of proficiency 57586
and productivity for commission field representatives. 57587

(D) The director shall request the bureau of criminal 57588
identification and investigation, the department of public safety, 57589
or any other state, local, or federal agency to supply the 57590
director with the criminal records of any job applicant and may 57591
periodically request the criminal records of commission employees. 57592
At or prior to the time of making such a request, the director 57593
shall require a job applicant or commission employee to obtain 57594
fingerprint cards prescribed by the superintendent of the bureau 57595
of criminal identification and investigation at a qualified law 57596
enforcement agency, and the director shall cause these fingerprint 57597
cards to be forwarded to the bureau of criminal identification and 57598
investigation and the federal bureau of investigation. The 57599
commission shall assume the cost of obtaining the fingerprint 57600
cards and shall pay to each agency supplying criminal records for 57601
each investigation under this division a reasonable fee, as 57602
determined by the agency. 57603

(E) The director shall license lottery sales agents pursuant 57604
to section 3770.05 of the Revised Code and, when it is considered 57605
necessary, may revoke or suspend the license of any lottery sales 57606
agent. The director may license video lottery technology 57607
providers, independent testing laboratories, and gaming employees, 57608
and promulgate rules relating thereto. When the director considers 57609
it necessary, the director may suspend or revoke the license of a 57610
video lottery technology provider, independent testing laboratory, 57611
or gaming employee, including suspension or revocation without 57612
affording an opportunity for a prior hearing under section 119.07 57613
of the Revised Code when the public safety, convenience, or trust 57614
requires immediate action. 57615

(F) The director shall confer at least once each month with the commission, at which time the director shall advise it regarding the operation and administration of the lottery. The director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration of the lottery. The director shall prepare and make available to the commission each month a complete and accurate accounting of lottery revenues, prize money disbursements and the cost of goods and services awarded as prizes, operating expenses, and all other relevant financial information, including an accounting of all transfers made from any lottery funds in the custody of the treasurer of state to benefit education.

(G) The director may enter into contracts for the operation or promotion of the lottery pursuant to Chapter 125. of the Revised Code.

(H)(1) Pursuant to rules adopted by the commission under section 3770.03 of the Revised Code, the director shall require any lottery sales agents to deposit to the credit of the state lottery fund, in banking institutions designated by the treasurer of state, net proceeds due the commission as determined by the director.

(2) Pursuant to rules adopted by the commission under Chapter 119. of the Revised Code, the director may impose penalties for the failure of a sales agent to transfer funds to the commission in a timely manner. Penalties may include monetary penalties, immediate suspension or revocation of a license, or any other penalty the commission adopts by rule.

(I) The director may arrange for any person, or any banking institution, to perform functions and services in connection with the operation of the lottery as the director may consider necessary to carry out this chapter.

(J)(1) As used in this chapter, "statewide joint lottery game" means a lottery game that the commission sells solely within this state under an agreement with other lottery jurisdictions to sell the same lottery game solely within their statewide or other jurisdictional boundaries.

(2) If the governor directs the director to do so, the director shall enter into an agreement with other lottery jurisdictions to conduct statewide joint lottery games. If the governor signs the agreement personally or by means of an authenticating officer pursuant to section 107.15 of the Revised Code, the director then may conduct statewide joint lottery games under the agreement.

(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state.

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code.

(K)(1) The director shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement.

(2) As used in this section, "gambling addiction services" has the same meaning as in section 5119.01 of the Revised Code.

Sec. 3770.03. (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets

shall not be construed to in any way limit the authority of the 57677
commission to operate video lottery terminal games. Nothing in 57678
this chapter shall restrict the authority of the commission to 57679
promulgate rules related to the operation of games utilizing video 57680
lottery terminals as described in section 3770.21 of the Revised 57681
Code. The rules shall be promulgated pursuant to Chapter 119. of 57682
the Revised Code, except that instant game rules shall be 57683
promulgated pursuant to section 111.15 of the Revised Code but are 57684
not subject to division (D) of that section. Subjects covered in 57685
these rules shall include, but need not be limited to, the 57686
following: 57687

(1) The type of lottery to be conducted; 57688

(2) The prices of tickets in the lottery; 57689

(3) The number, nature, and value of prize awards, the manner 57690
and frequency of prize drawings, and the manner in which prizes 57691
shall be awarded to holders of winning tickets. 57692

(B) The commission shall promulgate rules, in addition to 57693
those described in division (A) of this section, pursuant to 57694
Chapter 119. of the Revised Code under which a statewide lottery 57695
and statewide joint lottery games may be conducted. Subjects 57696
covered in these rules shall include, but not be limited to, the 57697
following: 57698

(1) The locations at which lottery tickets may be sold and 57699
the manner in which they are to be sold. These rules may authorize 57700
the sale of lottery tickets by commission personnel or other 57701
licensed individuals from traveling show wagons at the state fair, 57702
and at any other expositions the director of the commission 57703
considers acceptable. These rules shall prohibit commission 57704
personnel or other licensed individuals from soliciting from an 57705
exposition the right to sell lottery tickets at that exposition, 57706
but shall allow commission personnel or other licensed individuals 57707

to sell lottery tickets at an exposition if the exposition 57708
requests commission personnel or licensed individuals to do so. 57709
These rules may also address the accessibility of sales agent 57710
locations to commission products in accordance with the "Americans 57711
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 57712
et seq. These rules may not permit a lottery sales agent to accept 57713
a credit card for the purchase of a lottery ticket, except for a 57714
video lottery terminal as provided in rule 3770:2-7-01 of the 57715
Administrative Code. 57716

(2) The manner in which lottery sales revenues are to be 57717
collected, including authorization for the director to impose 57718
penalties for failure by lottery sales agents to transfer revenues 57719
to the commission in a timely manner; 57720

(3) The Except as otherwise provided in division (B)(6) of 57721
this section, the amount of compensation to be paid to licensed 57722
lottery sales agents. These rules shall include a supplemental 57723
incentive-based compensation program for lottery sales agents. The 57724
program shall include quarterly sales goals, which, if met by a 57725
lottery sales agent, entitle a lottery sales agent to bonus 57726
compensation. 57727

(4) The substantive criteria for the licensing of lottery 57728
sales agents consistent with section 3770.05 of the Revised Code, 57729
and procedures for revoking or suspending their licenses 57730
consistent with Chapter 119. of the Revised Code. If 57731
circumstances, such as the nonpayment of funds owed by a lottery 57732
sales agent, or other circumstances related to the public safety, 57733
convenience, or trust, require immediate action, the director may 57734
suspend a license without affording an opportunity for a prior 57735
hearing under section 119.07 of the Revised Code. 57736

(5) Special game rules to implement any agreements signed by 57737
the governor that the director enters into with other lottery 57738
jurisdictions under division (J) of section 3770.02 of the Revised 57739

Code to conduct statewide joint lottery games. The rules shall 57740
require that the entire net proceeds of those games that remain, 57741
after associated operating expenses, prize disbursements, lottery 57742
sales agent bonuses, commissions, and reimbursements, and any 57743
other expenses necessary to comply with the agreements or the 57744
rules are deducted from the gross proceeds of those games, be 57745
transferred to the lottery profits education fund under division 57746
(B) of section 3770.06 of the Revised Code. 57747

(6) The commission to be paid to a video lottery sales agent, 57748
which shall be sixty-five and one-half per cent of the agent's 57749
video lottery terminal income; 57750

(7) Offering an intermediate draw monitor game in which a 57751
player selects a single number between one and thirty-six or other 57752
options related to the field of numbers on a lottery device with a 57753
monitor capable of operating the game; 57754

(8) Any other subjects the commission determines are 57755
necessary for the operation of video lottery terminal games, 57756
including the establishment of any fees, fines, ~~or~~ payment 57757
schedules, or the establishment of a voluntary exclusion program. 57758

(C) Chapter 2915. of the Revised Code does not apply to, 57759
affect, or prohibit lotteries conducted pursuant to this chapter. 57760

(D) The commission may promulgate rules, in addition to those 57761
described in divisions (A) and (B) of this section, that establish 57762
standards governing the display of advertising and celebrity 57763
images on lottery tickets and on other items that are used in the 57764
conduct of, or to promote, the statewide lottery and statewide 57765
joint lottery games. Any revenue derived from the sale of 57766
advertising displayed on lottery tickets and on those other items 57767
shall be considered, for purposes of section 3770.06 of the 57768
Revised Code, to be related proceeds in connection with the 57769
statewide lottery or gross proceeds from statewide joint lottery 57770

games, as applicable. 57771

(E)(1) The commission shall meet with the director at least 57772
once each month and shall convene other meetings at the request of 57773
the chairperson or any five of the members. No action taken by the 57774
commission shall be binding unless at least five of the members 57775
present vote in favor of the action. A written record shall be 57776
made of the proceedings of each meeting and shall be transmitted 57777
forthwith to the governor, the president of the senate, the senate 57778
minority leader, the speaker of the house of representatives, and 57779
the house minority leader. 57780

(2) The director shall present to the commission a report 57781
each month, showing the total revenues, prize disbursements, and 57782
operating expenses of the state lottery for the preceding month. 57783
As soon as practicable after the end of each fiscal year, the 57784
commission shall prepare and transmit to the governor and the 57785
general assembly a report of lottery revenues, prize 57786
disbursements, and operating expenses for the preceding fiscal 57787
year and any recommendations for legislation considered necessary 57788
by the commission. 57789

Sec. 3770.06. (A) There is hereby created the state lottery 57790
gross revenue fund, which shall be in the custody of the treasurer 57791
of state but shall not be part of the state treasury. All gross 57792
revenues received from sales of lottery tickets, fines, fees, and 57793
related proceeds in connection with the statewide lottery and all 57794
gross proceeds from statewide joint lottery games shall be 57795
deposited into the fund. The treasurer of state shall invest any 57796
portion of the fund not needed for immediate use in the same 57797
manner as, and subject to all provisions of law with respect to 57798
the investment of, state funds. The treasurer of state shall 57799
disburse money from the fund on order of the director of the state 57800
lottery commission or the director's designee. 57801

Except for gross proceeds from statewide joint lottery games, 57802
all revenues of the state lottery gross revenue fund that are not 57803
paid to holders of winning lottery tickets, that are not required 57804
to meet short-term prize liabilities, that are not credited to 57805
lottery sales agents in the form of bonuses, commissions, or 57806
reimbursements, that are not paid to financial institutions to 57807
reimburse those institutions for sales agent nonsufficient funds, 57808
and that are collected from sales agents for remittance to 57809
insurers under contract to provide sales agent bonding services 57810
shall be transferred to the state lottery fund, which is hereby 57811
created in the state treasury. In addition, all revenues of the 57812
state lottery gross revenue fund that represent the gross proceeds 57813
from the statewide joint lottery games and that are not paid to 57814
holders of winning lottery tickets, that are not required to meet 57815
short-term prize liabilities, that are not credited to lottery 57816
sales agents in the form of bonuses, commissions, or 57817
reimbursements, and that are not necessary to cover operating 57818
expenses associated with those games or to otherwise comply with 57819
the agreements signed by the governor that the director enters 57820
into under division (J) of section 3770.02 of the Revised Code or 57821
the rules the commission adopts under division (B)(5) of section 57822
3770.03 of the Revised Code shall be transferred to the state 57823
lottery fund. All investment earnings of the fund shall be 57824
credited to the fund. Moneys shall be disbursed from the fund 57825
pursuant to vouchers approved by the director. Total disbursements 57826
for monetary prize awards to holders of winning lottery tickets in 57827
connection with the statewide lottery and purchases of goods and 57828
services awarded as prizes to holders of winning lottery tickets 57829
shall be of an amount equal to at least fifty per cent of the 57830
total revenue accruing from the sale of lottery tickets. 57831

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 57832
there is hereby established in the state treasury the lottery 57833
profits education fund. Whenever, in the judgment of the director 57834

of the state lottery commission, the amount to the credit of the 57835
state lottery fund that does not represent proceeds from statewide 57836
joint lottery games is in excess of that needed to meet the 57837
maturing obligations of the commission and as working capital for 57838
its further operations, the director of the state lottery 57839
commission shall recommend the amount of the excess to be 57840
transferred to the lottery profits education fund, and the 57841
director of budget and management may transfer the excess to the 57842
lottery profits education fund in connection with the statewide 57843
lottery. In addition, whenever, in the judgment of the director of 57844
the state lottery commission, the amount to the credit of the 57845
state lottery fund that represents proceeds from statewide joint 57846
lottery games equals the entire net proceeds of those games as 57847
described in division (B)(5) of section 3770.03 of the Revised 57848
Code and the rules adopted under that division, the director of 57849
the state lottery commission shall recommend the amount of the 57850
proceeds to be transferred to the lottery profits education fund, 57851
and the director of budget and management may transfer those 57852
proceeds to the lottery profits education fund. Investment 57853
earnings of the lottery profits education fund shall be credited 57854
to the fund. 57855

The lottery profits education fund shall be used solely for 57856
the support of elementary, secondary, vocational, and special 57857
education programs as determined in appropriations made by the 57858
general assembly, or as provided in applicable bond proceedings 57859
for the payment of debt service on obligations issued to pay costs 57860
of capital facilities, including those for a system of common 57861
schools throughout the state pursuant to section 2n of Article 57862
VIII, Ohio Constitution. When determining the availability of 57863
money in the lottery profits education fund, the director of 57864
budget and management may consider all balances and estimated 57865
revenues of the fund. 57866

(C) There is hereby established in the state treasury the 57867
deferred prizes trust fund. With the approval of the director of 57868
budget and management, an amount sufficient to fund annuity prizes 57869
shall be transferred from the state lottery fund and credited to 57870
the trust fund. The treasurer of state shall credit all earnings 57871
arising from investments purchased under this division to the 57872
trust fund. Within sixty days after the end of each fiscal year, 57873
the treasurer of state shall certify to the director of budget and 57874
management whether the actuarial amount of the trust fund is 57875
sufficient over the fund's life for continued funding of all 57876
remaining deferred prize liabilities as of the last day of the 57877
fiscal year just ended. Also, within that sixty days, the director 57878
of budget and management shall certify the amount of investment 57879
earnings necessary to have been credited to the trust fund during 57880
the fiscal year just ending to provide for such continued funding 57881
of deferred prizes. Any earnings credited in excess of the latter 57882
certified amount shall be transferred to the lottery profits 57883
education fund. 57884

To provide all or a part of the amounts necessary to fund 57885
deferred prizes awarded by the commission in connection with the 57886
statewide lottery, the treasurer of state, in consultation with 57887
the commission, may invest moneys contained in the deferred prizes 57888
trust fund which represents proceeds from the statewide lottery in 57889
obligations of the type permitted for the investment of state 57890
funds but whose maturities are thirty years or less. 57891
Notwithstanding the requirements of any other section of the 57892
Revised Code, to provide all or part of the amounts necessary to 57893
fund deferred prizes awarded by the commission in connection with 57894
statewide joint lottery games, the treasurer of state, in 57895
consultation with the commission, may invest moneys in the trust 57896
fund which represent proceeds derived from the statewide joint 57897
lottery games in accordance with the rules the commission adopts 57898
under division (B)(5) of section 3770.03 of the Revised Code. 57899

Investments of the trust fund are not subject to the provisions of 57900
division (A)(10) of section 135.143 of the Revised Code limiting 57901
to twenty-five per cent the amount of the state's total average 57902
portfolio that may be invested in debt interests other than 57903
commercial paper and limiting to five per cent the amount that may 57904
be invested in debt interests, including commercial paper, of a 57905
single issuer. 57906

All purchases made under this division shall be effected on a 57907
delivery versus payment method and shall be in the custody of the 57908
treasurer of state. 57909

The treasurer of state may retain an investment advisor, if 57910
necessary. The commission shall pay any costs incurred by the 57911
treasurer of state in retaining an investment advisor. 57912

(D) The auditor of state shall conduct annual audits of all 57913
funds and any other audits as the auditor of state or the general 57914
assembly considers necessary. The auditor of state may examine all 57915
records, files, and other documents of the commission, and records 57916
of lottery sales agents that pertain to their activities as 57917
agents, for purposes of conducting authorized audits. 57918

(E) The state lottery commission shall establish an internal 57919
audit plan before the beginning of each fiscal year, subject to 57920
the approval of the office of internal audit in the office of 57921
budget and management. At the end of each fiscal year, the 57922
commission shall prepare and submit an annual report to the office 57923
of internal audit for the office's review and approval, specifying 57924
the internal audit work completed by the end of that fiscal year 57925
and reporting on compliance with the annual internal audit plan. 57926
Any preliminary or final report of an internal audit's findings 57927
and recommendations, which is produced by the office of internal 57928
audit of the state lottery commission, and all work papers of the 57929
internal audit, is confidential and not a public record under 57930
section 149.43 of the Revised Code until the final report of an 57931

internal audit's findings and recommendations has been submitted 57932
to the director of the commission and the chairperson of the 57933
commission, or the chairperson's commission member designee. 57934

(F) Whenever, in the judgment of the director of budget and 57935
management, an amount of net state lottery proceeds is necessary 57936
to be applied to the payment of debt service on obligations, all 57937
as defined in sections 151.01 and 151.03 of the Revised Code, the 57938
director shall transfer that amount directly from the state 57939
lottery fund or from the lottery profits education fund to the 57940
bond service fund defined in those sections. The provisions of 57941
this division are subject to any prior pledges or obligation of 57942
those amounts to the payment of bond service charges as defined in 57943
division (C) of section 3318.21 of the Revised Code, as referred 57944
to in division (B) of this section. 57945

Sec. 3770.07. (A)(1) Except as provided in ~~division~~ divisions 57946
(A)(2) and (H) of this section, lottery prize awards shall be 57947
claimed by the holder of the winning lottery product, or by the 57948
executor or administrator, or the trustee of a trust, of the 57949
estate of a deceased holder of a winning lottery product, in a 57950
manner to be determined by the state lottery commission, within 57951
one hundred eighty days after the date on which the prize award 57952
was announced if the lottery game is an online game, and within 57953
one hundred eighty days after the close of the game if the lottery 57954
game is an instant game. 57955

Any lottery prize award with a value that meets or exceeds 57956
the reportable winnings amounts set by 26 U.S.C. 6041, or a 57957
subsequent analogous section of the Internal Revenue Code, shall 57958
not be claimed by or paid to any person, as defined in section 57959
1.59 of the Revised Code or as defined by rule or order of the 57960
state lottery commission, until the name, address, and social 57961
security number of each beneficial owner of the prize award are 57962

documented for the commission. Except when a beneficial owner 57963
otherwise consents in writing, in the case of a claim for a 57964
lottery prize award made by one or more beneficial owners using a 57965
trust, the name, address, and social security number of each such 57966
beneficial owner in the commission's records as a result of such a 57967
disclosure are confidential and shall not be subject to inspection 57968
or copying under section 149.43 of the Revised Code as a public 57969
record. 57970

Except as otherwise provided in division (A)(1) of this 57971
section or as otherwise provided by law, the name and address of 57972
any individual claiming a lottery prize award are subject to 57973
inspection or copying under section 149.43 of the Revised Code as 57974
a public record. 57975

(2) An eligible person serving on active military duty in any 57976
branch of the United States armed forces during a war or national 57977
emergency declared in accordance with federal law may submit a 57978
delayed claim for a lottery prize award. The eligible person shall 57979
do so by notifying the state lottery commission about the claim 57980
not later than the five hundred fortieth day after the date on 57981
which the prize award was announced if the lottery game is an 57982
online game or after the date on which the lottery game closed if 57983
the lottery game is an instant game. 57984

(3) If no valid claim to a lottery prize award is made within 57985
the prescribed period, the prize money, the cost of goods and 57986
services awarded as prizes, or, if goods or services awarded as 57987
prizes are resold by the state lottery commission, the proceeds 57988
from their sale shall be returned to the state lottery fund and 57989
distributed in accordance with section 3770.06 of the Revised 57990
Code. 57991

(4) The state lottery commission may share with other 57992
governmental agencies the name, address, and social security 57993
number of a beneficial owner disclosed to the commission under 57994

division (A)(1) of this section, as authorized under sections 57995
3770.071 and 3770.073 of the Revised Code. Any shared information 57996
as disclosed pursuant to those sections that is made confidential 57997
by division (A)(1) of this section remains confidential and shall 57998
not be subject to inspection or copying under section 149.43 of 57999
the Revised Code as a public record unless the applicable 58000
beneficial owner otherwise provides written consent. 58001

(5) As used in this division: 58002

(a) "Eligible person" means a person who is entitled to a 58003
lottery prize award and who falls into either of the following 58004
categories: 58005

(i) While on active military duty in this state, the person, 58006
as the result of a war or national emergency declared in 58007
accordance with federal law, is transferred out of this state 58008
before the one hundred eightieth day after the date on which the 58009
winner of the lottery prize award is selected. 58010

(ii) While serving in the reserve forces in this state, the 58011
person, as the result of a war or national emergency declared in 58012
accordance with federal law, is placed on active military duty and 58013
is transferred out of this state before the expiration of the one 58014
hundred eightieth day after the date on which the prize drawing 58015
occurs for an online game or before the expiration of the one 58016
hundred eightieth day following the close of an instant game as 58017
determined by the commission. 58018

(b) "Active military duty" means that a person is covered by 58019
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 58020
U.S.C. 501 et seq., as amended, or the "Uniformed Services 58021
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 58022
38 U.S.C. 4301 et seq., as amended. 58023

(c) "Each beneficial owner" means the ultimate recipient or, 58024
if there is more than one, each ultimate recipient of a lottery 58025

prize award. 58026

(B) If a prize winner, as defined in section 3770.10 of the Revised Code, is under eighteen years of age, or is under some other legal disability, and the prize money or the cost of goods or services awarded as a prize exceeds one thousand dollars, the director of the state lottery commission shall order that payment be made to the order of the legal guardian of that prize winner. If the amount of the prize money or the cost of goods or services awarded as a prize is one thousand dollars or less, the director may order that payment be made to the order of the adult member, if any, of that prize winner's family legally responsible for the care of that prize winner. 58027
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(C) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be the subject of a security interest or used as collateral. 58038
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(D)(1) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be assignable except as follows: when the payment is to be made to the executor or administrator, or the trustee of a trust, of the estate of a prize winner; when the award of a prize is disputed, any person may be awarded a prize award to which another has claimed title, pursuant to the order of a court of competent jurisdiction; when a person is awarded a prize award to which another has claimed title, pursuant to the order of a federal bankruptcy court under Title 11 of the United States Code; or as provided in sections 3770.10 to 3770.14 of the Revised Code. 58041
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(2)(a) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award with a remaining unpaid balance of less than one hundred thousand dollars shall be subject to garnishment, attachment, execution, withholding, or deduction except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code or when the 58052
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director is to make a payment pursuant to section 3770.071 or 58058
3770.073 of the Revised Code. 58059

(b) No right of any prize winner, as defined in section 58060
3770.10 of the Revised Code, to a prize award with an unpaid 58061
balance of one hundred thousand dollars or more shall be subject 58062
to garnishment, attachment, execution, withholding, or deduction 58063
except as follows: as provided in sections 3119.80, 3119.81, 58064
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 58065
director is to make a payment pursuant to section 3770.071 or 58066
3770.073 of the Revised Code; or pursuant to the order of a court 58067
of competent jurisdiction located in this state in a proceeding in 58068
which the state lottery commission is a named party, in which case 58069
the garnishment, attachment, execution, withholding, or deduction 58070
pursuant to the order shall be subordinate to any payments to be 58071
made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 58072
3123.06, 3770.071, or 3770.073 of the Revised Code. 58073

(3) The state lottery commission may adopt and amend rules 58074
pursuant to Chapter 119. of the Revised Code as necessary to 58075
implement division (D) of this section, to provide for payments 58076
from prize awards subject to garnishment, attachment, execution, 58077
withholding, or deduction, and to comply with any applicable 58078
requirements of federal law. 58079

(4) Upon making payments from a prize award as required by 58080
division (D) of this section, the director and the state lottery 58081
commission are discharged from all further liability for those 58082
payments, whether they are made to an executor, administrator, 58083
trustee, judgment creditor, or another person, or to the prize 58084
winner, as defined in section 3770.10 of the Revised Code. 58085

(5) The state lottery commission shall adopt rules pursuant 58086
to section 3770.03 of the Revised Code concerning the payment of 58087
prize awards upon the death of a prize winner, as defined in 58088
section 3770.10 of the Revised Code. Upon the death of a prize 58089

winner, the remainder of the prize winner's prize award, to the extent it is not subject to a transfer agreement under sections 3770.10 to 3770.14 of the Revised Code, may be paid to the executor, administrator, or trustee in the form of a discounted lump sum cash settlement.

(E) No lottery prize award shall be awarded to or for any officer or employee of the state lottery commission, any officer or employee of the auditor of state actively auditing, coordinating, or observing commission drawings, or any blood relative or spouse of such an officer or employee of the commission or auditor of state living as a member of the officer's or employee's household, nor shall any such officer, employee, blood relative, or spouse attempt to claim a lottery prize award.

(F) The director may prohibit vendors to the state lottery commission and their employees from being awarded a lottery prize award.

(G) Upon the payment of prize awards pursuant to a provision of this section, other than a provision of division (D) of this section, the director and the state lottery commission are discharged from all further liability for their payment. Installment payments of lottery prize awards shall be paid by official check or warrant, and they shall be sent by mail delivery to the prize winner's address within the United States or by electronic funds transfer to an established bank account located within the United States, or the prize winner may pick them up at an office of the commission.

(H) A prize winner of lottery prize money with a value of less than five thousand dollars shall claim the prize only at a retail location of a lottery sales agent. A lottery sales agent presented with a winning lottery ticket at the agent's retail location that is for lottery prize money with a value of less than five thousand dollars, shall pay the lottery prize money to the

claimant. 58122

Sec. 3770.21. (A) As used in this section: 58123

(1) "Video lottery terminal" means any electronic device 58124
approved by the state lottery commission that provides immediate 58125
prize determinations for participants on an electronic display 58126
that is located at a facility owned by a holder of a permit as 58127
defined in rule 3769-1-05 of the Administrative Code. 58128

(2) "Video lottery terminal promotional gaming credit" means 58129
a video lottery terminal game credit, discount, or other similar 58130
item issued to a patron to enable the placement of, or increase 58131
in, a wager at a video lottery terminal. 58132

(3) "Video lottery terminal income" means credits played, 58133
minus approved video lottery terminal promotional gaming credits, 58134
minus video lottery prize awards. 58135

(B) The state lottery commission shall include, in 58136
conjunction with the state racing commission, in any rules adopted 58137
concerning video lottery terminals, the level of minimum 58138
investments that must be made by video lottery terminal sales 58139
agents in the buildings, fixtures, equipment, facilities-related 58140
preparation, and grounds at the facilities, including temporary 58141
facilities, in which the terminals will be located, along with any 58142
standards and timetables for such investments. 58143

(C) A licensed video lottery sales agent may provide video 58144
lottery terminal promotional gaming credits to patrons for video 58145
lottery terminal gaming. Video lottery terminal promotional gaming 58146
credits shall be subject to approval by the director of the state 58147
lottery commission. 58148

(D) Video lottery terminal sales agents shall develop 58149
internal guidelines and controls for the purpose of giving 58150
minority business enterprises the ability to compete for the 58151

awarding of contracts to provide goods and services to those sales agents. As used in this division, "minority business enterprise" has the meaning defined in section 122.71 of the Revised Code.

(E) No license or excise tax or fee not in effect on the effective date of this section shall be assessed upon or collected from a video lottery terminal sales agent by any county, township, municipal corporation, school district, or other political subdivision of the state that has authority to assess or collect a tax or fee by reason of the video lottery terminal related conduct authorized by section 3770.03 of the Revised Code. This division does not prohibit the imposition of taxes under Chapter 718. or 3769. of the Revised Code.

(F)(1) Any action asserting that this section or section 3770.03 of the Revised Code or any portion of those sections or any rule adopted under those sections violates any provision of the Ohio Constitution shall be brought in the court of common pleas of Franklin county within ninety days after the effective date of the amendment of this section by Am. Sub. H.B. 386 of the 129th general assembly, June 11, 2012, or within ninety days after the effective day of any rule, as applicable.

(2) Any claim asserting that any action taken by the governor or the lottery commission pursuant to those sections violates any provision of the Ohio Constitution or any provision of the Revised Code shall be brought in the court of common pleas of Franklin county within sixty days after the action is taken.

(3) Divisions (F)(1) and (2) of this section do not apply to any claim within the original jurisdiction of the supreme court or a court of appeals under Article IV of the Ohio Constitution.

(G) The court of common pleas of Franklin county shall give any claim filed under division (F)(1) or (2) of this section priority over all other civil cases before the court, irrespective

of position on the court's calendar, and shall make a 58183
determination on the claim expeditiously. A court of appeals shall 58184
give any appeal from a final order issued in a case brought 58185
pursuant to division (F) of this section priority over all other 58186
civil cases before the court, irrespective of position on the 58187
court's calendar, and shall make a determination on the appeal 58188
expeditiously. 58189

(H) The state lottery commission shall adopt rules to provide 58190
video poker games on all video lottery terminals capable of 58191
operating the game. 58192

Sec. 3770.22. (A) Any information concerning the following 58193
that is submitted, collected, or gathered as part of an 58194
application to the state lottery commission for a video lottery 58195
related license under this chapter is confidential and not subject 58196
to disclosure by a state agency or political subdivision as a 58197
public record under section 149.43 of the Revised Code: 58198

(1) A dependent of an applicant; 58199

(2) The social security number, passport number, or federal 58200
tax identification number of an applicant or the spouse of an 58201
applicant; 58202

(3) The home address and telephone number of an applicant or 58203
the spouse or dependent of an applicant; 58204

(4) An applicant's birth certificate; 58205

(5) The driver's license number of an applicant or the 58206
applicant's spouse; 58207

(6) The name or address of a previous spouse of the 58208
applicant; 58209

(7) The date of birth of the applicant and the spouse of an 58210
applicant; 58211

(8) The place of birth of the applicant and the spouse of an applicant;	58212 58213
(9) The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;	58214 58215 58216 58217
(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;	58218 58219
(11) The electronic mail address of the spouse or family member of the applicant;	58220 58221
(12) Any trade secret, medical records, and patents or exclusive licenses;	58222 58223
(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;	58224 58225 58226 58227 58228
(14) Information provided in a multijurisdictional personal history disclosure form, including the Ohio supplement, exhibits, attachments, and updates.	58229 58230 58231
(B) The individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a video lottery related license under this chapter is not confidential. The reason for denial or revocation of a video lottery related license or for disciplinary action against the individual is not confidential.	58232 58233 58234 58235 58236 58237 58238
(C) An individual who holds, held, or has applied for a video lottery related license under this chapter may waive the confidentiality requirements of division (A) of this section.	58239 58240 58241

(D) Confidential information received by the commission from another jurisdiction relating to a person who holds, held, or has applied for a license under this chapter is confidential and not subject to disclosure as a public record under section 149.43 of the Revised Code. The commission may share the information referenced in this division with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate governmental or licensing agency, if the agency that receives the information complies with the same requirements regarding confidentiality as those with which the commission must comply.

The applicant shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the lottery sales agent, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(E) The identity and personal information of a person participating in a voluntary exclusion program implemented either by the lottery commission or a video lottery terminal sales agent shall be confidential and only shall be disseminated according to the following:

(1) The commission may disseminate the information to a video lottery terminal sales agent and the agents and employees of the agent for purposes of enforcement.

(2) A video lottery terminal sales agent operating a voluntary exclusion program may disseminate the information to the agents, employees of the agent, and to the commission for purposes of enforcement.

(3) Either the commission or a video lottery terminal sales

agent operating a voluntary exclusion program may disseminate the 58273
information to other entities upon request of the participant and 58274
agreement by the commission. 58275

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 58276
the commission shall have authority to complete the functions of 58277
licensing, regulating, investigating, and penalizing casino 58278
operators, management companies, holding companies, key employees, 58279
casino gaming employees, and gaming-related vendors. The 58280
commission also shall have jurisdiction over all persons 58281
participating in casino gaming authorized by Section 6(C) of 58282
Article XV, Ohio Constitution, and this chapter. 58283

(B) All rules adopted by the commission under this chapter 58284
shall be adopted under procedures established in Chapter 119. of 58285
the Revised Code. The commission may contract for the services of 58286
experts and consultants to assist the commission in carrying out 58287
its duties under this section. 58288

(C) The commission shall adopt rules as are necessary for 58289
completing the functions stated in division (A) of this section 58290
and for addressing the subjects enumerated in division (D) of this 58291
section. 58292

(D) The commission shall adopt, and as advisable and 58293
necessary shall amend or repeal, rules that include all of the 58294
following: 58295

(1) The prevention of practices detrimental to the public 58296
interest; 58297

(2) Prescribing the method of applying, and the form of 58298
application, that an applicant for a license under this chapter 58299
must follow as otherwise described in this chapter; 58300

(3) Prescribing the information to be furnished by an 58301
applicant or licensee as described in section 3772.11 of the 58302

Revised Code;	58303
(4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator;	58304 58305 58306 58307
(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;	58308 58309 58310
(6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code;	58311 58312 58313
(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;	58314 58315
(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state;	58316 58317 58318 58319 58320 58321 58322
(9) Tournament play in any casino facility;	58323
(10) Establishing and implementing a voluntary exclusion program that provides all of the following:	58324 58325
(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.	58326 58327 58328
(b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.	58329 58330 58331
(c) Except as provided by commission rule, no person who	58332

participates in the program shall petition the commission for 58333
admittance into a casino facility. 58334

(d) The list of persons participating in the program and the 58335
personal information of those persons shall be confidential and 58336
shall only be disseminated by the commission to a casino operator 58337
and the agents and employees of the casino operator for purposes 58338
of enforcement and to other entities, upon request of the 58339
participant and agreement by the commission. 58340

(e) A casino operator shall make all reasonable attempts as 58341
determined by the commission to cease all direct marketing efforts 58342
to a person participating in the program. 58343

(f) A casino operator shall not cash the check of a person 58344
participating in the program or extend credit to the person in any 58345
manner. However, the program shall not exclude a casino operator 58346
from seeking the payment of a debt accrued by a person before 58347
participating in the program. 58348

(g) Any and all locations at which a person may register as a 58349
participant in the program shall be published. 58350

(11) Requiring the commission to adopt standards regarding 58351
the marketing materials of a licensed casino operator, including 58352
allowing the commission to prohibit marketing materials that are 58353
contrary to the adopted standards; 58354

(12) Requiring that the records, including financial 58355
statements, of any casino operator, management company, holding 58356
company, and gaming-related vendor be maintained in the manner 58357
prescribed by the commission and made available for inspection 58358
upon demand by the commission, but shall be subject to section 58359
3772.16 of the Revised Code; 58360

(13) Permitting a licensed casino operator, management 58361
company, key employee, or casino gaming employee to question a 58362
person suspected of violating this chapter; 58363

(14) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator;

(15) Establishing standards for provisional key employee licenses for a person who is required to be licensed as a key employee and is in exigent circumstances and standards for provisional licenses for casino gaming employees who submit complete applications and are compliant under an instant background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed one time, at the commission's discretion, for an additional three months. In establishing standards with regard to instant background checks the commission shall take notice of criminal records checks as they are conducted under section 311.41 of the Revised Code using electronic fingerprint reading devices.

(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code;

(17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in Chapter 5753. of the Revised Code;

(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code;

(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;

(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for

the provision of security at and surveillance of casino facilities;	58395 58396
(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees;	58397 58398 58399 58400
(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code;	58401 58402 58403 58404 58405
(23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering;	58406 58407 58408
(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;	58409 58410
(25) Establishing standards for the repair of casino gaming equipment;	58411 58412
(26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code;	58413 58414 58415 58416
(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional	58417 58418 58419 58420 58421 58422 58423 58424 58425

investment status; 58426

(28) Providing for any other thing necessary and proper for 58427
successful and efficient regulation of casino gaming under this 58428
chapter. 58429

(E) The commission shall employ and assign gaming agents as 58430
necessary to assist the commission in carrying out the duties of 58431
this chapter and Chapter 2915. of the Revised Code. In order to 58432
maintain employment as a gaming agent, the gaming agent shall 58433
successfully complete all continuing training programs required by 58434
the commission and shall not have been convicted of or pleaded 58435
guilty or no contest to a disqualifying offense as defined in 58436
section 3772.07 of the Revised Code. 58437

(F) The commission, as a law enforcement agency, and its 58438
gaming agents, as law enforcement officers as defined in section 58439
2901.01 of the Revised Code, shall have authority with regard to 58440
the detection and investigation of, the seizure of evidence 58441
allegedly relating to, and the apprehension and arrest of persons 58442
allegedly committing violations of this chapter or gambling 58443
offenses as defined in section 2915.01 of the Revised Code or 58444
violations of any other law of this state that may affect the 58445
integrity of casino gaming or the operation of skill-based 58446
amusement machines, and shall have access to casino facilities and 58447
skill-based amusement machine facilities to carry out the 58448
requirements of this chapter. 58449

(G) The commission may eject or exclude or authorize the 58450
ejection or exclusion of and a gaming agent may eject a person 58451
from a casino facility for any of the following reasons: 58452

(1) The person's name is on the list of persons voluntarily 58453
excluding themselves from all casinos in a program established 58454
according to rules adopted by the commission; 58455

(2) The person violates or conspires to violate this chapter 58456

or a rule adopted thereunder; or 58457

(3) The commission determines that the person's conduct or 58458
reputation is such that the person's presence within a casino 58459
facility may call into question the honesty and integrity of the 58460
casino gaming operations or interfere with the orderly conduct of 58461
the casino gaming operations. 58462

(H) A person, other than a person participating in a 58463
voluntary exclusion program, may petition the commission for a 58464
public hearing on the person's ejection or exclusion under this 58465
chapter. 58466

(I) A casino operator or management company shall have the 58467
same authority to eject or exclude a person from the management 58468
company's casino facilities as authorized in division (G) of this 58469
section. The licensee shall immediately notify the commission of 58470
an ejection or exclusion. 58471

(J) The commission shall submit a written annual report with 58472
the governor, president and minority leader of the senate, and the 58473
speaker and minority leader of the house of representatives, ~~and~~ 58474
~~joint committee on gaming and wagering~~ before the first day of 58475
September each year. The annual report shall cover the previous 58476
fiscal year and shall include all of the following: 58477

(1) A statement describing the receipts and disbursements of 58478
the commission; 58479

(2) Relevant financial data regarding casino gaming, 58480
including gross revenues and disbursements made under this 58481
chapter; 58482

(3) Actions taken by the commission; 58483

(4) An update on casino operators', management companies', 58484
and holding companies' compulsive and problem gambling plans and 58485
the voluntary exclusion program and list; 58486

(5) Information regarding prosecutions for conduct described 58487
in division (H) of section 3772.99 of the Revised Code, including, 58488
but not limited to, the total number of prosecutions commenced and 58489
the name of each person prosecuted; 58490

(6) Any additional information that the commission considers 58491
useful or that the governor, president or minority leader of the 58492
senate, or speaker or minority leader of the house of 58493
representatives, ~~or joint committee on gaming and wagering~~ 58494
requests. 58495

(K) To ensure the integrity of skill-based amusement machine 58496
operations, the commission shall have jurisdiction over all 58497
persons conducting or participating in the conduct of skill-based 58498
amusement machine operations authorized by this chapter and 58499
Chapter 2915. of the Revised Code, including the authority to 58500
complete the functions of licensing, regulating, investigating, 58501
and penalizing those persons in a manner that is consistent with 58502
the commission's authority to do the same with respect to casino 58503
gaming. To carry out this division, the commission may adopt rules 58504
under Chapter 119. of the Revised Code, including rules 58505
establishing fees and penalties related to the operation of 58506
skill-based amusement machines. 58507

Sec. 3772.17. (A) The upfront license fee to obtain a license 58508
as a casino operator shall be fifty million dollars per casino 58509
facility and shall be paid upon each casino operator's filing of 58510
its casino operator license application with the commission. The 58511
upfront license fee, once paid to the commission, shall be 58512
deposited into the economic development programs fund, which is 58513
created in the state treasury. 58514

(B) New casino operator, management company, and holding 58515
company license and renewal license fees shall be set by rule, 58516
~~subject to the review of the joint committee on gaming and~~ 58517

wagering. If an applicant for a license as a management company or holding company is related through a joint venture or controlled by or under common control with another applicant for a license as a casino operator, management company, or holding company for the same casino facility and the applicant for a license as a management company or holding company was reviewed for suitability as part of the investigation of the casino operator, only one license fee shall be assessed against both applicants for that casino facility.

(C) The fee to obtain an application for a casino operator, management company, or holding company license shall be one million five hundred thousand dollars per application. The application fee for a casino operator, management company, or holding company license may be increased to the extent that the actual review and investigation costs relating to an applicant exceed the application fee set forth in this division. If an applicant for a license as a management company or holding company is related through a joint venture or controlled by or under common control with another applicant for a license as a casino operator, management company, or holding company for the same casino facility, with the exception of actual costs of the review and investigation of the additional applicant, only one application fee shall be required of such applicants for that casino facility. The application fee shall be deposited into the casino control commission fund. The application fee is nonrefundable.

(D) The license fees for a gaming-related vendor shall be set by rule, ~~subject to the review of the joint committee on gaming and wagering~~. Additionally, the commission may assess an applicant a reasonable fee in the amount necessary to process a gaming-related vendor license application.

(E) The license fees for a key employee shall be set by rule,

~~subject to the review of the joint committee on gaming and~~ 58550
~~wagering.~~ Additionally, the commission may assess an applicant a 58551
reasonable fee in the amount necessary to process a key employee 58552
license application. If the license is being sought at the request 58553
of a casino operator, such fees shall be paid by the casino 58554
operator. 58555

(F) The license fees for a casino gaming employee shall be 58556
set by rule, ~~subject to the review of the joint committee on~~ 58557
~~gaming and wagering.~~ If the license is being sought at the request 58558
of a casino operator, the fee shall be paid by the casino 58559
operator. 58560

Sec. 3772.99. (A) The commission shall levy and collect 58561
penalties for noncriminal violations of this chapter. Noncriminal 58562
violations include using the term "casino" in any advertisement in 58563
regard to a facility operating video lottery terminals, as defined 58564
in section 3770.21 of the Revised Code, in this state. Moneys 58565
collected from such penalty levies shall be credited to the 58566
general revenue fund. 58567

(B) If a licensed casino operator, management company, 58568
holding company, gaming-related vendor, or key employee violates 58569
this chapter or engages in a fraudulent act, the commission may 58570
suspend or revoke the license and may do either or both of the 58571
following: 58572

(1) Suspend, revoke, or restrict the casino gaming operations 58573
of a casino operator; 58574

(2) Require the removal of a management company, key 58575
employee, or discontinuance of services from a gaming-related 58576
vendor. 58577

(C) The commission shall impose civil penalties against a 58578
person who violates this chapter under the penalties adopted by 58579

commission rule ~~and reviewed by the joint committee on gaming and~~ 58580
~~wagering.~~ 58581

(D) A person who purposely or knowingly does any of the 58582
following commits a misdemeanor of the first degree on the first 58583
offense and a felony of the fifth degree for a subsequent offense: 58584

(1) Makes a false statement on an application submitted under 58585
this chapter; 58586

(2) Permits a person less than twenty-one years of age to 58587
make a wager at a casino facility; 58588

(3) Aids, induces, or causes a person less than twenty-one 58589
years of age who is not an employee of the casino gaming operation 58590
to enter or attempt to enter a casino facility; 58591

(4) Enters or attempts to enter a casino facility while under 58592
twenty-one years of age, unless the person enters a designated 58593
area as described in section 3772.24 of the Revised Code; 58594

(5) Is a casino operator or employee and participates in 58595
casino gaming other than as part of operation or employment. 58596

(E) A person who purposely or knowingly does any of the 58597
following commits a felony of the fifth degree on a first offense 58598
and a felony of the fourth degree for a subsequent offense. If the 58599
person is a licensee under this chapter, the commission shall 58600
revoke the person's license after the first offense. 58601

(1) Uses or possesses with the intent to use a device to 58602
assist in projecting the outcome of the casino game, keeping track 58603
of the cards played, analyzing the probability of the occurrence 58604
of an event relating to the casino game, or analyzing the strategy 58605
for playing or betting to be used in the casino game, except as 58606
permitted by the commission; 58607

(2) Cheats at a casino game; 58608

(3) Manufactures, sells, or distributes any cards, chips, 58609

dice, game, or device that is intended to be used to violate this chapter; 58610
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(4) Alters or misrepresents the outcome of a casino game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players; 58612
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(5) Places, increases, or decreases a wager on the outcome of a casino game after acquiring knowledge that is not available to all players and concerns the outcome of the casino game that is the subject of the wager; 58615
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(6) Aids a person in acquiring the knowledge described in division (E)(5) of this section for the purpose of placing, increasing, or decreasing a wager contingent on the outcome of a casino game; 58619
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(7) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a casino game with the intent to defraud or without having made a wager contingent on winning a casino game; 58623
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(8) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a casino game; 58627
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(9) Uses or possesses counterfeit chips, tokens, or cashless wagering instruments in or for use in a casino game; 58629
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(10) Possesses a key or device designed for opening, entering, or affecting the operation of a casino game, drop box, or an electronic or a mechanical device connected with the casino game or removing coins, tokens, chips, or other contents of a casino game. This division does not apply to a casino operator, management company, or gaming-related vendor or their agents and employees in the course of agency or employment. 58631
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(11) Possesses materials used to manufacture a device intended to be used in a manner that violates this chapter; 58638
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(12) Operates a casino gaming operation in which wagering is 58640
conducted or is to be conducted in a manner other than the manner 58641
required under this chapter or a skill-based amusement machine 58642
operation in a manner other than the manner required under Chapter 58643
2915. of the Revised Code. 58644

(F) The possession of more than one of the devices described 58645
in division (E)(9), (10), or (11) of this section creates a 58646
rebuttable presumption that the possessor intended to use the 58647
devices for cheating. 58648

(G) A person who purposely or knowingly does any of the 58649
following commits a felony of the third degree. If the person is a 58650
licensee under this chapter, the commission shall revoke the 58651
person's license after the first offense. A public servant or 58652
party official who is convicted under this division is forever 58653
disqualified from holding any public office, employment, or 58654
position of trust in this state. 58655

(1) Offers, promises, or gives anything of value or benefit 58656
to a person who is connected with the casino operator, management 58657
company, holding company, or gaming-related vendor, including 58658
their officers and employees, under an agreement to influence or 58659
with the intent to influence the actions of the person to whom the 58660
offer, promise, or gift was made in order to affect or attempt to 58661
affect the outcome of a casino game or an official action of a 58662
commission member, agent, or employee; 58663

(2) Solicits, accepts, or receives a promise of anything of 58664
value or benefit while the person is connected with a casino, 58665
including an officer or employee of a casino operator, management 58666
company, or gaming-related vendor, under an agreement to influence 58667
or with the intent to influence the actions of the person to 58668
affect or attempt to affect the outcome of a casino game or an 58669
official action of a commission member, agent, or employee; 58670

(H) A person who knowingly or intentionally does any of the following while participating in casino gaming or otherwise transacting with a casino facility as permitted by Chapter 3772. of the Revised Code commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense:

(1) Causes or attempts to cause a casino facility to fail to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, or to fail to file a report or maintain a record required by an order issued under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508;

(2) Causes or attempts to cause a casino facility to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 5326, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact;

(3) With one or more casino facilities, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction.

(I) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission.

(J) As used in division (H) of this section:

(1) To be "complicit" means to engage in any conduct of a type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code.

(2) "Structure a transaction" has the same meaning as in 58702
section 1315.51 of the Revised Code. 58703

(K) Premises used or occupied in violation of division 58704
(E)(12) of this section constitute a nuisance subject to abatement 58705
under Chapter 3767. of the Revised Code. 58706

Sec. 3794.03. Areas where smoking is not regulated by this 58707
chapter. 58708

The following shall be exempt from the provisions of this 58709
chapter: 58710

(A) Private residences, except during the hours of operation 58711
as a child care or adult care facility for compensation, during 58712
the hours of operation as a business by a person other than a 58713
person residing in the private residence, or during the hours of 58714
operation as a business, when employees of the business, who are 58715
not residents of the private residence or are not related to the 58716
owner, are present. 58717

(B) Rooms for sleeping in hotels, motels and other lodging 58718
facilities designated as smoking rooms; provided, however, that 58719
not more than twenty ~~percent~~ per cent of sleeping rooms may be so 58720
designated. 58721

(C) Family-owned and operated places of employment in which 58722
all employees are related to the owner, but only if the enclosed 58723
areas of the place of employment are not open to the public, are 58724
in a ~~free-standing~~ freestanding structure occupied solely by the 58725
place of employment, and smoke from the place of employment does 58726
not migrate into an enclosed area where smoking is prohibited 58727
under the provisions of this chapter. 58728

(D) Any nursing home, as defined in division (A) of section 58729
3721.10~~(A)~~ of the Revised Code, but only to the extent necessary 58730
to comply with division (A)(18) of section 3721.13~~(A)(18)~~ of the 58731

Revised Code. If indoor smoking area is provided by a nursing home 58732
for residents of the nursing home, the designated indoor smoking 58733
area shall be separately enclosed and separately ventilated so 58734
that tobacco smoke does not enter, through entrances, windows, 58735
ventilation systems, or other means, any areas where smoking is 58736
otherwise prohibited under this chapter. Only residents of the 58737
nursing home may utilize the designated indoor smoking area for 58738
smoking. A nursing home may designate specific times when the 58739
indoor smoking area may be used for such purpose. No employee of a 58740
nursing home shall be required to accompany a resident into a 58741
designated indoor smoking area or perform services in such area 58742
when being used for smoking. 58743

(E) Retail tobacco stores ~~as defined in section 3794.01(H) of~~ 58744
~~this chapter~~ in operation prior to ~~the effective date of this~~ 58745
~~section~~ December 7, 2006. The retail tobacco store shall annually 58746
file with the department of health by the thirty-first day of 58747
January ~~thirty-first~~ an affidavit stating the percentage of its 58748
gross income during the prior calendar year that was derived from 58749
the sale of cigars, cigarettes, pipes, or other smoking devices 58750
for smoking tobacco and related smoking accessories. Any retail 58751
tobacco store that begins operation after ~~the effective date of~~ 58752
~~this section~~ December 7, 2006, or any existing retail tobacco 58753
store that relocates to another location after ~~the effective date~~ 58754
~~of this section~~ December 7, 2006, may only qualify for this 58755
exemption if located in a freestanding structure occupied solely 58756
by the business and smoke from the business does not migrate into 58757
an enclosed area where smoking is prohibited under the provisions 58758
of this chapter. 58759

(F) Outdoor patios ~~as defined in Section 3794.01(I) of this~~ 58760
~~chapter~~. All outdoor patios shall be physically separated from an 58761
enclosed area. If windows or doors form any part of the partition 58762
between an enclosed area and the outdoor patio, the openings shall 58763

be closed to prevent the migration of smoke into the enclosed 58764
area. If windows or doors do not prevent the migration of smoke 58765
into the enclosed area, the outdoor patio shall be considered an 58766
extension of the enclosed area and subject to the prohibitions of 58767
this chapter. 58768

(G) Private clubs as defined in division (B)(13) of section 58769
4301.01(B)(13) of the Revised Code, provided all of the following 58770
apply: the club has no employees; the club is organized as a 58771
not-for-profit entity; only members of the club are present in the 58772
club's building; no persons under the age of eighteen are present 58773
in the club's building; the club is located in a freestanding 58774
structure occupied solely by the club; smoke from the club does 58775
not migrate into an enclosed area where smoking is prohibited 58776
under the provisions of this chapter; and, if the club serves 58777
alcohol, it holds a valid D4 liquor permit. 58778

(H) An enclosed space in a laboratory facility at an 58779
accredited college or university, when used solely and exclusively 58780
for clinical research activities by a person, organization, or 58781
other entity conducting institutional review board-approved 58782
scientific or medical research related to the health effects of 58783
smoking or the use of tobacco products. The enclosed space shall 58784
not be open to the public and shall be designed to minimize 58785
exposure of nonsmokers to smoke. The program administrator shall 58786
annually file a notice of new research with the department of 58787
health on a form prescribed by the department. 58788

Sec. 3796.08. (A)(1) A patient seeking to use medical 58789
marijuana or a caregiver seeking to assist a patient in the use or 58790
administration of medical marijuana shall apply to the state board 58791
of pharmacy for registration. The physician who holds a 58792
certificate to recommend issued by the state medical board and is 58793
treating the patient or the physician's delegate shall submit the 58794

application on the patient's or caregiver's behalf in the manner 58795
established in rules adopted under section 3796.04 of the Revised 58796
Code. 58797

(2) The application shall include all of the following: 58798

(a) A statement from the physician certifying all of the 58799
following: 58800

(i) That a bona fide physician-patient relationship exists 58801
between the physician and patient; 58802

(ii) That the patient has been diagnosed with a qualifying 58803
medical condition; 58804

(iii) That the physician or physician delegate has requested 58805
from the drug database a report of information related to the 58806
patient that covers at least the twelve months immediately 58807
preceding the date of the report; 58808

(iv) That the physician has informed the patient of the risks 58809
and benefits of medical marijuana as it pertains to the patient's 58810
qualifying medical condition and medical history; 58811

~~(v) That the physician has informed the patient that it is 58812
the physician's opinion that the benefits of medical marijuana 58813
outweigh its risks. 58814~~

(b) In the case of an application submitted on behalf of a 58815
patient, the name or names of the one or more caregivers that will 58816
assist the patient in the use or administration of medical 58817
marijuana; 58818

(c) In the case of an application submitted on behalf of a 58819
caregiver, the name of the patient or patients that the caregiver 58820
seeks to assist in the use or administration of medical marijuana. 58821

(3) If the application is complete and meets the requirements 58822
established in rules, the board shall register the patient or 58823

caregiver and issue to the patient or caregiver an identification card. 58824
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(B) The board shall not make public any information reported to or collected by the board under this section that identifies or would tend to identify any specific patient. 58826
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Information collected by the board pursuant to this section is confidential and not a public record. The board may share identifying information with a licensed retail dispensary for the purpose of confirming that a person has a valid registration. Information that does not identify a person may be released in summary, statistical, or aggregate form. 58829
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(C) A registration expires according to the renewal schedule established in rules adopted under section 3796.04 of the Revised Code and may be renewed in accordance with procedures established in those rules. 58835
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Sec. 3901.90. The superintendent of insurance, in consultation with the director of mental health and addiction services, shall develop consumer and payer education on mental health and addiction services insurance parity and establish and promote a consumer hotline to collect information and help consumers understand and access their insurance benefits. 58839
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The department of insurance and the department of mental health and addiction services shall jointly report annually on the department's efforts, which shall include information on consumer and payer outreach activities and identification of trends and barriers to access and coverage in this state. The departments shall submit the report to the general assembly, the joint medicaid oversight committee, and the governor, not later than the thirtieth day of January of each year. 58845
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Sec. 3902.30. (A) As used in this section: 58853

(1) "Health benefit plan" and "health plan issuer" have the same meanings as under section 3922.01 of the Revised Code. 58854
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(2) "In-person services" means a medical service delivered by a physician through the use of any communication method where the physician and patient are simultaneously present in the same geographic location. 58856
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(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including the holder of a telemedicine certificate issued under section 4731.296 of the Revised Code. 58860
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(4) "Telemedicine service" means a medical service delivered by a physician through the use of any communication method where the physician and patient are not simultaneously present in the same location, including oral, written, or electronic communication. 58865
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(B)(1) A health benefit plan shall provide coverage for the cost of telemedicine services on the same basis and to the same extent that the plan provides coverage for the provision of in-person health services. 58870
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(2) A health benefit plan shall not exclude coverage for a service solely because it is provided as a telemedicine service. 58874
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(C) A health benefit plan shall not impose any annual or lifetime benefit maximum in relation to telemedicine services other than such a benefit maximum imposed on all benefits offered under the plan. 58876
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(D) This section shall not be construed as prohibiting a health benefit plan from assessing cost-sharing requirements to a covered individual for telemedicine services, provided that such cost sharing requirements for telemedicine services are not greater than those for comparable in-person services. 58880
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(E) This section shall not be construed as requiring a health plan issuer to reimburse a physician for any costs or fees associated with the provision of telemedicine services that would be in addition to or greater than the standard reimbursement for a comparable in-person service. 58885
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(F) This section shall apply to all health benefit plans issued, offered, or renewed on or after January 1, 2018. 58890
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Sec. 3923.041. (A) As used in this section: 58892

(1) "Chronic condition" means a medical condition that has persisted after reasonable efforts have been made to relieve or cure its cause and has continued, either continuously or episodically, for longer than six continuous months. 58893
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(2) "Clinical peer" means a health care practitioner in the same or in a similar, specialty that typically manages the medical condition, procedure, or treatment under review. 58897
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(3) "Covered person" means a person receiving coverage for health services under a policy of sickness and accident insurance or a public employee benefit plan. 58900
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(4) "Emergency service" has the same meaning as in section 1753.28 of the Revised Code. 58903
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(5) "Fraudulent or materially incorrect information" means any type of intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to the covered person in question. 58905
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(6) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code. 58909
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(7) "NCPDP SCRIPT standard" means the national council for prescription drug programs SCRIPT standard version 201310 or the most recent standard adopted by the United States department of health and human services. 58911
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(8) "Prior authorization requirement" means any practice implemented by either a sickness and accident insurer or a public employee benefit plan in which coverage of a health care service, device, or drug is dependent upon a covered person or a health care practitioner obtaining approval from the insurer or plan prior to the service, device, or drug being performed, received, or prescribed, as applicable. "Prior authorization" includes prospective or utilization review procedures conducted prior to providing a health care service, device, or drug.

(9) "Urgent care services" means a medical care or other service for a condition where application of the timeframe for making routine or non-life threatening care determinations is either of the following:

(a) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state;

(b) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(10) "Utilization review" and "utilization review organization" have the same meanings as in section 1751.77 of the Revised Code.

(B) If a policy issued by a sickness and accident insurer or a public employee benefit plan contains a prior authorization requirement, then all of the following apply:

(1) For policies issued on or after January 1, 2018, the insurer or plan shall permit health care practitioners to access the prior authorization form through the applicable electronic software system.

(2)(a) For policies issued on or after January 1, 2018, the insurer or plan, or other payer acting on behalf of the insurer or

plan, to accept prior authorization requests through a secure 58946
electronic transmission. 58947

(b) For policies issued on or after January 1, 2018, the 58948
insurer or plan, a pharmacy benefit manager responsible for 58949
handling prior authorization requests, or other payer acting on 58950
behalf of the insurer or plan shall accept and respond to prior 58951
prescription benefit authorization requests through a secure 58952
electronic transmission using NCPDP SCRIPT standard ePA 58953
transactions, and for prior medical benefit authorization requests 58954
through a secure electronic transmission using standards 58955
established by the council for affordable quality health care on 58956
operating rules for information exchange or its successor. 58957

(c) For purposes of division (B)(2) of this section, neither 58958
of the following shall be considered a secure electronic 58959
transmission: 58960

(i) A facsimile; 58961

(ii) A proprietary payer portal for prescription drug 58962
requests that does not use NCPDP SCRIPT standard. 58963

(3) For policies issued on or after January 1, 2018, a health 58964
care practitioner and an insurer or plan may enter into a 58965
contractual arrangement under which the insurer or plan agrees to 58966
process prior authorization requests that are not submitted 58967
electronically because of the financial hardship that electronic 58968
submission of prior authorization requests would create for the 58969
health care practitioner or if internet connectivity is limited or 58970
unavailable where the health care practitioner is located. 58971

(4)(a) For policies issued on or after January 1, 2018, if 58972
the health care practitioner submits the request for prior 58973
authorization electronically as described in divisions (B)(1) and 58974
(2) of this section, the insurer or plan shall respond to all 58975
prior authorization requests within forty-eight hours for urgent 58976

care services, or ten calendar days for any prior authorization request that is not for an urgent care service, of the time the request is received by the insurer or plan. Division (B)(4) of this section does not apply to emergency services.

(b) The response required under division (B)(4)(a) of this section shall indicate whether the request is approved or denied. If the prior authorization is denied, the insurer or plan shall provide the specific reason for the denial.

(c) If the prior authorization request is incomplete, the insurer or plan shall indicate the specific additional information that is required to process the request.

(5)(a) For policies issued on or after January 1, 2018, if a health care practitioner submits a prior authorization request as described in divisions (B)(1) and (2) of this section, the insurer or plan shall provide an electronic receipt to the health care practitioner acknowledging that the prior authorization request was received.

(b) For policies issued on or after January 1, 2018, if an issuer or plan requests additional information that is required to process a prior authorization request as described in division (B)(4)(c) of this section, the health care practitioner shall provide an electronic receipt to the issuer or plan acknowledging that the request for additional information was received.

(6)(a) For policies issued on or after January 1, 2017, for a prior approval related to a chronic condition, the insurer or plan shall honor a prior authorization approval for an approved drug for the lesser of the following from the date of the approval:

(i) Twelve months;

(ii) The last day of the covered person's eligibility under the policy or plan.

(b) The duration of all other prior authorization approvals shall be dictated by the policy or plan.	59007 59008
(c) An insurer or plan, in relation to prior approval under division (B)(6)(a) of this section, may require a health care practitioner to submit information to the insurer or plan indicating that the patient's chronic condition has not changed.	59009 59010 59011 59012
(i) The request for information by the insurer or plan and the response by the health care practitioner shall be in an electronic format, which may be by electronic mail or other electronic communication.	59013 59014 59015 59016
(ii) The frequency of the submission of requested information shall be consistent with medical or scientific evidence, as defined in section 3922.01 of the Revised Code, but shall not be required more frequently than quarterly.	59017 59018 59019 59020
(iii) If the health care practitioner does not respond within five calendar days from the date the request was received, the insurer or plan may terminate the twelve-month approval.	59021 59022 59023
(d) A twelve-month approval provided under division (B)(6)(a) of this section is no longer valid and automatically terminates if there are changes to federal or state laws or federal regulatory guidance or compliance information prescribing that the drug in question is no longer approved or safe for the intended purpose.	59024 59025 59026 59027 59028
(e) A twelve-month approval provided under division (B)(6)(a) of this section does not apply to and is not required for any of the following:	59029 59030 59031
(i) Medications that are prescribed for a non-maintenance condition;	59032 59033
(ii) Medications that have a typical treatment of less than one year;	59034 59035
(iii) Medications that require an initial trial period to	59036

determine effectiveness and tolerability, beyond which a one-year, 59037
or greater, prior authorization period will be given; 59038

(iv) Medications where there is medical or scientific 59039
evidence as defined in section 3922.01 of the Revised Code that do 59040
not support a twelve-month prior approval; 59041

(v) Medications that are a schedule I or II controlled 59042
substance or any opioid analgesic or benzodiazepine, as defined in 59043
section 3719.01 of the Revised Code; 59044

(vi) Medications that are not prescribed by an in-network 59045
provider as part of the care management program. 59046

(7) For policies issued on or after January 1, 2017, an 59047
insurer or plan may, but is not required to, provide the 59048
twelve-month approval prescribed in division (B)(6)(a) of this 59049
section for a prescription drug that meets either of the 59050
following: 59051

(a) The drug is prescribed or administered to treat a rare 59052
medical condition and pursuant to medical or scientific evidence 59053
as defined in section 3922.01 of the Revised Code. 59054

(b) Medications that are controlled substances not included 59055
in division (B)(6)(e)(v) of this section. 59056

For purposes of division (B)(7) of this section, "rare 59057
medical condition" means any disease or condition that affects 59058
fewer than two hundred thousand individuals in the United States. 59059

(8) Nothing in division (B)(6) or (7) of this section 59060
prohibits the substitution, in accordance with section 4729.38 of 59061
the Revised Code, of any drug that has received a twelve-month 59062
approval under division (B)(6)(a) of this section when there is a 59063
release of either of the following: 59064

(a) A United States food and drug administration approved 59065
comparable brand product or a generic counterpart of a brand 59066

product that is listed as therapeutically equivalent in the United States food and drug administration's publication titled approved drug products with therapeutic equivalence evaluations;

(b) An interchangeable biological product, as defined in section 3715.01 of the Revised Code.

(9)(a) For policies issued on or after January 1, 2017, upon written request, an insurer or plan shall permit a retrospective review for a claim that is submitted for a service where prior authorization was required but not obtained if the service in question meets all of the following:

(i) The service is directly related to another service for which prior approval has already been obtained and that has already been performed.

(ii) The new service was not known to be needed at the time the original prior authorized service was performed.

(iii) The need for the new service was revealed at the time the original authorized service was performed.

(b) Once the written request and all necessary information is received, the insurer or plan shall review the claim for coverage and medical necessity. The insurer or plan shall not deny a claim for such a new service based solely on the fact that a prior authorization approval was not received for the new service in question.

(10)(a) For policies issued on or after January 1, 2017, the insurer or plan shall disclose to all participating health care practitioners any new prior authorization requirement at least thirty days prior to the effective date of the new requirement.

(b) The notice may be sent via electronic mail or standard mail and shall be conspicuously entitled "Notice of Changes to Prior Authorization Requirements." The notice is not required to

contain a complete listing of all changes made to the prior 59097
authorization requirements, but shall include specific information 59098
on where the health care practitioner may locate the information 59099
on the insurer or plan's web site or, if applicable, the insurer's 59100
or plan's portal. 59101

(c) All participating health care practitioners shall 59102
promptly notify the insurer or plan of any changes to the health 59103
care practitioner's electronic mail or standard mail address. 59104

(11)(a) For policies issued on or after January 1, 2017, the 59105
insurer or plan shall make available to all participating health 59106
care practitioners on its web site or provider portal a listing of 59107
its prior authorization requirements, including specific 59108
information or documentation that a practitioner must submit in 59109
order for the prior authorization request to be considered 59110
complete. 59111

(b) The insurer or plan shall make available on its web site 59112
information about the policies, contracts, or agreements offered 59113
by the insurer or plan that clearly identifies specific services, 59114
drugs, or devices to which a prior authorization requirement 59115
exists. 59116

(12) For policies issued on or after January 1, 2018, the 59117
insurer or plan shall establish a streamlined appeal process 59118
relating to adverse prior authorization determinations that shall 59119
include all of the following: 59120

(a) For urgent care services, the appeal shall be considered 59121
within forty-eight hours after the insurer or plan receives the 59122
appeal. 59123

(b) For all other matters, the appeal shall be considered 59124
within ten calendar days after the insurer or plan receives the 59125
appeal. 59126

(c) The appeal shall be between the health care practitioner 59127

requesting the service in question and a clinical peer. 59128

(d) If the appeal does not resolve the disagreement, either 59129
the covered person or an authorized representative as defined in 59130
section 3922.01 of the Revised Code may request an external review 59131
under Chapter 3922. of the Revised Code to the extent Chapter 59132
3922. of the Revised Code is applicable. 59133

(C) For policies issued on or after January 1, 2017, except 59134
in cases of fraudulent or materially incorrect information, an 59135
insurer or plan shall not retroactively deny a prior authorization 59136
for a health care service, drug, or device when all of the 59137
following are met: 59138

(1) The health care practitioner submits a prior 59139
authorization request to the insurer or plan for a health care 59140
service, drug, or device; 59141

(2) The insurer or plan approves the prior authorization 59142
request after determining that all of the following are true: 59143

(a) The patient is eligible under the health benefit plan. 59144

(b) The health care service, drug, or device is covered under 59145
the patient's health benefit plan. 59146

(c) The health care service, drug, or device meets the 59147
insurer's or plan's standards for medical necessity and prior 59148
authorization. 59149

(3) The health care practitioner renders the health care 59150
service, drug, or device pursuant to the approved prior 59151
authorization request and all of the terms and conditions of the 59152
health care practitioner's contract with the insurer or plan; 59153

(4) On the date the health care practitioner renders the 59154
prior approved health care service, drug, or device, all of the 59155
following are true: 59156

(a) The patient is eligible under the health benefit plan. 59157

(b) The patient's condition or circumstances related to the patient's care has not changed. 59158
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(c) The health care practitioner submits an accurate claim that matches the information submitted by the health care practitioner in the approved prior authorization request. 59160
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(5) If the health care practitioner submits a claim that includes an unintentional error and the error results in a claim that does not match the information originally submitted by the health care practitioner in the approved prior authorization request, upon receiving a denial of services from the insurer or plan, the health care practitioner may resubmit the claim pursuant to division (C) of this section with the information that matches the information included in the approved prior authorization. 59163
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(D) Any provision of a contractual arrangement entered into between an insurer or plan and a health care practitioner or beneficiary that is contrary to divisions (A) to (C) of this section is unenforceable. 59171
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(E) For policies issued on or after January 1, 2017, committing a series of violations of this section that, taken together, constitute a practice or pattern shall be considered an unfair and deceptive practice under sections 3901.19 to 3901.26 of the Revised Code. 59175
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(F) The superintendent of insurance may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the provisions of this section. 59180
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(G) This section does not apply to any of the following types of coverage: a policy, contract, certificate, or agreement that covers only a specified accident, accident only, credit, dental, disability income, long-term care, hospital indemnity, supplemental coverage as described in section 3923.37 of the Revised Code, specified disease, or vision care; a dental benefit 59183
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that is offered as a part of a policy of sickness and accident insurance or a public employee benefit plan; coverage issued as a supplement to liability insurance; insurance arising out of workers' compensation or similar law; automobile medical payment insurance; insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance; a medicare supplement policy of insurance as defined by the superintendent of insurance by rule; coverage under a plan through medicare or the federal employees benefit program; or any coverage issued under Chapter 55 of Title 10 of the United States Code and any coverage issued as a supplement to that coverage.

Sec. 3937.25. (A) As used in sections 3937.25 to 3937.29 of the Revised Code, "medical malpractice insurance" means insurance coverage against the legal liability of the insured for loss, damage, or expense arising from a medical, optometric, or chiropractic claim, as those claims are defined in section 2305.113 of the Revised Code.

(B) After a policy of commercial property insurance, commercial fire insurance, or commercial casualty insurance other than fidelity or surety bonds, medical malpractice insurance, and automobile insurance as defined in section 3937.30 of the Revised Code, has been in effect for more than ninety days, a notice of cancellation for such policy shall not be issued by any licensed insurer unless it is based on one of the following grounds:

(1) Nonpayment of premium;

(2) Discovery of fraud or material misrepresentation in the procurement of the insurance or with respect to any claims submitted thereunder;

(3) Discovery of a moral hazard or willful or reckless acts

or omissions on the part of the named insured that increase any hazard insured against;

(4) The occurrence of a change in the individual risk which substantially increases any hazard insured against after insurance coverage has been issued or renewed, except to the extent the insurer reasonably should have foreseen the change or contemplated the risk in writing the contract;

(5) Loss of applicable reinsurance or a substantial decrease in applicable reinsurance, if the superintendent has determined that reasonable efforts have been made to prevent the loss of, or substantial decrease in, the applicable reinsurance, or to obtain replacement coverage;

(6) Failure of an insured to correct material violations of safety codes or to comply with reasonable written loss control recommendations;

(7) A determination by the superintendent of insurance that the continuation of the policy would create a condition that would be hazardous to the policyholders or the public.

(C) The notice of cancellation required by this section must be in writing, be mailed to the insured at the insured's last known address, and contain all of the following:

(1) The policy number;

(2) The date of the notice;

(3) The effective date of the cancellation;

(4) An explanation of the reason for cancellation.

Such notice of cancellation also shall be mailed to the insured's agent.

(D)(1) Except for nonpayment of premium, the effective date of cancellation must be no less than thirty days from the date of mailing the notice. ~~When~~

(2)(a) When cancellation is for nonpayment of premium, the 59250
effective date of cancellation must be no less than ten days from 59251
the date of mailing the notice. 59252

(b) An insurer may include a notice of cancellation of a 59253
policy of automobile insurance for nonpayment of premium with a 59254
billing notice. Subject to division (D)(2)(a) of this section, 59255
such a cancellation is effective on or after the due date of the 59256
bill. 59257

(E) Nothing in division (B) of this section shall be 59258
construed to prevent an insurer from writing a policy of 59259
commercial property insurance, commercial fire insurance, or 59260
commercial casualty insurance other than medical malpractice 59261
insurance and automobile insurance as defined in section 3937.30 59262
of the Revised Code for a period greater than one year and 59263
providing in such policy that the insurer may issue a notice of 59264
cancellation of such policy at least thirty days prior to an 59265
anniversary of such policy, with the effective date of 59266
cancellation being that anniversary. 59267

The superintendent may prescribe that adequate disclosure be 59268
made to the insured when a policy is issued for a term of more 59269
than one year. 59270

(F) There is no liability on the part of, and no cause of 59271
action of any nature arises against, the superintendent of 59272
insurance, any insurer, or any person furnishing information 59273
requested by the superintendent, an insurer, the agent, employee, 59274
attorney, or other authorized representative of any such persons, 59275
for any oral or written statement made to supply information 59276
relevant to a determination on cancellation of any policy of 59277
commercial property insurance, commercial fire insurance, or 59278
commercial casualty insurance other than fidelity or surety bonds, 59279
medical malpractice insurance, and automobile insurance as defined 59280
in section 3937.30 of the Revised Code, or in connection with 59281

advising an insured or an insured's attorney of the reasons for a 59282
cancellation of such insurance, or in connection with any 59283
administrative or judicial proceeding arising out of or related to 59284
such cancellation. 59285

Sec. 3937.32. (A) No cancellation of an automobile insurance 59286
policy is effective, unless it is pursuant to written notice to 59287
the insured of cancellation. Such notice shall contain: 59288

~~(A)~~(1) The policy number; 59289

~~(B)~~(2) The date of the notice; 59290

~~(C)~~(3) The effective date of cancellation of the policy, 59291
which shall not be earlier than thirty days following the date of 59292
the notice; 59293

~~(D)~~(4) An explanation of the reason for cancellation and the 59294
information upon which it is based, or a statement that such 59295
explanation will be furnished to the insured in writing within 59296
five days after receipt of the insured's written request therefor 59297
to the insurer; 59298

~~(E)~~(5) Where cancellation is for nonpayment of premium at 59299
least ten days notice from the date of mailing of cancellation 59300
accompanied by the reason therefor shall be given; 59301

~~(F)~~(6) A statement that if there is cause to believe such 59302
cancellation is based on erroneous information, or is contrary to 59303
law or the terms of the policy, the insured is entitled to have 59304
the matter reviewed by the superintendent of insurance, upon 59305
written application to the superintendent made not later than the 59306
effective date of cancellation of the policy. 59307

(B) An insurer may include a notice of cancellation for 59308
nonpayment of premium with a billing notice. Subject to division 59309
(A)(5) of this section, such a cancellation is effective on or 59310
after the due date of the bill. 59311

Sec. 4104.15. (A) All certificates of inspection for boilers, 59312
issued prior to October 15, 1965, are valid and effective for the 59313
period set forth in such certificates unless sooner withdrawn by 59314
the superintendent of industrial compliance. The owner or user of 59315
any such boiler shall obtain an appropriate certificate of 59316
operation for such boiler, and shall not operate such boiler, or 59317
permit it to be operated unless a certificate of operation has 59318
been obtained in accordance with section 4104.17 of the Revised 59319
Code. 59320

(B) ~~If, upon making the internal and external inspection 59321
required under sections 4104.11, 4104.12, and 4104.13 of the 59322
Revised Code, the inspector finds the boiler to be in safe working 59323
order, with the fittings necessary to safety, and properly set up, 59324
upon the inspector's report to the superintendent, the 59325
superintendent shall issue to the owner or user thereof, or renew, 59326
upon application and upon a boiler owner or user is in compliance 59327
with sections 4104.13, 4104.17, and 4104.18 of the Revised Code, a 59328
the superintendent, upon application, shall issue the boiler owner 59329
or user a certificate of operation or renew the boiler owner's or 59330
user's certificate of operation. The certificate of operation 59331
~~which shall state:~~ 59332~~

(1) State the maximum pressure at which the boiler may be 59333
operated, as ascertained by the rules of the board of building 59334
standards. ~~Such certificates shall also state,~~ the name of the 59335
owner or user, the location, size, and number of each boiler, and 59336
the date of issuance, ~~and shall be;~~ 59337

(2) Be so placed as to be easily read in the engine room or 59338
boiler room of the plant where the boiler is located, except that 59339
the certificate of operation for a portable boiler shall be kept 59340
on the premises and shall be accessible at all times. 59341

(C) If an inspector at any inspection finds that the boiler 59342

or pressure vessel is not in safe working condition, or is not 59343
provided with the fittings necessary to safety, or if the fittings 59344
are improperly arranged, the inspector shall immediately notify 59345
the owner or user and person in charge of the boiler and shall 59346
report the same to the superintendent who may revoke, suspend, or 59347
deny the certificate of operation and not renew the same until the 59348
boiler or pressure vessel and its fittings are put in condition to 59349
insure safety of operation, and the owner or user shall not 59350
operate the boiler or pressure vessel, or permit it to be operated 59351
until such certificate has been granted or restored. 59352

(D) If the superintendent or a general boiler inspector finds 59353
that a pressure vessel or boiler or a part thereof poses an 59354
explosion hazard that reasonably can be regarded as posing an 59355
imminent danger of death or serious physical harm to persons, the 59356
superintendent or the general boiler inspector shall seal the 59357
pressure vessel or boiler and order, in writing, the operator or 59358
owner of the pressure vessel or boiler to immediately cease the 59359
pressure vessel's or boiler's operation. The order shall be 59360
effective until the nonconformities are eliminated, corrected, or 59361
otherwise remedied, or for a period of seventy-two hours from the 59362
time of issuance, whichever occurs first. During the 59363
seventy-two-hour period, the superintendent may request that the 59364
prosecuting attorney or city attorney of Franklin county or of the 59365
county in which the pressure vessel or boiler is located obtain an 59366
injunction restraining the operator or owner of the pressure 59367
vessel or boiler from continuing its operation after the 59368
seventy-two-hour period expires until the nonconformities are 59369
eliminated, corrected, or otherwise remedied. 59370

(E) Each boiler which has been inspected shall be assigned a 59371
number by the superintendent, which number shall be stamped on a 59372
nonferrous metal tag affixed to the boiler or its fittings by seal 59373
or otherwise. No person except an inspector shall deface or remove 59374

any such number or tag. 59375

(F) If the owner or user of any pressure vessel or boiler 59376
disagrees with the inspector as to the necessity for shutting down 59377
a pressure vessel or boiler or for making repairs or alterations 59378
in it, or taking any other measures for safety that are requested 59379
by an inspector, the owner or user may appeal from the decision of 59380
the inspector to the superintendent, who may, after such other 59381
inspection by a general inspector or special inspector as the 59382
superintendent deems necessary, decide the issue. 59383

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 59384
nor an inspection or report by any inspector, shall relieve the 59385
owner or user of a pressure vessel or boiler of the duty of using 59386
due care in the inspection, operation, and repair of the pressure 59387
vessel or boiler or of any liability for damages for failure to 59388
inspect, repair, or operate the pressure vessel or boiler safely. 59389

Sec. 4104.18. (A) The owner or user of a boiler required 59390
under section 4104.12 of the Revised Code to be inspected upon 59391
installation, and the owner or user of a boiler for which a 59392
certificate of inspection has been issued ~~which~~ that is replaced 59393
with an appropriate certificate of operation, shall pay to the 59394
superintendent of industrial compliance a an initial certificate
of operation fee in the following amount ~~of fifty, as applicable:~~ 59395
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(1) Fifty dollars for boilers subject to annual inspections 59397
under section 4104.11 of the Revised Code, ~~one;~~ 59398

(2) One hundred dollars for boilers subject to biennial 59399
inspection under section 4104.13 of the Revised Code, ~~one;~~ 59400

(3) One hundred fifty dollars for boilers subject to 59401
triennial inspection under section 4104.11 of the Revised Code, ~~or~~ 59402
~~two;~~ 59403

(4) Two hundred fifty dollars for boilers subject to 59404

quinquennial inspection under section 4104.13 of the Revised Code. 59405

(B) The owner or user of a boiler required under section 4104.12 of the Revised Code to be inspected upon installation, and the owner or user of a boiler for which a certificate of inspection has been issued that is replaced with an appropriate certificate of operation, shall pay to the superintendent of industrial compliance an annual certificate of operation renewal fee in the following amount, as applicable: 59406
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(1) Fifty dollars for boilers subject to annual inspections under section 4101.11 of the Revised Code; 59413
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(2) One hundred dollars for boilers subject to biennial inspections under section 4104.13 of the Revised Code; 59415
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(3) One hundred fifty dollars for boilers subject to triennial inspections under section 4104.11 of the Revised Code; 59417
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(4) Two hundred fifty dollars for boilers subject to quinquennial inspections under section 4104.13 of the Revised Code. 59419
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(C) The fee for complete inspection during construction by a general inspector on boilers and pressure vessels manufactured within the state shall be thirty-five dollars per hour. Boiler and pressure vessel manufacturers other than those located in the state may secure inspection by a general inspector on work during construction, upon application to the superintendent, and upon payment of a fee of thirty-five dollars per hour, plus the necessary traveling and hotel expenses incurred by the inspector. 59422
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~~(C)~~(D) The application fee for applicants for steam engineer, high pressure boiler operator, or low pressure boiler operator licenses is seventy-five dollars. The fee for each original or renewal steam engineer, high pressure boiler operator, or low pressure boiler operator license is fifty dollars. 59430
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~~(D) The director of commerce, subject to the approval of the~~ 59435
~~controlling board, may establish fees in excess of the fees~~ 59436
~~provided in divisions (A), (B), and (C) of this section. (E) The~~ 59437
~~superintendent of industrial compliance, by rule adopted in~~ 59438
~~accordance with Chapter 119. of the Revised Code, may increase the~~ 59439
~~fees required by this section and may establish fees to pay the~~ 59440
~~costs of the division to fulfill its duties established by this~~ 59441
~~chapter. The fees shall bear some reasonable relationship to the~~ 59442
~~cost of administering and enforcing the provisions of this~~ 59443
~~chapter. Any moneys collected under this section shall be paid~~ 59444
~~into the state treasury to the credit of the industrial compliance~~ 59445
~~operating fund created in section 121.084 of the Revised Code.~~ 59446

~~(E)~~(F) Any person who fails to pay an invoiced renewal fee or 59447
an invoiced inspection fee required for any inspection conducted 59448
by the division of industrial compliance pursuant to this chapter 59449
within forty-five days of the invoice date shall pay a late 59450
payment fee equal to twenty-five per cent of the invoiced fee. 59451

~~(F)~~(G) In addition to the fees assessed in divisions (A) ~~and,~~ 59452
(B), ~~and~~ (C) of this section, the board of building standards 59453
shall assess the owner or user a fee of three dollars and 59454
twenty-five cents for each certificate of operation or renewal 59455
thereof issued under ~~division~~ divisions (A) and (B) of this 59456
section and for each inspection conducted under division ~~(B)~~(C) of 59457
this section. The board shall adopt rules, in accordance with 59458
Chapter 119. of the Revised Code, specifying the manner by which 59459
the superintendent shall collect and remit to the board the fees 59460
assessed under this division and requiring that remittance of the 59461
fees be made at least quarterly. 59462

Sec. 4105.17. (A) The fee for each ~~inspection, or~~ attempted 59463
inspection that, due to no fault of a general inspector or the 59464
division of industrial compliance, is not successfully completed, 59465

by a general inspector before the operation of a permanent new 59466
elevator prior to the issuance of a certificate of operation, 59467
before operation of an elevator being put back into service after 59468
a repair or after an adjudication under section 4105.11 of the 59469
Revised Code, or as a result of the operation of section 4105.08 59470
of the Revised Code and is an elevator required to be inspected 59471
under this chapter is one hundred twenty dollars plus ten dollars 59472
for each floor where the elevator stops. ~~The superintendent of 59473
industrial compliance may assess an additional fee of one hundred 59474
twenty dollars plus ten dollars for each floor where an elevator 59475
stops for the reinspection of an elevator when a previous attempt 59476
to inspect that elevator has been unsuccessful through no fault of 59477
a general inspector or the division of industrial compliance.~~ 59478

(B) The fee for each ~~inspection, or~~ attempted inspection, 59479
that due to no fault of the general inspector or the division, is 59480
not successfully completed by a general inspector before operation 59481
of a permanent new escalator or moving walk prior to the issuance 59482
of a certificate of operation, before operation of an escalator or 59483
moving walk being put back in service after a repair, or as a 59484
result of the operation of section 4105.08 of the Revised Code is 59485
three hundred dollars. ~~The superintendent may assess an additional 59486
fee of one hundred fifty dollars for the reinspection of an 59487
escalator or moving walk when a previous attempt to inspect that 59488
escalator or moving walk has been unsuccessful through no fault of 59489
the general inspector or the division.~~ 59490

(C) The fee for issuing or renewing a certificate of 59491
operation under section 4105.15 of the Revised Code for an 59492
elevator that is inspected every six months in accordance with 59493
division (A) of section 4105.10 of the Revised Code is two hundred 59494
twenty dollars plus twelve dollars for each floor where the 59495
elevator stops, except where the elevator has been inspected by a 59496
special inspector in accordance with section 4105.07 of the 59497

Revised Code. 59498

(D) The fee for issuing or renewing a certificate of 59499
operation under section 4105.05 of the Revised Code for an 59500
elevator that is inspected every twelve months in accordance with 59501
division (A) of section 4105.10 of the Revised Code is fifty-five 59502
dollars plus ten dollars for each floor where the elevator stops, 59503
except where the elevator has been inspected by a special 59504
inspector in accordance with section 4105.07 of the Revised Code. 59505

(E) The fee for issuing or renewing a certificate of 59506
operation under section 4105.15 of the Revised Code for an 59507
escalator or moving walk is three hundred dollars, except where 59508
the escalator or moving walk has been inspected by a special 59509
inspector in accordance with section 4105.07 of the Revised Code. 59510

(F) All other fees to be charged for any examination given or 59511
other service performed by the division pursuant to this chapter 59512
shall be prescribed by the director of commerce. The fees shall be 59513
reasonably related to the costs of such examination or other 59514
service. 59515

(G) The director of commerce, subject to the approval of the 59516
controlling board, may establish fees in excess of the fees 59517
provided in divisions (A), (B), (C), (D), and (E) of this section. 59518
Any moneys collected under this section shall be paid into the 59519
state treasury to the credit of the industrial compliance 59520
operating fund created in section 121.084 of the Revised Code. 59521

(H) Any person who fails to pay an inspection fee required 59522
for any inspection ~~conducted~~ attempted by the division pursuant to 59523
this chapter within forty-five days after the inspection is 59524
~~conducted attempted,~~ or who fails to pay a certificate of 59525
operation fee pursuant to this chapter within forty-five days 59526
after the certificate's expiration, shall pay a late payment fee 59527
equal to twenty-five per cent of the inspection fee. 59528

(I) In addition to the fees assessed in divisions (A), (B), (C), (D), and (E) of this section, the board of building standards shall assess a fee of three dollars and twenty-five cents for each certificate of operation or renewal thereof issued under divisions (A), (B), (C), (D), or (E) of this section and for each permit issued under section 4105.16 of the Revised Code. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent shall collect and remit to the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly.

(J) The superintendent, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the fees required by this section and may establish fees to pay the costs of the division to fulfill its duties established by this chapter. The fees shall bear some reasonable relationship to the cost of administering and enforcing this chapter.

(K) For purposes of this section:

(1) "Escalator" means a power driven, inclined, continuous stairway used for raising or lowering passengers.

(2) "Moving walk" means a passenger carrying device on which passengers stand or walk, with a passenger carrying surface that is uninterrupted and remains parallel to its direction of motion.

Sec. 4109.06. (A) This chapter does not apply to the following:

(1) Minors who are students working on any properly guarded machines in the manual training department of any school when the work is performed under the personal supervision of an instructor;

(2) Students participating in a ~~vocational~~ career-technical or STEM program approved by the Ohio department of education or students participating in any eligible classes through the college

credit plus program established under Chapter 3365. of the Revised 59559
Code that include a state-recognized pre-apprenticeship program 59560
that imparts the skills and knowledge needed for successful 59561
participation in a registered apprenticeship occupation course; 59562

(3) A minor participating in a play, pageant, or concert 59563
produced by an outdoor historical drama corporation, a 59564
professional traveling theatrical production, a professional 59565
concert tour, or a personal appearance tour as a professional 59566
motion picture star, or as an actor or performer in motion 59567
pictures or in radio or television productions in accordance with 59568
the rules adopted pursuant to division (A) of section 4109.05 of 59569
the Revised Code; 59570

(4) The participation, without remuneration of a minor and 59571
with the consent of a parent or guardian, in a performance given 59572
by a church, school, or academy, or at a concert or entertainment 59573
given solely for charitable purposes, or by a charitable or 59574
religious institution; 59575

(5) Minors who are employed by their parents in occupations 59576
other than occupations prohibited by rule adopted under this 59577
chapter; 59578

(6) Minors engaged in the delivery of newspapers to the 59579
consumer; 59580

(7) Minors who have received a high school diploma or a 59581
certificate of attendance from an accredited secondary school or a 59582
certificate of high school equivalence; 59583

(8) Minors who are currently heads of households or are 59584
parents contributing to the support of their children; 59585

(9) Minors engaged in lawn mowing, snow shoveling, and other 59586
related employment; 59587

(10) Minors employed in agricultural employment in connection 59588

with farms operated by their parents, grandparents, or guardians 59589
where they are members of the guardians' household. Minors are not 59590
exempt from this chapter if they reside in agricultural labor 59591
camps as defined in section 3733.41 of the Revised Code; 59592

(11) Students participating in a program to serve as precinct 59593
officers as authorized by section 3501.22 of the Revised Code. 59594

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 59595
Revised Code do not apply to the following: 59596

(1) Minors who work in a sheltered workshop operated by a 59597
county board of developmental disabilities; 59598

(2) Minors performing services for a nonprofit organization 59599
where the minor receives no compensation, except for any expenses 59600
incurred by the minor or except for meals provided to the minor; 59601

(3) Minors who are employed in agricultural employment and 59602
who do not reside in agricultural labor camps. 59603

(C) Division (D) of section 4109.07 of the Revised Code does 59604
not apply to minors who have their employment hours established as 59605
follows: 59606

(1) A minor adjudicated to be an unruly child or delinquent 59607
child who, as a result of the adjudication, is placed on probation 59608
may either file a petition in the juvenile court in whose 59609
jurisdiction the minor resides, or apply to the superintendent or 59610
to the chief administrative officer who issued the minor's age and 59611
schooling certificate pursuant to section 3331.01 of the Revised 59612
Code, alleging the restrictions on the hours of employment 59613
described in division (D) of section 4109.07 of the Revised Code 59614
will cause a substantial hardship or are not in the minor's best 59615
interests. Upon receipt of a petition or application, the court, 59616
the superintendent, or the chief administrative officer, as 59617
appropriate, shall consult with the person required to supervise 59618
the minor on probation. If after that consultation, the court, the 59619

superintendent, or the chief administrative officer finds the 59620
minor has failed to show the restrictions will result in a 59621
substantial hardship or that the restrictions are not in the 59622
minor's best interests, the court, the superintendent, or the 59623
chief administrative officer shall uphold the restrictions. If 59624
after that consultation, the court, the superintendent, or the 59625
chief administrative officer finds the minor has shown the 59626
restricted hours will cause a substantial hardship or are not in 59627
the minor's best interests, the court, the superintendent, or the 59628
chief administrative officer shall establish differing hours of 59629
employment for the minor and notify the minor and the minor's 59630
employer of those hours, which shall be binding in lieu of the 59631
restrictions on the hours of employment described in division (D) 59632
of section 4109.07 of the Revised Code. 59633

(2) Any minor to whom division (C)(1) of this section does 59634
not apply may either file a petition in the juvenile court in 59635
whose jurisdiction the person resides, or apply to the 59636
superintendent or to the chief administrative officer who issued 59637
the minor's age and schooling certificate pursuant to section 59638
3331.01 of the Revised Code, alleging the restrictions on the 59639
hours of employment described in division (D) of section 4109.07 59640
of the Revised Code will cause a substantial hardship or are not 59641
in the minor's best interests. 59642

If, as a result of a petition or application, the court, the 59643
superintendent, or the chief administrative officer, as 59644
appropriate, finds the minor has failed to show such restrictions 59645
will result in a substantial hardship or that the restrictions are 59646
not in the minor's best interests, the court, the superintendent, 59647
or the chief administrative officer shall uphold the restrictions. 59648
If the court, the superintendent, or the chief administrative 59649
officer finds the minor has shown the restricted hours will cause 59650
a substantial hardship or are not in the minor's best interests, 59651

the court, the superintendent, or the chief administrative officer 59652
shall establish the hours of employment for the minor and shall 59653
notify the minor and the minor's employer of those hours. 59654

(D) Section 4109.03, divisions (A) and (C) of section 59655
4109.02, and division (B) of section 4109.08 of the Revised Code 59656
do not apply to minors who are sixteen or seventeen years of age 59657
and who are employed at a seasonal amusement or recreational 59658
establishment. 59659

(E) As used in this section, "certificate of high school 59660
equivalence" means either: 59661

(1) A statement issued by the department of education that 59662
the holder of the statement has achieved the equivalent of a high 59663
school education as measured by scores obtained on a high school 59664
equivalency test approved by the department pursuant to division 59665
(B) of section 3301.80 of the Revised Code; 59666

(2) A statement issued by a primary-secondary education or 59667
higher education agency of another state that the holder of the 59668
statement has achieved the equivalent of a high school education 59669
as measured by scores obtained on a similar nationally recognized 59670
high school equivalency test. 59671

Sec. 4112.05. (A)(1) The commission, as provided in this 59672
section, shall prevent any person from engaging in unlawful 59673
discriminatory practices. 59674

(2) The commission may at any time attempt to resolve 59675
allegations of unlawful discriminatory practices by the use of 59676
alternative dispute resolution, provided that, before instituting 59677
the formal hearing authorized by division (B) of this section, it 59678
shall attempt, by informal methods of conference, conciliation, 59679
and persuasion, to induce compliance with this chapter. 59680

(B)(1) Any person may file a charge with the commission 59681

alleging that another person has engaged or is engaging in an 59682
unlawful discriminatory practice. In the case of a charge alleging 59683
an unlawful discriminatory practice described in division (A), 59684
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 59685
section 4112.021 or 4112.022 of the Revised Code, the charge shall 59686
be in writing and under oath and shall be filed with the 59687
commission within six months after the alleged unlawful 59688
discriminatory practice was committed. In the case of a charge 59689
alleging an unlawful discriminatory practice described in division 59690
(H) of section 4112.02 of the Revised Code, the charge shall be in 59691
writing and under oath and shall be filed with the commission 59692
within one year after the alleged unlawful discriminatory practice 59693
was committed. 59694

(a) An oath under this chapter may be made in any form of 59695
affirmation the person deems binding on the person's conscience. 59696
Acceptable forms include, but are not limited to, declarations 59697
made under penalty of perjury. 59698

(b) Any charge timely received, via facsimile, postal mail, 59699
electronic mail, or otherwise, may be signed under oath after the 59700
limitations period for filing set forth under division (B)(1) of 59701
this section and will relate back to the original filing date. 59702

(2) Upon receiving a charge, the commission may initiate a 59703
preliminary investigation to determine whether it is probable that 59704
an unlawful discriminatory practice has been or is being engaged 59705
in. The commission also may conduct, upon its own initiative and 59706
independent of the filing of any charges, a preliminary 59707
investigation relating to any of the unlawful discriminatory 59708
practices described in division (A), (B), (C), (D), (E), (F), (I), 59709
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 59710
the Revised Code. Prior to a notification of a complainant under 59711
division (B)(4) of this section or prior to the commencement of 59712
informal methods of conference, conciliation, and persuasion, or 59713

alternative dispute resolution, under that division, the members 59714
of the commission and the officers and employees of the commission 59715
shall not make public in any manner and shall retain as 59716
confidential all information that was obtained as a result of or 59717
that otherwise pertains to a preliminary investigation other than 59718
one described in division (B)(3) of this section. 59719

(3)(a) Unless it is impracticable to do so and subject to its 59720
authority under division (B)(3)(d) of this section, the commission 59721
shall complete a preliminary investigation of a charge filed 59722
pursuant to division (B)(1) of this section that alleges an 59723
unlawful discriminatory practice described in division (H) of 59724
section 4112.02 of the Revised Code, and shall take one of the 59725
following actions, within one hundred days after the filing of the 59726
charge: 59727

(i) Notify the complainant and the respondent that it is not 59728
probable that an unlawful discriminatory practice described in 59729
division (H) of section 4112.02 of the Revised Code has been or is 59730
being engaged in and that the commission will not issue a 59731
complaint in the matter; 59732

(ii) Initiate a complaint and schedule it for informal 59733
methods of conference, conciliation, and persuasion, or 59734
alternative dispute resolution; 59735

(iii) Initiate a complaint and refer it to the attorney 59736
general with a recommendation to seek a temporary or permanent 59737
injunction or a temporary restraining order. If this action is 59738
taken, the attorney general shall apply, as expeditiously as 59739
possible after receipt of the complaint, to the court of common 59740
pleas of the county in which the unlawful discriminatory practice 59741
allegedly occurred for the appropriate injunction or order, and 59742
the court shall hear and determine the application as 59743
expeditiously as possible. 59744

(b) If it is not practicable to comply with the requirements 59745
of division (B)(3)(a) of this section within the one-hundred-day 59746
period described in that division, the commission shall notify the 59747
complainant and the respondent in writing of the reasons for the 59748
noncompliance. 59749

(c) Prior to the issuance of a complaint under division 59750
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 59751
of the complainant and the respondent under division (B)(3)(a)(i) 59752
of this section, the members of the commission and the officers 59753
and employees of the commission shall not make public in any 59754
manner and shall retain as confidential all information that was 59755
obtained as a result of or that otherwise pertains to a 59756
preliminary investigation of a charge filed pursuant to division 59757
(B)(1) of this section that alleges an unlawful discriminatory 59758
practice described in division (H) of section 4112.02 of the 59759
Revised Code. 59760

(d) Notwithstanding the types of action described in 59761
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 59762
issuance of a complaint or the referral of a complaint to the 59763
attorney general and prior to endeavoring to eliminate an unlawful 59764
discriminatory practice described in division (H) of section 59765
4112.02 of the Revised Code by informal methods of conference, 59766
conciliation, and persuasion, or by alternative dispute 59767
resolution, the commission may seek a temporary or permanent 59768
injunction or a temporary restraining order in the court of common 59769
pleas of the county in which the unlawful discriminatory practice 59770
allegedly occurred. 59771

(4) If the commission determines after a preliminary 59772
investigation other than one described in division (B)(3) of this 59773
section that it is not probable that an unlawful discriminatory 59774
practice has been or is being engaged in, it shall notify any 59775
complainant under division (B)(1) of this section that it has so 59776

determined and that it will not issue a complaint in the matter. 59777
If the commission determines after a preliminary investigation 59778
other than the one described in division (B)(3) of this section 59779
that it is probable that an unlawful discriminatory practice has 59780
been or is being engaged in, it shall endeavor to eliminate the 59781
practice by informal methods of conference, conciliation, and 59782
persuasion, or by alternative dispute resolution. 59783

(5) Nothing said or done during informal methods of 59784
conference, conciliation, and persuasion, or during alternative 59785
dispute resolution, under this section shall be disclosed by any 59786
member of the commission or its staff or be used as evidence in 59787
any subsequent hearing or other proceeding. If, after a 59788
preliminary investigation and the use of informal methods of 59789
conference, conciliation, and persuasion, or alternative dispute 59790
resolution, under this section, the commission is satisfied that 59791
any unlawful discriminatory practice will be eliminated, it may 59792
treat the charge involved as being conciliated and enter that 59793
disposition on the records of the commission. If the commission 59794
fails to effect the elimination of an unlawful discriminatory 59795
practice by informal methods of conference, conciliation, and 59796
persuasion, or by alternative dispute resolution under this 59797
section and to obtain voluntary compliance with this chapter, the 59798
commission shall issue and cause to be served upon any person, 59799
including the respondent against whom a complainant has filed a 59800
charge pursuant to division (B)(1) of this section, a complaint 59801
stating the charges involved and containing a notice of an 59802
opportunity for a hearing before the commission, a member of the 59803
commission, or a hearing examiner at a place that is stated in the 59804
notice and that is located within the county in which the alleged 59805
unlawful discriminatory practice has occurred or is occurring or 59806
in which the respondent resides or transacts business. The hearing 59807
shall be held not less than thirty days after the service of the 59808
complaint upon the complainant, the aggrieved persons other than 59809

the complainant on whose behalf the complaint is issued, and the respondent, unless the complainant, an aggrieved person, or the respondent elects to proceed under division (A)(2) of section 4112.051 of the Revised Code when that division is applicable. If a complaint pertains to an alleged unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint shall notify the complainant, an aggrieved person, and the respondent of the right of the complainant, an aggrieved person, or the respondent to elect to proceed with the administrative hearing process under this section or to proceed under division (A)(2) of section 4112.051 of the Revised Code.

(6) The attorney general shall represent the commission at any hearing held pursuant to division (B)(5) of this section and shall present the evidence in support of the complaint.

(7) Any complaint issued pursuant to division (B)(5) of this section after the filing of a charge under division (B)(1) of this section shall be so issued within one year after the complainant filed the charge with respect to an alleged unlawful discriminatory practice.

(C)(1) Any complaint issued pursuant to division (B) of this section may be amended by the commission, a member of the commission, or the hearing examiner conducting a hearing under division (B) of this section.

(a) Except as provided in division (C)(1)(b) of this section, a complaint issued pursuant to division (B) of this section may be amended at any time prior to or during the hearing.

(b) If a complaint issued pursuant to division (B) of this section alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint may be amended at any time up to seven days prior to the hearing

and not thereafter. 59841

(2) The respondent has the right to file an answer or an 59842
amended answer to the original and amended complaints and to 59843
appear at the hearing in person, by attorney, or otherwise to 59844
examine and cross-examine witnesses. 59845

(D) The complainant shall be a party to a hearing under 59846
division (B) of this section, and any person who is an 59847
indispensable party to a complete determination or settlement of a 59848
question involved in the hearing shall be joined. Any aggrieved 59849
person who has or claims an interest in the subject of the hearing 59850
and in obtaining or preventing relief against the unlawful 59851
discriminatory practices complained of shall be permitted to 59852
appear only for the presentation of oral or written arguments, to 59853
present evidence, perform direct and cross-examination, and be 59854
represented by counsel. The commission shall adopt rules, in 59855
accordance with Chapter 119. of the Revised Code governing the 59856
authority granted under this division. 59857

(E) In any hearing under division (B) of this section, the 59858
commission, a member of the commission, or the hearing examiner 59859
shall not be bound by the Rules of Evidence but, in ascertaining 59860
the practices followed by the respondent, shall take into account 59861
all reliable, probative, and substantial statistical or other 59862
evidence produced at the hearing that may tend to prove the 59863
existence of a predetermined pattern of employment or membership, 59864
provided that nothing contained in this section shall be construed 59865
to authorize or require any person to observe the proportion that 59866
persons of any race, color, religion, sex, military status, 59867
familial status, national origin, disability, age, or ancestry 59868
bear to the total population or in accordance with any criterion 59869
other than the individual qualifications of the applicant. 59870

(F) The testimony taken at a hearing under division (B) of 59871
this section shall be under oath and shall be reduced to writing 59872

and filed with the commission. Thereafter, in its discretion, the 59873
commission, upon the service of a notice upon the complainant and 59874
the respondent that indicates an opportunity to be present, may 59875
take further testimony or hear argument. 59876

(G)(1)(a) If, upon all reliable, probative, and substantial 59877
evidence presented at a hearing under division (B) of this 59878
section, the commission determines that the respondent has engaged 59879
in, or is engaging in, any unlawful discriminatory practice, 59880
whether against the complainant or others, the commission shall 59881
state its findings of fact and conclusions of law and shall issue 59882
and, subject to the provisions of Chapter 119. of the Revised 59883
Code, cause to be served on the respondent an order requiring the 59884
respondent to do all of the following: 59885

~~(1)~~(i) Cease and desist from the unlawful discriminatory 59886
practice; 59887

(ii) Take any further affirmative or other action that will 59888
effectuate the purposes of this chapter, including, but not 59889
limited to, hiring, reinstatement, or upgrading of employees with 59890
or without back pay, or admission or restoration to union 59891
membership; 59892

(iii) Report to the commission the manner of compliance. 59893

If the commission directs payment of back pay, it shall make 59894
allowance for interim earnings. 59895

(b) If the commission finds a violation of division (H) of 59896
section 4112.02 of the Revised Code, in addition to the action 59897
described in division (G)(1)(a) of this section, the commission 59898
additionally may require the respondent to undergo ~~recommendation~~ 59899
remediation in the form of a class, seminar, or any other type of 59900
remediation approved by the commission, may require the ~~responded~~ 59901
respondent to pay actual damages and reasonable attorney's fees, 59902
and may, to vindicate the public interest, assess a civil penalty 59903

against the respondent as follows: 59904

(i) If division (G)(1)(b)(ii) or (iii) of this section does 59905
not apply, a civil penalty in an amount not to exceed ten thousand 59906
dollars; 59907

(ii) If division (G)(1)(b)(iii) of this section does not 59908
apply and if the respondent has been determined by a final order 59909
of the commission or by a final judgment of a court to have 59910
committed one violation of division (H) of section 4112.02 of the 59911
Revised Code during the five-year period immediately preceding the 59912
date on which a complaint was issued pursuant to division (B) of 59913
this section, a civil penalty in an amount not to exceed 59914
twenty-five thousand dollars; 59915

(iii) If the respondent has been determined by a final order 59916
of the commission or by a final judgment of a court to have 59917
committed two or more violations of division (H) of section 59918
4112.02 of the Revised Code during the seven-year period 59919
immediately preceding the date on which a complaint was issued 59920
pursuant to division (B) of this section, a civil penalty damages 59921
in an amount not to exceed fifty thousand dollars. 59922

(2) Upon the submission of reports of compliance, the 59923
commission may issue a declaratory order stating that the 59924
respondent has ceased to engage in particular unlawful 59925
discriminatory practices. 59926

(H) If the commission finds that no probable cause exists for 59927
crediting charges of unlawful discriminatory practices or if, upon 59928
all the evidence presented at a hearing under division (B) of this 59929
section on a charge, the commission finds that a respondent has 59930
not engaged in any unlawful discriminatory practice against the 59931
complainant or others, it shall state its findings of fact and 59932
shall issue and cause to be served on the complainant an order 59933
dismissing the complaint as to the respondent. A copy of the order 59934

shall be delivered in all cases to the attorney general and any other public officers whom the commission considers proper.

If, upon all the evidence presented at a hearing under division (B) of this section on a charge, the commission finds that a respondent has not engaged in any unlawful discriminatory practice against the complainant or others, it may award to the respondent reasonable attorney's fees to the extent provided in 5 U.S.C. 504 and accompanying regulations.

(I) Until the time period for appeal set forth in division (H) of section 4112.06 of the Revised Code expires, the commission, subject to the provisions of Chapter 119. of the Revised Code, at any time, upon reasonable notice, and in the manner it considers proper, may modify or set aside, in whole or in part, any finding or order made by it under this section.

Sec. 4141.29. Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary total or partial unemployment in the amounts and subject to the conditions stipulated in this chapter.

(A) No individual is entitled to a waiting period or benefits for any week unless the individual:

(1) Has filed a valid application for determination of benefit rights in accordance with section 4141.28 of the Revised Code;

(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;

(3)(a) Has registered for work and thereafter continues to report to an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with the time limits, frequency, and manner prescribed by the director.

(b) For purposes of division (A)(3) of this section, an individual has "registered" upon doing any of the following:	59965 59966
(i) Filing an application for benefit rights;	59967
(ii) Making a weekly claim for benefits;	59968
(iii) Reopening an existing claim following a period of employment or nonreporting.	59969 59970
(c) After an applicant is registered, that registration continues for a period of three calendar weeks, including the week during which the applicant registered. However, an individual is not registered for purposes of division (A)(3) of this section during any period in which the individual fails to report, as instructed by the director, or fails to reopen an existing claim following a period of employment.	59971 59972 59973 59974 59975 59976 59977
(d) The director may, for good cause, extend the period of registration.	59978 59979
(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director.	59980 59981 59982
(4)(a)(i) Is able to work and available for suitable work and, except as provided in division (A)(4)(a)(ii) or (iii) of this section, is actively seeking suitable work either in a locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed.	59983 59984 59985 59986 59987 59988 59989
(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual	59990 59991 59992 59993 59994

within a specified number of days not to exceed forty-five 59995
calendar days following the last day the individual worked. In the 59996
event the individual is not recalled within the specified period, 59997
this waiver shall cease to be operative with respect to that 59998
layoff. 59999

(iii) The director may waive the requirement that a claimant 60000
be actively seeking work if the director determines that the 60001
individual has been laid off and the employer who laid the 60002
individual off has notified the director in accordance with 60003
division (C) of section 4141.28 of the Revised Code that the 60004
employer has closed the employer's entire plant or part of the 60005
employer's plant for a purpose other than inventory or vacation 60006
that will cause unemployment for a definite period not exceeding 60007
twenty-six weeks beginning on the date the employer notifies the 60008
director, for the period of the specific shutdown, if all of the 60009
following apply: 60010

(I) The employer and the individuals affected by the layoff 60011
who are claiming benefits under this chapter jointly request the 60012
exemption. 60013

(II) The employer provides that the affected individuals 60014
shall return to work for the employer within twenty-six weeks 60015
after the date the employer notifies the director. 60016

(III) The director determines that the waiver of the active 60017
search for work requirement will promote productivity and economic 60018
stability within the state. 60019

(iv) Division (A)(4)(a)(iii) of this section does not exempt 60020
an individual from meeting the other requirements specified in 60021
division (A)(4)(a)(i) of this section to be able to work and 60022
otherwise fully be available for work. An exemption granted under 60023
division (A)(4)(a)(iii) of this section may be granted only with 60024
respect to a specific plant closing. 60025

(b)(i) The individual shall be instructed as to the efforts that the individual must make in the search for suitable work, including that, within six months after October 11, 2013, the individual shall register with the OhioMeansJobs web site, except in any of the following circumstances:

(I) The individual is an individual described in division (A)(4)(b)(iii) of this section;

(II) Where the active search for work requirement has been waived under division (A)(4)(a) of this section;

(III) Where the active search for work requirement is considered to be met under division (A)(4)(c), (d), or (e) of this section.

(ii) An individual who is registered with the OhioMeansJobs web site shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, the individual shall keep a record of the individual's work search efforts and shall produce that record in the manner and means prescribed by the director.

(iii) No individual shall be required to register with the OhioMeansJobs web site if the individual is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available.

(iv) As used in division (A)(4)(b) of this section:

(I) "OhioMeansJobs web site" ~~means the electronic job placement system operated by the state~~ has the same meaning as in section 6301.01 of the Revised Code.

(II) "Registration" includes the creation, electronic

posting, and maintenance of an active, searchable resume. 60056

(c) An individual who is attending a training course approved 60057
by the director meets the requirement of this division, if 60058
attendance was recommended by the director and the individual is 60059
regularly attending the course and is making satisfactory 60060
progress. An individual also meets the requirements of this 60061
division if the individual is participating and advancing in a 60062
training program, as defined in division (P) of section 5709.61 of 60063
the Revised Code, and if an enterprise, defined in division (B) of 60064
section 5709.61 of the Revised Code, is paying all or part of the 60065
cost of the individual's participation in the training program 60066
with the intention of hiring the individual for employment as a 60067
new employee, as defined in division (L) of section 5709.61 of the 60068
Revised Code, for at least ninety days after the individual's 60069
completion of the training program. 60070

(d) An individual who becomes unemployed while attending a 60071
regularly established school and whose base period qualifying 60072
weeks were earned in whole or in part while attending that school, 60073
meets the availability and active search for work requirements of 60074
division (A)(4)(a) of this section if the individual regularly 60075
attends the school during weeks with respect to which the 60076
individual claims unemployment benefits and makes self available 60077
on any shift of hours for suitable employment with the 60078
individual's most recent employer or any other employer in the 60079
individual's base period, or for any other suitable employment to 60080
which the individual is directed, under this chapter. 60081

(e) An individual who is a member in good standing with a 60082
labor organization that refers individuals to jobs meets the 60083
active search for work requirement specified in division (A)(4)(a) 60084
of this section if the individual provides documentation that the 60085
individual is eligible for a referral or placement upon request 60086
and in a manner prescribed by the director. 60087

(f) Notwithstanding any other provisions of this section, no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under section 236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2296, nor shall that individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this chapter, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work.

For the purposes of division (A)(4)(f) of this section, "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and wages for such work at not less than eighty per cent of the individual's average weekly wage as determined for the purposes of that federal act.

(5) Is unable to obtain suitable work. An individual who is provided temporary work assignments by the individual's employer under agreed terms and conditions of employment, and who is required pursuant to those terms and conditions to inquire with the individual's employer for available work assignments upon the conclusion of each work assignment, is not considered unable to obtain suitable employment if suitable work assignments are available with the employer but the individual fails to contact the employer to inquire about work assignments.

(6) Participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust benefits under this chapter, including compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than extended compensation, and needs reemployment services pursuant to

the profiling system established by the director under division 60120
(K) of this section, unless the director determines that: 60121

(a) The individual has completed such services; or 60122

(b) There is justifiable cause for the claimant's failure to 60123
participate in such services. 60124

Ineligibility for failure to participate in reemployment 60125
services as described in division (A)(6) of this section shall be 60126
for the week or weeks in which the claimant was scheduled and 60127
failed to participate without justifiable cause. 60128

(7) Participates in the reemployment and eligibility 60129
assessment program, or other reemployment services, as required by 60130
the director. As used in division (A)(7) of this section, 60131
"reemployment services" includes job search assistance activities, 60132
skills assessments, and the provision of labor market statistics 60133
or analysis. 60134

(a) For purposes of division (A)(7) of this section, 60135
participation is required unless the director determines that 60136
either of the following circumstances applies to the individual: 60137

(i) The individual has completed similar services. 60138

(ii) Justifiable cause exists for the failure of the 60139
individual to participate in those services. 60140

(b) Within six months after October 11, 2013, notwithstanding 60141
any earlier contact an individual may have had with a local 60142
~~one-stop county office~~ OhioMeansJobs center, including as 60143
~~described~~ defined in section ~~6301.08~~ 6301.01 of the Revised Code, 60144
beginning with the eighth week after the week during which an 60145
individual first files a valid application for determination of 60146
benefit rights in the individual's benefit year, the individual 60147
shall report to a local ~~one-stop county office~~ OhioMeansJobs 60148
center for reemployment services in the manner prescribed by the 60149

director. 60150

(c) An individual whose active search for work requirement 60151
has been waived under division (A)(4)(a) of this section or is 60152
considered to be satisfied under division (A)(4)(c), (d), or (e) 60153
of this section is exempt from the requirements of division (A)(7) 60154
of this section. 60155

(B) An individual suffering total or partial unemployment is 60156
eligible for benefits for unemployment occurring subsequent to a 60157
waiting period of one week and no benefits shall be payable during 60158
this required waiting period. Not more than one week of waiting 60159
period shall be required of any individual in any benefit year in 60160
order to establish the individual's eligibility for total or 60161
partial unemployment benefits. 60162

(C) The waiting period for total or partial unemployment 60163
shall commence on the first day of the first week with respect to 60164
which the individual first files a claim for benefits at an 60165
employment office or other place of registration maintained or 60166
designated by the director or on the first day of the first week 60167
with respect to which the individual has otherwise filed a claim 60168
for benefits in accordance with the rules of the department of job 60169
and family services, provided such claim is allowed by the 60170
director. 60171

(D) Notwithstanding division (A) of this section, no 60172
individual may serve a waiting period or be paid benefits under 60173
the following conditions: 60174

(1) For any week with respect to which the director finds 60175
that: 60176

(a) The individual's unemployment was due to a labor dispute 60177
other than a lockout at any factory, establishment, or other 60178
premises located in this or any other state and owned or operated 60179
by the employer by which the individual is or was last employed; 60180

and for so long as the individual's unemployment is due to such 60181
labor dispute. No individual shall be disqualified under this 60182
provision if either of the following applies: 60183

(i) The individual's employment was with such employer at any 60184
factory, establishment, or premises located in this state, owned 60185
or operated by such employer, other than the factory, 60186
establishment, or premises at which the labor dispute exists, if 60187
it is shown that the individual is not financing, participating 60188
in, or directly interested in such labor dispute; 60189

(ii) The individual's employment was with an employer not 60190
involved in the labor dispute but whose place of business was 60191
located within the same premises as the employer engaged in the 60192
dispute, unless the individual's employer is a wholly owned 60193
subsidiary of the employer engaged in the dispute, or unless the 60194
individual actively participates in or voluntarily stops work 60195
because of such dispute. If it is established that the claimant 60196
was laid off for an indefinite period and not recalled to work 60197
prior to the dispute, or was separated by the employer prior to 60198
the dispute for reasons other than the labor dispute, or that the 60199
individual obtained a bona fide job with another employer while 60200
the dispute was still in progress, such labor dispute shall not 60201
render the employee ineligible for benefits. 60202

(b) The individual has been given a disciplinary layoff for 60203
misconduct in connection with the individual's work. 60204

(2) For the duration of the individual's unemployment if the 60205
director finds that: 60206

(a) The individual quit work without just cause or has been 60207
discharged for just cause in connection with the individual's 60208
work, provided division (D)(2) of this section does not apply to 60209
the separation of a person under any of the following 60210
circumstances: 60211

(i) Separation from employment for the purpose of entering the armed forces of the United States if the individual is inducted into the armed forces within one of the following periods:

(I) Thirty days after separation;

(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.

(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;

(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D)(2)(a)(iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or was separated from employment that was concurrent employment at the time of the most recent separation or within six weeks prior to the most recent separation where the remuneration, hours, or other conditions of such concurrent employment were substantially less favorable than the individual's most recent employment and where such employment, if offered as new work, would be considered not suitable under the provisions of divisions (E) and (F) of this section. Any benefits that would otherwise be chargeable to the account of the employer from whom an individual has left employment or was separated from employment that was concurrent employment under conditions described in division (D)(2)(a)(iii) of this section, shall instead be charged to the mutualized account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D)(2)(a)(iii) of this section

shall be charged to the account of the reimbursing employer and 60244
not to the mutualized account, except as provided in division 60245
(D)(2) of section 4141.24 of the Revised Code. 60246

(iv) When an individual has been issued a definite layoff 60247
date by the individual's employer and before the layoff date, the 60248
individual quits to accept other employment, the provisions of 60249
division (D)(2)(a)(iii) of this section apply and no 60250
disqualification shall be imposed under division (D) of this 60251
section. However, if the individual fails to meet the employment 60252
and earnings requirements of division (A)(2) of section 4141.291 60253
of the Revised Code, then the individual, pursuant to division 60254
(A)(5) of this section, shall be ineligible for benefits for any 60255
week of unemployment that occurs prior to the layoff date. 60256

(b) The individual has refused without good cause to accept 60257
an offer of suitable work when made by an employer either in 60258
person or to the individual's last known address, or has refused 60259
or failed to investigate a referral to suitable work when directed 60260
to do so by a local employment office of this state or another 60261
state, provided that this division shall not cause a 60262
disqualification for a waiting week or benefits under the 60263
following circumstances: 60264

(i) When work is offered by the individual's employer and the 60265
individual is not required to accept the offer pursuant to the 60266
terms of the labor-management contract or agreement; or 60267

(ii) When the individual is attending a training course 60268
pursuant to division (A)(4) of this section except, in the event 60269
of a refusal to accept an offer of suitable work or a refusal or 60270
failure to investigate a referral, benefits thereafter paid to 60271
such individual shall not be charged to the account of any 60272
employer and, except as provided in division (B)(1)(b) of section 60273
4141.241 of the Revised Code, shall be charged to the mutualized 60274
account as provided in division (B) of section 4141.25 of the 60275

Revised Code.	60276
(c) Such individual quit work to marry or because of marital, parental, filial, or other domestic obligations.	60277 60278
(d) The individual became unemployed by reason of commitment to any correctional institution.	60279 60280
(e) The individual became unemployed because of dishonesty in connection with the individual's most recent or any base period work. Remuneration earned in such work shall be excluded from the individual's total base period remuneration and qualifying weeks that otherwise would be credited to the individual for such work in the individual's base period shall not be credited for the purpose of determining the total benefits to which the individual is eligible and the weekly benefit amount to be paid under section 4141.30 of the Revised Code. Such excluded remuneration and noncredited qualifying weeks shall be excluded from the calculation of the maximum amount to be charged, under division (D) of section 4141.24 and section 4141.33 of the Revised Code, against the accounts of the individual's base period employers. In addition, no benefits shall thereafter be paid to the individual based upon such excluded remuneration or noncredited qualifying weeks.	60281 60282 60283 60284 60285 60286 60287 60288 60289 60290 60291 60292 60293 60294 60295 60296
For purposes of division (D)(2)(e) of this section, "dishonesty" means the commission of substantive theft, fraud, or deceitful acts.	60297 60298 60299
(E) No individual otherwise qualified to receive benefits shall lose the right to benefits by reason of a refusal to accept new work if:	60300 60301 60302
(1) As a condition of being so employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization, or would be denied the right to retain membership in and observe the lawful rules of	60303 60304 60305 60306

any such organization. 60307

(2) The position offered is vacant due directly to a strike, 60308
lockout, or other labor dispute. 60309

(3) The work is at an unreasonable distance from the 60310
individual's residence, having regard to the character of the work 60311
the individual has been accustomed to do, and travel to the place 60312
of work involves expenses substantially greater than that required 60313
for the individual's former work, unless the expense is provided 60314
for. 60315

(4) The remuneration, hours, or other conditions of the work 60316
offered are substantially less favorable to the individual than 60317
those prevailing for similar work in the locality. 60318

(F) Subject to the special exceptions contained in division 60319
(A)(4)(f) of this section and section 4141.301 of the Revised 60320
Code, in determining whether any work is suitable for a claimant 60321
in the administration of this chapter, the director, in addition 60322
to the determination required under division (E) of this section, 60323
shall consider the degree of risk to the claimant's health, 60324
safety, and morals, the individual's physical fitness for the 60325
work, the individual's prior training and experience, the length 60326
of the individual's unemployment, the distance of the available 60327
work from the individual's residence, and the individual's 60328
prospects for obtaining local work. 60329

(G) The "duration of unemployment" as used in this section 60330
means the full period of unemployment next ensuing after a 60331
separation from any base period or subsequent work and until an 60332
individual has become reemployed in employment subject to this 60333
chapter, or the unemployment compensation act of another state, or 60334
of the United States, and until such individual has worked six 60335
weeks and for those weeks has earned or been paid remuneration 60336
equal to six times an average weekly wage of not less than: 60337

eighty-five dollars and ten cents per week beginning on June 26, 60338
1990; and beginning on and after January 1, 1992, twenty-seven and 60339
one-half per cent of the statewide average weekly wage as computed 60340
each first day of January under division (B)(3) of section 4141.30 60341
of the Revised Code, rounded down to the nearest dollar, except 60342
for purposes of division (D)(2)(c) of this section, such term 60343
means the full period of unemployment next ensuing after a 60344
separation from such work and until such individual has become 60345
reemployed subject to the terms set forth above, and has earned 60346
wages equal to one-half of the individual's average weekly wage or 60347
sixty dollars, whichever is less. 60348

(H) If a claimant is disqualified under division (D)(2)(a), 60349
(c), or (d) of this section or found to be qualified under the 60350
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 60351
this section or division (A)(2) of section 4141.291 of the Revised 60352
Code, then benefits that may become payable to such claimant, 60353
which are chargeable to the account of the employer from whom the 60354
individual was separated under such conditions, shall be charged 60355
to the mutualized account provided in section 4141.25 of the 60356
Revised Code, provided that no charge shall be made to the 60357
mutualized account for benefits chargeable to a reimbursing 60358
employer, except as provided in division (D)(2) of section 4141.24 60359
of the Revised Code. In the case of a reimbursing employer, the 60360
director shall refund or credit to the account of the reimbursing 60361
employer any over-paid benefits that are recovered under division 60362
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 60363
other states, the United States, or Canada that are subject to 60364
agreements and arrangements that are established pursuant to 60365
section 4141.43 of the Revised Code shall be credited or 60366
reimbursed according to the agreements and arrangements to which 60367
the chargeable amounts are subject. 60368

(I)(1) Benefits based on service in employment as provided in 60369

divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 60370
shall be payable in the same amount, on the same terms, and 60371
subject to the same conditions as benefits payable on the basis of 60372
other service subject to this chapter; except that after December 60373
31, 1977: 60374

(a) Benefits based on service in an instructional, research, 60375
or principal administrative capacity in an institution of higher 60376
education, as defined in division (Y) of section 4141.01 of the 60377
Revised Code; or for an educational institution as defined in 60378
division (CC) of section 4141.01 of the Revised Code, shall not be 60379
paid to any individual for any week of unemployment that begins 60380
during the period between two successive academic years or terms, 60381
or during a similar period between two regular but not successive 60382
terms or during a period of paid sabbatical leave provided for in 60383
the individual's contract, if the individual performs such 60384
services in the first of those academic years or terms and has a 60385
contract or a reasonable assurance that the individual will 60386
perform services in any such capacity for any such institution in 60387
the second of those academic years or terms. 60388

(b) Benefits based on service for an educational institution 60389
or an institution of higher education in other than an 60390
instructional, research, or principal administrative capacity, 60391
shall not be paid to any individual for any week of unemployment 60392
which begins during the period between two successive academic 60393
years or terms of the employing educational institution or 60394
institution of higher education, provided the individual performed 60395
those services for the educational institution or institution of 60396
higher education during the first such academic year or term and, 60397
there is a reasonable assurance that such individual will perform 60398
those services for any educational institution or institution of 60399
higher education in the second of such academic years or terms. 60400

If compensation is denied to any individual for any week 60401

under division (I)(1)(b) of this section and the individual was 60402
not offered an opportunity to perform those services for an 60403
institution of higher education or for an educational institution 60404
for the second of such academic years or terms, the individual is 60405
entitled to a retroactive payment of compensation for each week 60406
for which the individual timely filed a claim for compensation and 60407
for which compensation was denied solely by reason of division 60408
(I)(1)(b) of this section. An application for retroactive benefits 60409
shall be timely filed if received by the director or the 60410
director's deputy within or prior to the end of the fourth full 60411
calendar week after the end of the period for which benefits were 60412
denied because of reasonable assurance of employment. The 60413
provision for the payment of retroactive benefits under division 60414
(I)(1)(b) of this section is applicable to weeks of unemployment 60415
beginning on and after November 18, 1983. The provisions under 60416
division (I)(1)(b) of this section shall be retroactive to 60417
September 5, 1982, only if, as a condition for full tax credit 60418
against the tax imposed by the "Federal Unemployment Tax Act," 53 60419
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 60420
secretary of labor determines that retroactivity is required by 60421
federal law. 60422

(c) With respect to weeks of unemployment beginning after 60423
December 31, 1977, benefits shall be denied to any individual for 60424
any week which commences during an established and customary 60425
vacation period or holiday recess, if the individual performs any 60426
services described in divisions (I)(1)(a) and (b) of this section 60427
in the period immediately before the vacation period or holiday 60428
recess, and there is a reasonable assurance that the individual 60429
will perform any such services in the period immediately following 60430
the vacation period or holiday recess. 60431

(d) With respect to any services described in division 60432
(I)(1)(a), (b), or (c) of this section, benefits payable on the 60433

basis of services in any such capacity shall be denied as 60434
specified in division (I)(1)(a), (b), or (c) of this section to 60435
any individual who performs such services in an educational 60436
institution or institution of higher education while in the employ 60437
of an educational service agency. For this purpose, the term 60438
"educational service agency" means a governmental agency or 60439
governmental entity that is established and operated exclusively 60440
for the purpose of providing services to one or more educational 60441
institutions or one or more institutions of higher education. 60442

(e) Any individual employed by a county board of 60443
developmental disabilities shall be notified by the thirtieth day 60444
of April each year if the individual is not to be reemployed the 60445
following academic year. 60446

(f) Any individual employed by a school district, other than 60447
a municipal school district as defined in section 3311.71 of the 60448
Revised Code, shall be notified by the first day of June each year 60449
if the individual is not to be reemployed the following academic 60450
year. 60451

(2) No disqualification will be imposed, between academic 60452
years or terms or during a vacation period or holiday recess under 60453
this division, unless the director or the director's deputy has 60454
received a statement in writing from the educational institution 60455
or institution of higher education that the claimant has a 60456
contract for, or a reasonable assurance of, reemployment for the 60457
ensuing academic year or term. 60458

(3) If an individual has employment with an educational 60459
institution or an institution of higher education and employment 60460
with a noneducational employer, during the base period of the 60461
individual's benefit year, then the individual may become eligible 60462
for benefits during the between-term, or vacation or holiday 60463
recess, disqualification period, based on employment performed for 60464
the noneducational employer, provided that the employment is 60465

sufficient to qualify the individual for benefit rights separately 60466
from the benefit rights based on school employment. The weekly 60467
benefit amount and maximum benefits payable during a 60468
disqualification period shall be computed based solely on the 60469
nonschool employment. 60470

(J) Benefits shall not be paid on the basis of employment 60471
performed by an alien, unless the alien had been lawfully admitted 60472
to the United States for permanent residence at the time the 60473
services were performed, was lawfully present for purposes of 60474
performing the services, or was otherwise permanently residing in 60475
the United States under color of law at the time the services were 60476
performed, under section 212(d)(5) of the "Immigration and 60477
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 60478

(1) Any data or information required of individuals applying 60479
for benefits to determine whether benefits are not payable to them 60480
because of their alien status shall be uniformly required from all 60481
applicants for benefits. 60482

(2) In the case of an individual whose application for 60483
benefits would otherwise be approved, no determination that 60484
benefits to the individual are not payable because of the 60485
individual's alien status shall be made except upon a 60486
preponderance of the evidence that the individual had not, in 60487
fact, been lawfully admitted to the United States. 60488

(K) The director shall establish and utilize a system of 60489
profiling all new claimants under this chapter that: 60490

(1) Identifies which claimants will be likely to exhaust 60491
regular compensation and will need job search assistance services 60492
to make a successful transition to new employment; 60493

(2) Refers claimants identified pursuant to division (K)(1) 60494
of this section to reemployment services, such as job search 60495
assistance services, available under any state or federal law; 60496

(3) Collects follow-up information relating to the services 60497
received by such claimants and the employment outcomes for such 60498
claimant's subsequent to receiving such services and utilizes such 60499
information in making identifications pursuant to division (K)(1) 60500
of this section; and 60501

(4) Meets such other requirements as the United States 60502
secretary of labor determines are appropriate. 60503

(L) Except as otherwise provided in division (A)(6) of this 60504
section, ineligibility pursuant to division (A) of this section 60505
shall begin on the first day of the week in which the claimant 60506
becomes ineligible for benefits and shall end on the last day of 60507
the week preceding the week in which the claimant satisfies the 60508
eligibility requirements. 60509

(M) The director may adopt rules that the director considers 60510
necessary for the administration of division (A) of this section. 60511

Sec. 4141.43. (A) The director of job and family services may 60512
cooperate with the industrial commission, the bureau of workers' 60513
compensation, the United States internal revenue service, the 60514
United States employment service, and other similar departments 60515
and agencies, as determined by the director, in the exchange or 60516
disclosure of information as to wages, employment, payrolls, 60517
unemployment, and other information. The director may employ, 60518
jointly with one or more of such agencies or departments, 60519
auditors, examiners, inspectors, and other employees necessary for 60520
the administration of this chapter and employment and training 60521
services for workers in the state. 60522

(B) The director may make the state's record relating to the 60523
administration of this chapter available to the railroad 60524
retirement board and may furnish the board at the board's expense 60525
such copies thereof as the board deems necessary for its purposes. 60526

(C) The director may afford reasonable cooperation with every 60527
agency of the United States charged with the administration of any 60528
unemployment compensation law. 60529

(D) The director may enter into arrangements with the 60530
appropriate agencies of other states or of the United States or 60531
Canada whereby individuals performing services in this and other 60532
states for a single employer under circumstances not specifically 60533
provided for in division (B) of section 4141.01 of the Revised 60534
Code or in similar provisions in the unemployment compensation 60535
laws of such other states shall be deemed to be engaged in 60536
employment performed entirely within this state or within one of 60537
such other states or within Canada, and whereby potential rights 60538
to benefits accumulated under the unemployment compensation laws 60539
of several states or under such a law of the United States, or 60540
both, or of Canada may constitute the basis for the payment of 60541
benefits through a single appropriate agency under terms that the 60542
director finds will be fair and reasonable as to all affected 60543
interests and will not result in any substantial loss to the 60544
unemployment compensation fund. 60545

(E) The director may enter into agreements with the 60546
appropriate agencies of other states or of the United States or 60547
Canada: 60548

(1) Whereby services or wages upon the basis of which an 60549
individual may become entitled to benefits under the unemployment 60550
compensation law of another state or of the United States or 60551
Canada shall be deemed to be employment or wages for employment by 60552
employers for the purposes of qualifying claimants for benefits 60553
under this chapter, and the director may estimate the number of 60554
weeks of employment represented by the wages reported to the 60555
director for such claimants by such other agency, provided such 60556
other state agency or agency of the United States or Canada has 60557
agreed to reimburse the unemployment compensation fund for such 60558

portion of benefits paid under this chapter upon the basis of such 60559
services or wages as the director finds will be fair and 60560
reasonable as to all affected interests; 60561

(2) Whereby the director will reimburse other state or 60562
federal or Canadian agencies charged with the administration of 60563
unemployment compensation laws with such reasonable portion of 60564
benefits, paid under the law of such other states or of the United 60565
States or of Canada upon the basis of employment or wages for 60566
employment by employers, as the director finds will be fair and 60567
reasonable as to all affected interests. Reimbursements so payable 60568
shall be deemed to be benefits for the purpose of section 4141.09 60569
and division (A) of section 4141.30 of the Revised Code. However, 60570
no reimbursement so payable shall be charged against any 60571
employer's account for the purposes of section 4141.24 of the 60572
Revised Code if the employer's account, under the same or similar 60573
circumstances, with respect to benefits charged under the 60574
provisions of this chapter, other than this section, would not be 60575
charged or, if the claimant at the time the claimant files the 60576
combined wage claim cannot establish benefit rights under this 60577
chapter. This noncharging shall not be applicable to a nonprofit 60578
organization that has elected to make payments in lieu of 60579
contributions under section 4141.241 of the Revised Code, except 60580
as provided in division (D)(2) of section 4141.24 of the Revised 60581
Code. The director may make to other state or federal or Canadian 60582
agencies and receive from such other state or federal or Canadian 60583
agencies reimbursements from or to the unemployment compensation 60584
fund, in accordance with arrangements pursuant to this section. 60585

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 60586
the Revised Code, the director may enter into agreements with 60587
other states whereby services performed for a crew leader, as 60588
defined in division (BB) of section 4141.01 of the Revised Code, 60589
may be covered in the state in which the crew leader either: 60590

(a) Has the crew leader's place of business or from which the crew leader's business is operated or controlled; 60591
60592

(b) Resides if the crew leader has no place of business in any state. 60593
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(F) The director may apply for an advance to the unemployment compensation fund and do all things necessary or required to obtain such advance and arrange for the repayment of such advance in accordance with Title XII of the "Social Security Act" as amended. 60595
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(G) The director may enter into reciprocal agreements or arrangements with the appropriate agencies of other states in regard to services on vessels engaged in interstate or foreign commerce whereby such services for a single employer, wherever performed, shall be deemed performed within this state or within such other states. 60600
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(H) The director shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment, covered under this chapter, with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for: 60606
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(1) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and 60615
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(2) Avoiding the duplicate use of wages and employment by reason of such combining. 60619
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(I) The director shall cooperate with the United States 60621

department of labor to the fullest extent consistent with this 60622
chapter, and shall take such action, through the adoption of 60623
appropriate rules, regulations, and administrative methods and 60624
standards, as may be necessary to secure to this state and its 60625
citizens all advantages available under the provisions of the 60626
"Social Security Act" that relate to unemployment compensation, 60627
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 60628
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 60629
113, 29 U.S.C.A. 49, ~~and~~ the "Federal-State Extended Unemployment 60630
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the 60631
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 60632
~~2801 et seq~~ "Workforce Innovation and Opportunity Act," 29 60633
U.S.C.A. 3101 et seq. 60634

(J) The director may disclose wage information furnished to 60635
or maintained by the director under Chapter 4141. of the Revised 60636
Code to a consumer reporting agency as defined by the "Fair Credit 60637
Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 60638
the purpose of verifying an individual's income under a written 60639
agreement that requires all of the following: 60640

(1) A written statement of informed consent from the 60641
individual whose information is to be disclosed; 60642

(2) A written statement confirming that the consumer 60643
reporting agency and any other entity to which the information is 60644
disclosed or released will safeguard the information from illegal 60645
or unauthorized disclosure; 60646

(3) A written statement confirming that the consumer 60647
reporting agency will pay to the bureau all costs associated with 60648
the disclosure. 60649

The director shall prescribe a manner and format in which 60650
this information may be provided. 60651

(K) The director shall adopt rules defining the requirements 60652

of the release of individual income verification information 60653
specified in division (J) of this section, which shall include all 60654
terms and conditions necessary to meet the requirements of federal 60655
law as interpreted by the United States department of labor or 60656
considered necessary by the director for the proper administration 60657
of this division. 60658

(L) The director shall disclose information furnished to or 60659
maintained by the director under this chapter upon request and on 60660
a reimbursable basis as required by section 303 of the "Social 60661
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 60662
Revenue Code," 26 U.S.C.A. 3304. 60663

Sec. 4141.51. (A) An employer who wishes to participate in 60664
the SharedWork Ohio program shall submit a plan to the director of 60665
job and family services in which the employer does all of the 60666
following: 60667

(1) Identifies the participating employees by name, social 60668
security number, affected unit, and normal weekly hours of work; 60669

(2) Describes the manner in which the employer will implement 60670
the requirements of the SharedWork Ohio program, including the 60671
proposed reduction percentage, which shall be between ten per cent 60672
and fifty per cent, and any temporary closure of the participating 60673
employer's business for equipment maintenance or other similar 60674
circumstances that the employer knows may occur during the 60675
effective period of an approved plan; 60676

(3) Includes a plan for giving advance notice, if feasible, 60677
to an employee whose normal weekly hours of work are to be reduced 60678
and, if advance notice is not feasible, an explanation of why that 60679
notice is not feasible; 60680

(4) Includes a certification by the employer that the 60681
aggregate reduction in the number of hours worked by the employees 60682

of the employer is in lieu of layoffs and includes an estimate of 60683
the number of layoffs that would have occurred absent the ability 60684
to participate in the SharedWork Ohio program; 60685

(5) Includes a certification by the employer that if the 60686
employer provides health benefits and retirement benefits under a 60687
defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, 60688
or contributions under a defined contribution plan as defined in 60689
26 U.S.C. 414(i), as amended, to any employee whose normal weekly 60690
hours of work are reduced under the program that such benefits 60691
will continue to be provided to an employee participating in the 60692
SharedWork Ohio program under the same terms and conditions as 60693
though the normal weekly hours of work of the employee had not 60694
been reduced or to the same extent as other employees not 60695
participating in the program; 60696

(6) Permits eligible employees to participate, as 60697
appropriate, in training to enhance job skills approved by the 60698
director, including employer-sponsored training or worker training 60699
funded under the federal ~~"Workforce Investment Act of 1998," 112~~ 60700
~~Stat. 936, 29 U.S.C. 2801 et seq., as amended~~ "Workforce 60701
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.; 60702

(7) Includes any other information as required by the United 60703
States secretary of labor or the director under the rules the 60704
director adopts under section 4141.50 of the Revised Code; 60705

(8) Includes an attestation by the employer that the terms of 60706
the written plan submitted by the employer and implementation of 60707
that plan are consistent with obligations of the employer under 60708
the applicable federal and state laws; 60709

(9) Includes a certification by the employer that the 60710
employer will promptly notify the director of any change in the 60711
business that includes the sale or transfer of all or part of the 60712
business, and that the employer will notify any successor in 60713

interest to the employer's business prior to the transfer of all 60714
or part of the business, of the existence of any approved shared 60715
work plan; 60716

(10) Includes a certification by the employer that, as of the 60717
date the employer submits the plan, the employer is current on all 60718
reports and has paid all contributions, reimbursements, interest, 60719
and penalties due under this chapter; 60720

(11) Includes an assurance from the employer that the 60721
employer will remain current on all employer reporting and 60722
payments of contributions, reimbursements, interest, and penalties 60723
as required by this chapter; 60724

(12) Includes a certification by the employer that none of 60725
the participating employees are employed on a seasonal, temporary, 60726
or intermittent basis; 60727

(13) Includes an assurance from the employer that the 60728
employer will not reduce a participating employee's normal weekly 60729
hours of work by more than the reduction percentage, except in the 60730
event of a temporary closure of the employer's business for 60731
equipment maintenance, or when the employee takes approved time 60732
off during the week with pay, and the combined work hours and paid 60733
leave hours equal the number of hours the employee would have 60734
worked under the plan. 60735

(B) The director shall approve a shared work plan if an 60736
employer includes in the plan all of the information, 60737
certifications, and assurances required under division (A) of this 60738
section. 60739

(C) The director shall approve or deny a shared work plan and 60740
shall send a written notice to the employer stating whether the 60741
director approved or denied the plan not later than thirty days 60742
after the director receives the plan. If the director denies 60743
approval of a shared work plan, the director shall state the 60744

reasons for denying approval in the written notice sent to the employer. 60745
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(D) The director shall enforce the requirements of the SharedWork Ohio program in the same manner as the director enforces the requirements of this chapter, including under section 4141.40 of the Revised Code. 60747
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Sec. 4301.22. Sales of beer and intoxicating liquor under all classes of permits and from state liquor stores are subject to the following restrictions, in addition to those imposed by the rules or orders of the division of liquor control: 60751
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(A)(1) Except as otherwise provided in this chapter, no beer or intoxicating liquor shall be sold to any person under twenty-one years of age. 60755
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(2) No low-alcohol beverage shall be sold to any person under eighteen years of age. No permit issued by the division shall be suspended, revoked, or canceled because of a violation of division (A)(2) of this section. 60758
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(3) No intoxicating liquor shall be handled by any person under twenty-one years of age, except that a person eighteen years of age or older employed by a permit holder may handle or sell beer or intoxicating liquor in sealed containers in connection with wholesale or retail sales, and any person nineteen years of age or older employed by a permit holder may handle intoxicating liquor in open containers when acting in the capacity of a server in a hotel, restaurant, club, or night club, as defined in division (B) of section 4301.01 of the Revised Code, or in the premises of a D-7 permit holder. This section does not authorize persons under twenty-one years of age to sell intoxicating liquor across a bar. Any person employed by a permit holder may handle beer or intoxicating liquor in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, 60762
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bagging, loading, or unloading, and may handle beer or 60776
intoxicating liquor in open containers in connection with cleaning 60777
tables or handling empty bottles or glasses. 60778

(B) No permit holder and no agent or employee of a permit 60779
holder shall sell or furnish beer or intoxicating liquor to an 60780
intoxicated person. 60781

(C) No sales of intoxicating liquor shall be made after 60782
two-thirty a.m. on Sunday except under either of the following 60783
circumstances: 60784

(1) Intoxicating liquor may be sold on Sunday under authority 60785
of a permit that authorizes Sunday sale. 60786

(2) Spirituous liquor may be sold on Sunday by any person 60787
awarded an agency contract under section 4301.17 of the Revised 60788
Code if the sale of spirituous liquor is authorized in the 60789
applicable precinct as the result of an election on question 60790
(B)(1) or (2) of section 4301.351 of the Revised Code and if the 60791
agency contract authorizes the sale of spirituous liquor on 60792
Sunday. 60793

This section does not prevent a municipal corporation from 60794
adopting a closing hour for the sale of intoxicating liquor 60795
earlier than two-thirty a.m. on Sunday or to provide that no 60796
intoxicating liquor may be sold prior to that hour on Sunday. 60797

(D) No holder of a permit shall give away any beer or 60798
intoxicating liquor of any kind at any time in connection with the 60799
permit holder's business. However, with the exception of an A-1-A 60800
permit holder that also has been issued an A-2 or A-2f permit, an 60801
A-1-A, A-1c, or D permit holder may provide to a paying customer 60802
not more than a total of four tasting samples of beer, wine, or 60803
spirituous liquor, as authorized by the applicable permit, in any 60804
twenty-four-hour period. The permit holder shall provide the 60805
tasting samples free of charge, at the permit holder's expense, 60806

only to a person who is twenty-one years of age or older. The 60807
person shall consume the tasting samples on the premises of the 60808
permit holder. A distributor is not responsible for the costs of 60809
providing tasting samples authorized under division (D) of this 60810
section. 60811

As used in division (D) of this section: 60812

(1) "Tasting sample" means one of the following, as 60813
applicable: 60814

(a) An amount not to exceed two ounces of beer; 60815

(b) An amount not to exceed two ounces of wine; 60816

(c) An amount not to exceed a quarter ounce of spirituous 60817
liquor. 60818

(2) "D permit holder" means a person that has been issued a 60819
D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, 60820
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-6, 60821
or D-7 permit. 60822

(E) Except as otherwise provided in this division, no retail 60823
permit holder shall display or permit the display on the outside 60824
of any licensed retail premises, or on any lot of ground on which 60825
the licensed premises are situated, or on the exterior of any 60826
building of which the licensed premises are a part, any sign, 60827
illustration, or advertisement bearing the name, brand name, trade 60828
name, trade-mark, designation, or other emblem of or indicating 60829
the manufacturer, producer, distributor, place of manufacture, 60830
production, or distribution of any beer or intoxicating liquor. 60831
Signs, illustrations, or advertisements bearing the name, brand 60832
name, trade name, trade-mark, designation, or other emblem of or 60833
indicating the manufacturer, producer, distributor, place of 60834
manufacture, production, or distribution of beer or intoxicating 60835
liquor may be displayed and permitted to be displayed on the 60836
interior or in the show windows of any licensed premises, if the 60837

particular brand or type of product so advertised is actually 60838
available for sale on the premises at the time of that display. 60839
The liquor control commission shall determine by rule the size and 60840
character of those signs, illustrations, or advertisements. 60841

(F) No retail permit holder shall possess on the licensed 60842
premises any barrel or other container from which beer is drawn, 60843
unless there is attached to the spigot or other dispensing 60844
apparatus the name of the manufacturer of the product contained in 60845
the barrel or other container, provided that, if the beer is 60846
served at a bar, the manufacturer's name or brand shall appear in 60847
full view of the purchaser. The commission shall regulate the size 60848
and character of the devices provided for in this section. 60849

(G) Except as otherwise provided in this division, no sale of 60850
any gift certificate shall be permitted whereby beer or 60851
intoxicating liquor of any kind is to be exchanged for the 60852
certificate, unless the gift certificate can be exchanged only for 60853
food, and beer or intoxicating liquor, for on-premises consumption 60854
and the value of the beer or intoxicating liquor for which the 60855
certificate can be exchanged does not exceed more than thirty per 60856
cent of the total value of the gift certificate. The sale of gift 60857
certificates for the purchase of beer, wine, or mixed beverages 60858
shall be permitted for the purchase of beer, wine, or mixed 60859
beverages for off-premises consumption. Limitations on the use of 60860
a gift certificate for the purchase of beer, wine, or mixed 60861
beverages for off-premises consumption may be expressed by clearly 60862
stamping or typing on the face of the certificate that the 60863
certificate may not be used for the purchase of beer, wine, or 60864
mixed beverages. 60865

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 60866
the Revised Code: 60867

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 60868

fluid ounces. 60869

(2) "Sale" or "sell" includes exchange, barter, gift, 60870
distribution, and, except with respect to A-4 permit holders, 60871
offer for sale. 60872

(B) For the purposes of providing revenues for the support of 60873
the state and encouraging the grape industries in the state, a tax 60874
is hereby levied on the sale or distribution of wine in Ohio, 60875
except for known sacramental purposes, at the rate of thirty cents 60876
per wine gallon for wine containing not less than four per cent of 60877
alcohol by volume and not more than fourteen per cent of alcohol 60878
by volume, ninety-eight cents per wine gallon for wine containing 60879
more than fourteen per cent but not more than twenty-one per cent 60880
of alcohol by volume, one dollar and eight cents per wine gallon 60881
for vermouth, and one dollar and forty-eight cents per wine gallon 60882
for sparkling and carbonated wine and champagne, the tax to be 60883
paid by the holders of A-2, A-2f, and B-5 permits or by any other 60884
person selling or distributing wine upon which no tax has been 60885
paid. From the tax paid under this section on wine, vermouth, and 60886
sparkling and carbonated wine and champagne, the treasurer of 60887
state shall credit to the Ohio grape industries fund created under 60888
section 924.54 of the Revised Code a sum equal to one cent per 60889
gallon for each gallon upon which the tax is paid. 60890

(C) For the purpose of providing revenues for the support of 60891
the state, there is hereby levied a tax on prepared and bottled 60892
highballs, cocktails, cordials, and other mixed beverages at the 60893
rate of one dollar and twenty cents per wine gallon to be paid by 60894
holders of A-4 permits or by any other person selling or 60895
distributing those products upon which no tax has been paid. Only 60896
one sale of the same article shall be used in computing the amount 60897
of tax due. The tax on mixed beverages to be paid by holders of 60898
A-4 permits under this section shall not attach until the 60899
ownership of the mixed beverage is transferred for valuable 60900

consideration to a wholesaler or retailer, and no payment of the tax shall be required prior to that time.

(D) During the period of July 1, ~~2015~~ 2017, through June 30, ~~2017~~ 2019, from the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to two cents per gallon upon which the tax is paid. The amount credited under this division is in addition to the amount credited to the Ohio grape industries fund under division (B) of this section.

(E) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on cider at the rate of twenty-four cents per wine gallon to be paid by the holders of A-2, A-2f, and B-5 permits or by any other person selling or distributing cider upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of the tax due.

Sec. 4303.05. (A) Permit A-4 may be issued to a either of the following:

(1) A manufacturer to manufacture prepared highballs, cocktails, cordials, and other mixed ~~drinks~~ beverages containing not less than ~~four~~ one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume, and to sell such products to wholesale and retail permit holders in sealed containers only under such rules as are adopted by the division of liquor control. The holder of such permit may import into the state spirituous liquor and wine only for blending or other manufacturing purposes under such rules as are prescribed by the division.

(2) A manufacturer to manufacture ice cream containing not less than one-half of one per cent of alcohol by volume but not

more than six per cent of alcohol by volume, and to sell those 60932
products either for consumption on the premises where manufactured 60933
or in sealed containers for consumption off the premises where 60934
manufactured. For off-premises consumption purposes, a 60935
manufacturer shall not knowingly sell more than four pints of such 60936
ice cream to a customer in any calendar day. 60937

No A-4 permit shall be issued to a manufacturer to sell ice 60938
cream under division (A)(2) of this section unless the sale of 60939
mixed beverages for both on- and off-premises consumption is 60940
authorized in the election precinct in which the A-4 permit is 60941
proposed to be located. 60942

(B) The holder of ~~such~~ an A-4 permit may also purchase 60943
spirituous liquor for manufacturing and blending purposes from the 60944
holder of an A-3 permit issued by the division. The fee for an A-4 60945
permit is three thousand nine hundred six dollars for each plant. 60946

Sec. 4303.22. (A) Permit H may be issued for a fee of three 60947
hundred dollars to a for-hire motor carrier who holds a license 60948
issued by the public utilities commission to transport beer, 60949
intoxicating liquor, and alcohol, or any of them, in this state 60950
for delivery or use in this state. This section does not prevent 60951
the division of liquor control from contracting with for-hire 60952
motor carriers for the delivery or transportation of liquor for 60953
the division, and any for-hire motor carrier so contracting with 60954
the division is eligible for an H permit. Manufacturers or 60955
wholesale distributors of beer or intoxicating liquor other than 60956
spirituous liquor who transport or deliver their own products to 60957
or from their premises licensed under this chapter and Chapter 60958
4301. of the Revised Code by their own trucks as an incident to 60959
the purchase or sale of such beverages need not obtain an H 60960
permit. Carriers by rail shall receive an H permit upon 60961
application for it. 60962

(B)(1) Every person that transports beer or intoxicating liquor into this state for delivery in this state to an individual or entity, other than to the holder of a permit issued under this chapter, shall prepare and submit a monthly report to the division. The report shall contain all of the following: 60963
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(a) The name of the person preparing and submitting the report; 60968
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(b) The period of time covered by the report; 60970

(c) The name and business address of each consignor of the beer or intoxicating liquor; 60971
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(d) The name and address of each consignee of the beer or intoxicating liquor; 60973
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(e) The weight of, and unique tracking number assigned for, each delivery of beer or intoxicating liquor to each consignee; 60975
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(f) The date of delivery. 60977

The division shall make any such report available to the public upon request under section 149.43 of the Revised Code. 60978
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(2) Upon the division's request and not later than thirty days after the request, a person that submits a report shall provide the documents used to prepare the report to the division. The person shall keep and maintain the documents for a period of two years after the submission of the applicable report, unless the division, in writing, authorizes the destruction of the documents at an earlier date. The person shall allow the division, any other state regulatory body, or any law enforcement agency to inspect the documents at any time during regular business hours. 60980
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(3) No person shall violate division (B) of this section. 60989

If a person willfully violates division (B) of this section, the liquor control commission may suspend or revoke any permit issued to the person under this chapter. 60990
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(C) This section does not prevent the division from issuing, 60993
upon the payment of the permit fee, an H permit to any person, 60994
partnership, firm, or corporation licensed by any other state to 60995
engage in the business of manufacturing and brewing or producing 60996
beer, wine, and mixed beverages or any person, partnership, firm, 60997
or corporation licensed by the United States or any other state to 60998
engage in the business of importing beer, wine, and mixed 60999
beverages manufactured outside the United States. ~~The~~ 61000

The manufacturer, brewer, or importer of products 61001
manufactured outside the United States, upon the issuance of an H 61002
permit, may transport, ship, and deliver only its own products to 61003
holders of B-1 or B-5 permits in Ohio in motor trucks and 61004
equipment owned and operated by such class H permit holder. No H 61005
permit shall be issued by the division to such applicant until the 61006
applicant files with the division a liability insurance 61007
certificate or policy satisfactory to the division, in a sum of 61008
not less than one thousand nor more than five thousand dollars for 61009
property damage and for not less than five thousand nor more than 61010
fifty thousand dollars for loss sustained by reason of injury or 61011
death and with such other terms as the division considers 61012
necessary to adequately protect the interest of the public, having 61013
due regard for the number of persons and amount of property 61014
affected. The certificate or policy shall insure the manufacturer, 61015
brewer, or importer of products manufactured outside the United 61016
States against loss sustained by reason of the death of or injury 61017
to persons, and for loss of or damage to property, from the 61018
negligence of such class H permit holder in the operation of its 61019
motor vehicles or equipment in this state. 61020

Sec. 4303.26. (A) Applications for regular permits authorized 61021
by sections 4303.02 to 4303.23 of the Revised Code may be filed 61022
with the division of liquor control. No permit shall be issued by 61023
the division until fifteen days after the application for it is 61024

filed. An applicant for the issuance of a new permit shall pay a 61025
processing fee of one hundred dollars when filing application for 61026
the permit, if the permit is then available, or shall pay the 61027
processing fee when a permit becomes available, if it is not 61028
available when the applicant initially files the application. When 61029
an application for a new class C or D permit is filed, when class 61030
C or D permits become available, or when an application for 61031
transfer of ownership of a class C or D permit or transfer of a 61032
location of a class C or D permit is filed, no permit shall be 61033
issued, nor shall the location or the ownership of a permit be 61034
transferred, by the division until the division notifies the 61035
legislative authority of the municipal corporation, if the 61036
business or event is or is to be located within the corporate 61037
limits of a municipal corporation, or the clerk of the board of 61038
county commissioners and the fiscal officer of the board of 61039
township trustees in the county in which the business or event is 61040
or is to be conducted, if the business is or is to be located 61041
outside the corporate limits of a municipal corporation, and an 61042
opportunity is provided officials or employees of the municipal 61043
corporation or county and township, who shall be designated by the 61044
legislative authority ~~of the municipal corporation~~ or the board of 61045
county commissioners or board of township trustees, for a complete 61046
hearing upon the advisability of the issuance, transfer of 61047
ownership, or transfer of location of the permit. In this hearing, 61048
no objection to the issuance, transfer of ownership, or transfer 61049
of location of the permit shall be based upon noncompliance of the 61050
proposed permit premises with local zoning regulations which 61051
prohibit the sale of beer or intoxicating liquor, in an area zoned 61052
for commercial or industrial uses, for a permit premises that 61053
would otherwise qualify for a proper permit issued by the 61054
division. 61055

When the division sends notice to the legislative or 61056
executive authority of the political subdivision, as required by 61057

this section, the division shall also so notify, by certified 61058
mail, return receipt requested, or by personal service, the chief 61059
peace officer of the political subdivision. Upon the request of 61060
the chief peace officer, the division shall send the chief peace 61061
officer a copy of the application for the issuance or the transfer 61062
of ownership or location of the permit and all other documents or 61063
materials filed by the applicant or applicants in relation to the 61064
application. The chief peace officer may appear and testify, 61065
either in person or through a representative, at any hearing held 61066
on the advisability of the issuance, transfer of ownership, or 61067
transfer of location of the permit. The hearing shall be held in 61068
the central office of the division, except that upon written 61069
request of the legislative authority of the municipal corporation 61070
or the board of county commissioners or board of township 61071
trustees, the hearing shall be held in the county seat of the 61072
county where the applicant's business is or is to be conducted. 61073

If the business or event specified in an application for the 61074
issuance, transfer of ownership, or transfer of location of any 61075
regular permit authorized by sections 4303.02 to 4303.23 of the 61076
Revised Code, except for an F-2 permit, is, or is to be operated, 61077
within five hundred feet from the boundaries of a parcel of real 61078
estate having situated on it a school, church, library, public 61079
playground, or township park, no permit shall be issued, nor shall 61080
the location or the ownership of a permit be transferred, by the 61081
division until written notice of the filing of the application 61082
with the division is served, by certified mail, return receipt 61083
requested, or by personal service, upon the authorities in control 61084
of the school, church, library, public playground, or township 61085
park and an opportunity is provided them for a complete hearing 61086
upon the advisability of the issuance, transfer of ownership, or 61087
transfer of location of the permit. In this hearing, no objection 61088
to the issuance, transfer of ownership, or transfer of location of 61089
the permit shall be based upon the noncompliance of the proposed 61090

permit premises with local zoning regulations which prohibit the 61091
sale of beer or intoxicating liquor, in an area zoned for 61092
commercial or industrial uses, for a permit premises that would 61093
otherwise qualify for a proper permit issued by the division. Upon 61094
the written request of any of these authorities, the hearing shall 61095
be held in the county seat of the county where the applicant's 61096
business is or is to be conducted. 61097

A request for any hearing authorized by this section shall be 61098
made no later than thirty days from the time of notification by 61099
the division. This thirty-day period begins on the date the 61100
division mails notice to the legislative authority or the date on 61101
which the division mails notice to or, by personal service, serves 61102
notice upon, the institution. The division shall conduct a hearing 61103
if the request for the hearing is postmarked by the deadline date. 61104
The division may allow, upon cause shown by the requesting 61105
legislative authority or board, an extension of thirty additional 61106
days for the legislative authority of the municipal corporation, 61107
board of township trustees of the township, or board of county 61108
commissioners of the county in which a permit premises is or is to 61109
be located to object to the issuance, transfer of ownership, or 61110
transfer of location of a permit. The request for the extension 61111
shall be made by the legislative authority or board to the 61112
division no later than thirty days after the time of notification 61113
by the division. 61114

(B)(1) When an application for transfer of ownership of a 61115
permit is filed with the division, the division shall give notice 61116
of the application to the ~~department of taxation~~ tax commissioner. 61117
Within twenty days after receiving this notification, the 61118
~~department of taxation~~ commissioner shall notify the division of 61119
liquor control and the proposed transferee of the permit if the 61120
permit holder owes to this state any delinquent horse-racing 61121
taxes, alcoholic beverage taxes, motor fuel taxes, petroleum 61122

activity taxes, sales or use taxes or, cigarette taxes, other 61123
tobacco product taxes, income taxes withheld from employee 61124
compensation, commercial activity taxes, or gross casino revenue 61125
taxes, or has failed to file any sales tax returns or employee 61126
income tax withholding corresponding returns or submit any 61127
information required by the commissioner, as required for such 61128
taxes, to the extent that the any delinquent taxes and delinquent 61129
returns are payment or return, or any failure to submit 61130
information, is known to the department of taxation at that the 61131
time of the application. The division shall not transfer ownership 61132
of the permit until payments known to be delinquent are resolved, 61133
returns known to be delinquent are filed, and until the tax or 61134
withholding delinquency is resolved any information required by 61135
the commissioner has been provided. As used in this division, 61136
"resolved" means that the tax or withholding delinquency 61137
delinquent payment has been paid in full or an amount sufficient 61138
to satisfy the delinquency delinquent payment is in escrow for the 61139
benefit of the state. The department of taxation commissioner 61140
shall notify the division of the resolution. After the division 61141
has received the notification from the department of taxation 61142
commissioner, the division may proceed to transfer ownership of 61143
the permit. Nothing in this division shall be construed to affect 61144
or limit the responsibilities or liabilities of the transferor or 61145
the transferee imposed by Chapter 3769., 4301., 4303., 4305., 61146
5735., 5736., 5739. or, 5741., 5743., 5747., 5751., or 5753. of 61147
the Revised Code. 61148

~~(2) Notwithstanding section 5703.21 of the Revised Code,~~ 61149
~~nothing prohibits the department of taxation from disclosing to~~ 61150
~~the division or to the proposed transferee or the proposed~~ 61151
~~transferee's designated agent any information pursuant to division~~ 61152
~~(B)(1) of this section.~~ 61153

(C) No F or F-2 permit shall be issued for an event until the 61154

applicant has, by means of a form that the division shall provide 61155
to the applicant, notified the chief peace officer of the 61156
political subdivision in which the event will be conducted of the 61157
date, time, place, and duration of the event. 61158

(D) The division of liquor control shall notify an applicant 61159
for a permit authorized by sections 4303.02 to 4303.23 of the 61160
Revised Code of an action pending or judgment entered against a 61161
liquor permit premises, of which the division has knowledge, 61162
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 61163
applicant is applying for a permit at the location of the premises 61164
that is the subject of the action under section 3767.03 or 61165
judgment under section 3767.05 of the Revised Code. 61166

Sec. 4303.271. (A) Except as provided in divisions (B) and 61167
(D) of this section, the holder of a permit issued under sections 61168
4303.02 to 4303.232 of the Revised Code, who files an application 61169
for the renewal of the same class of permit for the same premises, 61170
shall be entitled to the renewal of the permit. The division of 61171
liquor control shall renew the permit unless the division rejects 61172
for good cause any renewal application, subject to the right of 61173
the applicant to appeal the rejection to the liquor control 61174
commission. 61175

(B) The legislative authority of the municipal corporation, 61176
the board of township trustees, or the board of county 61177
commissioners of the county in which a permit premises is located 61178
may object to the renewal of a permit issued under sections 61179
4303.11 to 4303.183 of the Revised Code for any of the reasons 61180
contained in division (A) of section 4303.292 of the Revised Code. 61181
Any objection shall be made no later than thirty days prior to the 61182
expiration of the permit, and the division shall accept the 61183
objection if it is postmarked no later than thirty days prior to 61184
the expiration of the permit. The objection shall be made by a 61185

resolution specifying the reasons for objecting to the renewal and 61186
requesting a hearing, but no objection shall be based upon 61187
noncompliance of the permit premises with local zoning regulations 61188
that prohibit the sale of beer or intoxicating liquor in an area 61189
zoned for commercial or industrial uses, for a permit premises 61190
that would otherwise qualify for a proper permit issued by the 61191
division. The resolution shall be accompanied by a statement by 61192
the chief legal officer of the political subdivision that, in the 61193
chief legal officer's opinion, the objection is based upon 61194
substantial legal grounds within the meaning and intent of 61195
division (A) of section 4303.292 of the Revised Code. 61196

Upon receipt of a resolution of a legislative authority or 61197
board objecting to the renewal of a permit and a statement from 61198
the chief legal officer, the division shall set a time for the 61199
hearing and send by certified mail to the permit holder, at the 61200
permit holder's usual place of business, a copy of the resolution 61201
and notice of the hearing. The division shall then hold a hearing 61202
in the central office of the division, except that, upon written 61203
request of the legislative authority or board, the hearing shall 61204
be held in the county seat of the county in which the permit 61205
premises is located, to determine whether the renewal shall be 61206
denied for any of the reasons contained in division (A) of section 61207
4303.292 of the Revised Code. Only the reasons for refusal 61208
contained in division (A) of section 4303.292 of the Revised Code 61209
and specified in the resolution of objection shall be considered 61210
at the hearing. 61211

The permit holder and the objecting legislative authority or 61212
board shall be parties to the proceedings under this section and 61213
shall have the right to be present, to be represented by counsel, 61214
to offer evidence, to require the attendance of witnesses, and to 61215
cross-examine witnesses at the hearing. 61216

(C) An application for renewal of a permit shall be filed 61217

with the division at least fifteen days prior to the expiration of 61218
an existing permit, and the existing permit shall continue in 61219
effect as provided in section 119.06 of the Revised Code until the 61220
application is approved or rejected by the division. Any holder of 61221
a permit, which has expired through failure to be renewed as 61222
provided in this section, shall obtain a renewal of the permit, 61223
upon filing an application for renewal with the division, at any 61224
time within thirty days from the date of the expired permit. A 61225
penalty of ten per cent of the permit fee shall be paid by the 61226
permit holder if the application for renewal is not filed at least 61227
fifteen days prior to the expiration of the permit. 61228

(D)(1) Annually, the tax commissioner shall cause the 61229
horse-racing, alcoholic beverage, motor fuel, petroleum activity, 61230
sales and or use, cigarette, other tobacco products, employer 61231
withholding, commercial activity, and gross casino revenue tax 61232
records in the department of taxation for each holder of a permit 61233
issued under sections 4303.02 to 4303.232 of the Revised Code to 61234
be examined to determine if the permit holder is delinquent in 61235
filing any ~~sales or withholding tax~~ returns or has any outstanding 61236
liability for ~~sales or withholding tax, penalties, or interest~~ 61237
~~imposed pursuant to Chapter 5739. or sections 5747.06 and 5747.07~~ 61238
of the Revised Code, submitting any information required by the 61239
commissioner, or remitting any payments with respect to those 61240
taxes or any fees, charges, penalties, or interest related to 61241
those taxes. ~~If~~ 61242

If any delinquency or liability exists, the commissioner 61243
shall send a notice of that fact by certified mail, return receipt 61244
requested, to the permit holder at the mailing address shown in 61245
the records of the department. The notice shall specify, in as 61246
much detail as is possible, the periods for which returns have not 61247
been filed and the nature and amount of unpaid assessments and 61248
other liabilities and shall be sent on or before the first day of 61249

the third month preceding the month in which the permit expires. 61250
The commissioner also shall notify the division of liquor control 61251
of the delinquency or liability, identifying the permit holder by 61252
name and permit number. 61253

(2)(a) Except as provided in division (D)(4) of this section, 61254
the division of liquor control shall not renew the permit of any 61255
permit holder the tax commissioner has identified as being 61256
delinquent in filing any ~~sales or withholding tax~~ returns ~~or as~~ 61257
~~being liable for outstanding sales or withholding tax, penalties,~~ 61258
~~or interest, providing any information, or remitting any payments~~ 61259
with respect to the taxes listed in division (D)(1) of this 61260
section as of the first day of the sixth month preceding the month 61261
in which the permit expires, or of any permit holder the 61262
commissioner has identified as having been assessed by the 61263
department on or before the first day of the third month preceding 61264
the month in which the permit expires, until the division is 61265
notified by the ~~tax~~ commissioner that the delinquency, liability, 61266
or assessment has been resolved. 61267

(b)(i) Within ninety days after the date on which the permit 61268
expires, any permit holder whose permit is not renewed under this 61269
division may file an appeal with the liquor control commission. 61270
The commission shall notify the tax commissioner regarding the 61271
filing of any such appeal. During the period in which the appeal 61272
is pending, the permit shall not be renewed by the division. The 61273
permit shall be reinstated if the permit holder and the ~~tax~~ 61274
commissioner or the attorney general demonstrate to the liquor 61275
control commission that the commissioner's notification of a 61276
delinquency or assessment was in error or that the issue of the 61277
delinquency or assessment has been resolved. 61278

(ii) A permit holder who has filed an appeal under division 61279
(D)(2)(b)(i) of this section may file a motion to withdraw the 61280
appeal. The division of liquor control may renew a permit holder's 61281

permit if the permit holder has withdrawn such an appeal and the 61282
division receives written certification from the tax commissioner 61283
that the permit holder's delinquency or assessment has been 61284
resolved. 61285

(3) A permit holder notified of delinquency or liability 61286
under this section may protest the notification to the tax 61287
commissioner on the basis that no ~~returns are~~ return or 61288
information is delinquent and no tax, ~~penalties fee, charge,~~ 61289
penalty, or interest is outstanding. The commissioner shall 61290
expeditiously consider any evidence submitted by the permit holder 61291
and, if it is determined that the notification was in error, 61292
immediately shall inform the division of liquor control that the 61293
renewal application may be granted. The renewal shall not be 61294
denied if the delinquency or unreported liability is the subject 61295
of a bona fide dispute ~~pursuant to section 5717.02, 5717.04,~~ 61296
~~5739.13, or 5747.13 of the Revised Code~~ as to the validity of the 61297
delinquency or unreported liability and is the subject of an 61298
assessment and of an appeal properly filed by the permit holder. 61299

(4) If the commissioner concludes that under the 61300
circumstances the permit holder's delinquency or liability has 61301
been conditionally resolved, the commissioner shall allow the 61302
permit to be renewed, conditioned upon the permit holder's 61303
continuing performance in satisfying the delinquency and 61304
liability. The conditional nature of the renewal shall be 61305
specified in the notification given to the division of liquor 61306
control under division (D)(1) of this section. Upon receipt of 61307
notice of the resolution, the division shall issue a conditional 61308
renewal. If the taxpayer defaults on any agreement to pay the 61309
delinquency or liability or fails to keep subsequent tax or fee 61310
payments current, the liquor control commission, upon request and 61311
proof of the default or failure to keep subsequent tax or fee 61312
payments current, shall indefinitely suspend the permit holder's 61313

permit until all taxes or fees and interest due are paid. 61314

(5) The commissioner may adopt rules to assist in 61315

administering the duties imposed by this section. 61316

Sec. 4303.333. ~~(A) An A-2 or A-2f permit holder in this state~~ 61317
~~whose total production of wine, wherever produced, which but for~~ 61318
~~this exemption is taxable under section 4301.43 of the Revised~~ 61319
~~Code does not exceed five hundred thousand gallons in a calendar~~ 61320
~~year, shall be allowed an exemption from the taxes levied under~~ 61321
~~section 4301.43 of the Revised Code on wine produced and sold or~~ 61322
~~distributed in this state. The exemption~~ Both of the following are 61323
exempted from taxes levied under section 4301.43 of the Revised 61324
Code: 61325

(A) Wine produced and sold or distributed in this state by an 61326
A-2 or A-2f permit holder in this state, provided the permit 61327
holder's total production of wine otherwise taxable under that 61328
section but for this division does not exceed five hundred 61329
thousand gallons in a calendar year; 61330

(B) The first three hundred ten thousand gallons of cider 61331
produced and sold or distributed in this state during the calendar 61332
year by an A-2 or A-2f permit holder in this state. 61333

The exemptions authorized under this section may be claimed 61334
monthly against current taxes levied under ~~such~~ section 4301.43 of 61335
the Revised Code as the reports required by section 4303.33 of the 61336
Revised Code are due. At the time the report for December is due 61337
for a calendar year during which a permit holder claimed an 61338
exemption under this section, if the permit holder has paid the 61339
tax levied under section 4301.43 of the Revised Code, the permit 61340
holder may claim a refund of such tax paid during the calendar 61341
year or shall remit any additional tax due because it did not 61342
qualify for the exemption on the December report. For the purpose 61343
of providing this refund, taxes previously paid under section 61344

4303.33 of the Revised Code during the calendar year shall not be considered final until the December report is filed.

~~(B)~~ The tax commissioner shall prescribe forms for ~~and allow~~ the exemptions and refunds authorized by this section.

Sec. 4501.044. (A) All moneys received under section 4503.65 of the Revised Code ~~and~~ from the tax imposed by section 4503.02 of the Revised Code on vehicles that are apportionable ~~and to which the rates specified in divisions (A)(1) to (21) and division (B) of section 4503.042 of the Revised Code apply~~ shall be paid into the international registration plan distribution fund, which is hereby created in the state treasury, and distributed as follows:

(1) First, to make payments to other states that are members of the international registration plan of the portions of registration taxes the states are eligible to receive because of the operation within their borders of apportionable vehicles that are registered in Ohio;

(2) Second, two and five-tenths per cent of all the moneys received from apportionable vehicles under section 4503.65 of the Revised Code that are collected from other international registration plan jurisdictions shall be deposited into the public safety - highway purposes fund established in section 4501.06 of the Revised Code;

(3) Third, forty-two and six-tenths per cent of the moneys received from apportionable vehicles registered in this state under divisions (A)(8) to (21) of section ~~4503.042~~ 4503.65 and forty-two and six-tenths per cent of the balance remaining from the moneys received from apportionable vehicles under section 4503.65 of the Revised Code that are collected from other international registration plan jurisdictions after distribution under division (A)(2) of this section shall be deposited in the state treasury to the credit of the public safety - highway

purposes fund created by section 4501.06 of the Revised Code; 61376

(4) Fourth, an amount estimated as the annual costs that the 61377
department of taxation will incur in conducting audits of persons 61378
who have registered motor vehicles under the international 61379
registration plan, one-twelfth of which amount shall be paid by 61380
the registrar of motor vehicles into the international 61381
registration plan auditing fund created by section 5703.12 of the 61382
Revised Code by the fifteenth day of each month; 61383

(5) Fifth, to the public safety - highway purposes fund 61384
established in section 4501.06 of the Revised Code, to offset 61385
operating expenses incurred by the bureau of motor vehicles in 61386
administering the international registration plan; 61387

(6) Any moneys remaining in the international registration 61388
plan distribution fund after distribution under divisions (A)(1) 61389
to (5) of this section shall be distributed in accordance with 61390
division (B) of this section. 61391

(B)(1) Moneys received under section 4503.65 from the tax 61392
imposed by section 4503.02 of the Revised Code on vehicles that 61393
are apportionable ~~and to which the rates specified in divisions~~ 61394
~~(A)(1) to (21) and division (B) of section 4503.042 of the Revised~~ 61395
~~Code apply~~ vehicles registered in this state shall be distributed 61396
and used in the manner provided in section 4501.04 of the Revised 61397
Code and rules adopted by the registrar of motor vehicles for 61398
moneys deposited to the credit of the auto registration 61399
distribution fund. 61400

(2) Moneys received from ~~collections~~ apportionable vehicles 61401
under section 4503.65 of the Revised Code that are collected from 61402
other international registration plan jurisdictions shall be 61403
distributed under divisions (B)(2) and (3) of this section. 61404

Each county, township, and municipal corporation shall 61405
receive an amount such that the ratio that the amount of moneys 61406

received by that county, township, or municipal corporation under 61407
division (B)(1) of this section from apportionable vehicles 61408
registered in Ohio and under section 4503.65 of the Revised Code 61409
from apportionable vehicles registered in other international 61410
registration plan jurisdictions bears to the total amount of 61411
moneys received by all counties, townships, and municipal 61412
corporations under division (B)(1) of this section from 61413
apportionable vehicles registered in Ohio and under section 61414
4503.65 of the Revised Code from apportionable vehicles registered 61415
in other international registration plan jurisdictions equals the 61416
ratio that the amount of moneys that the county, township, or 61417
municipal corporation would receive from apportionable vehicles 61418
registered in Ohio were the moneys from such vehicles distributed 61419
under section 4501.04 of the Revised Code, based solely on the 61420
weight schedules contained in section ~~4503.042~~ 4503.65 of the 61421
Revised Code, bears to the total amount of money that all 61422
counties, townships, and municipal corporations would receive from 61423
apportionable vehicles registered in Ohio were the moneys from 61424
such vehicles distributed under section 4501.04 of the Revised 61425
Code, based solely on the weight schedules contained in section 61426
~~4503.042~~ 4503.65 of the Revised Code. 61427

No county, township, or municipal corporation shall receive 61428
under division (B)(2) of this section an amount greater than the 61429
amount of money that that county, township, or municipal 61430
corporation would receive from apportionable vehicles registered 61431
in Ohio were the money from the taxation of such vehicles 61432
distributed under section 4501.04 of the Revised Code based solely 61433
on the weight schedules contained in section ~~4503.042~~ 4503.65 of 61434
the Revised Code. 61435

(3) If, at the end of the distribution year, the total of all 61436
moneys received under section 4503.65 of the Revised Code for 61437
apportionable vehicles registered in another international 61438

registration plan jurisdiction exceeds the total moneys subject to 61439
distribution under division (B)(2) of this section, the registrar 61440
shall distribute to each county, township, and municipal 61441
corporation a portion of the excess. The excess shall be 61442
distributed to counties, townships, and municipal corporations in 61443
the same proportion that the revenues received by each county, 61444
township, and municipal corporation from collections under section 61445
4503.02 of the Revised Code for apportionable vehicles registered 61446
in this state and from collections under section 4503.65 of the 61447
Revised Code for apportionable vehicles registered in another 61448
international registration plan jurisdiction during that 61449
distribution year bears to the total revenues received by 61450
counties, townships, and municipal corporations from taxes levied 61451
under section 4503.02 of the Revised Code for apportionable 61452
vehicles registered in this state and from collections under 61453
section 4503.65 of the Revised Code for apportionable vehicles 61454
registered in another international registration plan jurisdiction 61455
during that distribution year. 61456

(C) All moneys received from the administrative fee imposed 61457
by division (C)(2) of section ~~4503.042~~ 4503.65 of the Revised Code 61458
shall be deposited to the credit of the public safety - highway 61459
purposes fund established in section 4501.06 of the Revised Code, 61460
to offset operating expenses incurred by the bureau of motor 61461
vehicles in administering the international registration plan. 61462

(D) A deputy registrar shall retain fifty cents of the fee 61463
imposed under division (C)(3) of section 4503.65 of the Revised 61464
Code and shall transmit the remaining amount to the registrar at 61465
the time and in the manner provided by section 4503.10 of the 61466
Revised Code. The registrar shall deposit all such moneys received 61467
into the public safety - highway purposes fund established in 61468
section 4501.06 of the Revised Code. 61469

(E) All investment earnings of the international registration 61470

plan distribution fund shall be credited to the fund. 61471

Sec. 4501.045. (A) All moneys received from the tax imposed 61472
by section 4503.02 of the Revised Code on commercial cars and 61473
buses that are registered in this state and that are not 61474
apportionable and to which the rates provided under divisions 61475
(A)(8) to (21) of section 4503.042 of the Revised Code apply, 61476
shall be distributed as follows: 61477

(1) First, forty-two and six-tenths per cent shall be 61478
deposited in the state treasury to the credit of the public safety 61479
- highway purposes fund created by section 4501.06 of the Revised 61480
Code, to be used solely for the purposes set forth in that 61481
section; 61482

(2) Second, the balance remaining after distribution under 61483
division (A)(1) of this section shall be deposited to the credit 61484
of the auto registration distribution fund for distribution in the 61485
manner provided in sections 4501.03 and 4501.04 of the Revised 61486
Code. 61487

(B) All moneys received from the tax imposed by section 61488
4503.02 of the Revised Code on commercial cars and buses that are 61489
registered in this state and that are not apportionable and to 61490
which the rates provided under divisions (A)(1) to (7) and 61491
division (B) of section 4503.042 of the Revised Code apply, shall 61492
be deposited to the credit of the auto registration distribution 61493
fund for distribution in the manner provided in sections 4501.03 61494
and 4501.04 of the Revised Code. 61495

(C) All moneys received from the tax imposed by section 61496
4503.02 of the Revised Code on trailers and semitrailers shall be 61497
deposited to the credit of the auto registration distribution fund 61498
for distribution in the manner provided in sections 4501.03 and 61499
4501.04 of the Revised Code. 61500

Sec. 4501.07. There is hereby created the public safety 61501
highway patrol custodial fund, which shall be in the custody of 61502
the treasurer of state, but shall not be part of the state 61503
treasury. Except as otherwise provided in section 5502.1321 of the 61504
Revised Code, all money seized during investigations or other 61505
enforcement activities of the highway patrol shall be deposited 61506
into the fund or otherwise safeguarded as provided in Chapter 61507
2981. of the Revised Code. The director of public safety shall 61508
transfer money upon resolution of all legal proceedings in 61509
accordance with Chapter 2981. of the Revised Code. 61510

Sec. 4503.02. An annual license tax is hereby levied upon the 61511
operation of motor vehicles on the public roads or highways, for 61512
the purpose of enforcing and paying the expense of administering 61513
the law relative to the registration and operation of such 61514
vehicles; planning, constructing, maintaining, and repairing 61515
public roads, highways, and streets; maintaining and repairing 61516
bridges and viaducts; paying the counties' proportion of the cost 61517
and expenses of cooperating with the department of transportation 61518
in the planning, improvement, and construction of state highways; 61519
paying the counties' portion of the compensation, damages, cost, 61520
and expenses of planning, constructing, reconstructing, improving, 61521
maintaining, and repairing roads; paying the principal, interest, 61522
and charges on county bonds and other obligations issued pursuant 61523
to Chapter 133. of the Revised Code or incurred pursuant to 61524
section 5531.09 of the Revised Code for highway improvements; for 61525
the purpose of providing motorcycle safety and education 61526
instruction; enabling municipal corporations to plan, construct, 61527
reconstruct, repave, widen, maintain, repair, clear, and clean 61528
public highways, roads, and streets; paying the principal, 61529
interest, and other charges on municipal bonds and other 61530
obligations issued pursuant to Chapter 133. of the Revised Code or 61531

incurred pursuant to section 5531.09 of the Revised Code for 61532
highway improvements; to maintain and repair bridges and viaducts; 61533
to purchase, erect, and maintain street and traffic signs and 61534
markers; to purchase, erect, and maintain traffic lights and 61535
signals; to supplement revenue already available for such 61536
purposes; to pay the interest, principal, and charges on bonds and 61537
other obligations issued pursuant to Section 2i of Article VIII, 61538
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 61539
Code. ~~Such~~ 61540

The tax shall be at the rates specified in sections 4503.04 61541
~~and~~, 4503.042, and 4503.65 of the Revised Code. Under section 61542
4503.04 of the Revised Code, the tax shall be paid to and 61543
collected by the registrar of motor vehicles or deputy registrar 61544
at the time of making application for registration. Under ~~section~~ 61545
sections 4503.042 and 4503.65 of the Revised Code, the tax shall 61546
be paid to and collected by the registrar or deputy registrar as 61547
specified in those sections at the time and manner set forth by 61548
the registrar by rule. 61549

Sec. 4503.038. (A) Not later than nine months after ~~the~~ 61550
~~effective date of this section~~ June 30, 2017, the registrar of 61551
motor vehicles shall adopt rules in accordance with Chapter 119. 61552
of the Revised Code establishing a service fee that applies for 61553
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 61554
4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 4506.08, 61555
4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 61556
4519.56, and 4519.69 of the Revised Code. The service fee shall be 61557
not more than five dollars and twenty-five cents. When 61558
establishing the fee, the registrar shall consider inflation and 61559
any other factors the registrar considers to be relevant to the 61560
determination. 61561

(B) Not later than nine months after ~~the effective date of~~ 61562

~~this section~~ June 30, 2017, the registrar shall adopt rules in accordance with Chapter 119. of the Revised Code establishing prorated service fees that apply for purposes of multi-year registrations authorized under section 4503.103 of the Revised Code. When establishing the fee, the registrar shall consider inflation and any other factors the registrar considers to be relevant to the determination.

Sec. 4503.04. Except as provided in sections 4503.042 and 4503.65 of the Revised Code for the registration of commercial cars, trailers, semitrailers, and certain buses, the rates of the taxes imposed by section 4503.02 of the Revised Code shall be as follows:

(A)(1) For motor vehicles having three wheels or less, the license tax is:

(a) For each motorized bicycle or moped, ten dollars;

(b) For each motorcycle, auticycle, cab-enclosed motorcycle, motor-driven cycle, or motor scooter, fourteen dollars.

(2) For each low-speed, under-speed, and utility vehicle, and each mini-truck, ten dollars.

(B) For each passenger car, twenty dollars;

(C) For each manufactured home, each mobile home, and each travel trailer or house vehicle, ten dollars;

(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;

(E) For each noncommercial trailer, the license tax is:

(1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped;	61592 61593 61594
(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including ten thousand pounds.	61595 61596 61597
(F) Notwithstanding its weight, twelve dollars for any:	61598
(1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;	61599 61600 61601
(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the van;	61602 61603 61604 61605
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older.	61606 61607
(G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a ridesharing arrangement.	61608 61609 61610
(H) For each transit bus having motor power the license tax is twelve dollars.	61611 61612
"Transit bus" means either a motor vehicle having a seating capacity of more than seven persons which is operated and used by any person in the rendition of a public mass transportation service primarily in a municipal corporation or municipal corporations and provided at least seventy-five per cent of the annual mileage of such service and use is within such municipal corporation or municipal corporations or a motor vehicle having a seating capacity of more than seven persons which is operated solely for the transportation of persons associated with a	61613 61614 61615 61616 61617 61618 61619 61620 61621

charitable or nonprofit corporation, but does not mean any motor 61622
vehicle having a seating capacity of more than seven persons when 61623
such vehicle is used in a ridesharing capacity or any bus 61624
described by division (F)(3) of this section. 61625

The application for registration of such transit bus shall be 61626
accompanied by an affidavit prescribed by the registrar of motor 61627
vehicles and signed by the person or an agent of the firm or 61628
corporation operating such bus stating that the bus has a seating 61629
capacity of more than seven persons, and that it is either to be 61630
operated and used in the rendition of a public mass transportation 61631
service and that at least seventy-five per cent of the annual 61632
mileage of such operation and use shall be within one or more 61633
municipal corporations or that it is to be operated solely for the 61634
transportation of persons associated with a charitable or 61635
nonprofit corporation. 61636

The form of the license plate, and the manner of its 61637
attachment to the vehicle, shall be prescribed by the registrar of 61638
motor vehicles. 61639

(I) Except as otherwise provided in division (A) or (J) of 61640
this section, the minimum tax for any vehicle having motor power 61641
is ten dollars and eighty cents, and for each noncommercial 61642
trailer, five dollars. 61643

(J)(1) Except as otherwise provided in division (J) of this 61644
section, for each farm truck, except a noncommercial motor 61645
vehicle, that is owned, controlled, or operated by one or more 61646
farmers exclusively in farm use as defined in this section, and 61647
not for commercial purposes, and provided that at least 61648
seventy-five per cent of such farm use is by or for the one or 61649
more owners, controllers, or operators of the farm in the 61650
operation of which a farm truck is used, the license tax is five 61651
dollars plus: 61652

- (a) Fifty cents per one hundred pounds or part thereof for the first three thousand pounds; 61653
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- (b) Seventy cents per one hundred pounds or part thereof in excess of three thousand pounds up to and including four thousand pounds; 61655
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- (c) Ninety cents per one hundred pounds or part thereof in excess of four thousand pounds up to and including six thousand pounds; 61658
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- (d) Two dollars for each one hundred pounds or part thereof in excess of six thousand pounds up to and including ten thousand pounds; 61661
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- (e) Two dollars and twenty-five cents for each one hundred pounds or part thereof in excess of ten thousand pounds; 61664
61665
- (f) The minimum license tax for any farm truck shall be twelve dollars. 61666
61667
- (2) The owner of a farm truck may register the truck for a period of one-half year by paying one-half the registration tax imposed on the truck under this chapter and one-half the amount of any tax imposed on the truck under Chapter 4504. of the Revised Code. 61668
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- (3) A farm bus may be registered for a period of two hundred ten days from the date of issue of the license plates for the bus, for a fee of ten dollars, provided such license plates shall not be issued for more than one such period in any calendar year. Such use does not include the operation of trucks by commercial processors of agricultural products. 61673
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- (4) License plates for farm trucks and for farm buses shall have some distinguishing marks, letters, colors, or other characteristics to be determined by the director of public safety. 61679
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- (5) Every person registering a farm truck or bus under this 61682

section shall furnish an affidavit certifying that the truck or 61683
bus licensed to that person is to be so used as to meet the 61684
requirements necessary for the farm truck or farm bus 61685
classification. 61686

Any farmer may use a truck owned by the farmer for commercial 61687
purposes by paying the difference between the commercial truck 61688
registration fee and the farm truck registration fee for the 61689
remaining part of the registration period for which the truck is 61690
registered. Such remainder shall be calculated from the beginning 61691
of the semiannual period in which application for such commercial 61692
license is made. 61693

Taxes at the rates provided in this section are in lieu of 61694
all taxes on or with respect to the ownership of such motor 61695
vehicles, except as provided in ~~section~~ sections 4503.042 ~~and~~ 61696
~~section~~, 4503.06, and 4503.65 of the Revised Code. 61697

(K) Other than trucks registered under the international 61698
registration plan in another jurisdiction and for which this state 61699
has received an apportioned registration fee, the license tax for 61700
each truck which is owned, controlled, or operated by a 61701
nonresident, and licensed in another state, and which is used 61702
exclusively for the transportation of nonprocessed agricultural 61703
products intrastate, from the place of production to the place of 61704
processing, is twenty-four dollars. 61705

"Truck," as used in this division, means any pickup truck, 61706
straight truck, semitrailer, or trailer other than a travel 61707
trailer. Nonprocessed agricultural products, as used in this 61708
division, does not include livestock or grain. 61709

A license issued under this division shall be issued for a 61710
period of one hundred thirty days in the same manner in which all 61711
other licenses are issued under this section, provided that no 61712
truck shall be so licensed for more than one 61713

one-hundred-thirty-day period during any calendar year. 61714

The license issued pursuant to this division shall consist of 61715
a windshield decal to be designed by the director of public 61716
safety. 61717

Every person registering a truck under this division shall 61718
furnish an affidavit certifying that the truck licensed to the 61719
person is to be used exclusively for the purposes specified in 61720
this division. 61721

(L) Every person registering a motor vehicle as a 61722
noncommercial motor vehicle as defined in section 4501.01 of the 61723
Revised Code, or registering a trailer as a noncommercial trailer 61724
as defined in that section, shall furnish an affidavit certifying 61725
that the motor vehicle or trailer so licensed to the person is to 61726
be so used as to meet the requirements necessary for the 61727
noncommercial vehicle classification. 61728

(M) Every person registering a van or bus as provided in 61729
divisions (F)(2) and (3) of this section shall furnish a notarized 61730
statement certifying that the van or bus licensed to the person is 61731
to be used for the purposes specified in those divisions. The form 61732
of the license plate issued for such motor vehicles shall be 61733
prescribed by the registrar. 61734

(N) Every person registering as a passenger car a motor 61735
vehicle designed and used for carrying more than nine but not more 61736
than fifteen passengers, and every person registering a bus as 61737
provided in division (G) of this section, shall furnish an 61738
affidavit certifying that the vehicle so licensed to the person is 61739
to be used in a ridesharing arrangement and that the person will 61740
have in effect whenever the vehicle is used in a ridesharing 61741
arrangement a policy of liability insurance with respect to the 61742
motor vehicle in amounts and coverages no less than those required 61743
by section 4509.79 of the Revised Code. The form of the license 61744

plate issued for such a motor vehicle shall be prescribed by the registrar. 61745
61746

(O)(1) If an application for registration renewal is not applied for prior to the expiration date of the registration or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration. For any motor vehicle that is used on a seasonal basis, whether used for general transportation or not, and that has not been used on the public roads or highways since the expiration of the registration, the registrar or deputy registrar shall waive the fee established under this division if the application is accompanied by supporting evidence of seasonal use as the registrar may require. The registrar or deputy registrar may waive the fee for other good cause shown if the application is accompanied by supporting evidence as the registrar may require. The fee shall be in addition to all other fees established by this section. A deputy registrar shall retain fifty cents of the fee and shall transmit the remaining amount to the registrar at the time and in the manner provided by section 4503.10 of the Revised Code. The registrar shall deposit all moneys received under this division into the public safety - highway purposes fund established in section 4501.06 of the Revised Code. 61747
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(2) Division (O)(1) of this section does not apply to a farm truck or farm bus registered under division (J) of this section. 61768
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(P) As used in this section: 61770

(1) "Van" means any motor vehicle having a single rear axle and an enclosed body without a second seat. 61771
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(2) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, or is blind, deaf, or so severely disabled as to be unable to move about without the 61773
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aid of crutches or a wheelchair. 61776

(3) "Farm truck" means a truck used in the transportation 61777
from the farm of products of the farm, including livestock and its 61778
products, poultry and its products, floricultural and 61779
horticultural products, and in the transportation to the farm of 61780
supplies for the farm, including tile, fence, and every other 61781
thing or commodity used in agricultural, floricultural, 61782
horticultural, livestock, and poultry production and livestock, 61783
poultry, and other animals and things used for breeding, feeding, 61784
or other purposes connected with the operation of the farm. 61785

(4) "Farm bus" means a bus used only for the transportation 61786
of agricultural employees and used only in the transportation of 61787
such employees as are necessary in the operation of the farm. 61788

(5) "Farm supplies" includes fuel used exclusively in the 61789
operation of a farm, including one or more homes located on and 61790
used in the operation of one or more farms, and furniture and 61791
other things used in and around such homes. 61792

Sec. 4503.042. ~~The registrar of motor vehicles shall adopt~~ 61793
~~rules establishing the date, subsequent to this state's entry into~~ 61794
~~membership in the international registration plan, when the rates~~ 61795
~~established by~~ under ~~this section become operative~~ apply to 61796
commercial cars, buses, trailers, and semitrailers that are not 61797
subject to apportioned rates under the international registration 61798
plan. 61799

(A) The rates of the annual registration taxes imposed by 61800
section 4503.02 of the Revised Code ~~are as follows for commercial~~ 61801
~~cars having a, based on~~ gross vehicle weight or combined gross 61802
vehicle weight ~~of, for commercial cars that are not apportionable~~ 61803
are as follows: 61804

(1) ~~Not~~ For not more than two thousand pounds, forty-five 61805

dollars;	61806
(2) More <u>For more</u> than two thousand but not more than six thousand pounds, seventy dollars;	61807 61808
(3) More <u>For more</u> than six thousand but not more than ten thousand pounds, eighty-five dollars;	61809 61810
(4) More <u>For more</u> than ten thousand but not more than fourteen thousand pounds, one hundred five dollars;	61811 61812
(5) More <u>For more</u> than fourteen thousand but not more than eighteen thousand pounds, one hundred twenty-five dollars;	61813 61814
(6) More <u>For more</u> than eighteen thousand but not more than twenty-two thousand pounds, one hundred fifty dollars;	61815 61816
(7) More <u>For more</u> than twenty-two thousand but not more than twenty-six thousand pounds, one hundred seventy-five dollars;	61817 61818
(8) More <u>For more</u> than twenty-six thousand but not more than thirty thousand pounds, three hundred fifty-five dollars;	61819 61820
(9) More <u>For more</u> than thirty thousand but not more than thirty-four thousand pounds, four hundred twenty dollars;	61821 61822
(10) More <u>For more</u> than thirty-four thousand but not more than thirty-eight thousand pounds, four hundred eighty dollars;	61823 61824
(11) More <u>For more</u> than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars;	61825 61826
(12) More <u>For more</u> than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars;	61827 61828
(13) More <u>For more</u> than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars;	61829 61830
(14) More <u>For more</u> than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars;	61831 61832
(15) More <u>For more</u> than fifty-four thousand but not more than fifty-eight thousand pounds, seven hundred eighty-five dollars;	61833 61834

(16) More <u>For more</u> than fifty-eight thousand but not more than sixty-two thousand pounds, eight hundred fifty-five dollars;	61835 61836
(17) More <u>For more</u> than sixty-two thousand but not more than sixty-six thousand pounds, nine hundred twenty-five dollars;	61837 61838
(18) More <u>For more</u> than sixty-six thousand but not more than seventy thousand pounds, nine hundred ninety-five dollars;	61839 61840
(19) More <u>For more</u> than seventy thousand but not more than seventy-four thousand pounds, one thousand eighty dollars;	61841 61842
(20) More <u>For more</u> than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand two hundred dollars;	61843 61844 61845
(21) More <u>For more</u> than seventy-eight thousand pounds, one thousand three hundred forty dollars.	61846 61847
(B) The rates of the <u>annual registration</u> taxes imposed by section 4503.02 of the Revised Code are as follows for buses having a, based on gross vehicle weight or combined gross vehicle weight of, for buses that are not apportionable are as follows:	61848 61849 61850 61851
(1) Not <u>For not</u> more than two thousand pounds, ten dollars;	61852
(2) More <u>For more</u> than two thousand but not more than six thousand pounds, forty dollars;	61853 61854
(3) More <u>For more</u> than six thousand but not more than ten thousand pounds, one hundred dollars;	61855 61856
(4) More <u>For more</u> than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars;	61857 61858
(5) More <u>For more</u> than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars;	61859 61860
(6) More <u>For more</u> than eighteen thousand but not more than twenty-two thousand pounds, three hundred forty dollars;	61861 61862
(7) More <u>For more</u> than twenty-two thousand but not more than	61863

twenty-six thousand pounds, four hundred twenty dollars;	61864
(8) More <u>For more</u> than twenty-six thousand but not more than	61865
thirty thousand pounds, five hundred dollars;	61866
(9) More <u>For more</u> than thirty thousand but not more than	61867
thirty-four thousand pounds, five hundred eighty dollars;	61868
(10) More <u>For more</u> than thirty-four thousand but not more	61869
than thirty-eight thousand pounds, six hundred sixty dollars;	61870
(11) More <u>For more</u> than thirty-eight thousand but not more	61871
than forty-two thousand pounds, seven hundred forty dollars;	61872
(12) More <u>For more</u> than forty-two thousand but not more than	61873
forty-six thousand pounds, eight hundred twenty dollars;	61874
(13) More <u>For more</u> than forty-six thousand but not more than	61875
fifty thousand pounds, nine hundred forty dollars;	61876
(14) More <u>For more</u> than fifty thousand but not more than	61877
fifty-four thousand pounds, one thousand dollars;	61878
(15) More <u>For more</u> than fifty-four thousand but not more than	61879
fifty-eight thousand pounds, one thousand ninety dollars;	61880
(16) More <u>For more</u> than fifty-eight thousand but not more	61881
than sixty-two thousand pounds, one thousand one hundred eighty	61882
dollars;	61883
(17) More <u>For more</u> than sixty-two thousand but not more than	61884
sixty-six thousand pounds, one thousand two hundred seventy	61885
dollars;	61886
(18) More <u>For more</u> than sixty-six thousand but not more than	61887
seventy thousand pounds, one thousand three hundred sixty dollars;	61888
(19) More <u>For more</u> than seventy thousand but not more than	61889
seventy-four thousand pounds, one thousand four hundred fifty	61890
dollars;	61891
(20) More <u>For more</u> than seventy-four thousand but not more	61892

than seventy-eight thousand pounds, one thousand five hundred 61893
forty dollars; 61894

(21) ~~More~~ For more than seventy-eight thousand pounds, one 61895
thousand six hundred thirty dollars. 61896

(C) ~~In addition to the license taxes imposed at the rates 61897
specified in divisions (A) and (B) of this section, a fee equal to 61898
the amount established under section 4503.038 of the Revised Code, 61899
plus an appropriate amount to cover the cost of postage, shall be 61900
collected by the registrar for each international registration 61901
plan license processed by the registrar. 61902~~

~~(D)~~ The rate of the tax for each trailer and semitrailer is 61903
twenty-five dollars. 61904

~~(E)~~(D) If an application for registration renewal is not 61905
applied for prior to the expiration date of the registration or 61906
within thirty days after that date, the registrar or deputy 61907
registrar shall collect a fee of ten dollars for the issuance of 61908
the vehicle registration, but may waive the fee for good cause 61909
shown if the application is accompanied by supporting evidence as 61910
the registrar may require. The fee shall be in addition to all 61911
other fees established by this section. A deputy registrar shall 61912
retain fifty cents of the fee and shall transmit the remaining 61913
amount to the registrar at the time and in the manner provided by 61914
section 4503.10 of the Revised Code. The registrar shall deposit 61915
all moneys received under this division into the public safety - 61916
highway purposes fund established in section 4501.06 of the 61917
Revised Code. 61918

~~(F)~~(E) The rates established by this section shall not apply 61919
to any of the following: 61920

(1) Vehicles equipped, owned, and used by a charitable or 61921
nonprofit corporation exclusively for the purpose of administering 61922
chest x-rays or receiving blood donations; 61923

(2) Vans used principally for the transportation of 61924
handicapped persons that have been modified by being equipped with 61925
adaptive equipment to facilitate the movement of such persons into 61926
and out of the vans; 61927

(3) Buses used principally for the transportation of 61928
handicapped persons or persons sixty-five years of age or older; 61929

(4) Buses used principally for the transportation of persons 61930
in a ridesharing arrangement; 61931

(5) Transit buses having motor power; 61932

(6) Noncommercial trailers, mobile homes, or manufactured 61933
homes. 61934

Sec. 4503.066. (A)(1) To obtain a tax reduction under section 61935
4503.065 of the Revised Code, the owner of the home shall file an 61936
application with the county auditor of the county in which the 61937
home is located. An application for reduction in taxes based upon 61938
a physical disability shall be accompanied by a certificate signed 61939
by a physician, and an application for reduction in taxes based 61940
upon a mental disability shall be accompanied by a certificate 61941
signed by a physician or psychologist licensed to practice in this 61942
state. The certificate shall attest to the fact that the applicant 61943
is permanently and totally disabled, shall be in a form that the 61944
department of taxation requires, and shall include the definition 61945
of totally and permanently disabled as set forth in section 61946
4503.064 of the Revised Code. An application for reduction in 61947
taxes based upon a disability certified as permanent and total by 61948
a state or federal agency having the function of so classifying 61949
persons shall be accompanied by a certificate from that agency. An 61950
application by a disabled veteran for the reduction under division 61951
(B) of section 4503.065 of the Revised Code shall be accompanied 61952
by a letter or other written confirmation from the United States 61953
department of veterans affairs, or its predecessor or successor 61954

agency, showing that the veteran qualifies as a disabled veteran. 61955

61956

(2) Each application shall constitute a continuing 61957
application for a reduction in taxes for each year in which the 61958
manufactured or mobile home is occupied by the applicant. Failure 61959
to receive a new application or notification under division (B) of 61960
this section after an application for reduction has been approved 61961
is prima-facie evidence that the original applicant is entitled to 61962
the reduction calculated on the basis of the information contained 61963
in the original application. The original application and any 61964
subsequent application shall be in the form of a signed statement 61965
and shall be filed ~~not later than the first Monday in June~~ on or 61966
before the thirty-first day of December of the year for which the 61967
reduction is sought. The statement shall be on a form, devised and 61968
supplied by the tax commissioner, that shall require no more 61969
information than is necessary to establish the applicant's 61970
eligibility for the reduction in taxes and the amount of the 61971
reduction to which the applicant is entitled. The form shall 61972
contain a statement that signing such application constitutes a 61973
delegation of authority by the applicant to the tax commissioner 61974
or the county auditor, individually or in consultation with each 61975
other, to examine any tax or financial records that relate to the 61976
income of the applicant as stated on the application for the 61977
purpose of determining eligibility under, or possible violation 61978
of, division (C) or (D) of this section. The form also shall 61979
contain a statement that conviction of willfully falsifying 61980
information to obtain a reduction in taxes or failing to comply 61981
with division (B) of this section shall result in the revocation 61982
of the right to the reduction for a period of three years. 61983

If an application filed for the current tax year is approved 61984
after the taxes have been paid for the current year, the amount of 61985
the reduction in taxes for the current year shall be treated as an 61986

overpayment of taxes in the same manner as a late application 61987
under division (A)(3) of this section. 61988

(3) A late application for a reduction in taxes for the year 61989
preceding the year for which an original application is filed may 61990
be filed with an original application. If the auditor determines 61991
that the information contained in the late application is correct, 61992
the auditor shall determine both the amount of the reduction in 61993
taxes to which the applicant would have been entitled for the 61994
current tax year had the application been timely filed and 61995
approved in the preceding year, and the amount the taxes levied 61996
under section 4503.06 of the Revised Code for the current year 61997
would have been reduced as a result of the reduction. When an 61998
applicant is permanently and totally disabled on the first day of 61999
January of the year in which the applicant files a late 62000
application, the auditor, in making the determination of the 62001
amounts of the reduction in taxes under division (A)(3) of this 62002
section, is not required to determine that the applicant was 62003
permanently and totally disabled on the first day of January of 62004
the preceding year. 62005

The amount of the reduction in taxes pursuant to a late 62006
application shall be treated as an overpayment of taxes by the 62007
applicant. The auditor shall credit the amount of the overpayment 62008
against the amount of the taxes or penalties then due from the 62009
applicant, and, at the next succeeding settlement, the amount of 62010
the credit shall be deducted from the amount of any taxes or 62011
penalties distributable to the county or any taxing unit in the 62012
county that has received the benefit of the taxes or penalties 62013
previously overpaid, in proportion to the benefits previously 62014
received. If, after the credit has been made, there remains a 62015
balance of the overpayment, or if there are no taxes or penalties 62016
due from the applicant, the auditor shall refund that balance to 62017
the applicant by a warrant drawn on the county treasurer in favor 62018

of the applicant. The treasurer shall pay the warrant from the 62019
general fund of the county. If there is insufficient money in the 62020
general fund to make the payment, the treasurer shall pay the 62021
warrant out of any undivided manufactured or mobile home taxes 62022
subsequently received by the treasurer for distribution to the 62023
county or taxing district in the county that received the benefit 62024
of the overpaid taxes, in proportion to the benefits previously 62025
received, and the amount paid from the undivided funds shall be 62026
deducted from the money otherwise distributable to the county or 62027
taxing district in the county at the next or any succeeding 62028
distribution. At the next or any succeeding distribution after 62029
making the refund, the treasurer shall reimburse the general fund 62030
for any payment made from that fund by deducting the amount of 62031
that payment from the money distributable to the county or other 62032
taxing unit in the county that has received the benefit of the 62033
taxes, in proportion to the benefits previously received. ~~On the~~ 62034
~~second Monday in September of each year, the~~ The county auditor 62035
shall certify the total amount of the reductions in taxes made in 62036
the current year under division (A)(3) of this section to the tax 62037
commissioner who shall treat that amount as a reduction in taxes 62038
for the current tax year and shall make reimbursement to the 62039
county of that amount in the manner prescribed in section 4503.068 62040
of the Revised Code, from moneys appropriated for that purpose. 62041

(B) If in any year for which an application for reduction in 62042
taxes has been approved the owner no longer qualifies for the 62043
reduction, the owner shall notify the county auditor that the 62044
owner is not qualified for a reduction in taxes. 62045

During ~~January~~ February of each year, the county auditor 62046
shall furnish each person whose application for reduction has been 62047
approved, by ordinary mail, a form on which to report any changes 62048
in total income, ownership, occupancy, disability, and other 62049
information earlier furnished the auditor relative to the 62050

application. The form shall be completed and returned to the 62051
auditor not later than the ~~first Monday in June~~ thirty-first day 62052
of December if the changes would affect the person's eligibility 62053
for the reduction. 62054

(C) No person shall knowingly make a false statement for the 62055
purpose of obtaining a reduction in taxes under section 4503.065 62056
of the Revised Code. 62057

(D) No person shall knowingly fail to notify the county 62058
auditor of any change required by division (B) of this section 62059
that has the effect of maintaining or securing a reduction in 62060
taxes under section 4503.065 of the Revised Code. 62061

(E) No person shall knowingly make a false statement or 62062
certification attesting to any person's physical or mental 62063
condition for purposes of qualifying such person for tax relief 62064
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 62065

(F) Whoever violates division (C), (D), or (E) of this 62066
section is guilty of a misdemeanor of the fourth degree. 62067

Sec. 4503.08. (A) The weight of all motor vehicles, except 62068
those taxed under ~~section~~ sections 4503.042 and 4503.65 of the 62069
Revised Code, shall be the weight of the vehicle fully equipped as 62070
determined on a standard scale. The weight of any machinery 62071
mounted upon or affixed to a motor vehicle and not inherently 62072
motor vehicle equipment shall not be included in the determination 62073
of the total weight. 62074

(B) The horsepower of all vehicles propelled by internal 62075
combustion engines shall be computed upon the following formula: 62076
square the diameter of the cylinder measured in inches, multiply 62077
by the number of cylinders, and divide by two and one half. For 62078
all motor vehicles propelled by steam engines, the rating of the 62079
horsepower shall be based on the system of rating adopted by the 62080

United States government. 62081

(C) For all motor vehicles propelled by electricity, the 62082
rating of the horsepower shall be the normal horsepower of the 62083
electric motor therein, to be ascertained by the registrar of 62084
motor vehicles. 62085

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 62086
motorcycle, and all-purpose vehicle required to be registered 62087
under section 4519.02 of the Revised Code shall file an 62088
application for registration under section 4519.03 of the Revised 62089
Code. The owner of a motor vehicle, other than a snowmobile, 62090
off-highway motorcycle, or all-purpose vehicle, that is not 62091
designed and constructed by the manufacturer for operation on a 62092
street or highway may not register it under this chapter except 62093
upon certification of inspection pursuant to section 4513.02 of 62094
the Revised Code by the sheriff, or the chief of police of the 62095
municipal corporation or township, with jurisdiction over the 62096
political subdivision in which the owner of the motor vehicle 62097
resides. Except as provided in section 4503.103 of the Revised 62098
Code, every owner of every other motor vehicle not previously 62099
described in this section and every person mentioned as owner in 62100
the last certificate of title of a motor vehicle that is operated 62101
or driven upon the public roads or highways shall cause to be 62102
filed each year, by mail or otherwise, in the office of the 62103
registrar of motor vehicles or a deputy registrar, a written or 62104
electronic application or a preprinted registration renewal notice 62105
issued under section 4503.102 of the Revised Code, the form of 62106
which shall be prescribed by the registrar, for registration for 62107
the following registration year, which shall begin on the first 62108
day of January of every calendar year and end on the thirty-first 62109
day of December in the same year. Applications for registration 62110
and registration renewal notices shall be filed at the times 62111
established by the registrar pursuant to section 4503.101 of the 62112

Revised Code. A motor vehicle owner also may elect to apply for or 62113
renew a motor vehicle registration by electronic means using 62114
electronic signature in accordance with rules adopted by the 62115
registrar. Except as provided in division (J) of this section, 62116
applications for registration shall be made on blanks furnished by 62117
the registrar for that purpose, containing the following 62118
information: 62119

(1) A brief description of the motor vehicle to be 62120
registered, including the year, make, model, and vehicle 62121
identification number, and, in the case of commercial cars, the 62122
gross weight of the vehicle fully equipped computed in the manner 62123
prescribed in section 4503.08 of the Revised Code; 62124

(2) The name and residence address of the owner, and the 62125
township and municipal corporation in which the owner resides; 62126

(3) The district of registration, which shall be determined 62127
as follows: 62128

(a) In case the motor vehicle to be registered is used for 62129
hire or principally in connection with any established business or 62130
branch business, conducted at a particular place, the district of 62131
registration is the municipal corporation in which that place is 62132
located or, if not located in any municipal corporation, the 62133
county and township in which that place is located. 62134

(b) In case the vehicle is not so used, the district of 62135
registration is the municipal corporation or county in which the 62136
owner resides at the time of making the application. 62137

(4) Whether the motor vehicle is a new or used motor vehicle; 62138

(5) The date of purchase of the motor vehicle; 62139

(6) Whether the fees required to be paid for the registration 62140
or transfer of the motor vehicle, during the preceding 62141
registration year and during the preceding period of the current 62142

registration year, have been paid. Each application for 62143
registration shall be signed by the owner, either manually or by 62144
electronic signature, or pursuant to obtaining a limited power of 62145
attorney authorized by the registrar for registration, or other 62146
document authorizing such signature. If the owner elects to apply 62147
for or renew the motor vehicle registration with the registrar by 62148
electronic means, the owner's manual signature is not required. 62149

(7) The owner's social security number, driver's license 62150
number, or state identification number, or, where a motor vehicle 62151
to be registered is used for hire or principally in connection 62152
with any established business, the owner's federal taxpayer 62153
identification number. The bureau of motor vehicles shall retain 62154
in its records all social security numbers provided under this 62155
section, but the bureau shall not place social security numbers on 62156
motor vehicle certificates of registration. 62157

(B) Except as otherwise provided in this division, each time 62158
an applicant first registers a motor vehicle in the applicant's 62159
name, the applicant shall present for inspection a physical 62160
certificate of title or memorandum certificate showing title to 62161
the motor vehicle to be registered in the name of the applicant if 62162
a physical certificate of title or memorandum certificate has been 62163
issued by a clerk of a court of common pleas. If, under sections 62164
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 62165
instead has issued an electronic certificate of title for the 62166
applicant's motor vehicle, that certificate may be presented for 62167
inspection at the time of first registration in a manner 62168
prescribed by rules adopted by the registrar. An applicant is not 62169
required to present a certificate of title to an electronic motor 62170
vehicle dealer acting as a limited authority deputy registrar in 62171
accordance with rules adopted by the registrar. When a motor 62172
vehicle inspection and maintenance program is in effect under 62173
section 3704.14 of the Revised Code and rules adopted under it, 62174

each application for registration for a vehicle required to be 62175
inspected under that section and those rules shall be accompanied 62176
by an inspection certificate for the motor vehicle issued in 62177
accordance with that section. The application shall be refused if 62178
any of the following applies: 62179

(1) The application is not in proper form. 62180

(2) The application is prohibited from being accepted by 62181
division (D) of section 2935.27, division (A) of section 2937.221, 62182
division (A) of section 4503.13, division (B) of section 4510.22, 62183
or division (B)(1) of section 4521.10 of the Revised Code. 62184

(3) A certificate of title or memorandum certificate of title 62185
is required but does not accompany the application or, in the case 62186
of an electronic certificate of title, is required but is not 62187
presented in a manner prescribed by the registrar's rules. 62188

(4) All registration and transfer fees for the motor vehicle, 62189
for the preceding year or the preceding period of the current 62190
registration year, have not been paid. 62191

(5) The owner or lessee does not have an inspection 62192
certificate for the motor vehicle as provided in section 3704.14 62193
of the Revised Code, and rules adopted under it, if that section 62194
is applicable. 62195

This section does not require the payment of license or 62196
registration taxes on a motor vehicle for any preceding year, or 62197
for any preceding period of a year, if the motor vehicle was not 62198
taxable for that preceding year or period under sections 4503.02, 62199
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 62200
Revised Code. When a certificate of registration is issued upon 62201
the first registration of a motor vehicle by or on behalf of the 62202
owner, the official issuing the certificate shall indicate the 62203
issuance with a stamp on the certificate of title or memorandum 62204
certificate or, in the case of an electronic certificate of title, 62205

an electronic stamp or other notation as specified in rules 62206
adopted by the registrar, and with a stamp on the inspection 62207
certificate for the motor vehicle, if any. The official also shall 62208
indicate, by a stamp or by other means the registrar prescribes, 62209
on the registration certificate issued upon the first registration 62210
of a motor vehicle by or on behalf of the owner the odometer 62211
reading of the motor vehicle as shown in the odometer statement 62212
included in or attached to the certificate of title. Upon each 62213
subsequent registration of the motor vehicle by or on behalf of 62214
the same owner, the official also shall so indicate the odometer 62215
reading of the motor vehicle as shown on the immediately preceding 62216
certificate of registration. 62217

The registrar shall include in the permanent registration 62218
record of any vehicle required to be inspected under section 62219
3704.14 of the Revised Code the inspection certificate number from 62220
the inspection certificate that is presented at the time of 62221
registration of the vehicle as required under this division. 62222

(C)(1) Except as otherwise provided in division (C)(1) of 62223
this section, the registrar and each deputy registrar shall 62224
collect an additional fee of eleven dollars for each application 62225
for registration and registration renewal received. For vehicles 62226
specified in divisions (A)(1) to (21) of section 4503.042 of the 62227
Revised Code, the registrar and deputy registrar shall collect an 62228
additional fee of thirty dollars for each application for 62229
registration and registration renewal received. No additional fee 62230
shall be charged for vehicles registered under section 4503.65 of 62231
the Revised Code. The additional fee is for the purpose of 62232
defraying the department of public safety's costs associated with 62233
the administration and enforcement of the motor vehicle and 62234
traffic laws of Ohio. Each deputy registrar shall transmit the 62235
fees collected under division (C)(1) of this section in the time 62236
and manner provided in this section. The registrar shall deposit 62237

all moneys received under division (C)(1) of this section into the 62238
public safety - highway purposes fund established in section 62239
4501.06 of the Revised Code. 62240

(2) In addition, a charge of twenty-five cents shall be made 62241
for each reflectorized safety license plate issued, and a single 62242
charge of twenty-five cents shall be made for each county 62243
identification sticker or each set of county identification 62244
stickers issued, as the case may be, to cover the cost of 62245
producing the license plates and stickers, including material, 62246
manufacturing, and administrative costs. Those fees shall be in 62247
addition to the license tax. If the total cost of producing the 62248
plates is less than twenty-five cents per plate, or if the total 62249
cost of producing the stickers is less than twenty-five cents per 62250
sticker or per set issued, any excess moneys accruing from the 62251
fees shall be distributed in the same manner as provided by 62252
section 4501.04 of the Revised Code for the distribution of 62253
license tax moneys. If the total cost of producing the plates 62254
exceeds twenty-five cents per plate, or if the total cost of 62255
producing the stickers exceeds twenty-five cents per sticker or 62256
per set issued, the difference shall be paid from the license tax 62257
moneys collected pursuant to section 4503.02 of the Revised Code. 62258

(D) Each deputy registrar shall be allowed a fee equal to the 62259
amount established under section 4503.038 of the Revised Code for 62260
each application for registration and registration renewal notice 62261
the deputy registrar receives, which shall be for the purpose of 62262
compensating the deputy registrar for the deputy registrar's 62263
services, and such office and rental expenses, as may be necessary 62264
for the proper discharge of the deputy registrar's duties in the 62265
receiving of applications and renewal notices and the issuing of 62266
registrations. 62267

(E) Upon the certification of the registrar, the county 62268
sheriff or local police officials shall recover license plates 62269

erroneously or fraudulently issued. 62270

(F) Each deputy registrar, upon receipt of any application 62271
for registration or registration renewal notice, together with the 62272
license fee and any local motor vehicle license tax levied 62273
pursuant to Chapter 4504. of the Revised Code, shall transmit that 62274
fee and tax, if any, in the manner provided in this section, 62275
together with the original and duplicate copy of the application, 62276
to the registrar. The registrar, subject to the approval of the 62277
director of public safety, may deposit the funds collected by 62278
those deputies in a local bank or depository to the credit of the 62279
"state of Ohio, bureau of motor vehicles." Where a local bank or 62280
depository has been designated by the registrar, each deputy 62281
registrar shall deposit all moneys collected by the deputy 62282
registrar into that bank or depository not more than one business 62283
day after their collection and shall make reports to the registrar 62284
of the amounts so deposited, together with any other information, 62285
some of which may be prescribed by the treasurer of state, as the 62286
registrar may require and as prescribed by the registrar by rule. 62287
The registrar, within three days after receipt of notification of 62288
the deposit of funds by a deputy registrar in a local bank or 62289
depository, shall draw on that account in favor of the treasurer 62290
of state. The registrar, subject to the approval of the director 62291
and the treasurer of state, may make reasonable rules necessary 62292
for the prompt transmittal of fees and for safeguarding the 62293
interests of the state and of counties, townships, municipal 62294
corporations, and transportation improvement districts levying 62295
local motor vehicle license taxes. The registrar may pay service 62296
charges usually collected by banks and depositories for such 62297
service. If deputy registrars are located in communities where 62298
banking facilities are not available, they shall transmit the fees 62299
forthwith, by money order or otherwise, as the registrar, by rule 62300
approved by the director and the treasurer of state, may 62301
prescribe. The registrar may pay the usual and customary fees for 62302

such service. 62303

(G) This section does not prevent any person from making an 62304
application for a motor vehicle license directly to the registrar 62305
by mail, by electronic means, or in person at any of the 62306
registrar's offices, upon payment of a service fee equal to the 62307
amount established under section 4503.038 of the Revised Code for 62308
each application. 62309

(H) No person shall make a false statement as to the district 62310
of registration in an application required by division (A) of this 62311
section. Violation of this division is falsification under section 62312
2921.13 of the Revised Code and punishable as specified in that 62313
section. 62314

(I)(1) Where applicable, the requirements of division (B) of 62315
this section relating to the presentation of an inspection 62316
certificate issued under section 3704.14 of the Revised Code and 62317
rules adopted under it for a motor vehicle, the refusal of a 62318
license for failure to present an inspection certificate, and the 62319
stamping of the inspection certificate by the official issuing the 62320
certificate of registration apply to the registration of and 62321
issuance of license plates for a motor vehicle under sections 62322
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 62323
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 62324
4503.47, and 4503.51 of the Revised Code. 62325

(2)(a) The registrar shall adopt rules ensuring that each 62326
owner registering a motor vehicle in a county where a motor 62327
vehicle inspection and maintenance program is in effect under 62328
section 3704.14 of the Revised Code and rules adopted under it 62329
receives information about the requirements established in that 62330
section and those rules and about the need in those counties to 62331
present an inspection certificate with an application for 62332
registration or preregistration. 62333

(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules adopted under section 4503.101 of the Revised Code that was applicable in the year in which the multi-year registration was issued, and the registration deadline for renewal of the multi-year registration.

(J) Subject to division (K) of this section, application for registration under the international registration plan, as set forth in sections 4503.60 to 4503.66 of the Revised Code, shall be made to the registrar on forms furnished by the registrar. In accordance with international registration plan guidelines and pursuant to rules adopted by the registrar, the forms shall include the following:

(1) A uniform mileage schedule;

(2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;

(3) Any other information the registrar requires by rule.

(K) The registrar shall determine the feasibility of implementing an electronic commercial fleet licensing and management program that will enable the owners of commercial

tractors, commercial trailers, and commercial semitrailers to 62365
conduct electronic transactions by July 1, 2010, or sooner. If the 62366
registrar determines that implementing such a program is feasible, 62367
the registrar shall adopt new rules under this division or amend 62368
existing rules adopted under this division as necessary in order 62369
to respond to advances in technology. 62370

If international registration plan guidelines and provisions 62371
allow member jurisdictions to permit applications for 62372
registrations under the international registration plan to be made 62373
via the internet, the rules the registrar adopts under this 62374
division shall permit such action. 62375

Sec. 4503.101. (A) The registrar of motor vehicles shall 62376
adopt rules to establish a system of motor vehicle registration 62377
based upon the type of vehicle to be registered, the type of 62378
ownership of the vehicle, the class of license plate to be issued, 62379
and any other factor the registrar determines to be relevant. 62380
Except for commercial cars, buses, trailers, and semitrailers that 62381
are registered in this state and that are taxed under ~~section~~ 62382
sections 4503.042 and 4503.65 of the Revised Code; except for 62383
rental vehicles owned by motor vehicle renting dealers; and except 62384
as otherwise provided by rule, motor vehicles owned by an 62385
individual shall be registered based upon the motor vehicle 62386
owner's date of birth. Beginning with the 2004 registration year, 62387
the registrar shall assign motor vehicles to the registration 62388
periods established by rules adopted under this section. 62389

(B) The registrar shall adopt rules to permit motor vehicle 62390
owners residing together at one address to select the date of 62391
birth of any one of the owners as the date to register any or all 62392
of the vehicles at that residence address, as shown in the records 62393
of the bureau of motor vehicles. 62394

(C) The registrar shall adopt rules to assign and reassign 62395

all commercial cars, trailers, and semitrailers that are 62396
registered in this state and that are taxed under ~~section~~ sections 62397
4503.042 and 4503.65 of the Revised Code and all rental vehicles 62398
owned by motor vehicle renting dealers to a system of registration 62399
so that the registrations of approximately one-twelfth of all such 62400
vehicles expire on the last day of each month of a calendar year. 62401
To effect a reassignment from the registration period in effect on 62402
June 30, 2003, to the new registration periods established by the 62403
rules adopted under this section as amended, the rules may require 62404
the motor vehicle to be registered for more or less than a 62405
twelve-month period at the time the motor vehicle's registration 62406
is subject to its initial renewal following the effective date of 62407
such rules. If necessary to effect an efficient transition, the 62408
rules may provide that the registration reassignments take place 62409
over two consecutive registration periods. The registration taxes 62410
to be charged shall be determined by the registrar on the basis of 62411
the annual tax otherwise due on the motor vehicle, prorated in 62412
accordance with the number of months for which the motor vehicle 62413
is registered, except that the fee established by division (C)(1) 62414
of section 4503.10 of the Revised Code shall be collected in full 62415
for each renewal that occurs during the transition period and 62416
shall not be prorated. 62417

(D) The registrar shall adopt rules to permit any commercial 62418
motor vehicle owner or motor vehicle renting dealer who owns two 62419
or more motor vehicles to request the registrar to permit the 62420
owner to separate the owner's fleet into up to four divisions for 62421
assignment to separate dates upon which to register the vehicles, 62422
provided that the registrar may disapprove any such request 62423
whenever the registrar has reason to believe that an uneven 62424
distribution of registrations throughout the calendar year has 62425
developed or is likely to develop. 62426

(E) Every owner or lessee of a motor vehicle holding a 62427

certificate of registration shall notify the registrar of any 62428
change of the owner's or lessee's correct address within ten days 62429
after the change occurs. The notification shall be in writing on a 62430
form provided by the registrar or by electronic means approved by 62431
the registrar and shall include the full name, date of birth if 62432
applicable, license number, county of residence or place of 62433
business, social security account number of an individual or 62434
federal tax identification number of a business, and new address. 62435

(F) As used in this section, "motor vehicle renting dealer" 62436
has the same meaning as in section 4549.65 of the Revised Code. 62437

Sec. 4503.15. Owners and lessees of motor vehicles who are 62438
residents of this state and hold an unrevoked and unexpired 62439
license duly admitting them to the practice of medicine in this 62440
state, upon application, accompanied by proof of the issuance to 62441
the applicant by this state of a ~~certificate~~ license issued 62442
pursuant to section 4731.14 of the Revised Code authorizing the 62443
person to engage in the practice of medicine, upon complying with 62444
the motor vehicle laws relating to registration and licensing of 62445
motor vehicles, and upon payment of the regular license fee, as 62446
prescribed under sections 4503.04 and 4503.10 of the Revised Code, 62447
and the payment of an additional fee of ten dollars, which shall 62448
be for the purpose of compensating the bureau of motor vehicles 62449
for additional services required in the issuing of license plates 62450
under this section, shall be issued a validation sticker and 62451
license plates, or a validation sticker alone when required by 62452
section 4503.191 of the Revised Code, for passenger cars and other 62453
vehicles of a class approved by the registrar. Such license 62454
plates, in addition to the letters and numbers ordinarily 62455
inscribed thereon, shall be inscribed with the word "physician." 62456

Sec. 4503.503. (A) The owner or lessee of any passenger car, 62457
noncommercial motor vehicle, recreational vehicle, or other 62458

vehicle of a class approved by the registrar of motor vehicles may 62459
apply to the registrar for the registration of the vehicle and 62460
issuance of "Ohio agriculture" license plates. The application for 62461
"Ohio agriculture" license plates may be combined with a request 62462
for a special reserved license plate under section 4503.40 or 62463
4503.42 of the Revised Code. Upon receipt of the completed 62464
application and compliance with division (B) of this section, the 62465
registrar shall issue to the applicant the appropriate vehicle 62466
registration and a set of "Ohio agriculture" license plates with a 62467
validation sticker or a validation sticker alone when required by 62468
section 4503.191 of the Revised Code. 62469

In addition to the letters and numbers ordinarily inscribed 62470
thereon, "Ohio agriculture" license plates shall be inscribed with 62471
words and markings selected and designed by the Ohio farm bureau 62472
federation, in consultation with representatives of agricultural 62473
commodity organizations of this state. The registrar shall approve 62474
the final design. "Ohio agriculture" license plates shall bear 62475
county identification stickers that identify the county of 62476
registration as required under section 4503.19 of the Revised 62477
Code. 62478

(B) "Ohio agriculture" license plates and validation stickers 62479
shall be issued upon payment of the regular license tax as 62480
prescribed under section 4503.04 of the Revised Code, any 62481
applicable motor vehicle tax levied under Chapter 4504. of the 62482
Revised Code, any applicable fee prescribed by section 4503.40 or 62483
4503.42 of the Revised Code, a bureau of motor vehicles 62484
administrative fee of ten dollars, the contribution specified 62485
under division (C) of this section, and compliance with all other 62486
applicable laws relating to the registration of motor vehicles. 62487

(C) For each application for registration and registration 62488
renewal received under this section, the registrar shall collect a 62489

contribution of twenty dollars. The registrar shall transmit this 62490
contribution to the treasurer of state for deposit in the ~~Ohio~~ 62491
~~agriculture license plate scholarship~~ state treasury to the credit 62492
of the agro Ohio fund created in section ~~901.90~~ 901.04 of the 62493
Revised Code. 62494

(D) The registrar shall deposit the bureau administrative fee 62495
of ten dollars specified in division (B) of this section, the 62496
purpose of which is to compensate the bureau for the additional 62497
services required in the issuing of the applicant's "Ohio 62498
agriculture" license plates, into the state bureau of motor 62499
vehicles fund created in section 4501.25 of the Revised Code. 62500

Sec. 4503.63. (A) The registrar of motor vehicles shall adopt 62501
rules in accordance with the international registration plan for 62502
the calculation of the proportionate registration tax due under 62503
section ~~4503.042~~ 4503.65 of the Revised Code for the registration 62504
of a vehicle in this state and in all jurisdictions declared for 62505
apportionment purposes on the uniform mileage schedule. In 62506
accordance with such rules, the registrar shall notify the 62507
registrant of the taxes or fees due and shall collect the amount 62508
due for registration in each declared jurisdiction, unless the 62509
other jurisdiction bills the registrant directly. 62510

(B) The registrar shall notify other declared jurisdictions 62511
that an apportioned registration application has been filed, shall 62512
furnish the declared jurisdiction documentation to substantiate 62513
and verify the application, and shall transmit the taxes or fees 62514
to those jurisdictions within forty-five days of receipt. 62515

(C) The registrar shall cooperate with other jurisdictions in 62516
connection with registration of vehicles under sections 4503.60 to 62517
4503.66 of the Revised Code and the collection of apportioned 62518
taxes and fees. 62519

Sec. 4503.65. ~~The registrar of motor vehicles shall take all steps necessary to determine and collect the apportioned registration tax due for vehicles registered in another international registration plan jurisdiction that lists Ohio for apportionment purposes on a uniform mileage schedule. The registration taxes to be charged shall be determined on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered. Until October 1, 2009, such vehicles shall be taxed at the rates established under section 4503.042 of the Revised Code. The rates ~~in~~ established under this section ~~become~~ effective on and after October 1, 2009 apply to commercial cars and buses that are subject to apportioned rates under the international registration plan.~~

(A) The rates of ~~the~~ annual registration taxes ~~imposed by this section are as follows for commercial cars having a, based on gross vehicle weight or combined gross vehicle weight of, for commercial cars that are apportionable are as follows:~~

(1) ~~Not~~ For not more than two thousand pounds, ~~forty seven one hundred~~ dollars;

(2) ~~More~~ For more than two thousand but not more than six thousand pounds, ~~seventy two~~ one hundred twenty-five dollars;

(3) ~~More~~ For more than six thousand but not more than ten thousand pounds, ~~eighty eight~~ one hundred forty dollars;

(4) ~~More~~ For more than ten thousand but not more than fourteen thousand pounds, one hundred ~~eight~~ sixty dollars;

(5) ~~More~~ For more than fourteen thousand but not more than eighteen thousand pounds, one hundred ~~twenty nine~~ eighty dollars;

(6) ~~More~~ For more than eighteen thousand but not more than twenty-two thousand pounds, ~~one~~ two hundred ~~fifty four~~ five

dollars;	62550
(7) More <u>For more</u> than twenty-two thousand but not more than	62551
twenty-six thousand pounds, one two <u>hundred eighty thirty</u> dollars;	62552
(8) More <u>For more</u> than twenty-six thousand but not more than	62553
thirty thousand pounds, three four <u>hundred sixty four ten</u> dollars;	62554
(9) More <u>For more</u> than thirty thousand but not more than	62555
thirty-four thousand pounds, four hundred thirty one <u>seventy-five</u>	62556
dollars;	62557
(10) More <u>For more</u> than thirty-four thousand but not more	62558
than thirty-eight thousand pounds, four five <u>hundred ninety two</u>	62559
<u>thirty-five</u> dollars;	62560
(11) More <u>For more</u> than thirty-eight thousand but not more	62561
than forty-two thousand pounds, five hundred fifty four	62562
<u>ninety-five</u> dollars;	62563
(12) More <u>For more</u> than forty-two thousand but not more than	62564
forty-six thousand pounds, six hundred fifteen <u>fifty-five</u> dollars;	62565
(13) More <u>For more</u> than forty-six thousand but not more than	62566
fifty thousand pounds, six seven <u>hundred seventy seven fifteen</u>	62567
dollars;	62568
(14) More <u>For more</u> than fifty thousand but not more than	62569
fifty-four thousand pounds, seven hundred forty four <u>eighty</u>	62570
dollars;	62571
(15) More <u>For more</u> than fifty-four thousand but not more than	62572
fifty-eight thousand pounds, eight hundred five <u>forty</u> dollars;	62573
(16) More <u>For more</u> than fifty-eight thousand but not more	62574
than sixty-two thousand pounds, eight nine <u>hundred seventy seven</u>	62575
<u>ten</u> dollars;	62576
(17) More <u>For more</u> than sixty-two thousand but not more than	62577
sixty-six thousand pounds, nine hundred forty nine <u>eighty</u> dollars;	62578

(18) More <u>For more</u> than sixty-six thousand but not more than	62579
seventy thousand pounds, one thousand twenty <u>fifty</u> dollars;	62580
(19) More <u>For more</u> than seventy thousand but not more than	62581
seventy-four thousand pounds, one thousand one hundred seven	62582
<u>thirty-five</u> dollars;	62583
(20) More <u>For more</u> than seventy-four thousand but not more	62584
than seventy-eight thousand pounds, one thousand two hundred	62585
thirty <u>fifty-five</u> dollars;	62586
(21) More <u>For more</u> than seventy-eight thousand pounds, one	62587
thousand three hundred seventy-three <u>ninety-five</u> dollars and fifty	62588
cents .	62589
(B) The rates of the <u>annual registration</u> taxes imposed by	62590
this section are as follows for buses having a, <u>based on</u> gross	62591
vehicle weight or combined gross vehicle weight of, <u>for buses that</u>	62592
<u>are apportionable are as follows:</u>	62593
(1) Not <u>For not</u> more than two thousand pounds, eleven	62594
<u>forty-six</u> dollars;	62595
(2) More <u>For more</u> than two thousand but not more than six	62596
thousand pounds, forty-one <u>seventy-six</u> dollars;	62597
(3) More <u>For more</u> than six thousand but not more than ten	62598
thousand pounds, one hundred three <u>thirty-six</u> dollars;	62599
(4) More <u>For more</u> than ten thousand but not more than	62600
fourteen thousand pounds, one <u>two</u> hundred eighty-five <u>sixteen</u>	62601
dollars;	62602
(5) More <u>For more</u> than fourteen thousand but not more than	62603
eighteen thousand pounds, two hundred sixty-seven <u>ninety-six</u>	62604
dollars;	62605
(6) More <u>For more</u> than eighteen thousand but not more than	62606
twenty-two thousand pounds, three hundred forty-nine <u>seventy-six</u>	62607
dollars;	62608

- (7) ~~More~~ For more than twenty-two thousand but not more than 62609
twenty-six thousand pounds, four hundred ~~thirty-one~~ fifty-six 62610
dollars; 62611
- (8) ~~More~~ For more than twenty-six thousand but not more than 62612
thirty thousand pounds, five hundred ~~thirteen~~ thirty-six dollars; 62613
- (9) ~~More~~ For more than thirty thousand but not more than 62614
thirty-four thousand pounds, ~~five~~ six hundred ~~ninety-four~~ sixteen 62615
dollars ~~and fifty cents~~; 62616
- (10) ~~More~~ For more than thirty-four thousand but not more 62617
than thirty-eight thousand pounds, six hundred ~~seventy-four~~ 62618
ninety-six dollars ~~and fifty cents~~; 62619
- (11) ~~More~~ For more than thirty-eight thousand but not more 62620
than forty-two thousand pounds, seven hundred ~~fifty-four~~ 62621
seventy-six dollars ~~and fifty cents~~; 62622
- (12) ~~More~~ For more than forty-two thousand but not more than 62623
forty-six thousand pounds, eight hundred ~~thirty-four~~ fifty-six 62624
dollars ~~and fifty cents~~; 62625
- (13) ~~More~~ For more than forty-six thousand but not more than 62626
fifty thousand pounds, nine hundred ~~fifty-four~~ seventy-six dollars 62627
~~and fifty cents~~; 62628
- (14) ~~More~~ For more than fifty thousand but not more than 62629
fifty-four thousand pounds, one thousand ~~fourteen~~ thirty-six 62630
dollars ~~and fifty cents~~; 62631
- (15) ~~More~~ For more than fifty-four thousand but not more than 62632
fifty-eight thousand pounds, one thousand one hundred ~~four~~ 62633
twenty-six dollars ~~and fifty cents~~; 62634
- (16) ~~More~~ For more than fifty-eight thousand but not more 62635
than sixty-two thousand pounds, one thousand ~~one~~ two hundred 62636
~~ninety-four~~ sixteen dollars ~~and fifty cents~~; 62637
- (17) ~~More~~ For more than sixty-two thousand but not more than 62638

sixty-six thousand pounds, one thousand ~~two~~ three hundred
eighty-four six dollars and ~~fifty~~ cents; 62639
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(18) ~~More~~ For more than sixty-six thousand but not more than 62641
seventy thousand pounds, one thousand three hundred ~~seventy-four~~
ninety-six dollars and ~~fifty~~ cents; 62642
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(19) ~~More~~ For more than seventy thousand but not more than 62644
seventy-four thousand pounds, one thousand four hundred ~~sixty-four~~
eighty-six dollars and ~~fifty~~ cents; 62645
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(20) ~~More~~ For more than seventy-four thousand but not more 62647
than seventy-eight thousand pounds, one thousand five hundred
~~fifty-four~~ seventy-six dollars and ~~fifty~~ cents; 62648
62649

(21) ~~More~~ For more than seventy-eight thousand pounds, one 62650
thousand six hundred ~~forty-four~~ sixty-six dollars and ~~fifty~~ cents. 62651

(C)(1) Applications for the in-state registration of a 62652
commercial car or commercial bus under the international 62653
registration plan shall be filed with the registrar. The registrar 62654
shall use the appropriate amount under division (A) or (B) of this 62655
section as the base rate for purposes of determining the 62656
registration taxes due to this state in accordance with rules 62657
adopted under section 4503.63 of the Revised Code for 62658
apportionment purposes. 62659

(2) With regard to a commercial car or commercial bus that is 62660
registered in this state and is subject to the international 62661
registration plan, the registrar or deputy registrar shall charge 62662
a fee equal to the amount established under section 4503.038 of 62663
the Revised Code, plus an appropriate amount to cover the cost of 62664
postage. 62665

(3) With regard to a commercial car or commercial bus that is 62666
registered in this state and is subject to the international 62667
registration plan, if an application for registration renewal is 62668
not applied for prior to the expiration date of the registration 62669

or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration. The registrar may waive the fee for good cause shown if the application is accompanied by supporting evidence as the registrar may require.

(D) The registrar of motor vehicles shall take all steps necessary to determine and collect the apportioned registration tax due for vehicles registered in another international registration plan jurisdiction that lists Ohio for apportionment purposes on a uniform mileage schedule. The registration taxes charged shall be determined on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered. The base rate shall be the applicable amount under division (A) or (B) of this section.

Sec. 4503.77. (A) As used in this section: 62685

(1) "Nonstandard license plate" means all of the following: 62686

(a) A license plate issued under sections 4503.52, 4503.55, 4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the Revised Code; 62687
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(b) A license plate issued under a program that is reestablished under division (D) of this section and that meets the requirements contained in division (B) of section 4503.78 of the Revised Code; 62690
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(c) Except as may otherwise be specifically provided by law, any license plate created after August 21, 1997. 62694
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(2) For purposes of license plates issued under sections 4503.503 and 4503.504 of the Revised Code, "sponsor" includes ~~the Ohio agriculture license plate scholarship fund board created in section 901.90 of the Revised Code and the director of~~ 62696
62697
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agriculture. 62700

(B)(1) If, during any calendar year, the total number of 62701
motor vehicle registrations involving a particular type of 62702
nonstandard license plate is less than twenty-five, including both 62703
new registrations and registration renewals, the registrar of 62704
motor vehicles, on or after the first day of January, but not 62705
later than the fifteenth day of January of the following year, 62706
shall send a written notice to the sponsor of that type of 62707
nonstandard license plate, if a sponsor exists, informing the 62708
sponsor of this fact. The registrar also shall inform the sponsor 62709
that if, during the calendar year in which the written notice is 62710
sent, the total number of motor vehicle registrations involving 62711
the sponsor's nonstandard license plate again is less than 62712
twenty-five, the program involving that type of nonstandard 62713
license plate will be terminated on the thirty-first day of 62714
December of the calendar year in which the written notice is sent 62715
and, except as provided in division (C) of this section, no motor 62716
vehicle registration application involving either the actual 62717
issuance of that type of nonstandard license plate or the 62718
registration renewal of a motor vehicle displaying that type of 62719
nonstandard license plate will be accepted by the registrar or a 62720
deputy registrar beginning the first day of January of the next 62721
calendar year. The registrar also shall inform the sponsor that if 62722
the program involving the sponsor's nonstandard license plate is 62723
terminated under this section, it may be reestablished pursuant to 62724
division (D) of this section. 62725

(2) If, during any calendar year, the total number of motor 62726
vehicle registrations involving a particular type of nonstandard 62727
license plate is less than twenty-five, including both new 62728
registrations and registration renewals, and no sponsor exists for 62729
that license plate, the registrar shall issue a public notice on 62730
or after the first day of January, but not later than the 62731

fifteenth day of January of the following year, stating that fact. 62732
The notice also shall inform the public that if, during the 62733
calendar year in which the registrar issues the public notice, the 62734
total number of motor vehicle registrations for that type of 62735
nonstandard license plate, including both new registrations and 62736
registration renewals, again is less than twenty-five, the program 62737
involving that type of nonstandard license plate will be 62738
terminated on the thirty-first day of December of the calendar 62739
year in which the registrar issues the public notice and, except 62740
as provided in division (C) of this section, no motor vehicle 62741
registration application involving either the actual issuance of 62742
that type of nonstandard license plate or the registration renewal 62743
of a motor vehicle displaying that type of nonstandard license 62744
plate will be accepted by the registrar or a deputy registrar 62745
beginning on the first day of January of the next calendar year. 62746

(C) If the program involving a type of nonstandard license 62747
plate is terminated under division (B) of this section, the 62748
registration of any motor vehicle displaying that type of 62749
nonstandard license plate at the time of termination may be 62750
renewed so long as the nonstandard license plates remain 62751
serviceable. If the nonstandard license plates of such a motor 62752
vehicle become unfit for service, the owner of the motor vehicle 62753
may apply for the issuance of nonstandard license plates of that 62754
same type, but the registrar or deputy registrar shall issue such 62755
nonstandard license plates only if at the time of application the 62756
stock of the bureau contains license plates of that type of 62757
nonstandard license plate. If, at the time of such application, 62758
the stock of the bureau does not contain license plates of that 62759
type of nonstandard license plate, the registrar or deputy 62760
registrar shall inform the owner of that fact, and the application 62761
shall be refused. 62762

If the program involving a type of nonstandard license plate 62763

is terminated under division (B) of this section and the 62764
registration of motor vehicles displaying such license plates 62765
continues as permitted by this division, the registrar, for as 62766
long as such registrations continue to be issued, shall continue 62767
to collect and distribute any contribution that was required to be 62768
collected and distributed prior to the termination of that 62769
program. 62770

(D) If the program involving a nonstandard license plate is 62771
terminated under division (B)(1) of this section, the sponsor of 62772
that license plate may apply to the registrar for the 62773
reestablishment of the program. If the program involving that 62774
nonstandard license plate is reestablished, the reestablishment is 62775
subject to division (B) of section 4503.78 of the Revised Code. 62776

Sec. 4503.83. (A) Commencing January 1, 2014, the owner or 62777
lessee of a fleet of apportioned vehicles may apply to the 62778
registrar of motor vehicles for the registration of any 62779
apportioned vehicle, commercial trailer, or other vehicle of a 62780
class approved by the registrar and issuance of company logo 62781
license plates. The initial application shall be for not less than 62782
fifty eligible vehicles. The applicant shall provide the registrar 62783
the artwork for the company logo plate in a format designated by 62784
the registrar. The registrar shall approve the artwork or return 62785
the artwork for modification in accordance with any design 62786
requirements reasonably imposed by the registrar. 62787

Upon approval of the artwork and receipt of the completed 62788
application and compliance with divisions (B) and (C) of this 62789
section, the registrar shall issue to the applicant the 62790
appropriate vehicle registration and the appropriate number of 62791
company logo license plates with a validation sticker or a 62792
validation sticker alone when required by section 4503.191 of the 62793
Revised Code, except that no validation sticker shall be issued 62794

under this section for a motor vehicle for which the registration tax is specified in section 4503.042 of the Revised Code. 62795
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In addition to the letters and numbers ordinarily inscribed on license plates, company logo license plates shall be inscribed with words and markings requested by the applicant and approved by the registrar. 62797
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(B) A company logo license plate and a validation sticker or, when applicable, a validation sticker alone shall be issued upon payment of the applicable regular license tax prescribed in section 4503.042 or 4503.65 of the Revised Code for the registration of a vehicle in this state, any applicable fees prescribed in section 4503.10 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, a bureau of motor vehicles fee of six dollars when a company logo license plate actually is issued, and compliance with all other applicable laws relating to the registration of motor vehicles. If a company logo plate is issued to replace an existing license plate for the same vehicle, the replacement license plate fees prescribed in division (A) of section 4503.19 of the Revised Code shall not apply. 62801
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(C) The registrar shall deposit the bureau of motor vehicles fee specified in division (B) of this section, the purpose of which is to compensate the bureau for the additional services required in issuing company logo license plates, in the public safety - highway purposes fund created in section 4501.06 of the Revised Code. 62815
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Sec. 4504.201. No commercial car that is taxed under division (A) of section 4503.65 of the Revised Code, and no commercial bus that is taxed under division (B) of section 4503.65 of the Revised Code, is subject to a tax established under section 4504.02, 4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.18, 62821
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or 4504.24 of the Revised Code. 62826

Sec. 4508.02. (A)(1) The director of public safety, subject 62827
to Chapter 119. of the Revised Code, shall adopt and prescribe 62828
such rules concerning the administration and enforcement of this 62829
chapter as are necessary to protect the public. The rules shall 62830
require an assessment of the holder of a probationary instructor 62831
license. The director shall inspect the school facilities and 62832
equipment of applicants and licensees and examine applicants for 62833
instructor's licenses. 62834

(2) The director shall adopt rules governing online driver 62835
education courses that may be completed via the internet to 62836
satisfy the classroom instruction under division (C) of this 62837
section. The rules shall do all of the following: 62838

(a) Establish standards that an online driver training 62839
enterprise must satisfy to be licensed to offer an online driver 62840
education course via the internet, including, at a minimum, proven 62841
expertise in providing driver education and an acceptable 62842
infrastructure capable of providing secure online driver education 62843
in accord with advances in internet technology. The rules shall 62844
allow an online driver training enterprise to be affiliated with a 62845
licensed driver training school offering in-person classroom 62846
instruction, but shall not require such an affiliation. 62847

(b) Establish content requirements that an online driver 62848
education course must satisfy to be approved as equivalent to 62849
twenty-four hours of in-person classroom instruction; 62850

(c) Establish attendance standards, including a maximum 62851
number of course hours that may be completed in a twenty-four-hour 62852
period; 62853

(d) Allow an enrolled applicant to begin the required eight 62854
hours of actual behind-the-wheel instruction upon completing at 62855

least two hours of course instruction and being issued a certificate of enrollment by a licensed online driver training enterprise;

(e) Establish any other requirements necessary to regulate online driver education.

(B) The director shall administer and enforce this chapter.

(C) The rules shall require twenty-four hours of in-person classroom instruction or completion of an approved, equivalent online driver education course offered via the internet by a licensed online driver training enterprise, and eight hours of actual behind-the-wheel instruction conducted on public streets and highways of this state for all beginning drivers of noncommercial motor vehicles who are under age eighteen. The rules also shall require the classroom instruction or online driver education course for such drivers to include instruction ~~in the~~ on both of the following:

(1) The dangers of driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication;

(2) Substance abuse and prescription drug abuse, the science related to addiction, and the effect of psychoactive substances on the brain and on a person while operating a motor vehicle.

(D) The rules shall state the minimum hours for classroom and behind-the-wheel instruction required for beginning drivers of commercial trucks, commercial cars, buses, and commercial tractors, trailers, and semitrailers.

(E)(1) The department of public safety may charge a fee to each online driver training enterprise in an amount sufficient to pay the actual expenses the department incurs in the regulation of online driver education courses.

(2) The department shall supply to each licensed online driver training enterprise certificates to be used for certifying an applicant's enrollment in an approved online driver education course and a separate certificate to be issued upon successful completion of an approved online driver education course. The certificates shall be numbered serially. The department may charge a fee to each online driver training enterprise per certificate supplied to pay the actual expenses the department incurs in supplying the certificates.

(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code governing an abbreviated driver training course for adults that must be completed by any applicant for an initial driver's license who is eighteen years of age or older and who failed the road or maneuverability test required under division (A)(2) of section 4507.11 of the Revised Code prior to attempting the test a second or subsequent time.

Sec. 4511.19. (A)(1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(d) The person has a concentration of eight-hundredths of one

gram or more but less than seventeen-hundredths of one gram by 62916
weight of alcohol per two hundred ten liters of the person's 62917
breath. 62918

(e) The person has a concentration of eleven-hundredths of 62919
one gram or more but less than two hundred 62920
thirty-eight-thousandths of one gram by weight of alcohol per one 62921
hundred milliliters of the person's urine. 62922

(f) The person has a concentration of seventeen-hundredths of 62923
one per cent or more by weight per unit volume of alcohol in the 62924
person's whole blood. 62925

(g) The person has a concentration of two hundred 62926
four-thousandths of one per cent or more by weight per unit volume 62927
of alcohol in the person's blood serum or plasma. 62928

(h) The person has a concentration of seventeen-hundredths of 62929
one gram or more by weight of alcohol per two hundred ten liters 62930
of the person's breath. 62931

(i) The person has a concentration of two hundred 62932
thirty-eight-thousandths of one gram or more by weight of alcohol 62933
per one hundred milliliters of the person's urine. 62934

(j) Except as provided in division (K) of this section, the 62935
person has a concentration of any of the following controlled 62936
substances or metabolites of a controlled substance in the 62937
person's whole blood, blood serum or plasma, or urine that equals 62938
or exceeds any of the following: 62939

(i) The person has a concentration of amphetamine in the 62940
person's urine of at least five hundred nanograms of amphetamine 62941
per milliliter of the person's urine or has a concentration of 62942
amphetamine in the person's whole blood or blood serum or plasma 62943
of at least one hundred nanograms of amphetamine per milliliter of 62944
the person's whole blood or blood serum or plasma. 62945

(ii) The person has a concentration of cocaine in the 62946
person's urine of at least one hundred fifty nanograms of cocaine 62947
per milliliter of the person's urine or has a concentration of 62948
cocaine in the person's whole blood or blood serum or plasma of at 62949
least fifty nanograms of cocaine per milliliter of the person's 62950
whole blood or blood serum or plasma. 62951

(iii) The person has a concentration of cocaine metabolite in 62952
the person's urine of at least one hundred fifty nanograms of 62953
cocaine metabolite per milliliter of the person's urine or has a 62954
concentration of cocaine metabolite in the person's whole blood or 62955
blood serum or plasma of at least fifty nanograms of cocaine 62956
metabolite per milliliter of the person's whole blood or blood 62957
serum or plasma. 62958

(iv) The person has a concentration of heroin in the person's 62959
urine of at least two thousand nanograms of heroin per milliliter 62960
of the person's urine or has a concentration of heroin in the 62961
person's whole blood or blood serum or plasma of at least fifty 62962
nanograms of heroin per milliliter of the person's whole blood or 62963
blood serum or plasma. 62964

(v) The person has a concentration of heroin metabolite 62965
(6-monoacetyl morphine) in the person's urine of at least ten 62966
nanograms of heroin metabolite (6-monoacetyl morphine) per 62967
milliliter of the person's urine or has a concentration of heroin 62968
metabolite (6-monoacetyl morphine) in the person's whole blood or 62969
blood serum or plasma of at least ten nanograms of heroin 62970
metabolite (6-monoacetyl morphine) per milliliter of the person's 62971
whole blood or blood serum or plasma. 62972

(vi) The person has a concentration of L.S.D. in the person's 62973
urine of at least twenty-five nanograms of L.S.D. per milliliter 62974
of the person's urine or a concentration of L.S.D. in the person's 62975
whole blood or blood serum or plasma of at least ten nanograms of 62976
L.S.D. per milliliter of the person's whole blood or blood serum 62977

or plasma. 62978

(vii) The person has a concentration of marihuana in the 62979
person's urine of at least ten nanograms of marihuana per 62980
milliliter of the person's urine or has a concentration of 62981
marihuana in the person's whole blood or blood serum or plasma of 62982
at least two nanograms of marihuana per milliliter of the person's 62983
whole blood or blood serum or plasma. 62984

(viii) Either of the following applies: 62985

(I) The person is under the influence of alcohol, a drug of 62986
abuse, or a combination of them, and, ~~as measured by gas~~ 62987
~~chromatography mass spectrometry,~~ the person has a concentration 62988
of marihuana metabolite in the person's urine of at least fifteen 62989
nanograms of marihuana metabolite per milliliter of the person's 62990
urine or has a concentration of marihuana metabolite in the 62991
person's whole blood or blood serum or plasma of at least five 62992
nanograms of marihuana metabolite per milliliter of the person's 62993
whole blood or blood serum or plasma. 62994

(II) ~~As measured by gas chromatography mass spectrometry, the~~ 62995
The person has a concentration of marihuana metabolite in the 62996
person's urine of at least thirty-five nanograms of marihuana 62997
metabolite per milliliter of the person's urine or has a 62998
concentration of marihuana metabolite in the person's whole blood 62999
or blood serum or plasma of at least fifty nanograms of marihuana 63000
metabolite per milliliter of the person's whole blood or blood 63001
serum or plasma. 63002

(ix) The person has a concentration of methamphetamine in the 63003
person's urine of at least five hundred nanograms of 63004
methamphetamine per milliliter of the person's urine or has a 63005
concentration of methamphetamine in the person's whole blood or 63006
blood serum or plasma of at least one hundred nanograms of 63007
methamphetamine per milliliter of the person's whole blood or 63008

blood serum or plasma. 63009

(x) The person has a concentration of phencyclidine in the 63010
person's urine of at least twenty-five nanograms of phencyclidine 63011
per milliliter of the person's urine or has a concentration of 63012
phencyclidine in the person's whole blood or blood serum or plasma 63013
of at least ten nanograms of phencyclidine per milliliter of the 63014
person's whole blood or blood serum or plasma. 63015

(xi) The state board of pharmacy has adopted a rule pursuant 63016
to section 4729.041 of the Revised Code that specifies the amount 63017
of salvia divinorum and the amount of salvinorin A that constitute 63018
concentrations of salvia divinorum and salvinorin A in a person's 63019
urine, in a person's whole blood, or in a person's blood serum or 63020
plasma at or above which the person is impaired for purposes of 63021
operating any vehicle, streetcar, or trackless trolley within this 63022
state, the rule is in effect, and the person has a concentration 63023
of salvia divinorum or salvinorin A of at least that amount so 63024
specified by rule in the person's urine, in the person's whole 63025
blood, or in the person's blood serum or plasma. 63026

(2) No person who, within twenty years of the conduct 63027
described in division (A)(2)(a) of this section, previously has 63028
been convicted of or pleaded guilty to a violation of this 63029
division, a violation of division (A)(1) or (B) of this section, 63030
or any other equivalent offense shall do both of the following: 63031

(a) Operate any vehicle, streetcar, or trackless trolley 63032
within this state while under the influence of alcohol, a drug of 63033
abuse, or a combination of them; 63034

(b) Subsequent to being arrested for operating the vehicle, 63035
streetcar, or trackless trolley as described in division (A)(2)(a) 63036
of this section, being asked by a law enforcement officer to 63037
submit to a chemical test or tests under section 4511.191 of the 63038
Revised Code, and being advised by the officer in accordance with 63039

section 4511.192 of the Revised Code of the consequences of the 63040
person's refusal or submission to the test or tests, refuse to 63041
submit to the test or tests. 63042

(B) No person under twenty-one years of age shall operate any 63043
vehicle, streetcar, or trackless trolley within this state, if, at 63044
the time of the operation, any of the following apply: 63045

(1) The person has a concentration of at least two-hundredths 63046
of one per cent but less than eight-hundredths of one per cent by 63047
weight per unit volume of alcohol in the person's whole blood. 63048

(2) The person has a concentration of at least 63049
three-hundredths of one per cent but less than 63050
ninety-six-thousandths of one per cent by weight per unit volume 63051
of alcohol in the person's blood serum or plasma. 63052

(3) The person has a concentration of at least two-hundredths 63053
of one gram but less than eight-hundredths of one gram by weight 63054
of alcohol per two hundred ten liters of the person's breath. 63055

(4) The person has a concentration of at least twenty-eight 63056
one-thousandths of one gram but less than eleven-hundredths of one 63057
gram by weight of alcohol per one hundred milliliters of the 63058
person's urine. 63059

(C) In any proceeding arising out of one incident, a person 63060
may be charged with a violation of division (A)(1)(a) or (A)(2) 63061
and a violation of division (B)(1), (2), or (3) of this section, 63062
but the person may not be convicted of more than one violation of 63063
these divisions. 63064

(D)(1)(a) In any criminal prosecution or juvenile court 63065
proceeding for a violation of division (A)(1)(a) of this section 63066
or for an equivalent offense that is vehicle-related, the result 63067
of any test of any blood or urine withdrawn and analyzed at any 63068
health care provider, as defined in section 2317.02 of the Revised 63069
Code, may be admitted with expert testimony to be considered with 63070

any other relevant and competent evidence in determining the guilt 63071
or innocence of the defendant. 63072

(b) In any criminal prosecution or juvenile court proceeding 63073
for a violation of division (A) or (B) of this section or for an 63074
equivalent offense that is vehicle-related, the court may admit 63075
evidence on the concentration of alcohol, drugs of abuse, 63076
controlled substances, metabolites of a controlled substance, or a 63077
combination of them in the defendant's whole blood, blood serum or 63078
plasma, breath, urine, or other bodily substance at the time of 63079
the alleged violation as shown by chemical analysis of the 63080
substance withdrawn within three hours of the time of the alleged 63081
violation. The three-hour time limit specified in this division 63082
regarding the admission of evidence does not extend or affect the 63083
two-hour time limit specified in division (A) of section 4511.192 63084
of the Revised Code as the maximum period of time during which a 63085
person may consent to a chemical test or tests as described in 63086
that section. The court may admit evidence on the concentration of 63087
alcohol, drugs of abuse, or a combination of them as described in 63088
this division when a person submits to a blood, breath, urine, or 63089
other bodily substance test at the request of a law enforcement 63090
officer under section 4511.191 of the Revised Code or a blood or 63091
urine sample is obtained pursuant to a search warrant. Only a 63092
physician, a registered nurse, an emergency medical 63093
technician-intermediate, an emergency medical 63094
technician-paramedic, or a qualified technician, chemist, or 63095
phlebotomist shall withdraw a blood sample for the purpose of 63096
determining the alcohol, drug, controlled substance, metabolite of 63097
a controlled substance, or combination content of the whole blood, 63098
blood serum, or blood plasma. This limitation does not apply to 63099
the taking of breath or urine specimens. A person authorized to 63100
withdraw blood under this division may refuse to withdraw blood 63101
under this division, if in that person's opinion, the physical 63102
welfare of the person would be endangered by the withdrawing of 63103

blood. 63104

The bodily substance withdrawn under division (D)(1)(b) of 63105
this section shall be analyzed in accordance with methods approved 63106
by the director of health by an individual possessing a valid 63107
permit issued by the director pursuant to section 3701.143 of the 63108
Revised Code. 63109

(c) As used in division (D)(1)(b) of this section, "emergency 63110
medical technician-intermediate" and "emergency medical 63111
technician-paramedic" have the same meanings as in section 4765.01 63112
of the Revised Code. 63113

(2) In a criminal prosecution or juvenile court proceeding 63114
for a violation of division (A) of this section or for an 63115
equivalent offense that is vehicle-related, if there was at the 63116
time the bodily substance was withdrawn a concentration of less 63117
than the applicable concentration of alcohol specified in 63118
divisions (A)(1)(b), (c), (d), and (e) of this section or less 63119
than the applicable concentration of a listed controlled substance 63120
or a listed metabolite of a controlled substance specified for a 63121
violation of division (A)(1)(j) of this section, that fact may be 63122
considered with other competent evidence in determining the guilt 63123
or innocence of the defendant. This division does not limit or 63124
affect a criminal prosecution or juvenile court proceeding for a 63125
violation of division (B) of this section or for an equivalent 63126
offense that is substantially equivalent to that division. 63127

(3) Upon the request of the person who was tested, the 63128
results of the chemical test shall be made available to the person 63129
or the person's attorney, immediately upon the completion of the 63130
chemical test analysis. 63131

If the chemical test was obtained pursuant to division 63132
(D)(1)(b) of this section, the person tested may have a physician, 63133
a registered nurse, or a qualified technician, chemist, or 63134

phlebotomist of the person's own choosing administer a chemical 63135
test or tests, at the person's expense, in addition to any 63136
administered at the request of a law enforcement officer. If the 63137
person was under arrest as described in division (A)(5) of section 63138
4511.191 of the Revised Code, the arresting officer shall advise 63139
the person at the time of the arrest that the person may have an 63140
independent chemical test taken at the person's own expense. If 63141
the person was under arrest other than described in division 63142
(A)(5) of section 4511.191 of the Revised Code, the form to be 63143
read to the person to be tested, as required under section 63144
4511.192 of the Revised Code, shall state that the person may have 63145
an independent test performed at the person's expense. The failure 63146
or inability to obtain an additional chemical test by a person 63147
shall not preclude the admission of evidence relating to the 63148
chemical test or tests taken at the request of a law enforcement 63149
officer. 63150

(4)(a) As used in divisions (D)(4)(b) and (c) of this 63151
section, "national highway traffic safety administration" means 63152
the national highway traffic safety administration established as 63153
an administration of the United States department of 63154
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 63155

(b) In any criminal prosecution or juvenile court proceeding 63156
for a violation of division (A) or (B) of this section, of a 63157
municipal ordinance relating to operating a vehicle while under 63158
the influence of alcohol, a drug of abuse, or alcohol and a drug 63159
of abuse, or of a municipal ordinance relating to operating a 63160
vehicle with a prohibited concentration of alcohol, a controlled 63161
substance, or a metabolite of a controlled substance in the whole 63162
blood, blood serum or plasma, breath, or urine, if a law 63163
enforcement officer has administered a field sobriety test to the 63164
operator of the vehicle involved in the violation and if it is 63165
shown by clear and convincing evidence that the officer 63166

administered the test in substantial compliance with the testing 63167
standards for any reliable, credible, and generally accepted field 63168
sobriety tests that were in effect at the time the tests were 63169
administered, including, but not limited to, any testing standards 63170
then in effect that were set by the national highway traffic 63171
safety administration, all of the following apply: 63172

(i) The officer may testify concerning the results of the 63173
field sobriety test so administered. 63174

(ii) The prosecution may introduce the results of the field 63175
sobriety test so administered as evidence in any proceedings in 63176
the criminal prosecution or juvenile court proceeding. 63177

(iii) If testimony is presented or evidence is introduced 63178
under division (D)(4)(b)(i) or (ii) of this section and if the 63179
testimony or evidence is admissible under the Rules of Evidence, 63180
the court shall admit the testimony or evidence and the trier of 63181
fact shall give it whatever weight the trier of fact considers to 63182
be appropriate. 63183

(c) Division (D)(4)(b) of this section does not limit or 63184
preclude a court, in its determination of whether the arrest of a 63185
person was supported by probable cause or its determination of any 63186
other matter in a criminal prosecution or juvenile court 63187
proceeding of a type described in that division, from considering 63188
evidence or testimony that is not otherwise disallowed by division 63189
(D)(4)(b) of this section. 63190

(E)(1) Subject to division (E)(3) of this section, in any 63191
criminal prosecution or juvenile court proceeding for a violation 63192
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 63193
or (B)(1), (2), (3), or (4) of this section or for an equivalent 63194
offense that is substantially equivalent to any of those 63195
divisions, a laboratory report from any laboratory personnel 63196
issued a permit by the department of health authorizing an 63197

analysis as described in this division that contains an analysis 63198
of the whole blood, blood serum or plasma, breath, urine, or other 63199
bodily substance tested and that contains all of the information 63200
specified in this division shall be admitted as prima-facie 63201
evidence of the information and statements that the report 63202
contains. The laboratory report shall contain all of the 63203
following: 63204

(a) The signature, under oath, of any person who performed 63205
the analysis; 63206

(b) Any findings as to the identity and quantity of alcohol, 63207
a drug of abuse, a controlled substance, a metabolite of a 63208
controlled substance, or a combination of them that was found; 63209

(c) A copy of a notarized statement by the laboratory 63210
director or a designee of the director that contains the name of 63211
each certified analyst or test performer involved with the report, 63212
the analyst's or test performer's employment relationship with the 63213
laboratory that issued the report, and a notation that performing 63214
an analysis of the type involved is part of the analyst's or test 63215
performer's regular duties; 63216

(d) An outline of the analyst's or test performer's 63217
education, training, and experience in performing the type of 63218
analysis involved and a certification that the laboratory 63219
satisfies appropriate quality control standards in general and, in 63220
this particular analysis, under rules of the department of health. 63221

(2) Notwithstanding any other provision of law regarding the 63222
admission of evidence, a report of the type described in division 63223
(E)(1) of this section is not admissible against the defendant to 63224
whom it pertains in any proceeding, other than a preliminary 63225
hearing or a grand jury proceeding, unless the prosecutor has 63226
served a copy of the report on the defendant's attorney or, if the 63227
defendant has no attorney, on the defendant. 63228

(3) A report of the type described in division (E)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(F) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

As used in this division, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(G)(1) Whoever violates any provision of divisions (A)(1)(a) to (i) or (A)(2) of this section is guilty of operating a vehicle

under the influence of alcohol, a drug of abuse, or a combination 63261
of them. Whoever violates division (A)(1)(j) of this section is 63262
guilty of operating a vehicle while under the influence of a 63263
listed controlled substance or a listed metabolite of a controlled 63264
substance. The court shall sentence the offender for either 63265
offense under Chapter 2929. of the Revised Code, except as 63266
otherwise authorized or required by divisions (G)(1)(a) to (e) of 63267
this section: 63268

(a) Except as otherwise provided in division (G)(1)(b), (c), 63269
(d), or (e) of this section, the offender is guilty of a 63270
misdemeanor of the first degree, and the court shall sentence the 63271
offender to all of the following: 63272

(i) If the sentence is being imposed for a violation of 63273
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63274
mandatory jail term of three consecutive days. As used in this 63275
division, three consecutive days means seventy-two consecutive 63276
hours. The court may sentence an offender to both an intervention 63277
program and a jail term. The court may impose a jail term in 63278
addition to the three-day mandatory jail term or intervention 63279
program. However, in no case shall the cumulative jail term 63280
imposed for the offense exceed six months. 63281

The court may suspend the execution of the three-day jail 63282
term under this division if the court, in lieu of that suspended 63283
term, places the offender under a community control sanction 63284
pursuant to section 2929.25 of the Revised Code and requires the 63285
offender to attend, for three consecutive days, a drivers' 63286
intervention program certified under section 5119.38 of the 63287
Revised Code. The court also may suspend the execution of any part 63288
of the three-day jail term under this division if it places the 63289
offender under a community control sanction pursuant to section 63290
2929.25 of the Revised Code for part of the three days, requires 63291
the offender to attend for the suspended part of the term a 63292

drivers' intervention program so certified, and sentences the 63293
offender to a jail term equal to the remainder of the three 63294
consecutive days that the offender does not spend attending the 63295
program. The court may require the offender, as a condition of 63296
community control and in addition to the required attendance at a 63297
drivers' intervention program, to attend and satisfactorily 63298
complete any treatment or education programs that comply with the 63299
minimum standards adopted pursuant to Chapter 5119. of the Revised 63300
Code by the director of mental health and addiction services that 63301
the operators of the drivers' intervention program determine that 63302
the offender should attend and to report periodically to the court 63303
on the offender's progress in the programs. The court also may 63304
impose on the offender any other conditions of community control 63305
that it considers necessary. 63306

If the court grants unlimited driving privileges to a 63307
first-time offender under section 4510.022 of the Revised Code, 63308
all penalties imposed upon the offender by the court under 63309
division (G)(1)(a)(i) of this section for the offense apply, 63310
except that the court shall suspend any mandatory or additional 63311
jail term imposed by the court under division (G)(1)(a)(i) of this 63312
section upon granting unlimited driving privileges in accordance 63313
with section 4510.022 of the Revised Code. 63314

(ii) If the sentence is being imposed for a violation of 63315
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63316
section, except as otherwise provided in this division, a 63317
mandatory jail term of at least three consecutive days and a 63318
requirement that the offender attend, for three consecutive days, 63319
a drivers' intervention program that is certified pursuant to 63320
section 5119.38 of the Revised Code. As used in this division, 63321
three consecutive days means seventy-two consecutive hours. If the 63322
court determines that the offender is not conducive to treatment 63323
in a drivers' intervention program, if the offender refuses to 63324

attend a drivers' intervention program, or if the jail at which 63325
the offender is to serve the jail term imposed can provide a 63326
driver's intervention program, the court shall sentence the 63327
offender to a mandatory jail term of at least six consecutive 63328
days. 63329

If the court grants unlimited driving privileges to a 63330
first-time offender under section 4510.022 of the Revised Code, 63331
all penalties imposed upon the offender by the court under 63332
division (G)(1)(a)(ii) of this section for the offense apply, 63333
except that the court shall suspend any mandatory or additional 63334
jail term imposed by the court under division (G)(1)(a)(ii) of 63335
this section upon granting unlimited driving privileges in 63336
accordance with section 4510.022 of the Revised Code. 63337

The court may require the offender, under a community control 63338
sanction imposed under section 2929.25 of the Revised Code, to 63339
attend and satisfactorily complete any treatment or education 63340
programs that comply with the minimum standards adopted pursuant 63341
to Chapter 5119. of the Revised Code by the director of mental 63342
health and addiction services, in addition to the required 63343
attendance at drivers' intervention program, that the operators of 63344
the drivers' intervention program determine that the offender 63345
should attend and to report periodically to the court on the 63346
offender's progress in the programs. The court also may impose any 63347
other conditions of community control on the offender that it 63348
considers necessary. 63349

(iii) In all cases, a fine of not less than three hundred 63350
seventy-five and not more than one thousand seventy-five dollars; 63351

(iv) In all cases, a suspension of the offender's driver's or 63352
commercial driver's license or permit or nonresident operating 63353
privilege for a definite period of one to three years. The court 63354
may grant limited driving privileges relative to the suspension 63355
under sections 4510.021 and 4510.13 of the Revised Code. The court 63356

may grant unlimited driving privileges with an ignition interlock 63357
device relative to the suspension and may reduce the period of 63358
suspension as authorized under section 4510.022 of the Revised 63359
Code. 63360

(b) Except as otherwise provided in division (G)(1)(e) of 63361
this section, an offender who, within ten years of the offense, 63362
previously has been convicted of or pleaded guilty to one 63363
violation of division (A) or (B) of this section or one other 63364
equivalent offense is guilty of a misdemeanor of the first degree. 63365
The court shall sentence the offender to all of the following: 63366

(i) If the sentence is being imposed for a violation of 63367
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63368
mandatory jail term of ten consecutive days. The court shall 63369
impose the ten-day mandatory jail term under this division unless, 63370
subject to division (G)(3) of this section, it instead imposes a 63371
sentence under that division consisting of both a jail term and a 63372
term of house arrest with electronic monitoring, with continuous 63373
alcohol monitoring, or with both electronic monitoring and 63374
continuous alcohol monitoring. The court may impose a jail term in 63375
addition to the ten-day mandatory jail term. The cumulative jail 63376
term imposed for the offense shall not exceed six months. 63377

In addition to the jail term or the term of house arrest with 63378
electronic monitoring or continuous alcohol monitoring or both 63379
types of monitoring and jail term, the court shall require the 63380
offender to be assessed by a community addiction services provider 63381
that is authorized by section 5119.21 of the Revised Code, subject 63382
to division (I) of this section, and shall order the offender to 63383
follow the treatment recommendations of the services provider. The 63384
purpose of the assessment is to determine the degree of the 63385
offender's alcohol usage and to determine whether or not treatment 63386
is warranted. Upon the request of the court, the services provider 63387
shall submit the results of the assessment to the court, including 63388

all treatment recommendations and clinical diagnoses related to 63389
alcohol use. 63390

(ii) If the sentence is being imposed for a violation of 63391
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63392
section, except as otherwise provided in this division, a 63393
mandatory jail term of twenty consecutive days. The court shall 63394
impose the twenty-day mandatory jail term under this division 63395
unless, subject to division (G)(3) of this section, it instead 63396
imposes a sentence under that division consisting of both a jail 63397
term and a term of house arrest with electronic monitoring, with 63398
continuous alcohol monitoring, or with both electronic monitoring 63399
and continuous alcohol monitoring. The court may impose a jail 63400
term in addition to the twenty-day mandatory jail term. The 63401
cumulative jail term imposed for the offense shall not exceed six 63402
months. 63403

In addition to the jail term or the term of house arrest with 63404
electronic monitoring or continuous alcohol monitoring or both 63405
types of monitoring and jail term, the court shall require the 63406
offender to be assessed by a community addiction service provider 63407
that is authorized by section 5119.21 of the Revised Code, subject 63408
to division (I) of this section, and shall order the offender to 63409
follow the treatment recommendations of the services provider. The 63410
purpose of the assessment is to determine the degree of the 63411
offender's alcohol usage and to determine whether or not treatment 63412
is warranted. Upon the request of the court, the services provider 63413
shall submit the results of the assessment to the court, including 63414
all treatment recommendations and clinical diagnoses related to 63415
alcohol use. 63416

(iii) In all cases, notwithstanding the fines set forth in 63417
Chapter 2929. of the Revised Code, a fine of not less than five 63418
hundred twenty-five and not more than one thousand six hundred 63419
twenty-five dollars; 63420

(iv) In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of one to seven years. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of

division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63453
section, a mandatory jail term of sixty consecutive days. The 63454
court shall impose the sixty-day mandatory jail term under this 63455
division unless, subject to division (G)(3) of this section, it 63456
instead imposes a sentence under that division consisting of both 63457
a jail term and a term of house arrest with electronic monitoring, 63458
with continuous alcohol monitoring, or with both electronic 63459
monitoring and continuous alcohol monitoring. The court may impose 63460
a jail term in addition to the sixty-day mandatory jail term. 63461
Notwithstanding the jail terms set forth in sections 2929.21 to 63462
2929.28 of the Revised Code, the additional jail term shall not 63463
exceed one year, and the cumulative jail term imposed for the 63464
offense shall not exceed one year. 63465

(iii) In all cases, notwithstanding the fines set forth in 63466
Chapter 2929. of the Revised Code, a fine of not less than eight 63467
hundred fifty and not more than two thousand seven hundred fifty 63468
dollars; 63469

(iv) In all cases, a suspension of the offender's driver's 63470
license, commercial driver's license, temporary instruction 63471
permit, probationary license, or nonresident operating privilege 63472
for a definite period of two to twelve years. The court may grant 63473
limited driving privileges relative to the suspension under 63474
sections 4510.021 and 4510.13 of the Revised Code. 63475

(v) In all cases, if the vehicle is registered in the 63476
offender's name, criminal forfeiture of the vehicle involved in 63477
the offense in accordance with section 4503.234 of the Revised 63478
Code. Division (G)(6) of this section applies regarding any 63479
vehicle that is subject to an order of criminal forfeiture under 63480
this division. 63481

(vi) In all cases, the court shall order the offender to 63482
participate with a community addiction services provider 63483
authorized by section 5119.21 of the Revised Code, subject to 63484

division (I) of this section, and shall order the offender to 63485
follow the treatment recommendations of the services provider. The 63486
operator of the services provider shall determine and assess the 63487
degree of the offender's alcohol dependency and shall make 63488
recommendations for treatment. Upon the request of the court, the 63489
services provider shall submit the results of the assessment to 63490
the court, including all treatment recommendations and clinical 63491
diagnoses related to alcohol use. 63492

(d) Except as otherwise provided in division (G)(1)(e) of 63493
this section, an offender who, within ten years of the offense, 63494
previously has been convicted of or pleaded guilty to three or 63495
four violations of division (A) or (B) of this section or other 63496
equivalent offenses or an offender who, within twenty years of the 63497
offense, previously has been convicted of or pleaded guilty to 63498
five or more violations of that nature is guilty of a felony of 63499
the fourth degree. The court shall sentence the offender to all of 63500
the following: 63501

(i) If the sentence is being imposed for a violation of 63502
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63503
mandatory prison term of one, two, three, four, or five years as 63504
required by and in accordance with division (G)(2) of section 63505
2929.13 of the Revised Code if the offender also is convicted of 63506
or also pleads guilty to a specification of the type described in 63507
section 2941.1413 of the Revised Code or, in the discretion of the 63508
court, either a mandatory term of local incarceration of sixty 63509
consecutive days in accordance with division (G)(1) of section 63510
2929.13 of the Revised Code or a mandatory prison term of sixty 63511
consecutive days in accordance with division (G)(2) of that 63512
section if the offender is not convicted of and does not plead 63513
guilty to a specification of that type. If the court imposes a 63514
mandatory term of local incarceration, it may impose a jail term 63515
in addition to the sixty-day mandatory term, the cumulative total 63516

of the mandatory term and the jail term for the offense shall not 63517
exceed one year, and, except as provided in division (A)(1) of 63518
section 2929.13 of the Revised Code, no prison term is authorized 63519
for the offense. If the court imposes a mandatory prison term, 63520
notwithstanding division (A)(4) of section 2929.14 of the Revised 63521
Code, it also may sentence the offender to a definite prison term 63522
that shall be not less than six months and not more than thirty 63523
months and the prison terms shall be imposed as described in 63524
division (G)(2) of section 2929.13 of the Revised Code. If the 63525
court imposes a mandatory prison term or mandatory prison term and 63526
additional prison term, in addition to the term or terms so 63527
imposed, the court also may sentence the offender to a community 63528
control sanction for the offense, but the offender shall serve all 63529
of the prison terms so imposed prior to serving the community 63530
control sanction. 63531

(ii) If the sentence is being imposed for a violation of 63532
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63533
section, a mandatory prison term of one, two, three, four, or five 63534
years as required by and in accordance with division (G)(2) of 63535
section 2929.13 of the Revised Code if the offender also is 63536
convicted of or also pleads guilty to a specification of the type 63537
described in section 2941.1413 of the Revised Code or, in the 63538
discretion of the court, either a mandatory term of local 63539
incarceration of one hundred twenty consecutive days in accordance 63540
with division (G)(1) of section 2929.13 of the Revised Code or a 63541
mandatory prison term of one hundred twenty consecutive days in 63542
accordance with division (G)(2) of that section if the offender is 63543
not convicted of and does not plead guilty to a specification of 63544
that type. If the court imposes a mandatory term of local 63545
incarceration, it may impose a jail term in addition to the one 63546
hundred twenty-day mandatory term, the cumulative total of the 63547
mandatory term and the jail term for the offense shall not exceed 63548
one year, and, except as provided in division (A)(1) of section 63549

2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to

division (I) of this section, and shall order the offender to 63582
follow the treatment recommendations of the services provider. The 63583
operator of the services provider shall determine and assess the 63584
degree of the offender's alcohol dependency and shall make 63585
recommendations for treatment. Upon the request of the court, the 63586
services provider shall submit the results of the assessment to 63587
the court, including all treatment recommendations and clinical 63588
diagnoses related to alcohol use. 63589

(vii) In all cases, if the court sentences the offender to a 63590
mandatory term of local incarceration, in addition to the 63591
mandatory term, the court, pursuant to section 2929.17 of the 63592
Revised Code, may impose a term of house arrest with electronic 63593
monitoring. The term shall not commence until after the offender 63594
has served the mandatory term of local incarceration. 63595

(e) An offender who previously has been convicted of or 63596
pleaded guilty to a violation of division (A) of this section that 63597
was a felony, regardless of when the violation and the conviction 63598
or guilty plea occurred, is guilty of a felony of the third 63599
degree. The court shall sentence the offender to all of the 63600
following: 63601

(i) If the offender is being sentenced for a violation of 63602
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63603
mandatory prison term of one, two, three, four, or five years as 63604
required by and in accordance with division (G)(2) of section 63605
2929.13 of the Revised Code if the offender also is convicted of 63606
or also pleads guilty to a specification of the type described in 63607
section 2941.1413 of the Revised Code or a mandatory prison term 63608
of sixty consecutive days in accordance with division (G)(2) of 63609
section 2929.13 of the Revised Code if the offender is not 63610
convicted of and does not plead guilty to a specification of that 63611
type. The court may impose a prison term in addition to the 63612
mandatory prison term. The cumulative total of a sixty-day 63613

mandatory prison term and the additional prison term for the 63614
offense shall not exceed five years. In addition to the mandatory 63615
prison term or mandatory prison term and additional prison term 63616
the court imposes, the court also may sentence the offender to a 63617
community control sanction for the offense, but the offender shall 63618
serve all of the prison terms so imposed prior to serving the 63619
community control sanction. 63620

(ii) If the sentence is being imposed for a violation of 63621
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63622
section, a mandatory prison term of one, two, three, four, or five 63623
years as required by and in accordance with division (G)(2) of 63624
section 2929.13 of the Revised Code if the offender also is 63625
convicted of or also pleads guilty to a specification of the type 63626
described in section 2941.1413 of the Revised Code or a mandatory 63627
prison term of one hundred twenty consecutive days in accordance 63628
with division (G)(2) of section 2929.13 of the Revised Code if the 63629
offender is not convicted of and does not plead guilty to a 63630
specification of that type. The court may impose a prison term in 63631
addition to the mandatory prison term. The cumulative total of a 63632
one hundred twenty-day mandatory prison term and the additional 63633
prison term for the offense shall not exceed five years. In 63634
addition to the mandatory prison term or mandatory prison term and 63635
additional prison term the court imposes, the court also may 63636
sentence the offender to a community control sanction for the 63637
offense, but the offender shall serve all of the prison terms so 63638
imposed prior to serving the community control sanction. 63639

(iii) In all cases, notwithstanding section 2929.18 of the 63640
Revised Code, a fine of not less than one thousand three hundred 63641
fifty nor more than ten thousand five hundred dollars; 63642

(iv) In all cases, a class two license suspension of the 63643
offender's driver's license, commercial driver's license, 63644
temporary instruction permit, probationary license, or nonresident 63645

operating privilege from the range specified in division (A)(2) of 63646
section 4510.02 of the Revised Code. The court may grant limited 63647
driving privileges relative to the suspension under sections 63648
4510.021 and 4510.13 of the Revised Code. 63649

(v) In all cases, if the vehicle is registered in the 63650
offender's name, criminal forfeiture of the vehicle involved in 63651
the offense in accordance with section 4503.234 of the Revised 63652
Code. Division (G)(6) of this section applies regarding any 63653
vehicle that is subject to an order of criminal forfeiture under 63654
this division. 63655

(vi) In all cases, the court shall order the offender to 63656
participate with a community addiction services provider 63657
authorized by section 5119.21 of the Revised Code, subject to 63658
division (I) of this section, and shall order the offender to 63659
follow the treatment recommendations of the services provider. The 63660
operator of the services provider shall determine and assess the 63661
degree of the offender's alcohol dependency and shall make 63662
recommendations for treatment. Upon the request of the court, the 63663
services provider shall submit the results of the assessment to 63664
the court, including all treatment recommendations and clinical 63665
diagnoses related to alcohol use. 63666

(2) An offender who is convicted of or pleads guilty to a 63667
violation of division (A) of this section and who subsequently 63668
seeks reinstatement of the driver's or occupational driver's 63669
license or permit or nonresident operating privilege suspended 63670
under this section as a result of the conviction or guilty plea 63671
shall pay a reinstatement fee as provided in division (F)(2) of 63672
section 4511.191 of the Revised Code. 63673

(3) If an offender is sentenced to a jail term under division 63674
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 63675
if, within sixty days of sentencing of the offender, the court 63676
issues a written finding on the record that, due to the 63677

unavailability of space at the jail where the offender is required 63678
to serve the term, the offender will not be able to begin serving 63679
that term within the sixty-day period following the date of 63680
sentencing, the court may impose an alternative sentence under 63681
this division that includes a term of house arrest with electronic 63682
monitoring, with continuous alcohol monitoring, or with both 63683
electronic monitoring and continuous alcohol monitoring. 63684

As an alternative to a mandatory jail term of ten consecutive 63685
days required by division (G)(1)(b)(i) of this section, the court, 63686
under this division, may sentence the offender to five consecutive 63687
days in jail and not less than eighteen consecutive days of house 63688
arrest with electronic monitoring, with continuous alcohol 63689
monitoring, or with both electronic monitoring and continuous 63690
alcohol monitoring. The cumulative total of the five consecutive 63691
days in jail and the period of house arrest with electronic 63692
monitoring, continuous alcohol monitoring, or both types of 63693
monitoring shall not exceed six months. The five consecutive days 63694
in jail do not have to be served prior to or consecutively to the 63695
period of house arrest. 63696

As an alternative to the mandatory jail term of twenty 63697
consecutive days required by division (G)(1)(b)(ii) of this 63698
section, the court, under this division, may sentence the offender 63699
to ten consecutive days in jail and not less than thirty-six 63700
consecutive days of house arrest with electronic monitoring, with 63701
continuous alcohol monitoring, or with both electronic monitoring 63702
and continuous alcohol monitoring. The cumulative total of the ten 63703
consecutive days in jail and the period of house arrest with 63704
electronic monitoring, continuous alcohol monitoring, or both 63705
types of monitoring shall not exceed six months. The ten 63706
consecutive days in jail do not have to be served prior to or 63707
consecutively to the period of house arrest. 63708

As an alternative to a mandatory jail term of thirty 63709

consecutive days required by division (G)(1)(c)(i) of this 63710
section, the court, under this division, may sentence the offender 63711
to fifteen consecutive days in jail and not less than fifty-five 63712
consecutive days of house arrest with electronic monitoring, with 63713
continuous alcohol monitoring, or with both electronic monitoring 63714
and continuous alcohol monitoring. The cumulative total of the 63715
fifteen consecutive days in jail and the period of house arrest 63716
with electronic monitoring, continuous alcohol monitoring, or both 63717
types of monitoring shall not exceed one year. The fifteen 63718
consecutive days in jail do not have to be served prior to or 63719
consecutively to the period of house arrest. 63720

As an alternative to the mandatory jail term of sixty 63721
consecutive days required by division (G)(1)(c)(ii) of this 63722
section, the court, under this division, may sentence the offender 63723
to thirty consecutive days in jail and not less than one hundred 63724
ten consecutive days of house arrest with electronic monitoring, 63725
with continuous alcohol monitoring, or with both electronic 63726
monitoring and continuous alcohol monitoring. The cumulative total 63727
of the thirty consecutive days in jail and the period of house 63728
arrest with electronic monitoring, continuous alcohol monitoring, 63729
or both types of monitoring shall not exceed one year. The thirty 63730
consecutive days in jail do not have to be served prior to or 63731
consecutively to the period of house arrest. 63732

(4) If an offender's driver's or occupational driver's 63733
license or permit or nonresident operating privilege is suspended 63734
under division (G) of this section and if section 4510.13 of the 63735
Revised Code permits the court to grant limited driving 63736
privileges, the court may grant the limited driving privileges in 63737
accordance with that section. If division (A)(7) of that section 63738
requires that the court impose as a condition of the privileges 63739
that the offender must display on the vehicle that is driven 63740
subject to the privileges restricted license plates that are 63741

issued under section 4503.231 of the Revised Code, except as 63742
provided in division (B) of that section, the court shall impose 63743
that condition as one of the conditions of the limited driving 63744
privileges granted to the offender, except as provided in division 63745
(B) of section 4503.231 of the Revised Code. 63746

(5) Fines imposed under this section for a violation of 63747
division (A) of this section shall be distributed as follows: 63748

(a) Twenty-five dollars of the fine imposed under division 63749
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 63750
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 63751
fine imposed under division (G)(1)(c)(iii), and two hundred ten 63752
dollars of the fine imposed under division (G)(1)(d)(iii) or 63753
(e)(iii) of this section shall be paid to an enforcement and 63754
education fund established by the legislative authority of the law 63755
enforcement agency in this state that primarily was responsible 63756
for the arrest of the offender, as determined by the court that 63757
imposes the fine. The agency shall use this share to pay only 63758
those costs it incurs in enforcing this section or a municipal OVI 63759
ordinance and in informing the public of the laws governing the 63760
operation of a vehicle while under the influence of alcohol, the 63761
dangers of the operation of a vehicle under the influence of 63762
alcohol, and other information relating to the operation of a 63763
vehicle under the influence of alcohol and the consumption of 63764
alcoholic beverages. 63765

(b) Fifty dollars of the fine imposed under division 63766
(G)(1)(a)(iii) of this section shall be paid to the political 63767
subdivision that pays the cost of housing the offender during the 63768
offender's term of incarceration. If the offender is being 63769
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 63770
(e), or (j) of this section and was confined as a result of the 63771
offense prior to being sentenced for the offense but is not 63772
sentenced to a term of incarceration, the fifty dollars shall be 63773

paid to the political subdivision that paid the cost of housing 63774
the offender during that period of confinement. The political 63775
subdivision shall use the share under this division to pay or 63776
reimburse incarceration or treatment costs it incurs in housing or 63777
providing drug and alcohol treatment to persons who violate this 63778
section or a municipal OVI ordinance, costs of any immobilizing or 63779
disabling device used on the offender's vehicle, and costs of 63780
electronic house arrest equipment needed for persons who violate 63781
this section. 63782

(c) Twenty-five dollars of the fine imposed under division 63783
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 63784
division (G)(1)(b)(iii) of this section shall be deposited into 63785
the county or municipal indigent drivers' alcohol treatment fund 63786
under the control of that court, as created by the county or 63787
municipal corporation under division (F) of section 4511.191 of 63788
the Revised Code. 63789

(d) One hundred fifteen dollars of the fine imposed under 63790
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 63791
fine imposed under division (G)(1)(c)(iii), and four hundred forty 63792
dollars of the fine imposed under division (G)(1)(d)(iii) or 63793
(e)(iii) of this section shall be paid to the political 63794
subdivision that pays the cost of housing the offender during the 63795
offender's term of incarceration. The political subdivision shall 63796
use this share to pay or reimburse incarceration or treatment 63797
costs it incurs in housing or providing drug and alcohol treatment 63798
to persons who violate this section or a municipal OVI ordinance, 63799
costs for any immobilizing or disabling device used on the 63800
offender's vehicle, and costs of electronic house arrest equipment 63801
needed for persons who violate this section. 63802

(e) Fifty dollars of the fine imposed under divisions 63803
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 63804
and (G)(1)(e)(iii) of this section shall be deposited into the 63805

special projects fund of the court in which the offender was 63806
convicted and that is established under division (E)(1) of section 63807
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 63808
of section 1907.24 of the Revised Code, to be used exclusively to 63809
cover the cost of immobilizing or disabling devices, including 63810
certified ignition interlock devices, and remote alcohol 63811
monitoring devices for indigent offenders who are required by a 63812
judge to use either of these devices. If the court in which the 63813
offender was convicted does not have a special projects fund that 63814
is established under division (E)(1) of section 2303.201, division 63815
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 63816
of the Revised Code, the fifty dollars shall be deposited into the 63817
indigent drivers interlock and alcohol monitoring fund under 63818
division (I) of section 4511.191 of the Revised Code. 63819

(f) Seventy-five dollars of the fine imposed under division 63820
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 63821
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 63822
of the fine imposed under division (G)(1)(c)(iii), and five 63823
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 63824
or (e)(iii) of this section shall be transmitted to the treasurer 63825
of state for deposit into the indigent defense support fund 63826
established under section 120.08 of the Revised Code. 63827

(g) The balance of the fine imposed under division 63828
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 63829
section shall be disbursed as otherwise provided by law. 63830

(6) If title to a motor vehicle that is subject to an order 63831
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 63832
this section is assigned or transferred and division (B)(2) or (3) 63833
of section 4503.234 of the Revised Code applies, in addition to or 63834
independent of any other penalty established by law, the court may 63835
fine the offender the value of the vehicle as determined by 63836
publications of the national automobile dealers association. The 63837

proceeds of any fine so imposed shall be distributed in accordance 63838
with division (C)(2) of that section. 63839

(7) In all cases in which an offender is sentenced under 63840
division (G) of this section, the offender shall provide the court 63841
with proof of financial responsibility as defined in section 63842
4509.01 of the Revised Code. If the offender fails to provide that 63843
proof of financial responsibility, the court, in addition to any 63844
other penalties provided by law, may order restitution pursuant to 63845
section 2929.18 or 2929.28 of the Revised Code in an amount not 63846
exceeding five thousand dollars for any economic loss arising from 63847
an accident or collision that was the direct and proximate result 63848
of the offender's operation of the vehicle before, during, or 63849
after committing the offense for which the offender is sentenced 63850
under division (G) of this section. 63851

(8) A court may order an offender to reimburse a law 63852
enforcement agency for any costs incurred by the agency with 63853
respect to a chemical test or tests administered to the offender 63854
if all of the following apply: 63855

(a) The offender is convicted of or pleads guilty to a 63856
violation of division (A) of this section. 63857

(b) The test or tests were of the offender's whole blood, 63858
blood serum or plasma, or urine. 63859

(c) The test or tests indicated that the offender had a 63860
prohibited concentration of a controlled substance or a metabolite 63861
of a controlled substance in the offender's whole blood, blood 63862
serum or plasma, or urine at the time of the offense. 63863

(9) As used in division (G) of this section, "electronic 63864
monitoring," "mandatory prison term," and "mandatory term of local 63865
incarceration" have the same meanings as in section 2929.01 of the 63866
Revised Code. 63867

(H) Whoever violates division (B) of this section is guilty 63868

of operating a vehicle after underage alcohol consumption and 63869
shall be punished as follows: 63870

(1) Except as otherwise provided in division (H)(2) of this 63871
section, the offender is guilty of a misdemeanor of the fourth 63872
degree. In addition to any other sanction imposed for the offense, 63873
the court shall impose a class six suspension of the offender's 63874
driver's license, commercial driver's license, temporary 63875
instruction permit, probationary license, or nonresident operating 63876
privilege from the range specified in division (A)(6) of section 63877
4510.02 of the Revised Code. The court may grant limited driving 63878
privileges relative to the suspension under sections 4510.021 and 63879
4510.13 of the Revised Code. The court may grant unlimited driving 63880
privileges with an ignition interlock device relative to the 63881
suspension and may reduce the period of suspension as authorized 63882
under section 4510.022 of the Revised Code. If the court grants 63883
unlimited driving privileges under section 4510.022 of the Revised 63884
Code, the court shall suspend any jail term imposed under division 63885
(H)(1) of this section as required under that section. 63886

(2) If, within one year of the offense, the offender 63887
previously has been convicted of or pleaded guilty to one or more 63888
violations of division (A) or (B) of this section or other 63889
equivalent offenses, the offender is guilty of a misdemeanor of 63890
the third degree. In addition to any other sanction imposed for 63891
the offense, the court shall impose a class four suspension of the 63892
offender's driver's license, commercial driver's license, 63893
temporary instruction permit, probationary license, or nonresident 63894
operating privilege from the range specified in division (A)(4) of 63895
section 4510.02 of the Revised Code. The court may grant limited 63896
driving privileges relative to the suspension under sections 63897
4510.021 and 4510.13 of the Revised Code. 63898

(3) If the offender also is convicted of or also pleads 63899
guilty to a specification of the type described in section 63900

2941.1416 of the Revised Code and if the court imposes a jail term 63901
for the violation of division (B) of this section, the court shall 63902
impose upon the offender an additional definite jail term pursuant 63903
to division (E) of section 2929.24 of the Revised Code. 63904

(4) The offender shall provide the court with proof of 63905
financial responsibility as defined in section 4509.01 of the 63906
Revised Code. If the offender fails to provide that proof of 63907
financial responsibility, then, in addition to any other penalties 63908
provided by law, the court may order restitution pursuant to 63909
section 2929.28 of the Revised Code in an amount not exceeding 63910
five thousand dollars for any economic loss arising from an 63911
accident or collision that was the direct and proximate result of 63912
the offender's operation of the vehicle before, during, or after 63913
committing the violation of division (B) of this section. 63914

(I)(1) No court shall sentence an offender to an alcohol 63915
treatment program under this section unless the treatment program 63916
complies with the minimum standards for alcohol treatment programs 63917
adopted under Chapter 5119. of the Revised Code by the director of 63918
mental health and addiction services. 63919

(2) An offender who stays in a drivers' intervention program 63920
or in an alcohol treatment program under an order issued under 63921
this section shall pay the cost of the stay in the program. 63922
However, if the court determines that an offender who stays in an 63923
alcohol treatment program under an order issued under this section 63924
is unable to pay the cost of the stay in the program, the court 63925
may order that the cost be paid from the court's indigent drivers' 63926
alcohol treatment fund. 63927

(J) If a person whose driver's or commercial driver's license 63928
or permit or nonresident operating privilege is suspended under 63929
this section files an appeal regarding any aspect of the person's 63930
trial or sentence, the appeal itself does not stay the operation 63931
of the suspension. 63932

(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section.

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section.

(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern

felony violations of this section, the modified rules shall apply 63964
to felony violations of this section. 63965

Sec. 4561.01. As used in ~~sections 4561.01 to 4561.25 of the~~ 63966
~~Revised Code~~ this chapter: 63967

(A) "Aviation" means transportation by aircraft; operation of 63968
aircraft; the establishment, operation, maintenance, repair, and 63969
improvement of airports, landing fields, and other air navigation 63970
facilities; and all other activities connected therewith or 63971
incidental thereto. 63972

(B) "Aircraft" means any contrivance used or designed for 63973
navigation or flight in the air, excepting a parachute or other 63974
contrivance for such navigation used primarily as safety 63975
equipment. 63976

(C) "Airport" means any location either on land or water 63977
which is used for the landing and taking off of aircraft. 63978

(D) "Landing field" means any location either on land or 63979
water of such size and nature as to permit the landing or taking 63980
off of aircraft with safety, and used for that purpose but not 63981
equipped to provide for the shelter, supply, or care of aircraft. 63982

(E) "Air navigation facility" means any facility used, 63983
available for use, or designed for use in aid of navigation of 63984
aircraft, including airports, landing fields, facilities for the 63985
servicing of aircraft or for the comfort and accommodation of air 63986
travelers, and any structures, mechanisms, lights, beacons, marks, 63987
communicating systems, or other instrumentalities or devices used 63988
or useful as an aid to the safe taking off, navigation, and 63989
landing of aircraft, or to the safe and efficient operation or 63990
maintenance of an airport or landing field, and any combination of 63991
such facilities. 63992

(F) "Air navigation hazard" means any structure, object of 63993

natural growth, or use of land, that obstructs the air space 63994
required for the flight of aircraft in landing or taking off at 63995
any airport or landing field, or that otherwise is hazardous to 63996
such landing or taking off. 63997

(G) "Air navigation," "navigation of aircraft," or "navigate 63998
aircraft" means the operation of aircraft in the air space over 63999
this state. 64000

(H) "Airperson" means any individual who, as the person in 64001
command, or as pilot, mechanic, or member of the crew, engages in 64002
the navigation of aircraft. 64003

(I) "Airway" means a route in the air space over and above 64004
the lands or waters of this state, designated by the Ohio aviation 64005
board as a route suitable for the navigation of aircraft. 64006

(J) "Person" means any individual, firm, partnership, 64007
corporation, company, association, joint stock association, or 64008
body politic, and includes any trustee, receiver, assignee, or 64009
other similar representative thereof. 64010

(K) "Government agency" means a state agency, state 64011
institution of higher education, regional port authority, or any 64012
other political subdivision of the state, or the federal 64013
government or other states. 64014

(L) "Navigable airspace" means the imaginary surfaces around 64015
an airport as specified in 14 C.F.R. part 77, as amended, 64016
including any clear zone surface, horizontal surface, conical 64017
surface, primary surface, approach surface, and transitional 64018
surface, as well as any terminal obstacle clearance area and en 64019
route obstacle clearance area. 64020

(M) "Obstruction" means any structure, natural or 64021
artificially made, permanent or temporary, existing or future, 64022
that penetrates the navigable airspace. 64023

(N) "Structure" means any object, whether permanent or 64024
temporary, including, but not limited to, a building, tower, 64025
crane, scaffold, smokestack, earth formation, transmission line, 64026
flagpole, ship mast, traverse way, and mobile object. 64027

(O) "Commence to install, erect, construct, or establish" 64028
means undertaking any action that affects the natural environment 64029
of the site of a structure or object of natural growth, including, 64030
but not limited to, clearing of land, excavation, or planting, but 64031
excluding surveying changes needed for temporary use of the site 64032
and excluding uses in securing geological data, including making 64033
necessary borings to ascertain foundation conditions. 64034

Sec. 4561.021. There is hereby created in ~~the division of~~ 64035
~~multi-modal planning and programs of~~ the department of 64036
transportation the office of aviation. The director of 64037
transportation shall appoint the administrator of the office of 64038
aviation, ~~who shall serve at the pleasure of the director.~~ The 64039
administrator of the office of aviation shall be responsible to 64040
the director for the organization, direction, and supervision of 64041
the work of the office and the exercise of the powers and the 64042
performance of the duties assigned to the office. Subject to 64043
Chapter 124. of the Revised Code and civil service regulations, 64044
the administrator, with the approval of the director, shall select 64045
and appoint the necessary employees. The director also may employ 64046
experts for assistance in any specific matter at a reasonable rate 64047
of compensation. 64048

Sec. 4561.05. The department of transportation shall 64049
administer Chapter 4561. of the Revised Code. The department may 64050
adopt and promulgate such rules as it determines necessary to 64051
carry out this chapter. 64052

The department may issue and amend orders, and make, 64053

promulgate, and amend, reasonable general and special rules and 64054
procedure, ~~and~~ establish minimum standards, and create application 64055
forms and establish application fees for permits issued under this 64056
chapter. 64057

The department may establish safety rules governing 64058
obstructions, air navigation hazards, and the location, size, use, 64059
and equipment of airports and landing areas, and rules governing 64060
air marking, the use of signs or lights designed to be visible 64061
from the air, and other air navigation facilities. 64062

All rules and amendments thereto, prescribed by the 64063
department, shall conform to and coincide with, so far as 64064
possible, ~~the "Civil Aeronautics Act of 1938," 52 Stat. 973, 49~~ 64065
~~U.S.C. 401, as amended, passed by the congress of the United~~ 64066
~~States, and the air commerce regulations issued pursuant thereto~~ 64067
any federal laws and regulations governing aviation and air 64068
navigation, including 49 U.S.C. 401 to 501 and 14 C.F.R. part 77, 64069
as amended. 64070

All acts of the department authorized under this section 64071
shall be carried on in conformity with Chapter 119. of the Revised 64072
Code. 64073

Sec. 4561.31. (A)(1) Except as provided in divisions (D)~~,~~ and 64074
(E)~~,~~ ~~and (F)~~ of this section, no person shall install, erect, 64075
construct, establish, or commence to install, erect, construct, or 64076
establish, any structure or object of natural growth in this 64077
state, any part of which will penetrate or is reasonably expected 64078
to penetrate into or through any airport's ~~clear zone surface,~~ 64079
~~horizontal surface, conical surface, primary surface, approach~~ 64080
~~surface, or transitional surface~~ navigable airspace without first 64081
obtaining a permit from the department of transportation under 64082
section 4561.34 of the Revised Code. ~~The replacement of an~~ 64083
~~existing structure or object of natural growth with, respectively,~~ 64084

~~a structure or object that is not more than ten feet or twenty per
cent higher than the height of the existing structure or object,
whichever is higher, does not constitute commencing to install a
structure or object, except when any part of the structure or
object will penetrate or is reasonably expected to penetrate into
or through any airport's clear zone surface, horizontal surface,
conical surface, primary surface, approach surface, or
transitional surface. Such replacement of a like structure or
object is not exempt from any other requirements of state or local
law.~~

(2) No person shall substantially change, as determined by
the department, the height or location of any structure or object
of natural growth in this state, any part of which, as a result of
such change, will penetrate or is reasonably expected to penetrate
into or through any airport's ~~clear zone surface, horizontal
surface, conical surface, primary surface, approach surface, or
transitional surface~~ navigable airspace, and for which
installation had commenced or which was already installed prior to
October 15, 1991, without first obtaining a permit from the
department under section 4561.34 of the Revised Code. This
division does not exempt the structure or object from any other
requirements of state or local law.

(3) No person shall substantially change, as determined by
the department, the height or location of any structure or object
of natural growth for which a permit was issued pursuant to
section 4561.34 of the Revised Code, without first obtaining an
amended permit from the department under that section.

(B) No person shall install, erect, construct, establish,
operate, or maintain any structure or object of natural growth for
which a permit has been issued under section 4561.34 of the
Revised Code, except in compliance with the permit's terms and

conditions and with any rules or orders issued under ~~sections~~ 64116
~~4561.30 to 4561.39 of the Revised Code~~ this chapter. 64117

(C) The holder of a permit issued under section 4561.34 of 64118
the Revised Code, with the department's approval, may transfer the 64119
permit to another person who agrees to comply with its terms and 64120
conditions. 64121

~~(D) Any person who receives a permit to construct, establish,~~ 64122
~~substantially change, or substantially alter a structure or object~~ 64123
~~of natural growth from an airport zoning board on or after October~~ 64124
~~15, 1991, under Chapter 4563. of the Revised Code is not required~~ 64125
~~to apply for a permit from the department under sections 4561.30~~ 64126
~~to 4561.39 of the Revised Code, provided that the airport zoning~~ 64127
~~board has adopted airport zoning regulations pursuant to section~~ 64128
~~4563.032 of the Revised Code.~~ 64129

~~(E)~~ Any person who receives a certificate from the power 64130
siting board pursuant to section 4906.03 or 4906.10 of the Revised 64131
Code on or after October 15, 1991, is not required to apply for a 64132
permit from the department under ~~sections 4561.30 to 4561.39 of~~ 64133
~~the Revised Code~~ this chapter. 64134

~~(F)~~(E) Any person who, in accordance with 14 C.F.R. ~~77.11 to~~ 64135
~~77.19~~ part 77, notified the federal aviation administration prior 64136
to June 1, 1991, that the person proposes to construct, establish, 64137
substantially change, or substantially alter a structure or object 64138
of natural growth is not required to apply for a permit from the 64139
department under ~~sections 4561.30 to 4561.39 of the Revised Code~~ 64140
this chapter in connection with the construction, establishment, 64141
substantial change, or substantial alteration of the structure or 64142
object of natural growth either as originally proposed to the 64143
federal aviation administration or as altered as the person or the 64144
federal aviation administration considers necessary, provided that 64145
the federal aviation administration, pursuant to 14 C.F.R. ~~Part~~ 64146
part 77, does not determine that the proposed construction, 64147

establishment, substantial change, or substantial alteration of 64148
the structure or object of natural growth would be a hazard to air 64149
navigation. 64150

~~(C)(1) Whoever violates division (A)(1) or (2) of this 64151
section is guilty of a misdemeanor of the third degree. Each day 64152
of violation constitutes a separate offense. 64153~~

~~(2)(F) Whoever violates division (A)(3) or (B) of this 64154
section is guilty of a misdemeanor of the first degree. Each day 64155
of violation constitutes a separate offense. 64156~~

Sec. 4561.32. (A) In accordance with Chapter 119. of the 64157
Revised Code, the department of transportation shall adopt, and 64158
may amend and rescind, any rules necessary to administer sections 64159
4561.30 to 4561.39 of the Revised Code and shall adopt rules based 64160
in whole upon the obstruction standards set forth in 14 C.F.R. 64161
~~77.21 to 77.29~~ part 77, as amended, to uniformly regulate the 64162
height and location of structures and objects of natural growth in 64163
any airport's ~~clear zone surface, horizontal surface, conical~~ 64164
~~surface, primary surface, approach surface, or transitional~~ 64165
~~surface~~ navigable airspace. The rules shall provide that the 64166
department may grant a permit under section 4561.34 of the Revised 64167
Code that includes a waiver from full compliance with the 64168
obstruction standards. ~~The rules shall also provide that the~~ 64169
~~department shall base its decision on whether to grant such a~~ 64170
~~waiver on sound aeronautic principles, as set out in F.A.A.~~ 64171
~~technical manuals, as amended, including advisory circular~~ 64172
~~150/5300-13, "airport design standards"; 7400.2c, "airspace~~ 64173
~~procedures handbook,"; and the U.S. terminal procedures handbook.~~ 64174

(B) The department may conduct any studies or investigations 64175
it considers necessary to carry out sections ~~4561.30~~ 4561.31 to 64176
~~4561.39~~ 4561.99 of the Revised Code. 64177

~~Sec. 4561.33. (A) An applicant for a permit required by section 4561.31 of the Revised Code shall file with the department of transportation an application made on forms the department prescribes, which shall contain the following information:~~

~~(1) A description of the structure or object of natural growth for which the permit is sought, its location, and the planned date of commencement of installation;~~

~~(2) A statement explaining the need for the structure or object;~~

~~(3) A statement of the reasons why the proposed location is best suited for the structure or object;~~

~~(4) Any additional information the applicant considers relevant or the department requires.~~

~~An application for an amended permit shall be in the form and contain the information the department prescribes.~~

~~In lieu of an application prescribed by the department, an applicant may file a copy of the federal aviation administration's form 7460-1, notice of proposed construction or alteration do the following not less than forty-five days nor more than two years prior to the proposed installation, erection, construction, establishment, change, alteration, or use:~~

~~(1) File a completed federal aviation administration "notice of proposed construction or alteration" form 7460-1 with the federal aviation administration;~~

~~(2) If the office of aviation requires the submission of an application in addition to the submission of form 7460-1, file a completed application with the office of aviation in the form and containing the information required by the office of aviation.~~

~~The applicant also shall pay any applicable fees at the time the applicant submits the form, application, or both, as~~

applicable. 64208

The time period within which an application must be submitted 64209
may be waived at the discretion of the administrator of the office 64210
of aviation for unforeseen emergencies. 64211

(B) An applicant for an amended permit shall file ~~an~~ a 64212
completed application with the office of aviation if the applicant 64213
has received notice of the denial of a permit from the office. The 64214
applicant shall submit the application in the form and containing 64215
the information required by the office of aviation not less than 64216
thirty days nor more than two years prior to the planned date of 64217
commencement of installation or substantial change. This period 64218
may be waived by the department for unforeseen emergencies. 64219

(C) If the structure or object in the application could have 64220
a potential impact on a military installation, as such an impact 64221
is described in the airfield land use compatibility study of that 64222
military installation, the applicant shall send, within seven days 64223
after the filing of ~~his~~ the application, a copy of the application 64224
to the commander of the installation and the appropriate branch of 64225
the United States department of defense. 64226

(D) It is not necessary that ownership of, option for, or 64227
other possessory right to a specific site be held by the applicant 64228
before an application may be filed under this section. 64229

(E) If the department has reason to believe that any person 64230
has installed, erected, constructed, established, changed, or 64231
altered, or is commencing to install, erect, construct, establish, 64232
change, or alter, a structure or object of natural growth for 64233
which a permit appears to be required under section 4561.31 of the 64234
Revised Code, but concerning which no application for a permit 64235
under section 4561.34 of the Revised Code has been filed, the 64236
department shall issue an order to such person to appear before 64237
the department and show cause why a permit need not be obtained. 64238

Sec. 4561.34. (A) The department of transportation, subject 64239
to Chapter 119. of the Revised Code, shall grant or deny a permit 64240
for which an application has been filed under section 4561.33 of 64241
the Revised Code. In determining whether to grant or deny a 64242
permit, the department shall determine whether the height and 64243
location of a structure or object of natural growth, as set forth 64244
in the permit application, will be an obstruction to air 64245
navigation based upon the rules adopted under section 4561.32 of 64246
the Revised Code if installed, erected, constructed, or 64247
established as proposed. In the case of an application to 64248
substantially change an existing structure or object, the 64249
department shall determine whether the change in the height or 64250
location of the structure or object, as set forth in the 64251
application, will create such an obstruction. The consideration of 64252
safety shall be paramount to considerations of economic or 64253
technical factors. In making a determination under this division 64254
the department shall render its decision upon the record, but may 64255
consider findings and recommendations of other governmental 64256
entities and interested persons concerning the proposed structure 64257
or object; however, those findings and recommendations are not 64258
binding on the department. 64259

(B) The department may grant a permit under this section 64260
subject to any modification of the height or location of a 64261
structure or object the department considers necessary. In the 64262
absence of such modification or unless it grants a waiver from 64263
compliance with the obstruction standards, the department shall 64264
deny a permit if it determines, in accordance with division (A) of 64265
this section, that a proposed structure or object or a change to 64266
an existing structure or object, as set forth in the application, 64267
would be an obstruction to air navigation based upon the rules 64268
adopted under section 4561.32 of the Revised Code. 64269

(C) In rendering a decision on an application for a permit, 64270

the department shall issue an opinion stating its reasons for the 64271
action taken. The department shall serve upon the applicant and 64272
each party, as provided in division (C) of section 4561.33 of the 64273
Revised Code, a copy of its decision regarding a permit and the 64274
opinion. 64275

Sec. 4561.341. Pursuant to any consultation with the power 64276
siting board regarding an application for certification under 64277
section 4906.03 or 4906.10 of the Revised Code, the office of 64278
aviation ~~of the division of multi-modal planning and programs~~ of 64279
the department of transportation shall review the application to 64280
determine whether the facility constitutes or will constitute an 64281
obstruction to air navigation based upon the rules adopted under 64282
section 4561.32 of the Revised Code. Upon review of the 64283
application, if the office determines that the facility 64284
constitutes or will constitute an obstruction to air navigation, 64285
it shall provide, in writing, this determination and either the 64286
terms, conditions, and modifications that are necessary for the 64287
applicant to eliminate the obstruction or a statement that 64288
compliance with the obstruction standards may be waived, to the 64289
power siting board under section 4906.03 or 4906.10 of the Revised 64290
Code, as appropriate. 64291

Sec. 4561.36. (A) The department of transportation shall not 64292
issue any permit under ~~sections 4561.30 to 4561.39 of the Revised~~ 64293
~~Code~~ this chapter that will result in the creation of an 64294
obstruction to air navigation based upon the rules adopted under 64295
section 4561.32 of the Revised Code, unless the department waives 64296
compliance with the obstruction standards included in those rules. 64297

(B) ~~Sections 4561.30 to 4561.39 of the Revised Code do~~ This 64298
chapter does not authorize the department to restrict the height 64299
or location of structures or objects of natural growth under those 64300
sections for any reason other than to ensure the safety of 64301

aircraft in landing and taking off at an airport, the safety of 64302
persons occupying or using the area, and the security of property. 64303

~~Sec. 4561.37. Sections 4561.30 to 4561.39 of the Revised Code~~ 64304
(A)(1) This chapter and rules adopted under it shall not be 64305
construed to require the removal or lowering of, or the making of 64306
any other change ~~in~~ to, any structure or object of natural growth 64307
~~not conforming to rules or orders of the department of~~ 64308
~~transportation under those sections when adopted or amended, or~~ 64309
~~otherwise interfere with the continuance of any nonconforming use;~~ 64310
~~except that, if ordered by the department, the~~ that was in 64311
existence prior to October 15, 1991. 64312

(2) Division (A)(1) of this section does not apply if the 64313
structure or object of natural growth is substantially changed, as 64314
determined by the department of transportation, after the 64315
effective date of this amendment. 64316

(B)(1) If any provision of this chapter or rule adopted under 64317
it is enacted, adopted, or amended after a permit has been issued 64318
for a structure or object of natural growth under this chapter, 64319
the provision does not apply to that structure or object of 64320
natural growth. 64321

(2) Division (B)(1) of this section does not apply if the 64322
structure or object of natural growth is substantially changed, as 64323
determined by the department, after the effective date of the 64324
enacted, adopted, or amended provision. 64325

(C) The owner of a nonconforming structure or object with 64326
regard to which a nonconforming use is voluntarily discontinued 64327
for two years or more, or a nonconforming structure or object that 64328
is permanently placed out of service or partially dismantled, 64329
destroyed, deteriorated, or decayed shall demolish or remove that 64330
structure or object; and, if ordered to do so by the department. 64331
If any nonconforming use is voluntarily discontinued for two years 64332

or more, any future use of the premises shall be in conformity 64333
with ~~sections 4561.30 to 4561.39 of the Revised Code~~ this chapter. 64334

Sec. 4561.38. With respect to any structure or object of 64335
natural growth for which a permit is required under section 64336
4561.34 of the Revised Code, rules adopted or orders issued under 64337
~~sections 4561.30 to 4561.39 of the Revised Code~~ this chapter and 64338
the terms and conditions of any permit issued under ~~those sections~~ 64339
this chapter prevail in the event of a conflict with any airport 64340
zoning regulation adopted under sections 4563.01 to 4563.21 of the 64341
Revised Code, any local regulation under section 4905.65 of the 64342
Revised Code, any zoning regulation otherwise applicable to the 64343
structure or object, or the terms or conditions of any permit 64344
issued under sections 4563.01 to 4563.21 of the Revised Code after 64345
~~the effective date of this section~~ October 15, 1991. 64346

Sec. 4561.39. In addition to any other remedy provided by 64347
law, the department of transportation may institute in any court 64348
of competent jurisdiction an action to prevent, restrain, correct, 64349
or abate any alleged violation or threatened violation of sections 64350
~~4561.30~~ 4561.31 to 4561.39 of the Revised Code or any rule adopted 64351
or order issued under them. The court may grant such relief as may 64352
be necessary, including either of the following: 64353

(A) Authorizing the department or an agent of the department 64354
to enter upon the property on which the structure or object of 64355
natural growth is located; 64356

(B) Authorizing the department or an agent of the department 64357
to remove or demolish the structure or object of natural growth or 64358
to otherwise correct or abate the violation or threatened 64359
violation at the expense of the owner of the property. 64360

Sec. 4561.40. The department of transportation and the office 64361
of aviation is not liable for any damages caused by a structure or 64362

object of natural growth that is an obstruction to the navigable 64363
airspace if either of the following applies: 64364

(A) The structure or object of natural growth was installed, 64365
erected, constructed, established, changed, or altered without a 64366
permit issued under this chapter. 64367

(B) A permit was issued under this chapter for the structure 64368
or object of natural growth but the structure or object of natural 64369
growth was installed, erected, constructed, established, changed, 64370
or altered in a manner not in compliance with the terms and 64371
conditions of the permit. 64372

Sec. 4563.01. As used in sections 4563.01 to 4563.21 of the 64373
Revised Code: 64374

(A) "Airport" means any area of land designed and set aside 64375
for the landing and taking off of aircraft, and for that purpose 64376
possessing one or more hard surfaced runways of a length of not 64377
less than three thousand five hundred feet, and designed for the 64378
storing, repair, and operation of aircraft, and utilized or to be 64379
utilized in the interest of the public for such purposes, and any 64380
area of land designed for such purposes for which designs, plans, 64381
and specifications conforming to the above requirements have been 64382
approved by the office of aviation ~~of the division of multi-modal~~ 64383
~~planning and programs~~ of the department of transportation and for 64384
which not less than seventy per cent of the area shown by such 64385
designs and plans to constitute the total area has been acquired. 64386
An airport is "publicly owned" if the portion thereof used for the 64387
landing and taking off of aircraft is owned, operated, leased to, 64388
or leased by the United States, any agency or department thereof, 64389
this state or any other state, or any political subdivision of 64390
this state or any other state, or any other governmental body, 64391
public agency, or public corporation, or any combination thereof. 64392

(B) "Airport hazard" means any structure or object of natural growth or use of land within an airport hazard area that obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off of aircraft.

(C) "Airport hazard area" means any area of land adjacent to an airport that has been declared to be an "airport hazard area" by the office of aviation in connection with any airport approach plan recommended by the office.

(D) "Political subdivision" means any municipal corporation, township, or county.

(E) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

(F) "Structure" means any erected object, including, without limitation, buildings, towers, smokestacks, and overhead transmission lines.

Sec. 4563.032. Any airport zoning board that adopts, administers, and enforces airport zoning regulations for an airport hazard area under section 4563.03 of the Revised Code shall adopt, as regulations, the rules adopted by the department of transportation under section 4561.32 of the Revised Code that are based in whole upon the obstruction standards set forth in 14 C.F.R. ~~77.21 to 77.29~~ part 77, as amended, to uniformly regulate the height and location of structures and objects of natural growth in any airport's ~~clear zone surface, horizontal surface, conical surface, primary surface, approach surface, or transitional surface~~ navigable airspace as defined in section 4561.01 of the Revised Code.

Sec. 4582.12. (A)(1) Except as otherwise provided in division 64423
(E) of section 307.671 of the Revised Code, division (A) of this 64424
section does not apply to a port authority educational and 64425
cultural facility acquired, constructed, and equipped pursuant to 64426
a cooperative agreement entered into under section 307.671 of the 64427
Revised Code. 64428

(2)~~(a)~~ Except as provided in division (C) of this section or 64429
except when the port authority elects to construct a building, 64430
structure, or other improvement pursuant to a contract made with a 64431
construction manager at risk under sections 9.33 to 9.335 of the 64432
Revised Code or with a design-build firm under sections 153.65 to 64433
153.73 of the Revised Code, when the cost of a contract for the 64434
construction of any building, structure, or other improvement 64435
undertaken by a port authority involves an expenditure exceeding 64436
~~the higher of one two hundred fifty thousand dollars or the amount~~ 64437
~~as adjusted under division (A)(2)(b) of this section~~ and the port 64438
authority is the contracting entity, the port authority shall make 64439
a written contract after notice calling for bids for the award of 64440
the contract has been given by publication twice, with at least 64441
seven days between publications, in a newspaper of general 64442
circulation in the area of the jurisdiction of the port authority. 64443
Each such contract shall be let to the lowest responsive and 64444
responsible bidder in accordance with section 9.312 of the Revised 64445
Code. Every contract let shall be in writing and if the contract 64446
involves work or construction, it shall be accompanied by or shall 64447
refer to plans and specifications for the work to be done, 64448
prepared for and approved by the port authority, signed by an 64449
authorized officer of the port authority and by the contractor, 64450
and shall be executed in triplicate. 64451

Each bid shall be awarded in accordance with sections 153.54, 64452
153.57, and 153.571 of the Revised Code. 64453

The port authority may reject any and all bids. 64454

~~(b) On January 1, 2012, and the first day of January of every even numbered year thereafter, the director of commerce shall adjust the threshold level for contracts subject to the bidding requirements contained in division (A)(2)(a) of this section. The director shall adjust this amount according to the average increase for each of the two years immediately preceding the adjustment as set forth in the producer price index for material and supply inputs for new nonresidential construction as determined by the bureau of labor statistics of the United States department of labor or, if that index no longer is published, a generally available comparable index. If there is no resulting increase, the threshold shall remain the same until the next scheduled adjustment on the first day of January of the next even numbered year.~~ 64455
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(B) The board of directors of a port authority by rule may provide criteria for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building, structure, or other improvement under any of the following circumstances: 64469
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(1) There exists a real and present emergency that threatens damage or injury to persons or property of the port authority or other persons, provided that a statement specifying the nature of the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed by the officer of the port authority that executes that contract at the time of the contract's execution and shall be attached to the contract. 64475
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(2) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement. 64483
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(3) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 64486
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(4) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 64488
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(5) A single bid is received by the port authority after complying with the provisions of division (A) of this section. 64491
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(C)(1) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(2) of this section, the port authority shall publish a notice calling for technical proposals at least twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority. 64493
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(2) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(4) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material. 64502
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Sec. 4582.31. (A) A port authority created in accordance with section 4582.22 of the Revised Code may: 64508
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(1) Adopt bylaws for the regulation of its affairs and the conduct of its business; 64510
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(2) Adopt an official seal; 64512

(3) Maintain a principal office within its jurisdiction, and maintain such branch offices as it may require; 64513
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(4) Acquire, construct, furnish, equip, maintain, repair, 64515

sell, exchange, lease to or from, or lease with an option to 64516
purchase, convey other interests in real or personal property, or 64517
any combination thereof, related to, useful for, or in furtherance 64518
of any authorized purpose and operate any property in connection 64519
with transportation, recreational, governmental operations, or 64520
cultural activities; 64521

(5) Straighten, deepen, and improve any channel, river, 64522
stream, or other water course or way which may be necessary or 64523
proper in the development of the facilities of a port authority; 64524

(6) Make available the use or services of any port authority 64525
facility to one or more persons, one or more governmental 64526
agencies, or any combination thereof; 64527

(7) Issue bonds or notes for the acquisition, construction, 64528
furnishing, or equipping of any port authority facility or other 64529
permanent improvement that a port authority is authorized to 64530
acquire, construct, furnish, or equip, in compliance with Chapter 64531
133. of the Revised Code, except that such bonds or notes may only 64532
be issued pursuant to a vote of the electors residing within the 64533
area of jurisdiction of the port authority. The net indebtedness 64534
incurred by a port authority shall never exceed two per cent of 64535
the total value of all property within the territory comprising 64536
the port authority as listed and assessed for taxation. 64537

(8) Issue port authority revenue bonds beyond the limit of 64538
bonded indebtedness provided by law, payable solely from revenues 64539
as provided in section 4582.48 of the Revised Code, for the 64540
purpose of providing funds to pay the costs of any port authority 64541
facility or facilities or parts thereof; 64542

(9) Apply to the proper authorities of the United States 64543
pursuant to appropriate law for the right to establish, operate, 64544
and maintain foreign trade zones and establish, operate, and 64545
maintain foreign trade zones and to acquire, exchange, sell, lease 64546

to or from, lease with an option to purchase, or operate 64547
facilities, land, or property therefor in accordance with the 64548
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 64549
81u; 64550

(10) Enjoy and possess the same rights, privileges, and 64551
powers granted municipal corporations under sections 721.04 to 64552
721.11 of the Revised Code; 64553

(11) Maintain such funds as it considers necessary; 64554

(12) Direct its agents or employees, when properly identified 64555
in writing, and after at least five days' written notice, to enter 64556
upon lands within the confines of its jurisdiction in order to 64557
make surveys and examinations preliminary to location and 64558
construction of works for the purposes of the port authority, 64559
without liability of the port authority or its agents or employees 64560
except for actual damage done; 64561

(13) Promote, advertise, and publicize the port authority and 64562
its facilities; provide information to shippers and other 64563
commercial interests; and appear before rate-making authorities to 64564
represent and promote the interests of the port authority; 64565

(14) Adopt rules, not in conflict with general law, it finds 64566
necessary or incidental to the performance of its duties and the 64567
execution of its powers under sections 4582.21 to 4582.54 of the 64568
Revised Code. Any such rule shall be posted at no less than five 64569
public places in the port authority, as determined by the board of 64570
directors, for a period of not fewer than fifteen days, and shall 64571
be available for public inspection at the principal office of the 64572
port authority during regular business hours. No person shall 64573
violate any lawful rule adopted and posted as provided in this 64574
division. 64575

(15) Do any of the following, in regard to any interests in 64576
any real or personal property, or any combination thereof, 64577

including, without limitation, machinery, equipment, plants, 64578
factories, offices, and other structures and facilities related 64579
to, useful for, or in furtherance of any authorized purpose, for 64580
such consideration and in such manner, consistent with Article 64581
VIII of the Ohio Constitution, as the board in its sole discretion 64582
may determine: 64583

(a) Loan moneys to any person or governmental entity for the 64584
acquisition, construction, furnishing, and equipping of the 64585
property; 64586

(b) Acquire, construct, maintain, repair, furnish, and equip 64587
the property; 64588

(c) Sell to, exchange with, lease, convey other interests in, 64589
or lease with an option to purchase the same or any lesser 64590
interest in the property to the same or any other person or 64591
governmental entity; 64592

(d) Guarantee the obligations of any person or governmental 64593
entity. 64594

A port authority may accept and hold as consideration for the 64595
conveyance of property or any interest therein such property or 64596
interests therein as the board in its discretion may determine, 64597
notwithstanding any restrictions that apply to the investment of 64598
funds by a port authority. 64599

(16) Sell, lease, or convey other interests in real and 64600
personal property, and grant easements or rights-of-way over 64601
property of the port authority. The board of directors shall 64602
specify the consideration and any terms for the sale, lease, or 64603
conveyance of other interests in real and personal property. Any 64604
determination made by the board under this division shall be 64605
conclusive. The sale, lease, or conveyance may be made without 64606
advertising and the receipt of bids. 64607

(17) Exercise the right of eminent domain to appropriate any 64608

land, rights, rights-of-way, franchises, easements, or other 64609
property, necessary or proper for any authorized purpose, pursuant 64610
to the procedure provided in sections 163.01 to 163.22 of the 64611
Revised Code, if funds equal to the appraised value of the 64612
property to be acquired as a result of such proceedings are 64613
available for that purpose. However, nothing contained in sections 64614
4582.201 to 4582.59 of the Revised Code shall authorize a port 64615
authority to take or disturb property or facilities belonging to 64616
any agency or political subdivision of this state, public utility, 64617
cable operator, or common carrier, which property or facilities 64618
are necessary and convenient in the operation of the agency or 64619
political subdivision, public utility, cable operator, or common 64620
carrier, unless provision is made for the restoration, relocation, 64621
or duplication of such property or facilities, or upon the 64622
election of the agency or political subdivision, public utility, 64623
cable operator, or common carrier, for the payment of 64624
compensation, if any, at the sole cost of the port authority, 64625
provided that: 64626

(a) If any restoration or duplication proposed to be made 64627
under this section involves a relocation of the property or 64628
facilities, the new facilities and location shall be of at least 64629
comparable utilitarian value and effectiveness and shall not 64630
impair the ability of the public utility, cable operator, or 64631
common carrier to compete in its original area of operation; 64632

(b) If any restoration or duplication made under this section 64633
involves a relocation of the property or facilities, the port 64634
authority shall acquire no interest or right in or to the 64635
appropriated property or facilities, except as provided in 64636
division (A)(15) of this section, until the relocated property or 64637
facilities are available for use and until marketable title 64638
thereto has been transferred to the public utility, cable 64639
operator, or common carrier. 64640

As used in division (A)(17) of this section, "cable operator" 64641
has the same meaning as in the "Cable Communications Policy Act of 64642
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 64643
amended by the "Telecommunications Act of 1996," Pub. L. No. 64644
104-104, 110 Stat. 56. 64645

(18)(a) Make and enter into all contracts and agreements and 64646
execute all instruments necessary or incidental to the performance 64647
of its duties and the execution of its powers under sections 64648
4582.21 to 4582.59 of the Revised Code. 64649

(b)~~(i)~~ Except as provided in division (A)(18)(c) of this 64650
section or except when the port authority elects to construct a 64651
building, structure, or other improvement pursuant to a contract 64652
made with a construction manager at risk under sections 9.33 to 64653
9.335 of the Revised Code or with a design-build firm under 64654
section 153.65 to 153.73 of the Revised Code, when the cost of a 64655
contract for the construction of any building, structure, or other 64656
improvement undertaken by a port authority involves an expenditure 64657
exceeding ~~the higher of one two hundred fifty thousand dollars or~~ 64658
~~the amount as adjusted under division (A)(18)(b)(ii) of this~~ 64659
~~section,~~ and the port authority is the contracting entity, the 64660
port authority shall make a written contract after notice calling 64661
for bids for the award of the contract has been given by 64662
publication twice, with at least seven days between publications, 64663
in a newspaper of general circulation in the area of the port 64664
authority or as provided in section 7.16 of the Revised Code. Each 64665
such contract shall be let to the lowest responsive and 64666
responsible bidder in accordance with section 9.312 of the Revised 64667
Code. Every contract shall be accompanied by or shall refer to 64668
plans and specifications for the work to be done, prepared for and 64669
approved by the port authority, signed by an authorized officer of 64670
the port authority and by the contractor, and shall be executed in 64671
triplicate. 64672

Each bid shall be awarded in accordance with sections 153.54, 64673
153.57, and 153.571 of the Revised Code. The port authority may 64674
reject any and all bids. 64675

~~(ii) On January 1, 2012, and the first day of January of 64676
every even numbered year thereafter, the director of commerce 64677
shall adjust the threshold level for contracts subject to the 64678
bidding requirements contained in division (A)(18)(b)(i) of this 64679
section. The director shall adjust this amount according to the 64680
average increase for each of the two years immediately preceding 64681
the adjustment as set forth in the producer price index for 64682
material and supply inputs for new nonresidential construction as 64683
determined by the bureau of labor statistics of the United States 64684
department of labor or, if that index no longer is published, a 64685
generally available comparable index. If there is no resulting 64686
increase, the threshold shall remain the same until the next 64687
scheduled adjustment on the first day of January of the next 64688
even numbered year. 64689~~

(c) The board of directors by rule may provide criteria for 64690
the negotiation and award without competitive bidding of any 64691
contract as to which the port authority is the contracting entity 64692
for the construction of any building or structure or other 64693
improvement under any of the following circumstances: 64694

(i) There exists a real and present emergency that threatens 64695
damage or injury to persons or property of the port authority or 64696
other persons, provided that a statement specifying the nature of 64697
the emergency that is the basis for the negotiation and award of a 64698
contract without competitive bidding shall be signed by the 64699
officer of the port authority that executes that contract at the 64700
time of the contract's execution and shall be attached to the 64701
contract. 64702

(ii) A commonly recognized industry or other standard or 64703
specification does not exist and cannot objectively be articulated 64704

for the improvement. 64705

(iii) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 64706
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(iv) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 64708
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(v) A single bid is received by the port authority after complying with the provisions of division (A)(18)(b) of this section. 64711
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(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority. 64714
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(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material. 64724
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(e)(i) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of 64730
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an activity contemplated by Section 13 or 16 of Article VIII, Ohio
Constitution, shall be made in such manner and subject to such
terms and conditions as may be determined by the board of
directors in its discretion.

(ii) Division (A)(18)(e)(i) of this section applies to all
contracts that are subject to the division, notwithstanding any
other provision of law that might otherwise apply, including,
without limitation, any requirement of notice, any requirement of
competitive bidding or selection, or any requirement for the
provision of security.

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not
apply to either of the following: any contract secured by or to be
paid from moneys raised by taxation or the proceeds of obligations
secured by a pledge of moneys raised by taxation; or any contract
secured exclusively by or to be paid exclusively from the general
revenues of the port authority. For the purposes of this section,
any revenues derived by the port authority under a lease or other
agreement that, by its terms, contemplates the use of amounts
payable under the agreement either to pay the costs of the
improvement that is the subject of the contract or to secure
obligations of the port authority issued to finance costs of such
improvement, are excluded from general revenues.

(19) Employ managers, superintendents, and other employees
and retain or contract with consulting engineers, financial
consultants, accounting experts, architects, attorneys, and any
other consultants and independent contractors as are necessary in
its judgment to carry out this chapter, and fix the compensation
thereof. All expenses thereof shall be payable from any available
funds of the port authority or from funds appropriated for that
purpose by a political subdivision creating or participating in
the creation of the port authority.

(20) Receive and accept from any state or federal agency

grants and loans for or in aid of the construction of any port authority facility or for research and development with respect to port authority facilities, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made;

(21) Engage in research and development with respect to port authority facilities;

(22) Purchase fire and extended coverage and liability insurance for any port authority facility and for the principal office and branch offices of the port authority, insurance protecting the port authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the port authority may agree to provide under any resolution authorizing its port authority revenue bonds or in any trust agreement securing the same;

(23) Charge, alter, and collect rentals and other charges for the use or services of any port authority facility as provided in section 4582.43 of the Revised Code;

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

(25) Establish and administer one or more payment card programs for purposes of paying expenses related to port authority business. Any obligation incurred as a result of the use of such a payment card shall be paid from port authority funds.

(26) Do all acts necessary or proper to carry out the powers expressly granted in sections 4582.21 to 4582.59 of the Revised Code.

(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state

that has the use and benefit of the real property as specified in 64799
section 5301.012 of the Revised Code. 64800

(C) Whoever violates division (A)(14) of this section is 64801
guilty of a minor misdemeanor. 64802

Sec. 4709.02. Except as provided in this chapter, no person 64803
shall do any of the following: 64804

(A) Engage in or attempt to engage in the practice of 64805
barbering, hold themselves out as a practicing barber, or 64806
advertise in a manner that indicates they are a barber, without a 64807
barber license issued pursuant to this chapter; 64808

(B) Operate or attempt to operate a barber shop without a 64809
barber shop license issued pursuant to this chapter; 64810

(C) Engage in or attempt to engage in the teaching of or 64811
assist in the teaching of the practice of barbering without a 64812
barber teacher or assistant barber teacher license issued pursuant 64813
to this chapter; 64814

(D) Advertise barbering services unless the establishment and 64815
personnel employed therein are licensed pursuant to this chapter; 64816

(E) Use or display a barber pole for the purpose of offering 64817
barber services to the consuming public without a barber shop 64818
license issued pursuant to this chapter; 64819

(F) Operate or attempt to operate a barber school without a 64820
barber school license issued pursuant to this chapter; 64821

(G) Teach or attempt to teach any phase of barbering for pay, 64822
free, or otherwise without approval from the state cosmetology and 64823
barber board; 64824

(H) Being a barber, knowingly continue the practice of 64825
barbering, or being a student, knowingly continue as a student in 64826
any barber school, while such person has an infectious, 64827

contagious, or communicable disease; 64828

(I) Obtain or attempt to obtain a license by fraudulent 64829
misrepresentation for money, other than the required fee, or any 64830
other thing of value; 64831

(J) Practice or attempt to practice barbering by fraudulent 64832
misrepresentation; 64833

(K) Employ another person to perform or himself perform the 64834
practice of barbering in a licensed barber shop unless that person 64835
is licensed as a barber under this chapter; 64836

(L) Use any room or place for barbering which is also used 64837
for residential or other business purposes, unless it is separated 64838
by a substantial ceiling-high partition. This does not exclude 64839
hair care products used and sold in barber shops or the sale of 64840
clothing and related accessories as authorized by division (F) of 64841
section 4709.09 of the Revised Code. 64842

(M) Violate any rule adopted by the board or department of 64843
health for barber shops or barber schools. 64844

Sec. 4709.05. In addition to any other duty imposed on the 64845
state cosmetology and barber board under this chapter or Chapter 64846
4713. of the Revised Code, the board shall do all of the 64847
following: 64848

~~(A) Organize by electing a chairperson from its members to~~ 64849
~~serve a one year term;~~ 64850

~~(B)~~ Hold regular meetings, at the times and places as it 64851
determines for the purpose of conducting the examinations required 64852
under this chapter, and hold additional meetings for the 64853
transaction of necessary business; 64854

~~(C) Provide for suitable quarters, in the city of Columbus,~~ 64855
~~for the conduct of its business and the maintenance of its~~ 64856
~~records;~~ 64857

~~(D) Adopt a common seal for the authentication of its orders, communications, and records;~~ 64858
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~~(E)~~(B) Maintain a record of its proceedings and a register of persons licensed as barbers. The register shall include each licensee's name, place of business, residence, and licensure date and number, and a record of all licenses issued, refused, renewed, suspended, or revoked. The records are open to public inspection at all reasonable times. 64860
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~~(F) Annually, on or before the first day of January, make a report to the governor of all its official acts during the preceding year, its receipts and disbursements, recommendations it determines appropriate, and an evaluation of board activities intended to aid or protect consumers of barber services;~~ 64866
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~~(G) Employ an executive director who shall do all things requested by the board for the administration and enforcement of this chapter. The executive director shall employ inspectors, clerks, and other assistants as the executive director determines necessary.~~ 64871
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~~(H)~~(C) Ensure that the practice of barbering is conducted only in a licensed barber shop, except when the practice of barbering is performed on a person whose physical or mental disability prevents that person from going to a licensed barber shop; 64876
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~~(I)~~(D) Conduct or have conducted the examination for applicants to practice as licensed barbers at least four times per year at the times and places the board determines; 64881
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~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and which cover all of the following: 64884
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(1) Sanitary standards for the operation of barber shops and barber schools that conform to guidelines established by the 64887
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department of health; 64889

(2) The content of the examination required of an applicant 64890
for a barber license. The examination shall include a practical 64891
demonstration and a written test, shall relate only to the 64892
practice of barbering, and shall require the applicant to 64893
demonstrate that the applicant has a thorough knowledge of and 64894
competence in the proper techniques in the safe use of chemicals 64895
used in the practice of barbering. 64896

(3) Continuing education requirements for persons licensed 64897
pursuant to this chapter. The board may impose continuing 64898
education requirements upon a licensee for a violation of this 64899
chapter or the rules adopted pursuant thereto or if the board 64900
determines that the requirements are necessary to preserve the 64901
health, safety, or welfare of the public. 64902

(4) Requirements for the licensure of barber schools, barber 64903
teachers, and assistant barber teachers; 64904

(5) Requirements for students of barber schools; 64905

(6) Any other area the board determines appropriate to 64906
administer or enforce this chapter. 64907

~~(K) Annually review the rules adopted pursuant to division 64908
(J) of this section in order to compare those rules with the rules 64909
adopted by the state board of cosmetology pursuant to section 64910
4713.08 of the Revised Code. If the barber board determines that 64911
the rules adopted by the state board of cosmetology, including, 64912
but not limited to, rules concerning using career technical 64913
schools, would be beneficial to the barbering profession, the 64914
barber board shall adopt rules similar to those it determines 64915
would be beneficial for barbers. 64916~~

~~(L)~~(F) Prior to adopting any rule under this chapter, 64917
indicate at a formal hearing the reasons why the rule is necessary 64918
as a protection of the persons who use barber services or as an 64919

improvement of the professional standing of barbers in this state; 64920

~~(M)~~(G) Furnish each owner or manager of a barber shop and 64921
barber school with a copy of all sanitary rules adopted pursuant 64922
to division ~~(J)~~(E) of this section; 64923

~~(N)~~(H) Conduct such investigations and inspections of persons 64924
and establishments licensed or unlicensed pursuant to this chapter 64925
and for that purpose, any member of the board or any of its 64926
authorized agents may enter and inspect any place of business of a 64927
licensee or a person suspected of violating this chapter or the 64928
rules adopted pursuant thereto, during normal business hours; 64929

~~(O)~~(I) Upon the written request of an applicant and the 64930
payment of the appropriate fee, provide to the applicant licensure 64931
information concerning the applicant; 64932

~~(P)~~(J) Do all things necessary for the proper administration 64933
and enforcement of this chapter. 64934

Sec. 4709.07. (A) Each person who desires to obtain an 64935
initial license to practice barbering shall apply to the state 64936
cosmetology and barber board, on forms provided by the board. The 64937
application form shall include the name of the person applying for 64938
the license and evidence that the applicant meets all of the 64939
requirements of division (B) of this section. The application 64940
shall be accompanied by two signed current photographs of the 64941
applicant, in the size determined by the board, that show only the 64942
head and shoulders of the applicant, and the examination 64943
application fee. 64944

(B) In order to take the required barber examination and to 64945
qualify for licensure as a barber, an applicant must demonstrate 64946
that the applicant meets all of the following: 64947

(1) Is of good moral character; 64948

(2) Is at least eighteen years of age; 64949

(3) Has an eighth grade education or an equivalent education 64950
as determined by the state board of education in the state where 64951
the applicant resides; 64952

(4) Has graduated with at least ~~eighteen~~ one thousand eight 64953
hundred hours of training from a board-approved barber school or 64954
has graduated with at least one thousand hours of training from a 64955
board-approved barber school in this state and has a current 64956
cosmetology or hair designer license issued pursuant to Chapter 64957
4713. of the Revised Code. No hours of instruction earned by an 64958
applicant five or more years prior to the examination apply to the 64959
hours of study required by this division. 64960

(C) Any applicant who meets all of the requirements of 64961
divisions (A) and (B) of this section may take the barber 64962
examination at the time and place specified by the board. If the 64963
applicant fails to attain at least a seventy-five per cent pass 64964
rate on each part of the examination, the applicant is ineligible 64965
for licensure; however, the applicant may reapply for examination 64966
within ninety days after the date of the release of the 64967
examination scores by paying the required reexamination fee. An 64968
applicant is only required to take that part or parts of the 64969
examination on which the applicant did not receive a score of 64970
seventy-five per cent or higher. If the applicant fails to reapply 64971
for examination within ninety days or fails the second 64972
examination, in order to reapply for examination for licensure the 64973
applicant shall complete an additional course of study of not less 64974
than two hundred hours, in a board-approved barber school. The 64975
board shall provide to an applicant, upon request, a report which 64976
explains the reasons for the applicant's failure to pass the 64977
examination. 64978

(D) The board shall issue a license to practice barbering to 64979
any applicant who, to the satisfaction of the board, meets the 64980
requirements of divisions (A) and (B) of this section, who passes 64981

the required examination, and pays the initial licensure fee. 64982
Every licensed barber shall display the certificate of licensure 64983
in a conspicuous place adjacent to or near the licensed barber's 64984
work chair, along with a signed current photograph, in the size 64985
determined by the board, showing head and shoulders only. 64986

Sec. 4709.08. Any person who holds a current license or 64987
registration to practice as a barber in any other state or 64988
district of the United States or country whose requirements for 64989
licensure or registration of barbers are substantially equivalent 64990
to the requirements of this chapter and rules adopted under it and 64991
that extends similar reciprocity to persons licensed as barbers in 64992
this state may apply to the state cosmetology and barber board for 64993
a barber license. The board shall, without examination, unless the 64994
board determines to require an examination, issue a license to 64995
practice as a licensed barber in this state if the person meets 64996
the requirements of this section, is at least eighteen years of 64997
age and of good moral character, and pays the required fees. The 64998
board may waive any of the requirements of this section. 64999

Sec. 4709.09. (A) Each person who desires to obtain a barber 65000
shop license shall apply to the state cosmetology and barber 65001
board, on forms provided by the board. The board shall issue a 65002
barber shop license to a person if the board determines that the 65003
person meets all of the requirements of division (B) of this 65004
section and pays the required license and inspection fees. 65005

(B) In order for a person to qualify for a license to operate 65006
a barber shop, the barber shop shall meet all of the following 65007
requirements: 65008

(1) Be in the charge and under the immediate supervision of a 65009
licensed barber; 65010

(2) Be equipped to provide running hot and cold water and 65011

proper drainage; 65012

(3) Sanitize and maintain in a sanitary condition, all 65013
instruments and supplies; 65014

(4) Keep towels and linens clean and sanitary and in a dry, 65015
dust-proof container; 65016

(5) Display the shop license and a copy of the board's 65017
sanitary rules in a conspicuous place in the working area. 65018

(C) Any licensed barber who leases space in a licensed barber 65019
shop and engages in the practice of barbering independent and free 65020
from supervision of the owner or manager of the barber shop is 65021
considered to be engaged in the operation of a separate and 65022
distinct barber shop and shall obtain a license to operate a 65023
barber shop pursuant to this section. 65024

(D) A shop license is not transferable from one owner to 65025
another and if an owner or operator of a barber shop permanently 65026
ceases offering barber services at the shop, the owner or operator 65027
shall return the barber shop license to the board within ten days 65028
of the cessation of services. 65029

(E)(1) Manicurists licensed under Chapter 4713. of the 65030
Revised Code may practice manicuring in a barber shop. 65031

(2) Tanning facilities issued a permit under section 4713.48 65032
of the Revised Code may be operated in a barber shop. 65033

(F) Clothing and related accessories may be sold at retail in 65034
a barber shop so long as these sales maintain the integrity of the 65035
facility as a barber shop. 65036

Sec. 4709.10. (A) Each person who desires to obtain a license 65037
to operate a barber school shall apply to the state cosmetology 65038
and barber board, on forms provided by the board. The board shall 65039
issue a barber school license to a person if the board determines 65040
that the person meets and will comply with all of the requirements 65041

of division (B) of this section and pays the required licensure 65042
and inspection fees. 65043

(B) In order for a person to qualify for a license to operate 65044
a barber school, the barber school to be operated by the person 65045
must meet all of the following requirements: 65046

(1) Have a training facility sufficient to meet the required 65047
educational curriculum established by the board, including enough 65048
space to accommodate all the facilities and equipment required by 65049
rule by the board; 65050

(2) Provide sufficient licensed teaching personnel to meet 65051
the minimum pupil-teacher ratio established by rule of the board; 65052

(3) Have established and provide to the board proof that it 65053
has met all of the board requirements to operate a barber school, 65054
as adopted by rule of the board; 65055

(4) File with the board a program of its curriculum, 65056
accounting for not less than ~~eighteen~~ one thousand eight hundred 65057
hours of instruction in the courses of theory and practical 65058
demonstration required by rule of the board; 65059

(5) File with the board a surety bond in the amount of ten 65060
thousand dollars issued by a bonding company licensed to do 65061
business in this state. The bond shall be in the form prescribed 65062
by the board and conditioned upon the barber school's continued 65063
instruction in the theory and practice of barbering. The bond 65064
shall continue in effect until notice of its termination is 65065
provided to the board. In no event, however, shall the bond be 65066
terminated while the barber school is in operation. Any student 65067
who is injured or damaged by reason of a barber school's failure 65068
to continue instruction in the theory and practice of barbering 65069
may maintain an action on the bond against the barber school or 65070
the surety, or both, for the recovery of any money or tuition paid 65071
in advance for instruction in the theory and practice of barbering 65072

which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond. 65073
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(6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule; 65075
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(7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following: 65078
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(a) Be at least seventeen years of age; 65083

(b) Be of good moral character; 65084

(c) Have an eighth grade education, or an equivalent education as determined by the state board of education; 65085
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(d) Submit two signed current photographs of ~~himself~~ the applicant, in the size determined by the board. 65087
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(8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school; 65089
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(9) Operate in a manner which reflects credit upon the barbering profession; 65092
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(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 65094
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(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility. 65097
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(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the ~~barber~~ board, 65101
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on forms provided by the ~~barber~~ board. The board shall only issue 65103
a barber teacher license to a person who meets all of the 65104
following requirements: 65105

(1) Holds a current barber license issued pursuant to this 65106
chapter and has at least eighteen months of work experience in a 65107
licensed barber shop or has been employed as an assistant barber 65108
teacher under the supervision of a licensed barber teacher for at 65109
least one year, unless, for good cause, the board waives this 65110
requirement; 65111

(2) Meets such other requirements as adopted by rule by the 65112
board; 65113

(3) Passes the required examination; and 65114

(4) Pays the required fees. If an applicant fails to pass the 65115
examination, ~~he~~ the applicant may reapply for the examination and 65116
licensure no earlier than one year after the failure to pass and 65117
provided that during that period, ~~he~~ the applicant remains 65118
employed as an assistant barber teacher. 65119

The board shall only issue an assistant barber teacher 65120
license to a person who holds a current barber license issued 65121
pursuant to this chapter and pays the required fees. 65122

(D) Any person who meets the qualifications of an assistant 65123
teacher pursuant to division (C) of this section, may be employed 65124
as an assistant teacher, provided that within five days after the 65125
commencement of the employment the barber school submits to the 65126
board, on forms provided by the board, the applicant's 65127
qualifications. 65128

Sec. 4709.12. (A) The state cosmetology and barber board 65129
shall charge and collect the following fees: 65130

(1) For the application to take the barber examination, 65131
ninety dollars; 65132

(2) For an application to retake any part of the barber examination, forty-five dollars;	65133 65134
(3) For the initial issuance of a license to practice as a barber, thirty dollars;	65135 65136
(4) For the biennial renewal of the license to practice as a barber, one hundred ten dollars;	65137 65138
(5) For the restoration of an expired barber license, one hundred dollars, and seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;	65139 65140 65141 65142
(6) For the issuance of a duplicate barber or shop license, forty-five dollars;	65143 65144
(7) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, one hundred ten dollars;	65145 65146 65147 65148
(8) For the biennial renewal of a barber shop license, seventy-five dollars;	65149 65150
(9) For the restoration of a barber shop license, one hundred ten dollars;	65151 65152
(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	65153 65154 65155
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	65156 65157
(12) For the restoration of a barber school license, one thousand dollars;	65158 65159
(13) For the issuance of a student registration, forty dollars;	65160 65161

(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	65162 65163
(15) For the renewal of a biennial teacher license, one hundred fifty dollars;	65164 65165
(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;	65166 65167 65168 65169
(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, three hundred dollars;	65170 65171 65172
(18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars.	65173 65174
(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.	65175 65176 65177 65178
(C) In addition to any other fee charged and collected under this section, the barber board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.	65179 65180 65181 65182 65183 65184 65185
Sec. 4709.13. (A) The <u>state cosmetology and</u> barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for any one or more of the following causes:	65186 65187 65188 65189
(1) Advertising by means of knowingly false or deceptive statements;	65190 65191

(2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;	65192 65193
(3) Immoral or unprofessional conduct;	65194
(4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;	65195 65196
(5) Employing any person who does not have a current Ohio license to perform the practice of barbering;	65197 65198
(6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively;	65199 65200 65201 65202 65203 65204
(7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;	65205 65206 65207 65208
(8) Violating any sanitary rules approved by the department of health or the board;	65209 65210
(9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;	65211 65212 65213
(10) Gross incompetence.	65214
(B)(1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter, shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty.	65215 65216 65217 65218 65219 65220
(2) A conviction or plea of guilty to a felony committed	65221

prior to being issued a license under this chapter shall not 65222
disqualify a person from being issued an initial license under 65223
this chapter. 65224

(C) Prior to taking any action under division (A) or (B) of 65225
this section, the board shall provide the person with a statement 65226
of the charges against the person and notice of the time and place 65227
of a hearing on the charges. The board shall conduct the hearing 65228
according to Chapter 119. of the Revised Code. Any person 65229
dissatisfied with a decision of the board may appeal the board's 65230
decision to the court of common pleas in Franklin county. 65231

(D) The board may adopt rules in accordance with Chapter 119. 65232
of the Revised Code, specifying additional grounds upon which the 65233
board may take action under division (A) of this section. 65234

Sec. 4709.14. (A) If the state cosmetology and barber board 65235
determines that any person is violating or threatening to violate 65236
any provision of this chapter or the rules adopted pursuant 65237
thereto and such violation or threatened violation is a threat to 65238
the health or safety of persons who use barber services, the board 65239
may apply to a court of competent jurisdiction in the county in 65240
which the violation or threatened violation occurred or will occur 65241
for injunctive relief and such other relief to prevent further 65242
violations. The attorney general shall, at the board's request, 65243
represent the board in any such action. 65244

(B) If the board determines, after a hearing conducted in 65245
accordance with Chapter 119. of the Revised Code, that any person 65246
has violated any provision of this chapter or the rules adopted 65247
pursuant thereto, the board may, in addition to any other action 65248
it may take or any other penalty imposed pursuant to this chapter, 65249
impose one or more fines upon the person. In no event, however, 65250
shall the fines imposed under this division exceed five hundred 65251
dollars for a first offense or one thousand dollars for each 65252

subsequent offense. 65253

(C) A person who allegedly has violated a provision of this 65254
chapter for which the board proposes to impose a fine may pay the 65255
board the amount of the fine and waive the right to an 65256
adjudicatory hearing conducted under Chapter 119. of the Revised 65257
Code and described in division (B) of this section. 65258

Sec. 4709.23. No phase of barbering shall be taught for pay, 65259
free, or otherwise, without approval from the state cosmetology 65260
and barber board. 65261

Sec. 4713.01. As used in this chapter: 65262

"Apprentice instructor" means an individual holding a 65263
practicing license issued by the state ~~board of~~ cosmetology and 65264
barber board who is engaged in learning or acquiring knowledge of 65265
the occupation of an instructor of a branch of cosmetology at a 65266
school of cosmetology. 65267

"Beauty salon" means a salon in which an individual is 65268
authorized to engage in all branches of cosmetology. 65269

"Biennial licensing period" means the two-year period 65270
beginning on the first day of February of an odd-numbered year and 65271
ending on the last day of January of the next odd-numbered year. 65272

"Boutique salon" means a salon in which an individual engages 65273
in boutique services and no other branch of cosmetology. 65274

"Boutique services" means braiding, threading, and 65275
shampooing. 65276

"Braiding" means intertwining the hair in a systematic motion 65277
to create patterns in a three-dimensional form, inverting the hair 65278
against the scalp along part of a straight or curved row of 65279
intertwined hair, or twisting the hair in a systematic motion, and 65280
includes extending the hair with natural or synthetic hair fibers. 65281

"Branch of cosmetology" means the practice of cosmetology, 65282
practice of esthetics, practice of hair design, practice of 65283
manicuring, practice of natural hair styling, or practice of 65284
boutique services. 65285

"Cosmetic therapy" has the same meaning as in section 4731.15 65286
of the Revised Code. 65287

"Cosmetologist" means an individual authorized to engage in 65288
all branches of cosmetology in a licensed facility. 65289

"Cosmetology" means the art or practice of embellishment, 65290
cleansing, beautification, and styling of hair, wigs, postiches, 65291
face, body, or nails. 65292

"Cosmetology instructor" means an individual authorized to 65293
teach the theory and practice of all branches of cosmetology at a 65294
school of cosmetology. 65295

"Esthetician" means an individual who engages in the practice 65296
of esthetics but no other branch of cosmetology in a licensed 65297
facility. 65298

"Esthetics instructor" means an individual who teaches the 65299
theory and practice of esthetics, but no other branch of 65300
cosmetology, at a school of cosmetology. 65301

"Esthetics salon" means a salon in which an individual 65302
engages in the practice of esthetics but no other branch of 65303
cosmetology. 65304

"Eye lash extensions" include temporary and semi-permanent 65305
enhancements designed to add length, thickness, and fullness to 65306
natural eyelashes. 65307

"Hair designer" means an individual who engages in the 65308
practice of hair design but no other branch of cosmetology in a 65309
licensed facility. 65310

"Hair design instructor" means an individual who teaches the 65311

theory and practice of hair design, but no other branch of 65312
cosmetology, at a school of cosmetology. 65313

"Hair design salon" means a salon in which an individual 65314
engages in the practice of hair design but no other branch of 65315
cosmetology. 65316

"Hair removal" includes tweezing, waxing, sugaring, and 65317
threading. "Hair removal" does not include electrolysis. 65318

"Independent contractor" means an individual who is not an 65319
employee of a salon but practices a branch of cosmetology within a 65320
salon in a licensed facility. 65321

"Instructor license" means a license to teach the theory and 65322
practice of a branch of cosmetology at a school of cosmetology. 65323

"Licensed facility" means any premises, building, or part of 65324
a building licensed under section 4713.41 of the Revised Code in 65325
which cosmetology services are authorized by the state ~~board of~~ 65326
cosmetology and barber board to be performed. 65327

"Advanced cosmetologist" means an individual authorized to 65328
work in a beauty salon and engage in all branches of cosmetology. 65329

"Advanced esthetician" means an individual authorized to work 65330
in an esthetics salon, but no other type of salon, and engage in 65331
the practice of esthetics, but no other branch of cosmetology. 65332

"Advanced hair designer" means an individual authorized to 65333
work in a hair design salon, but no other type of salon, and 65334
engage in the practice of hair design, but no other branch of 65335
cosmetology. 65336

"Advanced license" means a license to work in a salon and 65337
practice the branch of cosmetology practiced at the salon. 65338

"Advanced manicurist" means an individual authorized to work 65339
in a nail salon, but no other type of salon, and engage in the 65340
practice of manicuring, but no other branch of cosmetology. 65341

"Advanced natural hair stylist" means an individual 65342
authorized to work in a natural hair style salon, but no other 65343
type of salon, and engage in the practice of natural hair styling, 65344
but no other branch of cosmetology. 65345

"Manicurist" means an individual who engages in the practice 65346
of manicuring but no other branch of cosmetology in a licensed 65347
facility. 65348

"Manicurist instructor" means an individual who teaches the 65349
theory and practice of manicuring, but no other branch of 65350
cosmetology, at a school of cosmetology. 65351

"Nail salon" means a salon in which an individual engages in 65352
the practice of manicuring but no other branch of cosmetology. 65353

"Natural hair stylist" means an individual who engages in the 65354
practice of natural hair styling but no other branch of 65355
cosmetology in a licensed facility. 65356

"Natural hair style instructor" means an individual who 65357
teaches the theory and practice of natural hair styling, but no 65358
other branch of cosmetology, at a school of cosmetology. 65359

"Natural hair style salon" means a salon in which an 65360
individual engages in the practice of natural hair styling but no 65361
other branch of cosmetology. 65362

"Practice of braiding" means utilizing the technique of 65363
intertwining hair in a systematic motion to create patterns in a 65364
three-dimensional form, including patterns that are inverted, 65365
upright, or singled against the scalp that follow along straight 65366
or curved partings. It may include twisting or locking the hair 65367
while adding bulk or length with human hair, synthetic hair, or 65368
both and using simple devices such as clips, combs, and hairpins. 65369

"Practice of braiding" does not include application of weaving, 65370
bonding, and fusion of individual strands or wefts; application of 65371
dyes, reactive chemicals, or other preparations to alter the color 65372

or straighten, curl, or alter the structure of hair; embellishing 65373
or beautifying hair by cutting or singeing, except as needed to 65374
finish the ends of synthetic fibers used to add bulk to or 65375
lengthen hair. 65376

"Practice of cosmetology" means the practice of all branches 65377
of cosmetology. 65378

"Practice of esthetics" means the application of cosmetics, 65379
tonics, antiseptics, creams, lotions, or other preparations for 65380
the purpose of skin beautification and includes preparation of the 65381
skin by manual massage techniques or by use of electrical, 65382
mechanical, or other apparatus; enhancement of the skin by skin 65383
care, facials, body treatments, hair removal, and other 65384
treatments; and eye lash extension services. 65385

"Practice of hair design" means embellishing or beautifying 65386
hair, wigs, or hairpieces by arranging, dressing, pressing, 65387
curling, waving, permanent waving, cleansing, cutting, singeing, 65388
bleaching, coloring, braiding, weaving, or similar work. "Practice 65389
of hair design" includes utilizing techniques performed by hand 65390
that result in tension on hair roots such as twisting, wrapping, 65391
weaving, extending, locking, or braiding of the hair. 65392

"Practice of manicuring" means cleaning, trimming, shaping 65393
the free edge of, or applying polish to the nails of any 65394
individual; applying nail enhancements and embellishments to any 65395
individual; massaging the hands and lower arms up to the elbow of 65396
any individual; massaging the feet and lower legs up to the knee 65397
of any individual; using lotions or softeners on the hands and 65398
feet of any individual; or any combination of these types of 65399
services. 65400

"Practice of natural hair styling" means utilizing techniques 65401
performed by hand that result in tension on hair roots such as 65402
twisting, wrapping, weaving, extending, locking, or braiding of 65403

the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeing, except as needed to finish off the end of a braid, or by dressing, pressing, curling, waving, permanent waving, or similar work.

"Practicing license" means a license to practice a branch of cosmetology in a licensed facility.

"Salon" means a licensed facility on any premises, building, or part of a building in which an individual engages in the practice of one or more branches of cosmetology. "Salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code. "Salon" does not mean a tanning facility, although a tanning facility may be located in a salon.

"School of cosmetology" means any premises, building, or part of a building in which students are instructed in the theories and practices of one or more branches of cosmetology.

"Shampooing" means the act of cleansing and conditioning an individual's hair under the supervision of an individual licensed under this chapter and in preparation to immediately receive a service from a licensee.

"Student" means an individual, other than an apprentice instructor, who is engaged in learning or acquiring knowledge of the practice of a branch of cosmetology at a school of cosmetology.

"Tanning facility" means any premises, building, or part of a building that contains one or more rooms or booths with any of the following:

(A) Equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial

radiation;	65435
(B) Equipment or booths that use chemicals applied to human skin, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans;	65436 65437 65438
(C) Equipment or beds that use visible light for cosmetic purposes.	65439 65440
"Threading" includes a service that results in the removal of hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of thread and an astringent, if the service does not use chemicals of any kind, wax, or any implements, instruments, or tools to remove hair.	65441 65442 65443 65444 65445
Sec. 4713.02. (A) There is hereby created the state board of cosmetology <u>and barber board</u> , consisting of all of the following members appointed by the governor, with the advice and consent of the senate:	65446 65447 65448 65449
(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment;	65450 65451
(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment;	65452 65453 65454
(3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology;	65455 65456 65457
(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school;	65458 65459 65460
(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;	65461 65462
(6) One owner of at least five licensed salons;	65463

(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 65464
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(8) One individual representing the general public; 65470

(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment; 65471
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(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 65474
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(11) Two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been licensed as barbers in this state for at least five years immediately preceding their appointment. 65478
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(B) The superintendent of public instruction shall nominate three individuals for the governor to choose from when making an appointment under division (A)(4) of this section. 65482
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(C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology ~~or~~ salon, barber school, or barber shop. 65485
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Terms of office are for five years. Terms shall commence on the first day of November and end on the thirty-first day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. In case 65491
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of a vacancy occurring on the board, the governor shall, in the 65495
same manner prescribed for the regular appointment to the board, 65496
fill the vacancy by appointing a member. Any member appointed to 65497
fill a vacancy occurring prior to the expiration of the term for 65498
which the member's predecessor was appointed shall hold office for 65499
the remainder of such term. Any member shall continue in office 65500
subsequent to the expiration date of the member's term until the 65501
member's successor takes office, or until a period of sixty days 65502
has elapsed, whichever occurs first. Before entering upon the 65503
discharge of the duties of the office of member, each member shall 65504
take, and file with the secretary of state, the oath of office 65505
required by Section 7 of Article XV, Ohio Constitution. 65506

The members of the board shall receive an amount fixed 65507
pursuant to Chapter 124. of the Revised Code per diem for every 65508
meeting of the board which they attend, together with their 65509
necessary expenses, and mileage for each mile necessarily 65510
traveled. 65511

The members of the board shall annually elect, from among 65512
their number, a chairperson and a vice-chairperson. The executive 65513
director appointed pursuant to section 4713.06 of the Revised Code 65514
shall serve as the board's secretary. 65515

(D) The board shall prescribe the duties of its officers and 65516
establish an office within Franklin county. The board shall keep 65517
all records and files at the office and have the records and files 65518
at all reasonable hours open to public inspection in accordance 65519
with section 149.43 of the Revised Code and any rules adopted by 65520
the board in compliance with this state's record retention policy. 65521
The board also shall adopt a seal for the authentication of its 65522
orders, communications, and records. 65523

(E) The governor may remove any member for cause prior to the 65524
expiration of the member's term of office. 65525

(F) Whenever the term "state board of cosmetology" is used, 65526
referred to, or designated in statute, rule, contract, grant, or 65527
other document, the use, reference, or designation shall be deemed 65528
to mean the "state cosmetology and barber board" or the executive 65529
director of the state cosmetology and barber board, whichever is 65530
appropriate in context. Whenever the term "barber board" is used, 65531
referred to, or designated in statute, rule, contract, grant, or 65532
other document, the use, reference, or designation shall be deemed 65533
to mean the "state cosmetology and barber board" or the executive 65534
director of the state cosmetology and barber board, whichever is 65535
appropriate in context. 65536

Sec. 4713.03. The state ~~board of~~ cosmetology and barber board 65537
shall hold meetings to transact its business at least four times a 65538
year. The board may hold additional meetings as, in its judgment, 65539
are necessary. The board shall meet at the times and places it 65540
selects. 65541

Sec. 4713.04. The state ~~board of~~ cosmetology and barber board 65542
may authorize any of its members, in writing, to undertake any 65543
proceedings authorized by this chapter, and the finding or order 65544
of such members is the finding of the board when confirmed by it. 65545
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Sec. 4713.05. All receipts of the state ~~board of~~ cosmetology 65547
and barber board shall be deposited into the state treasury to the 65548
credit of the occupational licensing and regulatory fund. All 65549
vouchers of the board shall be approved by the board chairperson 65550
or executive director, or both, as authorized by the board. 65551

Sec. 4713.06. The state ~~board of~~ cosmetology and barber board 65552
shall annually appoint an executive director. The executive 65553
director may not be a member of the board, but subsequent to 65554

appointment, shall serve as secretary of the board. The executive 65555
director, before entering upon the discharge of the executive 65556
director's duties, shall file with the secretary of state a good 65557
and sufficient bond payable to the state, to ensure the faithful 65558
performance of duties of the office of executive director. The 65559
bond shall be in an amount the board requires. The premium of the 65560
bond shall be paid from appropriations made to the board for 65561
operating purposes. Whenever the term "executive director of the 65562
state board of cosmetology" or the term "executive director of the 65563
barber board," or variations thereof, is used, referred to, or 65564
designated in statute, rule, contract, grant, or other document, 65565
the use, reference, or designation shall be deemed to mean the 65566
"executive director of the state cosmetology and barber board." 65567

The board may employ inspectors, examiners, consultants on 65568
contents of examinations, clerks, or other individuals as 65569
necessary for the administration of this chapter and Chapter 4709. 65570
of the Revised Code. All inspectors and examiners shall be 65571
licensed cosmetologists pursuant to this chapter or licensed 65572
barbers pursuant to Chapter 4709. of the Revised Code. 65573

The board may appoint inspectors to inspect and investigate 65574
all facilities regulated by this chapter and Chapter 4709. of the 65575
Revised Code, including tanning facilities, to ensure compliance 65576
with this chapter and Chapter 4709. of the Revised Code, the rules 65577
adopted ~~pursuant to it~~ by the board, and the board's policies, in 65578
accordance with division (A)(11) of section 4713.07 of the Revised 65579
Code. 65580

Sec. 4713.07. (A) The state ~~board of~~ cosmetology and barber 65581
board shall do all of the following: 65582

(1) Regulate the practice of cosmetology and all of its 65583
branches in this state; 65584

- (2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or any rule adopted pursuant to it, the activities or premises of a license holder or unlicensed individual; 65585
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- (3) Adopt rules in accordance with section 4713.08 of the Revised Code; 65589
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- (4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter; 65591
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- (5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter; 65595
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- (6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code; 65598
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- (7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware; 65601
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- (8) Submit a written report annually to the governor that provides all of the following: 65603
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- (a) A discussion of the conditions in this state of the branches of cosmetology; 65605
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- (b) An evaluation of board activities intended to aid or protect consumers; 65607
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- (c) A brief summary of the board's proceedings during the year the report covers; 65609
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- ~~(c)~~(d) A statement of all money that the board received and expended during the year the report covers. 65611
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- (9) Keep a record of all of the following: 65613

(a) The board's proceedings;	65614
(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter;	65615 65616 65617
(c) The date and number of each license, permit, and registration that the board issues.	65618 65619
(10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;	65620 65621 65622
(11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, <u>barber schools, barber shops,</u> and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it <u>or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code.</u> In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon.	65623 65624 65625 65626 65627 65628 65629 65630 65631 65632 65633 65634 65635 65636 65637 65638 65639 65640 65641 65642
(12) Supply a copy of the poster created pursuant to division (B) of section 5502.63 of the Revised Code to each person	65643 65644

authorized to operate a salon, school of cosmetology, tanning facility, or other type of facility under this chapter; 65645
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(13) All other duties that this chapter imposes on the board. 65647

(B) The board may delegate any of the duties listed in division (A) of this section to the executive director of the board or to an individual designated by the executive director. 65648
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Sec. 4713.071. (A) ~~Beginning one year after the effective date of this section, the~~ The state board of cosmetology and barber board shall annually submit a written report to the governor, president of the senate, and speaker of the house of representatives. The report shall list all of the following for the preceding twelve-month period: 65651
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(1) The number of students enrolled in courses at licensed public and private schools of cosmetology and barbering; 65657
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(2) The number of students graduating from licensed public and private schools of cosmetology and barbering; 65659
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(3) The annual cost for students to attend each licensed public or private school of cosmetology and barbering; 65661
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(4) The loan default rates for licensed public and private schools of cosmetology and barbering; 65663
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(5) The first-time licensure passage rate for graduates of all public and private schools of cosmetology and barbering; 65665
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(6) The total number of new and renewal licenses in each profession; 65667
65668

(7) The total number of complaint-driven inspections conducted by the board; 65669
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(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification of focus areas for continuing education purposes; 65671
65672
65673

(9) The twenty salons and individuals cited with the most violations for unlicensed workers;	65674 65675
(10) The number of adjudications or other disciplinary action taken by the board.	65676 65677
(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter <u>or Chapter 4709. of the Revised Code.</u>	65678 65679 65680
Sec. 4713.08. (A) The state board of cosmetology <u>and barber board</u> shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:	65681 65682 65683 65684
(1) Govern the practice of the branches of cosmetology;	65685
(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	65686 65687 65688 65689
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	65690 65691
(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;	65692 65693 65694 65695 65696
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	65697 65698
(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;	65699 65700 65701 65702

- (7) Specify locations in which glamour photography services 65703
in which a branch of cosmetology is practiced may be provided; 65704
- (8) Establish conditions and the fee for a temporary special 65705
occasion work permit under section 4713.37 of the Revised Code and 65706
specify the amount of time such a permit is valid; 65707
- (9) Specify conditions an applicant must satisfy for the 65708
board to issue the applicant an independent contractor license 65709
under section 4713.39 of the Revised Code and the fee for issuance 65710
and renewal of the license; 65711
- (10) Establish conditions under which food may be sold at a 65712
salon; 65713
- (11) Specify which professions regulated by a professional 65714
regulatory board of this state may be practiced in a salon under 65715
section 4713.42 of the Revised Code; 65716
- (12) Establish standards for the provision of cosmetic 65717
therapy, massage therapy, or other professional service in a salon 65718
pursuant to section 4713.42 of the Revised Code; 65719
- (13) Establish standards for board approval of, and the 65720
granting of credits for, training in branches of cosmetology at 65721
schools of cosmetology licensed in this state; 65722
- (14) Establish the manner in which a school of cosmetology 65723
licensed under section 4713.44 of the Revised Code may offer 65724
post-secondary and advanced practice programs; 65725
- (15) Establish sanitary standards for the practice of the 65726
branches of cosmetology, salons, and schools of cosmetology; 65727
- (16) Establish the application process for obtaining a 65728
tanning facility permit under section 4713.48 of the Revised Code, 65729
including the amount of the fee for an initial or renewed permit; 65730
- (17) Establish standards for installing and operating a 65731
tanning facility in a manner that ensures the health and safety of 65732

consumers, including standards that do all of the following:	65733
(a) Establish a maximum safe time of exposure to radiation	65734
and a maximum safe temperature at which sun lamps may be operated;	65735
(b) Require consumers to wear protective eyeglasses;	65736
(c) Require consumers to be supervised as to the length of	65737
time consumers use the facility's sun lamps;	65738
(d) Require the operator to prohibit consumers from standing	65739
too close to sun lamps and to post signs warning consumers of the	65740
potential effects of radiation on individuals taking certain	65741
medications and of the possible relationship of the radiation to	65742
skin cancer;	65743
(e) Require the installation of protective shielding for sun	65744
lamps and handrails for consumers;	65745
(f) Require floors to be dry during operation of lamps;	65746
(g) Establish procedures an operator must follow in making	65747
reasonable efforts in compliance with section 4713.50 of the	65748
Revised Code to determine the age of an individual seeking to use	65749
sun lamp tanning services.	65750
(18)(a) If the board, under section 4713.61 of the Revised	65751
Code, develops a procedure for classifying licenses inactive, do	65752
both of the following:	65753
(i) Establish a fee for having a license classified inactive	65754
that reflects the cost to the board of providing the inactive	65755
license service. If one or more renewal periods have elapsed since	65756
the license was valid, the fee shall not include lapsed renewal	65757
fees for more than three of those renewal periods;	65758
(ii) Specify the continuing education that an individual	65759
whose license has been classified inactive must complete to have	65760
the license restored. The continuing education shall be sufficient	65761
to ensure the minimum competency in the use or administration of a	65762

new procedure or product required by a licensee necessary to 65763
protect public health and safety. The requirement shall not exceed 65764
the cumulative number of hours of continuing education that the 65765
individual would have been required to complete had the individual 65766
retained an active license. 65767

(b) In addition, the board may specify the conditions and 65768
method for granting a temporary work permit to practice a branch 65769
of cosmetology to an individual whose license has been classified 65770
inactive. 65771

(19) Establish a fee for approval of a continuing education 65772
program under section 4713.62 of the Revised Code that is adequate 65773
to cover any expense the board incurs in the approval process; 65774

(20) Anything else necessary to implement this chapter. 65775

(B)(1) The rules adopted under division (A)(2) of this 65776
section may establish additional conditions for a temporary 65777
pre-examination work permit under section 4713.22 of the Revised 65778
Code that are applicable to individuals who practice a branch of 65779
cosmetology in another state or country. 65780

(2) The rules adopted under division (A)(18)(b) of this 65781
section may establish additional conditions for a temporary work 65782
permit that are applicable to individuals who practice a branch of 65783
cosmetology in another state. 65784

(C) The conditions specified in rules adopted under division 65785
(A)(6) of this section may include that an applicant is applying 65786
for a license to practice a branch of cosmetology for which the 65787
board determines an examination is unnecessary. 65788

(D) The rules adopted under division (A)(11) of this section 65789
shall not include a profession if practice of the profession in a 65790
salon is a violation of a statute or rule governing the 65791
profession. 65792

(E) The sanitary standards established under division (A)(15) 65793
of this section shall focus in particular on precautions to be 65794
employed to prevent infectious or contagious diseases being 65795
created or spread. The board shall consult with the Ohio 65796
department of health when establishing the sanitary standards. 65797

(F) The fee established by rules adopted under division 65798
(A)(16) of this section shall cover the cost the board incurs in 65799
inspecting tanning facilities and enforcing the board's rules but 65800
may not exceed one hundred dollars per location of such 65801
facilities. 65802

Sec. 4713.081. The state ~~board of~~ cosmetology and barber 65803
board shall furnish a copy of the sanitary standards established 65804
by rules adopted under section 4713.08 of the Revised Code to each 65805
individual to whom the board issues a practicing license, advanced 65806
license, license to operate a salon or school of cosmetology, or 65807
boutique services registration. The board also shall furnish a 65808
copy of the sanitary standards to each individual providing 65809
cosmetic therapy, massage therapy, or other professional service 65810
in a salon under section 4713.42 of the Revised Code. A salon or 65811
school of cosmetology provided a copy of the sanitary standards 65812
shall post the standards in a public and conspicuous place in the 65813
salon or school. 65814

Sec. 4713.082. The state ~~board of~~ cosmetology and barber 65815
board shall furnish a copy of the standards established by rules 65816
adopted under section 4713.08 of the Revised Code for installing 65817
and operating a tanning facility to each individual to whom the 65818
board issues a permit to operate a tanning facility. An individual 65819
provided a copy of the standards shall post the standards in a 65820
public and conspicuous place in the tanning facility. 65821

Sec. 4713.09. The state ~~board of~~ cosmetology and barber board 65822

may adopt rules in accordance with section 4713.08 of the Revised Code to establish a continuing education requirement, not to exceed eight hours in a biennial licensing period, as a condition of renewal for a practicing license, advanced license, instructor license, or boutique services registration. These hours may include training in identifying and addressing the crime of trafficking in persons as described in section 2905.32 of the Revised Code. At least two of the eight hours of the continuing education requirement must be achieved in courses concerning safety and sanitation, and at least one hour of the eight hours of the continuing education requirement must be achieved in courses concerning law and rule updates.

Sec. 4713.10. (A) The state board of cosmetology shall charge and collect the following fees:

(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, ~~seven not more than fifteen~~ dollars and fifty cents;

(2) For initial application to take an examination under section 4713.24 of the Revised Code, ~~thirty-one not more than~~ forty dollars ~~and fifty cents~~;

(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, ~~forty~~ not more than fifty-five dollars;

(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, ~~thirty-one not~~ more than forty dollars ~~and fifty cents~~;

(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, ~~forty-five~~ not more than

seventy-five dollars; 65853

(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars; 65854
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(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, ~~forty-five~~ not more than seventy dollars; 65856
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(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars; 65859
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(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, ~~seventy-five~~ not more than one hundred dollars; 65861
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(10) For the renewal of a salon license under section 4713.41 of the Revised Code, ~~sixty~~ not more than ninety dollars; 65864
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(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed; 65866
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(12) For the issuance of a duplicate of any license, ~~twenty~~ not more than thirty dollars; 65872
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(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars; 65874
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(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars. 65877
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(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses. 65880
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(C) The board may establish an installment plan for the 65883
payment of fines and fees and may reduce fees as considered 65884
appropriate by the board. 65885

~~(C)~~(D) At the request of a person who is temporarily unable 65886
to pay a fee imposed under division (A) of this section, or on its 65887
own motion, the board may extend the date payment is due by up to 65888
ninety days. If the fee remains unpaid after the date payment is 65889
due, the amount of the fee shall be certified to the attorney 65890
general for collection in the form and manner prescribed by the 65891
attorney general. The attorney general may assess the collection 65892
cost to the amount certified in such a manner and amount as 65893
prescribed by the attorney general. 65894

Sec. 4713.11. The state ~~board of~~ cosmetology and barber 65895
board, subject to the approval of the controlling board, may 65896
establish fees in excess of the amounts provided by section 65897
4713.10 of the Revised Code, provided that any fee increase does 65898
not exceed the amount permitted by more than fifty per cent. 65899

Sec. 4713.13. Whenever in the judgment of the state ~~board of~~ 65900
cosmetology and barber board any individual has engaged in or is 65901
about to engage in any acts or practices that constitute a 65902
violation of this chapter, or any rule adopted under this chapter, 65903
the board may apply to the appropriate court for an order 65904
enjoining the acts or practices, and upon a showing by the board 65905
that the individual has engaged in the acts or practices, the 65906
court shall grant an injunction, restraining order, or other order 65907
as may be appropriate. 65908

Sec. 4713.141. An inspector employed by the state ~~board of~~ 65909
cosmetology and barber board may take a sample of a product used 65910
or sold in a salon or school of cosmetology for the purpose of 65911
examining the sample, or causing an examination of the sample to 65912

be made, to determine whether division (M) of section 4713.14 of
the Revised Code has been violated.

Should the results of the test prove that division (M) of
section 4713.14 of the Revised Code has been violated, the board
shall take action in accordance with section 4713.64 of the
Revised Code. A fine imposed under that section shall include the
cost of the test. The person's license may be suspended or
revoked.

Sec. 4713.17. (A) The following persons are exempt from the
provisions of this chapter, except, as applicable, section 4713.42
of the Revised Code:

(1) All individuals authorized to practice medicine, surgery,
dentistry, and nursing or any of its branches in this state;

(2) Commissioned surgical and medical officers of the United
States army, navy, air force, or marine hospital service when
engaged in the actual performance of their official duties, and
attendants attached to same;

(3) ~~Barbers, insofar as their usual and ordinary vocation and
profession is concerned;~~

~~(4)~~ Funeral directors, embalmers, and apprentices licensed or
registered under Chapter 4717. of the Revised Code;

~~(5)~~(4) Persons who are engaged in the retail sale, cleaning,
or beautification of wigs and hairpieces but who do not engage in
any other act constituting the practice of a branch of
cosmetology;

~~(6)~~(5) Volunteers of hospitals, and homes as defined in
section 3721.01 of the Revised Code, who render service to
registered patients and inpatients who reside in such hospitals or
homes. Such volunteers shall not use or work with any chemical

products such as permanent wave, hair dye, or chemical hair 65942
relaxer, which without proper training would pose a health or 65943
safety problem to the patient. 65944

~~(7)~~(6) Nurse aides and other employees of hospitals and homes 65945
as defined in section 3721.01 of the Revised Code, who practice a 65946
branch of cosmetology on registered patients only as part of 65947
general patient care services and who do not charge patients 65948
directly on a fee for service basis; 65949

~~(8)~~(7) Cosmetic therapists and massage therapists who hold 65950
current, valid certificates to practice cosmetic or massage 65951
therapy issued by the state medical board under section 4731.15 of 65952
the Revised Code, to the extent their actions are authorized by 65953
their certificates to practice; 65954

~~(9)~~(8) Inmates who provide services related to a branch of 65955
cosmetology to other inmates, except when those services are 65956
provided in a licensed school of cosmetology within a state 65957
correctional institution for females. 65958

(B) The director of rehabilitation and correction shall 65959
oversee the services described in division (A)~~(9)~~(8) of this 65960
section with respect to sanitation and adopt rules governing those 65961
types of services provided by inmates. 65962

Sec. 4713.20. Each individual who seeks admission to an 65963
examination conducted under section 4713.24 of the Revised Code 65964
shall submit both of the following to the state ~~board of~~ 65965
cosmetology and barber board: 65966

(A) As part of a license application, proof that the 65967
individual satisfies all conditions to obtain the license for 65968
which the examination is conducted, other than the requirement to 65969
have passed the examination; 65970

(B) A set of the individual's biometric fingerprint scan 65971

taken at the board's offices. 65972

Sec. 4713.22. (A) The state ~~board of~~ cosmetology and barber 65973
board shall issue a temporary pre-examination work permit to an 65974
individual who applies under section 4713.20 of the Revised Code 65975
for admission to an examination conducted under section 4713.24 of 65976
the Revised Code, if the individual satisfies all of the following 65977
conditions: 65978

(1) Is seeking a practicing license or an instructor license; 65979

(2) Has not previously failed an examination conducted under 65980
section 4713.24 of the Revised Code to determine the applicant's 65981
fitness to practice or instruct the branch of cosmetology for 65982
which the individual seeks a license; 65983

(3) Pays to the board the applicable fee; 65984

(4) Satisfies all other conditions established by rules 65985
adopted under section 4713.08 of the Revised Code. 65986

(B) An individual issued a temporary pre-examination work 65987
permit may practice the branch of cosmetology for which the 65988
individual seeks a practicing license until the date the 65989
individual is scheduled to take an examination under section 65990
4713.24 of the Revised Code. The individual shall practice under 65991
the supervision of an individual holding a current, valid license 65992
appropriate for the type of salon in which the permit holder 65993
practices. 65994

(C) An individual issued a temporary pre-examination work 65995
permit may instruct the branch of cosmetology for which the 65996
individual seeks an instructor license for a period not to exceed 65997
one hundred twenty days. 65998

(D) A temporary pre-examination work permit is renewable in 65999
accordance with rules adopted under section 4713.08 of the Revised 66000
Code. 66001

Sec. 4713.24. (A) The state ~~board of~~ cosmetology and barber
board shall conduct an examination for each individual who
satisfies the requirements established by section 4713.20 of the
Revised Code for admission to the examination. Examinations for
licensure for any branch of cosmetology shall assess the ability
of a prospective cosmetology professional to maintain a safe and
sanitary place of service delivery. The board may develop and
administer the appropriate examination or enter into an agreement
with a national testing service to develop the examination,
administer the examination, or both. The examination shall be
specific to the type of license the individual seeks and satisfy
all of the following conditions:

(1) Include both practical demonstrations and written or oral
tests related to the type of license the individual seeks;

(2) Relate only to a branch of cosmetology, but not be
confined to any special system or method;

(3) Be consistent in both practical and technical
requirements for the type of license the individual seeks;

(4) Be of sufficient thoroughness to satisfy the board as to
the individual's skill in and knowledge of the branch of
cosmetology for which the examination is conducted.

(B) Not later than two years after ~~the effective date of this~~
~~amendment~~ September 13, 2016, the board shall create a curriculum
and an examination for individuals seeking licensure to become an
instructor and shall conduct an examination for each individual
who satisfies the requirements established pursuant to section
4713.31 of the Revised Code for admission to the examination.

(C) The board shall adopt rules regarding the equipment or
supplies an individual is required to bring to an examination
described in this section.

(D) The board shall not release the questions developed for 66032
the examinations and the practical demonstrations used in the 66033
testing process, except for the following purposes: 66034

(1) Reviewing or rewriting of any part of the examination on 66035
a periodic basis as prescribed in rules adopted under section 66036
4713.08 of the Revised Code; 66037

(2) Testing of individuals in another state for admission to 66038
the profession of cosmetology or any of its branches as required 66039
under a contract or by means of a license with that state; 66040

(3) Complying with a public records request after which the 66041
questions or the demonstrations have become a public record under 66042
division (F) of this section and otherwise may lawfully be 66043
released. 66044

(E) The examination papers and the scored results of the 66045
practical demonstrations of each individual examined by the board 66046
shall be open for inspection by the individual or the individual's 66047
attorney for at least ninety days following the announcement of 66048
the individual's grade, except for papers that under the terms of 66049
a contract with a testing service are not available for 66050
inspection. On written request of an individual or the 66051
individual's attorney made to the board not later than ninety days 66052
after announcement of the individual's grade, the board shall have 66053
the individual's practical examination papers regraded manually. 66054

(F) Test materials, examinations, or evaluation tools used in 66055
an examination for licensure under this chapter that the board 66056
develops or contracts with a private or government entity to 66057
administer shall become public records under section 149.43 of the 66058
Revised Code fifteen years after the materials, examinations, or 66059
tools were first used in an assessment for licensure, unless the 66060
release of the record is otherwise prohibited by state or federal 66061
law, or the record is deemed to be the proprietary information of 66062

a private entity. 66063

Sec. 4713.25. (A) The state ~~board of~~ cosmetology and barber 66064
board may administer a separate advanced cosmetologist examination 66065
for individuals who complete an advanced cosmetologist training 66066
course separate from a cosmetologist training course. The board 66067
may combine the advanced cosmetologist examination with the 66068
cosmetologist examination for individuals who complete a combined 66069
cosmetologist and advanced cosmetologist training course. 66070

(B) The board may administer a separate advanced esthetician 66071
examination for individuals who complete an advanced esthetician 66072
training course separate from an esthetician training course. The 66073
board may combine the advanced esthetician examination with the 66074
esthetician examination for individuals who complete an 66075
esthetician and advanced esthetician training course. 66076

(C) The board may administer a separate advanced hair 66077
designer examination for individuals who complete an advanced hair 66078
designer training course separate from a hair designer training 66079
course. The board may combine the advanced hair designer 66080
examination with the hair designer examination for individuals who 66081
complete a hair designer and advanced hair designer training 66082
course. 66083

(D) The board may administer a separate advanced manicurist 66084
examination for individuals who complete an advanced manicurist 66085
training course separate from a manicurist training course. The 66086
board may combine the advanced manicurist examination with the 66087
manicurist examination for individuals who complete a manicurist 66088
and advanced manicurist training course. 66089

(E) The board may administer a separate advanced natural hair 66090
stylist examination for individuals who complete an advanced 66091
natural hair stylist training course separate from a natural hair 66092
stylist training course. The board may combine the advanced 66093

natural hair stylist examination with the natural hair stylist 66094
examination for individuals who complete a natural hair stylist 66095
and advanced natural hair stylist training course. 66096

Sec. 4713.28. (A) The state ~~board of~~ cosmetology and barber 66097
board shall issue a practicing license to an applicant who 66098
satisfies all of the following applicable conditions: 66099

(1) Is at least sixteen years of age; 66100

(2) Is of good moral character; 66101

(3) Has the equivalent of an Ohio public school tenth grade 66102
education; 66103

(4) Has submitted a written application on a form furnished 66104
by the board that contains all of the following: 66105

(a) The name of the individual and any other identifying 66106
information required by the board; 66107

(b) A recent photograph of the individual that meets the 66108
specifications established by the board; 66109

(c) A photocopy of the individual's current driver's license 66110
or other proof of legal residence; 66111

(d) Proof that the individual is qualified to take the 66112
applicable examination as required by section 4713.20 of the 66113
Revised Code; 66114

(e) An oath verifying that the information in the application 66115
is true; 66116

(f) The applicable application fee. 66117

(5) Passes an examination conducted under division (A) of 66118
section 4713.24 of the Revised Code for the branch of cosmetology 66119
the applicant seeks to practice; 66120

(6) Pays to the board the applicable license fee; 66121

(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;

(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(10) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;

(11) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.

(B) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for

such denial shall be put in writing. 66153

Sec. 4713.29. In accordance with rules adopted under section 66154
4713.08 of the Revised Code, the state ~~board of~~ cosmetology and 66155
barber board may waive a condition established by section 4713.28 66156
of the Revised Code for a license to practice a branch of 66157
cosmetology for an applicant who practices that branch of 66158
cosmetology in a state or country that does not license or 66159
register branches of cosmetology. 66160

Sec. 4713.30. The state ~~board of~~ cosmetology and barber board 66161
shall issue an advanced license to an applicant who satisfies all 66162
of the following applicable conditions: 66163

(A) Is at least sixteen years of age; 66164

(B) Is of good moral character; 66165

(C) Has the equivalent of an Ohio public school tenth grade 66166
education; 66167

(D) Pays to the board the applicable fee; 66168

(E) Passes the appropriate advanced license examination; 66169

(F) In the case of an applicant for an initial advanced 66170
cosmetologist license, does either of the following: 66171

(1) Has a licensed advanced cosmetologist or owner of a 66172
licensed beauty salon located in this or another state certify to 66173
the board that the applicant has practiced as a cosmetologist for 66174
at least one thousand eight hundred hours in a licensed beauty 66175
salon; 66176

(2) Has a school of cosmetology licensed in this state 66177
certify to the board that the applicant has successfully 66178
completed, in addition to the hours required for licensure as a 66179
cosmetologist, at least three hundred hours of board-approved 66180
advanced cosmetologist training. 66181

(G) In the case of an applicant for an initial advanced
esthetician license, does either of the following:

(1) Has the licensed advanced esthetician, licensed advanced
cosmetologist, or owner of a licensed esthetics salon or licensed
beauty salon located in this or another state certify to the board
that the applicant has practiced esthetics for at least one
thousand eight hundred hours as an esthetician in a licensed
esthetics salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state
certify to the board that the applicant has successfully
completed, in addition to the hours required for licensure as an
esthetician or cosmetologist, at least one hundred fifty hours of
board-approved advanced esthetician training.

(H) In the case of an applicant for an initial advanced hair
designer license, does either of the following:

(1) Has the licensed advanced hair designer, licensed
advanced cosmetologist, or owner of a licensed hair design salon
or licensed beauty salon located in this or another state certify
to the board that the applicant has practiced hair design for at
least one thousand eight hundred hours as a hair designer in a
licensed hair design salon or as a cosmetologist in a licensed
beauty salon;

(2) Has a school of cosmetology licensed in this state
certify to the board that the applicant has successfully
completed, in addition to the hours required for licensure as a
hair designer or cosmetologist, at least two hundred forty hours
of board-approved advanced hair designer training.

(I) In the case of an applicant for an initial advanced
manicurist license, does either of the following:

(1) Has the licensed advanced manicurist, licensed advanced
cosmetologist, or owner of a licensed nail salon, licensed beauty

salon, or licensed barber shop located in this or another state 66213
certify to the board that the applicant has practiced manicuring 66214
for at least one thousand eight hundred hours as a manicurist in a 66215
licensed nail salon or licensed barber shop or as a cosmetologist 66216
in a licensed beauty salon or licensed barber shop; 66217

(2) Has a school of cosmetology licensed in this state 66218
certify to the board that the applicant has successfully 66219
completed, in addition to the hours required for licensure as a 66220
manicurist or cosmetologist, at least one hundred hours of 66221
board-approved advanced manicurist training. 66222

(J) In the case of an applicant for an initial advanced 66223
natural hair stylist license, does either of the following: 66224

(1) Has the licensed advanced natural hair stylist, licensed 66225
advanced cosmetologist, or owner of a licensed natural hair style 66226
salon or licensed beauty salon located in this or another state 66227
certify to the board that the applicant has practiced natural hair 66228
styling for at least one thousand eight hundred hours as a natural 66229
hair stylist in a licensed natural hair style salon or as a 66230
cosmetologist in a licensed beauty salon; 66231

(2) Has a school of cosmetology licensed in this state 66232
certify to the board that the applicant has successfully 66233
completed, in addition to the hours required for licensure as 66234
natural hair stylist or cosmetologist, at least one hundred fifty 66235
hours of board-approved advanced natural hair stylist training. 66236

Sec. 4713.31. The state ~~board of~~ cosmetology and barber board 66237
shall issue an instructor license to an applicant who satisfies 66238
all of the following applicable conditions: 66239

(A) Is at least eighteen years of age; 66240

(B) Is of good moral character; 66241

(C) Has the equivalent of an Ohio public school twelfth grade 66242

education;	66243
(D) Pays to the board the applicable fee;	66244
(E) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced cosmetologist license issued in this state and does either of the following:	66245 66246 66247
(1) Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;	66248 66249 66250 66251 66252
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor training as an apprentice instructor.	66253 66254 66255 66256
(F) In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced esthetician or advanced cosmetologist license issued in this state and does either of the following:	66257 66258 66259 66260
(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;	66261 66262 66263 66264 66265 66266 66267
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least five hundred hours of board-approved esthetics instructor training as an apprentice instructor.	66268 66269 66270 66271
(G) In the case of an applicant for an initial hair design	66272

instructor license, holds a current, valid advanced hair designer 66273
or advanced cosmetologist license and does either of the 66274
following: 66275

(1) Has the licensed advanced hair designer, licensed 66276
advanced cosmetologist, or owner of the licensed hair design salon 66277
or licensed beauty salon in which the applicant has been employed 66278
certify to the board that the applicant has engaged in the 66279
practice of hair design in a licensed hair design salon or 66280
practice of cosmetology in a licensed beauty salon for at least 66281
one thousand eight hundred hours; 66282

(2) Has a school of cosmetology licensed in this state 66283
certify to the board that the applicant has successfully completed 66284
at least eight hundred hours of board-approved hair design 66285
instructor's training as an apprentice instructor. 66286

(H) In the case of an applicant for an initial manicurist 66287
instructor license, holds a current, valid advanced manicurist or 66288
advanced cosmetologist license and does either of the following: 66289

(1) Has the licensed advanced manicurist, licensed advanced 66290
cosmetologist, or owner of the licensed nail salon or licensed 66291
beauty salon in which the applicant has been employed certify to 66292
the board that the applicant has engaged in the practice of 66293
manicuring in a licensed nail salon or practice of cosmetology in 66294
a licensed beauty salon for at least one thousand eight hundred 66295
hours; 66296

(2) Has a school of cosmetology licensed in this state 66297
certify to the board that the applicant has successfully completed 66298
at least three hundred hours of board-approved manicurist 66299
instructor training as an apprentice instructor. 66300

(I) In the case of an applicant for an initial natural hair 66301
style instructor license, holds a current, valid advanced natural 66302
hair stylist or advanced cosmetologist license and does either of 66303

the following: 66304

(1) Has the licensed advanced natural hair stylist, licensed 66305
advanced cosmetologist, or owner of the licensed natural hair 66306
style salon or licensed beauty salon in which the applicant has 66307
been employed certify to the board that the applicant has engaged 66308
in the practice of natural hair styling in a licensed natural hair 66309
style salon or practice of cosmetology in a licensed beauty salon 66310
for at least one thousand eight hundred hours; 66311

(2) Has a school of cosmetology licensed in this state 66312
certify to the board that the applicant has successfully completed 66313
at least four hundred hours of board-approved natural hair style 66314
instructor training as an apprentice instructor. 66315

(J) In the case of all applicants, passes an examination 66316
conducted under division (B) of section 4713.24 of the Revised 66317
Code for the branch of cosmetology the applicant seeks to 66318
instruct. 66319

Sec. 4713.32. When determining the total hours of instruction 66320
received by an applicant for a license under section 4713.28, 66321
4713.30, or 4713.31 of the Revised Code, the state ~~board of~~ 66322
cosmetology and barber board shall not take into account more than 66323
ten hours of instruction per day. The board shall take into 66324
account instruction received more than five years prior to the 66325
date of application for the license in accordance with rules 66326
adopted under section 4713.08 of the Revised Code. 66327

Sec. 4713.34. The state ~~board of~~ cosmetology and barber board 66328
shall issue a license to practice a branch of cosmetology or 66329
instructor license to an applicant who is licensed or registered 66330
in another state or country to practice that branch of cosmetology 66331
or teach the theory and practice of that branch of cosmetology, as 66332
appropriate, if all of the following conditions are satisfied: 66333

(A) The applicant satisfies all of the following conditions:	66334
(1) Is not less than eighteen years of age;	66335
(2) Is of good moral character;	66336
(3) In the case of an applicant for a practicing license,	66337
passes an examination conducted under section 4713.24 of the	66338
Revised Code for the license the applicant seeks, unless the	66339
applicant satisfies conditions specified in rules adopted under	66340
section 4713.08 of the Revised Code for the board to issue the	66341
applicant a license without taking the examination;	66342
(4) Pays the applicable fee.	66343
(B) At the time the applicant obtained the license or	66344
registration in the other state or country, the requirements in	66345
this state for obtaining the license the applicant seeks were	66346
substantially equal to the other state or country's requirements.	66347
(C) The jurisdiction that issued the applicant's license or	66348
registration extends similar reciprocity to individuals holding a	66349
license issued by the board.	66350
Sec. 4713.35. An individual who holds a current, valid	66351
cosmetologist or advanced cosmetologist license issued by the	66352
state board of cosmetology <u>and barber board</u> may engage in the	66353
practice of one or more branches of cosmetology as the individual	66354
chooses in a licensed facility.	66355
An individual who holds a current, valid esthetician or	66356
advanced esthetician license issued by the board may engage in the	66357
practice of esthetics but no other branch of cosmetology in a	66358
licensed facility.	66359
An individual who holds a current, valid hair designer or	66360
advanced hair designer license issued by the board may engage in	66361
the practice of hair design but no other branch of cosmetology in	66362
a licensed facility.	66363

An individual who holds a current, valid manicurist or
advanced manicurist license issued by the board may engage in the
practice of manicuring but no other branch of cosmetology in a
licensed facility.

An individual who holds a current, valid natural hair stylist
or advanced natural hair stylist license issued by the board may
engage in the practice of natural hair styling but no other branch
of cosmetology in a licensed facility.

An individual who holds a current, valid cosmetology
instructor license issued by the board may teach the theory and
practice of one or more branches of cosmetology at a school of
cosmetology as the individual chooses.

An individual who holds a current, valid esthetics instructor
license issued by the board may teach the theory and practice of
esthetics, but no other branch of cosmetology, at a school of
cosmetology.

An individual who holds a current, valid hair design
instructor license issued by the board may teach the theory and
practice of hair design, but no other branch of cosmetology, at a
school of cosmetology.

An individual who holds a current, valid manicurist
instructor license issued by the board may teach the theory and
practice of manicuring, but no other branch of cosmetology, at a
school of cosmetology.

An individual who holds a current, valid natural hair style
instructor license issued by the board may teach the theory and
practice of natural hair styling, but no other branch of
cosmetology, at a school of cosmetology.

An individual who holds a current, valid boutique
registration with the board may engage in the practice of boutique
services but no other branch of cosmetology.

Sec. 4713.37. (A) The state ~~board of~~ cosmetology and barber
board may issue a temporary special occasion work permit to an
individual who satisfies all of the following conditions:

(1) Has been licensed or registered in another state or
country to practice a branch of cosmetology or teach the theory
and practice of a branch of cosmetology for at least five years;

(2) Is a recognized expert in the practice or teaching of the
branch of cosmetology the individual practices or teaches;

(3) Is to practice that branch of cosmetology or teach the
theory and practice of that branch of cosmetology in this state as
part of a promotional or instructional program for not more than
the amount of time a temporary special occasion work permit is
effective;

(4) Satisfies all other conditions for a temporary special
occasion work permit established by rules adopted under section
4713.08 of the Revised Code;

(5) Pays the fee established by rules adopted under section
4713.08 of the Revised Code.

(B) An individual issued a temporary special occasion work
permit may practice the branch of cosmetology the individual
practices in another state or country, or teach the theory and
practice of the branch of cosmetology the individual teaches in
another state or country, until the expiration date of the permit.
A temporary special occasion work permit is valid for the period
of time specified in rules adopted under section 4713.08 of the
Revised Code.

Sec. 4713.39. The state ~~board of~~ cosmetology and barber board
shall issue a license to engage in the practice of a branch of
cosmetology as an independent contractor to an applicant who pays
the applicable fee; holds a current, valid license for the type of

salon in which the applicant will practice that branch of 66425
cosmetology; and satisfies the conditions for the license 66426
established by rules adopted under section 4713.08 of the Revised 66427
Code. 66428

Sec. 4713.41. The state ~~board of cosmetology and barber board~~ 66429
shall issue a license to operate a salon, including a boutique 66430
salon, to an applicant who pays the applicable fee and affirms 66431
that all of the following conditions will be met: 66432

(A)(1) An individual holding a current, valid cosmetologist 66433
license or boutique services registration pertaining to the branch 66434
of cosmetology services performed at the salon or boutique salon, 66435
shall have charge of and immediate supervision over the salon at 66436
all times when the salon is open for business except as permitted 66437
under division (A)(2) of this section. 66438

(2) A business establishment that is engaged primarily in 66439
retail sales but is also licensed as a salon shall have present an 66440
individual holding a current, valid license or registration to 66441
practice in that type of salon in charge of and in immediate 66442
supervision of the salon during posted or advertised service 66443
hours, if the practice of cosmetology is restricted to those 66444
posted or advertised service hours. 66445

(B) The salon is equipped to do all of the following: 66446

(1) Provide potable running hot and cold water and proper 66447
drainage; 66448

(2) Sanitize all instruments and supplies used in the branch 66449
of cosmetology provided at the salon; 66450

(3) If cosmetic therapy, massage therapy, or other 66451
professional service is provided at the salon under section 66452
4713.42 of the Revised Code, sanitize all instruments and supplies 66453
used in the cosmetic therapy, massage therapy, or other 66454

professional service. 66455

(C) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon. 66456
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(D) The salon is kept in a clean and sanitary condition and properly ventilated. 66459
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(E) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code. 66461
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(F) A notice that contains a toll-free number and online process for reporting alleged violations of this chapter, as prescribed by the board of cosmetology, is posted at the salon in a common area for all customers of salon services. 66463
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Sec. 4713.44. (A) The state ~~board of~~ cosmetology and barber board shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements: 66467
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(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that an individual must pass to obtain a license to practice that branch or those branches of cosmetology; 66471
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(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 66477
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(3) Maintains individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology; 66480
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(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes 66483
66484

grades, and holds examinations in order to certify the students' 66485
completion of the prescribed course of study before the issuance 66486
of certificates of completion; 66487

(5) In the case of a school of cosmetology that offers clock 66488
hours for the purpose of satisfying minimum hours of training and 66489
instruction, keeps a daily record of the attendance of each 66490
student; 66491

(6) On the date that an apprentice cosmetology instructor 66492
begins cosmetology instructor training at the school, certifies 66493
the name of the apprentice cosmetology instructor to the board 66494
along with the date on which the apprentice's instructor training 66495
began; 66496

(7) Instructs not more than six apprentice cosmetology 66497
instructors at any one time; 66498

(8) Files with the board a good and sufficient surety bond 66499
executed by the individual, firm, or corporation operating the 66500
school of cosmetology as principal and by a surety company as 66501
surety in the amount of ten thousand dollars; provided, that this 66502
requirement does not apply to a vocational or career-technical 66503
school program conducted by a city, exempted village, local, or 66504
joint vocational school district. The bond shall be in the form 66505
prescribed by the board and be conditioned upon the school's 66506
continued instruction in the theory and practice of the branches 66507
of cosmetology. Every bond shall continue in effect until notice 66508
of its termination is given to the board by registered mail and 66509
every bond shall so provide. 66510

(9) Establishes and maintains an internal procedure for 66511
processing complaints filed against the school and for providing 66512
students with instructions on how to file a complaint directly 66513
with the board pursuant to section 4713.641 of the Revised Code. 66514

(B) A school of cosmetology holding a license issued under 66515

division (A) of this section is an educational institution and is 66516
authorized to offer educational programs beyond secondary 66517
education, advanced practice programs, or both in accordance with 66518
rules adopted by the board pursuant to section 4713.08 of the 66519
Revised Code. 66520

(C) A school of cosmetology holding a license to operate a 66521
school of cosmetology on September 29, 2013, shall establish and 66522
maintain an internal procedure for processing complaints filed 66523
against the school and shall provide each of the school's students 66524
with instructions on how to file a complaint directly with the 66525
board pursuant to section 4713.641 of the Revised Code. 66526

Sec. 4713.45. (A) A school of cosmetology may do the 66527
following: 66528

(1) In accordance with rules adopted under section 4713.08 of 66529
the Revised Code, a school of cosmetology operated by a public 66530
entity or a private person may offer clock hours, credit hours, or 66531
competency-based credits for the purpose of satisfying minimum 66532
hours of training and instruction; 66533

(2) Allow an apprentice cosmetology instructor the regular 66534
quota of students prescribed by the state ~~board of cosmetology~~ and 66535
barber board if a cosmetology instructor is present; 66536

(3) Compensate an apprentice cosmetology instructor; 66537

(4) Subject to division (B) of this section, employ an 66538
individual who does not hold a current, valid instructor license 66539
to teach subjects related to a branch of cosmetology. 66540

(B) A school of cosmetology shall have a licensed cosmetology 66541
instructor present when an individual employed pursuant to 66542
division (A)(4) of this section teaches at the school, unless the 66543
individual is one of the following: 66544

(1) An individual with a current, valid teacher's certificate 66545

or educator license issued by the state board of education; 66546

(2) An individual with a bachelor's degree in the subject the 66547
person teaches at the school; 66548

(3) An individual also employed by a university or college to 66549
teach the subject the person teaches at the school. 66550

(C) A school of cosmetology shall annually review the 66551
subjects and coursework required to receive an initial cosmetology 66552
license and advanced license and, in doing so, shall incorporate 66553
standards adopted by the state ~~board of~~ cosmetology and barber 66554
board pursuant to division (A)(13) of section 4713.08 of the 66555
Revised Code. 66556

Sec. 4713.48. (A) The state ~~board of~~ cosmetology and barber 66557
board shall issue a permit to operate a tanning facility to an 66558
applicant if all of the following conditions are satisfied: 66559

(1) The applicant applies in accordance with the application 66560
process adopted by rules adopted under section 4713.08 of the 66561
Revised Code. 66562

(2) The applicant pays to the treasurer of state the fee 66563
established by those rules. 66564

(3) An initial inspection of the premises indicates that the 66565
tanning facility has been installed and will be operated in 66566
accordance with those rules. 66567

(B) A permit holder shall post the permit in a public and 66568
conspicuous place on any premises where the tanning facility is 66569
located. An individual shall obtain a separate permit for each of 66570
the premises owned or operated by that individual at which the 66571
individual seeks to operate a tanning facility. 66572

(C) To continue operating, a permit holder shall biennially 66573
renew the permit by the last day of January of each odd-numbered 66574
year. The board shall renew the permit upon the holder's payment 66575

to the treasurer of state of the biennial renewal fee. 66576

Sec. 4713.50. (A) A tanning facility operator or employee 66577
shall make reasonable efforts, in accordance with procedures 66578
established under section 4713.08 of the Revised Code, to 66579
determine whether an individual seeking to use the facility's sun 66580
lamp tanning services is less than sixteen years of age, at least 66581
sixteen but less than eighteen years of age, or eighteen years of 66582
age or older. 66583

(B)(1) A tanning facility operator or employee shall not 66584
allow an individual who is eighteen years of age or older to use 66585
the facility's sun lamp tanning services without first obtaining 66586
the consent of the individual. The consent shall be evidenced by 66587
the individual's signature on the form developed by the state 66588
~~board of cosmetology~~ and barber board under section 4713.51 of the 66589
Revised Code. The consent is valid indefinitely. 66590

(2) A tanning facility operator or employee shall not allow 66591
an individual who is at least sixteen but less than eighteen years 66592
of age to use the facility's sun lamp tanning services without 66593
first obtaining the consent of a parent or legal guardian of the 66594
individual. The consent shall be evidenced by the signature of the 66595
parent or legal guardian on the form developed by the board under 66596
section 4713.51 of the Revised Code. The form must be signed in 66597
the presence of the operator or an employee of the tanning 66598
facility. The consent is valid for ninety days from the date the 66599
form is signed. A tanning facility operator or employee shall not 66600
allow an individual who is at least sixteen but less than eighteen 66601
years of age to use the facility's sun lamp tanning services for 66602
more than forty-five sessions during the ninety-day period covered 66603
by the consent. No such session may be longer than the maximum 66604
safe time of exposure specified in rules adopted under division 66605
(A)(17) of section 4713.08 of the Revised Code. 66606

(3) A tanning facility operator or employee shall not allow an individual who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply:

(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility.

(b) A parent or legal guardian of the individual is present at the tanning facility for the duration of each session of the use of the facility's sun lamp tanning services.

(c) For purposes of division (B) of this section, an electronic signature may be used to provide and may be accepted as a signature evidencing consent.

Sec. 4713.51. The state ~~board of~~ cosmetology and barber board shall develop a form for use by tanning facility operators and employees in complying with the consent requirements of division (B) of section 4713.50 of the Revised Code. The form must describe the potential health effects of radiation from sun lamps, including a description of the possible relationship of the radiation to skin cancer. In developing the form, the board shall consult with the department of health, dermatologists, and tanning facility operators. The board shall make the form available on the internet web site maintained by the board.

Sec. 4713.55. Every license issued by the state ~~board of~~ cosmetology and barber board shall be signed by the chairperson

and attested by the executive director of the board, with the seal of the board attached. 66637
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The board shall specify on each practicing license that the board issues the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each advanced license that the board issues the type of salon in which the license entitles the holder to work and the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each instructor license that the board issues the branch of cosmetology that the license entitles the holder to teach. The board shall specify on each salon license that the board issues the branch of cosmetology that the license entitles the holder to offer. The board shall specify on each independent contractor license that the board issues the branch of cosmetology that the license entitles the holder to offer within a licensed salon. Such licenses are prima-facie evidence of the right of the holder to practice or teach the branch of cosmetology that the license specifies. 66639
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Sec. 4713.56. Every holder of a practicing license, instructor license, independent contractor license, or boutique service registration issued by the state board of cosmetology shall maintain the board-issued, wallet-sized license or electronically generated license certification or registration and a current government-issued photo identification that can be produced upon inspection or request. 66655
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Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon. 66662
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Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and 66665
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conspicuous place in the school. 66667

Every individual who provides cosmetic therapy, massage 66668
therapy, or other professional service in a salon under section 66669
4713.42 of the Revised Code shall maintain the individual's 66670
professional license or certificate or electronically generated 66671
license certification or registration and a state of Ohio issued 66672
photo identification that can be produced upon inspection or 66673
request. 66674

Sec. 4713.57. A license or registration issued by the state 66675
~~board of~~ cosmetology and barber board pursuant to this chapter is 66676
valid until the last day of January of the odd-numbered year 66677
following its original issuance or renewal, unless the license is 66678
revoked or suspended prior to that date. Renewal shall be done in 66679
accordance with the standard renewal procedure of Chapter 4745. of 66680
the Revised Code. The board may refuse to renew a license if the 66681
individual holding the license has an outstanding unpaid fine 66682
levied under section 4713.64 of the Revised Code. 66683

Sec. 4713.58. (A) Except as provided in division (B) of this 66684
section, on payment of the renewal fee and submission of proof 66685
satisfactory to the state ~~board of~~ cosmetology and barber board 66686
that any applicable continuing education requirements have been 66687
completed, an individual currently licensed as: 66688

(1) A cosmetology instructor who has previously been licensed 66689
as a cosmetologist or an advanced cosmetologist, is entitled to 66690
the reissuance of a cosmetologist or advanced cosmetologist 66691
license; 66692

(2) An esthetics instructor who has previously been licensed 66693
as an esthetician or an advanced esthetician, is entitled to the 66694
reissuance of an esthetician or advanced esthetician license; 66695

(3) A hair design instructor who has previously been licensed 66696

as a hair designer or an advanced hair designer, is entitled to 66697
the reissuance of a hair designer or advanced hair designer 66698
license; 66699

(4) A manicurist instructor who has previously been licensed 66700
as a manicurist or an advanced manicurist, is entitled to the 66701
reissuance of a manicurist or advanced manicurist license; 66702

(5) A natural hair style instructor who has previously been 66703
licensed as a natural hair stylist or an advanced natural hair 66704
stylist, is entitled to the reissuance of a natural hair stylist 66705
or advanced natural hair stylist license. 66706

(B) No individual is entitled to the reissuance of a license 66707
under division (A) of this section if the license was revoked or 66708
suspended or the individual has an outstanding unpaid fine levied 66709
under section 4713.64 of the Revised Code. 66710

Sec. 4713.59. If the state ~~board of~~ cosmetology and barber 66711
board adopts rules under section 4713.09 of the Revised Code to 66712
establish a continuing education requirement as a condition of 66713
renewal for a practicing license, advanced license, or instructor 66714
license, the board shall inform each affected licensee of the 66715
continuing education requirement that applies to the next biennial 66716
licensing period by including that information in the renewal 66717
notification it sends the licensee. The notification shall state 66718
that the licensee must complete the continuing education 66719
requirement by the fifteenth day of January of the next 66720
odd-numbered year. 66721

Hours completed in excess of the continuing education 66722
requirement may not be applied to the next biennial licensing 66723
period. 66724

Sec. 4713.61. (A) If the state ~~board of~~ cosmetology and 66725
barber board adopts a continuing education requirement under 66726

section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore an inactive license until the later of the following:

(1) The date that the individual holding the license submits proof satisfactory to the board that the individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;

(2) The last day of January of the next odd-numbered year following the year the license is classified inactive.

(C) An individual who holds an inactive license may engage in the practice of a branch of cosmetology if the individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.

Sec. 4713.62. (A) An individual holding a practicing license, advanced license, instructor license, or boutique services registration may satisfy a continuing education requirement established by rules adopted under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section.

(B) The state ~~board of~~ cosmetology and barber board shall

approve a continuing education program if all of the following 66757
conditions are satisfied: 66758

(1) The person operating the program submits to the board a 66759
written application for approval. 66760

(2) The person operating the program pays to the board a fee 66761
established by rules adopted under section 4713.08 of the Revised 66762
Code. 66763

(3) The program is operated by an employee, officer, or 66764
director of a nonprofit professional association, college or 66765
university, proprietary continuing education institutions 66766
providing programs approved by the board, vocational school, 66767
postsecondary proprietary school of cosmetology licensed by the 66768
board, salon licensed by the board, or manufacturer of supplies or 66769
equipment used in the practice of a branch of cosmetology. 66770

(4) The program will do at least one of the following: 66771

(a) Enhance the professional competency of the affected 66772
licensees or registrants; 66773

(b) Protect the public; 66774

(c) Educate the affected licensees or registrants in the 66775
application of the laws and rules regulating the practice of a 66776
branch of cosmetology. 66777

(5) The person operating the program provides the board a 66778
tentative schedule of when the program will be available so that 66779
the board can make the schedule readily available to all licensees 66780
and registrants throughout the state. 66781

Sec. 4713.63. A practicing license, advanced license, or 66782
instructor license that has not been renewed for any reason other 66783
than because it has been revoked, suspended, or classified 66784
inactive, or because the license holder has been given a waiver or 66785
extension under section 4713.60 of the Revised Code, is expired. 66786

An expired license may be restored if the individual who held the license meets all of the following applicable conditions: 66787
66788

(A) Pays to the state ~~board of~~ cosmetology and barber board the restoration fee established under section 4713.10 of the Revised Code; 66789
66790
66791

(B) In the case of a practicing license or advanced license that has been expired for more than two consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to sanitation and safety methods. 66792
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The board shall deposit all fees it receives under division (B) of this section into the general revenue fund. 66799
66800

Sec. 4713.64. (A) The state ~~board of~~ cosmetology and barber board may take disciplinary action under this chapter for any of the following: 66801
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66803

(1) Failure to comply with the safety, sanitation, and licensing requirements of this chapter or rules adopted under it; 66804
66805

(2) Continued practice by an individual knowingly having an infectious or contagious disease; 66806
66807

(3) Habitual drunkenness or addiction to any habit-forming drug; 66808
66809

(4) Willful false and fraudulent or deceptive advertising; 66810

(5) Falsification of any record or application required to be filed with the board; 66811
66812

(6) Failure to pay a fine or abide by a suspension order issued by the board; 66813
66814

(7) Failure to cooperate with an investigation or inspection;	66815
(8) Failure to respond to a subpoena;	66816
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	66817 66818
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	66819 66820 66821
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	66822 66823
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board <u>under this chapter</u> ;	66824 66825
(2) Impose a fine;	66826
(3) Require the holder of a license, permit, or registration <u>issued under this chapter</u> to take corrective action courses.	66827 66828
(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	66829 66830 66831
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.	66832 66833 66834 66835 66836 66837 66838
(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration <u>issued under this chapter</u> . A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board	66839 66840 66841 66842 66843 66844

does not ratify a consent agreement, the admissions and findings 66845
contained in the agreement are of no effect, and the case shall be 66846
scheduled for adjudication under Chapter 119. of the Revised Code. 66847

(D) The amount and content of corrective action courses and 66848
other relevant criteria shall be established by the board in rules 66849
adopted under section 4713.08 of the Revised Code. 66850

(E)(1) The board may impose a separate fine for each offense 66851
listed in division (A) of this section. The amount of the first 66852
fine issued for a violation as the result of an inspection shall 66853
be not more than two hundred fifty dollars if the violator has not 66854
previously been fined for that offense. Any fines issued for 66855
additional violations during such an inspection shall not be more 66856
than one hundred dollars for each additional violation. The fine 66857
shall be not more than five hundred dollars if the violator has 66858
been fined for the same offense once before. Any fines issued for 66859
additional violations during a second inspection shall not be more 66860
than two hundred dollars for each additional violation. The fine 66861
shall be not more than one thousand dollars if the violator has 66862
been fined for the same offense two or more times before. Any 66863
fines issued for additional violations during a third inspection 66864
shall not be more than three hundred dollars for each additional 66865
violation. 66866

(2) The board shall issue an order notifying a violator of a 66867
fine imposed under division (E)(1) of this section. The notice 66868
shall specify the date by which the fine is to be paid. The date 66869
shall be less than forty-five days after the board issues the 66870
order. 66871

(3) At the request of a violator who is temporarily unable to 66872
pay a fine, or upon its own motion, the board may extend the time 66873
period within which the violator shall pay the fine up to ninety 66874
days after the date the board issues the order. 66875

(4) If a violator fails to pay a fine by the date specified 66876
in the board's order and does not request an extension within ten 66877
days after the date the board issues the order, or if the violator 66878
fails to pay the fine within the extended time period as described 66879
in division (E)(3) of this section, the board shall add to the 66880
fine an additional penalty equal to ten per cent of the fine. 66881

(5) If a violator fails to pay a fine within ninety days 66882
after the board issues the order, the board shall add to the fine 66883
interest at a rate specified by the board in rules adopted under 66884
section 4713.08 of the Revised Code. 66885

(6) If the fine, including any interest or additional 66886
penalty, remains unpaid on the ninety-first day after the board 66887
issues an order under division (E)(2) of this section, the amount 66888
of the fine and any interest or additional penalty shall be 66889
certified to the attorney general for collection in the form and 66890
manner prescribed by the attorney general. The attorney general 66891
may assess the collection cost to the amount certified in such a 66892
manner and amount as prescribed by the attorney general. 66893

(F) In the case of an offense of failure to comply with 66894
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 66895
Code, the board shall impose a fine of five hundred dollars if the 66896
violator has not previously been fined for that offense. If the 66897
violator has previously been fined for the offense, the board may 66898
impose a fine in accordance with this division or take another 66899
action in accordance with division (B) of this section. 66900

(G) The board shall notify a licensee or registrant who is in 66901
violation of division (A) of this section and the owner of the 66902
salon in which the conditions constituting the violation were 66903
found. The individual receiving the notice of violation and the 66904
owner of the salon may request a hearing pursuant to section 66905
119.07 of the Revised Code. If the individual or owner fails to 66906
request a hearing or enter into a consent agreement thirty days 66907

after the date the board, in accordance with section 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

(I) The board shall not take disciplinary action against an individual licensed to operate a salon or school of cosmetology for a violation of this chapter that was committed by an individual licensed to practice a branch of cosmetology, while practicing within the salon or school, when the individual's actions were beyond the control of the salon owner or school.

(J) In addition to the methods of notification required under section 119.07 of the Revised Code, the board may send the notices required under divisions (C)(2), (E)(2), and (G) of this section by any delivery method that is traceable and requires that the

delivery person obtain a signature to verify that the notice has 66940
been delivered. The board also may send the notices by electronic 66941
mail, provided that the electronic mail delivery system certifies 66942
that a notice has been received. 66943

Sec. 4713.641. Any student or former student of a school of 66944
cosmetology licensed under division (A) of section 4713.44 of the 66945
Revised Code may file a complaint with the state ~~board of~~ 66946
cosmetology and barber board alleging that the school has violated 66947
division (A) of section 4713.64 of the Revised Code. The complaint 66948
shall be in writing and signed by the individual bringing the 66949
complaint. Upon receiving a complaint, the board shall initiate a 66950
preliminary investigation to determine whether it is probable that 66951
a violation was committed. If the board determines after 66952
preliminary investigation that it is not probable that a violation 66953
was committed, the board shall notify the individual who filed the 66954
complaint of the board's findings and that the board will not 66955
issue a formal complaint in the matter. If the board determines 66956
after a preliminary investigation that it is probable that a 66957
violation was committed, the board shall proceed against the 66958
school pursuant to the board's authority under section 4713.64 of 66959
the Revised Code and in accordance with the hearing and notice 66960
requirements prescribed in Chapter 119. of the Revised Code. 66961

Sec. 4713.65. On receipt of a notice pursuant to section 66962
3123.43 of the Revised Code, the state ~~board of~~ cosmetology and 66963
barber board shall comply with sections 3123.41 to 3123.50 of the 66964
Revised Code and any applicable rules adopted under section 66965
3123.63 of the Revised Code with respect to a license issued 66966
pursuant to this chapter or licenses issued pursuant to Chapter 66967
4709. of the Revised Code. 66968

Sec. 4713.66. (A) The state ~~board of~~ cosmetology and barber 66969

board, on its own motion or on receipt of a written complaint, may 66970
investigate or inspect the activities or premises of an individual 66971
or entity who is alleged to have violated this chapter or rules 66972
adopted under it, regardless of whether the individual or entity 66973
holds a license or registration issued under this chapter. 66974

(B) If, based on its investigation, the board determines that 66975
there is reasonable cause to believe that an individual or entity 66976
has violated this chapter or rules adopted under it, the board 66977
shall afford the individual or entity an opportunity for a 66978
hearing. Notice shall be given and any hearing conducted in 66979
accordance with Chapter 119. of the Revised Code. 66980

(C) The board shall maintain a transcript of the hearing and 66981
issue a written opinion to all parties, citing its findings and 66982
ground for any action it takes. Any action shall be taken in 66983
accordance with section 4713.64 of the Revised Code. 66984

Sec. 4713.68. The state ~~board of cosmetology and barber board~~ 66985
shall comply with section 4776.20 of the Revised Code. 66986

Sec. 4713.69. (A) The state ~~board of cosmetology and barber~~ 66987
board shall issue a boutique services registration to an applicant 66988
who satisfies all of the following applicable conditions: 66989

(1) Is at least sixteen years of age; 66990

(2) Is of good moral character; 66991

(3) Has the equivalent of an Ohio public school tenth grade 66992
education; 66993

(4) Has submitted a written application on a form prescribed 66994
by the board containing all of the following: 66995

(a) The applicant's name and home address; 66996

(b) The applicant's home telephone number and cellular 66997

telephone number, if any;	66998
(c) The applicant's electronic mail address, if any;	66999
(d) The applicant's date of birth;	67000
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	67001 67002 67003
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	67004 67005 67006
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	67007 67008 67009
(h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services.	67010 67011
(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.	67012 67013 67014 67015
(C) Within six months of the effective date of this section, the <u>The</u> board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.	67016 67017 67018 67019
Sec. 4715.13. (A) Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious intravenous sedation permit shall pay to the secretary of the state dental board the following fees:	67020 67021 67022 67023
(1) For license to practice dentistry, two hundred ten sixty-seven dollars if issued in an odd-numbered year or three four hundred fifty-seven <u>fifty-four</u> dollars if issued in an	67024 67025 67026

even-numbered year; 67027

(2) For duplicate license, to be granted upon proof of loss 67028
of the original, twenty dollars; 67029

(3) For a general anesthesia permit, one hundred twenty-seven 67030
dollars; 67031

(4) For a conscious intravenous sedation permit, one hundred 67032
twenty-seven dollars. 67033

(B) Forty dollars of each fee collected under division (A)(1) 67034
of this section for a license issued in an even-numbered year and 67035
twenty dollars of each fee collected under division (A)(1) of this 67036
section in an odd-numbered year shall be paid to the dentist loan 67037
repayment fund established under section 3702.95 of the Revised 67038
Code. 67039

(C) In the case of a person who applies for a license to 67040
practice dentistry by taking an examination administered by the 67041
state dental board, both of the following apply: 67042

(1) The fee in division (A)(1) of this section may be 67043
refunded to an applicant who is unavoidably prevented from 67044
attending the examination, or the applicant may be examined at the 67045
next regular or special meeting of the board without an additional 67046
fee. 67047

(2) An applicant who fails the first examination may be 67048
re-examined at the next regular or special meeting of the board 67049
without an additional fee. 67050

Sec. 4715.14. (A)(1) Each person who is licensed to practice 67051
dentistry in Ohio shall, on or before the first day of January of 67052
each even-numbered year, register with the state dental board. The 67053
registration shall be made on a form prescribed by the board and 67054
furnished by the secretary, shall include the licensee's name, 67055
address, license number, and such other reasonable information as 67056

the board may consider necessary, and shall include payment of a 67057
biennial registration fee of ~~two~~ three hundred ~~forty five~~ twelve 67058
dollars. ~~Except as provided in division (E) of this section, this~~ 67059
~~fee shall be paid to the treasurer of state.~~ Subject to division 67060
(C) of this section, a registration shall be in effect for the 67061
two-year period beginning on the first day of January of the 67062
even-numbered year and ending on the last day of December of the 67063
following odd-numbered year, and shall be renewed in accordance 67064
with the standard renewal procedure of sections 4745.01 to 4745.03 67065
of the Revised Code. 67066

(2)(a) Except as provided in division (A)(2)(b) of this 67067
section, in the case of a licensee seeking registration who 67068
prescribes or personally furnishes opioid analgesics or 67069
benzodiazepines, as defined in section 3719.01 of the Revised 67070
Code, the licensee shall certify to the board whether the licensee 67071
has been granted access to the drug database established and 67072
maintained by the state board of pharmacy pursuant to section 67073
4729.75 of the Revised Code. 67074

(b) The requirement in division (A)(2)(a) of this section 67075
does not apply if any of the following is the case: 67076

(i) The state board of pharmacy notifies the state dental 67077
board pursuant to section 4729.861 of the Revised Code that the 67078
licensee has been restricted from obtaining further information 67079
from the drug database. 67080

(ii) The state board of pharmacy no longer maintains the drug 67081
database. 67082

(iii) The licensee does not practice dentistry in this state. 67083

(3) If a licensee certifies to the state dental board that 67084
the licensee has been granted access to the drug database and the 67085
board finds through an audit or other means that the licensee has 67086
not been granted access, the board may take action under section 67087

4715.30 of the Revised Code. 67088

(B) A licensed dentist who desires to temporarily retire from 67089
practice and who has given the board notice in writing to that 67090
effect shall be granted such a retirement, provided only that at 67091
that time all previous registration fees and additional costs of 67092
reinstatement have been paid. 67093

(C) Not later than the thirty-first day of January of an 67094
even-numbered year, the board shall send a notice by certified 67095
mail to a dentist who fails to renew a license in accordance with 67096
division (A) of this section. The notice shall state all of the 67097
following: 67098

(1) That the board has not received the registration form and 67099
fee described in that division; 67100

(2) That the license shall remain valid and in good standing 67101
until the first day of April following the last day of December of 67102
the odd-numbered year in which the dentist was scheduled to renew 67103
if the dentist remains in compliance with all other applicable 67104
provisions of this chapter and any rule adopted under it; 67105

(3) That the license may be renewed until the first day of 67106
April following the last day of December of the odd-numbered year 67107
in which the dentist was scheduled to renew by the payment of the 67108
biennial registration fee and an additional fee of one hundred 67109
twenty-seven dollars to cover the cost of late renewal; 67110

(4) That unless the board receives the registration form and 67111
fee before the first day of April following the last day of 67112
December of the odd-numbered year in which the dentist was 67113
scheduled to renew, the board may, on or after the relevant first 67114
day of April, initiate disciplinary action against the dentist 67115
pursuant to Chapter 119. of the Revised Code; 67116

(5) That a dentist whose license has been suspended as a 67117
result of disciplinary action initiated pursuant to division 67118

(C)(4) of this section may be reinstated by the payment of the 67119
biennial registration fee and an additional fee of three hundred 67120
eighty-one dollars to cover the cost of reinstatement. 67121

(D) Each dentist licensed to practice, whether a resident or 67122
not, shall notify the secretary in writing or electronically of 67123
any change in the dentist's office address or employment within 67124
ten days after such change has taken place. On the first day of 67125
July of every even-numbered year, the secretary shall issue a 67126
printed roster of the names and addresses so registered. 67127

(E) ~~Twenty~~ Forty dollars of each biennial registration fee 67128
shall be paid to the dentist loan repayment fund created under 67129
section 3702.95 of the Revised Code. 67130

Sec. 4715.16. (A) Upon payment of a fee of ~~ten~~ thirteen 67131
dollars, the state dental board may without examination issue a 67132
limited resident's license to any person who is a graduate of a 67133
dental college, is authorized to practice in another state or 67134
country or qualified to take the regular licensing examination in 67135
this state, and furnishes the board satisfactory proof of having 67136
been appointed a dental resident at an accredited dental college 67137
in this state or at an accredited program of a hospital in this 67138
state, but has not yet been licensed as a dentist by the board. 67139
Any person receiving a limited resident's license may practice 67140
dentistry only in connection with programs operated by the dental 67141
college or hospital at which the person is appointed as a resident 67142
as designated on the person's limited resident's license, and only 67143
under the direction of a licensed dentist who is a member of the 67144
dental staff of the college or hospital or a dentist holding a 67145
current limited teaching license issued under division (B) of this 67146
section, and only on bona fide patients of such programs. The 67147
holder of a limited resident's license may be disciplined by the 67148
board pursuant to section 4715.30 of the Revised Code. 67149

(B) Upon payment of one hundred ~~one~~ twenty-seven dollars and 67150
upon application endorsed by an accredited dental college in this 67151
state, the board may without examination issue a limited teaching 67152
license to a dentist who is a graduate of a dental college, is 67153
authorized to practice dentistry in another state or country, and 67154
has full-time appointment to the faculty of the endorsing dental 67155
college. A limited teaching license is subject to annual renewal 67156
in accordance with the standard renewal procedure of Chapter 4745. 67157
of the Revised Code, and automatically expires upon termination of 67158
the full-time faculty appointment. A person holding a limited 67159
teaching license may practice dentistry only in connection with 67160
programs operated by the endorsing dental college. The board may 67161
discipline the holder of a limited teaching license pursuant to 67162
section 4715.30 of the Revised Code. 67163

(C)(1) As used in this division: 67164

(a) "Continuing dental education practicum" or "practicum" 67165
means a course of instruction, approved by the American dental 67166
association, Ohio dental association, or academy of general 67167
dentistry, that is designed to improve the clinical skills of a 67168
dentist by requiring the dentist to participate in clinical 67169
exercises on patients. 67170

(b) "Director" means the person responsible for the operation 67171
of a practicum. 67172

(2) Upon payment of one hundred ~~one~~ twenty-seven dollars and 67173
application endorsed by the director of a continuing dental 67174
education practicum, the board shall, without examination, issue a 67175
temporary limited continuing education license to a resident of a 67176
state other than Ohio who is licensed to practice dentistry in 67177
such state and is in good standing, is a graduate of an accredited 67178
dental college, and is registered to participate in the endorsing 67179
practicum. The determination of whether a dentist is in good 67180
standing shall be made by the board. 67181

A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is permanently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 of the Revised Code to an instructing dentist licensed pursuant to that section, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted.

Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.

(3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a continuing dental education practicum from endorsing applications for temporary limited continuing education licenses if the board determines that the practicum is engaged in activities that constitute a threat to public health and safety or do not constitute bona fide continuing dental education, or that the practicum permits activities which otherwise violate this chapter. Any continuing dental education practicum prohibited from endorsing applications may request an adjudication pursuant to Chapter 119. of the Revised Code.

A temporary limited continuing education license shall be

valid only when the dentist is participating in the endorsing 67214
continuing dental education practicum and shall expire at the end 67215
of one year. If the dentist fails to complete the endorsing 67216
practicum in one year, the board may, upon the dentist's 67217
application and payment of a fee of ~~seventy-five~~ ninety-four 67218
dollars, renew the temporary limited continuing education license 67219
for a consecutive one-year period. Only two renewals may be 67220
granted. The holder of a temporary limited continuing education 67221
license may be disciplined by the board pursuant to section 67222
4715.30 of the Revised Code. 67223

(D) The board shall act either to approve or to deny any 67224
application for a limited license pursuant to division (A), (B), 67225
or (C) of this section not later than sixty days of the date the 67226
board receives the application. 67227

Sec. 4715.21. Each person who desires to practice as a dental 67228
hygienist shall file with the secretary of the state dental board 67229
a written application for a license, under oath, upon the form 67230
prescribed. Such applicant shall furnish satisfactory proof of 67231
being at least eighteen years of age and of good moral character. 67232
An applicant shall present a diploma or certificate of graduation 67233
from an accredited dental hygiene school and shall pay the 67234
examination fee of ~~ninety-six~~ one hundred twenty dollars if the 67235
license is issued in an odd-numbered year or one hundred 67236
~~forty-seven~~ eighty-four dollars if issued in an even-numbered 67237
year. Those passing such examination as the board prescribes 67238
relating to dental hygiene shall receive a certificate of 67239
registration entitling them to practice. If an applicant fails to 67240
pass the first examination the applicant may apply for a 67241
re-examination at the next regular or special examination meeting 67242
of the board. 67243

No applicant shall be admitted to more than two examinations 67244

without first presenting satisfactory proof that the applicant has 67245
successfully completed such refresher courses in an accredited 67246
dental hygiene school as the state dental board may prescribe. 67247

An accredited dental hygiene school shall be one accredited 67248
by the American dental association commission on dental 67249
accreditation or whose educational standards are recognized by the 67250
American dental association commission on dental accreditation and 67251
approved by the state dental board. 67252

Sec. 4715.24. (A) Each person who is licensed to practice as 67253
a dental hygienist in Ohio shall, on or before the first day of 67254
January of each even-numbered year, register with the state dental 67255
board, unless the person is temporarily retired pursuant to 67256
section 4715.241 of the Revised Code. The registration shall be 67257
made on a form prescribed by the board and furnished by the 67258
secretary, shall include the licensee's name, address, license 67259
number, and such other reasonable information as the board may 67260
consider necessary, and shall include payment of a biennial 67261
registration fee of one hundred ~~fifteen~~ forty-four dollars. This 67262
fee shall be paid to the treasurer of state. All such 67263
registrations shall be in effect for the two-year period beginning 67264
on the first day of January of each even-numbered year and ending 67265
on the last day of December of the following odd-numbered year, 67266
and shall be renewed in accordance with the standard renewal 67267
procedure of sections 4745.01 to 4745.03 of the Revised Code. The 67268
failure of a licensee to renew registration in accordance with 67269
this section shall result in the automatic suspension of the 67270
licensee's license to practice as a dental hygienist, unless the 67271
licensee is temporarily retired pursuant to section 4715.241 of 67272
the Revised Code. 67273

(B) Any dental hygienist whose license has been automatically 67274
suspended under this section may be reinstated on application to 67275

the board on a form prescribed by the board for licensure 67276
reinstatement and payment of the biennial registration fee and in 67277
addition thereto ~~thirty-one~~ thirty-nine dollars to cover the costs 67278
of reinstatement. 67279

(C) The license of a dental hygienist shall be exhibited in a 67280
conspicuous place in the room in which the dental hygienist 67281
practices. Each dental hygienist licensed to practice, whether a 67282
resident or not, shall notify the secretary in writing or 67283
electronically of any change in the dental hygienist's office 67284
address or employment within ten days after the change takes 67285
place. 67286

(D) Ten dollars of each biennial registration fee collected 67287
under division (A) or (B) of this section shall be paid to the 67288
dental hygienist loan repayment fund established under section 67289
3702.967 of the Revised Code. 67290

Sec. 4715.27. The state dental board may issue a license to 67291
an applicant who furnishes satisfactory proof of being at least 67292
eighteen years of age, of good moral character and who 67293
demonstrates, to the satisfaction of the board, knowledge of the 67294
laws, regulations, and rules governing the practice of a dental 67295
hygienist; who proves, to the satisfaction of the board, intent to 67296
practice as a dental hygienist in this state; who is a graduate 67297
from an accredited school of dental hygiene and who holds a 67298
license by examination from a similar dental board, and who passes 67299
an examination as prescribed by the board relating to dental 67300
hygiene. 67301

Upon payment of ~~fifty-eight~~ seventy-three dollars and upon 67302
application endorsed by an accredited dental hygiene school in 67303
this state, the state dental board may without examination issue a 67304
teacher's certificate to a dental hygienist, authorized to 67305
practice in another state or country. A teacher's certificate 67306

shall be subject to annual renewal in accordance with the standard 67307
renewal procedure of sections 4745.01 to 4745.03 of the Revised 67308
Code, and shall not be construed as authorizing anything other 67309
than teaching or demonstrating the skills of a dental hygienist in 67310
the educational programs of the accredited dental hygiene school 67311
which endorsed the application. 67312

Sec. 4715.362. A dentist who desires to participate in the 67313
oral health access supervision program shall apply to the state 67314
dental board for an oral health access supervision permit. The 67315
application shall be under oath, on a form prescribed by the board 67316
in rules adopted under section 4715.372 of the Revised Code, and 67317
accompanied by an application fee of ~~twenty~~ twenty-five dollars. 67318
To be eligible to receive the permit, an applicant shall meet the 67319
requirements established by the board in rules adopted under 67320
section 4715.372 of the Revised Code. 67321

The state dental board shall issue an oral health access 67322
supervision permit to a dentist who is in good standing with the 67323
board and satisfies all of the requirements of this section. 67324

Sec. 4715.363. (A) A dental hygienist who desires to 67325
participate in the oral health access supervision program shall 67326
apply to the state dental board for a permit to practice under the 67327
oral health access supervision of a dentist. The application shall 67328
be under oath, on a form prescribed by the board in rules adopted 67329
under section 4715.372 of the Revised Code, and accompanied by an 67330
application fee of ~~twenty~~ twenty-five dollars, which may be paid 67331
by ~~personal check or~~ credit card. 67332

(B) The applicant shall provide evidence satisfactory to the 67333
board that the applicant has done all of the following: 67334

(1) Completed at least one year and attained a minimum of one 67335
thousand five hundred hours of experience in the practice of 67336

dental hygiene; 67337

(2) Completed at least twenty-four hours of continuing dental 67338
hygiene education during the two years prior to submission of the 67339
application; 67340

(3) Completed a course pertaining to the practice of dental 67341
hygiene under the oral health access supervision of a dentist that 67342
meets standards established in rules adopted under section 67343
4715.372 of the Revised Code; 67344

(4) Completed, during the two years prior to submission of 67345
the application, a course pertaining to the identification and 67346
prevention of potential medical emergencies that is the same as 67347
the course described in division (C)(2) of section 4715.22 of the 67348
Revised Code. 67349

(C) The state dental board shall issue a permit to practice 67350
under the oral health access supervision of a dentist to a dental 67351
hygienist who is in good standing with the board and meets all of 67352
the requirements of divisions (A) and (B) of this section. 67353

Sec. 4715.369. (A) An oral health access supervision permit 67354
issued under section 4715.362 of the Revised Code expires on the 67355
thirty-first day of December of the odd-numbered year that occurs 67356
after the permit's issuance. A dentist who desires to renew a 67357
permit shall apply, under oath, to the state dental board on a 67358
form prescribed by the board in rules adopted under section 67359
4715.372 of the Revised Code. At the time of application, the 67360
dentist shall pay a renewal fee of ~~twenty~~ twenty-five dollars. 67361

(B) The board shall renew an oral health access supervision 67362
permit for a two-year period if the dentist submitted a complete 67363
application, paid the renewal fee, is in good standing with the 67364
board, and verified with the board all of the following: 67365

(1) The locations at which dental hygienists have, under the 67366

dentist's authorization, provided services during the two years 67367
prior to submission of the renewal application; 67368

(2) The number of patients treated, during the two years 67369
prior to submission of the renewal application, by each dental 67370
hygienist providing dental hygiene services under the dentist's 67371
authorization; 67372

(3) For each number of patients provided under division 67373
(B)(2) of this section, the number of patients whom the dentist 67374
clinically evaluated following the provision of dental hygiene 67375
services by a dental hygienist. 67376

Sec. 4715.37. (A) A permit to practice under the oral health 67377
access supervision of a dentist issued under section 4715.363 of 67378
the Revised Code expires on the thirty-first day of December of 67379
the odd-numbered year that occurs after the permit's issuance. A 67380
dental hygienist who desires to renew a permit to practice under 67381
the oral health access supervision of a dentist shall apply, under 67382
oath, to the state dental board on a form prescribed by the board 67383
in rules adopted under section 4715.372 of the Revised Code. At 67384
the time of application, the dental hygienist shall pay a renewal 67385
fee of ~~twenty~~ twenty-five dollars. 67386

(B) The state dental board shall renew a permit for a 67387
two-year period if the dental hygienist submitted a complete 67388
application, paid the renewal fee, is in good standing with the 67389
board, and has verified with the board both of the following: 67390

(1) The locations at which the hygienist has provided dental 67391
hygiene services under a permit to practice under the oral health 67392
access supervision of a dentist; 67393

(2) The number of patients that the hygienist has treated 67394
under a permit during the two years prior to submission of the 67395
renewal application. 67396

Sec. 4715.53. (A) Each individual seeking a certificate to 67397
practice as a dental x-ray machine operator shall apply to the 67398
state dental board on a form the board shall prescribe and 67399
provide. The application shall be accompanied by an application 67400
fee of ~~twenty-five~~ thirty-two dollars. 67401

(B) The board shall review all applications received and 67402
issue a dental x-ray machine operator certificate to each 67403
applicant who submits evidence satisfactory to the board of one of 67404
the following: 67405

(1) The applicant holds certification from the dental 67406
assisting national board or the Ohio commission on dental 67407
assistant certification. 67408

(2) The applicant holds a license, certificate, permit, 67409
registration, or other credential issued by another state that the 67410
board determines uses standards for dental x-ray machine operators 67411
that are at least equal to those established under this chapter. 67412

(3) The applicant has successfully completed an educational 67413
program consisting of at least seven hours of instruction in 67414
dental x-ray machine operation that meets either of the following 67415
requirements: 67416

(a) Has been approved by the board in accordance with section 67417
4715.57 of the Revised Code; 67418

(b) Is conducted by an institution accredited by the American 67419
dental association commission on dental accreditation. 67420

(C) A certificate issued under this section expires two years 67421
after it is issued and may be renewed if the certificate holder 67422
does both of the following: 67423

(1) Certifies to the board that the certificate holder has 67424
completed at least two hours of instruction in dental x-ray 67425
machine operation approved by the board in accordance with section 67426

4715.57 of the Revised Code during the two-year period preceding 67427
the date the renewal application is received by the board. 67428

(2) Submits a renewal fee of ~~twenty-five~~ thirty-two dollars 67429
to the board. 67430

Renewals shall be made in accordance with the standard 67431
renewal procedure established under Chapter 4745. of the Revised 67432
Code. 67433

Sec. 4715.62. (A) Each individual seeking to register with 67434
the state dental board as an expanded function dental auxiliary 67435
shall file with the secretary of the board a written application 67436
for registration, under oath, on a form the board shall prescribe 67437
and provide. An applicant shall include with the completed 67438
application all of the following: 67439

(1) An application fee of ~~twenty~~ twenty-five dollars; 67440

(2) Proof satisfactory to the board that the applicant has 67441
successfully completed, at an educational institution accredited 67442
by the commission on dental accreditation of the American dental 67443
association or the higher learning commission of the north central 67444
association of colleges and schools, the education or training 67445
specified by the board in rules adopted under section 4715.66 of 67446
the Revised Code as the education or training that is necessary to 67447
obtain registration under this chapter to practice as an expanded 67448
function dental auxiliary, as evidenced by a diploma or other 67449
certificate of graduation or completion that has been signed by an 67450
appropriate official of the accredited institution that provided 67451
education or training; 67452

(3) Proof satisfactory to the board that the applicant has 67453
passed an examination that meets the standards established by the 67454
board in rules adopted under section 4715.66 of the Revised Code 67455
to be accepted by the board as an examination of competency to 67456

practice as an expanded function dental auxiliary; 67457

(4) Proof that the applicant holds current certification to 67458
perform basic life-support procedures, evidenced by documentation 67459
showing the successful completion of a basic life-support training 67460
course certified by the American red cross, the American heart 67461
association, or the American safety and health institute. 67462

(B) If an applicant complies with division (A) of this 67463
section, the board shall register the applicant as an expanded 67464
function dental auxiliary. 67465

Sec. 4715.63. (A) Registration under section 4715.62 of the 67466
Revised Code expires on the thirty-first day of December of the 67467
year following the year in which the registration occurs. An 67468
individual may renew a registration for subsequent two-year 67469
periods by submitting both of the following to the secretary of 67470
the state dental board each time the individual seeks to renew a 67471
registration: 67472

(1) A completed application for renewal, under oath, on a 67473
form the board shall prescribe and provide; 67474

(2) A renewal fee of ~~twenty~~ twenty-five dollars. 67475

(B) If an individual complies with division (A) of this 67476
section and is not in violation of any section of this chapter or 67477
rule adopted under it, the board shall renew the individual's 67478
registration for a two-year period that expires on the 67479
thirty-first day of December of the year following the year in 67480
which the registration was renewed. 67481

(C) Registration renewals shall be made in accordance with 67482
the standard renewal procedure established under Chapter 4745. of 67483
the Revised Code. 67484

Sec. 4715.70. Any person applying for issuance of or renewing 67485

a certificate, license, permit, or registration under this chapter 67486
shall pay, in addition to any fee associated with the certificate, 67487
license, permit, or registration, a five dollar financial services 67488
fee. 67489

Sec. 4717.01. As used in this chapter: 67490

(A) "Embalming" means the ~~preservation and disinfection, or~~ 67491
~~attempted preservation and disinfection,~~ process of chemically 67492
treating the dead human body by ~~application~~ any of chemicals 67493
~~externally, internally, or both~~ the following to reduce the 67494
presence and growth of microorganisms, to temporarily slow organic 67495
decomposition, and to restore acceptable physical appearance: 67496

(1) Arterial injection; 67497

(2) Cavity treatment; 67498

(3) Hypodermic tissue injection. 67499

(B) "Funeral business" means a sole proprietorship, 67500
partnership, corporation, limited liability company, or other 67501
business entity that is engaged in funeral directing for profit or 67502
for free from one or more funeral homes licensed under this 67503
chapter. 67504

(C) "Funeral directing" means the business or profession of 67505
directing or supervising funerals for profit from one or more 67506
funeral homes licensed under this chapter, the arrangement or sale 67507
of funeral services, the filling out or execution of a funeral 67508
service contract, the business or profession of preparing dead 67509
human bodies for burial by means other than embalming, the 67510
disposition of dead human bodies, the provision or maintenance of 67511
a place for the preparation, the care, or disposition of dead 67512
human bodies, the use in connection with a business of the term 67513
"funeral director," "undertaker," "mortician," or any other term 67514
from which can be implied the business of funeral directing, or 67515

the holding out to the public that one is a funeral director or a 67516
disposer of dead human bodies. 67517

(D) "Funeral home" means a fixed place for the care, 67518
preparation for burial, or disposition of dead human bodies or the 67519
conducting of funerals. Each business location is a funeral home, 67520
regardless of common ownership or management. 67521

(E) "Embalmer" means a person who engages, in whole or in 67522
part, in embalming and who is licensed under this chapter. 67523

(F) "Funeral director" means a person who engages, in whole 67524
or in part, in funeral directing and who is licensed under this 67525
chapter. 67526

(G) "Final disposition" has the same meaning as in division 67527
(J) of section 3705.01 of the Revised Code. 67528

(H) "Supervision" means the operation of all phases of the 67529
business of funeral directing or embalming under the specific 67530
direction of a licensed funeral director or licensed embalmer. 67531

(I) "Direct supervision" means the physical presence of a 67532
licensed funeral director or licensed embalmer while the specific 67533
functions of the funeral or embalming are being carried out. 67534

(J) "Embalming facility" means a fixed location, separate 67535
from the funeral home, that is licensed under this chapter whose 67536
only function is the embalming and preparation of dead human 67537
bodies. 67538

(K) "Crematory facility" means the physical location at which 67539
a cremation chamber is located and the cremation process takes 67540
place. "Crematory facility" does not include an infectious waste 67541
incineration facility for which a license is held under division 67542
(B) of section 3734.05 of the Revised Code, or a solid waste 67543
incineration facility for which a license is held under division 67544
(A) of that section that includes a notation pursuant to division 67545

(B)(3) of that section authorizing the facility to also treat 67546
infectious wastes, in connection with the incineration of body 67547
parts other than dead human bodies that were donated to science 67548
for purposes of medical education or research. 67549

(L) "Crematory" means the building or portion of a building 67550
that houses the holding facility and the cremation chamber. 67551

(M) "Cremation" means the technical process of using heat and 67552
flame to reduce human or animal remains to bone fragments or ashes 67553
or any combination thereof. "Cremation" includes processing and 67554
may include the pulverization of bone fragments. 67555

(N) "Cremation chamber" means the enclosed space within which 67556
cremation takes place. 67557

(O) "Cremated remains" means all human or animal remains 67558
recovered after the completion of the cremation process, which may 67559
include the residue of any foreign matter such as casket material, 67560
dental work, or eyeglasses that were cremated with the human or 67561
animal remains. 67562

(P) "Lapsed license" means a license issued under this 67563
chapter that has become invalid because of the failure of the 67564
licensee to renew the license within the time limits prescribed 67565
under this chapter. 67566

(Q) "~~Operator of a crematory facility~~ Crematory operator" 67567
means the ~~sole proprietorship, partnership, corporation, limited~~ 67568
~~liability company, or other business entity responsible for the~~ 67569
~~overall operation of~~ person who engages, in whole or in part, in 67570
cremation from one or more crematories licensed under this chapter 67571
and who has been issued a crematory facility operator permit under 67572
this chapter. 67573

(R) "Processing" means the reduction of identifiable bone 67574
fragments to unidentifiable bone fragments through manual or 67575
mechanical means after the completion of the cremation process. 67576

(S) "Pulverization" means the reduction of identifiable bone 67577
fragments to granulated particles by manual or mechanical means 67578
after the completion of the cremation process. 67579

(T) "Preneed funeral contract" means a written agreement, 67580
contract, or series of contracts to sell or otherwise provide any 67581
funeral services, funeral goods, or any combination thereof to be 67582
used in connection with the funeral or final disposition of a dead 67583
human body, where payment for the goods or services is made either 67584
outright or on an installment basis, prior to the death of the 67585
person purchasing the goods or services or for whom the goods or 67586
services are purchased. "Preneed funeral contract" does not 67587
include any preneed cemetery merchandise and services contract or 67588
any agreement, contract, or series of contracts pertaining to the 67589
sale of any burial lot, burial or interment right, entombment 67590
right, or columbarium right with respect to which an endowment 67591
care fund is established or is exempt from establishment pursuant 67592
to section 1721.21 of the Revised Code. 67593

For the purposes of division (T) of this section, "funeral 67594
goods" includes caskets. 67595

(U) "Purchaser" means the individual who has purchased and 67596
financed a preneed funeral contract, and who may or may not be the 67597
contract beneficiary. 67598

(V) "Contract beneficiary" means the individual for whom 67599
funeral goods and funeral services are provided pursuant to a 67600
preneed funeral contract. 67601

(W) "Seller" means any person that enters into a preneed 67602
funeral contract with a purchaser for the provision of funeral 67603
goods, funeral services, or both. 67604

(X) "Felony" means a criminal act classified as a felony by 67605
this state, any other state, or federal law. 67606

Sec. 4717.02. (A) There is hereby created the board of 67607
embalmers and funeral directors consisting of seven members to be 67608
appointed by the governor with the advice and consent of the 67609
senate. Five members shall be licensed ~~embalmers and~~ practicing 67610
funeral directors, ~~each with~~ four of which shall also be licensed 67611
embalmers. Each of the funeral director members shall have at 67612
least ten consecutive years of experience in this state 67613
immediately preceding the date of the person's appointment. In 67614
addition, one of these the funeral director members shall hold a 67615
crematory operator permit and be knowledgeable and experienced in 67616
operating a crematory. Two members shall represent the public; at 67617
least one of these members shall be at least sixty years of age. 67618

(B) Terms of office are for five years, commencing on the 67619
first day of July and ending on the last day of June. Each member 67620
shall hold office from the date of the member's appointment until 67621
the end of the term for which the member was appointed. Before 67622
entering upon the duties of the office, each member shall take and 67623
file with the secretary of state an oath of office as required by 67624
Section 7 of Article XV, Ohio Constitution. 67625

(C) The governor may remove a member of the board for neglect 67626
of duty, incompetency, or immoral conduct. Vacancies shall be 67627
filled in the manner provided for original appointments. Any 67628
member appointed to fill a vacancy occurring prior to the 67629
expiration date of the term for which the member's predecessor was 67630
appointed shall hold office as a member for the remainder of that 67631
term. A member shall continue in office subsequent to the 67632
expiration date of the member's term until the member's successor 67633
takes office, or until a period of sixty days has elapsed, 67634
whichever occurs first. 67635

(D) Each member of the board shall receive an amount fixed 67636
under division (J) of section 124.15 of the Revised Code for each 67637

day, not to exceed sixty days per year, employed in the discharge 67638
of the member's duties as a board member, together with any 67639
necessary expenses incurred in the performance of those duties. 67640

Sec. 4717.03. (A) Members of the board of embalmers and 67641
funeral directors shall annually in July, or within thirty days 67642
after the senate's confirmation of the new members appointed in 67643
that year, meet and organize by selecting from among its members a 67644
president, vice-president, and secretary-treasurer. The board may 67645
hold other meetings as it determines necessary. A quorum of the 67646
board consists of four members, of whom at least three shall be 67647
members who are embalmers and funeral directors. The concurrence 67648
of at least four members is necessary for the board to take any 67649
action. The president and secretary-treasurer shall sign all 67650
licenses issued under this chapter and affix the board's seal to 67651
each license. 67652

(B) The board may appoint an individual who is not a member 67653
of the board to serve as executive director of the board. The 67654
executive director serves at the pleasure of the board and shall 67655
do all of the following: 67656

(1) Serve as the board's chief administrative officer; 67657

(2) Act as custodian of the board's records; 67658

(3) Execute all of the board's orders; 67659

(4) Employ staff who are not members of the board and who 67660
serve at the pleasure of the executive director to provide any 67661
assistance that the board considers necessary. 67662

(C) In executing the board's orders as required by division 67663
(B)(3) of this section, the executive director may enter the 67664
premises, establishment, office, or place of business of any 67665
embalmer, funeral director, or ~~operator of a crematory facility~~ 67666
operator in this state. The executive director may serve and 67667

execute any process issued by any court under this chapter. 67668

(D) The executive director may employ necessary inspectors, 67669
who shall be licensed embalmers and funeral directors. An 67670
inspector employed by the executive director may enter the 67671
premises, establishment, office, or place of business of any 67672
embalmer, funeral director, or crematory operator ~~of a, embalming~~ 67673
facility, funeral home, or crematory facility in this state, for 67674
the purposes of inspecting the facility and premises; the license, 67675
permit, and registration of embalmers ~~and,~~ funeral directors, and 67676
crematory operators operating in the facility; and the license of 67677
the funeral home, embalming facility, or crematory facility and 67678
perform any other duties delegated to the inspector by the board 67679
or assigned to the inspector by the executive director. The 67680
executive director may enter the facility or premises of a funeral 67681
home, embalming facility, or crematory for the purpose of an 67682
inspection if accompanied by an inspector or, if an inspector is 67683
not available, when a situation presents a danger of immediate and 67684
serious harm to the public. 67685

(E) The president of the board shall designate three of the 67686
board's members to serve on the crematory review board, which is 67687
hereby created, for such time as the president finds appropriate 67688
to carry out the provisions of this chapter. Those members of the 67689
crematory review board designated by the president to serve and 67690
three members designated by the cemetery dispute resolution 67691
commission shall designate, by a majority vote, one person who 67692
holds a crematory operator permit, who is experienced in the 67693
operation of a crematory facility, and who is not affiliated with 67694
a cemetery or a funeral home to serve on the crematory review 67695
board for such time as the crematory review board finds 67696
appropriate. Members serving on the crematory review board shall 67697
not receive any additional compensation for serving on the board, 67698
but may be reimbursed for their actual and necessary expenses 67699

incurred in the performance of official duties as members of the 67700
board. Members of the crematory review board shall designate one 67701
from among its members to serve as a chairperson for such time as 67702
the board finds appropriate. Costs associated with conducting an 67703
adjudicatory hearing in accordance with division (F) of this 67704
section shall be paid from funds available to the board of 67705
embalmers and funeral directors. 67706

(F) Upon receiving written notice from the board of embalmers 67707
and funeral directors of any of the following, the crematory 67708
review board shall conduct an adjudicatory hearing on the matter 67709
in accordance with Chapter 119. of the Revised Code, except as 67710
otherwise provided in this section or division (C) of section 67711
4717.14 of the Revised Code: 67712

(1) Notice provided under division (I) of this section of an 67713
alleged violation of any provision of this chapter or any rules 67714
adopted under this chapter governing or in connection with 67715
crematory operators, crematory facilities, or cremation; 67716

(2) Notice provided under division (B) of section 4717.14 of 67717
the Revised Code that the board of embalmers and funeral directors 67718
proposes to refuse to grant or renew, or to suspend or revoke, a 67719
license to operate a crematory facility; 67720

(3) Notice provided under division (C) of section 4717.14 of 67721
the Revised Code that the board of embalmers and funeral directors 67722
has issued an order summarily suspending a crematory operator 67723
permit or a license to operate a crematory facility; 67724

(4) Notice provided under division (B) of section 4717.15 of 67725
the Revised Code that the board of embalmers and funeral directors 67726
proposes to issue a notice of violation and order requiring 67727
payment of a forfeiture for any violation described in divisions 67728
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 67729
connection with a crematory operator, crematory facility, or 67730

cremation. 67731

Nothing in division (F) of this section precludes the 67732
crematory review board from appointing an independent examiner in 67733
accordance with section 119.09 of the Revised Code to conduct any 67734
adjudication hearing required under division (F) of this section. 67735

The crematory review board shall submit a written report of 67736
findings and advisory recommendations, and a written transcript of 67737
its proceedings, to the board of embalmers and funeral directors. 67738
The board of embalmers and funeral directors shall serve a copy of 67739
the written report of the crematory review board's findings and 67740
advisory recommendations on the party to the adjudication or the 67741
party's attorney, by certified mail, within five days after 67742
receiving the report and advisory recommendations. A party may 67743
file objections to the written report with the board of embalmers 67744
and funeral directors within ten days after receiving the report. 67745
No written report is final or appealable until it is issued as a 67746
final order by the board of embalmers and funeral directors and 67747
entered on the record of the proceedings. The board of embalmers 67748
and funeral directors shall consider objections filed by the party 67749
prior to issuing a final order. After reviewing the findings and 67750
advisory recommendations of the crematory review board, the 67751
written transcript of the crematory review board's proceedings, 67752
and any objections filed by a party, the board of embalmers and 67753
funeral directors shall issue a final order in the matter. Any 67754
party may appeal the final order issued by the board of embalmers 67755
and funeral directors in a matter described in divisions (F)(1) to 67756
(4) of this section in accordance with section 119.12 of the 67757
Revised Code, except that the appeal may be made to the court of 67758
common pleas in the county in which is located the crematory 67759
facility to which the final order pertains, or in the county in 67760
which the party resides. 67761

(G) On its own initiative or on receiving a written complaint 67762

from any person whose identity is made known to the board of 67763
embalmers and funeral directors, the board shall investigate the 67764
acts or practices of any person holding or claiming to hold a 67765
license, permit, or registration under this chapter that, if 67766
proven to have occurred, would violate this chapter or any rules 67767
adopted under it. The board may compel witnesses by subpoena to 67768
appear and testify in relation to investigations conducted under 67769
this chapter and may require by subpoena duces tecum the 67770
production of any book, paper, or document pertaining to an 67771
investigation. If a person does not comply with a subpoena or 67772
subpoena duces tecum, the board may apply to the court of common 67773
pleas of any county in this state for an order compelling the 67774
person to comply with the subpoena or subpoena duces tecum, or for 67775
failure to do so, to be held in contempt of court. 67776

(H) If, as a result of its investigation conducted under 67777
division (G) of this section, the board of embalmers and funeral 67778
directors has reasonable cause to believe that the person 67779
investigated is violating any provision of this chapter or any 67780
rules adopted under this chapter governing or in connection with 67781
embalming, funeral directing, cremation, funeral homes, embalming 67782
facilities, or cremation facilities, or the operation of funeral 67783
homes ~~or~~, embalming facilities, or crematory facilities, it may, 67784
after providing the opportunity for an adjudicatory hearing, issue 67785
an order directing the person to cease the acts or practices that 67786
constitute the violation. The board shall conduct the adjudicatory 67787
hearing in accordance with Chapter 119. of the Revised Code except 67788
that, notwithstanding the provisions of that chapter, the 67789
following shall apply: 67790

(1) The board shall send the notice informing the person of 67791
the person's right to a hearing by certified mail. 67792

(2) The person is entitled to a hearing only if the person 67793
requests a hearing and if the board receives the request within 67794

thirty days after the mailing of the notice described in division 67795
(H)(1) of this section. 67796

(3) A stenographic record shall be taken, in the manner 67797
prescribed in section 119.09 of the Revised Code, at every 67798
adjudicatory hearing held under this section, regardless of 67799
whether the record may be the basis of an appeal to a court. 67800

(I) If, as a result of its investigation conducted under 67801
division (G) of this section, the board of embalmers and funeral 67802
directors has reasonable cause to believe that the person 67803
investigated is violating any provision of this chapter or any 67804
rules adopted under this chapter governing or in connection with 67805
crematory operators, crematory facilities, or cremation, the board 67806
shall send written notice of the alleged violation to the 67807
crematory review board. If, after the conclusion of the 67808
adjudicatory hearing in the matter conducted under division (F) of 67809
this section, the board of embalmers and funeral directors finds 67810
that a person is in violation of any provision of this chapter or 67811
any rules adopted under this chapter governing or in connection 67812
with crematory operators, crematory facilities, or cremation, the 67813
board may issue a final order under that division directing the 67814
person to cease the acts or practices that constitute the 67815
violation. 67816

(J) The board of embalmers and funeral directors may bring a 67817
civil action to enjoin any violation or threatened violation of 67818
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 67819
under any of those sections; division (A) or (B) of section 67820
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 67821
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 67822
division (D)(1) of section 4717.27; divisions (A) to (C) of 67823
section 4717.28, or division (D) or (E) of section 4717.31 of the 67824
Revised Code. The action shall be brought in the county where the 67825
violation occurred or the threatened violation is expected to 67826

occur. At the request of the board, the attorney general shall 67827
represent the board in any matter arising under this chapter. 67828

(K) The board of embalmers and funeral directors and the 67829
crematory review board may issue subpoenas for ~~funeral directors~~ 67830
~~and embalmers or persons holding themselves out as such, for~~ 67831
~~operators of crematory facilities~~ any person holding a license or 67832
permit under this chapter or persons holding themselves out as 67833
such, or for any other person whose testimony, in the opinion of 67834
either board, is necessary. The subpoena shall require the person 67835
to appear before the appropriate board or any designated member of 67836
either board, upon any hearing conducted under this chapter. The 67837
penalty for disobedience to the command of such a subpoena is the 67838
same as for refusal to answer such a process issued under 67839
authority of the court of common pleas. 67840

(L) ~~All~~ Except as provided in section 4717.41 of the Revised 67841
Code, all moneys received by the board of embalmers and funeral 67842
directors from any source shall be deposited in the state treasury 67843
to the credit of the occupational licensing and regulatory fund 67844
created in section 4743.05 of the Revised Code. 67845

(M) The board of embalmers and funeral directors shall submit 67846
a written report to the governor on or before the first Monday of 67847
July of each year. This report shall contain a detailed statement 67848
of the nature and amount of the board's receipts and the amount 67849
and manner of its expenditures. 67850

Sec. 4717.04. (A) The board of embalmers and funeral 67851
directors shall adopt rules in accordance with Chapter 119. of the 67852
Revised Code for the government, transaction of the business, and 67853
the management of the affairs of the board of embalmers and 67854
funeral directors and the crematory review board, and for the 67855
administration and enforcement of this chapter. These rules shall 67856
include all of the following: 67857

(1) The nature, scope, content, and form of the application 67858
that must be completed and license examination that must be passed 67859
in order to receive an embalmer's license or a funeral director's 67860
license under section 4717.05 of the Revised Code. The rules shall 67861
ensure both of the following: 67862

(a) That the embalmer's license examination tests the 67863
applicant's knowledge through at least a comprehensive section and 67864
an Ohio laws section; 67865

(b) That the funeral director's license examination tests the 67866
applicant's knowledge through at least a comprehensive section, an 67867
Ohio laws section, and a sanitation section. 67868

(2) The minimum license examination score necessary to be 67869
licensed under section 4717.05 of the Revised Code as an embalmer 67870
or as a funeral director; 67871

(3) Procedures for determining the dates of the embalmer's 67872
and funeral director's license examinations, which shall be 67873
administered at least once each year, the time and place of each 67874
examination, and the supervision required for each examination; 67875

(4) Procedures for determining whether the board shall accept 67876
an applicant's compliance with the licensure, registration, or 67877
certification requirements of another state as grounds for 67878
granting the applicant a license under this chapter; 67879

(5) A determination of whether completion of a nationally 67880
recognized embalmer's or funeral director's examination 67881
sufficiently meets the license requirements for the comprehensive 67882
section of either the embalmer's or the funeral director's license 67883
examination administered under this chapter; 67884

(6) Continuing education requirements for licensed embalmers 67885
and funeral directors; 67886

(7) Requirements for the licensing and operation of funeral 67887

homes;	67888
(8) Requirements for the licensing and operation of embalming facilities;	67889 67890
(9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:	67891 67892 67893 67894
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	67895 67896 67897
(b) Purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code;	67898 67899 67900 67901 67902 67903
(c) Committing unprofessional conduct;	67904
(d) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision;	67905 67906 67907 67908
(e) Refusing to promptly submit the custody of a dead human body <u>or cremated remains</u> upon the express order of the person legally entitled to the body;	67909 67910 67911
(f) Transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or operator to another, or from one location to another, without notifying the board;	67912 67913 67914 67915
(g) Misleading the public using false or deceptive advertising;	67916 67917

(h) Failing to forward to the board on or before its due date 67918
the annual report of preneed funeral sales required by division 67919
(J) of section 4717.31 of the Revised Code. If the annual report 67920
is sent to the board by United States mail, it shall be postmarked 67921
on or before the due date for the submission of the annual report 67922
in order to be timely filed with the board. Mail that is not 67923
postmarked shall be considered filed on the date it is received by 67924
the board. 67925

Each instance of the commission of any of the types of 67926
conduct described in ~~divisions~~ division (A)(9)(a), (b), (c), (d), 67927
(e), (f), and (g) of this section is a separate violation. The 67928
rules adopted under division (A)(9) of this section shall 67929
establish the amount of the forfeiture for a violation of each of 67930
those divisions. The forfeiture for a first violation shall not 67931
exceed five thousand dollars, and the forfeiture for a second or 67932
subsequent violation shall not exceed ten thousand dollars. The 67933
amount of the forfeiture may differ among the types of violations 67934
according to what the board considers the seriousness of each 67935
violation. 67936

(10) Requirements for the licensing and operation of 67937
crematory facilities; 67938

(11) Procedures for the board to take possession of and to 67939
arrange the lawful disposition of unclaimed cremated remains that 67940
were held or stored at a funeral home or crematory that has been 67941
closed; 67942

(12) Procedures for the issuance of duplicate licenses; 67943

~~(12)~~(13) Requirements for criminal records checks of 67944
applicants under section 4776.03 of the Revised Code; 67945

~~(13)~~(14) The amount and content of corrective action courses 67946
required by the board under section 4717.14 of the Revised Code. 67947

(B) The board may adopt rules governing the educational 67948

standards for licensure as an embalmer or funeral director, or 67949
obtaining a permit to be a crematory operator, and the standards 67950
of service and practice to be followed in embalming ~~and,~~ funeral 67951
directing, and cremation, and in the operation of funeral homes, 67952
embalming facilities, and crematory facilities in this state. 67953

(C) Nothing in this chapter authorizes the board of embalmers 67954
and funeral directors to regulate cemeteries, except that the 67955
board shall license and regulate ~~crematories~~ funeral homes, 67956
embalming facilities, and crematory facilities located at 67957
cemeteries in accordance with this chapter. 67958

Sec. 4717.05. (A) Any person who desires to be licensed as an 67959
embalmer shall apply to the board of embalmers and funeral 67960
directors on a form provided by the board. The applicant shall 67961
include with the application an initial license fee as set forth 67962
in section 4717.07 of the Revised Code and evidence, verified by 67963
oath and satisfactory to the board, that the applicant meets all 67964
of the following requirements: 67965

(1) The applicant is at least eighteen years of age and of 67966
good moral character. 67967

(2) If the applicant has pleaded guilty to, has been found by 67968
a judge or jury to be guilty of, or has had a judicial finding of 67969
eligibility for treatment in lieu of conviction entered against 67970
the applicant in this state for aggravated murder, murder, 67971
voluntary manslaughter, felonious assault, kidnapping, rape, 67972
sexual battery, gross sexual imposition, aggravated arson, 67973
aggravated robbery, or aggravated burglary, or has pleaded guilty 67974
to, has been found by a judge or jury to be guilty of, or has had 67975
a judicial finding of eligibility for treatment in lieu of 67976
conviction entered against the applicant in another jurisdiction 67977
for a substantially equivalent offense, at least five years has 67978
elapsed since the applicant was released from incarceration, a 67979

community control sanction, a post-release control sanction, 67980
parole, or treatment in connection with the offense. 67981

(3) The applicant holds at least a bachelor's degree from a 67982
college or university authorized to confer degrees by the ~~Ohio~~ 67983
~~board~~ department of regents higher education or the comparable 67984
legal agency of another state in which the college or university 67985
is located and submits an official transcript from that college or 67986
university with the application. 67987

(4) The applicant has satisfactorily completed at least 67988
twelve months of instruction in a prescribed course in mortuary 67989
science as approved by the board and has presented to the board a 67990
certificate showing successful completion of the course. The 67991
course of mortuary science college training may be completed 67992
either before or after the completion of the educational standard 67993
set forth in division (A)(3) of this section. 67994

(5) The applicant has registered with the board prior to 67995
beginning an embalmer apprenticeship. 67996

(6) The applicant has satisfactorily completed at least one 67997
year of apprenticeship under an embalmer licensed in this state 67998
and has ~~assisted that person~~ participated in embalming at least 67999
twenty-five dead human bodies. 68000

(7) The applicant, upon meeting the educational standards 68001
provided for in divisions (A)(3) and (4) of this section and 68002
completing the apprenticeship required in division (A)(6) of this 68003
section, has completed the examination for an embalmer's license 68004
required by the board. 68005

(B) Upon receiving satisfactory evidence verified by oath 68006
that the applicant meets all the requirements of division (A) of 68007
this section, the board shall issue the applicant an embalmer's 68008
license. 68009

(C) Any person who desires to be licensed as a funeral 68010

director shall apply to the board on a form ~~provided~~ prescribed by 68011
the board. The application shall include an initial license fee as 68012
set forth in section 4717.07 of the Revised Code and evidence, 68013
verified by oath and satisfactory to the board, that the applicant 68014
meets all of the following requirements: 68015

(1) Except as otherwise provided in division (D) of this 68016
section, the applicant has satisfactorily met all the requirements 68017
for an embalmer's license as described in divisions (A)(1) to (4) 68018
of this section. 68019

(2) The applicant has registered with the board prior to 68020
beginning a funeral director apprenticeship. 68021

(3) The applicant, following mortuary science college 68022
training described in division (A)(4) of this section, has 68023
satisfactorily completed a one-year apprenticeship under a 68024
licensed funeral director in this state and has ~~assisted that~~ 68025
~~person~~ participated in directing at least twenty-five funerals. 68026

(4) The applicant has satisfactorily completed the 68027
examination for a funeral director's license as required by the 68028
board. 68029

(D) In lieu of mortuary science college training required for 68030
a funeral director's license under division (C)(1) of this 68031
section, the applicant may substitute a satisfactorily completed 68032
two-year apprenticeship under a licensed funeral director in this 68033
state assisting that person in directing at least fifty funerals. 68034

(E) Upon receiving satisfactory evidence that the applicant 68035
meets all the requirements of division (C) of this section, the 68036
board shall issue to the applicant a funeral director's license. 68037

(F) A funeral director or embalmer may request the funeral 68038
director's or embalmer's license be placed on inactive status by 68039
submitting to the board a form prescribed by the board and such 68040
other information as the board may request. A funeral director or 68041

embalmer may not place the funeral director's or embalmer's 68042
license on inactive status unless the funeral director or embalmer 68043
is in good standing with the board and is in compliance with 68044
applicable continuing education requirements. A funeral director 68045
or embalmer who is granted inactive status is prohibited from 68046
participating in any activity for which a funeral director's or 68047
embalmer's license is required in this state. A funeral director 68048
or embalmer who has been granted inactive status is exempt from 68049
the continuing education requirements under section 4717.09 of the 68050
Revised Code during the period of the inactive status. 68051

(G) A funeral director or embalmer who has been granted 68052
inactive status may not return to active status for at least two 68053
years following the date that the inactive status was granted. 68054
Following a period of at least two years of inactive status, the 68055
funeral director or embalmer may apply to return to active status 68056
upon completion of all of the following conditions: 68057

(1) The funeral director or embalmer files with the board a 68058
form prescribed by the board seeking active status and provides 68059
any other information as the board may request; 68060

(2) The funeral director or embalmer takes and passes the 68061
Ohio laws examination for each license being activated; 68062

(3) The funeral director or embalmer pays a reactivation fee 68063
to the board in the amount of one hundred forty dollars for each 68064
license being reactivated. 68065

(H) As used in this section: 68066

(1) "Community control sanction" has the same meaning as in 68067
section 2929.01 of the Revised Code. 68068

(2) "Post-release control sanction" has the same meaning as 68069
in section 2967.01 of the Revised Code. 68070

Sec. 4717.051. (A) Any person who desires to obtain a permit 68071

as a crematory operator shall apply to the board of embalmers and 68072
funeral directors on a form prescribed by the board. The applicant 68073
shall include with the application the initial permit fee set 68074
forth in section 4717.07 of the Revised Code and evidence, 68075
verified under oath and satisfactory to the board, that the 68076
applicant satisfies all of the following requirements: 68077

(1) The applicant is at least eighteen years of age and of 68078
good moral character. 68079

(2) If the applicant has pleaded guilty to, or has been found 68080
by a judge or jury to be guilty of, or has had judicial finding of 68081
eligibility for treatment in lieu of conviction entered against 68082
the applicant in this state for aggravated murder, murder, 68083
voluntary manslaughter, felonious assault, kidnapping, rape, 68084
sexual battery, gross sexual imposition, aggravated arson, 68085
aggravated robbery, or aggravated burglary, or has pleaded guilty 68086
to, has been found by a judge or jury to be guilty of, or has had 68087
judicial finding of eligibility for treatment in lieu of 68088
conviction entered against the applicant in another jurisdiction 68089
for a substantially equivalent offense, at least five years has 68090
elapsed since the applicant was released from incarceration, a 68091
community control sanction, a post-release control sanction, 68092
parole, or treatment in connection with the offense. 68093

(3) The applicant has satisfactorily completed a crematory 68094
operation certification program approved by the board and has 68095
presented to the board a certificate showing completion of the 68096
program. 68097

(B) If the board of embalmers and funeral directors, upon 68098
receiving satisfactory evidence, determines that the applicant 68099
satisfies all of the requirements of division (A) of this section, 68100
the board shall issue to the applicant a permit as a crematory 68101
operator. 68102

(C) The board of embalmers and funeral directors may revoke 68103
or suspend a crematory operator permit or subject a crematory 68104
operator permit holder to discipline in accordance with the laws, 68105
rules, and procedures applicable to licensees under this chapter. 68106

Sec. 4717.06. (A)(1) ~~Any person~~ A licensed funeral director 68107
who desires to obtain a license to operate a funeral home, a 68108
licensed embalmer who desires to obtain a license to operate an 68109
embalming facility, or a holder of a crematory operator permit who 68110
desires to obtain a license to operate a crematory facility shall 68111
apply to the board of embalmers and funeral directors on a form 68112
~~provided~~ prescribed by the board. The application shall include 68113
the initial license application fee set forth in section 4717.07 68114
of the Revised Code and proof satisfactory to the board that the 68115
funeral home, embalming facility, or crematory facility is in 68116
compliance with rules adopted by the board under section 4717.04 68117
of the Revised Code, rules adopted by the board of building 68118
standards under Chapter 3781. of the Revised Code, and all other 68119
federal, state, and local requirements relating to the safety of 68120
the premises. 68121

(2) If the funeral home, embalming facility, or crematory 68122
facility to which the license application pertains is owned by a 68123
corporation or limited liability company, the application shall 68124
include the name and address of the corporation's or limited 68125
liability company's statutory agent appointed under section 68126
1701.07 or 1705.06 of the Revised Code or, in the case of a 68127
foreign corporation, the corporation's designated agent appointed 68128
under section 1703.041 of the Revised Code. If the funeral home, 68129
embalming facility, or crematory facility to which the application 68130
pertains is owned by a partnership, the application shall include 68131
the name and address of each of the partners. If, at any time 68132
after the submission of a license application or issuance of a 68133
license, the statutory or designated agent of a corporation or 68134

limited liability company owning a funeral home, embalming 68135
facility, or crematory facility or the address of the statutory or 68136
designated agent changes or, in the case of a partnership, any of 68137
the partners of the funeral home, embalming facility, or crematory 68138
facility or the address of any of the partners changes, the 68139
applicant for or holder of the license to operate the funeral 68140
home, embalming facility, or crematory facility shall submit 68141
written notice to the board, within thirty days after the change, 68142
informing the board of the change and of any name or address of a 68143
statutory or designated agent or partner that has changed from 68144
that contained in the application for the license or the most 68145
recent notice submitted under division (A)(2) of this section. 68146

(B)(1) The board of embalmers and funeral directors shall 68147
issue a license to operate a funeral home only to a licensed 68148
funeral director who is named in the application as the funeral 68149
director actually in charge and ultimately responsible for the 68150
funeral home. The board shall issue the license only for the 68151
address at which the funeral home is physically located and 68152
operated. The funeral home license and licenses of the embalmers 68153
and funeral directors employed by the funeral home shall be 68154
displayed in a conspicuous place within the funeral home. The name 68155
of the funeral director to whom the funeral home license has been 68156
issued shall be conspicuously displayed immediately on the outside 68157
or the inside of the primary entrance to the funeral home that is 68158
used by the public. 68159

(2) The funeral home shall have on the premises one of the 68160
following: 68161

(a) If embalming will take place at the funeral home, an 68162
embalming room that is adequately equipped and maintained. The 68163
embalming room shall be kept in a clean and sanitary manner and 68164
used only for the embalming, preparation, or holding of dead human 68165
bodies. The embalming room shall contain only the articles, 68166

facilities, and instruments necessary for those purposes. 68167

(b) If embalming will not take place at the funeral home, a 68168
holding room that is adequately equipped and maintained. The 68169
holding room shall be kept in a clean and sanitary manner and used 68170
only for the preparation, other than embalming, and holding of 68171
dead human bodies. The holding room shall contain only the 68172
articles and facilities necessary for those purposes. 68173

~~(3) Except as provided in division (B) of section 4717.11 of 68174
the Revised Code, a funeral home shall be established and operated 68175
only under the name of a holder of a funeral director's license 68176
issued by the board who is actually in charge of and ultimately 68177
responsible for the funeral home, and a funeral home license shall 68178
not include directional or geographical references in the name of 68179
the funeral home. The holder of the funeral home license shall be 68180
a funeral director licensed under this chapter who is actually in 68181
charge of and ultimately responsible for the funeral home. Nothing 68182
in division (B)(3) of this section prohibits the holder of a 68183
funeral home license from including directional or geographical 68184
references in promotional or advertising materials identifying the 68185
location of the funeral home. 68186~~

~~(4) Each funeral home shall be directly supervised by a 68187
funeral director licensed under this chapter, who may supervise 68188
more than one funeral home. 68189~~

(C)(1) The board shall issue a license to operate an 68190
embalming facility only to a licensed embalmer who is actually in 68191
charge of and ultimately responsible for the embalming facility. 68192
The board shall issue the license only for the address at which 68193
the embalming facility is physically located and operated. The 68194
license shall be displayed in a conspicuous place within the 68195
facility. The name of the embalmer to whom the embalming facility 68196
license has been issued shall be conspicuously displayed on the 68197
outside or inside of the primary entrance to the embalming 68198

facility. 68199

(2) The embalming facility shall be adequately equipped and 68200
maintained in a sanitary manner. The embalming room at such a 68201
facility shall contain only the articles, facilities, and 68202
instruments necessary for its stated purpose. The embalming room 68203
shall be kept in a clean and sanitary condition and used only for 68204
the care and preparation of dead human bodies. 68205

~~(3) An embalming facility license shall be issued only to an 68206
embalmer licensed under division (B) of section 4717.05 of the 68207
Revised Code, who is actually in charge of the facility. 68208~~

(D)(1) The board shall issue a license to operate a crematory 68209
facility only to a crematory operator who is actually in charge 68210
and ultimately responsible for the crematory facility. The board 68211
shall issue the license only for the address at which the 68212
crematory facility is physically located and operated. The license 68213
shall be displayed in a conspicuous place within the crematory 68214
facility. The name of the crematory operator to whom the crematory 68215
facility license has been issued shall be conspicuously displayed 68216
on the outside or inside of the primary entrance to the crematory 68217
facility. 68218

(2) The crematory facility shall be adequately equipped and 68219
maintained in a clean and sanitary manner. The crematory facility 68220
may be located in a funeral home, embalming facility, cemetery 68221
building, or other building in which the crematory facility may 68222
lawfully operate. If a crematory facility engages in the cremation 68223
of animals, the crematory facility shall cremate animals in a 68224
cremation chamber that also is not used to cremate dead human 68225
bodies or human body parts and shall not cremate animals in a 68226
cremation chamber used for the cremation of dead human bodies and 68227
human body parts. Cremation chambers that are used for the 68228
cremation of dead human bodies or human body parts and cremation 68229
chambers used for the cremation of animals may be located in the 68230

same area. Cremation chambers used for the cremation of animals 68231
shall have conspicuously displayed on the unit a notice that the 68232
unit is to be used for animals only. 68233

(3) A license to operate a crematory facility shall be issued 68234
to the person actually in charge of the crematory facility. This 68235
section does not require the individual who is actually in charge 68236
of the crematory facility to be an embalmer or funeral director 68237
licensed under this chapter. 68238

(4) Nothing in this section or rules adopted under section 68239
4717.04 of the Revised Code precludes the establishment and 68240
operation of a crematory facility on or adjacent to the property 68241
on which a cemetery, funeral home, or embalming facility is 68242
located. 68243

Sec. 4717.07. (A) The board of embalmers and funeral 68244
directors shall charge and collect the following fees: 68245

(1) For ~~the~~ applying for an initial ~~issuance~~ or biennial 68246
renewal of an embalmer's or funeral director's license, one 68247
hundred fifty dollars; 68248

(2) For ~~the issuance of~~ applying for an embalmer or funeral 68249
director registration, twenty-five dollars; 68250

(3) For filing an embalmer or funeral director certificate of 68251
apprenticeship, ten dollars; 68252

(4) For the application to take the examination for a license 68253
to practice as an embalmer or funeral director, or to retake a 68254
section of the examination, thirty-five dollars; 68255

(5) For ~~the~~ applying for an initial ~~issuance of a~~ license to 68256
operate a funeral home, three hundred fifty dollars and biennial 68257
renewal of a license to operate a funeral home, three hundred 68258
fifty dollars; 68259

(6) For the reinstatement of a lapsed embalmer's or funeral 68260

director's license, the renewal fee prescribed in division (A)(1) 68261
of this section plus fifty dollars for each month or portion of a 68262
month the license is lapsed, but not more than one thousand 68263
dollars; 68264

(7) For the reinstatement of a lapsed license to operate a 68265
funeral home, the renewal fee prescribed in division (A)(5) of 68266
this section plus fifty dollars for each month or portion of a 68267
month the license is lapsed until reinstatement, but not more than 68268
one thousand dollars; 68269

(8) For ~~the initial issuance of~~ applying for a license to 68270
operate an embalming facility, three hundred fifty dollars and 68271
biennial renewal of a license to operate an embalming facility, 68272
three hundred fifty dollars; 68273

(9) For the reinstatement of a lapsed license to operate an 68274
embalming facility, the renewal fee prescribed in division (A)(8) 68275
of this section plus fifty dollars for each month or portion of a 68276
month the license is lapsed until reinstatement, but not more than 68277
one thousand dollars; 68278

(10) For ~~the initial issuance of~~ applying for a license to 68279
operate a crematory facility, three hundred fifty dollars and 68280
biennial renewal of a license to operate a crematory facility, 68281
three hundred fifty dollars; 68282

(11) For the reinstatement of a lapsed license to operate a 68283
crematory facility, the renewal fee prescribed in division (A)(10) 68284
of this section plus fifty dollars for each month or portion of a 68285
month the license is lapsed until reinstatement, but not more than 68286
one thousand dollars; 68287

(12) For applying for the initial or biennial renewal of a 68288
crematory operator permit, one hundred dollars; 68289

(13) For the reinstatement of a lapsed crematory operator 68290
permit, the renewal fee prescribed in division (A)(12) of this 68291

<u>section plus fifty dollars for each month or portion of a month</u>	68292
<u>the permit is lapsed, but not more than one thousand dollars;</u>	68293
<u>(14) For the issuance of a duplicate of a license issued</u>	68294
<u>under this chapter, ten dollars;</u>	68295
<u>(15) For each preneed funeral contract sold in the state</u>	68296
<u>other than those funded by the assignment of an existing insurance</u>	68297
<u>policy, ten dollars.</u>	68298
(B) In addition to the fees set forth in division (A) of this	68299
section, an applicant shall pay the examination fee assessed by	68300
any examining agency the board uses for any section of an	68301
examination required under this chapter.	68302
(C) Subject to the approval of the controlling board, the	68303
board of embalmers and funeral directors may establish fees in	68304
excess of the amounts set forth in this section, provided that	68305
these fees do not exceed the amounts set forth in this section by	68306
more than fifty per cent.	68307
Sec. 4717.08. (A) Every license <u>and permit</u> issued under this	68308
chapter expires on the last day of December of each even-numbered	68309
year and shall be renewed on or before that date according to the	68310
standard license renewal procedure set forth in Chapter 4745. of	68311
the Revised Code. Licenses <u>and permits</u> not renewed by the last day	68312
of December of each even-numbered year are lapsed.	68313
(B) A holder of a lapsed license to operate a funeral home,	68314
license to operate an embalming facility, or license to operate a	68315
crematory facility <u>or a crematory operator permit</u> may reinstate	68316
the license <u>or permit</u> with the board by paying the lapsed license	68317
fee established under section 4717.07 of the Revised Code.	68318
(C) A holder of a lapsed embalmer's or funeral director's	68319
license may reinstate the license with the board by paying the	68320
lapsed license fee established under section 4717.07 of the	68321

Revised Code, except that if the license is lapsed for more than 68322
one hundred eighty days after its expiration date, the holder also 68323
shall take and pass the Ohio laws examination for each license as 68324
a condition for reinstatement. 68325

Sec. 4717.09. (A) Every two years, licensed embalmers and 68326
funeral directors shall attend between twelve and thirty hours of 68327
educational programs as a condition for renewal of their licenses. 68328
The board of embalmers and funeral directors shall adopt rules 68329
governing the administration and enforcement of the continuing 68330
education requirements of this section. The board may contract 68331
with a professional organization or association or other third 68332
party to assist it in performing functions necessary to administer 68333
and enforce the continuing education requirements of this section. 68334
A professional organization or association or other third party 68335
with whom the board so contracts may charge a reasonable fee for 68336
performing these functions to licensees or to the persons who 68337
provide continuing education programs. 68338

(B) A person holding both an embalmer's license and a funeral 68339
director's license need meet only the continuing education 68340
requirements established by the board for one or the other of 68341
those licenses in order to satisfy the requirement of division (A) 68342
of this section. 68343

(C) A person holding a courtesy card permit issued under 68344
section 4717.10 of the Revised Code is not required to satisfy the 68345
continuing education requirements specified in division (A) of 68346
this section as a condition of renewal of the permit. 68347

(D) A crematory operator shall maintain an active 68348
certification from a crematory operator certification program as a 68349
condition for renewal of the permit. 68350

(E) The board shall not renew the license of a licensee who 68351
fails to meet the continuing education requirements of this 68352

section and who has not been granted a ~~waiver or~~ an exemption 68353
under division ~~(D)~~(F) or ~~(E)~~(G) of this section. 68354

~~(D)~~(F) Any licensee who fails to meet the continuing 68355
education requirements of this section because of undue hardship 68356
or disability, or who is not actively engaged in the practice of 68357
funeral directing or embalming in this state, may apply to the 68358
board for a ~~waiver or~~ an exemption. 68359

~~(E)~~ A (G) Any licensee who has been an embalmer or a funeral 68360
director for not less than fifty years and who is not ~~actually~~ 68361
actively in charge ~~of an embalming facility or a manager or~~ 68362
~~actually in charge of~~ and ultimately responsible for a funeral 68363
home or embalming facility in this state may apply to the board 68364
for an exemption. 68365

~~(F)~~ ~~The board shall determine, by rule, the procedures for~~ 68366
~~applying for a waiver or an exemption~~ from the continuing 68367
education requirements ~~under~~ specified in division (A) of this 68368
section ~~and under what conditions a waiver or an exemption may be~~ 68369
~~granted.~~ 68370

(H) The board shall not renew the crematory operator permit 68371
of an individual who fails to satisfy the certification 68372
requirement of division (D) of this section. 68373

Sec. 4717.10. (A) The board of embalmers and funeral 68374
directors may recognize licenses issued to embalmers and funeral 68375
directors by other states, and upon presentation of such licenses, 68376
may issue to the holder an embalmer's or funeral director's 68377
license under this chapter. The board shall charge the same fee as 68378
prescribed in section 4717.07 of the Revised Code to issue or 68379
renew such an embalmer's or funeral director's license. Such 68380
licenses shall be renewed biennially as provided in section 68381
4717.08 of the Revised Code. The board shall not issue a license 68382
to any person under division (A) of this section unless the 68383

applicant proves that the applicant, in the state in which the 68384
applicant is licensed, has complied with requirements 68385
substantially equal to those established in section 4717.05 of the 68386
Revised Code. 68387

(B) The board of embalmers and funeral directors may issue 68388
courtesy card permits. A courtesy card permit holder shall be 68389
authorized to undertake both the following acts in this state: 68390

(1) Prepare and complete those sections of a death 68391
certificate and other permits needed for disposition of deceased 68392
human remains in this state and sign and file such death 68393
certificates and permits; 68394

(2) Supervise and conduct funeral ceremonies, interments, and 68395
entombments in this state. 68396

(C) The board of embalmers and funeral directors may 68397
determine under what conditions a courtesy card permit may be 68398
issued to funeral directors in bordering states after taking into 68399
account whether and under what conditions and fees such border 68400
states issue similar courtesy card permits to funeral directors 68401
licensed in this state. A courtesy card permit holder shall comply 68402
with all applicable laws and rules of this state while engaged in 68403
any acts of funeral directing in this state. The board may revoke 68404
or suspend a courtesy card permit or subject a courtesy card 68405
permit holder to discipline in accordance with the laws, rules, 68406
and procedures applicable to funeral ~~director-licensees~~ directors 68407
under this chapter. Applicants for courtesy card permits shall 68408
apply on forms prescribed by the board, pay a biennial fee set by 68409
the board for initial applications and renewals, and adhere to 68410
such other requirements imposed by the board on courtesy card 68411
permit holders. 68412

(D) No courtesy card permit holder shall be authorized to 68413
undertake any of the following activities in this state: 68414

(1) Arranging funerals or disposition services with members of the public in this state;	68415 68416
(2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;	68417 68418
(3) Advertise funeral or disposition services in this state;	68419
(4) Enter into or execute funeral or disposition contracts in this state;	68420 68421
(5) Prepare or embalm deceased human remains in this state;	68422
(6) Arrange for or carry out the disinterment of human remains in this state.	68423 68424
(E) As used in this section, "courtesy card permit" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.	68425 68426 68427 68428
Sec. 4717.11. (A) (1) A person who is licensed to operate a funeral home shall obtain a new <u>surrender that person's license upon any to operate a funeral home within thirty days after a change in any of the following:</u>	68429 68430 68431 68432
<u>(a) The location of the funeral home</u> or any change in ownership of the funeral;	68433 68434
<u>(b) The person who is actually in charge and ultimately responsible for the funeral home;</u>	68435 68436
<u>(c) Ownership of the funeral home</u> business that owns the funeral home that results in a majority of the ownership of the funeral business being held by one or more persons who solely or in combination with others did not own a majority of the funeral business immediately prior to the change in ownership. The person licensed to operate the funeral home shall surrender the current license to the board within	68437 68438 68439 68440 68441 68442 68443

(2) Within thirty days after any such a change described in 68444
division (A)(1) of this section occurs. ~~If a funeral home is sold,~~ 68445
the ~~new~~ funeral director who will be actually in charge and 68446
ultimately responsible for the funeral home after the change shall 68447
apply for a ~~license within thirty days after the date of the~~ 68448
~~closing of the purchase of the~~ new funeral home license. Upon the 68449
filing of an application for a funeral home license by a licensed 68450
funeral director, the funeral home may continue to operate until 68451
the board denies the funeral home's application. 68452

~~(B) When the funeral director who is licensed to operate a~~ 68453
~~funeral home ceases to operate the home because of death,~~ 68454
~~resignation, employment termination, sale of the funeral home, or~~ 68455
~~any other reason, the funeral home may continue to operate under~~ 68456
~~that person's name, provided that the name of the new person~~ 68457
~~licensed to operate the funeral home is added to the license~~ 68458
~~within twenty four months after the previous license holder dies~~ 68459
~~or otherwise ceases to operate the funeral home. The new licensee~~ 68460
~~shall meet the requirements of section 4717.06 of the Revised~~ 68461
~~Code.~~ 68462

~~(C) A person who is licensed to operate an embalming facility~~ 68463
~~shall obtain a new license upon any change in~~ (1) A person who is 68464
licensed to operate an embalming facility shall surrender that 68465
person's license to operate an embalming facility within thirty 68466
days after a change in any of the following: 68467

(a) The location of the embalming facility ~~or any change in~~ 68468
~~ownership;~~ 68469

(b) The person who is actually in charge and ultimately 68470
responsible for the embalming facility; 68471

(c) Ownership of the business entity that owns the embalming 68472
facility that results in a majority of the ownership of the 68473
business entity being held by one or more persons who solely or in 68474

combination with others did not own a majority of the business 68475
entity immediately prior to the change in ownership. ~~The person~~ 68476
~~licensed to operate the facility shall surrender the current~~ 68477
~~license to the board within thirty days after any such change~~ 68478
~~occurs.~~ 68479

~~(D) A person who is licensed to operate a crematory facility 68480
shall obtain a new license upon any change in location of the 68481
crematory facility or any change in ownership of the business 68482
entity operating the facility that results in a majority of the 68483
ownership of the business entity being held by one or more persons 68484
who solely or in combination with others did not own a majority of 68485
the business entity immediately prior to the change in ownership. 68486
The person licensed to operate the crematory facility shall 68487
surrender the current license to the board within thirty days 68488
after any such change occurs.~~ 68489

(2) Within thirty days after a change described in division 68490
(B)(1) of this section occurs, the person who will be actually in 68491
charge and ultimately responsible for the embalming facility after 68492
the change shall apply for a new license to operate the embalming 68493
facility. Upon filing of an application for a license to operate 68494
an embalming facility by a licensed embalmer, the embalming 68495
facility may continue to operate until the board denies the 68496
embalming facility's application. 68497

(C)(1) A person who is licensed to operate a crematory 68498
facility shall surrender that person's license to operate a 68499
crematory facility within thirty days after a change in any of the 68500
following: 68501

(a) The location of the crematory facility; 68502

(b) The person who is actually in charge and ultimately 68503
responsible for the crematory facility; 68504

(c) Ownership of the business entity that owns the crematory 68505

facility that results in a majority of the ownership of the 68506
business entity being held by one or more persons who alone or in 68507
combination with others did not own a majority of the business 68508
entity immediately prior to the change in ownership. 68509

(2) Within thirty days after a change described in division 68510
(C)(1) of this section occurs, the person who will be actually in 68511
charge and ultimately responsible for the crematory facility after 68512
the change shall apply for a new license to operate the crematory 68513
facility. Upon the filing of an application for a license to 68514
operate a crematory facility by a person holding a crematory 68515
operator permit, the crematory facility may continue to operate 68516
until the board denies the crematory facility's application. 68517

(D)(1) The board of embalmers and funeral directors shall 68518
review applications for new licenses under section 4717.06 of the 68519
Revised Code. 68520

(2) If the board, upon receiving satisfactory evidence, 68521
determines that the applicant satisfies all of the requirements of 68522
division (A), (B), (C), or (D) of section 4717.06 of the Revised 68523
Code with respect to a particular funeral home, embalming 68524
facility, or crematory facility, the board shall issue to the 68525
applicant a new license to operate that funeral home, embalming 68526
facility, or crematory facility. 68527

Sec. 4717.13. (A) No person shall do any of the following: 68528

(1) Engage in the business or profession of funeral directing 68529
unless the person is licensed as a funeral director under this 68530
chapter, is certified as an apprentice funeral director in 68531
accordance with rules adopted under section 4717.04 of the Revised 68532
Code and ~~is assisting~~ under the supervision of a funeral director 68533
licensed under this chapter, or is a student in a college of 68534
mortuary sciences approved by the board of embalmers and funeral 68535
directors and is under the direct supervision of a funeral 68536

director licensed by the board; 68537

(2) Engage in embalming unless the person is licensed as an 68538
embalmer under this chapter, is certified as an apprentice 68539
embalmer in accordance with rules adopted under section 4717.04 of 68540
the Revised Code and is ~~assisting~~ under the supervision of an 68541
embalmer licensed under this chapter, or is a student in a college 68542
of mortuary science approved by the board and is under the direct 68543
supervision of an embalmer licensed by the board; 68544

(3) Advertise or otherwise offer to provide or convey the 68545
impression that the person provides funeral directing services 68546
unless the person is licensed as a funeral director under this 68547
chapter and is employed by or under contract to a licensed funeral 68548
home and performs funeral directing services for that funeral home 68549
in a manner consistent with the advertisement, offering, or 68550
conveyance; 68551

(4) Advertise or otherwise offer to provide or convey the 68552
impression that the person provides embalming services unless the 68553
person is licensed as an embalmer under this chapter and is 68554
employed by or under contract to a licensed funeral home or a 68555
licensed embalming facility and performs embalming services for 68556
the funeral home or embalming facility in a manner consistent with 68557
the advertisement, offering, or conveyance; 68558

(5) Operate a funeral home without a license to operate the 68559
funeral home issued by the board under this chapter; 68560

(6) Practice the business or profession of funeral directing 68561
from any place except from a funeral home that a person is 68562
licensed to operate under this chapter; 68563

(7) Practice embalming from any place except from a funeral 68564
home or embalming facility that a person is licensed to operate 68565
under this chapter; 68566

(8) Operate a crematory or perform cremation without a 68567

license to operate the crematory issued under this chapter; 68568

(9) Cremate animals in a cremation chamber in which dead 68569
human bodies or body parts are cremated or cremate dead human 68570
bodies or human body parts in a cremation chamber in which animals 68571
are cremated; i 68572

(10) Hold a dead human body, before final disposition, for 68573
more than forty-eight hours after the time of death unless the 68574
dead human body is embalmed or placed into refrigeration and 68575
maintained at a constant temperature of less than forty degrees; i 68576

(11) Knowingly refuse to promptly submit the custody of a 68577
dead human body or cremated remains upon the oral or written order 68578
of the person legally entitled to the body or cremated remains; 68579

(12) Except as ordered by the person holding the right of 68580
disposition under section 2108.70 or 2108.81 of the Revised Code, 68581
knowingly fail to carry out the final disposition of a dead human 68582
body within thirty days after taking custody of the body. 68583

(B) No funeral director or other person in charge of the 68584
final disposition of a dead human body shall fail to do one of the 68585
following prior to the interment of the body: 68586

(1) Affix to the ankle or wrist of the deceased a tag encased 68587
in a durable and long-lasting material that contains the name, 68588
date of birth, date of death, and social security number of the 68589
deceased; 68590

(2) Place in the casket a capsule containing a tag bearing 68591
the information described in division (B)(1) of this section; 68592

(3) If the body was cremated, place in the vessel containing 68593
the cremated remains a tag bearing the information described in 68594
division (B)(1) of this section. 68595

(C) No person who holds a funeral home license for a funeral 68596
home that is closed, or that is owned by a funeral business in 68597

which changes in the ownership of the funeral business result in a 68598
majority of the ownership of the funeral business being held by 68599
one or more persons who solely or in combination with others did 68600
not own a majority of the funeral business immediately prior to 68601
the change in ownership, shall fail to submit to the board within 68602
thirty days after the closing or such a change ~~in~~ of ownership of 68603
the funeral business owning the funeral home, a clearly enumerated 68604
account of all of the following from which the licensee, at the 68605
time of the closing or change ~~in~~ of ownership of the funeral 68606
business and in connection with the funeral home, was to receive 68607
payment for providing the funeral services, funeral goods, or any 68608
combination of those in connection with the funeral or final 68609
disposition of a dead human body: 68610

(1) Preneed funeral contracts governed by sections 4717.31 to 68611
4717.38 of the Revised Code; 68612

(2) Life insurance policies or annuities the benefits of 68613
which are payable to the provider of funeral or burial goods or 68614
services; 68615

(3) Accounts at banks or savings banks insured by the federal 68616
deposit insurance corporation, savings and loan associations 68617
insured by the federal savings and loan insurance corporation or 68618
the Ohio deposit guarantee fund, or credit unions insured by the 68619
national credit union administration or a credit union share 68620
guaranty corporation organized under Chapter 1761. of the Revised 68621
Code that are payable upon the death of the person for whose 68622
benefit deposits into the accounts were made. 68623

(D)(1) No person who holds a funeral home license for a 68624
funeral home that is closed shall negligently fail to send written 68625
notice to the purchaser of every preneed funeral contract to which 68626
the funeral business is a party via first class United States 68627
mail. Such notice shall be addressed to the purchaser's last known 68628
address and shall explain that the funeral business is being 68629

closed and the name of any funeral business that has been 68630
designated to assume the obligations of the preneed contract. 68631

(2) Within thirty days of the closing of a funeral home, no 68632
person who held the funeral home license for the closed funeral 68633
home shall negligently fail to transfer all preneed contracts to 68634
the funeral home or funeral homes that have been designated to 68635
assume the obligation of the preneed contracts. If the person who 68636
holds a funeral home license for a funeral home that is closed 68637
fails to designate a successor funeral home or funeral homes to 68638
assume the obligations of the preneed funeral contracts, the board 68639
shall make such designations and order the transfer of the preneed 68640
funeral contracts to the designated funeral home or funeral homes. 68641

Sec. 4717.14. (A) The board of embalmers and funeral 68642
directors may refuse to grant or renew, or may suspend or revoke, 68643
any license or permit issued under this chapter or may require the 68644
holder of a license or permit to take corrective action courses 68645
for any of the following reasons: 68646

(1) The holder of a license ~~was~~ or permit obtained the 68647
license or permit by fraud or misrepresentation either in the 68648
application or in passing the examination. 68649

(2) The applicant ~~or~~, licensee, or permit holder has been 68650
convicted of or has pleaded guilty to a felony or of any crime 68651
involving moral turpitude. 68652

(3) The applicant ~~or~~, licensee, or permit holder has 68653
purposely violated any provision of sections 4717.01 to 4717.15 or 68654
a rule adopted under any of those sections; division (A) or (B) of 68655
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 68656
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 68657
division (D)(1) of section 4717.27; or divisions (A) to (C) of 68658
section 4717.28 of the Revised Code; or any provisions of sections 68659
4717.31 to 4717.38 of the Revised Code; any rule or order of the 68660

department of health or a board of health of a health district 68661
governing the disposition of dead human bodies; or any other rule 68662
or order applicable to the applicant or licensee. 68663

(4) The applicant ~~or~~, licensee, or permit holder has 68664
committed immoral or unprofessional conduct. 68665

(5) The applicant or licensee knowingly permitted an 68666
unlicensed person, other than a person serving an apprenticeship, 68667
to engage in the profession or business of embalming or funeral 68668
directing under the applicant's or licensee's supervision. 68669

(6) The applicant ~~or~~, licensee, or permit holder has been 68670
habitually intoxicated, or is addicted to the use of morphine, 68671
cocaine, or other habit-forming or illegal drugs. 68672

(7) The applicant ~~or~~, licensee, or permit holder has refused 68673
to promptly submit the custody of a dead human body or cremated 68674
remains upon the express order of the person legally entitled to 68675
the body or cremated remains. 68676

(8) The licensee or permit holder loaned the licensee's own 68677
license or the permit holder's own permit, or the applicant ~~or~~, 68678
licensee, or permit holder borrowed or used the license or permit 68679
of another person, or knowingly aided or abetted the granting of 68680
an improper license or permit. 68681

(9) The applicant ~~or~~, licensee ~~transferred a license to~~ 68682
~~operate a funeral home, embalming facility, or crematory from one~~ 68683
~~owner or operator to another, or from one location to another,~~ 68684
~~without notifying the board.~~ 68685

~~(10) The applicant or licensee, or permit holder misled the~~ 68686
public by using false or deceptive advertising. As used in this 68687
division, "false and deceptive advertising" includes, but is not 68688
limited to, any of the following: 68689

(a) Using the names of persons who are not licensed to 68690

practice funeral directing in a way that leads the public to 68691
believe that such persons are engaging in funeral directing; 68692

(b) Using any name for the funeral home other than the name 68693
under which the funeral home is licensed; 68694

(c) Using in the funeral home's name the surname of an 68695
individual who is not directly, actively, or presently associated 68696
with the funeral home, unless such surname has been previously and 68697
continuously used by the funeral home. 68698

(B)(1) The board of embalmers and funeral directors shall 68699
refuse to grant or renew, or shall suspend or revoke, ~~an~~ 68700
~~embalmer's, funeral director's, funeral home, or embalming~~ 68701
~~facility~~ a license or permit only in accordance with Chapter 119. 68702
of the Revised Code. 68703

(2) The board shall send to the crematory review board 68704
written notice that it proposes to refuse to issue or renew, or 68705
proposes to suspend or revoke, a license to operate a crematory 68706
facility. If, after the conclusion of the adjudicatory hearing on 68707
the matter conducted under division (F) of section 4717.03 of the 68708
Revised Code, the board of embalmers and funeral directors finds 68709
that any of the circumstances described in divisions (A)(1) to 68710
~~(10)~~(9) of this section apply to the person named in its proposed 68711
action, the board may issue a final order under division (F) of 68712
section 4717.03 of the Revised Code refusing to issue or renew, or 68713
suspending or revoking, the person's license to operate a 68714
crematory facility. 68715

(C) If the board of embalmers and funeral directors 68716
determines that there is clear and convincing evidence that any of 68717
the circumstances described in divisions (A)(1) to ~~(10)~~(9) of this 68718
section apply to the holder of a license or permit issued under 68719
this chapter and that the licensee's or permit holder's continued 68720
practice presents a danger of immediate and serious harm to the 68721

public, the board may suspend the licensee's license or permit 68722
holder's permit without a prior adjudicatory hearing. The 68723
executive director of the board shall prepare written allegations 68724
for consideration by the board. 68725

The board, after reviewing the written allegations, may 68726
suspend a license or permit without a prior hearing. 68727

The board shall issue a written order of suspension by a 68728
delivery system or in person in accordance with section 119.07 of 68729
the Revised Code. Such an order is not subject to suspension by 68730
the court during the pendency of any appeal filed under section 68731
119.12 of the Revised Code. If the licensee or permit holder ~~of an~~ 68732
~~embalmer's, funeral director's, funeral home, or embalming~~ 68733
~~facility license~~ requests an adjudicatory hearing by the board, 68734
the date set for the hearing shall be within fifteen days, but not 68735
earlier than seven days, after the licensee or permit holder has 68736
requested a hearing, unless the board and the licensee or permit 68737
holder agree to a different time for holding the hearing. 68738

Upon issuing a written order of suspension to the holder of a 68739
license to operate a crematory facility, the board of embalmers 68740
and funeral directors shall send written notice of the issuance of 68741
the order to the crematory review board. The crematory review 68742
board shall hold an adjudicatory hearing on the order under 68743
division (F) of section 4717.03 of the Revised Code within fifteen 68744
days, but not earlier than seven days, after the issuance of the 68745
order, unless the crematory review board and the licensee agree to 68746
a different time for holding the adjudicatory hearing. 68747

Any summary suspension imposed under this division shall 68748
remain in effect, unless reversed on appeal, until a final 68749
adjudicatory order issued by the board of embalmers and funeral 68750
directors pursuant to this division and Chapter 119. of the 68751
Revised Code, or division (F) of section 4717.03 of the Revised 68752
Code, as applicable, becomes effective. The board of embalmers and 68753

funeral directors shall issue its final adjudicatory order within 68754
sixty days after the completion of its hearing or, in the case of 68755
the summary suspension of a license to operate a crematory 68756
facility, within sixty days after completion of the adjudicatory 68757
hearing by the crematory review board. A failure to issue the 68758
order within that time results in the dissolution of the summary 68759
suspension order, but does not invalidate any subsequent final 68760
adjudicatory order. 68761

(D) If the board of embalmers and funeral directors suspends 68762
or revokes a funeral director's license ~~held by a funeral director~~ 68763
or a license to operate a funeral home for any reason identified 68764
in division (A) of this section, the board may file a complaint 68765
with the court of common pleas in the county where the violation 68766
occurred requesting appointment of a receiver and the 68767
sequestration of the assets of the funeral home that held the 68768
suspended or revoked license or the licensed funeral home that 68769
employs the funeral director that held the suspended or revoked 68770
license. If the court of common pleas is satisfied with the 68771
application for a receivership, the court may appoint a receiver. 68772

The board or a receiver may employ and procure whatever 68773
assistance or advice is necessary in the receivership or 68774
liquidation and distribution of the assets of the funeral home, 68775
and, for that purpose, may retain officers or employees of the 68776
funeral home as needed. All expenses of the receivership or 68777
liquidation shall be paid from the assets of the funeral home and 68778
shall be a lien on those assets, and that lien shall be a priority 68779
to any other lien. 68780

(E) Any holder of a license or permit issued under this 68781
chapter who has pleaded guilty to, has been found by a judge or 68782
jury to be guilty of, or has had a judicial finding of eligibility 68783
for treatment in lieu of conviction entered against the individual 68784
in this state for aggravated murder, murder, voluntary 68785

manslaughter, felonious assault, kidnapping, rape, sexual battery, 68786
gross sexual imposition, aggravated arson, aggravated robbery, or 68787
aggravated burglary, or who has pleaded guilty to, has been found 68788
by a judge or jury to be guilty of, or has had a judicial finding 68789
of eligibility for treatment in lieu of conviction entered against 68790
the individual in another jurisdiction for any substantially 68791
equivalent criminal offense, is hereby suspended from practice 68792
under this chapter by operation of law, and any license or permit 68793
issued to the individual under this chapter is hereby suspended by 68794
operation of law as of the date of the guilty plea, verdict or 68795
finding of guilt, or judicial finding of eligibility for treatment 68796
in lieu of conviction, regardless of whether the proceedings are 68797
brought in this state or another jurisdiction. The board shall 68798
notify the suspended individual of the suspension of the 68799
individual's license or permit by the operation of this division 68800
by a delivery system or in person in accordance with section 68801
119.07 of the Revised Code. If an individual whose license or 68802
permit is suspended under this division fails to make a timely 68803
request for an adjudicatory hearing, the board shall enter a final 68804
order revoking the license. 68805

(F) No person whose license or permit has been suspended or 68806
revoked under or by the operation of this section shall knowingly 68807
practice embalming ~~or~~, funeral directing, or cremation, or operate 68808
a funeral home, embalming facility, or crematory facility until 68809
the board has reinstated the person's license or permit. 68810

Sec. 4717.15. (A) The board of embalmers and funeral 68811
directors, without the necessity for conducting a prior 68812
adjudication hearing, may issue a notice of violation to the 68813
holder of an embalmer's, funeral director's, funeral home, or 68814
embalming facility, or crematory facility license, or a crematory 68815
operator permit or a courtesy card permit issued under this 68816
chapter who the board finds has committed any of the violations 68817

described in ~~divisions~~ division (A)(9)(a) to (g) of section 68818
4717.04 of the Revised Code. The notice shall set forth the 68819
specific violation committed by the licensee or permit holder and 68820
shall be sent by certified mail. The notice shall be accompanied 68821
by an order requiring the payment of the appropriate forfeiture 68822
prescribed in rules adopted under division (A)(9) of section 68823
4717.04 of the Revised Code and by a notice informing the licensee 68824
or permit holder that the licensee is entitled to an adjudicatory 68825
hearing on the notice of violation and order if the licensee or 68826
permit holder requests a hearing and if the board receives the 68827
request within thirty days after the mailing of the notice of 68828
violation and order. The board shall conduct any such adjudicatory 68829
hearing in accordance with Chapter 119. of the Revised Code, 68830
except as otherwise provided in this division. 68831

A licensee or permit holder who receives a notice of 68832
violation and order under this division shall pay to the executive 68833
director of the board the full amount of the forfeiture by 68834
certified check within thirty days after the notice of violation 68835
and order were mailed to the licensee or permit holder unless, 68836
within that time, the licensee or permit holder submits a request 68837
for an adjudicatory hearing on the notice of violation and order. 68838
If such a request for an adjudicatory hearing is timely filed, the 68839
licensee or permit holder need not pay the forfeiture to the 68840
executive director until after a final, nonappealable 68841
administrative or judicial decision is rendered on the order 68842
requiring payment of the forfeiture. If a final nonappealable 68843
administrative or judicial decision is rendered affirming the 68844
board's order, the licensee or permit holder shall pay to the 68845
executive director of the board the full amount of the forfeiture 68846
by certified check within thirty days after notice of the decision 68847
was sent to the licensee. A forfeiture is considered to be paid 68848
when the licensee's or permit holder's certified check is received 68849
by the executive director in Columbus. If the licensee or permit 68850

holder fails to so pay the full amount of the forfeiture to the executive director within that time, the board shall issue an order suspending or revoking the individual's license or permit, as the board considers appropriate.

(B) The board shall send to the crematory review board written notice that it proposes to issue to the holder of a license to operate a crematory facility issued under this chapter a notice of violation and order requiring payment of a forfeiture specified in rules adopted under division (A)(9) of section 4717.04 of the Revised Code. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that the licensee has committed any of the violations described in ~~divisions~~ division (A)(9)(~~a~~) to (~~g~~) of section 4717.04 of the Revised Code in connection with the operation of a crematory facility or cremation, the board of embalmers and funeral directors may issue a final order under division (F) of section 4717.03 of the Revised Code requiring payment of the appropriate forfeiture specified in rules adopted under division (A)(9) of section 4717.04 of the Revised Code. A licensee who receives such an order shall pay the full amount of the forfeiture to the executive director by certified check within thirty days after the order was sent to the licensee unless, within that time, the licensee files a notice of appeal in accordance with division (F) of section 4717.03 and section 119.12 of the Revised Code. If such a notice of appeal is timely filed, the licensee or permit holder need not pay the forfeiture to the executive director until after a final, nonappealable judicial decision is rendered in the appeal. If a final, nonappealable judicial decision is rendered affirming the board's order, the licensee or permit holder shall pay to the executive director the full amount of the forfeiture by certified check within thirty days after notice of the decision was sent to the licensee or

permit holder. A forfeiture is considered paid when the licensee's 68884
or permit holder's certified check is received by the executive 68885
director in Columbus. If the licensee or permit holder fails to so 68886
pay the full amount of the forfeiture to the executive director 68887
within that time, the board shall issue an order suspending or 68888
revoking the individual's license, as the board considers 68889
appropriate. 68890

Sec. 4717.16. On receipt of a notice pursuant to section 68891
3123.43 of the Revised Code, the board of embalmers and funeral 68892
directors shall comply with sections 3123.41 to 3123.50 of the 68893
Revised Code and any applicable rules adopted under section 68894
3123.63 of the Revised Code with respect to a license or permit 68895
issued pursuant to this chapter. 68896

Sec. 4717.21. (A) Any person, on an antemortem basis, may 68897
serve as the person's own authorizing agent, authorize the 68898
person's own cremation, and specify the arrangements for the final 68899
disposition of the person's own cremated remains by executing an 68900
antemortem cremation authorization form. A guardian, custodian, or 68901
other personal representative who is authorized by law or contract 68902
to do so on behalf of a person, on an antemortem basis, may 68903
authorize the cremation of the person and specify the arrangements 68904
for the final disposition of the person's cremated remains by 68905
executing an antemortem cremation authorization form on the 68906
person's behalf. Any such antemortem cremation authorization form 68907
also shall be signed by one witness. The original copy of the 68908
executed authorization form shall be sent to the ~~operator of the~~ 68909
crematory facility being authorized to conduct the cremation, and 68910
a copy shall be retained by the person who executed the 68911
authorization form. The person who executed an antemortem 68912
cremation authorization form may revoke the authorization at any 68913
time by providing written notice of the revocation to ~~the operator~~ 68914

~~of~~ the crematory facility named in the authorization form. The 68915
person who executed the authorization form may transfer the 68916
authorization to another crematory facility by providing written 68917
notice to the ~~operator of the~~ crematory facility named in the 68918
original authorization of the revocation of the authorization and, 68919
in accordance with this division, executing a new antemortem 68920
cremation authorization form authorizing ~~the operator of~~ another 68921
crematory facility to conduct the cremation. 68922

(B)(1) Each antemortem cremation authorization form shall 68923
specify the final disposition that is to be made of the cremated 68924
remains. 68925

(2) Every antemortem cremation authorization form entered 68926
into on or after ~~the effective date of this amendment~~ October 12, 68927
2006, shall specify the final disposition that is to be made of 68928
the remains and shall include a provision in substantially the 68929
following form: 68930

NOTICE: Upon the death of the person who is the subject of 68931
this antemortem cremation authorization, the person holding the 68932
right of disposition under section 2108.70 or 2108.81 of the 68933
Revised Code may cancel the cremation arrangements, modify the 68934
arrangements for the final disposition of the cremated remains, or 68935
make alternative arrangements for the final disposition of the 68936
decedent's body. However, the person executing this antemortem 68937
cremation authorization is encouraged to state his or her 68938
preferences as to the manner of final disposition in a declaration 68939
of the right of disposition pursuant to section 2108.72 of the 68940
Revised Code, including that the arrangements set forth in this 68941
form shall be followed. 68942

(C)(1) Except as provided in division (C)(2) of this section, 68943
when the ~~operator of a~~ crematory facility is in possession of a 68944
cremation authorization form that has been executed on an 68945
antemortem basis in accordance with this section, the other 68946

conditions set forth in division (A) of section 4717.23 of the Revised Code have been met, the crematory facility has possession of the decedent to which the antemortem authorization pertains, and the crematory facility has received payment for the cremation of the decedent and the final disposition of the cremated remains of the decedent or is otherwise assured of payment for those services, the crematory facility shall cremate the decedent as directed and dispose of the cremated remains in accordance with the instructions contained in the antemortem cremation authorization form.

(2) A person with the right of disposition for a decedent under section 2108.70 or 2108.81 of the Revised Code who is not disqualified under section 2108.75 of the Revised Code may cancel the arrangements for the decedent's cremation, modify the arrangements for the final disposition of the decedent's cremated remains, or make alternative arrangements for the final disposition of the decedent's body. If a person with the right takes any such action, the ~~operator~~ crematory facility shall disregard the instructions contained in the antemortem cremation authorization form and follow the instructions of the person with the right.

(D) An antemortem cremation authorization form executed under division (A) of this section does not constitute a contract for conducting the cremation of the person named in the authorization form or for the final disposition of the person's cremated remains. Despite the existence of such an antemortem cremation authorization, a person with the right of disposition for a decedent under section 2108.70 or 2108.81 of the Revised Code may modify, in writing, the arrangements for the final disposition of the cremated remains of the decedent set forth in the authorization form or may cancel the cremation and claim the decedent's body for purposes of making alternative arrangements

for the final disposition of the decedent's body. The revocation 68979
of an antemortem cremation authorization form executed under 68980
division (A) of this section, or the cancellation of the cremation 68981
of the person named in the antemortem authorization or 68982
modification of the arrangements for the final disposition of the 68983
person's cremated remains as authorized by this division, does not 68984
affect the validity or enforceability of any contract entered into 68985
for the cremation of the person named in the antemortem 68986
authorization or for the final disposition of the person's 68987
cremated remains. 68988

(E) Nothing in this section applies to any antemortem 68989
cremation authorization form executed prior to ~~the effective date~~ 68990
~~of this section~~ August 5, 1998. Any cemetery, funeral home, 68991
crematory facility, or other party may specify, with the written 68992
approval of the person who executed the antemortem authorization, 68993
that such an antemortem authorization is subject to sections 68994
4717.21 to 4717.30 of the Revised Code. 68995

Sec. 4717.23. (A) No crematory operator ~~of a~~ or crematory 68996
facility shall cremate or allow the cremation ~~at a crematory~~ 68997
~~facility the operator is licensed to operate under this chapter~~ of 68998
a dead human body, other than one that was donated to science for 68999
purposes of medical education or research, until all of the 69000
following have occurred: 69001

(1) A period of at least twenty-four hours has elapsed since 69002
the decedent's death as indicated on a complete, nonprovisional 69003
death certificate filed under section 3705.16 of the Revised Code 69004
or under the laws of another state that are substantially 69005
equivalent to that section, unless, if the decedent died from a 69006
virulent communicable disease, the department of health or board 69007
of health having territorial jurisdiction where the death of the 69008
decedent occurred requires by rule or order the cremation to occur 69009

prior to the end of that period; 69010

(2) The ~~operator~~ crematory facility has received a burial or 69011
burial-transit permit that authorizes the cremation of the 69012
decedent; 69013

(3) The ~~operator~~ crematory facility has received a completed 69014
cremation authorization form executed pursuant to section 4717.21 69015
or 4717.24 of the Revised Code, as applicable, that authorizes the 69016
cremation of the decedent. A blank cremation authorization form 69017
shall be provided by the ~~operator~~ crematory facility and shall 69018
comply with section 4717.24 of the Revised Code and, if 69019
applicable, section 4717.21 of the Revised Code. 69020

(4) The ~~operator~~ crematory facility has received any other 69021
documentation required by this state or a political subdivision of 69022
this state. 69023

(B) No crematory operator ~~of a~~ or crematory facility shall 69024
cremate or allow the cremation of any body parts, including, 69025
without limitation, dead human bodies that were donated to science 69026
for purposes of medical research or education, at a crematory 69027
facility ~~the operator is~~ licensed to operate in this state until 69028
both of the following have occurred: 69029

(1) The ~~operator~~ crematory facility has received a completed 69030
cremation authorization form executed pursuant to section 4717.25 69031
of the Revised Code or, if the decedent has executed an antemortem 69032
cremation authorization form in accordance with section 4717.21 of 69033
the Revised Code and has donated the decedent's body to science 69034
for purposes of medical education or research, such an antemortem 69035
cremation authorization form; 69036

(2) The ~~operator~~ crematory facility has received any other 69037
documentation required by this state or a political subdivision of 69038
this state. 69039

Sec. 4717.24. (A) A cremation authorization form authorizing 69040
the cremation of a dead human body, other than one that was 69041
donated to science for purposes of medical education or research, 69042
shall include at least all of the following information and 69043
statements: 69044

(1) A statement that the decedent has been identified in 69045
accordance with division (B) of this section; 69046

(2) The name of the funeral director or other individual who 69047
obtained the burial or burial-transit permit authorizing the 69048
cremation of the decedent; 69049

(3) The name of the authorizing agent and the relationship of 69050
the authorizing agent to the decedent; 69051

(4) A statement that the authorizing agent in fact has the 69052
right to authorize cremation of the decedent and that the 69053
authorizing agent does not have actual knowledge of the existence 69054
of any living person who has a superior priority right to act as 69055
the authorizing agent under section 4717.22 of the Revised Code. 69056
If the person executing the cremation authorization form knows of 69057
another living person who has such a superior priority right, the 69058
authorization form shall include a statement indicating that the 69059
person executing the authorization form has made reasonable 69060
efforts to contact the person having the superior priority right 69061
and has been unable to do so and that the person executing the 69062
authorization form has no reason to believe that the person having 69063
the superior priority right would object to the cremation of the 69064
decedent. 69065

(5) A statement of whether the authorizing agent has actual 69066
knowledge of the presence in the decedent of a pacemaker, 69067
defibrillator, or any other mechanical or radioactive device or 69068
implant that poses a hazard to the health or safety of personnel 69069
performing the cremation; 69070

(6) A statement indicating the crematory facility is to cremate the casket or alternative container in which the decedent was delivered to or accepted by the crematory facility;

(7) A statement of whether the crematory facility is authorized to simultaneously cremate the decedent in the same cremation chamber with one or more other decedents who were related to the decedent named in the cremation authorization form by consanguinity or affinity or who, at any time during the one-year period preceding the decedent's death, lived with the decedent in a common law marital relationship or otherwise cohabited with the decedent. A cremation authorization form executed under this section shall not authorize the simultaneous cremation of a decedent in the same cremation chamber with one or more other decedents except under the circumstances described in the immediately preceding sentence.

(8) The names of any persons designated by the authorizing agent to be present in the holding facility or cremation room prior to or during the cremation of the decedent or during the removal of the cremated remains from the cremation chamber;

(9) The authorization for the crematory facility to cremate the decedent and to process or pulverize the cremated remains as is the practice at the particular crematory facility;

(10) A statement of whether it is the crematory facility's practice to return all of the residue removed from the cremation chamber following the cremation or to separate and remove foreign matter from the residue before returning the cremated remains to the authorizing agent or the person designated on the authorization form to receive the cremated remains pursuant to division (A)(11) of this section;

(11) The name of the person who is to receive the cremated remains of the decedent from the crematory facility;

(12) The manner in which the final disposition of the cremated remains of the decedent is to occur, if known. If the cremation authorization form does not specify the manner of the final disposition of the cremated remains, it shall indicate that the cremated remains will be held by the crematory facility for thirty days after the cremation, unless, prior to the end of that period, they are picked up from the crematory facility by the person designated on the cremation authorization form to receive them, the authorizing agent, or, if applicable, the funeral director who obtained the burial or burial-transit permit for the decedent, or are delivered or shipped by the ~~operator of the~~ crematory facility to one of those persons. The authorization form shall indicate that if no instructions for the final disposition are provided on the authorization form and that if no arrangements for final disposition have been made within the thirty-day period, the crematory facility may return the cremated remains to the authorizing agent. The authorization form shall further indicate that if no arrangements for the final disposition of the cremated remains have been made within sixty days after the completion of the cremation and if the authorizing agent has not picked them up or caused them to be picked up within that period, the crematory operator or crematory facility may dispose of them in accordance with division (C) of section 4717.27 of the Revised Code.

(13) A listing of the items of value to be delivered to the crematory facility along with the dead human body, if any, and instructions regarding how those items are to be handled;

(14) A statement of whether the authorizing agent has made arrangements for any type of viewing of the decedent or for a service with the decedent present prior to the cremation and, if so, the date, time, and place of the service;

(15) A statement of whether the crematory facility may proceed with the cremation at any time after the conditions set

forth in division (A) of section 4717.23 of the Revised Code have 69134
been met and the decedent has been received at the facility; 69135

(16) The certification of the authorizing agent to the effect 69136
that all of the information and statements contained in the 69137
authorization form are accurate; 69138

(17) The signature of the authorizing agent and the signature 69139
of at least one witness who observed the authorizing agent execute 69140
the cremation authorization form. 69141

(B) In making the identification of the decedent required by 69142
division (A)(1) of this section, the funeral home arranging the 69143
cremation shall require the authorizing agent or the agent's 69144
appointed representative to visually identify the decedent's 69145
remains or a photograph or other visual image of the remains. If 69146
identification is by photograph or other visual image, the 69147
authorizing agent or representative shall sign the photograph or 69148
other visual image. If visual identification is not feasible, 69149
other positive identification of the decedent may be used 69150
including, but not limited to, reliance upon an identification 69151
made through the coroner's office or identification of photographs 69152
or other visual images of scars, tattoos, or physical deformities 69153
taken from the decedent's remains. 69154

(C) An authorizing agent who is not available to execute a 69155
cremation authorization form in person may designate another 69156
individual to serve as the authorizing agent by providing to the 69157
~~operator of the crematory facility where the cremation is to occur~~ 69158
a written designation, acknowledged before a notary public or 69159
other person authorized to administer oaths, authorizing that 69160
other individual to serve as the authorizing agent, ~~or by sending~~ 69161
~~to the operator a facsimile transmission of the written~~ 69162
~~designation that has been so acknowledged.~~ Any such written 69163
designation shall contain the name of the decedent, the name and 69164
address of the authorizing agent, the relationship of the 69165

authorizing agent to the decedent, and the name and address of the 69166
individual who is being designated to serve as the authorizing 69167
agent. Upon receiving ~~such a written designation or a facsimile~~ 69168
~~transmission of~~ such a written designation, the operator shall 69169
permit the individual named in the written designation to serve as 69170
the authorizing agent and to execute the cremation authorization 69171
form authorizing the cremation of the decedent named in the 69172
written designation. 69173

(D) An authorizing agent who signs a cremation authorization 69174
form under this section is hereby deemed to warrant the accuracy 69175
of the information and statements contained in such authorization 69176
form, including the identification of the decedent and the agent's 69177
authority to authorize the cremation. A funeral home and its 69178
employees are not responsible for verifying the accuracy of any 69179
information or statements the authorizing agent made on the 69180
authorization form, unless the funeral home or its employees have 69181
actual knowledge to the contrary regarding any such information or 69182
statement. When delivering the decedent's remains to a crematory 69183
facility or in carrying out the disposition in its own facility, 69184
the funeral home is responsible for having the decedent identified 69185
pursuant to division (B) of this section and carrying out the 69186
obligations imposed on the funeral home by division (B) of section 69187
4717.29 of the Revised Code. 69188

(E) At any time after executing a cremation authorization 69189
form and prior to the beginning of the cremation process, the 69190
authorizing agent who executed the cremation authorization form 69191
under division (A) or (C) of this section may, in writing, modify 69192
the arrangements for the final disposition of the cremated remains 69193
of the decedent set forth in the authorization form or may, in 69194
writing, revoke the authorization, cancel the cremation, and claim 69195
the decedent's body for purposes of making alternative 69196
arrangements for the final disposition of the decedent's body. The 69197

~~operator of a~~ crematory facility shall cancel the cremation if the 69198
~~operator~~ crematory facility receives such a revocation before 69199
beginning the cremation. 69200

(F) A cremation authorization form executed under this 69201
section does not constitute a contract for conducting the 69202
cremation of the decedent named in the authorization form or for 69203
the final disposition of the cremated remains of the decedent. The 69204
revocation of a cremation authorization form or modification of 69205
the arrangements for the final disposition of the cremated remains 69206
of the decedent pursuant to division (E) of this section does not 69207
affect the validity or enforceability of any contract for the 69208
cremation of the decedent named in the authorization form or for 69209
the final disposition of the cremated remains of the decedent. 69210

Sec. 4717.25. (A) A cremation authorization form authorizing 69211
the cremation of any body parts, including, without limitation, 69212
dead human bodies that were donated to science for purposes of 69213
medical education or research shall include at least all of the 69214
following information and statements, as applicable: 69215

(1) The identity of the decedent whose body was donated to 69216
science for purposes of medical education or research or the 69217
identity of the living person or such a decedent from whom the 69218
body parts were removed; 69219

(2) The name of the authorizing agent and the relationship of 69220
the authorizing agent to the decedent or the living person from 69221
whom the body parts were removed; 69222

(3) A statement that the authorizing agent in fact has the 69223
right to authorize the cremation of the decedent or the body parts 69224
removed from the decedent or living person and a description of 69225
the basis of the person's right to execute the cremation 69226
authorization form; 69227

(4) A statement of whether the crematory facility is 69228
authorized to simultaneously cremate the decedent or body parts 69229
removed from the decedent or living person with one or more other 69230
decedents whose bodies were donated to science for purposes of 69231
medical education or research or with body parts removed from one 69232
or more other decedents or living persons; 69233

(5) The authorization for the crematory facility to cremate 69234
the decedent or body parts removed from the decedent or living 69235
person and to process or pulverize the cremated remains as is the 69236
practice at the particular crematory facility; 69237

(6) A statement of whether it is the crematory facility's 69238
practice to return all of the residue removed from the cremation 69239
chamber following the cremation or to separate and remove foreign 69240
matter from the residue before returning the cremated remains to 69241
the authorizing agent or the authorizing agent's designee; 69242

(7) The name of the person who is to receive the cremated 69243
remains from the crematory facility; 69244

(8) The manner in which the final disposition of the cremated 69245
remains is to occur, if known. If the cremation authorization form 69246
does not specify the manner of the final disposition of the 69247
cremated remains, it shall indicate that the cremated remains will 69248
be held by the crematory facility for thirty days after the 69249
cremation, unless, prior to the end of that period, they are 69250
picked up from the crematory facility by the person designated on 69251
the authorization form to receive them or by the authorizing 69252
agent, or are delivered or shipped by the ~~operator of the~~ 69253
crematory facility to one of those persons. The authorization form 69254
shall indicate that if no instructions for the final disposition 69255
of the cremated remains are provided on the authorization form and 69256
that if no arrangements for final disposition have been made 69257
within the thirty-day period, the crematory facility may return 69258
the cremated remains to the authorizing agent. The authorization 69259

form shall further indicate that if no arrangements for the final 69260
disposition of the cremated remains have been made within sixty 69261
days after the cremation and if the authorizing agent or person 69262
designated on the authorization form to receive the cremated 69263
remains has not picked them up or caused them to be picked up 69264
within that period, the crematory operator or the crematory 69265
facility may dispose of them in accordance with division (C)(1) or 69266
(2) of section 4717.27 of the Revised Code. 69267

(9) The certification of the authorizing agent to the effect 69268
that all of the information and statements contained in the 69269
authorization form are accurate. 69270

(B) An authorizing agent who signs a cremation authorization 69271
form under this section is hereby deemed to warrant the accuracy 69272
of the information and statements contained in the authorization 69273
form, including the person's authority to authorize the cremation. 69274

(C) At any time after executing a cremation authorization 69275
form and prior to the beginning of the cremation process, an 69276
authorizing agent who executed a cremation authorization form 69277
under this section may, in writing, revoke the authorization, 69278
cancel the cremation, and claim the decedent's body or the body 69279
parts for purposes of making alternative arrangements for the 69280
final disposition of the decedent's body or the body parts. The 69281
~~operator of a~~ crematory facility shall cancel the cremation if the 69282
~~operator~~ crematory facility receives such a revocation before 69283
beginning the cremation. 69284

(D) A cremation authorization form executed under this 69285
section does not constitute a contract for conducting the 69286
cremation of the decedent named in the authorization form or body 69287
parts removed from the decedent or living person named in the form 69288
or for the final disposition of the cremated remains of the 69289
decedent or body parts. The revocation of a cremation 69290
authorization form or modification of the arrangements for the 69291

final disposition of the cremated remains of the decedent or the 69292
body parts pursuant to division (C) of this section does not 69293
affect the validity or enforceability of any contract for the 69294
cremation of the decedent named in the authorization form, the 69295
cremation of body parts from the decedent or living person named 69296
in the authorization form, or the final disposition of the 69297
cremated remains of the decedent or body parts. 69298

Sec. 4717.26. (A) The ~~operator of a~~ crematory facility may 69299
schedule the time for the cremation of a dead human body to occur 69300
at the ~~operator's~~ crematory facility's own convenience at any time 69301
after the conditions set forth in division (A) or (B) of section 69302
4717.23 of the Revised Code, as applicable, have been met and the 69303
decedent or body parts have been delivered to the facility, 69304
unless, in the case of a dead human body, the ~~operator~~ crematory 69305
facility has received specific instructions to the contrary on the 69306
cremation authorization form authorizing the cremation of the 69307
decedent executed under section 4717.21, 4717.24, or 4717.25 of 69308
the Revised Code. The ~~operator of a~~ crematory facility becomes 69309
responsible for a dead human body or body parts when the body or 69310
body parts have been delivered to or accepted by the facility or 69311
an employee or agent of the facility. 69312

(B) No crematory operator ~~of a~~ or crematory facility shall 69313
fail to do either of the following: 69314

(1) Upon receipt at the crematory facility of any dead human 69315
body that has not been embalmed, and subject to the prohibition 69316
set forth in division (C)(1) of this section, place the body in a 69317
holding or refrigerated facility at the crematory facility and 69318
keep the body in the holding or refrigerated facility until near 69319
the time the cremation process commences or until the body is held 69320
at the facility for eight hours or longer. If the body is held for 69321
eight hours or longer, place the body in a refrigerated facility 69322

at the crematory facility and keep the body in the refrigerated facility until near the time the cremation process commences;

(2) Upon receipt of any dead human body that has been embalmed, place the body in a holding facility at the crematory facility and keep the body in the holding facility until the cremation process commences.

(C) No crematory operator ~~of a~~ or crematory facility shall do either of the following, unless the instructions contained in the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code specifically provide otherwise:

(1) Remove any dead human body from the casket or alternative container in which the body was delivered to or accepted by the crematory facility;

(2) Fail to cremate the casket or alternative container in which the body was delivered or accepted, in its entirety with the body.

(D) No ~~operator of a~~ crematory facility shall simultaneously cremate more than one decedent or body parts removed from more than one decedent or living person in the same cremation chamber unless the cremation authorization forms executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code authorizing the cremation of each of the decedents or body parts removed from each decedent or living person specifically authorize such a simultaneous cremation. This division does not prohibit the use of cremation equipment that contains more than one cremation chamber.

(E) No ~~operator of a~~ crematory facility shall permit any persons other than employees of the crematory facility, the authorizing agent for the cremation of the decedent who is to be, is being, or was cremated, persons designated to be present at the cremation of the decedent on the cremation authorization form

executed under section 4717.21 or 4717.24 of the Revised Code, and 69354
persons authorized by the individual who is actually in charge of 69355
the crematory facility, to be present in the holding facility or 69356
cremation room while any dead human bodies or body parts are being 69357
held there prior to cremation or are being cremated or while any 69358
cremated remains are being removed from the cremation chamber. 69359

(F)(1) ~~No operator of a~~ crematory facility shall remove any 69360
dental gold, body parts, organs, or other items of value from a 69361
dead human body prior to the cremation or from the cremated 69362
remains after cremation unless the cremation authorization form 69363
authorizing the cremation of the decedent executed under section 69364
4717.21 or 4717.24 of the Revised Code specifically authorizes the 69365
removal thereof. 69366

(2) ~~No operator of a~~ crematory facility that removes any 69367
dental gold, body parts, organs, or other items from a dead human 69368
body or assists in such removal shall charge a fee for doing so 69369
that exceeds the actual cost to the crematory facility for 69370
performing or assisting in the removal. 69371

(G) Upon the completion of each cremation, the ~~operator of a~~ 69372
crematory facility shall remove from the cremation chamber all of 69373
the cremation residue that is practicably recoverable. If the 69374
cremation authorization form executed under section 4717.21, 69375
4717.24, or 4717.25 of the Revised Code specifies that the 69376
cremated remains are to be placed in an urn, the ~~operator~~ 69377
crematory facility shall place them in the type of urn specified 69378
on the authorization form. If the authorization form does not 69379
specify that the cremated remains are to be placed in an urn, the 69380
~~operator~~ crematory facility shall place them in a temporary 69381
container. If not all of the recovered cremated remains will fit 69382
in the urn selected or the temporary container, the ~~operator~~ 69383
crematory facility shall place the remainder in a separate 69384
temporary container, and the cremated remains placed in the 69385

separate temporary container shall be delivered, released, or 69386
disposed of along with those in the urn or other temporary 69387
container. Nothing in this section requires ~~an operator of~~ a 69388
crematory facility to recover any specified quantity or quality of 69389
cremated remains upon the completion of a cremation, but only 69390
requires ~~an operator~~ a crematory facility to recover from the 69391
cremation chamber all of the cremation residue that is ~~practically~~ 69392
practicably recoverable. 69393

(H) No ~~operator of~~ a crematory facility shall knowingly 69394
represent to an authorizing agent or a designee of an authorizing 69395
agent that an urn or temporary container contains the recovered 69396
cremated remains of a specific decedent or of body parts removed 69397
from a specific decedent or living person when it does not. This 69398
division does not prohibit the making of such a representation 69399
because of the presence in the recovered cremated remains of de 69400
minimus amounts of the cremated remains of another decedent or of 69401
body parts removed from another decedent or living person that 69402
were not practicably recoverable and that remained in the 69403
cremation chamber after the cremated remains from previous 69404
cremations were removed. 69405

(I) No ~~operator of~~ a crematory facility or funeral director 69406
shall ship or cause to be shipped any cremated remains by a class 69407
or method of mail, common carrier service, or delivery service 69408
that does not have an internal system for tracing the location of 69409
the cremated remains during shipment and that does not require a 69410
signed receipt from the person accepting delivery of the cremated 69411
remains. 69412

(J) No ~~operator of~~ a crematory facility shall fail to 69413
establish and maintain a system for accurately identifying each 69414
dead human body in the facility's possession, and for identifying 69415
each decedent or living person from which body parts in the 69416
facility's possession were removed, throughout all phases of the 69417

holding and cremation process. 69418

(K) No ~~operator of a~~ crematory facility shall knowingly use 69419
or allow the use of the same cremation chamber for the cremation 69420
of dead human bodies, or human body parts, and animals. 69421

Sec. 4717.27. (A) The authorizing agent who executed the 69422
cremation authorization form authorizing the cremation of a 69423
decedent under section 4717.24 of the Revised Code or the 69424
cremation of body parts under section 4717.25 of the Revised Code 69425
is ultimately responsible for the final disposition of the 69426
cremated remains of the decedent or body parts. 69427

(B) If the cremation authorization form does not contain 69428
instructions for the final disposition of the cremated remains of 69429
the decedent or body parts, if no arrangements for the disposition 69430
of the cremated remains are made within thirty days after the 69431
completion of the cremation, and if the cremated remains have not 69432
been picked up within that thirty-day period by the person 69433
designated to receive them on the authorization form or, in the 69434
absence of such a designated person, by the authorizing agent, the 69435
~~operator of the~~ crematory facility or the funeral home holding the 69436
unclaimed cremated remains, at the end of that thirty-day period, 69437
may release or deliver them in person to, or cause their delivery 69438
by a method described in division (I) of section 4717.26 of the 69439
Revised Code that is acceptable under that division to, the person 69440
designated to receive them on the cremation authorization form or, 69441
if no person has been so designated, to the authorizing agent. 69442

(C)(1) If the cremation authorization form does not contain 69443
instructions for the final disposition of the cremated remains of 69444
the decedent or body parts, if no arrangements for the final 69445
disposition of the cremated remains are made within sixty days 69446
after the completion of the cremation, and if the cremated remains 69447
have not been picked up by the person designated on the 69448

authorization form to receive them or, in the absence of such a 69449
designated person, by the authorizing agent, the ~~operator of the~~ 69450
crematory facility or the funeral home holding the unclaimed 69451
cremated remains may dispose of the cremated remains in a grave, 69452
crypt, or niche, by scattering them in any dignified manner, 69453
including in a memorial garden, at sea, by air, or at any 69454
scattering grounds described in section 1721.21 of the Revised 69455
Code, or in any other lawful manner, at any time after the end of 69456
that sixty-day period. 69457

(2) If the cremation authorization form specifies the manner 69458
of the final disposition of the cremated remains, or if within 69459
sixty days after the completion of the cremation the authorizing 69460
agent makes arrangements for the final disposition of the cremated 69461
remains, and if either the arrangements have not been carried out 69462
within that sixty-day period because of the inaction of a party 69463
other than the operator of the crematory facility or the funeral 69464
home holding the unclaimed cremated remains, or the authorizing 69465
agent fails to pick up the cremated remains within that sixty-day 69466
period, the ~~operator of the~~ crematory facility or the funeral home 69467
holding the unclaimed cremated remains may dispose of the cremated 69468
remains in a grave, crypt, or niche, by scattering them in any 69469
dignified manner, including in a memorial garden, at sea, by air, 69470
or at any scattering grounds described in section 1721.21 of the 69471
Revised Code, or in any other lawful manner, at any time after the 69472
end of that period. 69473

(3) If cremated remains of a decedent who was eighteen years 69474
or older at the time of death are unclaimed under divisions (C)(1) 69475
and (2) of this section, the ~~operator of the~~ crematory facility or 69476
the funeral home holding the cremated remains shall, before 69477
disposing of the unclaimed cremated remains, notify the secretary 69478
of the United States department of veterans affairs of the name 69479
of, and other identifying information related to, the decedent. 69480

If, within sixty days of the notification, the secretary of the department of veterans affairs notifies the crematory facility or funeral home that the decedent was a veteran who is eligible for burial in a national cemetery under the control of the national cemetery administration and that the secretary agrees to provide for the cost of the transportation and burial of the unclaimed cremated remains in a national cemetery, the crematory facility or funeral home shall follow the directions of the secretary and arrange for the burial of the unclaimed remains in the national cemetery at the secretary's expense. If the secretary does not assume the right to direct the burial of the unclaimed remains within sixty days of the notification by the crematory facility or funeral home, the crematory facility or funeral home may carry out the disposition of the unclaimed remains under divisions (C)(1) and (2) of this section.

(4) When cremated remains are disposed of in accordance with division (C)(1) or (2) of this section, the authorizing agent who executed the cremation authorization form authorizing the cremation of the decedent or body parts under section 4717.24 or 4717.25 of the Revised Code is liable to the ~~operator of the~~ crematory facility or the funeral home for the cost of the final disposition, which cost shall not exceed the reasonable cost for disposing of the cremated remains in a common grave or crypt in the county where the cremated remains were buried or placed in a grave, crypt or niche, or scattered.

(D)(1) Except as provided in division (D)(2) of this section, no person shall do either of the following:

(a) Dispose of the cremated remains of a dead human body or body parts in such a manner or in such a location that the cremated remains are commingled with those of another decedent or body parts removed from another decedent or living person;

(b) Place the cremated remains of more than one decedent or

of body parts removed from more than one decedent or living person 69513
in the same urn or temporary container. 69514

(2) Division (D)(1) of this section does not prohibit any of 69515
the following: 69516

(a) The scattering of cremated remains at sea or by air or in 69517
a dedicated area at a cemetery used exclusively for the scattering 69518
on the ground of the cremated remains of dead human bodies or body 69519
parts. 69520

(b) The commingling of the cremated remains of more than one 69521
decedent or of body parts removed from more than one decedent or 69522
living person or the placement in the same urn or temporary 69523
container of the cremated remains of more than one decedent or of 69524
body parts removed from more than one decedent or living person 69525
when each authorizing agent who executed the cremation 69526
authorization form authorizing the cremation of each of the 69527
decedents or body parts removed from each of the decedents or 69528
living persons under section 4717.21, 4717.24, or 4717.25 of the 69529
Revised Code authorized the commingling of the cremated remains or 69530
the placement of the cremated remains in the same urn or temporary 69531
container on the authorization form. 69532

(c) The commingling, by the individual designated on the 69533
cremation authorization form authorizing the cremation of the 69534
decedent or body parts to receive the cremated remains, other than 69535
a funeral director or employee of a cemetery, or by the 69536
authorizing agent who executed the cremation authorization form, 69537
after receipt of the cremated remains, of the cremated remains 69538
with those of another decedent or of body parts removed from 69539
another decedent or living person or the placing of them by any 69540
such person in the same urn or temporary container with those of 69541
another decedent or of body parts removed from another decedent or 69542
living person. 69543

Sec. 4717.28. (A) No ~~operator of a~~ crematory facility shall 69544
fail to ensure that a written receipt is provided to the person 69545
who delivers a dead human body or body parts to the facility for 69546
cremation. If the dead human body is other than one that was 69547
donated to science for purposes of medical education or research, 69548
the receipt shall be signed by both a representative of the 69549
crematory facility and the person who delivered the decedent to 69550
the crematory facility and shall indicate the name of the 69551
decedent; the date and time of delivery; the type of casket or 69552
alternative container in which the decedent was delivered to the 69553
facility; the name of the person who delivered the decedent to the 69554
facility; if applicable, the name of the funeral home or other 69555
establishment with whom the delivery person is affiliated; and the 69556
name of the person who received the decedent on behalf of the 69557
facility. If the dead human body was donated to science for 69558
purposes of medical education or research, the receipt shall 69559
consist of a copy of the cremation authorization form executed 69560
under section 4717.21, 4717.24, or 4717.25 of the Revised Code 69561
that authorizes the cremation of the decedent or body parts that 69562
has been signed by both a representative of the crematory facility 69563
and the person who delivered the decedent or body parts to the 69564
crematory facility and that indicates the date and time of the 69565
delivery. The operator may provide the copy of the receipt to the 69566
person who delivered the decedent or body parts to the facility 69567
either in person or by certified mail, return receipt requested. 69568

(B) No ~~operator of a~~ crematory facility shall fail to ensure 69569
at the time of releasing cremated remains that a written receipt 69570
signed by both a representative of the crematory facility and the 69571
person who received the cremated remains is provided to the person 69572
who received the cremated remains. Unless the cremated remains are 69573
those of a dead human body that was donated to science for 69574
purposes of medical education or research or are those of body 69575

parts, the receipt shall indicate the name of the decedent; the 69576
date and time of the release; the name of the person to whom the 69577
cremated remains were released; if applicable, the name of the 69578
funeral home, cemetery, or other entity to whom the cremated 69579
remains were released; and the name of the person who released the 69580
cremated remains on behalf of the crematory facility. If the 69581
cremated remains are those of a dead human body that was donated 69582
to science for purposes of medical education or research or are 69583
those of body parts, the receipt shall consist of a copy of the 69584
cremation authorization form executed under section 4717.21, 69585
4717.24, or 4717.25 of the Revised Code that authorizes the 69586
cremation of the decedent or body parts that has been signed by 69587
both a representative of the crematory facility and the person who 69588
received the cremated remains and that indicates the date and time 69589
of the release. If the cremated remains were delivered to the 69590
authorizing agent or other individual designated on the cremation 69591
authorization form by a method described in division (I) of 69592
section 4717.26 of the Revised Code that is acceptable under that 69593
division, the receipt required by this division shall accompany 69594
the cremated remains, and the signature of the authorizing agent 69595
or other designated individual on the delivery receipt meets the 69596
requirement of this division that the person receiving the 69597
cremated remains sign the receipt provided by the crematory 69598
facility. 69599

(C) No ~~operator of a~~ crematory facility shall fail to make or 69600
keep on file during the time that the ~~operator~~ crematory facility 69601
remains engaged in the business of cremating dead human bodies or 69602
body parts, all of the following records and documents: 69603

(1) A copy of each receipt issued upon acceptance by or 69604
delivery to the crematory facility of a dead human body under 69605
division (A) of this section; 69606

(2) A record of each cremation conducted at the facility, 69607

containing at least the name of the decedent or, in the case of 69608
body parts, the name of the decedent or living person from whom 69609
the body parts were removed, the date and time of the cremation, 69610
and the final disposition made of the cremated remains; 69611

(3) A copy of each delivery receipt issued under division (B) 69612
of this section; 69613

(4) A separate record of the cremated remains of each 69614
decedent or the body parts removed from each decedent or living 69615
person that were disposed of in accordance with division (C)(1) or 69616
(2) of section 4717.27 of the Revised Code, containing at least 69617
the name of the decedent, the date and time of the cremation, and 69618
the location, date, and manner of final disposition of the 69619
cremated remains. 69620

(D) All records required to be maintained under sections 69621
4717.21 to 4717.30 of the Revised Code are subject to inspection 69622
by the board of embalmers and funeral directors or an authorized 69623
representative of the board, upon reasonable notice, at any 69624
reasonable time. 69625

Sec. 4717.30. (A) ~~The A crematory operator of a~~ crematory 69626
facility ~~or a~~ funeral director, or funeral home is not liable in 69627
damages in a civil action for any of the following actions or 69628
omissions, unless the actions or omissions were made with 69629
malicious purpose, in bad faith, or in a wanton or reckless manner 69630
or unless any of the conditions set forth in divisions (B)(1) to 69631
(3) of this section apply: 69632

(1)(a) For having arranged or performed the cremation of the 69633
decedent, or having released or disposed of the cremated remains, 69634
in accordance with the instructions set forth in the cremation 69635
authorization form executed by the decedent on an antemortem basis 69636
under section 4717.21 of the Revised Code; 69637

(b) For having arranged or performed the cremation of the 69638
decedent or body parts removed from the decedent or living person 69639
or having released or disposed of the cremated remains in 69640
accordance with the instructions set forth in a cremation 69641
authorization form executed by the person authorized to serve as 69642
the authorizing agent for the cremation of the decedent or for the 69643
cremation of body parts of the decedent or living person, named in 69644
the cremation authorization form executed under section 4717.24 or 69645
4717.25 of the Revised Code. 69646

(2) For having arranged or performed the cremation of the 69647
decedent, or having released or disposed of the cremated remains, 69648
in accordance with the instructions set forth in the cremation 69649
authorization form executed by a designated agent under division 69650
(C) of section 4717.24 of the Revised Code. 69651

(B) The crematory operator of a, crematory facility, funeral 69652
director, or funeral home is not liable in damages in a civil 69653
action for refusing to accept a dead human body or body parts or 69654
to perform a cremation under any of the following circumstances, 69655
unless the refusal was made with malicious purpose, in bad faith, 69656
or in a wanton or reckless manner: 69657

(1) The crematory operator, crematory facility, funeral 69658
director, or funeral home has actual knowledge that there is a 69659
dispute regarding the cremation of the decedent or body parts, 69660
until such time as the crematory operator, crematory facility, 69661
funeral director, or funeral home receives an order of the probate 69662
court having jurisdiction ordering the cremation of the decedent 69663
or body parts or until the crematory operator, crematory facility, 69664
funeral director, or funeral home receives from the parties to the 69665
dispute a copy of a written agreement resolving the dispute and 69666
authorizing the cremation to be performed. 69667

(2) The crematory operator, crematory facility, funeral 69668
director, or funeral home has a reasonable basis for questioning 69669

the accuracy of any of the information or statements contained in 69670
a cremation authorization form executed under section 4717.21, 69671
4717.24, or 4717.25 of the Revised Code, as applicable, that 69672
authorizes the cremation of the decedent or body parts. 69673

(3) The crematory operator, crematory facility, funeral 69674
director, or funeral home has any other lawful reason for refusing 69675
to accept the dead human body or body parts or to perform the 69676
cremation. 69677

(C) ~~The~~ A crematory operator of a, crematory facility or a, 69678
funeral director, or funeral home is not liable in damages in a 69679
civil action for refusing to release or dispose of the cremated 69680
remains of a decedent or body parts when the crematory operator 69681
~~or, crematory facility, funeral director, or funeral home~~ has 69682
actual knowledge that there is a dispute regarding the release or 69683
final disposition of the cremated remains in connection with any 69684
damages sustained, prior to the time the crematory operator, 69685
crematory facility, funeral home, or funeral director receives an 69686
order of the probate court having jurisdiction ordering the 69687
release or final disposition of the cremated remains, or prior to 69688
the time the crematory operator or, crematory facility, funeral 69689
director, or funeral home receives from the parties to the dispute 69690
a copy of a written agreement resolving the dispute and 69691
authorizing the cremation to be performed. 69692

(D) ~~The~~ A crematory operator of a, crematory facility, 69693
funeral director, or funeral home is not liable in damages in a 69694
civil action in connection with the cremation of, or disposition 69695
of the cremated remains of, any dental gold, jewelry, or other 69696
items of value delivered to the crematory facility or funeral home 69697
with a dead human body or body parts, unless either or both of the 69698
following apply: 69699

(1) The cremation authorization form authorizing the 69700
cremation of the decedent or body parts executed under section 69701

4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 69702
contains specific instructions for the removal or recovery and 69703
disposition of any such dental gold, jewelry, or other items of 69704
value prior to the cremation, and the crematory operator, 69705
crematory facility, funeral director, or funeral home has failed 69706
to comply with the written instructions. 69707

(2) The actions or omissions of the crematory operator, 69708
crematory facility, funeral director, or funeral home were made 69709
with malicious purpose, in bad faith, or in a wanton or reckless 69710
manner. 69711

(E)(1) This section does not create a new cause of action 69712
against or substantive legal right against ~~the operator of a~~ 69713
crematory operator, crematory facility or a, funeral director, or 69714
funeral home. 69715

(2) This section does not affect any immunities from civil 69716
liability or defenses established by another section of the 69717
Revised Code or available at common law to which ~~the operator of a~~ 69718
crematory ~~or a~~ operator, crematory facility, funeral director, or 69719
funeral home may be entitled under circumstances not covered by 69720
this section. 69721

Sec. 4717.32. (A) Any preneed funeral contract that involves 69722
the payment of money or the purchase or assignment of an insurance 69723
policy or annuity shall be in writing and shall include all of the 69724
following information: 69725

(1) The name, address, and phone number of the seller and the 69726
name and address of the purchaser of the contract, and, if the 69727
contract beneficiary is someone other than the purchaser of the 69728
contract, the name and address of the contract beneficiary, and if 69729
the contract involves the payment of money but not the purchase or 69730
assignment of an insurance policy or annuity, the social security 69731
number of the purchaser of the contract or if the contract 69732

beneficiary is someone other than the purchaser, the social 69733
security number of the contract beneficiary; 69734

(2) A statement of the funeral goods and funeral services 69735
purchased, which disclosure may be made by attaching a copy of the 69736
completed statement of funeral goods and services selected to the 69737
preneed funeral contract; 69738

(3) A disclosure informing the purchaser whether the contract 69739
is either a guaranteed preneed funeral contract or a nonguaranteed 69740
preneed funeral contract, and, if the contract is guaranteed only 69741
in part, a disclosure specifying the funeral goods or funeral 69742
services included in the guarantee; 69743

(4) If the preneed funeral contract is a guaranteed contract, 69744
a disclosure that the seller, in exchange for all of the proceeds 69745
of the trust, insurance policy, or annuity, shall provide the 69746
funeral goods and funeral services set forth in the preneed 69747
funeral contract without regard to the actual cost of such funeral 69748
goods and funeral services prevailing at the time of performance 69749
and that the seller may receive any excess funds remaining after 69750
all expenses for the funeral have been paid. 69751

(5) If the preneed funeral contract is a nonguaranteed 69752
contract, a disclosure that the proceeds of the trust, insurance 69753
policy, or annuity shall be applied to the retail prices in effect 69754
at the time of the funeral for the funeral goods and funeral 69755
services set forth in the contract, that any excess funds 69756
remaining after all expenses for the funeral have been paid shall 69757
be paid to the estate of the decedent or the beneficiary named in 69758
the life insurance policy if the preneed funeral contract is 69759
funded by a life insurance policy, and that, in the event of an 69760
insufficiency in funds, the seller shall not be required to 69761
perform until payment arrangements satisfactory to the seller have 69762
been made. 69763

(6) A disclosure that the purchaser has the right to make the contract irrevocable and that if the preneed funeral contract is irrevocable, the purchaser does not have a right to revoke the contract;

(7) A disclosure informing the purchaser of the initial right to cancel the preneed funeral contract within seven days as provided in division (A) of section 4717.34 of the Revised Code and the right to revoke a revocable preneed funeral contract in accordance with section 4717.35 or division ~~(F)~~(G) of section 4717.36 of the Revised Code, as applicable;

(8) A disclosure that the seller may substitute funeral goods or funeral services of equal quality, value, and workmanship if those specified in the preneed funeral contract are unavailable at the time of need;

(9) A disclosure that any purchaser of funeral goods and funeral services is entitled to receive price information prior to making that purchase in accordance with the federal trade commission's funeral industry practices revised rule, 16 C.F.R. part 453;

(10) The following notice in boldface print and in substantially the following form:

"NOTICE: Under Ohio law, the person holding the right of disposition of the remains of the individual contract beneficiary pursuant to section 2108.70 or 2108.81 of the Revised Code will have the right to make funeral arrangements inconsistent with the arrangements set forth in this contract. However, the individual contract beneficiary is encouraged to state his or her preferences as to funeral arrangements in a declaration of the right of disposition pursuant to section 2108.72 of the Revised Code, including that the arrangements set forth in this contract shall be followed."

(11) The notice described in division (A) of section 4717.34 69795
of the Revised Code; 69796

(12) A disclosure that any purchaser of funeral goods or 69797
funeral services funded in whole or in part in advance of death 69798
under a preneed funeral contract sold by a licensee under this 69799
chapter may be eligible for reimbursement of financial loses 69800
suffered as a result of malfeasance, misfeasance, default, 69801
failure, or insolvency of the licensee. 69802

(B) If a preneed funeral contract is funded by any means 69803
other than an insurance policy or policies, or an annuity or 69804
annuities, the preneed funeral contract shall include all of the 69805
following information in addition to the information required to 69806
be included under division (A) of this section: 69807

(1) Disclosures ~~identifying that identify~~ the name and 69808
address of the trustee of the preneed funeral contract trust 69809
established pursuant to section 4717.36 of the Revised Code, 69810
~~indicating that direct that any payments made by the purchaser of~~ 69811
the preneed funeral contract shall be made directly to the trustee 69812
identified in the preneed funeral contract, that indicate whether 69813
fees, expenses, ~~or~~ and taxes will be deducted from the trust, and 69814
~~a statement of who~~ that identify whether the trust or the 69815
purchaser will be responsible for the taxes owed on the trust 69816
earnings; 69817

(2) A disclosure explaining the form in which the purchase 69818
price must be paid and, if the price is to be paid in 69819
installments, a disclosure to the purchaser regarding what 69820
constitutes a default under the preneed funeral contract and the 69821
consequences of the default; 69822

(3) The following notice in boldface print and in 69823
substantially the following form: 69824

"NOTICE: You, as the purchaser of this contract, will be 69825

notified in writing when the trustee of this contract has received 69826
a deposit of the funds you paid the seller under this contract. If 69827
you do not receive that notice within sixty days after the date 69828
you paid the funds to the seller, you should contact the trustee 69829
identified in the contract." 69830

(4) A disclosure that ~~a purchaser of~~ if a preneed funeral 69831
contract ~~that is irrevocable and that~~ stipulates a ~~firm or~~ fixed 69832
or firm or guaranteed price for the funeral goods and services and 69833
~~goods to be provided under the preneed funeral contract may be~~ 69834
~~charged a~~ whether the seller will charge any initial service fee 69835
as permitted by division (B) of section 4717.36 and a cancellation 69836
or transfer fee as specified in division (F) permitted by division 69837
(G)(2), (H), or (J) of section 4717.36 of the Revised Code if the 69838
~~purchaser wishes to transfer the contract to another seller.~~ 69839

(C) If a preneed funeral contract is funded by the purchase 69840
or assignment of one or more insurance policies or annuities, the 69841
preneed funeral contract shall include all of the following 69842
information in addition to the information required to be included 69843
under division (A) of this section: 69844

(1) The name and address of each applicable insurance company 69845
and any right the purchaser has regarding canceling or 69846
transferring the applicable insurance policies or annuities; 69847

(2) A directive that any payment made by the purchaser of the 69848
preneed funeral contract shall be made directly to the insurance 69849
company and, if premiums are being paid in installments, a 69850
description of the terms of payment for any remaining payments due 69851
~~if the funding is to be paid in installments;~~ 69852

(3) A list of actions that constitute default under a preneed 69853
funeral contract and the consequences of a default; 69854

(4) The following notice in boldface print and in 69855
substantially the following form: 69856

"NOTICE: You, as the purchaser of this contract, will be notified in writing by the insurance company identified in this contract when the insurance policy or policies, or annuity or annuities, that will fund this contract have been issued. If you do not receive the notice within sixty days after the date you paid the funds to the seller, you should contact the insurance company identified in the contract."

(D) The seller of a preneed funeral contract that is funded by the purchase or assignment of one or more insurance policies or annuities does not need to include in the contract the information described in divisions (C)(2) and (3) of this section if those disclosures are provided in the application for a life insurance policy or annuity or in the life insurance policy or annuity.

Sec. 4717.33. (A) If a preneed funeral contract is funded by any means other than an insurance policy or policies, or an annuity or annuities, the trustee of the trust created pursuant to section 4717.36 of the Revised Code shall notify the purchaser of the preneed funeral contract in writing, within fifteen days after the trustee receives any payment to be deposited into the trust, that the trustee has received payment. The notice shall include all of the following information:

(1) The amount the trustee received;

(2) The name and address of the institution described in division ~~(B)~~(D) of section 4717.36 of the Revised Code where the trust is being held;

(3) The name of the beneficiary of that trust.

(B) If a preneed funeral contract is funded by the purchase or assignment of one or more insurance policies or annuities, the insurance company shall notify the purchaser of the preneed funeral contract in writing within sixty days after the insurance

company receives an initial premium payment applicable to that 69887
preneed funeral contract. The notice shall include all of the 69888
following information that is pertinent to that preneed funeral 69889
contract: 69890

(1) The amount the insurance company received; 69891

(2) The name and address of the insurance company; 69892

(3) The name of the insured; 69893

(4) The amount of the death benefit; 69894

(5) The policy or contract number of the insurance policy, 69895
annuity, or contract. 69896

(C) For purposes of division (B) of this section, delivery of 69897
an insurance policy, certificate, annuity, or contract to the 69898
purchaser shall satisfy the notice requirement specified in that 69899
division. 69900

Sec. 4717.35. If a preneed funeral contract contains a 69901
provision stating that the preneed funeral contract will be funded 69902
by the purchase of an insurance policy, the insurance agent who 69903
sold the policy that will fund that preneed funeral contract shall 69904
require that any payment made by the purchaser be made in the form 69905
of a check, cashier's check, money order, or debit or credit card, 69906
payable only to the insurance company. The insurance agent shall 69907
remit the application for insurance and the premium paid to the 69908
insurance company designated in the preneed funeral contract 69909
within the time period specified in division (B)(15) of section 69910
3905.14 of the Revised Code, unless the purchaser rescinds the 69911
preneed funeral contract in accordance with division (A) of 69912
section 4717.34 of the Revised Code. 69913

If the purchaser of a preneed funeral contract that is 69914
revocable and that is funded by an insurance policy or annuity 69915
elects to cancel the preneed funeral contract, the purchaser shall 69916

provide a written notice to the seller and the insurance company 69917
designated in the contract stating that the purchaser intends to 69918
cancel that contract. Fifteen days after the purchaser provides 69919
the notice to the seller of the contract and the insurance 69920
company, the purchaser may cancel the preneed funeral contract and 69921
change the beneficiary of the insurance policy or annuity or 69922
reassign the benefits under the policy or annuity. 69923

The purchaser of a preneed funeral contract that is 69924
irrevocable and that is funded by an insurance policy or annuity 69925
may transfer the preneed funeral contract to a successor seller by 69926
notifying the original seller of the designation of a successor 69927
seller. Within fifteen days after receiving the written notice of 69928
the designation of the successor seller from the purchaser, the 69929
original seller shall assign the seller's rights to the proceeds 69930
of the policy to the successor seller. The insurance company shall 69931
confirm the change of assignment by providing written notice to 69932
the policyholder. 69933

Sec. 4717.36. (A) This section applies only to preneed 69934
funeral contracts that are funded by any means other than an 69935
insurance policy or policies, or an annuity or annuities. 69936

~~One hundred per cent of all payments for funeral goods and 69937
funeral services made under a preneed funeral contract shall 69938
remain intact and held in trust in accordance with this section 69939
for the benefit of the contract beneficiary. No money in a preneed 69940
funeral contract trust shall be distributed from the trust except 69941
as provided in this section. Within thirty days after the provider 69942
of the funeral goods or funeral services receives any payment 69943
under a preneed funeral contract, the seller of the preneed 69944
funeral contract shall deliver the moneys received for that 69945
preneed funeral contract that have not been returned to the 69946
purchaser as provided in division (A) of section 4717.34 of the 69947~~

~~Revised Code to the trustee designated in the preneed funeral
contract. No money in a preneed funeral contract trust shall be
distributed from the trust except as provided in this section.~~ 69948
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(B) A seller of a preneed funeral contract that stipulates a
fixed or firm or guaranteed price for the funeral services and
goods to be provided under the preneed funeral contract may charge
an initial service fee not to exceed ten per cent of the total
amount of all payments to be made under the preneed funeral
contract. If the amount to be paid by the purchaser is to be paid
in installments, not more than one-half of any payment may be
applied to the initial service fee. If the preneed funeral
contract is revoked by the purchaser, any portion of the initial
service fee that has not been paid under the preneed funeral
contract is no longer due and payable to the seller. 69951
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(C) All payments made by the purchaser of a preneed funeral
contract, except for the initial service fee permitted by division
(B) of this section, shall be made in the form of a check,
cashier's check, money order, or debit or credit card, payable
only to the trustee of the preneed funeral contract trust. The
funds deposited with the trustee shall remain intact and held in
trust for the contract beneficiary. 69962
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(D) The seller shall establish a preneed funeral contract
trust at one of the following types of institutions and shall
designate that institution as the trustee of the preneed funeral
contract trust: 69969
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(1) A trust company licensed under Chapter 1111. of the
Revised Code; 69973
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(2) A national bank, federal savings bank, or federal savings
association that pledges securities in accordance with section
1111.04 of the Revised Code; 69975
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(3) A credit union authorized to conduct business in this 69978

state pursuant to Chapter 1733. of the Revised Code. 69979

~~(C)~~(E) Moneys deposited in a preneed funeral contract trust 69980
fund shall be held and invested in the manner in which trust funds 69981
are permitted to be held and invested pursuant to Chapter 1111. of 69982
the Revised Code. 69983

~~(D)~~(F) The seller shall establish a separate preneed funeral 69984
contract trust for the moneys paid under each preneed funeral 69985
contract, unless the purchaser or purchasers of a preneed funeral 69986
contract or contracts authorize the seller to place the moneys 69987
paid for that contract or those contracts in a combined preneed 69988
funeral contract trust. The trustee of a combined preneed funeral 69989
contract trust shall keep exact records of the corpus, income, 69990
expenses, and disbursements with regard to each purchaser and 69991
contract beneficiary for whom moneys are held in the trust. The 69992
terms of a preneed funeral contract trust are governed by this 69993
section and the payments from that trust are governed by Chapter 69994
1111. of the Revised Code, except as otherwise provided in this 69995
section. 69996

A trustee of a preneed funeral contract trust may pay taxes 69997
and expenses for a preneed funeral contract trust and may charge a 69998
fee for managing a preneed funeral contract trust. The fee shall 69999
not exceed the amount regularly or usually charged for similar 70000
services rendered by the institutions described in division ~~(B)~~(D) 70001
of this section when serving as a trustee. The taxes, expenses, 70002
and fees shall be paid only from the accumulated income on that 70003
trust. 70004

~~(E)~~(G) If the purchaser of a preneed funeral contract that is 70005
revocable elects to cancel the contract, the purchaser shall 70006
provide a written notice to the seller of the contract and the 70007
trustee of the preneed funeral contract trust stating that the 70008
purchaser intends to cancel the contract. Fifteen days after the 70009
purchaser provides that notice to the seller and trustee, the 70010

purchaser may cancel the contract. Upon canceling a preneed 70011
funeral contract pursuant to this division, one of the following 70012
shall occur, as applicable: 70013

(1) If the preneed funeral contract does not stipulate a firm 70014
or fixed or guaranteed price for funeral goods and funeral 70015
services to be provided under the preneed funeral contract, the 70016
trustee shall give to the purchaser all of the assets of the trust 70017
that exist at the time of cancellation, less any fees charged, 70018
distributions paid, and expenses incurred by the trustee pursuant 70019
to division ~~(D)~~(F) of this section. 70020

(2) If the preneed funeral contract does stipulate a firm or 70021
fixed or guaranteed price for funeral goods and funeral services 70022
to be provided under the contract, the purchaser may request and 70023
receive from the trustee all of the assets of the trust at the 70024
time of cancellation, less a cancellation fee that the original 70025
seller may collect from the trustee that is equal to or less than 70026
ten per cent of the value of the assets of the trust on the date 70027
the trust is cancelled, provided, however, that to the extent the 70028
original seller took an initial service fee as permitted by 70029
division (B) of this section, the aggregate amount of the 70030
cancellation fee and less the initial service fee may not exceed 70031
ten per cent of the value of those assets. In addition to any 70032
cancellation fee, there may also be deducted any fees charged, 70033
distributions paid, and expenses incurred by the trustee pursuant 70034
to division ~~(D)~~(F) of this section. 70035

If more than one purchaser enters into the contract, all of 70036
those purchasers must request cancellation of the contract for it 70037
to be effective under this division, and the trustee shall refund 70038
to each purchaser only those funds that purchaser has paid under 70039
the contract and any income earned on those funds in an amount 70040
that is in direct proportion to the amount of funds that purchaser 70041
paid relative to the total amount of payments deposited in that 70042

trust, less any fees charged, distributions paid, and expenses 70043
incurred by the trustee pursuant to division ~~(D)~~(F) of this 70044
section, the amount of which are in direct proportion to the 70045
amount of funds that purchaser paid relative to the total amount 70046
of payments deposited in that trust. 70047

~~(F)~~(H) The purchaser of a preneed funeral contract that is 70048
irrevocable may transfer the preneed funeral contract to a 70049
successor seller. A purchaser who elects to make such a transfer 70050
shall provide a written notice of the designation of a successor 70051
seller to the trustee and the original seller. Within fifteen days 70052
after receiving the written notice of the new designation from the 70053
purchaser, the trustee shall list the successor seller as the 70054
seller of the preneed funeral contract and the original seller 70055
shall relinquish and transfer all rights under the preneed funeral 70056
contract to the successor seller. The trustee shall confirm the 70057
transfer by providing written notice of the transfer to the 70058
original seller, the successor seller, and the purchaser. If the 70059
preneed funeral contract stipulates a firm or fixed or guaranteed 70060
price for the funeral goods and funeral services to be provided 70061
under the preneed funeral contract, the original seller may 70062
collect from the trustee a transfer fee from the trust that equals 70063
up to ten per cent of the value of the assets of the trust on the 70064
date the trust is transferred, provided, however, that to the 70065
extent the original seller took an initial service fee as 70066
permitted by division (B) of this section, the aggregate amount of 70067
the transfer fee and the initial service fee may not exceed ten 70068
per cent of the value of those assets. If the preneed funeral 70069
contract does not stipulate a firm or fixed or guaranteed price 70070
for funeral goods and funeral services to be provided under the 70071
preneed funeral contract, no transfer fee shall be collected by 70072
the original seller. 70073

~~(G)~~(I) If a seller of a preneed funeral contract elects to 70074

transfer a preneed funeral contract trust from an institution 70075
listed in divisions ~~(B)~~(D)(1) to (3) of this section to a 70076
different institution, the trustee of the original trust shall 70077
notify the purchaser of the preneed funeral contract of that 70078
transfer in writing within thirty days after the transfer occurred 70079
and shall provide the purchaser with the name of and the contact 70080
information for the institution where the new trust is maintained. 70081
Upon receipt of the trust, the trustee of the transferred trust 70082
shall notify the purchaser of the receipt of the trusts in 70083
accordance with division (A) of section 4717.33 of the Revised 70084
Code. 70085

~~(H)~~(J) If a seller receives a notice that the contract 70086
beneficiary has died and that funeral goods and funeral services 70087
have been provided by a provider other than the seller, except as 70088
otherwise specified in this section, the seller shall direct the 70089
trustee, within thirty days after receiving that notice, to pay to 70090
the provider that provided the funeral goods and services, if 70091
still unpaid, or the estate of the contract beneficiary all funds 70092
held by the trustee, less any fees charged, distributions paid, 70093
and expenses incurred by the trustee pursuant to division ~~(D)~~(F) 70094
of this section. In the event the preneed funeral contract 70095
stipulates a firm or fixed or guaranteed price for funeral goods 70096
and funeral services that were to be provided under the preneed 70097
funeral contract, the seller may collect from the trustee a 70098
cancellation fee not exceeding ten per cent of the value of the 70099
assets of the trust on the date the trust is transferred, 70100
provided, however, that to the extent the original seller took an 70101
initial service fee as permitted by division (B) of this section, 70102
the aggregate amount of the transfer fee and the initial service 70103
fee shall not exceed ten per cent of the value of those assets. If 70104
the preneed funeral trust does not stipulate a firm or fixed or 70105
guaranteed price for funeral goods and funeral services to be 70106
provided under the preneed funeral contract, no cancellation fees 70107

shall be collected by the original seller. 70108

~~(I)~~(K) A certified copy of the certificate of death or other 70109
evidence of death satisfactory to the trustee shall be furnished 70110
to the trustee as evidence of death, and the trustee shall 70111
promptly pay the accumulated payments and income, if any, 70112
according to the preneed funeral contract. Such payment of the 70113
accumulated payments and income pursuant to this section and, when 70114
applicable, the preneed funeral contract, relieves the trustee of 70115
any further liability on the accumulated payments and income. 70116

Sec. 4717.41. (A) There is hereby created the preneed 70117
recovery fund, which shall be in the custody of the treasurer of 70118
state but shall not be part of the state treasury. All fees 70119
collected under division (A)(15) of section 4717.07 of the Revised 70120
Code shall be deposited into the fund. The fund shall be used to 70121
reimburse purchasers of preneed funeral contracts who have 70122
suffered financial loss as a result of the malfeasance, 70123
misfeasance, default, failure, or insolvency in connection with 70124
the sale of a preneed funeral contract by any licensee under this 70125
chapter, regardless of whether the sale of such contract occurred 70126
before or after the establishment of the fund. The fund, and all 70127
investment earnings thereon, shall only be used for the purposes 70128
set forth in this section and shall not be used for any other 70129
purposes. The fund shall be administered by the board of embalmers 70130
and funeral directors. 70131

(B) All fees collected under division (A)(15) of section 70132
4717.07 of the Revised Code shall be deposited into the fund. 70133
Deposits to and disbursements from the fund account shall be 70134
subject to rules established by the board. 70135

(C) If at the end of any fiscal year for this state, the 70136
balance in the fund exceeds two million dollars, the fee required 70137
by division (A)(15) of section 4717.07 of the Revised Code for the 70138

upcoming fiscal year shall be reduced by fifty per cent. If the 70139
balance in the fund at the end of a fiscal year exceeds three 70140
million dollars, the payment of the fee required by division 70141
(A)(15) of section 4717.07 of the Revised Code shall be suspended 70142
for the upcoming fiscal year. 70143

(D) The board shall adopt rules governing management of the 70144
fund, the presentation and processing of applications for 70145
reimbursement, subrogation, or assignment of the rights of any 70146
reimbursed applicant. 70147

(E) The board may expend moneys in the fund for the following 70148
purposes: 70149

(1) To make reimbursements on approved applications; 70150

(2) To purchase insurance to cover losses as considered 70151
appropriate by the board and not inconsistent with the purposes of 70152
the fund; 70153

(3) To invest such portions of the fund as are not currently 70154
needed to reimburse losses and maintain adequate reserves, as are 70155
permitted to be made by fiduciaries under the laws of this state; 70156

(4) To pay the expenses of the board for administering the 70157
fund, including employment of local counsel to prosecute 70158
subrogation claims. 70159

(F) Reimbursements from the fund shall be made only to the 70160
extent to which those losses are not bonded or otherwise covered, 70161
protected, or reimbursed and only after the applicant has complied 70162
with all applicable rules of the board. 70163

(G) The board shall investigate all applications made and may 70164
reject or allow such claims in whole or in part to the extent that 70165
moneys are available in the fund. The board shall have complete 70166
discretion to determine the order and manner of payment of 70167
approved applications. All payments shall be a matter of privilege 70168

and not of right, and no person shall have any right in the fund 70169
as a third-party beneficiary or otherwise. No attorney may be 70170
compensated by the board for prosecuting an application for 70171
reimbursement. 70172

(H) If reimbursement is made to an applicant under this 70173
section, the board shall be subrogated in the reimbursement amount 70174
and may bring any action it considers advisable against any 70175
person. The board may enforce any claims it may have for 70176
restitution or otherwise and may employ and compensate 70177
consultants, agents, legal counsel, accountants, and other persons 70178
it considers appropriate. 70179

Sec. 4723.05. The board of nursing shall appoint an executive 70180
director, ~~who shall be a registered nurse of this state with at~~ 70181
~~least five years experience in the practice of nursing as a~~ 70182
~~registered nurse,~~ shall be a resident of this state during the 70183
term of appointment, and shall not be a member of the board at the 70184
time of appointment or during the term of appointment. The board 70185
shall meet at such times and places as it may direct and provide 70186
in its rules. The president may call special meetings, and the 70187
executive director shall call special meetings upon the written 70188
request of two or more board members. The board shall provide 70189
itself with a seal. The president and executive director may 70190
administer oaths. The executive director is the chief 70191
administrative officer of the board and shall serve as a full time 70192
employee of the board and shall be entitled to attend all meetings 70193
of the board except meetings concerning the appointment and terms 70194
of employment of the executive director. 70195

The term of the executive director shall be one year 70196
commencing on the first day of January. The executive director 70197
shall receive necessary expenses in addition to salary. The 70198
executive director shall give a surety bond to the state in such 70199

sum as the board requires, and conditioned upon the faithful 70200
performance of the duties of executive director. 70201

The executive director is an appointing authority as defined 70202
in section 124.01 of the Revised Code, and may appoint such 70203
nursing education consultants, nursing practice consultants, 70204
investigative personnel, and any additional employees for 70205
professional, clerical, and special work necessary to carry out 70206
the board's functions and with the board's approval, may establish 70207
standards for the conduct of employees. 70208

Sec. 4723.50. (A) As used in this section: 70209

(1) "Controlled substance" has the same meaning as in section 70210
3719.01 of the Revised Code. 70211

(2) "Medication-assisted treatment" has the same meaning as 70212
in section 340.01 of the Revised Code. 70213

(B) In accordance with Chapter 119. of the Revised Code, the 70214
board of nursing shall adopt rules as necessary to implement the 70215
provisions of this chapter pertaining to the authority of advanced 70216
practice registered nurses who are designated as clinical nurse 70217
specialists, certified nurse-midwives, and certified nurse 70218
practitioners to prescribe and furnish drugs and therapeutic 70219
devices. 70220

The board shall adopt rules that are consistent with a 70221
recommended exclusionary formulary the board receives from the 70222
committee on prescriptive governance pursuant to section 4723.492 70223
of the Revised Code. After reviewing a formulary submitted by the 70224
committee, the board may either adopt the formulary as a rule or 70225
ask the committee to reconsider and resubmit the formulary. The 70226
board shall not adopt any rule that does not conform to a 70227
formulary developed by the committee. 70228

The exclusionary formulary shall permit, in a manner 70229

consistent with section 4723.481 of the Revised Code, the 70230
prescribing of controlled substances, as defined in section 70231
3719.01 of the Revised Code, in a manner consistent with section 70232
4723.481 of the Revised Code including drugs that contain 70233
buprenorphine used in medication-assisted treatment and both oral 70234
and long-acting opioid antagonists. The formulary shall not permit 70235
the prescribing or furnishing of any of the following: 70236

(1) A drug or device to perform or induce an abortion; 70237

(2) A drug or device prohibited by federal or state law. 70238

~~(B)~~(C) In addition to the rules described in division ~~(A)~~(B) 70239
of this section, the board shall adopt rules under this section 70240
that do the following: 70241

(1) Establish standards for board approval of the course of 70242
study in advanced pharmacology and related topics required by 70243
section 4723.482 of the Revised Code; 70244

(2) Establish requirements for board approval of the two-hour 70245
course of instruction in the laws of this state as required under 70246
division (C)(1) of section 4723.482 of the Revised Code and 70247
division (B)(2) of section 4723.484 of the Revised Code; 70248

(3) Establish criteria for the components of the standard 70249
care arrangements described in section 4723.431 of the Revised 70250
Code that apply to the authority to prescribe, including the 70251
components that apply to the authority to prescribe schedule II 70252
controlled substances. The rules shall be consistent with that 70253
section and include all of the following: 70254

(a) Quality assurance standards; 70255

(b) Standards for periodic review by a collaborating 70256
physician or podiatrist of the records of patients treated by the 70257
clinical nurse specialist, certified nurse-midwife, or certified 70258
nurse practitioner; 70259

(c) Acceptable travel time between the location at which the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is engaging in the prescribing components of the nurse's practice and the location of the nurse's collaborating physician or podiatrist; 70260
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(d) Any other criteria recommended by the committee on prescriptive governance. 70265
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Sec. 4723.51. (A) As used in this section: 70267

(1) "Controlled substance," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 70268
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 70271
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(B) The board of nursing shall adopt rules establishing standards and procedures to be followed by advanced practice registered nurses in the use of all drugs approved by the United States food and drug administration for use in medication-assisted treatment, including controlled substances in schedule III, IV, or V. The rules shall address detoxification, relapse prevention, patient assessment, individual treatment planning, counseling and recovery supports, diversion control, and other topics selected by the board after considering best practices in medication-assisted treatment. 70273
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The board may apply the rules to all circumstances in which an advanced practice registered nurse prescribes drugs for use in medication-assisted treatment or limit the application of the rules to prescriptions for medication-assisted treatment issued for patients being treated in office-based practices or other practice types or locations specified by the board. 70283
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(C) All rules adopted under this section shall be adopted in 70289

accordance with Chapter 119. of the Revised Code. The rules shall 70290
be consistent with rules adopted under sections 4730.55 and 70291
4731.056 of the Revised Code. 70292

Sec. 4723.52. (A) As used in this section: 70293

(1) "Community addiction services provider" has the same 70294
meaning as in section 5119.01 of the Revised Code. 70295

(2) "Medication-assisted treatment" has the same meaning as 70296
in section 340.01 of the Revised Code. 70297

(B) An advanced practice registered nurse shall comply with 70298
section 3715.08 of the Revised Code and rules adopted under 70299
section 4723.51 of the Revised Code when treating a patient for 70300
addiction with medication-assisted treatment or proposing to 70301
initiate such treatment. 70302

(C) An advanced practice registered nurse who fails to comply 70303
with this section shall treat not more than thirty patients at any 70304
one time with medication-assisted treatment even if the facility 70305
or location at which the treatment is provided is either of the 70306
following: 70307

(1) Exempted by divisions (B)(2)(a) to (d) of section 70308
4729.553 of the Revised Code from being required to possess a 70309
category III terminal distributor of dangerous drugs license with 70310
an office-based opioid treatment classification; 70311

(2) A community addiction services provider that provides 70312
alcohol and drug addiction services that are certified by the 70313
department of mental health and addiction services under section 70314
5119.36 of the Revised Code. 70315

Sec. 4729.01. As used in this chapter: 70316

(A) "Pharmacy," except when used in a context that refers to 70317
the practice of pharmacy, means any area, room, rooms, place of 70318

business, department, or portion of any of the foregoing where the practice of pharmacy is conducted. 70319
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(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following: 70321
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(1) Interpreting prescriptions; 70326

(2) Dispensing drugs and drug therapy related devices; 70327

(3) Compounding drugs; 70328

(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances; 70329
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(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs; 70334
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(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber; 70337
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(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy; 70341
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(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established; 70344
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(9) Engaging in the administration of immunizations to the 70348

extent authorized by section 4729.41 of the Revised Code; 70349

(10) Engaging in the administration of drugs to the extent 70350
authorized by section 4729.45 of the Revised Code. 70351

(C) "Compounding" means the preparation, mixing, assembling, 70352
packaging, and labeling of one or more drugs in any of the 70353
following circumstances: 70354

(1) Pursuant to a prescription issued by a licensed health 70355
professional authorized to prescribe drugs; 70356

(2) Pursuant to the modification of a prescription made in 70357
accordance with a consult agreement; 70358

(3) As an incident to research, teaching activities, or 70359
chemical analysis; 70360

(4) In anticipation of orders for drugs pursuant to 70361
prescriptions, based on routine, regularly observed dispensing 70362
patterns; 70363

(5) Pursuant to a request made by a licensed health 70364
professional authorized to prescribe drugs for a drug that is to 70365
be used by the professional for the purpose of direct 70366
administration to patients in the course of the professional's 70367
practice, if all of the following apply: 70368

(a) At the time the request is made, the drug is not 70369
commercially available regardless of the reason that the drug is 70370
not available, including the absence of a manufacturer for the 70371
drug or the lack of a readily available supply of the drug from a 70372
manufacturer. 70373

(b) A limited quantity of the drug is compounded and provided 70374
to the professional. 70375

(c) The drug is compounded and provided to the professional 70376
as an occasional exception to the normal practice of dispensing 70377
drugs pursuant to patient-specific prescriptions. 70378

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	70379 70380
(E) "Drug" means:	70381
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	70382 70383 70384 70385
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	70386 70387 70388
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	70389 70390
(4) Any article intended for use as a component of any article specified in division (E)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	70391 70392 70393 70394
(F) "Dangerous drug" means any of the following:	70395
(1) Any drug to which either of the following applies:	70396
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	70397 70398 70399 70400 70401 70402 70403
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	70404 70405
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	70406 70407 70408

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body; 70409
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(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code. 70412
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(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. 70414
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(H) "Prescription" means all of the following: 70416

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs; 70417
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(2) For purposes of sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose. 70421
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(3) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user; 70427
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(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp; 70432
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(5) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 70437
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electronic, or oral order for an epinephrine autoinjector issued 70439
to and in the name of a qualified entity, as defined in section 70440
3728.01 of the Revised Code. 70441

(I) "Licensed health professional authorized to prescribe 70442
drugs" or "prescriber" means an individual who is authorized by 70443
law to prescribe drugs or dangerous drugs or drug therapy related 70444
devices in the course of the individual's professional practice, 70445
including only the following: 70446

(1) A dentist licensed under Chapter 4715. of the Revised 70447
Code; 70448

(2) A clinical nurse specialist, certified nurse-midwife, or 70449
certified nurse practitioner who holds a current, valid license to 70450
practice nursing as an advanced practice registered nurse issued 70451
under Chapter 4723. of the Revised Code; 70452

(3) An optometrist licensed under Chapter 4725. of the 70453
Revised Code to practice optometry under a therapeutic 70454
pharmaceutical agents certificate; 70455

(4) A physician authorized under Chapter 4731. of the Revised 70456
Code to practice medicine and surgery, osteopathic medicine and 70457
surgery, or podiatric medicine and surgery; 70458

(5) A physician assistant who holds a license to practice as 70459
a physician assistant issued under Chapter 4730. of the Revised 70460
Code, holds a valid prescriber number issued by the state medical 70461
board, and has been granted physician-delegated prescriptive 70462
authority; 70463

(6) A veterinarian licensed under Chapter 4741. of the 70464
Revised Code. 70465

(J) "~~Sale and or sell include delivery, transfer, barter,~~ 70466
~~exchange, or gift, or offer therefor, and each such includes any~~ 70467
transaction made by any person, whether as principal proprietor, 70468

agent, or employee, to do or offer to do any of the following: 70469
deliver, distribute, broker, exchange, gift or otherwise give 70470
away, or transfer, whether the transfer is by passage of title, 70471
physical movement, or both. 70472

(K) "Wholesale sale" and "sale at wholesale" mean any sale in 70473
which the purpose of the purchaser is to resell the article 70474
purchased or received by the purchaser. 70475

(L) "Retail sale" and "sale at retail" mean any sale other 70476
than a wholesale sale or sale at wholesale. 70477

(M) "Retail seller" means any person that sells any dangerous 70478
drug to consumers without assuming control over and responsibility 70479
for its administration. Mere advice or instructions regarding 70480
administration do not constitute control or establish 70481
responsibility. 70482

(N) "Price information" means the price charged for a 70483
prescription for a particular drug product and, in an easily 70484
understandable manner, all of the following: 70485

(1) The proprietary name of the drug product; 70486

(2) The established (generic) name of the drug product; 70487

(3) The strength of the drug product if the product contains 70488
a single active ingredient or if the drug product contains more 70489
than one active ingredient and a relevant strength can be 70490
associated with the product without indicating each active 70491
ingredient. The established name and quantity of each active 70492
ingredient are required if such a relevant strength cannot be so 70493
associated with a drug product containing more than one 70494
ingredient. 70495

(4) The dosage form; 70496

(5) The price charged for a specific quantity of the drug 70497
product. The stated price shall include all charges to the 70498

consumer, including, but not limited to, the cost of the drug 70499
product, professional fees, handling fees, if any, and a statement 70500
identifying professional services routinely furnished by the 70501
pharmacy. Any mailing fees and delivery fees may be stated 70502
separately without repetition. The information shall not be false 70503
or misleading. 70504

(O) "Wholesale distributor of dangerous drugs" or "wholesale 70505
distributor" means a person engaged in the sale of dangerous drugs 70506
at wholesale and includes any agent or employee of such a person 70507
authorized by the person to engage in the sale of dangerous drugs 70508
at wholesale. 70509

(P) "Manufacturer of dangerous drugs" or "manufacturer" means 70510
a person, other than a pharmacist or prescriber, who manufactures 70511
dangerous drugs and who is engaged in the sale of those dangerous 70512
drugs ~~within this state~~. 70513

(Q) "Terminal distributor of dangerous drugs" or "terminal 70514
distributor" means a person who is engaged in the sale of 70515
dangerous drugs at retail, or any person, other than a 70516
manufacturer, repackager, outsourcing facility, third-party 70517
logistics provider, wholesale distributor, ~~or a~~ pharmacist, who 70518
has possession, custody, or control of dangerous drugs for any 70519
purpose other than for that person's own use and consumption, ~~and~~. 70520
"Terminal distributor" includes pharmacies, hospitals, nursing 70521
homes, and laboratories and all other persons who procure 70522
dangerous drugs for sale or other distribution by or under the 70523
supervision of a pharmacist or licensed health professional 70524
authorized to prescribe drugs. 70525

(R) "Promote to the public" means disseminating a 70526
representation to the public in any manner or by any means, other 70527
than by labeling, for the purpose of inducing, or that is likely 70528
to induce, directly or indirectly, the purchase of a dangerous 70529
drug at retail. 70530

(S) "Person" includes any individual, partnership, 70531
association, limited liability company, or corporation, the state, 70532
any political subdivision of the state, and any district, 70533
department, or agency of the state or its political subdivisions. 70534

(T) "Animal shelter" means a facility operated by a humane 70535
society or any society organized under Chapter 1717. of the 70536
Revised Code or a dog pound operated pursuant to Chapter 955. of 70537
the Revised Code. 70538

(U) "Food" has the same meaning as in section 3715.01 of the 70539
Revised Code. 70540

(V) "Pain management clinic" has the same meaning as in 70541
section 4731.054 of the Revised Code. 70542

(W) "Investigational drug or product" means a drug or product 70543
that has successfully completed phase one of the United States 70544
food and drug administration clinical trials and remains under 70545
clinical trial, but has not been approved for general use by the 70546
United States food and drug administration. "Investigational drug 70547
or product" does not include controlled substances in schedule I, 70548
as established pursuant to section 3719.41 of the Revised Code, 70549
and as amended. 70550

(X) "Product," when used in reference to an investigational 70551
drug or product, means a biological product, other than a drug, 70552
that is made from a natural human, animal, or microorganism source 70553
and is intended to treat a disease or medical condition. 70554

(Y) "Third-party logistics provider" means a person that 70555
provides or coordinates warehousing or other logistics services 70556
pertaining to dangerous drugs including distribution, on behalf of 70557
a manufacturer, wholesale distributor, or terminal distributor of 70558
dangerous drugs, but does not take ownership of the drugs or have 70559
responsibility to direct the sale or disposition of the drugs. 70560

(Z) "Repackager of dangerous drugs" or "repackager" means a 70561

person that repacks and relabels dangerous drugs for sale or 70562
distribution. 70563

(AA) "Outsourcing facility" means a facility that is engaged 70564
in the compounding and sale of sterile drugs and is registered as 70565
an outsourcing facility with the United States food and drug 70566
administration. 70567

Sec. 4729.06. The state board of pharmacy shall keep a record 70568
of its proceedings and a register of all ~~identification cards,~~ 70569
licenses, and registrations that have been granted, together with 70570
each renewal and suspension or revocation of ~~an identification~~ 70571
~~card,~~ a license, or registration. The books and registers of the 70572
board shall be prima-facie evidence of the matters therein 70573
recorded. The books and registers may be in electronic format. 70574
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The president and executive director of the board may 70576
administer oaths. 70577

A statement signed by the executive director to which is 70578
affixed the official seal of the board to the effect that it 70579
appears from the records of the board that the board has not 70580
issued ~~an identification card,~~ a license, or registration to the 70581
person specified in the statement, or that ~~an identification card,~~ 70582
a license, or registration, if issued, has been revoked or 70583
suspended, or the holder has been subjected to disciplinary action 70584
by the board shall be received as prima-facie evidence of the 70585
record of the board in any court or before any officer of this 70586
state. 70587

Sec. 4729.08. Every applicant for examination and licensure 70588
as a pharmacist shall: 70589

(A) Be at least eighteen years of age; 70590

(B) Be of good moral character ~~and habits,~~ as defined in 70591

rules adopted by the state board of pharmacy under section 4729.26 70592
of the Revised Code; 70593

(C) Have obtained a degree in pharmacy from a program that 70594
has been recognized and approved by the state board of pharmacy, 70595
except that graduates of schools or colleges of pharmacy that are 70596
located outside the United States and have not demonstrated that 70597
the standards of their programs are at least equivalent to 70598
programs recognized and approved by the board shall be required to 70599
pass an equivalency examination recognized and approved by the 70600
board and to establish written and oral proficiency in English. 70601

(D) Have satisfactorily completed at least the minimum 70602
requirements for pharmacy internship as outlined by the board. 70603

If the board is satisfied that the applicant meets the 70604
foregoing requirements and if the applicant passes the examination 70605
required under section 4729.07 of the Revised Code, the board 70606
shall issue to the applicant a license ~~and an identification card~~ 70607
authorizing the individual to practice pharmacy. 70608

Sec. 4729.09. The state board of pharmacy may license an 70609
individual as a pharmacist without examination ~~and issue an~~ 70610
~~identification card to the pharmacist~~ if the individual: 70611

(A) Holds a license in good standing to practice pharmacy 70612
under the laws of another state, has successfully completed an 70613
examination for licensure in the other state, and in the opinion 70614
of the board, the examination was at least as thorough as that 70615
required by the board at the time the individual took the 70616
examination; 70617

(B) Is of good moral character ~~and habit,~~ as defined in rules 70618
adopted by the board under section 4729.26 of the Revised Code; 70619

(C) Has filed with the licensing body of the other state at 70620
least the credentials or the equivalent that were required by this 70621

state at the time the other state licensed the individual ~~was~~ 70622
~~licensed as~~ a pharmacist. 70623

The board shall not issue ~~any identification card or a~~ 70624
license to practice pharmacy to an individual licensed in another 70625
state if the state in which the individual is licensed does not 70626
reciprocate by granting licenses to practice pharmacy to ~~persons~~ 70627
individuals holding valid licenses received through examination by 70628
the state board of pharmacy. 70629

Sec. 4729.11. The state board of pharmacy shall establish a 70630
pharmacy internship program for the purpose of providing the 70631
practical experience necessary to practice as a pharmacist. Any 70632
individual who desires to become a pharmacy intern shall apply for 70633
licensure to the board. An application filed under this section 70634
may not be withdrawn without the approval of the board. 70635

Each applicant shall be issued ~~an identification card and a~~ 70636
license as a pharmacy intern if ~~in the opinion of~~ the board 70637
determines that the applicant is actively pursuing an educational 70638
program in preparation for licensure as a pharmacist and meets the 70639
other requirements as determined by the board. ~~An identification~~ 70640
~~card and a~~ license shall be valid until the next ~~annual~~ renewal 70641
date and shall be renewed only if the intern is meeting the 70642
requirements and rules of the board. 70643

~~The state board of pharmacy may appoint a director of~~ 70644
~~pharmacy internship who is a licensed pharmacist and who is not~~ 70645
~~directly or indirectly connected with a school or college of~~ 70646
~~pharmacy or department of pharmacy of a university. The director~~ 70647
~~of pharmacy internship shall be responsible to the board for the~~ 70648
~~operation and direction of the pharmacy internship program~~ 70649
~~established by the board under this section, and for such other~~ 70650
~~duties as the board may assign.~~ 70651

~~Sec. 4729.12. An identification card~~ A license issued by the 70652
state board of pharmacy under section 4729.08 ~~or 4729.11~~ of the 70653
Revised Code entitles the individual to whom it is issued to 70654
practice as a pharmacist or as a pharmacy intern in this state 70655
until the next ~~annual~~ renewal date. 70656

~~Identification cards~~ Licenses shall be renewed ~~annually on~~ 70657
~~the fifteenth day of September,~~ according to the standard renewal 70658
procedure of Chapter 4745. of the Revised Code and rules adopted 70659
by the board under section 4729.26 of the Revised Code. Licenses 70660
are valid for the period specified in the rules, unless earlier 70661
revoked or suspended by the board. The period shall not exceed 70662
twenty-four months unless the board extends the period in the 70663
rules to adjust license renewal schedules. 70664

~~Each pharmacist and pharmacy intern shall carry the~~ 70665
~~identification card or renewal identification card while engaged~~ 70666
~~in the practice of pharmacy. The license shall be conspicuously~~ 70667
~~exposed at the principal place where the pharmacist or pharmacy~~ 70668
~~intern practices pharmacy.~~ 70669

A pharmacist or pharmacy intern who desires to continue in 70670
the practice of pharmacy shall file with the board an application 70671
in such form and containing such data as the board may require for 70672
renewal of ~~an identification card~~ a license. In the case of a 70673
pharmacist who dispenses or plans to dispense controlled 70674
substances in this state, the pharmacist shall certify, as part of 70675
the application, that the pharmacist has been granted access to 70676
the drug database established and maintained by the board pursuant 70677
to section 4729.75 of the Revised Code, unless the board has 70678
restricted the pharmacist from obtaining further information from 70679
the database or the board no longer maintains the database. If the 70680
pharmacist certifies to the board that the applicant has been 70681
granted access to the drug database and the board finds through an 70682

audit or other means that the pharmacist has not been granted 70683
access, the board may take action under section 4729.16 of the 70684
Revised Code. 70685

An application filed under this section for renewal of ~~an~~ 70686
~~identification card~~ a license may not be withdrawn without the 70687
approval of the board. 70688

If the board finds that an applicant's ~~identification card~~ 70689
license has not been revoked or placed under suspension and that 70690
the applicant has paid the renewal fee, has continued pharmacy 70691
education in accordance with the rules of the board, and is 70692
entitled to continue in the practice of pharmacy, the board shall 70693
~~issue a renewal identification card to the applicant~~ renew the 70694
applicant's license. 70695

When ~~an identification card~~ a license has ~~lapsed for more~~ 70696
~~than sixty days~~ expired but an application is made within three 70697
years after the expiration of the ~~card~~ license, the ~~applicant~~ 70698
applicant's license shall be ~~issued a renewal identification card~~ 70699
renewed without further examination if the applicant meets the 70700
requirements of this section and pays the fee designated under 70701
division (A)(5) of section 4729.15 of the Revised Code. 70702

A pharmacist or pharmacy intern who fails to renew the 70703
pharmacist's or intern's license by the renewal date prescribed by 70704
the board shall not engage in the practice of pharmacy until a 70705
valid license is issued by the board. 70706

Sec. 4729.13. A pharmacist who fails to make application to 70707
the state board of pharmacy for a ~~renewal identification card~~ 70708
license renewal within a period of three years from the expiration 70709
of the ~~identification card~~ license must pass an examination for 70710
~~registration~~ licensure and comply with sections 4776.01 to 4776.04 70711
of the Revised Code; except that a pharmacist whose ~~registration~~ 70712
license has expired, but who has continually practiced pharmacy in 70713

another state under a license issued by the authority of that 70714
state, may obtain a ~~renewal identification card~~ renewed license 70715
upon payment to the executive director of the board the fee 70716
designated under division (A)(6) of section 4729.15 of the Revised 70717
Code. 70718

Sec. 4729.15. (A) Except as provided in division (B) of this 70719
section, the state board of pharmacy shall charge the following 70720
fees: 70721

(1) For applying for a license to practice as a pharmacist, 70722
an amount adequate to cover all ~~rentals, compensation for~~ 70723
~~proctors, and other~~ expenses of the board related to examination 70724
except the expenses of procuring and grading the examination, 70725
which fee shall not be returned if the applicant fails to pass the 70726
examination; 70727

(2) For the examination of an applicant for licensure as a 70728
pharmacist, an amount adequate to cover any expenses to the board 70729
of procuring and grading the examination or any part thereof, 70730
which fee shall not be returned if the applicant fails to pass the 70731
examination; 70732

(3) For issuing a license ~~and an identification card~~ to an 70733
individual who passes the examination described in section 4729.07 70734
of the Revised Code, an amount that is adequate to cover the 70735
expense; 70736

(4) For a pharmacist applying for renewal of ~~an~~ 70737
~~identification card within sixty days after~~ a license before the 70738
expiration date, ~~ninety-seven~~ two hundred fifty dollars ~~and fifty~~ 70739
~~cents~~, which fee shall not be returned if the applicant fails to 70740
qualify for renewal; 70741

(5) For a pharmacist applying for renewal of ~~an~~ 70742
~~identification card~~ a license that has ~~lapsed~~ been expired for 70743

~~more than sixty days, but for less than three years, one hundred~~ 70744
~~thirty five dollars the renewal fee identified in division (A)(4)~~ 70745
~~of this section plus a penalty of fifty dollars per year or~~ 70746
~~fraction of a year that the renewal is late, which fee shall not~~ 70747
~~be returned if the applicant fails to qualify for renewal;~~ 70748

(6) For a pharmacist applying for renewal of ~~an~~ 70749
~~identification card~~ a license that has ~~lapsed~~ been expired for 70750
more than three years, three hundred thirty-seven dollars and 70751
fifty cents, which fee shall not be returned if the applicant 70752
fails to qualify for renewal; 70753

(7) For a pharmacist applying for a license ~~and~~ 70754
~~identification card,~~ on presentation of a pharmacist license 70755
granted by another state, three hundred thirty-seven dollars and 70756
fifty cents, which fee shall not be returned if the applicant 70757
fails to qualify for licensure. 70758

(8) For a license ~~and identification card~~ to practice as a 70759
pharmacy intern, ~~twenty two~~ forty-five dollars ~~and fifty cents,~~ 70760
which fee shall not be returned if the applicant fails to qualify 70761
for licensure; 70762

(9) For the renewal of a pharmacy intern ~~identification card~~ 70763
license, ~~twenty two~~ forty-five dollars ~~and fifty cents,~~ which fee 70764
shall not be returned if the applicant fails to qualify for 70765
renewal; 70766

(10) ~~For issuing a replacement license to a pharmacist,~~ 70767
~~twenty two dollars and fifty cents;~~ 70768

~~(11) For issuing a replacement license to a pharmacy intern,~~ 70769
~~seven dollars and fifty cents;~~ 70770

~~(12) For issuing a replacement identification card to a~~ 70771
~~pharmacist, thirty seven dollars and fifty cents, or pharmacy~~ 70772
~~intern, seven dollars and fifty cents;~~ 70773

~~(13)~~ For certifying licensure and grades for reciprocal 70774
licensure, ~~ten~~ thirty-five dollars; 70775

~~(14)~~(11) For making copies of any application, affidavit, or 70776
other document filed in the state board of pharmacy office, an 70777
amount fixed by the board that is adequate to cover the expense, 70778
except that for copies required by federal or state agencies or 70779
law enforcement officers for official purposes, no charge need be 70780
made; 70781

~~(15)~~(12) For certifying and affixing the seal of the board, 70782
an amount fixed by the board that is adequate to cover the 70783
expense, except that for certifying and affixing the seal of the 70784
board to a document required by federal or state agencies or law 70785
enforcement officers for official purposes, no charge need be 70786
made; 70787

~~(16)~~(13) For each copy of a book or pamphlet that includes 70788
laws administered by the state board of pharmacy, rules adopted by 70789
the board, and chapters of the Revised Code with which the board 70790
is required to comply, an amount fixed by the board that is 70791
adequate to cover the expense of publishing and furnishing the 70792
book or pamphlet. 70793

(B)(1) Subject to division (B)(2) of this section, the fees 70794
described in divisions (A)(1) to ~~(13)~~(10) of this section do not 70795
apply to an individual who is on active duty in the armed forces 70796
of the United States, as defined in section 5903.01 of the Revised 70797
Code, to the spouse of an individual who is on active duty in the 70798
armed forces of the United States, or to an individual who served 70799
in the armed forces of the United States and presents a ~~valid copy~~ 70800
~~of the individual's DD-214 form or an equivalent document issued~~ 70801
~~by the United States department of defense indicating that the~~ 70802
~~individual is an honorably discharged veteran~~ documentation that 70803
the individual has been discharged under honorable conditions from 70804
the armed forces or has been transferred to the reserve with 70805

evidence of satisfactory service. 70806

(2) The state board of pharmacy may establish limits with 70807
respect to the individuals for whom fees are not applicable under 70808
division (B)(1) of this section. 70809

Sec. 4729.16. (A)(1) The state board of pharmacy, after 70810
notice and hearing in accordance with Chapter 119. of the Revised 70811
Code, may impose any one or more of the following sanctions on a 70812
pharmacist or pharmacy intern if the board finds the individual 70813
engaged in any of the conduct set forth in division (A)(2) of this 70814
section: 70815

(a) Revoke, suspend, restrict, limit, or refuse to grant or 70816
renew a license; 70817

(b) Reprimand or place the license holder on probation; 70818

(c) Impose a monetary penalty or forfeiture not to exceed in 70819
severity any fine designated under the Revised Code for a similar 70820
offense, or in the case of a violation of a section of the Revised 70821
Code that does not bear a penalty, a monetary penalty or 70822
forfeiture of not more than five hundred dollars. 70823

(2) The board may impose the sanctions listed in division 70824
(A)(1) of this section if the board finds a pharmacist or pharmacy 70825
intern: 70826

(a) Has been convicted of a felony, or a crime of moral 70827
turpitude, as defined in section 4776.10 of the Revised Code; 70828

(b) Engaged in dishonesty or unprofessional conduct in the 70829
practice of pharmacy; 70830

(c) Is addicted to or abusing alcohol or drugs or is impaired 70831
physically or mentally to such a degree as to render the 70832
pharmacist or pharmacy intern unfit to practice pharmacy; 70833

(d) Has been convicted of a misdemeanor related to, or 70834

committed in, the practice of pharmacy; 70835

(e) Violated, conspired to violate, attempted to violate, or 70836
aided and abetted the violation of any of the provisions of this 70837
chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 70838
2925. or 3719. of the Revised Code, or any rule adopted by the 70839
board under those provisions; 70840

(f) Permitted someone other than a pharmacist or pharmacy 70841
intern to practice pharmacy; 70842

(g) Knowingly lent the pharmacist's or pharmacy intern's name 70843
to an illegal practitioner of pharmacy or had a professional 70844
connection with an illegal practitioner of pharmacy; 70845

(h) Divided or agreed to divide remuneration made in the 70846
practice of pharmacy with any other individual, including, but not 70847
limited to, any licensed health professional authorized to 70848
prescribe drugs or any owner, manager, or employee of a health 70849
care facility, residential care facility, or nursing home; 70850

(i) Violated the terms of a consult agreement entered into 70851
pursuant to section 4729.39 of the Revised Code; 70852

(j) Committed fraud, misrepresentation, or deception in 70853
applying for or securing a license ~~or identification card~~ issued 70854
by the board under this chapter or under Chapter 3715. or 3719. of 70855
the Revised Code; 70856

(k) Failed to comply with an order of the board or a 70857
settlement agreement; 70858

(l) Engaged in any other conduct for which the board may 70859
impose discipline as set forth in rules adopted under section 70860
4729.26 of the Revised Code. 70861

(B) Any individual whose ~~identification card~~ or license is 70862
revoked, suspended, or refused, shall return the ~~identification~~ 70863
~~card and~~ license to the offices of the state board of pharmacy 70864

within ten days after receipt of notice of such action. 70865

(C) As used in this section: 70866

"Unprofessional conduct in the practice of pharmacy" includes 70867
any of the following: 70868

(1) Advertising or displaying signs that promote dangerous 70869
drugs to the public in a manner that is false or misleading; 70870

(2) Except as provided in section 4729.281 or 4729.44 of the 70871
Revised Code, the dispensing or sale of any drug for which a 70872
prescription is required, without having received a prescription 70873
for the drug; 70874

(3) Knowingly dispensing medication pursuant to false or 70875
forged prescriptions; 70876

(4) Knowingly failing to maintain complete and accurate 70877
records of all dangerous drugs received or dispensed in compliance 70878
with federal laws and regulations and state laws and rules; 70879

(5) Obtaining any remuneration by fraud, misrepresentation, 70880
or deception; 70881

(6) Failing to conform to prevailing standards of care of 70882
similar pharmacists or pharmacy interns under the same or similar 70883
circumstances, whether or not actual injury to a patient is 70884
established; 70885

(7) Engaging in any other conduct that the board specifies as 70886
unprofessional conduct in the practice of pharmacy in rules 70887
adopted under section 4729.26 of the Revised Code. 70888

(D) The board may suspend a license ~~or identification card~~ 70889
under division (B) of section 3719.121 of the Revised Code by 70890
utilizing a telephone conference call to review the allegations 70891
and take a vote. 70892

(E) For purposes of this division, an individual authorized 70893
to practice as a pharmacist or pharmacy intern accepts the 70894

privilege of practicing in this state subject to supervision by 70895
the board. By filing an application for or holding a license to 70896
practice as a pharmacist or pharmacy intern, an individual gives 70897
consent to submit to a mental or physical examination when ordered 70898
to do so by the board in writing and waives all objections to the 70899
admissibility of testimony or examination reports that constitute 70900
privileged communications. 70901

If the board has reasonable cause to believe that an 70902
individual who is a pharmacist or pharmacy intern is physically or 70903
mentally impaired, the board may require the individual to submit 70904
to a physical or mental examination, or both. The expense of the 70905
examination is the responsibility of the individual required to be 70906
examined. 70907

Failure of an individual who is a pharmacist or pharmacy 70908
intern to submit to a physical or mental examination ordered by 70909
the board, unless the failure is due to circumstances beyond the 70910
individual's control, constitutes an admission of the allegations 70911
and a suspension order shall be entered without the taking of 70912
testimony or presentation of evidence. Any subsequent adjudication 70913
hearing under Chapter 119. of the Revised Code concerning failure 70914
to submit to an examination is limited to consideration of whether 70915
the failure was beyond the individual's control. 70916

If, based on the results of an examination ordered under this 70917
division, the board determines that the individual's ability to 70918
practice is impaired, the board shall suspend the individual's 70919
license or deny the individual's application and shall require the 70920
individual, as a condition for an initial, continued, reinstated, 70921
or renewed license to practice, to submit to a physical or mental 70922
examination and treatment. 70923

An order of suspension issued under this division shall not 70924
be subject to suspension by a court during pendency of any appeal 70925
filed under section 119.12 of the Revised Code. 70926

(F) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or licensee does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(G) Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(H) No pharmacist or pharmacy intern shall knowingly engage in any conduct described in divisions (A)(2)(b) or (A)(2)(e) to (l) of this section.

Sec. 4729.23. (A) Except as provided in division (B) of this section, information received by the state board of pharmacy pursuant to an investigation is confidential and is not subject to discovery in any civil action. Any record that identifies a patient, confidential informant, or individual who files a complaint with the board or may reasonably lead to the identification of the patient, informant, or complainant is not a

public record for purposes of section 149.43 of the Revised Code 70958
and is not subject to inspection or copying under section 1347.08 70959
of the Revised Code. 70960

(B) The board shall conduct all investigations or inspections 70961
and proceedings in a manner that protects the confidentiality of 70962
patients, confidential informants, and individuals who file 70963
complaints with the board. The board shall not make public the 70964
names or any other identifying information of patients, 70965
confidential informants, or complainants unless proper consent is 70966
given or, in the case of a patient, a waiver of the patient 70967
privilege exists under division (B) of section 2317.02 of the 70968
Revised Code. The consent or waiver is not required if the board 70969
possesses reliable and substantial evidence that no bona fide 70970
physician-patient relationship exists. 70971

On request, the board may share any information it receives 70972
pursuant to an investigation or inspection, including patient 70973
records and patient record information, with law enforcement 70974
agencies, other licensing boards, and other state or federal 70975
governmental agencies that are prosecuting, adjudicating, or 70976
investigating alleged violations of statutes or administrative 70977
rules. An agency or board that receives the information shall 70978
comply with the same requirements regarding confidentiality as 70979
those with which the state board of pharmacy must comply, 70980
notwithstanding any conflicting provision of the Revised Code or 70981
agency procedure that applies when the agency is dealing with 70982
other information in its possession. 70983

Any information the board receives from a state or federal 70984
agency is subject to the same confidentiality requirements as the 70985
agency from which it was received and shall not be released by the 70986
board without prior authorization from that agency. 70987

The board may, for good cause shown, disclose or authorize 70988

disclosure of information gathered pursuant to an investigation. 70989

(C) Any board activity that involves continued monitoring of 70990
an individual for treatment or recovery purposes as part of or 70991
following any disciplinary action taken under section 4729.16, 70992
4729.56, or 4729.57 of the Revised Code shall be conducted in a 70993
manner that maintains an individual's confidentiality with respect 70994
to the individual's treatment or recovery program. Information 70995
received or maintained by the board with respect to the board's 70996
monitoring activities is not subject to discovery in any civil 70997
action and is confidential, except that the board may disclose 70998
information to law enforcement officers and government entities 70999
for purposes of an investigation of a license or certificate 71000
holder. 71001

Sec. 4729.24. (A) Subject to division (B) of this section, in 71002
addition to the actions the state board of pharmacy may take under 71003
Chapter 119. of the Revised Code, the board may order the taking 71004
of depositions; examine and copy any books, accounts, papers, 71005
records, documents, and other tangible objects; issue subpoenas; 71006
and compel the attendance of witnesses and production of books, 71007
accounts, papers, records, documents, and other tangible objects. 71008

On failure of a person to comply with a subpoena issued by 71009
the board and after reasonable notice to that person, the board 71010
may apply to the court of common pleas of Franklin county for an 71011
order compelling the production of persons or records pursuant to 71012
the Ohio Rules of Civil Procedure. 71013

A subpoena issued by the board may be served by a sheriff, 71014
sheriff's deputy, or board employee designated by the board. 71015
Service of a subpoena may be made by delivering a copy of the 71016
subpoena to the person named in the subpoena or by leaving it at 71017
the person's usual place of residence. 71018

(B) A subpoena for patient record information may be issued 71019

only on approval by the board's executive director and the 71020
president or another board member designated by the president, in 71021
consultation with the office of the attorney general. Before 71022
issuing the subpoena, the executive director and the office of the 71023
attorney general shall determine whether probable cause exists to 71024
believe that the complaint filed alleges, or an investigation has 71025
revealed, a violation of this chapter or Chapters 2925., 3715., 71026
3719., or 3796. of the Revised Code or any rule adopted by the 71027
board, that the records sought are relevant to the alleged 71028
violation and material to the investigation, and that the records 71029
cover a reasonable period of time surrounding the alleged 71030
violation. 71031

(C) The board may adopt rules in accordance with Chapter 119. 71032
of the Revised Code establishing procedures to be followed in 71033
taking the actions authorized by this section, including 71034
procedures regarding payment for and service of subpoenas. 71035

Sec. 4729.51. (A) No person other than a registered licensed 71036
manufacturer of dangerous drugs, outsourcing facility, third-party 71037
logistics provider, repackager of dangerous drugs, or 71038
wholesale distributor of dangerous drugs shall possess for sale, sell, 71039
distribute, or deliver, at wholesale, dangerous drugs or 71040
investigational drugs or products, except as follows: 71041

(1) A licensed terminal distributor of dangerous drugs that 71042
is a pharmacy may make occasional sales of dangerous drugs or 71043
investigational drugs or products at wholesale. 71044

(2) A licensed terminal distributor of dangerous drugs having 71045
more than one licensed location may transfer or deliver dangerous 71046
drugs from one licensed location to another licensed location 71047
owned by the terminal distributor if the license issued for each 71048
location is in effect at the time of the transfer or delivery. 71049

(3) A licensed terminal distributor of dangerous drugs that 71050

is not a pharmacy may make occasional sales of naloxone at 71051
wholesale. 71052

(B) No ~~registered~~ licensed manufacturer, outsourcing 71053
facility, third-party logistics provider, repackager, or 71054
distributor ~~of dangerous drugs~~ shall possess for sale, sell, or 71055
distribute, at wholesale, dangerous drugs or investigational drugs 71056
or products to any person other than the following: 71057

(1) Subject to division (D) of this section, a licensed 71058
terminal distributor of dangerous drugs; 71059

(2) Subject to division (C) of this section, any person 71060
exempt from licensure as a terminal distributor of dangerous drugs 71061
under section 4729.541 of the Revised Code; 71062

(3) A ~~registered~~ licensed manufacturer, outsourcing facility, 71063
third-party logistics provider, repackager, or 71064
distributor ~~of dangerous drugs~~; 71065

(4) A terminal distributor, manufacturer, outsourcing 71066
facility, third-party logistics provider, repackager, or 71067
distributor ~~of dangerous drugs~~ that is located in another state, 71068
is not engaged in the sale of dangerous drugs within this state, 71069
and is actively licensed to engage in the sale of dangerous drugs 71070
by the state in which the distributor conducts business. 71071

(C) No ~~registered~~ licensed manufacturer, outsourcing 71072
facility, third-party logistics provider, repackager, or 71073
distributor ~~of dangerous drugs~~ shall possess for sale, sell, or 71074
distribute, at wholesale, dangerous drugs or investigational drugs 71075
or products to either of the following: 71076

(1) A prescriber who is employed by either of the following: 71077

(a) A pain management clinic that is not licensed as a 71078
terminal distributor of dangerous drugs with a pain management 71079
clinic classification issued under section 4729.552 of the Revised 71080

Code; 71081

(b) A facility, clinic, or other location that provides 71082
office-based opioid treatment but is not licensed as a terminal 71083
distributor of dangerous drugs with an office-based opioid 71084
treatment classification issued under section 4729.553 of the 71085
Revised Code if such a license is required by that section. 71086

(2) A business entity described in division (A)(2) or (3) of 71087
section 4729.541 of the Revised Code that is, or is operating, 71088
either of the following: 71089

(a) A pain management clinic without a license as a terminal 71090
distributor of dangerous drugs with a pain management clinic 71091
classification issued under section 4729.552 of the Revised Code; 71092

(b) A facility, clinic, or other location that provides 71093
office-based opioid treatment without a license as a terminal 71094
distributor of dangerous drugs with an office-based opioid 71095
treatment classification issued under section 4729.553 of the 71096
Revised Code if such a license is required by that section. 71097

(D) No ~~registered~~ licensed manufacturer, outsourcing 71098
facility, third-party logistics provider, repackager, or wholesale 71099
~~distributor of dangerous drugs~~ shall possess dangerous drugs or 71100
investigational drugs or products for sale at wholesale, or sell 71101
or distribute such drugs at wholesale, to a licensed terminal 71102
distributor of dangerous drugs, except as follows: 71103

~~(1) In the case of a terminal distributor with a category I~~ 71104
~~license, only dangerous drugs described in category I, as defined~~ 71105
~~in division (A)(1) of section 4729.54 of the Revised Code;~~ 71106

~~(2)~~ In the case of a terminal distributor with a category II 71107
license, only dangerous drugs ~~described in category I and~~ category 71108
II, as defined in ~~divisions~~ division (A)(1) ~~and (2)~~ of section 71109
4729.54 of the Revised Code; 71110

~~(3)~~(2) In the case of a terminal distributor with a category III license, dangerous drugs described in ~~category I,~~ category II, and category III, as defined in divisions (A)(1), and (2), ~~and (3)~~ of section 4729.54 of the Revised Code;

~~(4)~~(3) In the case of a terminal distributor with a limited category ~~I,~~ II, or III license, only the dangerous drugs specified in the ~~certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code~~ license.

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:

- (a) Sell or distribute, at retail, dangerous drugs;
- (b) Possess for sale, at retail, dangerous drugs;
- (c) Possess dangerous drugs.

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following:

- (i) A licensed terminal distributor of dangerous drugs;
- (ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code;

(iii) Any of the persons identified in divisions (A)(1) to (5) and (13) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(b) Division (E)(1)(c) of this section does not apply to any of the following:

- (i) A ~~registered~~ licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs;

(ii) Any of the persons identified in divisions (A)(6) to

(12) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a ~~registered licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs,~~ except as follows:

(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A)(1) or (3) of this section.

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery.

(G) No licensed terminal distributor of dangerous drugs shall engage in the retail sale or other distribution of dangerous drugs or investigational drugs or products or maintain possession, custody, or control of dangerous drugs or investigational drugs or products for any purpose other than the distributor's personal use or consumption, at any establishment or place other than that or those described in the license issued by the state board of pharmacy to such terminal distributor.

(H) Nothing in this section shall be construed to interfere with the performance of official duties by any law enforcement official authorized by municipal, county, state, or federal law to

collect samples of any drug, regardless of its nature or in whose possession it may be. 71171
71172

(I) Notwithstanding anything to the contrary in this section, 71173
the board of education of a city, local, exempted village, or 71174
joint vocational school district may distribute epinephrine 71175
autoinjectors for use in accordance with section 3313.7110 of the 71176
Revised Code and may distribute inhalers for use in accordance 71177
with section 3313.7113 of the Revised Code. 71178

Sec. 4729.52. (A) As used in this section: 71179

(1) "Category II" means any dangerous drug that is not included in category III. 71180
71181

(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V. 71182
71183

(3) "Schedule I, schedule II, schedule III, schedule IV, and schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended. 71184
71185
71186
71187

(B)(1)(a) The state board of pharmacy shall license the following persons: 71188
71189

(i) Wholesale distributors of dangerous drugs; 71190

(ii) Manufacturers of dangerous drugs; 71191

(iii) Outsourcing facilities; 71192

(iv) Third-party logistics providers; 71193

(v) Repackagers of dangerous drugs. 71194

(b) There shall be two categories for the licenses identified in division (B)(1)(a) of this section. The categories are as follows: 71195
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71197

(i) Category II license. A person who obtains this license 71198

may possess, have custody or control of, and distribute, only the 71199
dangerous drugs described in category II. 71200

(ii) Category III license. A person who obtains this license 71201
may possess, have custody or control of, and distribute, the 71202
dangerous drugs described in category II and category III. 71203

(c) The board may adopt rules under section 4729.26 of the 71204
Revised Code to create classification types of any license issued 71205
pursuant to this section. Persons who meet the definitions of the 71206
classification types shall comply with all requirements for the 71207
specific license classification specified in rule. 71208

(C) A person ~~desiring to be registered as a wholesale~~ 71209
~~distributor of dangerous drugs~~ seeking a license identified in 71210
division (B)(1)(a) of this section shall file with the executive 71211
director of the ~~state board of pharmacy~~ a verified application 71212
containing such information as the board requires of the applicant 71213
relative to the licensure qualifications ~~to be registered as a~~ 71214
~~wholesale distributor of dangerous drugs~~ set forth in section 71215
4729.53 of the Revised Code and the rules adopted under that 71216
section. ~~The~~ 71217

The board shall ~~register~~ license as a category II or category 71218
III manufacturer, outsourcing facility, third-party logistics 71219
provider, repackager, or ~~wholesale distributor of dangerous drugs~~ 71220
each applicant who has paid the required ~~registration~~ license fee, 71221
if the board determines that the applicant meets the licensure 71222
qualifications ~~to be registered as a wholesale distributor of~~ 71223
~~dangerous drugs~~ set forth in section 4729.53 of the Revised Code 71224
and the rules adopted under that section. 71225

~~(B)(D)~~ The board may ~~register and~~ issue to a person who does 71226
not reside in this state a ~~registration certificate as a wholesale~~ 71227
~~distributor of dangerous drugs~~ license identified in division 71228
(B)(1)(a) of this section if the person ~~possesses~~ pays the 71229

required licensure fee and meets either of the following: 71230

(1) Possesses a current and valid manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs registration certificate or license, or its equivalent, issued by another state that in which that person is physically located, but only if that state has qualifications for licensure or registration comparable to the registration licensure requirements in this state and pays the required registration fee; 71231
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(2) Meets the requirements set forth by the board for issuance of a license identified in division (B)(1)(a) of this section, as verified by a state, federal, or other entity recognized by the board to perform such verification. 71239
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(C)(E) All registration certificates licenses issued or renewed pursuant to this section are effective for a period of twelve months from the first day of July of each year specified by the board in rules adopted under section 4729.26 of the Revised Code. The effective period for an initial or renewed license shall not exceed twenty-four months unless the board extends the period in rules to adjust license renewal schedules. A registration certificate license shall be renewed annually by the board for a like period, pursuant to this section and, the standard renewal procedure of Chapter 4745. of the Revised Code, and rules adopted by the board under section 4729.26 of the Revised Code. A person desiring seeking to renew a registration certificate license shall submit an application for renewal and pay the required renewal fee before the first day of July each year date specified in the rules adopted by the board. 71243
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(D)(F) Each registration certificate and its application license issued under this section shall describe not more than one establishment or place where the registrant or applicant license holder may engage in the sale of dangerous drugs at wholesale 71258
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activities authorized by the license. No ~~registration certificate~~ 71262
license shall authorize or permit the ~~wholesale distributor of~~ 71263
~~dangerous drugs~~ person named therein to engage in the sale or 71264
distribution of drugs at wholesale or to maintain possession, 71265
custody, or control of dangerous drugs for any purpose other than 71266
for the ~~registrant's~~ licensee's own use and consumption at any 71267
establishment or place other than that described in the 71268
~~certificate~~ license. 71269

~~(E)(G)(1)(a)~~ The registration category II license fee is 71270
~~seven hundred fifty one thousand nine hundred~~ dollars and shall 71271
accompany each application for ~~registration licensure~~. The 71272
~~registration license~~ renewal fee is seven hundred fifty one 71273
thousand nine hundred dollars and shall accompany each renewal 71274
application. 71275

(b) The category III license fee is two thousand dollars and 71276
shall accompany each application for licensure. The license 71277
renewal fee is two thousand dollars and shall accompany each 71278
renewal application. 71279

~~A registration certificate~~ (c)(i) Subject to division 71280
(G)(1)(c)(ii) of this section, a license issued pursuant to this 71281
section that has not been renewed ~~in any year by the first day of~~ 71282
~~August~~ by the date specified in rules adopted by the board may be 71283
reinstated upon payment of the renewal fee and a penalty of ~~one~~ 71284
three hundred fifty dollars. 71285

(ii) If a complete application for renewal has not been 71286
submitted by the sixty-first day after the renewal date specified 71287
in rules adopted by the board, the license is considered void and 71288
cannot be renewed, but the license holder may reapply for 71289
licensure. 71290

(2) Renewal fees and penalties assessed under division 71291
~~(E)(G)(1)~~ of this section shall not be returned if the applicant 71292

fails to qualify for renewal. 71293

(3) A person licensed pursuant to this section that fails to 71294
renew licensure in accordance with this section and rules adopted 71295
by the board is prohibited from engaging in manufacturing, 71296
repackaging, compounding, or distributing as a third-party 71297
logistics provider or wholesale distributor until a valid license 71298
is issued by the board. 71299

~~(F) The registration of any person as a wholesale distributor~~ 71300
~~of dangerous drugs~~ (H) Holding a license issued pursuant to this 71301
section subjects the person holder and the person's holder's 71302
agents and employees to the jurisdiction of the board and to the 71303
laws of this state for the purpose of the enforcement of this 71304
chapter and the rules of the board. However, the filing of an 71305
application for ~~registration as a wholesale distributor of~~ 71306
~~dangerous drugs~~ licensure under this section by, or on behalf of, 71307
any person, or the registration issuance of a license pursuant to 71308
this section to or on behalf of any person ~~as a wholesale~~ 71309
~~distributor of dangerous drugs,~~ shall not, of itself, constitute 71310
evidence that the person is doing business within this state. 71311

(I) The board may enter into agreements with other states, 71312
federal agencies, and other entities to exchange information 71313
concerning licensing and inspection of any manufacturer, 71314
outsourcing facility, third-party logistics provider, repackager, 71315
or wholesale distributor located within or outside this state and 71316
to investigate alleged violations of the laws and rules governing 71317
distribution of drugs by such persons. Any information received 71318
pursuant to such an agreement is subject to the same 71319
confidentiality requirements applicable to the agency or entity 71320
from which it was received and shall not be released without prior 71321
authorization from that agency or entity. Any information received 71322
is also subject to section 4729.23 of the Revised Code. 71323

Sec. 4729.53. (A) The state board of pharmacy shall not 71324
~~register~~ license any person as a manufacturer of dangerous drugs, 71325
outsourcing facility, third-party logistics provider, repackager 71326
of dangerous drugs, or wholesale distributor of dangerous drugs 71327
unless the applicant for ~~registration~~ licensure furnishes 71328
satisfactory proof to the board that the applicant meets all of 71329
the following: 71330

(1) If the applicant has ~~been convicted of a violation of~~ 71331
committed acts that the board finds violate any federal, state, or 71332
local law, regulation, or rule relating to drug samples, 71333
manufacturing, compounding, repackaging, wholesale or retail drug 71334
distribution, or distribution of dangerous drugs, including 71335
controlled substances, ~~or of~~ constitute a felony, or if a federal, 71336
state, or local governmental entity has suspended or revoked any 71337
current or prior license ~~or registration~~ of the applicant for the 71338
manufacture, compounding, repackaging, distribution, or sale of 71339
any dangerous drugs, including controlled substances, the 71340
applicant, to the satisfaction of the board, assures that the 71341
applicant has in place adequate safeguards to prevent the 71342
recurrence of any such violations. 71343

(2) The applicant's past experience in the manufacture, 71344
compounding, repackaging, or distribution of dangerous drugs, 71345
including controlled substances, is acceptable to the board. 71346

(3) The applicant is properly equipped as to land, buildings, 71347
equipment, and personnel to properly carry on ~~the~~ its business ~~of~~ 71348
~~a wholesale distributor of dangerous drugs,~~ including providing 71349
adequate security for and proper storage conditions and handling 71350
for dangerous drugs, and is complying with the requirements under 71351
this chapter and the rules adopted pursuant thereto for 71352
maintaining and making available records to properly identified 71353
board officials and federal, state, and local law enforcement 71354

agencies. 71355

(4) Personnel employed by the applicant have the appropriate 71356
education or experience, as determined by the board, to assume 71357
responsibility for positions related to compliance with this 71358
chapter and the rules adopted pursuant thereto. 71359

(5) The applicant has designated the name and address of a 71360
person to whom communications from the board may be directed and 71361
upon whom the notices and citations provided for in section 71362
4729.56 of the Revised Code may be served. 71363

(6) Adequate safeguards are assured to prevent the sale of 71364
dangerous drugs ~~to any person other than those named in division~~ 71365
~~(B) of~~ in accordance with section 4729.51 of the Revised Code. 71366

(7) Any other requirement or qualification the board, by rule 71367
adopted in accordance with Chapter 119. of the Revised Code, 71368
considers relevant to and consistent with the public safety and 71369
health. 71370

(B) In addition to the causes described in section 4729.56 of 71371
the Revised Code for refusing to grant or renew a ~~registration~~ 71372
~~certificate~~ license, the board may refuse to ~~register~~ grant or 71373
renew ~~the registration certificate of any person a~~ license if the 71374
board determines that the granting of the ~~registration~~ license 71375
certificate or its renewal is not in the public interest. 71376

Sec. 4729.54. (A) As used in this section: 71377

(1) ~~"Category I" means single dose injections of intravenous 71378
fluids, including saline, Ringer's lactate, five per cent dextrose 71379
and distilled water, and other intravenous fluids or parenteral 71380
solutions included in this category by rule of the state board of 71381
pharmacy, that have a volume of one hundred milliliters or more 71382
and that contain no added substances, or single dose injections of 71383
epinephrine to be administered pursuant to sections 4765.38 and 71384~~

~~4765.39 of the Revised Code.~~ 71385

~~(2)~~ "Category II" means any dangerous drug that is not 71386
included in category ~~I or~~ III. 71387

~~(3)~~(2) "Category III" means any controlled substance that is 71388
contained in schedule I, II, III, IV, or V. 71389

~~(4)~~(3) "Emergency medical service organization" has the same 71390
meaning as in section 4765.01 of the Revised Code. 71391

~~(5)~~(4) "Person" includes an emergency medical service 71392
organization. 71393

~~(6)~~(5) "Schedule I, schedule II, schedule III, schedule IV,
and schedule V" mean controlled substance schedules I, II, III,
IV, and V, respectively, as established pursuant to section
3719.41 of the Revised Code and as amended. 71394
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(B)(1) A person ~~who desires~~ seeking to be licensed as a 71398
terminal distributor of dangerous drugs shall file with the 71399
executive director of the state board of pharmacy a verified 71400
application. After it is filed, the application may not be 71401
withdrawn without approval of the board. 71402

(2) An application shall contain all the following that apply 71403
in the applicant's case: 71404

(a) Information that the board requires relative to the 71405
qualifications of a terminal distributor of dangerous drugs set 71406
forth in section 4729.55 of the Revised Code; 71407

(b) A statement ~~that as to whether~~ the person ~~wishes is~~ 71408
seeking to be licensed as a ~~category I,~~ category II, category III,
~~limited category I,~~ limited category II, or limited category III 71409
terminal distributor of dangerous drugs; 71410
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(c) If the person ~~wishes is~~ seeking to be licensed as a 71412
~~limited category I,~~ limited category II, or limited category III 71413
terminal distributor of dangerous drugs, a ~~notarized~~ list of the 71414

dangerous drugs that the person ~~wishes~~ is seeking to possess, have 71415
custody or control of, and distribute, which list shall also 71416
specify the purpose for which those drugs will be used and their 71417
source; 71418

(d) If the person is an emergency medical service 71419
organization, the information that is specified in division (C)(1) 71420
of this section; 71421

(e) Except for an emergency medical service organization, the 71422
identity of the one establishment or place at which the person 71423
intends to engage in the sale or other distribution of dangerous 71424
drugs at retail, and maintain possession, custody, or control of 71425
dangerous drugs for purposes other than the person's own use or 71426
consumption; 71427

(f) If the application pertains to a pain management clinic, 71428
information that demonstrates, to the satisfaction of the board, 71429
compliance with division (A) of section 4729.552 of the Revised 71430
Code; 71431

(g) If the application pertains to a facility, clinic, or 71432
other location described in division (B) of section 4729.553 of 71433
the Revised Code that must hold a category III terminal 71434
distributor of dangerous drugs license with an office-based opioid 71435
treatment classification, information that demonstrates, to the 71436
satisfaction of the board, compliance with division (C) of that 71437
section. 71438

(C)(1) An emergency medical service organization ~~that wishes~~ 71439
seeking to be licensed as a terminal distributor of dangerous 71440
drugs shall list in its application for licensure the following 71441
additional information: 71442

(a) The units under its control that the organization 71443
determines will possess dangerous drugs for the purpose of 71444
administering emergency medical services in accordance with 71445

Chapter 4765. of the Revised Code; 71446

(b) With respect to each such unit, whether the dangerous 71447
drugs that the organization determines the unit will possess are 71448
in category I, II, or III. 71449

(2) An emergency medical service organization that is 71450
licensed as a terminal distributor of dangerous drugs shall file a 71451
new application for such licensure if there is any change in the 71452
number, or location of, any of its units or any change in the 71453
category of the dangerous drugs that any unit will possess. 71454

(3) A unit listed in an application for licensure pursuant to 71455
division (C)(1) of this section may obtain the dangerous drugs it 71456
is authorized to possess from its emergency medical service 71457
organization or, on a replacement basis, from a hospital pharmacy. 71458
If units will obtain dangerous drugs from a hospital pharmacy, the 71459
organization shall file, and maintain in current form, the 71460
following items with the pharmacist who is responsible for the 71461
hospital's terminal distributor of dangerous drugs license: 71462

(a) A copy of its standing orders or protocol; 71463

(b) A list of the personnel employed or used by the 71464
organization to provide emergency medical services in accordance 71465
with Chapter 4765. of the Revised Code, who are authorized to 71466
possess the drugs, which list also shall indicate the personnel 71467
who are authorized to administer the drugs. 71468

(D) Each emergency medical service organization that applies 71469
for a terminal distributor of dangerous drugs license shall submit 71470
with its application the following: 71471

(1) A ~~notarized~~ copy of its standing orders or protocol, 71472
which orders or protocol shall be signed by a physician ~~and~~ 71473
~~specify:~~ 71474

(2) A list of the dangerous drugs that its units may carry, 71475

expressed in standard dose units, which shall be signed by a 71476
physician; 71477

~~(2)~~(3) A list of the personnel employed or used by the 71478
organization to provide emergency medical services in accordance 71479
with Chapter 4765. of the Revised Code. 71480

~~An~~ In accordance with Chapter 119. of the Revised Code, the 71481
board shall adopt rules specifying when an emergency medical 71482
service organization that is licensed as a terminal distributor 71483
~~shall~~ must notify the board ~~immediately~~ of any changes in its 71484
~~standing orders or protocol~~ documentation submitted pursuant to 71485
division (D) of this section. 71486

(E) There shall be ~~six~~ four categories of terminal 71487
distributor of dangerous drugs licenses, ~~which.~~ The categories 71488
~~shall be~~ are as follows: 71489

(1) ~~Category I license. A person who obtains this license may~~ 71490
~~possess, have custody or control of, and distribute only the~~ 71491
~~dangerous drugs described in category I.~~ 71492

~~(2) Limited category I license. A person who obtains this~~ 71493
~~license may possess, have custody or control of, and distribute~~ 71494
~~only the dangerous drugs described in category I that were listed~~ 71495
~~in the application for licensure.~~ 71496

~~(3)~~ Category II license. A person who obtains this license 71497
may possess, have custody or control of, and distribute only the 71498
dangerous drugs described in ~~category I and~~ category II. 71499

~~(4)~~(2) Limited category II license. A person who obtains this 71500
license may possess, have custody or control of, and distribute 71501
only the dangerous drugs described in ~~category I or~~ category II 71502
that were listed in the application for licensure. 71503

~~(5)~~(3) Category III license, which may include a pain 71504
management clinic classification issued under section 4729.552 of 71505

the Revised Code. A person who obtains this license may possess, 71506
have custody or control of, and distribute the dangerous drugs 71507
described in ~~category I~~, category II, and category III. If the 71508
license includes a pain management clinic classification, the 71509
person may operate a pain management clinic. 71510

~~(6)~~(4) Limited category III license. A person who obtains 71511
this license may possess, have custody or control of, and 71512
distribute only the dangerous drugs described in ~~category I~~, 71513
category II, or category III that were listed in the application 71514
for licensure. 71515

(F) Except for an application made on behalf of an animal 71516
shelter, if an applicant for ~~licensure as a limited category I,~~ 71517
II, license or limited category III ~~terminal distributor of~~ 71518
~~dangerous drugs~~ license intends to administer dangerous drugs to a 71519
person or animal, the applicant shall submit, with the 71520
application, a ~~notarized~~ copy of its protocol or standing orders, 71521
~~which.~~ The protocol or orders shall be signed by a licensed health 71522
professional authorized to prescribe drugs, specify the dangerous 71523
drugs to be administered, and list personnel who are authorized to 71524
administer the dangerous drugs in accordance with federal law or 71525
the law of this state. An application made on behalf of an animal 71526
shelter shall include a ~~notarized~~ list of the dangerous drugs to 71527
be administered to animals and the personnel who are authorized to 71528
administer the drugs to animals in accordance with section 71529
4729.532 of the Revised Code. ~~After obtaining a terminal~~ 71530
~~distributor license,~~ 71531

In accordance with Chapter 119. of the Revised Code, the 71532
board shall adopt rules specifying when a licensee shall must 71533
notify the board ~~immediately~~ of any changes in its ~~protocol or~~ 71534
~~standing orders, or in such personnel~~ documentation submitted 71535
pursuant to this division. 71536

(G)(1) Except as provided in division (G)(2) of this section, 71537

each applicant for licensure as a terminal distributor of 71538
dangerous drugs shall submit, with the application, a license fee 71539
determined as follows: 71540

(a) ~~For a category I or limited category I license,~~ 71541
~~forty five dollars;~~ 71542

~~(b) For a category II or limited category II license, one the~~ 71543
~~fee is three hundred twelve twenty dollars and fifty cents;.~~ 71544

~~(c)~~(b) For a category III license, including a license with a 71545
pain management clinic classification issued under section 71546
4729.552 of the Revised Code, or a limited category III license, 71547
~~one four hundred fifty forty~~ dollars. 71548

(2)(a) Except as provided in division (G)(2)(b) of this 71549
section, for a person who is required to hold a license as a 71550
terminal distributor of dangerous drugs pursuant to division (D) 71551
of section 4729.541 of the Revised Code, the fee ~~shall be sixty is~~ 71552
one hundred twenty dollars. 71553

(b) For a professional association, corporation, partnership, 71554
or limited liability company organized for the purpose of 71555
practicing veterinary medicine, the fee ~~shall be forty is one~~ 71556
hundred twenty dollars. 71557

(3) Fees assessed under divisions (G)(1) and (2) of this 71558
section shall not be returned if the applicant fails to qualify 71559
for ~~registration~~ the license. 71560

(H)(1) The board shall issue a terminal distributor of 71561
dangerous drugs license to each person who submits an application 71562
for such licensure in accordance with this section, pays the 71563
required license fee, is determined by the board to meet the 71564
requirements set forth in section 4729.55 of the Revised Code, and 71565
satisfies any other applicable requirements of this section. 71566

(2) The license of a person other than an emergency medical 71567

service organization shall describe the one establishment or place 71568
at which the licensee may engage in the sale or other distribution 71569
of dangerous drugs at retail and maintain possession, custody, or 71570
control of dangerous drugs for purposes other than the licensee's 71571
own use or consumption. The one establishment or place shall be 71572
that which is ~~described~~ identified in the application for 71573
licensure. 71574

No such license shall authorize or permit the terminal 71575
distributor of dangerous drugs named in it to engage in the sale 71576
or other distribution of dangerous drugs at retail or to maintain 71577
possession, custody, or control of dangerous drugs for any purpose 71578
other than the distributor's own use or consumption, at any 71579
establishment or place other than that described in the license, 71580
except that an agent or employee of an animal shelter may possess 71581
and use dangerous drugs in the course of business as provided in 71582
division (D) of section 4729.532 of the Revised Code. 71583

(3) The license of an emergency medical service organization 71584
shall cover and describe all the units of the organization listed 71585
in its application for licensure. 71586

~~(4) The license of every terminal distributor of dangerous 71587
drugs shall indicate, on its face, the category of licensure. If 71588
the license is a limited category I, II, or III license, it shall 71589
specify, and shall authorize the licensee to possess, have custody 71590
or control of, and distribute only, the dangerous drugs that were 71591
listed in the application for licensure. 71592~~

(I)(1) All licenses issued or renewed pursuant to this 71593
section shall be effective for a period ~~of twelve months from the~~ 71594
~~first day of April of each year~~ specified by the board in rules 71595
adopted under section 4729.26 of the Revised Code. The effective 71596
period for an initial or renewed license shall not exceed 71597
twenty-four months unless the board extends the period in rules to 71598
adjust license renewal schedules. A license shall be renewed by 71599

the board ~~for a like period, annually,~~ according to the provisions 71600
of this section, ~~and~~ the standard renewal procedure of Chapter 71601
4745. of the Revised Code, and rules adopted by the board under 71602
section 4729.26 of the Revised Code. A person ~~who desires~~ seeking 71603
to renew a license shall submit an application for renewal and pay 71604
the required fee on or before the ~~thirty first day of March each~~ 71605
~~year~~ date specified in the rules adopted by the board. The fee 71606
required for the renewal of a license shall be the same as the 71607
license fee paid ~~for the license being renewed, and shall~~ 71608
~~accompany the application for renewal~~ under division (G) of this 71609
section. 71610

A (2)(a) Subject to division (I)(2)(b) of this section, a 71611
license that has not been renewed ~~during March in any year and by~~ 71612
~~the first day of May of the same year~~ by the date specified in 71613
rules adopted by the board may be reinstated only upon payment of 71614
the required renewal fee and a penalty fee of ~~fifty five~~ one 71615
hundred ten dollars. 71616

(b) If an application for renewal has not been submitted by 71617
the sixty-first day after the renewal date specified in rules 71618
adopted by the board, the license is considered void and cannot be 71619
renewed, but the license holder may reapply for licensure. 71620

(3) A terminal distributor of dangerous drugs that fails to 71621
renew licensure in accordance with this section and rules adopted 71622
by the board is prohibited from engaging in the retail sale, 71623
possession, or distribution of dangerous drugs until a valid 71624
license is issued by the board. 71625

(J)(1) No emergency medical service organization that is 71626
licensed as a terminal distributor of dangerous drugs shall fail 71627
to comply with division (C)(2) or (3) of this section. 71628

(2) No emergency medical service organization that is 71629
licensed as a terminal distributor of dangerous drugs shall fail 71630

to comply with division (D) of this section. 71631

(3) No licensed terminal distributor of dangerous drugs shall 71632
possess, have custody or control of, or distribute dangerous drugs 71633
that the terminal distributor is not entitled to possess, have 71634
custody or control of, or distribute by virtue of its category of 71635
licensure. 71636

(4) No licensee that is required by division (F) of this 71637
section to notify the board of changes in its protocol or standing 71638
orders, or in personnel, shall fail to comply with that division. 71639

(K) The board may enter into agreements with other states, 71640
federal agencies, and other entities to exchange information 71641
concerning licensing and inspection of terminal distributors of 71642
dangerous drugs located within or outside this state and to 71643
investigate alleged violations of the laws and rules governing 71644
distribution of drugs by terminal distributors. Any information 71645
received pursuant to such an agreement is subject to the same 71646
confidentiality requirements applicable to the agency or entity 71647
from which it was received and shall not be released without prior 71648
authorization from that agency or entity. 71649

Sec. 4729.552. (A) To be eligible to receive a license as a 71650
category III terminal distributor of dangerous drugs with a pain 71651
management clinic classification, an applicant shall submit 71652
evidence satisfactory to the state board of pharmacy that the 71653
applicant's pain management clinic will be operated in accordance 71654
with the requirements specified in division (B) of this section 71655
and that the applicant meets any other applicable requirements of 71656
this chapter. 71657

If the board determines that an applicant meets all of the 71658
requirements, the board shall issue to the applicant a license as 71659
a category III terminal distributor of dangerous drugs and specify 71660
on the license that the terminal distributor is classified as a 71661

pain management clinic. 71662

(B) The holder of a terminal distributor license with a pain management clinic classification shall do all of the following: 71663
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(1) Be in control of a facility that is owned and operated solely by one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 71665
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(2) Comply with the requirements for the operation of a pain management clinic, as established by the state medical board in rules adopted under section 4731.054 of the Revised Code; 71669
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(3) Ensure that any person employed by the facility complies with the requirements for the operation of a pain management clinic established by the state medical board in rules adopted under section 4731.054 of the Revised Code; 71672
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(4) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code; 71676
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(5) Require all employees of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and ensure that no person is employed who has previously been convicted of, or pleaded guilty to, either of the following: 71681
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(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States; 71686
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(b) A felony drug abuse offense, as defined in section 2925.01 of the Revised Code. 71689
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(6) Maintain a list of each person with ownership of the 71691

facility and notify the state board of pharmacy of any change to that list. 71692
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(C) No person shall operate a facility that under this chapter is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification without obtaining and maintaining the license with the classification. 71694
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No person who holds a category III license with a pain management clinic classification shall fail to remain in compliance with the requirements of division (B) of this section and any other applicable requirements of this chapter. 71699
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(D) The state board of pharmacy may impose a fine of not more than five thousand dollars on a ~~terminal distributor of dangerous drugs license holder~~ person who violates division (C) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code. 71703
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(E) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 71709
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Sec. 4729.56. (A) ~~In (1) The state board of pharmacy, in accordance with Chapter 119. of the Revised Code, the board of pharmacy may suspend~~ impose any one or more of the following sanctions on a person licensed under division (B)(1)(a) of section 4729.52 of the Revised Code for any of the causes set forth in division (A)(2) of this section: 71713
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(a) Suspend, revoke, restrict, limit, or refuse to grant or renew any registration certificate issued to a wholesale distributor of dangerous drugs pursuant to section 4729.52 of the 71719
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Revised Code or may impose a license;	71722
<u>(b) Reprimand or place the license holder on probation;</u>	71723
<u>(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or one <u>two</u> thousand <u>five hundred</u> dollars if the acts committed are not classified as an offense by the Revised Code for any of the following causes;</u>	71724 71725 71726 71727 71728
<u>(2) The board may impose the sanctions set forth in division (A)(1) of this section for any of the following:</u>	71729 71730
(1) <u>(a) Making any false material statements in an application for registration as a wholesale distributor of dangerous drugs licensure under section 4729.52 of the Revised Code;</u>	71731 71732 71733
(2) <u>(b) Violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; or any rule of the board;</u>	71734 71735 71736
(3) <u>(c) A conviction of a felony;</u>	71737
(4) <u>(d) Failing to satisfy the qualifications for registration licensure under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed;</u>	71738 71739 71740 71741
<u>(e) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs from furnishing information concerning a dangerous drug to a health care provider or licensed terminal distributor;</u>	71742 71743 71744 71745 71746 71747
<u>(f) Violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 3715. of the Revised Code;</u>	71748 71749 71750
<u>(g) Any other cause for which the board may impose sanctions</u>	71751

as set forth in rules adopted under section 4729.26 of the Revised Code. 71752
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(B) Upon the suspension or revocation of ~~the registration certificate of any wholesale distributor of dangerous drugs~~ any license identified in division (B)(1)(a) of section 4729.52 of the Revised Code, the ~~distributor~~ licensee shall immediately surrender the ~~distributor's registration certificate~~ license to the board. 71754
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(C) If the board suspends, revokes, or refuses to renew any ~~registration certificate issued to a wholesale distributor of dangerous drugs~~ license identified in division (B)(1)(a) of section 4729.52 of the Revised Code and determines that there is clear and convincing evidence of a danger of immediate and serious harm to any person, the board may place under seal all dangerous drugs owned by or in the possession, custody, or control of the affected ~~wholesale distributor of dangerous drugs~~ licensee. Except as provided in this division, the board shall not dispose of the dangerous drugs sealed under this division until the ~~wholesale distributor of dangerous drugs~~ licensee exhausts all of the ~~distributor's~~ licensee's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the board, during the pendency of the appeal, to sell sealed dangerous drugs that are perishable. The board shall deposit the proceeds of the sale with the court. 71760
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(D) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section. 71776
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(E) Notwithstanding division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

Sec. 4729.561. If the state board of pharmacy determines that there is clear and convincing evidence that the method used by a registered licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs to possess or distribute dangerous drugs presents a danger of immediate and serious harm to others, the board may suspend without a hearing the ~~wholesaler distributor's registration certificate~~ license issued pursuant to section 4729.52 of the Revised Code. The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final adjudication order within ~~ninety one~~ hundred twenty days after the ~~hearing suspension~~, the suspension shall be void on the ~~ninety-first~~ one hundred twenty-first day after the suspension.

Sec. 4729.57. (A) The state board of pharmacy may ~~suspend~~ after notice and a hearing in accordance with Chapter 119. of the

Revised Code, impose any one or more of the following sanctions on 71815
a terminal distributor of dangerous drugs for any of the causes 71816
set forth in division (B) of this section: 71817

(1) Suspend, revoke, restrict, limit, or refuse to grant or 71818
renew any license as a terminal distributor of dangerous drugs, or 71819
may impose; 71820

(2) Reprimand or place the license holder on probation; 71821

(3) Impose a monetary penalty or forfeiture not to exceed in 71822
severity any fine designated under the Revised Code for a similar 71823
offense or one thousand dollars if the acts committed have not 71824
been classified as an offense by the Revised Code, for any of the 71825
following causes: 71826

(B) The board may impose the sanctions listed in division (A) 71827
of this section for any of the following: 71828

(1) Making any false material statements in an application 71829
for a license as a terminal distributor of dangerous drugs; 71830

(2) Violating any rule of the board; 71831

(3) Violating any provision of this chapter; 71832

(4) Except as provided in section 4729.89 of the Revised 71833
Code, violating any provision of the "Federal Food, Drug, and 71834
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 71835
3715. of the Revised Code; 71836

(5) Violating any provision of the federal drug abuse control 71837
laws or Chapter 2925. or 3719. of the Revised Code; 71838

(6) Falsely or fraudulently promoting to the public a 71839
dangerous drug, except that nothing in this division prohibits a 71840
terminal distributor of dangerous drugs from furnishing 71841
information concerning a dangerous drug to a health care provider 71842
or another licensed terminal distributor; 71843

(7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code; 71844
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(8) Except as provided in division ~~(B)~~(C) of this section: 71847

(a) Waiving the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the services provided by a terminal distributor of dangerous drugs, would otherwise be required to pay for the services if the waiver is used as an enticement to a patient or group of patients to receive pharmacy services from that terminal distributor; 71848
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(b) Advertising that the terminal distributor will waive the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the pharmaceutical services, would otherwise be required to pay for the services. 71855
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(9) Conviction of a felony; 71860

(10) Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code. 71861
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~~(B)~~(C) Sanctions shall not be imposed under division ~~(A)~~(B)(8) of this section against any terminal distributor of dangerous drugs that waives deductibles and copayments as follows: 71864
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(1) In compliance with a health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board on request. 71867
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(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this 71872
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chapter and the rules of the board. 71874

~~(C)~~(D)(1) Upon the suspension or revocation of a license 71875
issued to a terminal distributor of dangerous drugs or the refusal 71876
by the board to renew such a license, the distributor shall 71877
immediately surrender the license to the board. 71878

(2)(a) The board may place under seal all dangerous drugs 71879
that are owned by or in the possession, custody, or control of a 71880
terminal distributor at the time the license is suspended or 71881
revoked or at the time the board refuses to renew the license. 71882
Except as ~~otherwise~~ provided in ~~this~~ division (D)(2)(b) of this 71883
section, dangerous drugs so sealed shall not be disposed of until 71884
appeal rights under Chapter 119. of the Revised Code have expired 71885
or an appeal filed pursuant to that chapter has been determined. 71886

(b) The court involved in an appeal filed pursuant to Chapter 71887
119. of the Revised Code may order the board, during the pendency 71888
of the appeal, to sell sealed dangerous drugs that are perishable. 71889
The proceeds of such a sale shall be deposited with that court. 71890

(E) If the board is required under Chapter 119. of the 71891
Revised Code to give notice of an opportunity for a hearing and 71892
the license holder does not make a timely request for a hearing in 71893
accordance with section 119.07 of the Revised Code, the board is 71894
not required to hold a hearing, but may adopt a final order that 71895
contains the board's findings. In the final order, the board may 71896
impose any of the sanctions listed in division (A) of this 71897
section. 71898

(F) Notwithstanding division (C)(2) of section 2953.32 of the 71899
Revised Code specifying that if records pertaining to a criminal 71900
case are sealed under that section the proceedings in the case 71901
must be deemed not to have occurred, sealing of the following 71902
records on which the board has based an action under this section 71903
shall have no effect on the board's action or any sanction imposed 71904

by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

Sec. 4729.571. ~~If the~~ (A) The state board of pharmacy determines that there is clear and convincing evidence that the method used by may suspend without a hearing the license of a terminal distributor of dangerous drugs to distribute or prescribe dangerous drugs presents if the board determines that there is clear and convincing evidence of a danger of immediate and serious harm to others, the board may suspend the terminal distributor's license without a hearing due to either of the following:

(1) The method used by the terminal distributor to possess or distribute dangerous drugs;

(2) The method of prescribing dangerous drugs used by a licensed health professional authorized to prescribe drugs who holds a terminal distributor license or practices in the employ of or under contract with a terminal distributor. The

(B) The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final adjudication order within ~~ninety~~ one hundred twenty days after the ~~hearing~~ suspension, the suspension shall be void on the ~~ninety-first~~ one hundred twenty-first day after the suspension.

If the terminal distributor holds a license with a pain management clinic classification issued under section 4729.552 of the Revised Code or a license with an office-based opioid

treatment classification issued under section 4729.553 of the Revised Code and the person holding the license also holds a certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, prior to suspending the license without a hearing, the board shall consult with the secretary of the state medical board or, if the secretary is unavailable, another physician member of the board.

Sec. 4729.58. The state board of pharmacy, within thirty days after receipt of ~~an~~ a complete application filed in the form and manner set forth in section 4729.52 or 4729.54 of the Revised Code for the issuance of a ~~new~~ license ~~or registration certificate~~ or the renewal of a license ~~or registration certificate~~ ~~previously issued~~, shall notify the applicant therefor whether or not such license ~~or registration certificate~~ will be issued or renewed. If the board determines that such license ~~or registration certificate~~ will not be issued or renewed, such notice to the applicant shall set forth, in a manner determined by the board, the reason or reasons that such license ~~or registration certificate~~ will not be issued or renewed.

Sec. 4729.59. The executive director of the state board of pharmacy shall maintain a register of the names, addresses, and the date of ~~registration~~ licensure of those persons to whom a ~~registration certificate~~ has licenses have been issued pursuant to ~~section~~ sections 4729.52 ~~of the Revised Code and those persons to whom a license has been issued pursuant to section~~ and 4729.54 of the Revised Code. ~~The register shall be the property of the board and shall be open for public examination and inspection at all reasonable times, as the board may direct.~~

The board shall ~~publish or~~ make available to ~~registered wholesale distributors and licensed terminal distributors of dangerous drugs, annually, and at such other times and in such~~

~~manner as the board shall prescribe, a roster setting forth the names and addresses of those persons who have been registered by the board pursuant to section 4729.52 of the Revised Code and those persons who have been licensed pursuant to section 4729.54 of the Revised Code, . The roster shall indicate those persons whose licenses or registration certificates have been suspended, revoked, or surrendered, and those persons whose licenses or registration certificates have not been renewed.~~ 71967
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A written statement signed and verified by the executive director of the board or the director's designee in which it is stated that after diligent search of the register no record or entry of the issuance of a license ~~or registration certificate~~ to a person is found is admissible in evidence and constitutes presumptive evidence of the fact that the person is not a licensed ~~terminal distributor or is not a registered wholesale distributor of dangerous drugs~~ pursuant to section 4729.52 or 4729.54 of the Revised Code. 71975
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Sec. 4729.60. (A)(1) Before a ~~registered wholesale distributor of dangerous drugs~~ licensee identified in division (B)(1)(a) of section 4729.52 of the Revised Code may sell or distribute dangerous drugs at wholesale to any person, except as provided in division (A)(2) of this section, the ~~wholesale distributor licensee~~ shall obtain from the purchaser and the purchaser shall furnish to the ~~wholesale distributor~~ a certificate ~~indicating that~~ query the roster established pursuant to section 4729.59 of the Revised Code to determine whether the purchaser is a licensed terminal distributor of dangerous drugs. ~~The certificate shall be in the form that the state board of pharmacy shall prescribe, and shall set forth the name of the licensee, the number of the license, a description of the place or establishment or each place or establishment for which the license was issued, the category of licensure, and, if the license is a limited~~ 71984
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~~category I, II, or III license, the dangerous drugs that the licensee is authorized to possess, have custody or control of, and distribute.~~ 71999
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If no ~~certificate is obtained or furnished~~ documented query is conducted before a sale is made, it shall be presumed that the sale of dangerous drugs by the ~~wholesale distributor~~ licensee is in violation of division (B) of section 4729.51 of the Revised Code and the purchase of dangerous drugs by the purchaser is in violation of division (E) of section 4729.51 of the Revised Code. If a ~~registered wholesale distributor of dangerous drugs obtains or is furnished a certificate from a terminal distributor of dangerous drugs~~ licensee conducts a documented query and relies on the ~~certificate~~ results of the query in selling or distributing dangerous drugs at wholesale to the terminal distributor of dangerous drugs, the ~~wholesale distributor of dangerous drugs~~ licensee shall be deemed not to have violated division (B) of section 4729.51 of the Revised Code in making the sale. 72002
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(2) Division (A)(1) of this section does not apply when a ~~wholesale distributor~~ licensee identified in division (B)(1)(a) of section 4729.52 of the Revised Code sells or distributes dangerous drugs at wholesale to any of the following: 72016
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(a) A person specified in division (B)(4) of section 4729.51 of the Revised Code; 72020
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(b) Any of the persons described in divisions (A)(1) to (13) of section 4729.541 of the Revised Code, but only if the purchaser is not required to obtain licensure as provided in divisions (B) to (D) of that section. 72022
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(B) Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall ~~obtain from the seller and the seller shall furnish to the terminal distributor the number of~~ query the roster 72026
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established pursuant to section 4729.59 of the Revised Code to 72030
confirm the seller's registration certificate seller is licensed 72031
to engage in the sale or distribution of dangerous drugs at 72032
wholesale. 72033

If no ~~registration number is obtained or furnished~~ documented 72034
query is conducted before a purchase is made, it shall be presumed 72035
that the purchase of dangerous drugs by the terminal distributor 72036
is in violation of division (F) of section 4729.51 of the Revised 72037
Code and the sale of dangerous drugs by the seller is in violation 72038
of division (A) of section 4729.51 of the Revised Code. If a 72039
licensed terminal distributor of dangerous drugs ~~obtains or is~~ 72040
~~furnished a registration number from a wholesale distributor of~~ 72041
~~dangerous drugs~~ conducts a documented query at least annually and 72042
relies on the ~~registration number~~ results of the query in 72043
purchasing dangerous drugs at wholesale ~~from the wholesale~~ 72044
~~distributor of dangerous drugs~~, the terminal distributor shall be 72045
deemed not to have violated division (F) of section 4729.51 of the 72046
Revised Code in making the purchase. 72047

Sec. 4729.61. ~~(A) No person shall make or cause to be made,~~ 72048
~~or furnish or cause to be furnished to a wholesale distributor of~~ 72049
~~dangerous drugs, a false certificate required to be furnished to a~~ 72050
~~wholesale distributor of dangerous drugs by section 4729.60 of the~~ 72051
~~Revised Code for the purchase of dangerous drugs at wholesale.~~ 72052

~~(B)~~ No person shall make or cause to be made ~~a false~~ 72053
~~registration certificate of a wholesale distributor of dangerous~~ 72054
~~drugs or a false or fraudulent license of a terminal distributor~~ 72055
of dangerous drugs or a manufacturer, outsourcing facility, 72056
third-party logistics provider, repackager, or wholesale 72057
distributor of dangerous drugs. 72058

Sec. 4729.62. If a ~~wholesale distributor of dangerous drugs~~ 72059

~~who has been registered ceases to engage in the sale of dangerous~~ 72060
~~drugs at wholesale, or if a terminal distributor of dangerous~~ 72061
~~drugs to whom a license has been issued ceases to engage in the~~ 72062
~~sale of dangerous drugs at retail, such terminal or wholesale~~ 72063
~~distributor of dangerous drugs~~ person licensed under section 72064
4729.52 or 4729.54 of the Revised Code ceases to engage in the 72065
activities for which the license was issued, the person shall 72066
notify the state board of pharmacy of such fact and shall 72067
surrender such license ~~or registration certificate~~ to the board 72068
within a time frame specified by the board in rules adopted under 72069
section 4729.26 of the Revised Code; provided, that on dissolution 72070
of a partnership by death, the surviving partner may operate under 72071
a license ~~or registration certificate~~ issued to the partnership 72072
until expiration, revocation, or suspension of such license ~~or~~ 72073
~~registration certificate~~, and the heirs or legal representatives 72074
of deceased persons, and receivers and trustees in bankruptcy 72075
appointed by any competent authority, may operate under the 72076
license ~~or registration certificate~~ issued to the persons 72077
succeeded in possession by such heir, representative, receiver, or 72078
trustee in bankruptcy until expiration, revocation, or suspension 72079
of such license ~~or registration certificate~~. 72080

Sec. 4729.67. On receipt of a notice pursuant to section 72081
3123.43 of the Revised Code, the state board of pharmacy shall 72082
comply with sections 3123.41 to 3123.50 of the Revised Code and 72083
any applicable rules adopted under section 3123.63 of the Revised 72084
Code with respect to a license, ~~identification card~~, or 72085
certificate of registration issued pursuant to this chapter. 72086

Sec. 4729.75. The state board of pharmacy may establish and 72087
maintain a drug database. The board shall use the drug database to 72088
monitor the misuse and diversion of the following: controlled 72089
substances, as defined in section 3719.01 of the Revised Code; 72090

medical marijuana, as authorized under Chapter 3796. of the 72091
Revised Code; and other dangerous drugs the board includes in the 72092
database pursuant to rules adopted under section 4729.84 of the 72093
Revised Code. In establishing and maintaining the database, the 72094
board shall electronically collect information pursuant to 72095
sections 4729.77, 4729.771, 4729.772, 4729.78, and 4729.79 of the 72096
Revised Code and shall disseminate information as authorized or 72097
required by sections 4729.80 and 4729.81 of the Revised Code. The 72098
board's collection and dissemination of information shall be 72099
conducted in accordance with rules adopted under section 4729.84 72100
of the Revised Code. 72101

Sec. 4729.77. (A) If the state board of pharmacy establishes 72102
and maintains a drug database pursuant to section 4729.75 of the 72103
Revised Code, each pharmacy licensed as a terminal distributor of 72104
dangerous drugs that dispenses drugs to patients in this state and 72105
is included in the types of pharmacies specified in rules adopted 72106
under section 4729.84 of the Revised Code shall submit to the 72107
board the following prescription information: 72108

- (1) Terminal distributor identification; 72109
- (2) Patient identification; 72110
- (3) Prescriber identification; 72111
- (4) Date prescription was issued by prescriber; 72112
- (5) Date drug was dispensed; 72113
- (6) Indication of whether the drug dispensed is new or a 72114
refill; 72115
- (7) Name, strength, and national drug code of the drug 72116
dispensed; 72117
- (8) Quantity of drug dispensed; 72118
- (9) Number of days' supply of drug dispensed; 72119

(10) Serial or prescription number assigned by the terminal distributor;	72120 72121
(11) Source of payment for the drug dispensed;	72122
<u>(12) Any other data fields recognized by the American society for automation in pharmacy and specified in rules adopted under section 4729.84 of the Revised Code.</u>	72123 72124 72125
(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.	72126 72127 72128
(2) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the distributor to submit the information in another format.	72129 72130 72131 72132
(3) The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:	72133 72134 72135
(a) The distributor suffers a mechanical or electronic failure, or cannot meet the deadline for other reasons beyond the distributor's control.	72136 72137 72138
(b) The board is unable to receive electronic submissions.	72139
(C) This section does not apply to a prescriber personally furnishing or administering dangerous drugs to the prescriber's patient.	72140 72141 72142
<u>Sec. 4729.772. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, in addition to the information required to be submitted under sections 4729.77, 4729.771, 4729.78, and 4729.79 of the Revised Code, the board may accept information from other sources, including other state agencies, to the extent the information is related to monitoring the misuse and diversion of</u>	72143 72144 72145 72146 72147 72148 72149

drugs as set forth in section 4729.75 of the Revised Code. 72150

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(B) Any information submitted pursuant to this section shall 72152

be transmitted as specified by the board in rules adopted under 72153

section 4729.84 of the Revised Code. 72154

Sec. 4729.78. (A) If the state board of pharmacy establishes 72155

and maintains a drug database pursuant to section 4729.75 of the 72156

Revised Code, each manufacturer of dangerous drugs, outsourcing 72157

facility, repackager of dangerous drugs, or wholesale distributor 72158

of dangerous drugs that delivers drugs ~~in this state~~ to 72159

prescribers or terminal distributors of dangerous drugs shall 72160

submit to the board the following purchase information: 72161

(1) Purchaser identification; 72162

(2) Identification of the drug sold; 72163

(3) Quantity of the drug sold; 72164

(4) Date of sale; 72165

(5) The ~~wholesale distributor's~~ license number issued by the 72166
board. 72167

(B)(1) The information shall be transmitted as specified by 72168

the board in rules adopted under section 4729.84 of the Revised 72169

Code. 72170

(2) The information shall be submitted electronically in the 72171

format specified by the board, except that the board may grant a 72172

waiver allowing ~~the distributor to submit~~ submission of the 72173

information in another format. 72174

(3) The information shall be submitted in accordance with any 72175

time limits specified by the board, except that the board may 72176

grant an extension if either of the following occurs: 72177

(a) The manufacturer, outsourcing facility, repackager, or 72178
wholesale distributor suffers a mechanical or electronic failure, 72179
or cannot meet the deadline for other reasons beyond the 72180
~~distributor's~~ person's control. 72181

(b) The board is unable to receive electronic submissions. 72182

Sec. 4729.80. (A) If the state board of pharmacy establishes 72183
and maintains a drug database pursuant to section 4729.75 of the 72184
Revised Code, the board is authorized or required to provide 72185
information from the database ~~in accordance with the following~~ 72186
only as follows: 72187

(1) On receipt of a request from a designated representative 72188
of a government entity responsible for the licensure, regulation, 72189
or discipline of health care professionals with authority to 72190
prescribe, administer, or dispense drugs, the board may provide to 72191
the representative information from the database relating to the 72192
professional who is the subject of an active investigation being 72193
conducted by the government entity or relating to a professional 72194
who is acting as an expert witness for the government entity in 72195
such an investigation. 72196

(2) On receipt of a request from a federal officer, or a 72197
state or local officer of this or any other state, whose duties 72198
include enforcing laws relating to drugs, the board shall provide 72199
to the officer information from the database relating to the 72200
person who is the subject of an active investigation of a drug 72201
abuse offense, as defined in section 2925.01 of the Revised Code, 72202
being conducted by the officer's employing government entity. 72203

(3) Pursuant to a subpoena issued by a grand jury, the board 72204
shall provide to the grand jury information from the database 72205
relating to the person who is the subject of an investigation 72206
being conducted by the grand jury. 72207

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own ~~database information~~ prescription history.

(8) On receipt of a request from a medical director or a

pharmacy director of a managed care organization that has entered 72239
into a contract with the department of medicaid under section 72240
5167.10 of the Revised Code and a data security agreement with the 72241
board required by section 5167.14 of the Revised Code, the board 72242
shall provide to the medical director or the pharmacy director 72243
information from the database relating to a medicaid recipient 72244
enrolled in the managed care organization, including information 72245
in the database related to prescriptions for the recipient that 72246
were not covered or reimbursed under a program administered by the 72247
department of medicaid. 72248

(9) On receipt of a request from the medicaid director, the 72249
board shall provide to the director information from the database 72250
relating to a recipient of a program administered by the 72251
department of medicaid, including information in the database 72252
related to prescriptions for the recipient that were not covered 72253
or paid by a program administered by the department. 72254

(10) On receipt of a request from a medical director of a 72255
managed care organization that has entered into a contract with 72256
the administrator of workers' compensation under division (B)(4) 72257
of section 4121.44 of the Revised Code and a data security 72258
agreement with the board required by section 4121.447 of the 72259
Revised Code, the board shall provide to the medical director 72260
information from the database relating to a claimant under Chapter 72261
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 72262
managed care organization, including information in the database 72263
related to prescriptions for the claimant that were not covered or 72264
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 72265
Revised Code, if the administrator of workers' compensation 72266
confirms, upon request from the board, that the claimant is 72267
assigned to the managed care organization. 72268

(11) On receipt of a request from the administrator of 72269
workers' compensation, the board shall provide to the 72270

administrator information from the database relating to a claimant 72271
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 72272
including information in the database related to prescriptions for 72273
the claimant that were not covered or reimbursed under Chapter 72274
4121., 4123., 4127., or 4131. of the Revised Code. 72275

(12) On receipt of a request from a prescriber or the 72276
prescriber's delegate approved by the board, the board shall 72277
provide to the prescriber information from the database relating 72278
to a patient's mother, if the prescriber certifies in a form 72279
specified by the board that it is for the purpose of providing 72280
medical treatment to a newborn or infant patient diagnosed as 72281
opioid dependent and the prescriber has not been denied access to 72282
the database by the board. 72283

(13) On receipt of a request from the director of health, the 72284
board shall provide to the director information from the database 72285
relating to the duties of the director or the department of health 72286
in implementing the Ohio violent death reporting system 72287
established under section 3701.93 of the Revised Code. 72288

(14) On receipt of a request from a requestor described in 72289
division (A)(1), (2), (5), or (6) of this section who is from or 72290
participating with another state's prescription monitoring 72291
program, the board may provide to the requestor information from 72292
the database, but only if there is a written agreement under which 72293
the information is to be used and disseminated according to the 72294
laws of this state. 72295

(15) On receipt of a request from a delegate of a retail 72296
dispensary licensed under Chapter 3796. of the Revised Code who is 72297
approved by the board to serve as the dispensary's delegate, the 72298
board shall provide to the delegate a report of information from 72299
the database pertaining only to a patient's use of medical 72300
marijuana, if both of the following conditions are met: 72301

(a) The delegate certifies in a form specified by the board 72302
that it is for the purpose of dispensing medical marijuana for use 72303
in accordance with Chapter 3796. of the Revised Code. 72304

(b) The retail dispensary or delegate has not been denied 72305
access to the database by the board. 72306

(16) On receipt of a request from a judge of a program 72307
certified by the Ohio supreme court as a specialized docket 72308
program for drugs, the board shall provide to the judge, or an 72309
employee of the program who is designated by the judge to receive 72310
the information, information from the database that relates 72311
specifically to a current or prospective program participant. 72312

(17) On receipt of a request from a coroner, deputy coroner, 72313
or coroner's delegate approved by the board, the board shall 72314
provide to the requestor information from the database relating to 72315
a deceased person about whom the coroner is conducting or has 72316
conducted an autopsy or investigation. Information received by a 72317
coroner, deputy coroner, or coroner's delegate may be shared with 72318
a drug overdose fatality review committee established pursuant to 72319
section 307.631 of the Revised Code. 72320

(18) On receipt of a request from a prescriber, the board may 72321
provide to the prescriber a summary of the prescriber's 72322
prescribing record if such a record is created by the board. 72323
Information in the summary is subject to the confidentiality 72324
requirements of this chapter. 72325

(19)(a) On receipt of a request from a pharmacy's responsible 72326
person, the board may provide to the responsible person a summary 72327
of the pharmacy's dispensing record if such a record is created by 72328
the board. Information in the summary is subject to the 72329
confidentiality requirements of this chapter. 72330

(b) As used in division (A)(19)(a) of this section, 72331
"responsible person" has the same meaning as in rules adopted by 72332

the board under section 4729.26 of the Revised Code. 72333

(20) The board may provide information from the database 72334
without request to a prescriber or pharmacist who is authorized to 72335
use the database pursuant to this chapter. 72336

(21) On receipt of a request from a peer review committee, as 72337
defined in section 2305.25 of the Revised Code, the board shall 72338
provide to the committee information from the database relating to 72339
a health care professional who is subject to the committee's 72340
evaluation, supervision, or discipline if the information is to be 72341
used for one of those purposes. 72342

(22) Any personal health information submitted to the board 72343
pursuant to section 4729.772 of the Revised Code may be provided 72344
by the board only as authorized by the submitter of the 72345
information and in accordance with rules adopted under section 72346
4729.84 of the Revised Code. 72347

(B) The state board of pharmacy shall maintain a record of 72348
each individual or entity that requests information from the 72349
database pursuant to this section. In accordance with rules 72350
adopted under section 4729.84 of the Revised Code, the board may 72351
use the records to document and report statistics and law 72352
enforcement outcomes. 72353

The board may provide records of an individual's requests for 72354
database information only to the following: 72355

(1) A designated representative of a government entity that 72356
is responsible for the licensure, regulation, or discipline of 72357
health care professionals with authority to prescribe, administer, 72358
or dispense drugs who is involved in an active criminal or 72359
disciplinary investigation being conducted by the government 72360
entity of the individual who submitted the requests for database 72361
information; 72362

(2) A federal officer, or a state or local officer of this or 72363

any other state, whose duties include enforcing laws relating to 72364
drugs and who is involved in an active investigation being 72365
conducted by the officer's employing government entity of the 72366
individual who submitted the requests for database information; 72367

(3) A designated representative of the department of medicaid 72368
regarding a prescriber who is treating or has treated a recipient 72369
of a program administered by the department and who submitted the 72370
requests for database information. 72371

(C) Information contained in the database and any information 72372
obtained from it is confidential and is not a public record. 72373
Information contained in the records of requests for information 72374
from the database is confidential and is not a public record. 72375
Information contained in the database that does not identify a 72376
person, including any licensee or registrant of the board or other 72377
entity, may be released in summary, statistical, or aggregate 72378
form. 72379

~~(D) Information contained in the database may be provided 72380~~
~~only as expressly permitted in law, including any information 72381~~
~~contained in the database that relates to any person, including 72382~~
~~any licensee or registrant of the board or other entity. 72383~~

~~(E) A pharmacist or prescriber shall not be held liable in 72384~~
~~damages to any person in any civil action for injury, death, or 72385~~
~~loss to person or property on the basis that the pharmacist or 72386~~
~~prescriber did or did not seek or obtain information from the 72387~~
~~database. 72388~~

Sec. 4729.82. (A) If the state board of pharmacy establishes 72389
a drug database pursuant to section 4729.75 of the Revised Code, 72390
the information collected for the database shall be retained in 72391
the database and accessible to persons listed in division (A) of 72392
section 4729.80 of the Revised Code for at least ~~three~~ five years. 72393
Any 72394

(B) Except as provided in division (C) of this section, any 72395
information that identifies a patient shall be destroyed after it 72396
has been retained for ~~three~~ five years unless a law enforcement 72397
agency or a government entity responsible for the licensure, 72398
regulation, or discipline of licensed health professionals 72399
authorized to prescribe drugs has submitted a written request to 72400
the board for retention of the information in accordance with 72401
rules adopted by the board under section 4729.84 of the Revised 72402
Code. 72403

(C) The board may retain information that identifies a 72404
patient for a period in excess of five years if the board 72405
considers retention of the information necessary to serve an 72406
investigatory or public health purpose. 72407

Sec. 4729.83. (A) If the state board of pharmacy establishes 72408
and maintains a drug database pursuant to section 4729.75 of the 72409
Revised Code, the board may use, for the purpose of establishing 72410
or maintaining the database, any portion of the licensure or 72411
registration fees collected under ~~section 4729.15, 4729.52, or~~ 72412
~~4729.54 of the Revised Code for the licensing or registration of~~ 72413
~~pharmacists, pharmacy interns, wholesale distributors of dangerous~~ 72414
~~drugs, or terminal distributors of dangerous drugs~~ this chapter. 72415
The board shall not increase the amount of any of those fees 72416
solely for the purpose of establishing or maintaining the 72417
database. 72418

The board shall not impose any charge on a prescriber for the 72419
establishment or maintenance of the database. The board shall not 72420
charge any fees for the transmission of data to the database or 72421
for the receipt of information from the database, except that the 72422
board may charge a fee in accordance with rules adopted under 72423
section 4729.84 of the Revised Code to an individual who requests 72424
the individual's own database information under section 4729.80 of 72425

the Revised Code. 72426

(B) The board may accept grants, gifts, or donations for 72427
purposes of the drug database. Any money received shall be 72428
deposited into the state treasury to the credit of the drug 72429
database fund, which is hereby created. Money in the fund shall be 72430
used solely for purposes of the drug database. 72431

Sec. 4729.84. For purposes of establishing and maintaining a 72432
drug database pursuant to section 4729.75 of the Revised Code, the 72433
state board of pharmacy shall adopt rules in accordance with 72434
Chapter 119. of the Revised Code to carry out and enforce sections 72435
4729.75 to 4729.83 of the Revised Code. The rules shall specify 72436
all of the following: 72437

(A) A means of identifying each patient, each terminal 72438
distributor of dangerous drugs, each purchase at wholesale of 72439
dangerous drugs, and each retail dispensary licensed under Chapter 72440
3796. of the Revised Code about which information is entered into 72441
the drug database; 72442

(B) Requirements for the transmission of information from 72443
terminal distributors of dangerous drugs, manufacturers of 72444
dangerous drugs, outsourcing facilities, repackagers of dangerous 72445
drugs, wholesale distributors of dangerous drugs, prescribers, and 72446
retail dispensaries; 72447

(C) An electronic format for the submission of information 72448
from ~~terminal distributors, wholesale distributors, prescribers,~~ 72449
~~and retail dispensaries~~ persons identified in division (B) of this 72450
section; 72451

(D) A procedure whereby a ~~terminal distributor, wholesale~~ 72452
~~distributor, prescriber, or retail dispensary~~ person unable to 72453
submit information electronically may obtain a waiver to submit 72454
information in another format; 72455

(E) A procedure whereby the board may grant a request from a law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs that information that has been stored for three years be retained when the information pertains to an open investigation being conducted by the agency or entity;

(F) A procedure whereby a ~~terminal distributor, wholesale distributor, prescriber, or retail dispensary~~ person identified in division (B) of this section may apply for an extension to the time by which information must be transmitted to the board;

(G) A procedure whereby a person or government entity to which the board is authorized to provide information may submit a request to the board for the information and the board may verify the identity of the requestor;

(H) A procedure whereby the board can use the database request records required by division (B) of section 4729.80 of the Revised Code to document and report statistics and law enforcement outcomes;

(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(K) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;

(L) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the

Revised Code;	72487
(M) <u>Additional data fields, recognized by the American society for automation in pharmacy, that licensed terminal distributors of dangerous drugs must submit to the board pursuant to section 4729.77 of the Revised Code;</u>	72488 72489 72490 72491
(N) The information regarding medical marijuana dispensed to a patient that a retail dispensary is required to submit to the board pursuant to section 4729.771 of the Revised Code;	72492 72493 72494
(O) <u>Requirements for the transmission of information pursuant to section 4729.772 of the Revised Code and requirements for the release of such information by the board.</u>	72495 72496 72497
Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:	72498 72499 72500
(A)(1) No person identified in divisions (A)(1) to (13) or (15) <u>to (22)</u> , or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:	72501 72502 72503 72504 72505 72506
(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;	72507 72508
(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code;	72509 72510 72511 72512 72513 72514 72515
(c) When a prescriber, pharmacist, or retail dispensary	72516

licensed under Chapter 3796. of the Revised Code provides the 72517
information to a person who is approved by the board to serve as 72518
such a delegate of the prescriber, pharmacist, or retail 72519
dispensary; 72520

(d) When a prescriber or pharmacist includes the information 72521
in a medical record, as defined in section 3701.74 of the Revised 72522
Code; 72523

(e) When a coroner, deputy coroner, or coroner's delegate, as 72524
authorized by division (A)(17) of section 4729.80 of the Revised 72525
Code, shares information with a drug overdose fatality review 72526
committee. 72527

(2) No person shall provide false information to the state 72528
board of pharmacy with the intent to obtain or alter information 72529
contained in the drug database. 72530

(3) No person shall obtain drug database information by any 72531
means except as provided under section 4729.80 or 4729.81 of the 72532
Revised Code. 72533

(B) A person shall not use information obtained pursuant to 72534
division (A) of section 4729.80 of the Revised Code as evidence in 72535
any civil or administrative proceeding. 72536

(C)(1) Except as provided in division (C)(2) of this section, 72537
after providing notice and affording an opportunity for a hearing 72538
in accordance with Chapter 119. of the Revised Code, the board may 72539
restrict a person from obtaining further information from the drug 72540
database if any of the following is the case: 72541

(a) The person violates division (A)(1), (2), or (3) of this 72542
section; 72543

(b) The person is a requestor identified in division (A)(14) 72544
of section 4729.80 of the Revised Code and the board determines 72545
that the person's actions in another state would have constituted 72546

a violation of division (A)(1), (2), or (3) of this section; 72547

(c) The person fails to comply with division (B) of this 72548
section, regardless of the jurisdiction in which the failure to 72549
comply occurred; 72550

(d) The person creates, by clear and convincing evidence, a 72551
threat to the security of information contained in the database. 72552

(2) If the board determines that allegations regarding a 72553
person's actions warrant restricting the person from obtaining 72554
further information from the drug database without a prior 72555
hearing, the board may summarily impose the restriction. A 72556
telephone conference call may be used for reviewing the 72557
allegations and taking a vote on the summary restriction. The 72558
summary restriction shall remain in effect, unless removed by the 72559
board, until the board's final adjudication order becomes 72560
effective. 72561

(3) The board shall determine the extent to which the person 72562
is restricted from obtaining further information from the 72563
database. 72564

Sec. 4730.05. (A) There is hereby created the physician 72565
assistant policy committee of the state medical board. The 72566
president of the board shall appoint the members of the committee. 72567
The committee shall consist of the seven members specified in 72568
divisions (A)(1) to (3) of this section. When the committee is 72569
developing or revising policy and procedures for 72570
physician-delegated prescriptive authority for physician 72571
assistants, the committee shall include the two additional members 72572
specified in division (A)(4) of this section. 72573

(1) Three members of the committee shall be physicians. Of 72574
the physician members, one shall be a member of the state medical 72575
board, one shall be appointed from a list of five physicians 72576

recommended by the Ohio state medical association, and one shall 72577
be appointed from a list of five physicians recommended by the 72578
Ohio osteopathic association. At all times, the physician 72579
membership of the committee shall include at least one physician 72580
who is a supervising physician of a physician assistant, 72581
preferably with at least two years' experience as a supervising 72582
physician. 72583

(2) Three members shall be physician assistants appointed 72584
from a list of five individuals recommended by the Ohio 72585
association of physician assistants. 72586

(3) One member, who is not affiliated with any health care 72587
profession, shall be appointed to represent the interests of 72588
consumers. 72589

(4) The two additional members, appointed to serve only when 72590
the committee is developing or revising policy and procedures for 72591
physician-delegated prescriptive authority for physician 72592
assistants, shall be pharmacists. Of these members, one shall be 72593
appointed from a list of five clinical pharmacists recommended by 72594
the Ohio pharmacists association and one shall be appointed from 72595
the pharmacist members of the state board of pharmacy, preferably 72596
from among the members who are clinical pharmacists. 72597

The pharmacist members shall have voting privileges only for 72598
purposes of developing or revising policy and procedures for 72599
physician-delegated prescriptive authority for physician 72600
assistants. Presence of the pharmacist members shall not be 72601
required for the transaction of any other business. 72602

(B) Terms of office shall be for two years, with each term 72603
ending on the same day of the same month as did the term that it 72604
succeeds. Each member shall hold office from the date of being 72605
appointed until the end of the term for which the member was 72606
appointed. Members may be reappointed, except that a member may 72607

not be appointed to serve more than three consecutive terms. As 72608
vacancies occur, a successor shall be appointed who has the 72609
qualifications the vacancy requires. A member appointed to fill a 72610
vacancy occurring prior to the expiration of the term for which a 72611
predecessor was appointed shall hold office as a member for the 72612
remainder of that term. A member shall continue in office 72613
subsequent to the expiration date of the member's term until a 72614
successor takes office or until a period of sixty days has 72615
elapsed, whichever occurs first. 72616

(C) Each member of the committee shall receive ~~an amount~~ 72617
~~fixed pursuant to division (J) of section 124.15 of the Revised~~ 72618
~~Code for each day employed in the discharge of official duties as~~ 72619
~~a member, and shall also receive~~ the member's necessary and actual 72620
expenses incurred in the performance of official duties as a 72621
member. 72622

(D) The committee members specified in divisions (A)(1) to 72623
(3) of this section by a majority vote shall elect a chairperson 72624
from among those members. The members may elect a new chairperson 72625
at any time. 72626

(E) The state medical board may appoint assistants, clerical 72627
staff, or other employees as necessary for the committee to 72628
perform its duties adequately. 72629

(F) The committee shall meet at least four times a year and 72630
at such other times as may be necessary to carry out its 72631
responsibilities. 72632

Sec. 4730.40. (A) ~~Subject to division (B)~~ As used in this 72633
section, "medication-assisted treatment" has the same meaning as 72634
in section 340.01 of the Revised Code. 72635

(B) Except as provided in divisions (C) and (D) of this 72636
section, the physician assistant formulary adopted by the state 72637

medical board under section 4730.39 of the Revised Code may 72638
include any or all of the following drugs: 72639

(1) Schedule II, III, IV, and V controlled substances; 72640

(2) Drugs that under state or federal law may be dispensed 72641
only pursuant to a prescription by a licensed health professional 72642
authorized to prescribe drugs, as defined in section 4729.01 of 72643
the Revised Code; 72644

(3) Any drug that is not a dangerous drug, as defined in 72645
section 4729.01 of the Revised Code. 72646

~~(B)~~(C) The formulary adopted by the board shall include both 72647
of the following for use in medication-assisted treatment: 72648

(1) Drugs that contain buprenorphine; 72649

(2) Opioid antagonists, including oral and long-acting forms. 72650

(D) The formulary adopted by the board shall not include, and 72651
shall specify that it does not include, any drug or device used to 72652
perform or induce an abortion. 72653

Sec. 4730.55. (A) As used in this section: 72654

(1) "Controlled substance," "schedule III," "schedule IV," 72655
and "schedule V" have the same meanings as in section 3719.01 of 72656
the Revised Code. 72657

(2) "Medication-assisted treatment" has the same meaning as 72658
in section 340.01 of the Revised Code. 72659

(B) The state medical board shall adopt rules that establish 72660
standards and procedures to be followed by physician assistants in 72661
the use of all drugs approved by the United States food and drug 72662
administration for use in medication-assisted treatment, including 72663
controlled substances in schedule III, IV, or V. The rules shall 72664
address detoxification, relapse prevention, patient assessment, 72665
individual treatment planning, counseling and recovery supports, 72666

diversion control, and other topics selected by the board after 72667
considering best practices in medication-assisted treatment. 72668

The board may apply the rules to all circumstances in which a 72669
physician assistant prescribes drugs for use in 72670
medication-assisted treatment or limit the application of the 72671
rules to prescriptions for medication-assisted treatment issued 72672
for patients being treated in office-based practices or other 72673
practice types or locations specified by the board. 72674

(C) All rules adopted under this section shall be adopted in 72675
accordance with Chapter 119. of the Revised Code. The rules shall 72676
be consistent with rules adopted under sections 4723.51 and 72677
4731.056 of the Revised Code. 72678

Sec. 4730.56. (A) As used in this section: 72679

(1) "Community addiction services provider" has the same 72680
meaning as in section 5119.01 of the Revised Code. 72681

(2) "Medication-assisted treatment" has the same meaning as 72682
in section 340.01 of the Revised Code. 72683

(B) A physician assistant shall comply with section 3715.08 72684
of the Revised Code and rules adopted under section 4730.55 of the 72685
Revised Code when treating a patient with medication-assisted 72686
treatment or proposing to initiate such treatment. 72687

(C) A physician assistant who fails to comply with this 72688
section shall treat not more than thirty patients at any one time 72689
with medication-assisted treatment even if the facility or 72690
location at which the treatment is provided is either of the 72691
following: 72692

(1) Exempted by divisions (B)(2)(a) to (d) of section 72693
4729.553 of the Revised Code from being required to possess a 72694
category III terminal distributor of dangerous drugs license with 72695
an office-based opioid treatment classification; 72696

(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 72697
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Sec. 4731.04. As used in this chapter: 72701

(A) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the state medical board for use in cosmetic therapy and may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders. 72702
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(B) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school. 72707
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(C) "Graduate medical education" means education received through any of the following: 72711
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(1) An internship or residency program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 72713
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(2) A clinical fellowship program conducted in the United States at an institution with a residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a clinical field the same as or related to the clinical field of the fellowship program; 72717
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(3) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada; 72723
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(4) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada. 72727
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(D) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices. 72730
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Sec. 4731.056. (A) As used in this section: 72738

(1) "Controlled substance," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 72739
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 72742
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(3) "Physician" means an individual authorized by this chapter to practice medicine and surgery or osteopathic medicine and surgery. 72744
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(B) The state medical board shall adopt rules ~~in accordance with Chapter 119. of the Revised Code~~ that establish standards and procedures to be followed by physicians in the use of all drugs approved by the United States food and drug administration for use in medication-assisted treatment, including controlled substances in schedule III, IV, or V to treat opioid dependence or addiction. 72747
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The rules shall address detoxification, relapse prevention, patient assessment, individual treatment planning, counseling and recovery supports, diversion control, and other topics selected by the board after considering best practices in medication-assisted 72754
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treatment. The 72757

The board may ~~limit the application of~~ apply the rules to 72758
~~treatment provided through an~~ all circumstances in which a 72759
physician prescribes drugs for use in medication-assisted 72760
treatment or limit the application of the rules to prescriptions 72761
for medication-assisted treatment for patients being treated in 72762
office-based ~~practice~~ practices or other practice ~~type~~ types or 72763
~~location~~ locations specified by the board. 72764

(C) All rules adopted under this section shall be adopted in 72765
accordance with Chapter 119. of the Revised Code. The rules shall 72766
be consistent with rules adopted under sections 4723.51 and 72767
4730.55 of the Revised Code. 72768

Sec. 4731.07. (A) The state medical board shall keep a record 72769
of its proceedings. The minutes of a meeting of the board shall, 72770
on approval by the board, constitute an official record of its 72771
proceedings. 72772

(B) The board shall keep a register of applicants for 72773
certificates ~~to practice~~ issued under this chapter and Chapters 72774
4760., 4762., and 4774. of the Revised Code and licenses issued 72775
under this chapter and Chapters 4730. and 4778. of the Revised 72776
Code. The register shall show the name of the applicant and 72777
whether the applicant was granted or refused a certificate or 72778
license. With respect to applicants to practice medicine and 72779
surgery or osteopathic medicine and surgery, the register shall 72780
show the name of the institution that granted the applicant the 72781
degree of doctor of medicine or osteopathic medicine. The books 72782
and records of the board shall be prima-facie evidence of matters 72783
therein contained. 72784

Sec. ~~4731.081~~ 4731.08. In addition to any other eligibility 72785
requirement set forth in this chapter, each applicant for a 72786

~~certificate license~~ to practice medicine and surgery or 72787
osteopathic medicine and surgery shall comply with sections 72788
4776.01 to 4776.04 of the Revised Code. The state medical board 72789
shall not grant to an applicant a ~~certificate license~~ to practice 72790
medicine and surgery or osteopathic medicine and surgery unless 72791
the board, in its discretion, decides that the results of the 72792
criminal records check do not make the applicant ineligible for a 72793
~~certificate license~~ issued pursuant to section 4731.14 of the 72794
Revised Code. 72795

~~Sec. 4731.091 4731.09.~~ (A) ~~As used in this section and in~~ 72796
~~section 4731.092 of the Revised Code:~~ 72797

~~(1) "Graduate medical education" means education received~~ 72798
~~through any of the following:~~ 72799

~~(a) An internship or residency program conducted in the~~ 72800
~~United States and accredited by either the accreditation council~~ 72801
~~for graduate medical education of the American medical association~~ 72802
~~or the American osteopathic association;~~ 72803

~~(b) A clinical fellowship program conducted in the United~~ 72804
~~States at an institution with a residency program accredited by~~ 72805
~~either the accreditation council for graduate medical education of~~ 72806
~~the American medical association or the American osteopathic~~ 72807
~~association that is in a clinical field the same as or related to~~ 72808
~~the clinical field of the fellowship program;~~ 72809

~~(c) An internship program conducted in Canada and accredited~~ 72810
~~by the committee on accreditation of preregistration physician~~ 72811
~~training programs of the federation of provincial medical~~ 72812
~~licensing authorities of Canada;~~ 72813

~~(d) A residency program conducted in Canada and accredited by~~ 72814
~~either the royal college of physicians and surgeons of Canada or~~ 72815
~~the college of family physicians of Canada.~~ 72816

~~(2) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school.~~ 72817
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~~(B) To be eligible for admission to the examination conducted by the state medical board under section 4731.13 of the Revised Code, an applicant must meet the medical education and graduate medical education requirements specified in any one of the following and any additional requirements of division (C) of this section~~ 72821
An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery must meet all of the following requirements: 72822
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(1) Be at least eighteen years of age and of good moral character; 72829
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(2) Possess a high school diploma or a certificate of high school equivalence or have obtained the equivalent of such education as determined by the state medical board; 72831
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(3) Have completed two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board; 72834
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(4) Meet one of the following medical education and graduate medical education requirements: 72837
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(a) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association and have successfully completed not less than ~~nine~~ twelve months of graduate medical education through the first-year level of graduate medical education or its equivalent as determined by the board; 72839
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~~(2)(b)~~ Hold certification from the educational commission for 72847

foreign medical graduates and have successfully completed not less 72848
than ~~nine~~ twenty-four months of graduate medical education through 72849
the ~~first-year~~ second-year level of graduate medical education or 72850
its equivalent as determined by the board; 72851

~~(3)~~(c) Be a qualified graduate of a fifth pathway training 72852
program as recognized by the board under section ~~4731.092~~ 4731.091 72853
of the Revised Code and have successfully completed, subsequent to 72854
completing fifth pathway training, not less than ~~nine~~ twelve 72855
months of graduate medical education or its equivalent as 72856
determined by the board. 72857

(5) Have successfully passed an examination prescribed in 72858
rules adopted by the board to determine competency to practice 72859
medicine and surgery or osteopathic medicine and surgery; 72860

(6) Comply with section 4731.08 of the Revised Code; 72861

(7) Meet the requirements of section 4731.142 of the Revised 72862
Code if eligibility for the license applied for is based in part 72863
on certification from the educational commission for foreign 72864
medical graduates and the undergraduate education requirements 72865
established by this section were fulfilled at an institution 72866
outside of the United States. 72867

~~(C) If an applicant holding certification from the~~ 72868
~~educational commission for foreign medical graduates received the~~ 72869
~~core clinical instruction segment of the applicant's medical~~ 72870
~~education at an institution in the United States, the board may~~ 72871
~~require that to be eligible for admission to its examination, the~~ 72872
~~applicant must have received the instruction at either of the~~ 72873
~~following:~~ 72874

~~(1) An institution that, at the time of the instruction, was~~ 72875
~~a formal part of or had formal affiliation with a medical school~~ 72876
~~accredited by the liaison committee on medical education or an~~ 72877
~~osteopathic medical school accredited by the American osteopathic~~ 72878

association. 72879

~~(2) An institution with, at the time of the instruction, a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a field the same as or related to the core clinical instruction~~ (B) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall submit to the board an application in the form and manner prescribed by the board. The application must include all of the following: 72880
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(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the requirements of division (A) of this section; 72890
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(2) An affidavit from the applicant attesting to the accuracy and truthfulness of the information submitted under this section; 72893
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(3) Consent to the release of the applicant's information; 72895

(4) Any other information required by rules adopted by the board. 72896
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(C) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall include with the application a fee of three hundred five dollars, no part of which may be returned. An application is not considered submitted until the board receives the fee. 72898
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(D) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant. 72903
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(E) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not 72907
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later than ninety days after receipt of a complete application 72909
unless the applicant agrees in writing to an extension or the 72910
board determines that there is a substantial question of a 72911
violation of this chapter or the rules adopted under it and 72912
notifies the applicant in writing of the reasons for continuation 72913
of the investigation. If the board determines that the applicant 72914
is not in violation of this chapter or the rules adopted under it, 72915
the board shall issue a license not later than forty-five days 72916
after making that determination. 72917

Sec. ~~4731.092~~ 4731.091. To be recognized by the state medical 72918
board as a qualified graduate of a fifth pathway training program, 72919
an applicant shall submit evidence satisfactory to the board that 72920
~~he~~ the applicant has done all of the following: 72921

(A) Studied medicine in a foreign medical school acknowledged 72922
by the world health organization and verified by a member state of 72923
that organization as operating within the state's jurisdiction at 72924
the time ~~he~~ the applicant studied medicine; 72925

(B) Successfully completed all the formal requirements of the 72926
foreign medical school except internship or social service 72927
requirements; 72928

(C) Prior to entrance into the fifth pathway training 72929
program, attained on a screening examination acceptable to the 72930
board a score satisfactory to a medical school accredited by the 72931
liaison committee on medical education; 72932

(D) Successfully completed one academic year of fifth pathway 72933
training at a hospital affiliated with a medical school accredited 72934
by the liaison committee on medical education. 72935

Sec. 4731.10. Upon the request of a person who holds a 72936
license or certificate to practice in this state pursuant to 72937
~~Chapter 4731. of the Revised Code~~ issued under this chapter and is 72938

seeking licensure in another state, the state medical board shall 72939
provide verification of the person's license or certificate to 72940
practice the person's profession in this state. The fee for such 72941
verification ~~shall be~~ is fifty dollars. 72942

Sec. 4731.14. (A) ~~As used in this section, "graduate medical~~ 72943
~~education" has the same meaning as in section 4731.091 of the~~ 72944
~~Revised Code~~ The state medical board shall review all applications 72945
submitted under section 4731.09 or 4731.296 of the Revised Code 72946
and determine whether each applicant meets the requirements for a 72947
license to practice medicine and surgery or osteopathic medicine 72948
and surgery. An affirmative vote of not fewer than six members of 72949
the board is necessary for the board to determine that an 72950
applicant meets the requirements for a license. 72951

(B) ~~The state medical board shall issue its certificate to~~ 72952
~~practice medicine and surgery or osteopathic medicine and surgery~~ 72953
~~as follows:~~ 72954

(1) ~~The board shall issue its certificate to each individual~~ 72955
~~who was admitted to the board's examination by meeting the~~ 72956
~~educational requirements specified in division (B)(1) or (3) of~~ 72957
~~section 4731.091 of the Revised Code if the individual passes the~~ 72958
~~examination, pays a certificate issuance fee of three hundred~~ 72959
~~dollars, and submits evidence satisfactory to the board that the~~ 72960
~~individual has successfully completed not less than twelve months~~ 72961
~~of graduate medical education or its equivalent as determined by~~ 72962
~~the board.~~ 72963

(2) ~~Except as provided in section 4731.142 of the Revised~~ 72964
~~Code, the board shall issue its certificate to each individual who~~ 72965
~~was admitted to the board's examination by meeting the educational~~ 72966
~~requirements specified in division (B)(2) of section 4731.091 of~~ 72967
~~the Revised Code if the individual passes the examination, pays a~~ 72968
~~certificate issuance fee of three hundred dollars, submits~~ 72969

~~evidence satisfactory to the board that the individual has 72970
successfully completed not less than twenty four months of 72971
graduate medical education through the second year level of 72972
graduate medical education or its equivalent as determined by the 72973
board, and, if the individual passed the examination prior to 72974
completing twenty four months of graduate medical education or its 72975
equivalent, the individual continues to meet the moral character 72976
requirements for admission to the board's examination. 72977~~

~~(C) If the board determines that the evidence submitted with 72978
an application is satisfactory and the applicant meets the 72979
requirements for a license, the board shall issue to the applicant 72980
a license to practice medicine and surgery or osteopathic medicine 72981
and surgery, as applicable. If the applicant holds a medical 72982
degree other than the degree of doctor of medicine or doctor of 72983
osteopathic medicine, the license shall indicate that the 72984
applicant is authorized to practice medicine and surgery pursuant 72985
to the laws of this state. Each certificate license issued by the 72986
board shall be signed by its president and secretary, and attested 72987
by its seal. The certificate shall be on a form prescribed by the 72988
board and shall indicate the medical degree held by the individual 72989
to whom the certificate is issued. If the individual holds the 72990
degree of doctor of medicine, the certificate shall state that the 72991
individual is authorized to practice medicine and surgery pursuant 72992
to the laws of this state. If the individual holds the degree of 72993
doctor of osteopathic medicine, the certificate shall state that 72994
the individual is authorized to practice osteopathic medicine and 72995
surgery pursuant to the laws of this state. If the individual 72996
holds a medical degree other than the degree of doctor of medicine 72997
or doctor of osteopathic medicine, the certificate shall indicate 72998
the diploma, degree, or other document issued by the medical 72999
school or institution the individual attended and shall state that 73000
the individual is authorized to practice medicine and surgery 73001
pursuant to the laws of this state. 73002~~

(C) The holder of a license to practice medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "M.D.," or "physician." The holder of a license to practice osteopathic medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "D.O.," or "physician." 73003
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~~(D) The certificate shall be prominently displayed in the certificate holder's office or place where a major portion of the certificate holder's practice is conducted and shall entitle the holder to practice either medicine and surgery or osteopathic medicine and surgery provided the certificate holder maintains current registration as required by section 4731.281 of the Revised Code and provided further that such certificate has not been revoked, suspended, or limited by action of the state medical board pursuant to this chapter~~ holder of a license issued under this section shall either provide verification of licensure status from the board's internet web site on request or prominently display a wall certificate in the license holder's office or place where the majority of the holder's practice is conducted. 73008
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(E) An affirmative vote of not less than six members of the board is required for the issuance of a certificate. 73021
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Sec. 4731.142. (A) Except as provided in division (B) of this section, an individual must demonstrate proficiency in spoken English, by passing an examination specified by the state medical board, to receive a ~~certificate~~ license to practice issued under section 4731.14 of the Revised Code if the individual's eligibility for the ~~certificate~~ license is based in part on certification from the educational commission for foreign medical graduates and fulfillment of the undergraduate requirements established by section 4731.09 of the Revised Code at an institution outside the United States. The board shall adopt rules specifying an acceptable examination and establishing the minimum 73023
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score that demonstrates proficiency in spoken English. 73034

(B) An individual is not required to demonstrate proficiency 73035
in spoken English in accordance with division (A) of this section 73036
if any of the following apply: 73037

(1) The individual was required to demonstrate such 73038
proficiency as a condition of certification from the educational 73039
commission for foreign medical graduates; 73040

(2) For the five years immediately preceding the date on 73041
which the applicant submitted to the board an application as 73042
described in section 4731.09 of the Revised Code, the applicant 73043
held an unrestricted license issued by another state to practice 73044
medicine and surgery or osteopathic medicine and surgery and was 73045
actively engaged in such practice in the United States; 73046

(3) At the beginning of the five-year period preceding the 73047
date on which the applicant submitted to the board an application 73048
as described in section 4731.09 of the Revised Code, the applicant 73049
was receiving graduate medical education and, upon completion of 73050
that education, held an unrestricted license issued by another 73051
state to practice medicine and surgery or osteopathic medicine and 73052
surgery and was actively engaged in such practice in the United 73053
States. 73054

Sec. 4731.143. (A) Each person holding a valid ~~certificate~~ 73055
license issued under this chapter authorizing the ~~certificate~~ 73056
license holder to practice medicine and surgery, osteopathic 73057
medicine and surgery, or podiatric medicine and surgery, who is 73058
not covered by medical malpractice insurance shall provide a 73059
patient with written notice of the ~~certificate~~ license holder's 73060
lack of that insurance coverage prior to providing nonemergency 73061
professional services to the patient. The notice shall be provided 73062
alone on its own page. The notice shall provide space for the 73063
patient to acknowledge receipt of the notice, and shall be in the 73064

following form: 73065

"N O T I C E: 73066

Dr. (here state the full name of the 73067
~~certificate~~ license holder) is not covered by medical malpractice 73068
insurance. 73069

The undersigned acknowledges the receipt of this notice. 73070
..... 73071
(Patient's Signature) 73072
..... 73073
(Date)" 73074

The ~~certificate~~ license holder shall obtain the patient's 73075
signature, acknowledging the patient's receipt of the notice, 73076
prior to providing nonemergency professional services to the 73077
patient. The ~~certificate~~ license holder shall maintain the signed 73078
notice in the patient's ~~file~~ medical record. 73079

(B) This section does not apply to any officer or employee of 73080
the state, as those terms are defined in section 9.85 of the 73081
Revised Code, who is immune from civil liability under section 73082
9.86 of the Revised Code or is entitled to indemnification 73083
pursuant to section 9.87 of the Revised Code, to the extent that 73084
the person is acting within the scope of the person's employment 73085
or official responsibilities. 73086

This section does not apply to a person who complies with 73087
division (B)(2) of section 2305.234 of the Revised Code. 73088

(C) As used in this section, "medical malpractice insurance" 73089
means insurance coverage against the legal liability of the 73090
insured and against loss, damage, or expense incident to a claim 73091
arising out of the death, disease, or injury of any person as the 73092
result of negligence or malpractice in rendering professional 73093
service by any licensed physician, podiatrist, or hospital, as 73094

those terms are defined in section 2305.113 of the Revised Code. 73095

Sec. 4731.15. (A)~~(1)~~ The state medical board also shall 73096
regulate the following limited branches of medicine: massage 73097
therapy and cosmetic therapy, and to the extent specified in 73098
section 4731.151 of the Revised Code, naprapathy and 73099
mechanotherapy. The board shall adopt rules governing the limited 73100
branches of medicine under its jurisdiction. The rules shall be 73101
adopted in accordance with Chapter 119. of the Revised Code. 73102

~~(2) As used in this chapter:~~ 73103

~~(a) "Cosmetic therapy" means the permanent removal of hair 73104
from the human body through the use of electric modalities 73105
approved by the board for use in cosmetic therapy, and 73106
additionally may include the systematic friction, stroking, 73107
slapping, and kneading or tapping of the face, neck, scalp, or 73108
shoulders.~~ 73109

~~(b) "Massage therapy" means the treatment of disorders of the 73110
human body by the manipulation of soft tissue through the 73111
systematic external application of massage techniques including 73112
touch, stroking, friction, vibration, percussion, kneading, 73113
stretching, compression, and joint movements within the normal 73114
physiologic range of motion; and adjunctive thereto, the external 73115
application of water, heat, cold, topical preparations, and 73116
mechanical devices.~~ 73117

(B) A certificate to practice a limited branch of medicine 73118
issued by the state medical board is valid for a two-year period, 73119
except when an initial certificate is issued for a shorter period 73120
or when division (C)(2) of this section is applicable. The 73121
certificate may be renewed in accordance with division (C) of this 73122
section. 73123

(C)(1) Except as provided in division (C)(2) of this section, 73124

~~all~~ both of the following apply with respect to the renewal of certificates to practice a limited branch of medicine:

(a) Each person seeking to renew a certificate to practice a limited branch of medicine shall apply for biennial renewal with the state medical board in a manner prescribed by the board. An applicant for renewal shall pay a biennial renewal fee of one hundred dollars.

(b) At least ~~six months~~ one month before a certificate expires, the board shall provide a renewal notice to the certificate holder.

~~(c) At least three months before a certificate expires, the certificate holder shall submit the renewal application and biennial renewal fee to the board.~~

(2) The board shall implement a staggered renewal system that is substantially similar to the staggered renewal system the board uses under division (A) of section 4731.281 of the Revised Code.

(D) All persons who hold a certificate to practice a limited branch of medicine issued by the state medical board shall provide the board notice of any change of address. The notice shall be submitted to the board not later than thirty days after the change of address.

(E) A certificate to practice a limited branch of medicine shall be automatically suspended if the certificate holder fails to renew the certificate in accordance with division (C) of this section. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of sections 4731.34 and 4731.41 of the Revised Code.

If a certificate to practice has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate the certificate upon an applicant's submission of a renewal application and payment of ~~the biennial~~

~~renewal a reinstatement fee and the applicable monetary penalty of~~ 73156
~~one hundred twenty-five dollars.~~ With regard to reinstatement of a 73157
certificate to practice cosmetic therapy, the applicant also shall 73158
submit with the application a certification that the number of 73159
hours of continuing education necessary to have a suspended 73160
certificate reinstated have been completed, as specified in rules 73161
the board shall adopt in accordance with Chapter 119. of the 73162
Revised Code. ~~The penalty for reinstatement shall be twenty five~~ 73163
~~dollars.~~ 73164

If a certificate has been suspended pursuant to this division 73165
for more than two years, it may be restored. Subject to section 73166
4731.222 of the Revised Code, the board may restore the 73167
certificate upon an applicant's submission of a restoration 73168
application, ~~the biennial renewal fee, and the applicable monetary~~ 73169
~~penalty~~ a restoration fee of one hundred fifty dollars and 73170
compliance with sections 4776.01 to 4776.04 of the Revised Code. 73171
The board shall not restore to an applicant a certificate to 73172
practice unless the board, in its discretion, decides that the 73173
results of the criminal records check do not make the applicant 73174
ineligible for a certificate issued pursuant to section 4731.17 of 73175
the Revised Code. ~~The penalty for restoration is fifty dollars.~~ 73176

Sec. 4731.22. (A) The state medical board, by an affirmative 73177
vote of not fewer than six of its members, may limit, revoke, or 73178
suspend ~~an individual's~~ a license or certificate to practice or 73179
certificate to recommend, refuse to grant a license or certificate 73180
~~to an individual~~, refuse to renew a license or certificate, refuse 73181
to reinstate a license or certificate, or reprimand or place on 73182
probation the holder of a license or certificate if the individual 73183
applying for or holding the license or certificate ~~holder~~ is found 73184
by the board to have committed fraud during the administration of 73185
the examination for a license or certificate to practice or to 73186
have committed fraud, misrepresentation, or deception in applying 73187

for, renewing, or securing any license or certificate to practice 73188
or certificate to recommend issued by the board. 73189

(B) The board, by an affirmative vote of not fewer than six 73190
members, shall, to the extent permitted by law, limit, revoke, or 73191
suspend ~~an individual's~~ a license or certificate to practice or 73192
certificate to recommend, refuse to issue a license or certificate 73193
~~to an individual~~, refuse to renew a license or certificate, refuse 73194
to reinstate a license or certificate, or reprimand or place on 73195
probation the holder of a license or certificate for one or more 73196
of the following reasons: 73197

(1) Permitting one's name or one's license or certificate to 73198
practice to be used by a person, group, or corporation when the 73199
individual concerned is not actually directing the treatment 73200
given; 73201

(2) Failure to maintain minimal standards applicable to the 73202
selection or administration of drugs, or failure to employ 73203
acceptable scientific methods in the selection of drugs or other 73204
modalities for treatment of disease; 73205

(3) Except as provided in section 4731.97 of the Revised 73206
Code, selling, giving away, personally furnishing, prescribing, or 73207
administering drugs for other than legal and legitimate 73208
therapeutic purposes or a plea of guilty to, a judicial finding of 73209
guilt of, or a judicial finding of eligibility for intervention in 73210
lieu of conviction of, a violation of any federal or state law 73211
regulating the possession, distribution, or use of any drug; 73212

(4) Willfully betraying a professional confidence. 73213

For purposes of this division, "willfully betraying a 73214
professional confidence" does not include providing any 73215
information, documents, or reports under sections 307.621 to 73216
307.629 of the Revised Code to a child fatality review board; does 73217

not include providing any information, documents, or reports under 73218
sections 307.631 to 307.639 of the Revised Code to a drug overdose 73219
fatality review committee; does not include providing any 73220
information, documents, or reports to the director of health 73221
pursuant to guidelines established under section 3701.70 of the 73222
Revised Code; does not include written notice to a mental health 73223
professional under section 4731.62 of the Revised Code; and does 73224
not include the making of a report of an employee's use of a drug 73225
of abuse, or a report of a condition of an employee other than one 73226
involving the use of a drug of abuse, to the employer of the 73227
employee as described in division (B) of section 2305.33 of the 73228
Revised Code. Nothing in this division affects the immunity from 73229
civil liability conferred by section 2305.33 or 4731.62 of the 73230
Revised Code upon a physician who makes a report in accordance 73231
with section 2305.33 or notifies a mental health professional in 73232
accordance with section 4731.62 of the Revised Code. As used in 73233
this division, "employee," "employer," and "physician" have the 73234
same meanings as in section 2305.33 of the Revised Code. 73235

(5) Making a false, fraudulent, deceptive, or misleading 73236
statement in the solicitation of or advertising for patients; in 73237
relation to the practice of medicine and surgery, osteopathic 73238
medicine and surgery, podiatric medicine and surgery, or a limited 73239
branch of medicine; or in securing or attempting to secure any 73240
license or certificate to practice issued by the board. 73241

As used in this division, "false, fraudulent, deceptive, or 73242
misleading statement" means a statement that includes a 73243
misrepresentation of fact, is likely to mislead or deceive because 73244
of a failure to disclose material facts, is intended or is likely 73245
to create false or unjustified expectations of favorable results, 73246
or includes representations or implications that in reasonable 73247
probability will cause an ordinarily prudent person to 73248
misunderstand or be deceived. 73249

- (6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 73250
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- (7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 73254
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- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 73258
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- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 73261
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- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 73264
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 73267
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- (12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 73270
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 73273
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- (14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 73276
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- (15) Violation of the conditions of limitation placed by the 73279

board upon a license or certificate to practice; 73280

(16) Failure to pay license renewal fees specified in this 73281
chapter; 73282

(17) Except as authorized in section 4731.31 of the Revised 73283
Code, engaging in the division of fees for referral of patients, 73284
or the receiving of a thing of value in return for a specific 73285
referral of a patient to utilize a particular service or business; 73286

(18) Subject to section 4731.226 of the Revised Code, 73287
violation of any provision of a code of ethics of the American 73288
medical association, the American osteopathic association, the 73289
American podiatric medical association, or any other national 73290
professional organizations that the board specifies by rule. The 73291
state medical board shall obtain and keep on file current copies 73292
of the codes of ethics of the various national professional 73293
organizations. The individual whose license or certificate is 73294
being suspended or revoked shall not be found to have violated any 73295
provision of a code of ethics of an organization not appropriate 73296
to the individual's profession. 73297

For purposes of this division, a "provision of a code of 73298
ethics of a national professional organization" does not include 73299
any provision that would preclude the making of a report by a 73300
physician of an employee's use of a drug of abuse, or of a 73301
condition of an employee other than one involving the use of a 73302
drug of abuse, to the employer of the employee as described in 73303
division (B) of section 2305.33 of the Revised Code. Nothing in 73304
this division affects the immunity from civil liability conferred 73305
by that section upon a physician who makes either type of report 73306
in accordance with division (B) of that section. As used in this 73307
division, "employee," "employer," and "physician" have the same 73308
meanings as in section 2305.33 of the Revised Code. 73309

(19) Inability to practice according to acceptable and 73310

prevailing standards of care by reason of mental illness or 73311
physical illness, including, but not limited to, physical 73312
deterioration that adversely affects cognitive, motor, or 73313
perceptive skills. 73314

In enforcing this division, the board, upon a showing of a 73315
possible violation, may compel any individual authorized to 73316
practice by this chapter or who has submitted an application 73317
pursuant to this chapter to submit to a mental examination, 73318
physical examination, including an HIV test, or both a mental and 73319
a physical examination. The expense of the examination is the 73320
responsibility of the individual compelled to be examined. Failure 73321
to submit to a mental or physical examination or consent to an HIV 73322
test ordered by the board constitutes an admission of the 73323
allegations against the individual unless the failure is due to 73324
circumstances beyond the individual's control, and a default and 73325
final order may be entered without the taking of testimony or 73326
presentation of evidence. If the board finds an individual unable 73327
to practice because of the reasons set forth in this division, the 73328
board shall require the individual to submit to care, counseling, 73329
or treatment by physicians approved or designated by the board, as 73330
a condition for initial, continued, reinstated, or renewed 73331
authority to practice. An individual affected under this division 73332
shall be afforded an opportunity to demonstrate to the board the 73333
ability to resume practice in compliance with acceptable and 73334
prevailing standards under the provisions of the individual's 73335
license or certificate. For the purpose of this division, any 73336
individual who applies for or receives a license or certificate to 73337
practice under this chapter accepts the privilege of practicing in 73338
this state and, by so doing, shall be deemed to have given consent 73339
to submit to a mental or physical examination when directed to do 73340
so in writing by the board, and to have waived all objections to 73341
the admissibility of testimony or examination reports that 73342
constitute a privileged communication. 73343

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 ~~or 4731.282~~ of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the director of health pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or 73376
the performance or inducement of an abortion upon a pregnant woman 73377
with actual knowledge that the conditions specified in division 73378
(B) of section 2317.56 of the Revised Code have not been satisfied 73379
or with a heedless indifference as to whether those conditions 73380
have been satisfied, unless an affirmative defense as specified in 73381
division (H)(2) of that section would apply in a civil action 73382
authorized by division (H)(1) of that section; 73383

(24) The revocation, suspension, restriction, reduction, or 73384
termination of clinical privileges by the United States department 73385
of defense or department of veterans affairs or the termination or 73386
suspension of a certificate of registration to prescribe drugs by 73387
the drug enforcement administration of the United States 73388
department of justice; 73389

(25) Termination or suspension from participation in the 73390
medicare or medicaid programs by the department of health and 73391
human services or other responsible agency for any act or acts 73392
that also would constitute a violation of division (B)(2), (3), 73393
(6), (8), or (19) of this section; 73394

(26) Impairment of ability to practice according to 73395
acceptable and prevailing standards of care because of habitual or 73396
excessive use or abuse of drugs, alcohol, or other substances that 73397
impair ability to practice. 73398

For the purposes of this division, any individual authorized 73399
to practice by this chapter accepts the privilege of practicing in 73400
this state subject to supervision by the board. By filing an 73401
application for or holding a license or certificate to practice 73402
under this chapter, an individual shall be deemed to have given 73403
consent to submit to a mental or physical examination when ordered 73404
to do so by the board in writing, and to have waived all 73405
objections to the admissibility of testimony or examination 73406
reports that constitute privileged communications. 73407

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for licensure or certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure or certification to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license or certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare

contract or consent agreement; 73440

(c) Two written reports indicating that the individual's 73441
ability to practice has been assessed and that the individual has 73442
been found capable of practicing according to acceptable and 73443
prevailing standards of care. The reports shall be made by 73444
individuals or providers approved by the board for making the 73445
assessments and shall describe the basis for their determination. 73446

The board may reinstate a license or certificate suspended 73447
under this division after that demonstration and after the 73448
individual has entered into a written consent agreement. 73449

When the impaired practitioner resumes practice, the board 73450
shall require continued monitoring of the individual. The 73451
monitoring shall include, but not be limited to, compliance with 73452
the written consent agreement entered into before reinstatement or 73453
with conditions imposed by board order after a hearing, and, upon 73454
termination of the consent agreement, submission to the board for 73455
at least two years of annual written progress reports made under 73456
penalty of perjury stating whether the individual has maintained 73457
sobriety. 73458

(27) A second or subsequent violation of section 4731.66 or 73459
4731.69 of the Revised Code; 73460

(28) Except as provided in division (N) of this section: 73461

(a) Waiving the payment of all or any part of a deductible or 73462
copayment that a patient, pursuant to a health insurance or health 73463
care policy, contract, or plan that covers the individual's 73464
services, otherwise would be required to pay if the waiver is used 73465
as an enticement to a patient or group of patients to receive 73466
health care services from that individual; 73467

(b) Advertising that the individual will waive the payment of 73468
all or any part of a deductible or copayment that a patient, 73469
pursuant to a health insurance or health care policy, contract, or 73470

plan that covers the individual's services, otherwise would be required to pay. 73471
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(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 73473
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(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file medical record; 73476
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(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter; 73481
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(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement; 73485
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(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 73492
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(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for 73495
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discipline under this section if a court of competent jurisdiction 73502
has issued an order that either quashes a subpoena or permits the 73503
individual to withhold the testimony or evidence in issue; 73504

(35) Failure to supervise an oriental medicine practitioner 73505
or acupuncturist in accordance with Chapter 4762. of the Revised 73506
Code and the board's rules for providing that supervision; 73507

(36) Failure to supervise an anesthesiologist assistant in 73508
accordance with Chapter 4760. of the Revised Code and the board's 73509
rules for supervision of an anesthesiologist assistant; 73510

(37) Assisting suicide, as defined in section 3795.01 of the 73511
Revised Code; 73512

(38) Failure to comply with the requirements of section 73513
2317.561 of the Revised Code; 73514

(39) Failure to supervise a radiologist assistant in 73515
accordance with Chapter 4774. of the Revised Code and the board's 73516
rules for supervision of radiologist assistants; 73517

(40) Performing or inducing an abortion at an office or 73518
facility with knowledge that the office or facility fails to post 73519
the notice required under section 3701.791 of the Revised Code; 73520

(41) Failure to comply with the standards and procedures 73521
established in rules under section 4731.054 of the Revised Code 73522
for the operation of or the provision of care at a pain management 73523
clinic; 73524

(42) Failure to comply with the standards and procedures 73525
established in rules under section 4731.054 of the Revised Code 73526
for providing supervision, direction, and control of individuals 73527
at a pain management clinic; 73528

(43) Failure to comply with the requirements of section 73529
4729.79 or 4731.055 of the Revised Code, unless the state board of 73530
pharmacy no longer maintains a drug database pursuant to section 73531

4729.75 of the Revised Code;	73532
(44) Failure to comply with the requirements of section	73533
2919.171, 2919.202, or 2919.203 of the Revised Code or failure to	73534
submit to the department of health in accordance with a court	73535
order a complete report as described in section 2919.171 or	73536
2919.202 of the Revised Code;	73537
(45) Practicing at a facility that is subject to licensure as	73538
a category III terminal distributor of dangerous drugs with a pain	73539
management clinic classification unless the person operating the	73540
facility has obtained and maintains the license with the	73541
classification;	73542
(46) Owning a facility that is subject to licensure as a	73543
category III terminal distributor of dangerous drugs with a pain	73544
management clinic classification unless the facility is licensed	73545
with the classification;	73546
(47) Failure to comply with the requirement regarding	73547
maintaining notes described in division (B) of section 2919.191 of	73548
the Revised Code or failure to satisfy the requirements of section	73549
2919.191 of the Revised Code prior to performing or inducing an	73550
abortion upon a pregnant woman;	73551
(48) Failure to comply with the requirements in section	73552
3719.061 of the Revised Code before issuing for a minor a	73553
prescription for an opioid analgesic, as defined in section	73554
3719.01 of the Revised Code;	73555
(49) Failure to comply with the requirements of section	73556
4731.30 of the Revised Code or rules adopted under section	73557
4731.301 of the Revised Code when recommending treatment with	73558
medical marijuana;	73559
(50) Practicing at a facility, clinic, or other location that	73560
is subject to licensure as a category III terminal distributor of	73561
dangerous drugs with an office-based opioid treatment	73562

classification unless the person operating that place has obtained 73563
and maintains the license with the classification; 73564

(51) Owning a facility, clinic, or other location that is 73565
subject to licensure as a category III terminal distributor of 73566
dangerous drugs with an office-based opioid treatment 73567
classification unless that place is licensed with the 73568
classification. 73569

(C) Disciplinary actions taken by the board under divisions 73570
(A) and (B) of this section shall be taken pursuant to an 73571
adjudication under Chapter 119. of the Revised Code, except that 73572
in lieu of an adjudication, the board may enter into a consent 73573
agreement with an individual to resolve an allegation of a 73574
violation of this chapter or any rule adopted under it. A consent 73575
agreement, when ratified by an affirmative vote of not fewer than 73576
six members of the board, shall constitute the findings and order 73577
of the board with respect to the matter addressed in the 73578
agreement. If the board refuses to ratify a consent agreement, the 73579
admissions and findings contained in the consent agreement shall 73580
be of no force or effect. 73581

A telephone conference call may be utilized for ratification 73582
of a consent agreement that revokes or suspends an individual's 73583
license or certificate to practice or certificate to recommend. 73584
The telephone conference call shall be considered a special 73585
meeting under division (F) of section 121.22 of the Revised Code. 73586

If the board takes disciplinary action against an individual 73587
under division (B) of this section for a second or subsequent plea 73588
of guilty to, or judicial finding of guilt of, a violation of 73589
section 2919.123 of the Revised Code, the disciplinary action 73590
shall consist of a suspension of the individual's license or 73591
certificate to practice for a period of at least one year or, if 73592
determined appropriate by the board, a more serious sanction 73593
involving the individual's license or certificate to practice. Any 73594

consent agreement entered into under this division with an 73595
individual that pertains to a second or subsequent plea of guilty 73596
to, or judicial finding of guilt of, a violation of that section 73597
shall provide for a suspension of the individual's license or 73598
certificate to practice for a period of at least one year or, if 73599
determined appropriate by the board, a more serious sanction 73600
involving the individual's license or certificate to practice. 73601

(D) For purposes of divisions (B)(10), (12), and (14) of this 73602
section, the commission of the act may be established by a finding 73603
by the board, pursuant to an adjudication under Chapter 119. of 73604
the Revised Code, that the individual committed the act. The board 73605
does not have jurisdiction under those divisions if the trial 73606
court renders a final judgment in the individual's favor and that 73607
judgment is based upon an adjudication on the merits. The board 73608
has jurisdiction under those divisions if the trial court issues 73609
an order of dismissal upon technical or procedural grounds. 73610

(E) The sealing of conviction records by any court shall have 73611
no effect upon a prior board order entered under this section or 73612
upon the board's jurisdiction to take action under this section 73613
if, based upon a plea of guilty, a judicial finding of guilt, or a 73614
judicial finding of eligibility for intervention in lieu of 73615
conviction, the board issued a notice of opportunity for a hearing 73616
prior to the court's order to seal the records. The board shall 73617
not be required to seal, destroy, redact, or otherwise modify its 73618
records to reflect the court's sealing of conviction records. 73619

(F)(1) The board shall investigate evidence that appears to 73620
show that a person has violated any provision of this chapter or 73621
any rule adopted under it. Any person may report to the board in a 73622
signed writing any information that the person may have that 73623
appears to show a violation of any provision of this chapter or 73624
any rule adopted under it. In the absence of bad faith, any person 73625
who reports information of that nature or who testifies before the 73626

board in any adjudication conducted under Chapter 119. of the 73627
Revised Code shall not be liable in damages in a civil action as a 73628
result of the report or testimony. Each complaint or allegation of 73629
a violation received by the board shall be assigned a case number 73630
and shall be recorded by the board. 73631

(2) Investigations of alleged violations of this chapter or 73632
any rule adopted under it shall be supervised by the supervising 73633
member elected by the board in accordance with section 4731.02 of 73634
the Revised Code and by the secretary as provided in section 73635
4731.39 of the Revised Code. The president may designate another 73636
member of the board to supervise the investigation in place of the 73637
supervising member. No member of the board who supervises the 73638
investigation of a case shall participate in further adjudication 73639
of the case. 73640

(3) In investigating a possible violation of this chapter or 73641
any rule adopted under this chapter, or in conducting an 73642
inspection under division (E) of section 4731.054 of the Revised 73643
Code, the board may question witnesses, conduct interviews, 73644
administer oaths, order the taking of depositions, inspect and 73645
copy any books, accounts, papers, records, or documents, issue 73646
subpoenas, and compel the attendance of witnesses and production 73647
of books, accounts, papers, records, documents, and testimony, 73648
except that a subpoena for patient record information shall not be 73649
issued without consultation with the attorney general's office and 73650
approval of the secretary and supervising member of the board. 73651

(a) Before issuance of a subpoena for patient record 73652
information, the secretary and supervising member shall determine 73653
whether there is probable cause to believe that the complaint 73654
filed alleges a violation of this chapter or any rule adopted 73655
under it and that the records sought are relevant to the alleged 73656
violation and material to the investigation. The subpoena may 73657
apply only to records that cover a reasonable period of time 73658

surrounding the alleged violation. 73659

(b) On failure to comply with any subpoena issued by the 73660
board and after reasonable notice to the person being subpoenaed, 73661
the board may move for an order compelling the production of 73662
persons or records pursuant to the Rules of Civil Procedure. 73663

(c) A subpoena issued by the board may be served by a 73664
sheriff, the sheriff's deputy, or a board employee designated by 73665
the board. Service of a subpoena issued by the board may be made 73666
by delivering a copy of the subpoena to the person named therein, 73667
reading it to the person, or leaving it at the person's usual 73668
place of residence, usual place of business, or address on file 73669
with the board. When serving a subpoena to an applicant for or the 73670
holder of a license or certificate issued under this chapter, 73671
service of the subpoena may be made by certified mail, return 73672
receipt requested, and the subpoena shall be deemed served on the 73673
date delivery is made or the date the person refuses to accept 73674
delivery. If the person being served refuses to accept the 73675
subpoena or is not located, service may be made to an attorney who 73676
notifies the board that the attorney is representing the person. 73677

(d) A sheriff's deputy who serves a subpoena shall receive 73678
the same fees as a sheriff. Each witness who appears before the 73679
board in obedience to a subpoena shall receive the fees and 73680
mileage provided for under section 119.094 of the Revised Code. 73681

(4) All hearings, investigations, and inspections of the 73682
board shall be considered civil actions for the purposes of 73683
section 2305.252 of the Revised Code. 73684

(5) A report required to be submitted to the board under this 73685
chapter, a complaint, or information received by the board 73686
pursuant to an investigation or pursuant to an inspection under 73687
division (E) of section 4731.054 of the Revised Code is 73688
confidential and not subject to discovery in any civil action. 73689

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report

that documents the disposition of all cases during the preceding 73722
three months. The report shall contain the following information 73723
for each case with which the board has completed its activities: 73724

(a) The case number assigned to the complaint or alleged 73725
violation; 73726

(b) The type of license or certificate to practice, if any, 73727
held by the individual against whom the complaint is directed; 73728

(c) A description of the allegations contained in the 73729
complaint; 73730

(d) The disposition of the case. 73731

The report shall state how many cases are still pending and 73732
shall be prepared in a manner that protects the identity of each 73733
person involved in each case. The report shall be a public record 73734
under section 149.43 of the Revised Code. 73735

(G) If the secretary and supervising member determine both of 73736
the following, they may recommend that the board suspend an 73737
individual's license or certificate to practice or certificate to 73738
recommend without a prior hearing: 73739

(1) That there is clear and convincing evidence that an 73740
individual has violated division (B) of this section; 73741

(2) That the individual's continued practice presents a 73742
danger of immediate and serious harm to the public. 73743

Written allegations shall be prepared for consideration by 73744
the board. The board, upon review of those allegations and by an 73745
affirmative vote of not fewer than six of its members, excluding 73746
the secretary and supervising member, may suspend a license or 73747
certificate without a prior hearing. A telephone conference call 73748
may be utilized for reviewing the allegations and taking the vote 73749
on the summary suspension. 73750

The board shall issue a written order of suspension by 73751

certified mail or in person in accordance with section 119.07 of 73752
the Revised Code. The order shall not be subject to suspension by 73753
the court during pendency of any appeal filed under section 119.12 73754
of the Revised Code. If the individual subject to the summary 73755
suspension requests an adjudicatory hearing by the board, the date 73756
set for the hearing shall be within fifteen days, but not earlier 73757
than seven days, after the individual requests the hearing, unless 73758
otherwise agreed to by both the board and the individual. 73759

Any summary suspension imposed under this division shall 73760
remain in effect, unless reversed on appeal, until a final 73761
adjudicative order issued by the board pursuant to this section 73762
and Chapter 119. of the Revised Code becomes effective. The board 73763
shall issue its final adjudicative order within seventy-five days 73764
after completion of its hearing. A failure to issue the order 73765
within seventy-five days shall result in dissolution of the 73766
summary suspension order but shall not invalidate any subsequent, 73767
final adjudicative order. 73768

(H) If the board takes action under division (B)(9), (11), or 73769
(13) of this section and the judicial finding of guilt, guilty 73770
plea, or judicial finding of eligibility for intervention in lieu 73771
of conviction is overturned on appeal, upon exhaustion of the 73772
criminal appeal, a petition for reconsideration of the order may 73773
be filed with the board along with appropriate court documents. 73774
Upon receipt of a petition of that nature and supporting court 73775
documents, the board shall reinstate the individual's license or 73776
certificate to practice. The board may then hold an adjudication 73777
under Chapter 119. of the Revised Code to determine whether the 73778
individual committed the act in question. Notice of an opportunity 73779
for a hearing shall be given in accordance with Chapter 119. of 73780
the Revised Code. If the board finds, pursuant to an adjudication 73781
held under this division, that the individual committed the act or 73782
if no hearing is requested, the board may order any of the 73783

sanctions identified under division (B) of this section. 73784

(I) The license or certificate to practice issued to an 73785
individual under this chapter and the individual's practice in 73786
this state are automatically suspended as of the date of the 73787
individual's second or subsequent plea of guilty to, or judicial 73788
finding of guilt of, a violation of section 2919.123 of the 73789
Revised Code. In addition, the license or certificate to practice 73790
or certificate to recommend issued to an individual under this 73791
chapter and the individual's practice in this state are 73792
automatically suspended as of the date the individual pleads 73793
guilty to, is found by a judge or jury to be guilty of, or is 73794
subject to a judicial finding of eligibility for intervention in 73795
lieu of conviction in this state or treatment or intervention in 73796
lieu of conviction in another jurisdiction for any of the 73797
following criminal offenses in this state or a substantially 73798
equivalent criminal offense in another jurisdiction: aggravated 73799
murder, murder, voluntary manslaughter, felonious assault, 73800
kidnapping, rape, sexual battery, gross sexual imposition, 73801
aggravated arson, aggravated robbery, or aggravated burglary. 73802
Continued practice after suspension shall be considered practicing 73803
without a license or certificate. 73804

The board shall notify the individual subject to the 73805
suspension by certified mail or in person in accordance with 73806
section 119.07 of the Revised Code. If an individual whose license 73807
or certificate is automatically suspended under this division 73808
fails to make a timely request for an adjudication under Chapter 73809
119. of the Revised Code, the board shall do whichever of the 73810
following is applicable: 73811

(1) If the automatic suspension under this division is for a 73812
second or subsequent plea of guilty to, or judicial finding of 73813
guilt of, a violation of section 2919.123 of the Revised Code, the 73814
board shall enter an order suspending the individual's license or 73815

certificate to practice for a period of at least one year or, if 73816
determined appropriate by the board, imposing a more serious 73817
sanction involving the individual's license or certificate to 73818
practice. 73819

(2) In all circumstances in which division (I)(1) of this 73820
section does not apply, enter a final order permanently revoking 73821
the individual's license or certificate to practice. 73822

(J) If the board is required by Chapter 119. of the Revised 73823
Code to give notice of an opportunity for a hearing and if the 73824
individual subject to the notice does not timely request a hearing 73825
in accordance with section 119.07 of the Revised Code, the board 73826
is not required to hold a hearing, but may adopt, by an 73827
affirmative vote of not fewer than six of its members, a final 73828
order that contains the board's findings. In that final order, the 73829
board may order any of the sanctions identified under division (A) 73830
or (B) of this section. 73831

(K) Any action taken by the board under division (B) of this 73832
section resulting in a suspension from practice shall be 73833
accompanied by a written statement of the conditions under which 73834
the individual's license or certificate to practice may be 73835
reinstated. The board shall adopt rules governing conditions to be 73836
imposed for reinstatement. Reinstatement of a license or 73837
certificate suspended pursuant to division (B) of this section 73838
requires an affirmative vote of not fewer than six members of the 73839
board. 73840

(L) When the board refuses to grant or issue a license or 73841
certificate to practice to an applicant, revokes an individual's 73842
license or certificate to practice, refuses to renew an 73843
individual's license or certificate to practice, or refuses to 73844
reinstate an individual's license or certificate to practice, the 73845
board may specify that its action is permanent. An individual 73846
subject to a permanent action taken by the board is forever 73847

thereafter ineligible to hold a license or certificate to practice 73848
and the board shall not accept an application for reinstatement of 73849
the license or certificate or for issuance of a new license or 73850
certificate. 73851

(M) Notwithstanding any other provision of the Revised Code, 73852
all of the following apply: 73853

(1) The surrender of a license or certificate issued under 73854
this chapter shall not be effective unless or until accepted by 73855
the board. A telephone conference call may be utilized for 73856
acceptance of the surrender of an individual's license or 73857
certificate to practice. The telephone conference call shall be 73858
considered a special meeting under division (F) of section 121.22 73859
of the Revised Code. Reinstatement of a license or certificate 73860
surrendered to the board requires an affirmative vote of not fewer 73861
than six members of the board. 73862

(2) An application for a license or certificate made under 73863
the provisions of this chapter may not be withdrawn without 73864
approval of the board. 73865

(3) Failure by an individual to renew a license or 73866
certificate to practice in accordance with this chapter or a 73867
certificate to recommend in accordance with rules adopted under 73868
section 4731.301 of the Revised Code shall not remove or limit the 73869
board's jurisdiction to take any disciplinary action under this 73870
section against the individual. 73871

(4) At the request of the board, a license or certificate 73872
holder shall immediately surrender to the board a license or 73873
certificate that the board has suspended, revoked, or permanently 73874
revoked. 73875

(N) Sanctions shall not be imposed under division (B)(28) of 73876
this section against any person who waives deductibles and 73877
copayments as follows: 73878

(1) In compliance with the health benefit plan that expressly 73879
allows such a practice. Waiver of the deductibles or copayments 73880
shall be made only with the full knowledge and consent of the plan 73881
purchaser, payer, and third-party administrator. Documentation of 73882
the consent shall be made available to the board upon request. 73883

(2) For professional services rendered to any other person 73884
authorized to practice pursuant to this chapter, to the extent 73885
allowed by this chapter and rules adopted by the board. 73886

(0) Under the board's investigative duties described in this 73887
section and subject to division (F) of this section, the board 73888
shall develop and implement a quality intervention program 73889
designed to improve through remedial education the clinical and 73890
communication skills of individuals authorized under this chapter 73891
to practice medicine and surgery, osteopathic medicine and 73892
surgery, and podiatric medicine and surgery. In developing and 73893
implementing the quality intervention program, the board may do 73894
all of the following: 73895

(1) Offer in appropriate cases as determined by the board an 73896
educational and assessment program pursuant to an investigation 73897
the board conducts under this section; 73898

(2) Select providers of educational and assessment services, 73899
including a quality intervention program panel of case reviewers; 73900

(3) Make referrals to educational and assessment service 73901
providers and approve individual educational programs recommended 73902
by those providers. The board shall monitor the progress of each 73903
individual undertaking a recommended individual educational 73904
program. 73905

(4) Determine what constitutes successful completion of an 73906
individual educational program and require further monitoring of 73907
the individual who completed the program or other action that the 73908
board determines to be appropriate; 73909

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program. 73910
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An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 73913
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Sec. 4731.221. If the state medical board has reason to believe that any person who has been granted a license or certificate under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which such person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the board secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section. 73916
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If any person who has been granted a license or certificate under this chapter is adjudged by a probate court to be mentally ill or mentally incompetent, the person's license or certificate shall be automatically suspended until such person has filed with the state medical board a certified copy of an adjudication by a probate court of the person's subsequent restoration to competency or has submitted to such board proof, satisfactory to the board, that the person has been discharged as having a restoration to competency in the manner and form provided in section 5122.38 of the Revised Code. The judge of such court shall forthwith notify the state medical board of an adjudication of mental illness or mental incompetence, and shall note any suspension of a license or certificate in the margin of the court's record of such license or certificate. 73926
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Sec. 4731.222. (A) This section applies to both of the 73940
following: 73941

(1) An applicant seeking restoration of a license or 73942
certificate issued under this chapter that has been in a suspended 73943
or inactive state for any cause for more than two years; 73944

(2) An applicant seeking issuance of a license or certificate 73945
pursuant to section 4731.17, ~~4731.29~~, 4731.295, 4731.57, or 73946
4731.571 of the Revised Code who for more than two years has not 73947
been engaged in the practice of medicine and surgery, osteopathic 73948
medicine and surgery, podiatric medicine and surgery, or a limited 73949
branch of medicine as any of the following: 73950

(a) An active practitioner; 73951

(b) A participant in a program of graduate medical education, 73952
as defined in section ~~4731.091~~ 4731.04 of the Revised Code; 73953

(c) A student in a college of podiatry determined by the 73954
state medical board to be in good standing; 73955

(d) A student in a school, college, or institution giving 73956
instruction in a limited branch of medicine determined by the 73957
board to be in good standing under section 4731.16 of the Revised 73958
Code. 73959

(B) Before restoring a license or certificate to good 73960
standing for or issuing a license or certificate to an applicant 73961
subject to this section, the state medical board may impose terms 73962
and conditions including any one or more of the following: 73963

(1) Requiring the applicant to pass an oral or written 73964
examination, or both, to determine the applicant's present fitness 73965
to resume practice; 73966

(2) Requiring the applicant to obtain additional training and 73967
to pass an examination upon completion of such training; 73968

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care;

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;

(6) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section ~~4731.08~~ 4731.09, 4731.19, or 4731.52 of the Revised Code. The board shall not restore a license or certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

Sec. 4731.223. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid license or certificate issued pursuant to this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, or for a second or subsequent time pleads guilty to, or is subject to a judicial finding of guilt of, a violation of section 2919.123 of

the Revised Code, the prosecutor in the case, on forms prescribed 73999
and provided by the state medical board, shall promptly notify the 74000
board of the conviction or guilty plea. Within thirty days of 74001
receipt of that information, the board shall initiate action in 74002
accordance with Chapter 119. of the Revised Code to determine 74003
whether to suspend or revoke the license or certificate under 74004
section 4731.22 of the Revised Code. 74005

(C) The prosecutor in any case against any person holding a 74006
valid license or certificate issued pursuant to this chapter, on 74007
forms prescribed and provided by the state medical board, shall 74008
notify the board of any of the following: 74009

(1) A plea of guilty to, a finding of guilt by a jury or 74010
court of, or judicial finding of eligibility for intervention in 74011
lieu of conviction for a felony, or a case in which the trial 74012
court issues an order of dismissal upon technical or procedural 74013
grounds of a felony charge; 74014

(2) A plea of guilty to, a finding of guilt by a jury or 74015
court of, or judicial finding of eligibility for intervention in 74016
lieu of conviction for a misdemeanor committed in the course of 74017
practice, or a case in which the trial court issues an order of 74018
dismissal upon technical or procedural grounds of a charge of a 74019
misdemeanor, if the alleged act was committed in the course of 74020
practice; 74021

(3) A plea of guilty to, a finding of guilt by a jury or 74022
court of, or judicial finding of eligibility for intervention in 74023
lieu of conviction for a misdemeanor involving moral turpitude, or 74024
a case in which the trial court issues an order of dismissal upon 74025
technical or procedural grounds of a charge of a misdemeanor 74026
involving moral turpitude. 74027

The report shall include the name and address of the license 74028
or certificate holder, the nature of the offense for which the 74029

action was taken, and the certified court documents recording the 74030
action. 74031

Sec. 4731.224. (A) Within sixty days after the imposition of 74032
any formal disciplinary action taken by any health care facility, 74033
including a hospital, health care facility operated by a health 74034
insuring corporation, ambulatory surgical center, or similar 74035
facility, against any individual holding a valid license or 74036
certificate to practice issued pursuant to this chapter, the chief 74037
administrator or executive officer of the facility shall report to 74038
the state medical board the name of the individual, the action 74039
taken by the facility, and a summary of the underlying facts 74040
leading to the action taken. Upon request, the board shall be 74041
provided certified copies of the patient records that were the 74042
basis for the facility's action. Prior to release to the board, 74043
the summary shall be approved by the peer review committee that 74044
reviewed the case or by the governing board of the facility. As 74045
used in this division, "formal disciplinary action" means any 74046
action resulting in the revocation, restriction, reduction, or 74047
termination of clinical privileges for violations of professional 74048
ethics, or for reasons of medical incompetence, medical 74049
malpractice, or drug or alcohol abuse. "Formal disciplinary 74050
action" includes a summary action, an action that takes effect 74051
notwithstanding any appeal rights that may exist, and an action 74052
that results in an individual surrendering clinical privileges 74053
while under investigation and during proceedings regarding the 74054
action being taken or in return for not being investigated or 74055
having proceedings held. "Formal disciplinary action" does not 74056
include any action taken for the sole reason of failure to 74057
maintain records on a timely basis or failure to attend staff or 74058
section meetings. 74059

The filing or nonfiling of a report with the board, 74060
investigation by the board, or any disciplinary action taken by 74061

the board, shall not preclude any action by a health care facility 74062
to suspend, restrict, or revoke the individual's clinical 74063
privileges. 74064

In the absence of fraud or bad faith, no individual or entity 74065
that provides patient records to the board shall be liable in 74066
damages to any person as a result of providing the records. 74067

(B) If any individual authorized to practice under this 74068
chapter or any professional association or society of such 74069
individuals believes that a violation of any provision of this 74070
chapter, Chapter 4730., 4760., 4762., 4774., or 4778. of the 74071
Revised Code, or any rule of the board has occurred, the 74072
individual, association, or society shall report to the board the 74073
information upon which the belief is based. This division does not 74074
require any treatment provider approved by the board under section 74075
4731.25 of the Revised Code or any employee, agent, or 74076
representative of such a provider to make reports with respect to 74077
an impaired practitioner participating in treatment or aftercare 74078
for substance abuse as long as the practitioner maintains 74079
participation in accordance with the requirements of section 74080
4731.25 of the Revised Code, and as long as the treatment provider 74081
or employee, agent, or representative of the provider has no 74082
reason to believe that the practitioner has violated any provision 74083
of this chapter or any rule adopted under it, other than the 74084
provisions of division (B)(26) of section 4731.22 of the Revised 74085
Code. This division does not require reporting by any member of an 74086
impaired practitioner committee established by a health care 74087
facility or by any representative or agent of a committee or 74088
program sponsored by a professional association or society of 74089
individuals authorized to practice under this chapter to provide 74090
peer assistance to practitioners with substance abuse problems 74091
with respect to a practitioner who has been referred for 74092
examination to a treatment program approved by the board under 74093

section 4731.25 of the Revised Code if the practitioner cooperates 74094
with the referral for examination and with any determination that 74095
the practitioner should enter treatment and as long as the 74096
committee member, representative, or agent has no reason to 74097
believe that the practitioner has ceased to participate in the 74098
treatment program in accordance with section 4731.25 of the 74099
Revised Code or has violated any provision of this chapter or any 74100
rule adopted under it, other than the provisions of division 74101
(B)(26) of section 4731.22 of the Revised Code. 74102

(C) Any professional association or society composed 74103
primarily of doctors of medicine and surgery, doctors of 74104
osteopathic medicine and surgery, doctors of podiatric medicine 74105
and surgery, or practitioners of limited branches of medicine that 74106
suspends or revokes an individual's membership for violations of 74107
professional ethics, or for reasons of professional incompetence 74108
or professional malpractice, within sixty days after a final 74109
decision shall report to the board, on forms prescribed and 74110
provided by the board, the name of the individual, the action 74111
taken by the professional organization, and a summary of the 74112
underlying facts leading to the action taken. 74113

The filing of a report with the board or decision not to file 74114
a report, investigation by the board, or any disciplinary action 74115
taken by the board, does not preclude a professional organization 74116
from taking disciplinary action against an individual. 74117

(D) Any insurer providing professional liability insurance to 74118
an individual authorized to practice under this chapter, or any 74119
other entity that seeks to indemnify the professional liability of 74120
such an individual, shall notify the board within thirty days 74121
after the final disposition of any written claim for damages where 74122
such disposition results in a payment exceeding twenty-five 74123
thousand dollars. The notice shall contain the following 74124
information: 74125

(1) The name and address of the person submitting the notification;	74126 74127
(2) The name and address of the insured who is the subject of the claim;	74128 74129
(3) The name of the person filing the written claim;	74130
(4) The date of final disposition;	74131
(5) If applicable, the identity of the court in which the final disposition of the claim took place.	74132 74133
(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual.	74134 74135 74136 74137 74138 74139 74140 74141 74142 74143
(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order.	74144 74145 74146 74147 74148 74149 74150 74151 74152 74153
The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or	74154 74155 74156

recredentialing the individual or in reviewing the individual's 74157
clinical privileges. The board shall indicate whether or not the 74158
information has been verified. Information transmitted by the 74159
board shall be subject to the same confidentiality provisions as 74160
when maintained by the board. 74161

(G) Except for reports filed by an individual pursuant to 74162
division (B) of this section, the board shall send a copy of any 74163
reports or summaries it receives pursuant to this section to the 74164
individual who is the subject of the reports or summaries. The 74165
individual shall have the right to file a statement with the board 74166
concerning the correctness or relevance of the information. The 74167
statement shall at all times accompany that part of the record in 74168
contention. 74169

(H) An individual or entity that, pursuant to this section, 74170
reports to the board or refers an impaired practitioner to a 74171
treatment provider approved by the board under section 4731.25 of 74172
the Revised Code shall not be subject to suit for civil damages as 74173
a result of the report, referral, or provision of the information. 74174

(I) In the absence of fraud or bad faith, no professional 74175
association or society of individuals authorized to practice under 74176
this chapter that sponsors a committee or program to provide peer 74177
assistance to practitioners with substance abuse problems, no 74178
representative or agent of such a committee or program, and no 74179
member of the state medical board shall be held liable in damages 74180
to any person by reason of actions taken to refer a practitioner 74181
to a treatment provider approved under section 4731.25 of the 74182
Revised Code for examination or treatment. 74183

Sec. 4731.225. (A) If the holder of a license or certificate 74184
issued under this chapter violates division (A), (B), or (C) of 74185
section 4731.66 or section 4731.69 of the Revised Code, or if any 74186
other person violates division (B) or (C) of section 4731.66 or 74187

section 4731.69 of the Revised Code, the state medical board, 74188
pursuant to an adjudication under Chapter 119. of the Revised Code 74189
and an affirmative vote of not fewer than six of its members, 74190
shall: 74191

(1) For a first violation, impose a civil penalty of not more 74192
than five thousand dollars; 74193

(2) For each subsequent violation, impose a civil penalty of 74194
not more than twenty thousand dollars and, if the violator is a 74195
license or certificate holder, proceed under division (B)(27) of 74196
section 4731.22 of the Revised Code. 74197

(B)(1) If the holder of a license or certificate issued under 74198
this chapter violates any section of this chapter other than 74199
section 4731.281 or 4731.282 of the Revised Code or the sections 74200
specified in division (A) of this section, or violates any rule 74201
adopted under this chapter, the board may, pursuant to an 74202
adjudication under Chapter 119. of the Revised Code and an 74203
affirmative vote of not fewer than six of its members, impose a 74204
civil penalty. The amount of the civil penalty shall be determined 74205
by the board in accordance with the guidelines adopted under 74206
division (B)(2) of this section. The civil penalty may be in 74207
addition to any other action the board may take under section 74208
4731.22 of the Revised Code. 74209

(2) The board shall adopt and may amend guidelines regarding 74210
the amounts of civil penalties to be imposed under this section. 74211
Adoption or amendment of the guidelines requires the approval of 74212
not fewer than six board members. 74213

Under the guidelines, no civil penalty amount shall exceed 74214
twenty thousand dollars. 74215

(C) Amounts received from payment of civil penalties imposed 74216
under this section shall be deposited by the board in accordance 74217
with section 4731.24 of the Revised Code. Amounts received from 74218

payment of civil penalties imposed for violations of division 74219
(B)(26) of section 4731.22 of the Revised Code shall be used by 74220
the board solely for investigations, enforcement, and compliance 74221
monitoring. 74222

Sec. 4731.23. (A)(1)(a) The state medical board shall 74223
designate one or more attorneys at law who have been admitted to 74224
the practice of law, and who are classified as either 74225
administrative law attorney examiners or as administrative law 74226
attorney examiner administrators under the state job 74227
classification plan adopted under section 124.14 of the Revised 74228
Code, as hearing examiners, subject to Chapter 119. of the Revised 74229
Code, to conduct any hearing which the medical board is empowered 74230
to hold or undertake pursuant to Chapter 119. of the Revised Code. 74231

(b) Notwithstanding the requirement of division (A)(1)(a) of 74232
this section that the board designate as a hearing examiner an 74233
attorney who is classified as either an administrative law 74234
attorney examiner or an administrative law attorney examiner 74235
administrator, the board may, subject to section 127.16 of the 74236
Revised Code, enter into a personal service contract with an 74237
attorney admitted to the practice of law in this state to serve on 74238
a temporary basis as a hearing examiner. 74239

(2) The hearing examiner shall hear and consider the oral and 74240
documented evidence introduced by the parties and issue in writing 74241
proposed findings of fact and conclusions of law to the board for 74242
their consideration within thirty days following the close of the 74243
hearing. 74244

(B) The board shall be given copies of the transcript of the 74245
record hearing and all exhibits and documents presented by the 74246
parties at the hearing. 74247

(C) The board shall, upon the favorable vote of three 74248
members, allow the parties or their counsel the opportunity to 74249

present oral arguments on the proposed findings of fact and 74250
conclusions of law of the hearing examiner prior to the board's 74251
final action. 74252

(D) The board shall render a decision and take action within 74253
sixty days following the receipt of the hearing examiner's 74254
proposed findings of fact and conclusions of law or within any 74255
longer period mutually agreed upon by the board and the license or 74256
certificate holder. 74257

(E) The final decision of the board in any hearing which the 74258
board is empowered to undertake shall be in writing and contain 74259
findings of fact and conclusions of law. Copies of the decision 74260
shall be delivered to the parties personally or by certified mail. 74261
The decision shall be final upon delivery or mailing, except that 74262
the license or certificate holder may appeal in the manner 74263
provided by Chapter 119. of the Revised Code. 74264

Sec. 4731.26. Upon application by the holder of a license or 74265
certificate to practice issued under this chapter, the state 74266
medical board shall issue a duplicate license or certificate to 74267
replace one missing or damaged, to reflect a name change, or for 74268
any other reasonable cause. The fee for a duplicate license or 74269
certificate to practice shall be thirty-five dollars. 74270

Sec. 4731.281. (A)(1) Each person holding a ~~certificate~~ 74271
license issued under this chapter to practice medicine and 74272
surgery, osteopathic medicine and surgery, or podiatric medicine 74273
and surgery wishing to renew that ~~certificate~~ license shall apply 74274
to the board for renewal. Applications shall be submitted to the 74275
board in a manner prescribed by the board. Each application shall 74276
be accompanied by a biennial renewal fee of three hundred five 74277
dollars. Applications shall be submitted according to the 74278
following schedule: 74279

(a) Persons whose last name begins with the letters "A" through "B," on or before April 1, 2001, and the first day of April <u>July</u> of every odd-numbered year thereafter;	74280 74281 74282
(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January <u>April</u> of every odd-numbered year thereafter;	74283 74284 74285
(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October <u>January</u> of every even-numbered <u>odd-numbered</u> year thereafter;	74286 74287 74288 74289
(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July <u>October</u> of every even-numbered year thereafter;	74290 74291 74292
(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April <u>July</u> of every even-numbered year thereafter;	74293 74294 74295
(f) Persons whose last name begins with the letters "N" through "R," on or before January 1, 2000, and the first day of January <u>April</u> of every even-numbered year thereafter;	74296 74297 74298
(g) Persons whose last name begins with the letter "S," on or before October 1, 1999, and the first day of October <u>January</u> of every odd-numbered <u>even-numbered</u> year thereafter;	74299 74300 74301
(h) Persons whose last name begins with the letters "T" through "Z," on or before July 1, 1999, and the first day of July <u>October</u> of every odd-numbered year thereafter.	74302 74303 74304
The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.	74305 74306 74307 74308 74309

(2) The board shall provide to every person holding a certificate license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, a renewal notice or may provide the notice to the person through the secretary of any recognized medical, osteopathic, or podiatric society, ~~according to the following schedule:~~

~~(a) To persons whose last name begins with the letters "A" through "B," on or before January 1, 2001, and the first day of January of every odd numbered year thereafter;~~

~~(b) To persons whose last name begins with the letters "C" through "D," on or before October 1, 2000, and the first day of October of every even numbered year thereafter;~~

~~(c) To persons whose last name begins with the letters "E" through "G," on or before July 1, 2000, and the first day of July of every even numbered year thereafter;~~

~~(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even numbered year thereafter;~~

~~(e) To persons whose last name begins with the letters "L" through "M," on or before January 1, 2000, and the first day of January of every even numbered year thereafter;~~

~~(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd numbered year thereafter;~~

~~(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd numbered year thereafter;~~

~~(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd numbered year thereafter. The notice shall be~~

provided to the person at least one month prior to the date on 74340
which the person's license expires. 74341

(3) Failure of any person to receive a notice of renewal from 74342
the board shall not excuse the person from the requirements 74343
contained in this section. 74344

(4) The board's notice shall inform the applicant of the 74345
renewal procedure. The board shall provide the application for 74346
renewal in a form determined by the board. 74347

(5) The applicant shall provide in the application the 74348
applicant's full name; the applicant's residence address, business 74349
address, and electronic mail address; the number of the 74350
applicant's ~~certificate~~ license to practice; and any other 74351
information required by the board. 74352

(6)(a) Except as provided in division (A)(6)(b) of this 74353
section, in the case of an applicant who prescribes or personally 74354
furnishes opioid analgesics or benzodiazepines, as defined in 74355
section 3719.01 of the Revised Code, the applicant shall certify 74356
to the board whether the applicant has been granted access to the 74357
drug database established and maintained by the state board of 74358
pharmacy pursuant to section 4729.75 of the Revised Code. 74359

(b) The requirement in division (A)(6)(a) of this section 74360
does not apply if any of the following is the case: 74361

(i) The state board of pharmacy notifies the state medical 74362
board pursuant to section 4729.861 of the Revised Code that the 74363
applicant has been restricted from obtaining further information 74364
from the drug database. 74365

(ii) The state board of pharmacy no longer maintains the drug 74366
database. 74367

(iii) The applicant does not practice medicine and surgery, 74368
osteopathic medicine and surgery, or podiatric medicine and 74369

surgery in this state. 74370

(c) If an applicant certifies to the state medical board that 74371
the applicant has been granted access to the drug database and the 74372
board finds through an audit or other means that the applicant has 74373
not been granted access, the board may take action under section 74374
4731.22 of the Revised Code. 74375

(7) The applicant shall ~~include with the application a list~~ 74376
~~of the names and addresses of~~ indicate whether the applicant 74377
currently collaborates, as that term is defined in section 4723.01 74378
of the Revised Code, with any clinical nurse specialists, 74379
certified nurse-midwives, or certified nurse practitioners ~~with~~ 74380
~~whom the applicant is currently collaborating, as defined in~~ 74381
~~section 4723.01 of the Revised Code.~~ 74382

(8) The applicant shall report any criminal offense to which 74383
the applicant has pleaded guilty, of which the applicant has been 74384
found guilty, or for which the applicant has been found eligible 74385
for intervention in lieu of conviction, since last ~~filing~~ 74386
submitting an application for a ~~certificate~~ license to practice or 74387
renewal of a ~~certificate~~ license. 74388

(9) The applicant shall execute and deliver the application 74389
to the board in a manner prescribed by the board. 74390

(B) The board shall renew a ~~certificate~~ license under this 74391
chapter to practice medicine and surgery, osteopathic medicine and 74392
surgery, or podiatric medicine and surgery upon application and 74393
qualification therefor in accordance with this section. A renewal 74394
shall be valid for a two-year period. 74395

(C) Failure of any ~~certificate~~ license holder to renew and 74396
comply with this section shall operate automatically to suspend 74397
the holder's ~~certificate~~ license to practice and if applicable, 74398
the holder's certificate to recommend issued under section 4731.30 74399
of the Revised Code. Continued practice after the suspension shall 74400

be considered as practicing in violation of section 4731.41, 74401
4731.43, or 4731.60 of the Revised Code. If 74402

If the ~~certificate~~ license has been suspended pursuant to 74403
this division for two years or less, it may be reinstated. The 74404
board shall reinstate a ~~certificate~~ license to practice suspended 74405
for failure to renew upon an applicant's submission of a renewal 74406
application, ~~the biennial renewal fee, and the applicable monetary~~ 74407
~~penalty. The penalty for reinstatement shall be one payment of a~~ 74408
reinstatement fee of four hundred five dollars. If 74409

If the ~~certificate~~ license has been suspended pursuant to 74410
this division for more than two years, it may be restored. Subject 74411
to section 4731.222 of the Revised Code, the board may restore a 74412
~~certificate~~ license to practice suspended for failure to renew 74413
upon an applicant's submission of a restoration application, ~~the~~ 74414
~~biennial renewal fee, and the applicable monetary penalty~~ payment 74415
of a restoration fee of five hundred five dollars, and compliance 74416
with sections 4776.01 to 4776.04 of the Revised Code. The board 74417
shall not restore to an applicant a ~~certificate~~ license to 74418
practice unless the board, in its discretion, decides that the 74419
results of the criminal records check do not make the applicant 74420
ineligible for a ~~certificate~~ license issued pursuant to section 74421
4731.14, 4731.56, or 4731.57 of the Revised Code. ~~The penalty for~~ 74422
~~restoration shall be two hundred dollars. The board shall deposit~~ 74423
~~the penalties in accordance with section 4731.24 of the Revised~~ 74424
~~Code. Any renewal~~ reinstatement or restoration of a ~~certificate~~ 74425
license to practice under this section shall operate automatically 74426
to renew the holder's certificate to recommend. 74427

(D) ~~If an individual certifies completion of the number of~~ 74428
~~hours and type of continuing medical education required to renew~~ 74429
~~or reinstate a certificate to practice, and the board finds~~ 74430
~~through the random samples it conducts under this section or~~ 74431
~~through any other means that the individual did not complete the~~ 74432

~~requisite continuing medical education, the board may impose a 74433
civil penalty of not more than five thousand dollars. The board's 74434
finding shall be made pursuant to an adjudication under Chapter 74435
119. of the Revised Code and by an affirmative vote of not fewer 74436
than six members. 74437~~

~~A civil penalty imposed under this division may be in 74438
addition to or in lieu of any other action the board may take 74439
under section 4731.22 of the Revised Code. The board shall deposit 74440
civil penalties in accordance with section 4731.24 of the Revised 74441
Code. 74442~~

~~(E) The state medical board may obtain information not 74443
protected by statutory or common law privilege from courts and 74444
other sources concerning malpractice claims against any person 74445
holding a ~~certificate~~ license to practice under this chapter or 74446
practicing as provided in section 4731.36 of the Revised Code. 74447~~

~~(F)(E) Each mailing sent by the board under division (A)(2) 74448
of this section to a person holding a ~~certificate~~ license to 74449
practice medicine and surgery or osteopathic medicine and surgery 74450
shall inform the applicant of the reporting requirement 74451
established by division (H) of section 3701.79 of the Revised 74452
Code. At the discretion of the board, the information may be 74453
included on the application for renewal or on an accompanying 74454
page. 74455~~

~~(G)(F) Each person holding a ~~certificate~~ license to practice 74456
medicine and surgery, osteopathic medicine and surgery, or 74457
podiatric medicine and surgery shall give notice to the board of 74458
~~any of the following changes~~ a change in the license holder's 74459
residence address, business address, or electronic mail address 74460
not later than thirty days after the change occurs. 74461~~

~~(1) A change in the certificate holder's residence address, 74462
business address, or electronic mail address. 74463~~

~~(2) A change in the list provided under division (B)(7) of this section of names and addresses of the nurses with whom the certificate holder is collaborating.~~ 74464
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Sec. 4731.282. (A)(1) Except as provided in division (D) of this section, each person holding a ~~certificate~~ license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than one hundred hours of continuing medical education that has been approved by the board. 74467
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(2) Each person holding a ~~certificate~~ license to practice shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level. 74473
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(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following: 74479
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(1) Continuing medical education completed by holders of ~~certificates~~ licenses to practice medicine and surgery that is certified by the Ohio state medical association; 74482
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(2) Continuing medical education completed by holders of ~~certificates~~ licenses to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association; 74485
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74487

(3) Continuing medical education completed by holders of ~~certificates~~ licenses to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association. 74488
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(C) The board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic 74491
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association under divisions (B)(1) and (2) of this section that 74494
assist doctors of medicine and doctors of osteopathic medicine in 74495
both of the following: 74496

(1) Recognizing the signs of domestic violence and its 74497
relationship to child abuse; 74498

(2) Diagnosing and treating chronic pain, as defined in 74499
section 4731.052 of the Revised Code. 74500

(D) The board shall adopt rules providing for pro rata 74501
reductions by month of the number of hours of continuing education 74502
that must be completed for ~~certificate~~ license holders who are in 74503
their first renewal period, have been disabled by illness or 74504
accident, or have been absent from the country. The board shall 74505
adopt the rules in accordance with Chapter 119. of the Revised 74506
Code. 74507

(E) The board may require a random sample of holders of 74508
~~certificates~~ licenses to practice medicine and surgery, 74509
osteopathic medicine and surgery, or podiatric medicine and 74510
surgery to submit materials documenting completion of the required 74511
number of hours of continuing medical education. This division 74512
does not limit the board's authority to conduct investigations 74513
pursuant to section 4731.22 of the Revised Code. 74514

(F) ~~The board may impose a civil penalty of not more than~~ 74515
~~five thousand dollars if (1) If, through a random sample conducted~~ 74516
under division (E) of this section or any other means, ~~it~~ the 74517
board finds that an individual ~~falsely~~ who certified ~~that the~~ 74518
~~individual completed~~ completion of the number of hours and type of 74519
continuing medical education required ~~for renewal of~~ to renew, 74520
reinstate, or restore a certificate license to practice. ~~If the~~ 74521
~~civil penalty is imposed in addition to any other action the board~~ 74522
~~takes~~ did not complete the requisite continuing medical education, 74523
the board may do either of the following: 74524

(a) Take disciplinary action against the individual under 74525
section 4731.22 of the Revised Code, ~~the,~~ impose a civil penalty, 74526
or both; 74527

(b) Permit the individual to agree in writing to complete the 74528
continuing medical education and pay a civil penalty. 74529

(2) The board's finding in any disciplinary action taken 74530
under division (F)(1)(a) of this section shall be made pursuant to 74531
an adjudication under Chapter 119. of the Revised Code and by an 74532
affirmative vote of not fewer than six of its members. 74533

(3) A civil penalty imposed under this division may be in 74534
addition to or in lieu of any other action the board takes under 74535
section 4731.22 of the Revised Code. paid under division (F)(1)(b) 74536
of this section or imposed under division (F)(1)(a) of this 74537
section shall be in an amount specified by the board of not more 74538
than five thousand dollars. The board shall deposit civil 74539
penalties in accordance with section 4731.24 of the Revised Code. 74540

Sec. 4731.291. (A) An individual seeking to pursue an 74541
internship, residency, or clinical fellowship program in this 74542
state, who does not hold a ~~certificate~~ license to practice 74543
medicine and surgery or osteopathic medicine or surgery issued 74544
under this chapter, shall apply to the state medical board for a 74545
training certificate. The application shall be made on forms that 74546
the board shall furnish and shall be accompanied by an application 74547
fee of seventy-five dollars. 74548

An applicant for a training certificate shall furnish to the 74549
board ~~of~~ all of the following: 74550

(1) Evidence satisfactory to the board that the applicant is 74551
at least eighteen years of age and is of good moral character. 74552

(2) Evidence satisfactory to the board that the applicant has 74553
been accepted or appointed to participate in this state in one of 74554

the following: 74555

(a) An internship or residency program accredited by either 74556
the accreditation council for graduate medical education of the 74557
American medical association or the American osteopathic 74558
association; 74559

(b) A clinical fellowship program at an institution with a 74560
residency program accredited by either the accreditation council 74561
for graduate medical education of the American medical association 74562
or the American osteopathic association that is in a clinical 74563
field the same as or related to the clinical field of the 74564
fellowship program; 74565

(3) Information identifying the beginning and ending dates of 74566
the period for which the applicant has been accepted or appointed 74567
to participate in the internship, residency, or clinical 74568
fellowship program; 74569

(4) Any other information that the board requires. 74570

(B) If no grounds for denying a license or certificate under 74571
section 4731.22 of the Revised Code apply, and the applicant meets 74572
the requirements of division (A) of this section, the board shall 74573
issue a training certificate to the applicant. The board shall not 74574
require an examination as a condition of receiving a training 74575
certificate. 74576

A training certificate issued pursuant to this section shall 74577
be valid only for the period of one year, but may in the 74578
discretion of the board and upon application duly made, be renewed 74579
annually for a maximum of five years. The fee for renewal of a 74580
training certificate shall be thirty-five dollars. 74581

The board shall maintain a register of all individuals who 74582
hold training certificates. 74583

(C) The holder of a valid training certificate shall be 74584

entitled to perform such acts as may be prescribed by or 74585
incidental to the holder's internship, residency, or clinical 74586
fellowship program, but the holder shall not be entitled otherwise 74587
to engage in the practice of medicine and surgery or osteopathic 74588
medicine and surgery in this state. The holder shall limit 74589
activities under the certificate to the programs of the hospitals 74590
or facilities for which the training certificate is issued. The 74591
holder shall train only under the supervision of the physicians 74592
responsible for supervision as part of the internship, residency, 74593
or clinical fellowship program. ~~A~~ 74594

~~A~~ training certificate may be revoked by the board upon 74595
proof, satisfactory to the board, that the holder thereof has 74596
engaged in practice in this state outside the scope of the 74597
internship, residency, or clinical fellowship program for which 74598
the training certificate has been issued, or upon proof, 74599
satisfactory to the board, that the holder thereof has engaged in 74600
unethical conduct or that there are grounds for action against the 74601
holder under section 4731.22 of the Revised Code. 74602

(D) The board may adopt rules as the board finds necessary to 74603
effect the purpose of this section. 74604

Sec. 4731.292. The state medical board may register, without 74605
examination, persons who are not citizens of the United States, 74606
but who hold the degree of doctor of medicine or the degree of 74607
doctor of osteopathic medicine and surgery, for the purpose of 74608
permitting such persons to practice in hospitals operated by the 74609
state. Registration pursuant to this section permits practice of 74610
medicine or osteopathic medicine and surgery in state operated 74611
institutions under the supervision of the medical staff of such 74612
institution until the next scheduled examination ~~conducted~~ 74613
~~prescribed~~ by the state medical board ~~under section 4731.13 of the~~ 74614
~~Revised Code~~ in its rules. 74615

An applicant for a limited certificate to practice medicine 74616
or osteopathic medicine and surgery shall furnish proof, 74617
satisfactory to the board, that: 74618

(A) ~~He~~ The applicant has filed an application for 74619
naturalization and that such application has not been rejected or 74620
withdrawn, or if not yet eligible to file an application for 74621
naturalization, ~~he~~ the applicant has filed a declaration of 74622
intention to become a citizen of the United States in an 74623
appropriate court of record. 74624

(B) ~~He~~ The applicant has successfully passed the educational 74625
council for foreign medical graduates test. 74626

(C) ~~He~~ The applicant is at least eighteen years of age and of 74627
good moral character. 74628

(D) ~~He~~ The applicant is a graduate of a medical or 74629
osteopathic school or college which is reputable and in good 74630
standing in the judgment of the board. 74631

(E) ~~He~~ The applicant will limit ~~his~~ the applicant's practice 74632
and training within the physical confines of the institution for 74633
which the limited certificate to practice is granted. 74634

(F) The medical staff of the institution for which the 74635
limited certificate to practice is granted has approved in writing 74636
~~his~~ the applicant's application for such certificate. 74637

(G) ~~He~~ The applicant will practice medicine or osteopathic 74638
medicine and surgery only under the supervision of the attending 74639
medical staff of the institution for which the limited certificate 74640
is granted. 74641

(H) ~~He~~ The applicant has made application to take the state 74642
medical board examination as provided by this section. 74643

Registration pursuant to this section shall be valid until 74644
such time as the applicant takes the state medical board 74645

examination. If the applicant passes the examination, ~~he~~ the 74646
applicant shall then be granted a limited certificate to practice 74647
medicine or osteopathic medicine and surgery. A holder of a 74648
limited certificate to practice, upon completion of the requisite 74649
training and upon receipt of ~~his~~ United States citizenship, shall 74650
be entitled to receive an unlimited ~~certificate~~ license to 74651
practice. 74652

A limited certificate to practice issued pursuant to this 74653
section shall be valid for a period of one year only, but may be 74654
renewed, in the discretion of the board and upon application duly 74655
made, annually, with the written approval of the medical staff of 74656
the institution for which the limited certificate to practice has 74657
been issued, but no limited certificate shall be renewed more than 74658
four times. The fee to be paid to the board for the issuances of 74659
the pre-examination registration permit to engage in limited 74660
practice shall be one hundred dollars; the fee to be paid for each 74661
renewal of a limited certificate shall be ten dollars. 74662

An applicant for a limited certificate to practice must take 74663
~~the~~ an examination ~~conducted under section 4731.13 of the Revised~~ 74664
~~Code~~ prescribed by the board in its rules at the first reasonable 74665
opportunity. Failure to take the examination at the first 74666
reasonable opportunity authorizes the termination of the 74667
pre-examination registration permit to engage in a limited 74668
practice as defined in this section. 74669

The holder of a valid limited certificate to practice may 74670
engage in the practice of medicine and surgery or osteopathic 74671
medicine and surgery only under the supervision of a member of the 74672
medical staff of the institution for which the limited certificate 74673
to practice has been issued, and only within physical confines of 74674
the institution so named. A limited certificate to practice may be 74675
revoked by the board upon proof, satisfactory to the board, that 74676
the holder thereof has engaged in the practice of medicine and 74677

surgery or osteopathic medicine and surgery in this state outside 74678
the scope of ~~his~~ the holder's certificate, or upon proof that the 74679
holder thereof has engaged in unethical conduct or has violated 74680
section 4731.22 of the Revised Code. 74681

The board may promulgate such additional rules and 74682
regulations as the board finds necessary to effect the purpose of 74683
this section. 74684

Sec. 4731.293. (A) The state medical board may issue, without 74685
examination, a clinical research faculty certificate to practice 74686
medicine and surgery, osteopathic medicine and surgery, or 74687
podiatric medicine and surgery to any person who applies for the 74688
certificate and provides to the board all of the following: 74689

(1) Evidence satisfactory to the board of all of the 74690
following: 74691

(a) That the applicant holds a current, unrestricted license 74692
to practice medicine and surgery ~~or~~, osteopathic medicine and 74693
surgery, or podiatric medicine and surgery issued by another state 74694
or country; 74695

(b) That the applicant has been appointed to serve in this 74696
state on the academic staff of a medical school accredited by the 74697
liaison committee on medical education ~~or~~, an osteopathic medical 74698
school accredited by the American osteopathic association, or a 74699
college of podiatric medicine and surgery in good standing with 74700
the board; 74701

(c) That the applicant is an international medical graduate 74702
who holds a medical degree from an educational institution listed 74703
in the international medical education directory. 74704

(2) An affidavit and supporting documentation from the dean 74705
of the ~~medical~~ school or college, or the department director or 74706
chairperson of a teaching hospital affiliated with the school or 74707

college, that the applicant is qualified to perform teaching and 74708
research activities and will be permitted to work only under the 74709
authority of the department director or chairperson of a teaching 74710
hospital affiliated with the ~~medical~~ school or college where the 74711
applicant's teaching and research activities will occur; 74712

(3) A description from the ~~medical~~ school, college, or 74713
teaching hospital of the scope of practice in which the applicant 74714
will be involved, including the types of teaching, research, and 74715
procedures in which the applicant will be engaged; 74716

(4) A description from the ~~medical~~ school, college, or 74717
teaching hospital of the type and amount of patient contact that 74718
will occur in connection with the applicant's teaching and 74719
research activities. 74720

(B) An applicant for an initial clinical research faculty 74721
certificate shall pay a fee of three hundred seventy-five dollars. 74722

(C) The holder of a clinical research faculty certificate may 74723
~~practice~~ do one of the following, as applicable: 74724

(1) Practice medicine and surgery or osteopathic medicine and 74725
surgery only as is incidental to the certificate holder's teaching 74726
or research duties at the medical school or a teaching hospital 74727
affiliated with the school; 74728

(2) Practice podiatric medicine and surgery only as is 74729
incidental to the certificate holder's teaching or research duties 74730
at the college of podiatric medicine and surgery or a teaching 74731
hospital affiliated with the college. The 74732

(D) The board may revoke a certificate on receiving proof 74733
satisfactory to the board that the certificate holder has engaged 74734
in practice in this state outside the scope of the certificate or 74735
that there are grounds for action against the certificate holder 74736
under section 4731.22 of the Revised Code. 74737

~~(D)~~(E) A clinical research faculty certificate is valid for 74738
three years, except that the certificate ceases to be valid if the 74739
holder's academic staff appointment ~~to the academic staff of the~~ 74740
~~school~~ described in division (A)(1)(b) of this section is no 74741
longer valid or the certificate is revoked pursuant to division 74742
~~(C)~~(D) of this section. 74743

~~(E)~~(F)(1) ~~Three months before a clinical research faculty~~ 74744
~~certificate expires, the~~ The board shall ~~mail or cause to be~~ 74745
~~mailed~~ provide a renewal notice to the certificate holder ~~a notice~~ 74746
~~of renewal addressed to the certificate holder's last known~~ 74747
~~address~~ at least one month before the certificate expires. Failure 74748
of a certificate holder to receive a notice of renewal from the 74749
board shall not excuse the certificate holder from the 74750
requirements contained in this section. The notice shall inform 74751
the certificate holder of the renewal procedure. The notice also 74752
shall inform the certificate holder of the reporting requirement 74753
established by division (H) of section 3701.79 of the Revised 74754
Code. At the discretion of the board, the information may be 74755
included on the application for renewal or on an accompanying 74756
page. 74757

(2) A clinical research faculty certificate may be renewed 74758
for an additional three-year period. There is no limit on the 74759
number of times a certificate may be renewed. A person seeking 74760
renewal of a certificate shall apply to the board. The board shall 74761
provide the application for renewal in a form determined by the 74762
board. 74763

(3) An applicant is eligible for renewal if the applicant 74764
does all of the following: 74765

(a) Pays a renewal fee of three hundred seventy-five dollars; 74766

(b) Reports any criminal offense to which the applicant has 74767
pleaded guilty, of which the applicant has been found guilty, or 74768

for which the applicant has been found eligible for intervention 74769
in lieu of conviction, since last filing an application for a 74770
clinical research faculty certificate; 74771

(c) Provides to the board an affidavit and supporting 74772
documentation from the dean of the ~~medical~~ school or college, or 74773
the department director or chairperson of a teaching hospital 74774
affiliated with the school or college, that the applicant is in 74775
compliance with the applicant's current clinical research faculty 74776
certificate; 74777

(d) Provides evidence satisfactory to the board of all of the 74778
following: 74779

(i) That the applicant continues to maintain a current, 74780
unrestricted license to practice medicine and surgery ~~or~~, 74781
osteopathic medicine and surgery, or podiatric medicine and 74782
surgery issued by another state or country; 74783

(ii) That the applicant's initial appointment to serve in 74784
this state on the academic staff of a ~~medical~~ school or college is 74785
still valid or has been renewed; 74786

(iii) That the applicant has completed one hundred fifty 74787
hours of continuing medical education that meet the requirements 74788
set forth in section 4731.282 of the Revised Code. 74789

(4) Regardless of whether the certificate has expired, a 74790
person who was granted a visiting medical faculty certificate 74791
under this section as it existed immediately prior to June 6, 74792
2012, may apply for a clinical research faculty certificate as a 74793
renewal. The board may issue the clinical research faculty 74794
certificate if the applicant meets the requirements of division 74795
~~(E)~~(F)(3) of this section. The board may not issue a clinical 74796
research faculty certificate if the visiting medical faculty 74797
certificate was revoked. 74798

~~(F)~~(G) The board shall maintain a register of all persons who 74799

hold clinical research faculty certificates. 74800

~~(G)~~(H) The board may adopt any rules it considers necessary 74801
to implement this section. The rules shall be adopted in 74802
accordance with Chapter 119. of the Revised Code. 74803

Sec. 4731.294. (A) The state medical board may issue, without 74804
examination, a special activity certificate to any person seeking 74805
to practice medicine and surgery or osteopathic medicine and 74806
surgery in conjunction with a special activity, program, or event 74807
taking place in this state. 74808

(B) An applicant for a special activity certificate shall 74809
hold a telemedicine certificate issued under section 4731.296 of 74810
the Revised Code or submit evidence satisfactory to the board of 74811
all of the following: 74812

(1) The applicant holds a current, unrestricted license to 74813
practice medicine and surgery or osteopathic medicine and surgery 74814
issued by another state or country and that within the two-year 74815
period immediately preceding application, the applicant has done 74816
one of the following: 74817

(a) Actively practiced medicine and surgery or osteopathic 74818
medicine and surgery in the United States; 74819

(b) Participated in a graduate medical education program 74820
accredited by either the accreditation council for graduate 74821
medical education of the American medical association or the 74822
American osteopathic association; 74823

(c) Successfully passed the federation licensing examination 74824
established by the federation of state medical boards, a special 74825
examination established by the federation of state medical boards, 74826
or all parts of a standard medical licensing examination 74827
established for purposes of determining the competence of 74828
individuals to practice medicine and surgery or osteopathic 74829

medicine and surgery in the United States. 74830

(2) The applicant meets the same educational requirements 74831
that individuals must meet under sections 4731.09, ~~4731.091~~, and 74832
4731.14 of the Revised Code. 74833

(3) The applicant's practice in conjunction with the special 74834
activity, program, or event will be in the public interest. 74835

(C) The applicant shall pay a fee of one hundred twenty-five 74836
dollars unless the applicant holds a telemedicine certificate 74837
issued under section 4731.296 of the Revised Code. If the 74838
applicant holds a telemedicine certificate, the board shall not 74839
charge a fee for issuing a certificate under this section. The 74840
board shall maintain a register of all persons who hold a special 74841
activity certificate. 74842

(D) The holder of a special activity certificate may practice 74843
medicine and surgery or osteopathic medicine and surgery only in 74844
conjunction with the special activity, event, or program for which 74845
the certificate is issued. The board may revoke a certificate on 74846
receiving proof satisfactory to the board that the holder of the 74847
certificate has engaged in practice in this state outside the 74848
scope of the certificate or that there are grounds for action 74849
against the certificate holder under section 4731.22 of the 74850
Revised Code. 74851

(E) A special activity certificate is valid for the shorter 74852
of thirty days or the duration of the special activity, program, 74853
or event. The certificate may not be renewed. 74854

(F) The state medical board shall adopt rules in accordance 74855
with Chapter 119. of the Revised Code that specify how often an 74856
applicant may be granted a certificate under this section. 74857

Sec. 4731.295. (A)(1) As used in this section: 74858

(a) "Free clinic" has the same meaning as in section 3701.071 74859

of the Revised Code. 74860

(b) "Indigent and uninsured person" and "operation" have the 74861
same meanings as in section 2305.234 of the Revised Code. 74862

(2) For the purposes of this section, a person shall be 74863
considered retired from practice if the person's license ~~or~~ 74864
~~certificate~~ has expired with the person's intention of ceasing to 74865
practice medicine and surgery or osteopathic medicine and surgery 74866
for remuneration. 74867

(B) The state medical board may issue, without examination, a 74868
volunteer's certificate to a person who is retired from practice 74869
so that the person may provide medical services to indigent and 74870
uninsured persons at any location, including a free clinic. The 74871
board shall deny issuance of a volunteer's certificate to a person 74872
who is not qualified under this section to hold a volunteer's 74873
certificate. 74874

(C) An application for a volunteer's certificate shall 74875
include all of the following: 74876

(1) A copy of the applicant's degree of medicine or 74877
osteopathic medicine. 74878

(2) One of the following, as applicable: 74879

(a) A copy of the applicant's most recent license ~~or~~ 74880
~~certificate~~ authorizing the practice of medicine and surgery or 74881
osteopathic medicine and surgery issued by a jurisdiction in the 74882
United States that licenses persons to practice medicine and 74883
surgery or osteopathic medicine and surgery. 74884

(b) A copy of the applicant's most recent license equivalent 74885
to a license to practice medicine and surgery or osteopathic 74886
medicine and surgery in one or more branches of the United States 74887
armed services that the United States government issued. 74888

(3) Evidence of one of the following, as applicable: 74889

(a) That the applicant has maintained for at least ten years 74890
prior to retirement full licensure in good standing in any 74891
jurisdiction in the United States that licenses persons to 74892
practice medicine and surgery or osteopathic medicine and surgery. 74893

(b) That the applicant has practiced for at least ten years 74894
prior to retirement in good standing as a doctor of medicine and 74895
surgery or osteopathic medicine and surgery in one or more of the 74896
branches of the United States armed services. 74897

(4) A notarized statement from the applicant, on a form 74898
prescribed by the board, that the applicant will not accept any 74899
form of remuneration for any medical services rendered while in 74900
possession of a volunteer's certificate. 74901

(D) The holder of a volunteer's certificate may provide 74902
medical services only to indigent and uninsured persons, but may 74903
do so at any location, including a free clinic. The holder shall 74904
not accept any form of remuneration for providing medical services 74905
while in possession of the certificate. Except in a medical 74906
emergency, the holder shall not perform any operation or deliver 74907
babies. The board may revoke a volunteer's certificate on 74908
receiving proof satisfactory to the board that the holder has 74909
engaged in practice in this state outside the scope of the 74910
certificate. 74911

(E)(1) A volunteer's certificate shall be valid for a period 74912
of three years, unless earlier revoked under division (D) of this 74913
section or pursuant to section 4731.22 of the Revised Code. A 74914
volunteer's certificate may be renewed upon the application of the 74915
holder. The board shall maintain a register of all persons who 74916
hold volunteer's certificates. The board shall not charge a fee 74917
for issuing or renewing a certificate pursuant to this section. 74918

(2) To be eligible for renewal of a volunteer's certificate 74919
the holder of the certificate shall certify to the board 74920

completion of one hundred fifty hours of continuing medical 74921
education that meets the requirements of section 4731.282 of the 74922
Revised Code regarding certification by private associations and 74923
approval by the board. The board may not renew a certificate if 74924
the holder has not complied with the continuing medical education 74925
requirements. Any entity for which the holder provides medical 74926
services may pay for or reimburse the holder for any costs 74927
incurred in obtaining the required continuing medical education 74928
credits. 74929

(3) The board shall issue a volunteer's certificate to each 74930
person who qualifies under this section for the certificate. The 74931
certificate shall state that the certificate holder is authorized 74932
to provide medical services pursuant to the laws of this state. 74933
The holder shall display the certificate prominently at the 74934
location where the holder primarily practices. 74935

(4) The holder of a volunteer's certificate issued pursuant 74936
to this section is subject to the immunity provisions regarding 74937
the provision of services to indigent and uninsured persons in 74938
section 2305.234 of the Revised Code. 74939

(F) The board shall adopt rules in accordance with Chapter 74940
119. of the Revised Code to administer and enforce this section. 74941

Sec. 4731.296. (A) For the purposes of this section, "the 74942
practice of telemedicine" means the practice of medicine in this 74943
state through the use of any communication, including oral, 74944
written, or electronic communication, by a physician located 74945
outside this state. 74946

(B) A person who wishes to practice telemedicine in this 74947
state shall file an application with the state medical board, 74948
together with a fee ~~in the amount of the fee described in division~~ 74949
~~(D) of section 4731.29 of the Revised Code~~ three hundred five 74950
dollars and shall comply with sections 4776.01 to 4776.04 of the 74951

Revised Code. If the board, in its discretion, decides that the results of the criminal records check do not make the person ineligible for a telemedicine certificate, the board may issue, without examination, a telemedicine certificate to a person who meets all of the following requirements:

(1) The person holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state that requires license holders to complete at least fifty hours of continuing medical education every two years.

(2) The person's principal place of practice is in that state.

(3) The person does not hold a ~~certificate~~ license issued under this chapter authorizing the practice of medicine and surgery or osteopathic medicine and surgery in this state.

(4) The person meets the same age, moral character, and educational requirements individuals must meet under sections ~~4731.08, 4731.09, 4731.091,~~ and 4731.14 of the Revised Code and, if applicable, demonstrates proficiency in spoken English in accordance with ~~division (E) of section 4731.29~~ 4731.142 of the Revised Code.

(C) The holder of a telemedicine certificate may engage in the practice of telemedicine in this state. A person holding a telemedicine certificate shall not practice medicine in person in this state without obtaining a special activity certificate under section 4731.294 of the Revised Code.

(D) The board may revoke a certificate issued under this section or take other disciplinary action against a certificate holder pursuant to section 4731.22 of the Revised Code on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of

the certificate or that there are grounds for action against the holder under section 4731.22 of the Revised Code. 74983
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(E) A telemedicine certificate shall be valid for a period specified by the board, and the initial renewal shall be in accordance with a schedule established by the board. Thereafter, the certificate shall be valid for two years. A certificate may be renewed on application of the holder. 74985
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To be eligible for renewal, the holder of the certificate shall do both of the following: 74990
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(1) Pay a fee in the amount of the fee described in division (A)(1) of section 4731.281 of the Revised Code; 74992
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(2) Certify to the board compliance with the continuing medical education requirements of the state in which the holder's principal place of practice is located. 74994
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The board may require a random sample of persons holding a telemedicine certificate to submit materials documenting completion of the continuing medical education requirements described in this division. 74997
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(F) The board shall convert a telemedicine certificate to a ~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the Revised Code on receipt of a written request from the certificate holder. Once the telemedicine certificate is converted, the holder is subject to all requirements and privileges attendant to a ~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the Revised Code, including continuing medical education requirements. 75001
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Sec. 4731.298. (A) The state medical board shall issue, without examination, to an applicant who meets the requirements of this section a visiting clinical professional development certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery as part of the applicant's 75008
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participation in a clinical professional development program. 75013

(B) To be eligible for a visiting clinical professional 75014
development certificate, an applicant shall provide to the board 75015
both of the following: 75016

(1) Documentation satisfactory to the board of all of the 75017
following: 75018

(a) Verification from the school or hospital conducting the 75019
program that the applicant has sufficient financial resources to 75020
support the applicant and any dependents based on the cost of 75021
living in the geographic area of the school or hospital conducting 75022
the program, including room, board, transportation, and related 75023
living expenses; 75024

(b) Valid health and evacuation insurance for the duration of 75025
the applicant's stay in the United States; 75026

(c) Professional liability insurance provided by the program 75027
or the school or hospital conducting the program for the duration 75028
of the applicant's participation in the program; 75029

(d) Proficiency in spoken English as demonstrated by passing 75030
the examination described in section 4731.142 of the Revised Code; 75031

(e) A description from the school or hospital conducting the 75032
program of the scope of medical or surgical activities permitted 75033
during the applicant's participation in the program that includes 75034
all of the following: 75035

(i) The type of practice in which the applicant will be 75036
involved; 75037

(ii) The type of patient contact that will occur; 75038

(iii) The type of supervision the applicant will experience; 75039

(iv) A list of procedures the applicant will learn; 75040

(v) A list of any patient-based research projects in which 75041

the applicant will be involved; 75042

(vi) Whether the applicant will act as a consultant to a 75043
person who holds a ~~certificate~~ license to practice medicine and 75044
surgery or osteopathic medicine and surgery issued under this 75045
chapter; 75046

(vii) Any other details of the applicant's participation in 75047
the program. 75048

(f) A statement from the school or hospital conducting the 75049
program regarding why the applicant needs advanced training and 75050
the benefits to the applicant's home country of the applicant 75051
receiving the training. 75052

(2) Evidence satisfactory to the board that the applicant 75053
meets all of the following requirements: 75054

(a) Has been accepted for participation in a clinical 75055
professional development program of a medical school or 75056
osteopathic medical school in this state that is accredited by the 75057
liaison committee on medical education or the American osteopathic 75058
association or of a teaching hospital affiliated with such a 75059
medical school; 75060

(b) Is an international medical graduate who holds a medical 75061
degree from an educational institution listed in the international 75062
medical education directory; 75063

(c) Has practiced medicine and surgery or osteopathic 75064
medicine and surgery for at least five years after completing 75065
graduate medical education, including postgraduate residency and 75066
advanced training; 75067

(d) Has credentials that are primary-source verified by the 75068
educational commission for foreign medical graduates or the 75069
federation credentials verification service; 75070

(e) Holds a current, unrestricted license to practice 75071

medicine and surgery or osteopathic medicine and surgery issued in 75072
another country; 75073

(f) Agrees to comply with all state and federal laws 75074
regarding health, health care, and patient privacy; 75075

(g) Agrees to return to the applicant's home state or country 75076
at the conclusion of the clinical professional development 75077
program. 75078

(C) The applicant shall pay a fee of three hundred 75079
seventy-five dollars. The board shall maintain a register of all 75080
persons who hold visiting clinical professional development 75081
certificates. 75082

(D) The holder of a visiting clinical professional 75083
development certificate may practice medicine and surgery or 75084
osteopathic medicine and surgery only as part of the clinical 75085
professional development program in which the certificate holder 75086
participates. The certificate holder's practice must be under the 75087
direct supervision of a qualified faculty member of the medical 75088
school, osteopathic medical school, or teaching hospital 75089
conducting the program who holds a ~~certificate~~ license to practice 75090
medicine and surgery or osteopathic medicine and surgery issued 75091
under this chapter. 75092

The program in which the certificate holder participates 75093
shall ensure that the certificate holder does not do any of the 75094
following: 75095

(1) Write orders or prescribe medication; 75096

(2) Bill for services performed; 75097

(3) Occupy a residency or fellowship position approved by the 75098
accreditation council for graduate medical education; 75099

(4) Attempt to have participation in a clinical professional 75100
development program pursuant to this section counted toward 75101

meeting the graduate medical education requirements specified in 75102
section ~~4731.09~~ 4731.09 of the Revised Code. 75103

(E) The board may revoke a certificate issued under this 75104
section on receiving proof satisfactory to the board that the 75105
certificate holder has engaged in practice in this state outside 75106
the scope of the certificate or that there are grounds for action 75107
against the certificate holder under section 4731.22 of the 75108
Revised Code. 75109

(F) A visiting clinical professional development certificate 75110
is valid for the shorter of one year or the duration of the 75111
program in which the holder is participating. The certificate 75112
ceases to be valid if the holder resigns or is otherwise 75113
terminated from the program. The certificate may not be extended. 75114

(G) The program in which a certificate holder participates 75115
shall obtain from each patient or patient's parent or legal 75116
guardian written consent to any medical or surgical procedure or 75117
course of procedures in which the certificate holder participates. 75118

(H) The board may adopt any rules it considers necessary to 75119
implement this section. The rules shall be adopted in accordance 75120
with Chapter 119. of the Revised Code. 75121

Sec. 4731.299. (A) The state medical board may issue, without 75122
examination, to an applicant who meets all of the requirements of 75123
this section an expedited ~~certificate~~ license to practice medicine 75124
and surgery or osteopathic medicine and surgery by endorsement. 75125
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(B) An individual who seeks an expedited ~~certificate to~~ 75127
~~practice medicine and surgery or osteopathic medicine and surgery~~ 75128
license by endorsement shall file with the board a written 75129
application on a form prescribed and supplied by the board. The 75130
application shall include all of the information the board 75131

considers necessary to process it. 75132

(C) To be eligible to receive an expedited ~~certificate~~ 75133
license by endorsement, an applicant shall do both of the 75134
following: 75135

(1) Provide evidence satisfactory to the board that the 75136
applicant meets all of the following requirements: 75137

(a) Has passed one of the following: 75138

(i) Steps one, two, and three of the United States medical 75139
licensing examination; 75140

(ii) Levels one, two, and three of the comprehensive 75141
osteopathic medical licensing examination of the United States; 75142

(iii) Any other medical licensing examination recognized by 75143
the board. 75144

(b) For at least five years immediately preceding the date of 75145
application, has held a current, unrestricted license to practice 75146
medicine and surgery or osteopathic medicine and surgery issued by 75147
the licensing authority of another state or a Canadian province; 75148

(c) For at least two years immediately preceding the date of 75149
application, has actively practiced medicine and surgery or 75150
osteopathic medicine and surgery in a clinical setting; 75151

(d) Is in compliance with the medical education and training 75152
requirements in sections ~~4731.091~~ 4731.09 and 4731.14 of the 75153
Revised Code. 75154

(2) Certify to the board that all of the following are the 75155
case: 75156

(a) Not more than two malpractice claims have been filed 75157
against the applicant within a period of ten years and no 75158
malpractice claim against the applicant has resulted in total 75159
payment of more than five hundred thousand dollars. 75160

(b) The applicant does not have a criminal record according 75161
to the criminal records check required by section ~~4731.081~~ 4731.08 75162
of the Revised Code. 75163

(c) The applicant does not have a medical condition that 75164
could affect the applicant's ability to practice according to 75165
acceptable and prevailing standards of care. 75166

(d) No adverse action has been taken against the applicant by 75167
a health care institution. 75168

(e) To the applicant's knowledge, no federal agency, medical 75169
society, medical association, or branch of the United States 75170
military has investigated or taken action against the applicant. 75171

(f) No professional licensing or regulatory authority has 75172
filed a complaint against, investigated, or taken action against 75173
the applicant and the applicant has not withdrawn a professional 75174
license application. 75175

(g) The applicant has not been suspended or expelled from any 75176
institution of higher education or school, including a medical 75177
school. 75178

(D) An applicant for an expedited ~~certificate~~ license by 75179
endorsement shall comply with section ~~4731.081~~ 4731.08 of the 75180
Revised Code. 75181

(E) At the time of application, the applicant shall pay to 75182
the board a fee of one thousand dollars, no part of which shall be 75183
returned. No application shall be considered filed until the board 75184
receives the fee. 75185

(F) The secretary and supervising member of the board shall 75186
review all applications received under this section. 75187

If the secretary and supervising member determine that an 75188
applicant meets the requirements for an expedited ~~certificate to~~ 75189
~~practice medicine and surgery or osteopathic medicine and surgery~~ 75190

license by endorsement, the board shall issue the ~~certificate~~ 75191
license to the applicant. 75192

If the secretary and supervising member determine that an 75193
applicant does not meet the requirements for an expedited 75194
~~certificate to practice medicine and surgery or osteopathic~~ 75195
~~medicine and surgery~~ license by endorsement, the application shall 75196
be treated as an application under section ~~4731.08~~ 4731.09 of the 75197
Revised Code. 75198

(G) Each ~~certificate~~ license issued by the board under this 75199
section shall be signed by the president and secretary of the 75200
board and attested by the board's seal. 75201

(H) Within sixty days after September 29, 2013, the board 75202
shall approve acceptable means of demonstrating compliance with 75203
sections ~~4731.091~~ 4731.09 and 4731.14 of the Revised Code as 75204
required by division (C)(1)(d) of this section. 75205

Sec. 4731.341. (A) The practice of medicine in all of its 75206
branches or the treatment of human ailments without the use of 75207
drugs or medicines and without operative surgery by any person not 75208
at that time holding a valid and current license or certificate as 75209
provided by Chapter 4723., 4725., or 4731. of the Revised Code is 75210
hereby declared to be inimical to the public welfare and to 75211
constitute a public nuisance. 75212

(B) The attorney general, the prosecuting attorney of any 75213
county in which the offense was committed or the offender resides, 75214
the state medical board, or any other person having knowledge of a 75215
person who either directly or by complicity is in violation of 75216
division (A) of this section, may on or after January 1, 1969, in 75217
accord with provisions of the Revised Code governing injunctions, 75218
maintain an action in the name of the state to enjoin any person 75219
from engaging either directly or by complicity in the unlawful 75220
activity by applying for an injunction in the Franklin county 75221

court of common pleas or any other court of competent jurisdiction. 75222
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Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that this person is so engaged. Said person shall answer the secretary within thirty days showing either that the person is ~~either~~ properly licensed or certified for the stated activity or that the person is not in violation of Chapter 4723. or 4731. of the Revised Code. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section. 75224
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Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. 75238
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Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in Chapters 4723. and 4731. of the Revised Code. 75243
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Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs. 75246
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Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following: 75250
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(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration of the United States or the United States public health service in the discharge of the officer's or employee's professional duties;

(2) A dentist authorized under Chapter 4715. of the Revised Code to practice dentistry when engaged exclusively in the practice of dentistry or when administering anesthetics in the practice of dentistry;

(3) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein when providing consultation to an individual holding a ~~certificate~~ license to practice issued under this chapter who is responsible for the examination, diagnosis, and treatment of the patient who is the subject of the consultation, if one of the following applies:

(a) The physician or surgeon does not provide consultation in this state on a regular or frequent basis.

(b) The physician or surgeon provides the consultation without compensation of any kind, direct or indirect, for the consultation.

(c) The consultation is part of the curriculum of a medical school or osteopathic medical school of this state or a program described in division (A)(2) of section 4731.291 of the Revised Code.

(4) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein and provided services to a patient in that state or territory, when providing, not later than one year after the last date services were provided in another state or territory, follow-up services in person or through the use of any communication, including oral, written, or electronic communication, in this state to the patient

for the same condition; 75283

(5) A physician or surgeon residing on the border of a 75284
contiguous state and authorized under the laws thereof to practice 75285
medicine and surgery therein, whose practice extends within the 75286
limits of this state. Such practitioner shall not either in person 75287
or through the use of any communication, including oral, written, 75288
or electronic communication, open an office or appoint a place to 75289
see patients or receive calls within the limits of this state. 75290

(6) A board, committee, or corporation engaged in the conduct 75291
described in division (A) of section 2305.251 of the Revised Code 75292
when acting within the scope of the functions of the board, 75293
committee, or corporation; 75294

(7) The conduct of an independent review organization 75295
accredited by the superintendent of insurance under section 75296
3922.13 of the Revised Code for the purpose of external reviews 75297
conducted under Chapter 3922. of the Revised Code. 75298

As used in division (A)(1) of this section, "armed forces of 75299
the United States" means the army, air force, navy, marine corps, 75300
coast guard, and any other military service branch that is 75301
designated by congress as a part of the armed forces of the United 75302
States. 75303

(B)(1) Subject to division (B)(2) of this section, this 75304
chapter does not apply to a person who holds a current, 75305
unrestricted license to practice medicine and surgery or 75306
osteopathic medicine and surgery in another state when the person, 75307
pursuant to a written agreement with an athletic team located in 75308
the state in which the person holds the license, provides medical 75309
services to any of the following while the team is traveling to or 75310
from or participating in a sporting event in this state: 75311

(a) A member of the athletic team; 75312

(b) A member of the athletic team's coaching, communications, 75313

equipment, or sports medicine staff; 75314

(c) A member of a band or cheerleading squad accompanying the 75315
athletic team; 75316

(d) The athletic team's mascot. 75317

(2) In providing medical services pursuant to division (B)(1) 75318
of this section, the person shall not provide medical services at 75319
a health care facility, including a hospital, an ambulatory 75320
surgical facility, or any other facility in which medical care, 75321
diagnosis, or treatment is provided on an inpatient or outpatient 75322
basis. 75323

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 75324
apply to any graduate of a podiatric school or college while 75325
performing those acts that may be prescribed by or incidental to 75326
participation in an accredited podiatric internship, residency, or 75327
fellowship program situated in this state approved by the state 75328
medical board. 75329

(D) This chapter does not apply to an oriental medicine 75330
practitioner or acupuncturist who complies with Chapter 4762. of 75331
the Revised Code. 75332

(E) This chapter does not prohibit the administration of 75333
drugs by any of the following: 75334

(1) An individual who is licensed or otherwise specifically 75335
authorized by the Revised Code to administer drugs; 75336

(2) An individual who is not licensed or otherwise 75337
specifically authorized by the Revised Code to administer drugs, 75338
but is acting pursuant to the rules for delegation of medical 75339
tasks adopted under section 4731.053 of the Revised Code; 75340

(3) An individual specifically authorized to administer drugs 75341
pursuant to a rule adopted under the Revised Code that is in 75342
effect on April 10, 2001, as long as the rule remains in effect, 75343

specifically authorizing an individual to administer drugs. 75344

(F) The exemptions described in divisions (A)(3), (4), and 75345
(5) of this section do not apply to a physician or surgeon whose 75346
~~certificate~~ license to practice issued under this chapter is under 75347
suspension or has been revoked or permanently revoked by action of 75348
the state medical board. 75349

Sec. 4731.41. (A) No person shall practice medicine and 75350
surgery, or any of its branches, without the appropriate license 75351
or certificate from the state medical board to engage in the 75352
practice. No person shall advertise or claim to the public to be a 75353
practitioner of medicine and surgery, or any of its branches, 75354
without a license or certificate from the board. No person shall 75355
open or conduct an office or other place for such practice without 75356
a license or certificate from the board. No person shall conduct 75357
an office in the name of some person who has a license or 75358
certificate to practice medicine and surgery, or any of its 75359
branches. No person shall practice medicine and surgery, or any of 75360
its branches, after the person's license or certificate has been 75361
revoked, or, if suspended, during the time of such suspension. 75362

A license or certificate signed by the secretary of the board 75363
to which is affixed the official seal of the board to the effect 75364
that it appears from the records of the board that no such license 75365
or certificate to practice medicine and surgery, or any of its 75366
branches, in this state has been issued to the person specified 75367
therein, or that a license or certificate to practice, if issued, 75368
has been revoked or suspended, shall be received as prima-facie 75369
evidence of the record of the board in any court or before any 75370
officer of the state. 75371

(B) No license or certificate from the state medical board is 75372
required by a physician who comes into this state to practice 75373
medicine at a free-of-charge camp accredited by the SeriousFun 75374

children's network that specializes in providing therapeutic 75375
recreation, as defined in section 2305.231 of the Revised Code, 75376
for individuals with chronic illnesses as long as all of the 75377
following apply: 75378

(1) The physician provides documentation to the medical 75379
director of the camp that the physician is licensed and in good 75380
standing to practice medicine in another state; 75381

(2) The physician provides services only at the camp or in 75382
connection with camp events or camp activities that occur off the 75383
grounds of the camp; 75384

(3) The physician receives no compensation for the services; 75385

(4) The physician provides those services within this state 75386
for not more than thirty days per calendar year; 75387

(5) The camp has a medical director who holds an unrestricted 75388
license to practice medicine issued in accordance with division 75389
(A) of this section. 75390

Sec. 4731.43. No person shall announce or advertise ~~himself~~ 75391
that person as an osteopathic physician and surgeon, or shall 75392
practice as such, without a ~~certificate~~ license from the state 75393
medical board or without complying with all the provisions of law 75394
relating to such practice, or shall practice after such 75395
~~certificate~~ license has been revoked, or if suspended, during the 75396
time of such suspension. 75397

A ~~certificate~~ license certified by the secretary, under the 75398
official seal of the said board to the effect that it appears from 75399
the records of the board that no ~~certificate~~ license to practice 75400
osteopathic medicine and surgery has been issued to any person 75401
specified therein, or that a ~~certificate~~ license, if issued, has 75402
been revoked or suspended shall be received as prima-facie 75403
evidence of the record in any court or before any officer of the 75404

state. 75405

Sec. 4731.531. In addition to any other eligibility 75406
requirement set forth in this chapter, each applicant for a 75407
~~certificate~~ license to practice podiatric medicine and surgery 75408
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 75409
The state medical board shall not grant to an applicant a 75410
~~certificate~~ license to practice podiatric medicine and surgery 75411
unless the board, in its discretion, decides that the results of 75412
the criminal records check do not make the applicant ineligible 75413
for a ~~certificate~~ license issued pursuant to section 4731.56 or 75414
4731.57 of the Revised Code. 75415

Sec. 4731.55. The examinations of applicants for ~~certificates~~ 75416
licenses to practice podiatric medicine and surgery shall be 75417
conducted under rules prescribed by the state medical board. An 75418
applicant who holds the degree of doctor of podiatric medicine 75419
shall be examined in subjects pertinent to current podiatric 75420
educational standards. 75421

Sec. 4731.56. The state medical board shall issue its 75422
~~certificate~~ license to practice podiatric medicine and surgery to 75423
each applicant who passes the examination conducted under section 75424
4731.55 of the Revised Code and has paid the treasurer of the 75425
state medical board a ~~certificate~~ license issuance fee of three 75426
hundred dollars. Each ~~certificate~~ license shall be signed by the 75427
board's president and secretary and attested by its seal. An 75428
affirmative vote of not less than six members of the state medical 75429
board is required for issuance of a ~~certificate~~ license. 75430

A ~~certificate~~ license authorizing the practice of podiatric 75431
medicine and surgery permits the holder the use of the title 75432
"physician" or the use of the title "surgeon" when the title is 75433
qualified by letters or words showing that the holder of the 75434

~~certificate~~ license is a practitioner of podiatric medicine and 75435
surgery. The ~~certificate~~ license shall be prominently displayed in 75436
the ~~certificate~~ license holder's office or the place where a major 75437
portion of the ~~certificate~~ license holder's practice is conducted. 75438

Sec. 4731.57. When a podiatrist licensed by the licensing 75439
authority of another state wishes to remove to this state to 75440
practice the podiatrist's profession, the state medical board may, 75441
in its discretion, by an affirmative vote of not less than six of 75442
its members, issue to the applicant a ~~certificate~~ license to 75443
practice podiatric medicine and surgery without requiring the 75444
applicant to submit to examination, provided the applicant meets 75445
the requirements for entrance set forth in section 4731.53 of the 75446
Revised Code and pays a fee of three hundred dollars. Application 75447
shall be made on a form prescribed by the board. 75448

Sec. 4731.571. The state medical board may, upon an 75449
affirmative vote of not less than six members, issue a ~~certificate~~ 75450
license to practice podiatry by endorsement to an applicant who 75451
has successfully passed the written examination of a recognized 75452
national certifying agency in podiatry; provided the written 75453
examination of the certifying agency was, in the opinion of the 75454
board, equivalent to its own examination, and provided further 75455
that the applicant satisfies in all other respects, the 75456
requirements for a license as set forth in sections 4731.51 to 75457
4731.60 of the Revised Code. Such application to the board shall 75458
be accompanied by an application fee of three hundred dollars. 75459

Sec. 4731.573. (A) An individual seeking to pursue an 75460
internship, residency, or clinical fellowship program in podiatric 75461
medicine and surgery in this state, who does not hold a 75462
~~certificate~~ license to practice podiatric medicine and surgery 75463
issued under this chapter, shall apply to the state medical board 75464

for a training certificate. The application shall be made on forms 75465
that the board shall furnish and shall be accompanied by an 75466
application fee of seventy-five dollars. 75467

An applicant for a training certificate shall furnish to the 75468
board all of the following: 75469

(1) Evidence satisfactory to the board that the applicant is 75470
at least eighteen years of age and is of good moral character; 75471

(2) Evidence satisfactory to the board that the applicant has 75472
been accepted or appointed to participate in this state in one of 75473
the following: 75474

(a) An internship or residency program accredited by either 75475
the council on podiatric medical education or the American 75476
podiatric medical association; 75477

(b) A clinical fellowship program at an institution with a 75478
residency program accredited by either the council on podiatric 75479
medical education or the American podiatric medical association 75480
that is in a clinical field the same as or related to the clinical 75481
field of the fellowship program. 75482

(3) Information identifying the beginning and ending dates of 75483
the period for which the applicant has been accepted or appointed 75484
to participate in the internship, residency, or clinical 75485
fellowship program; 75486

(4) Any other information that the board requires. 75487

(B) If no grounds for denying a license or certificate under 75488
section 4731.22 of the Revised Code apply and the applicant meets 75489
the requirements of division (A) of this section, the board shall 75490
issue a training certificate to the applicant. The board shall not 75491
require an examination as a condition of receiving a training 75492
certificate. 75493

A training certificate issued pursuant to this section shall 75494

be valid only for the period of one year, but may in the 75495
discretion of the board and upon application duly made, be renewed 75496
annually for a maximum of five years. The fee for renewal of a 75497
training certificate shall be thirty-five dollars. 75498

The board shall maintain a register of all individuals who 75499
hold training certificates. 75500

(C) The holder of a valid training certificate shall be 75501
entitled to perform such acts as may be prescribed by or 75502
incidental to the holder's internship, residency, or clinical 75503
fellowship program, but the holder shall not be entitled otherwise 75504
to engage in the practice of podiatric medicine and surgery in 75505
this state. The holder shall limit activities under the 75506
certificate to the programs of the hospitals or facilities for 75507
which the training certificate is issued. The holder shall train 75508
only under the supervision of the podiatrists responsible for 75509
supervision as part of the internship, residency, or clinical 75510
fellowship program. A training certificate may be revoked by the 75511
board upon proof, satisfactory to the board, that the holder 75512
thereof has engaged in practice in this state outside the scope of 75513
the internship, residency, or clinical fellowship program for 75514
which the training certificate has been issued, or upon proof, 75515
satisfactory to the board, that the holder thereof has engaged in 75516
unethical conduct or that there are grounds for action against the 75517
holder under section 4731.22 of the Revised Code. 75518

(D) The board may adopt rules as the board finds necessary to 75519
effect the purpose of this section. 75520

Sec. 4731.60. No person shall practice podiatric medicine and 75521
surgery without a ~~certificate~~ license from the state medical 75522
board; no person shall advertise or announce as a practitioner of 75523
podiatric medicine and surgery without a ~~certificate~~ license from 75524
the board; no person shall open or conduct an office or other 75525

place for such practice without a ~~certificate~~ license from the 75526
board; no person shall conduct an office in the name of some 75527
person who has a ~~certificate~~ license to practice podiatric 75528
medicine and surgery; and no person shall practice podiatric 75529
medicine and surgery after a ~~certificate~~ license has been revoked, 75530
or if suspended, during the time of such suspension. 75531

A certificate signed by the secretary to which is affixed the 75532
official seal of the board to the effect that it appears from the 75533
records of the board that no such ~~certificate~~ license to practice 75534
podiatric medicine and surgery, in the state has been issued to 75535
any such person specified therein, or that a ~~certificate~~ license, 75536
if issued, has been revoked or suspended, shall be received as 75537
prima-facie evidence of the record of such board in any court or 75538
before any officer of this state. 75539

Sec. 4731.61. The ~~certificate~~ license of a podiatrist may be 75540
revoked, limited, or suspended; the holder of a ~~certificate~~ 75541
license may be placed on probation or reprimanded; or an applicant 75542
may be refused registration or reinstatement for violations of 75543
section 4731.22 or sections 4731.51 to 4731.60 of the Revised Code 75544
by an affirmative vote of not less than six members of the state 75545
medical board. 75546

This section does not preclude the application to, or limit 75547
the operation or effect upon, podiatrists of other sections of 75548
Chapter 4731. of the Revised Code. 75549

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 75550
Revised Code: 75551

(A)(1) "Clinical laboratory services" means either of the 75552
following: 75553

(a) Any examination of materials derived from the human body 75554

for the purpose of providing information for the diagnosis, 75555
prevention, or treatment of any disease or impairment or for the 75556
assessment of health; 75557

(b) Procedures to determine, measure, or otherwise describe 75558
the presence or absence of various substances or organisms in the 75559
body. 75560

(2) "Clinical laboratory services" does not include the mere 75561
collection or preparation of specimens. 75562

(B) "Designated health services" means any of the following: 75563

(1) Clinical laboratory services; 75564

(2) Home health care services; 75565

(3) Outpatient prescription drugs. 75566

(C) "Fair market value" means the value in arms-length 75567
transactions, consistent with general market value and: 75568

(1) With respect to rentals or leases, the value of rental 75569
property for general commercial purposes, not taking into account 75570
its intended use; 75571

(2) With respect to a lease of space, not adjusted to reflect 75572
the additional value the prospective lessee or lessor would 75573
attribute to the proximity or convenience to the lessor if the 75574
lessor is a potential source of referrals to the lessee. 75575

(D) "Governmental health care program" means any program 75576
providing health care benefits that is administered by the federal 75577
government, this state, or a political subdivision of this state, 75578
including the medicare program, health care coverage for public 75579
employees, health care benefits administered by the bureau of 75580
workers' compensation, and the medicaid program. 75581

(E)(1) "Group practice" means a group of two or more holders 75582
of licenses or certificates under this chapter legally organized 75583
as a partnership, professional corporation or association, limited 75584

liability company, foundation, nonprofit corporation, faculty 75585
practice plan, or similar group practice entity, including an 75586
organization comprised of a nonprofit medical clinic that 75587
contracts with a professional corporation or association of 75588
physicians to provide medical services exclusively to patients of 75589
the clinic in order to comply with section 1701.03 of the Revised 75590
Code and including a corporation, limited liability company, 75591
partnership, or professional association described in division (B) 75592
of section 4731.226 of the Revised Code formed for the purpose of 75593
providing a combination of the professional services of 75594
optometrists who are licensed, certificated, or otherwise legally 75595
authorized to practice optometry under Chapter 4725. of the 75596
Revised Code, chiropractors who are licensed, certificated, or 75597
otherwise legally authorized to practice chiropractic or 75598
acupuncture under Chapter 4734. of the Revised Code, psychologists 75599
who are licensed, certificated, or otherwise legally authorized to 75600
practice psychology under Chapter 4732. of the Revised Code, 75601
registered or licensed practical nurses who are licensed, 75602
certificated, or otherwise legally authorized to practice nursing 75603
under Chapter 4723. of the Revised Code, pharmacists who are 75604
licensed, certificated, or otherwise legally authorized to 75605
practice pharmacy under Chapter 4729. of the Revised Code, 75606
physical therapists who are licensed, certificated, or otherwise 75607
legally authorized to practice physical therapy under sections 75608
4755.40 to 4755.56 of the Revised Code, occupational therapists 75609
who are licensed, certificated, or otherwise legally authorized to 75610
practice occupational therapy under sections 4755.04 to 4755.13 of 75611
the Revised Code, mechanotherapists who are licensed, 75612
certificated, or otherwise legally authorized to practice 75613
mechanotherapy under section 4731.151 of the Revised Code, and 75614
doctors of medicine and surgery, osteopathic medicine and surgery, 75615
or podiatric medicine and surgery who are licensed, certificated, 75616
or otherwise legally authorized for their respective practices 75617

under this chapter, and licensed professional clinical counselors, 75618
licensed professional counselors, independent social workers, 75619
social workers, independent marriage and family therapists, or 75620
marriage and family therapists who are licensed, certificated, or 75621
otherwise legally authorized for their respective practices under 75622
Chapter 4757. of the Revised Code to which all of the following 75623
apply: 75624

(a) Each physician who is a member of the group practice 75625
provides substantially the full range of services that the 75626
physician routinely provides, including medical care, 75627
consultation, diagnosis, or treatment, through the joint use of 75628
shared office space, facilities, equipment, and personnel. 75629

(b) Substantially all of the services of the members of the 75630
group are provided through the group and are billed in the name of 75631
the group and amounts so received are treated as receipts of the 75632
group. 75633

(c) The overhead expenses of and the income from the practice 75634
are distributed in accordance with methods previously determined 75635
by members of the group. 75636

(d) The group practice meets any other requirements that the 75637
state medical board applies in rules adopted under section 4731.70 75638
of the Revised Code. 75639

(2) In the case of a faculty practice plan associated with a 75640
hospital with a medical residency training program in which 75641
physician members may provide a variety of specialty services and 75642
provide professional services both within and outside the group, 75643
as well as perform other tasks such as research, the criteria in 75644
division (E)(1) of this section apply only with respect to 75645
services rendered within the faculty practice plan. 75646

(F) "Home health care services" and "immediate family" have 75647
the same meanings as in the rules adopted under section 4731.70 of 75648

the Revised Code. 75649

(G) "Hospital" has the same meaning as in section 3727.01 of 75650
the Revised Code. 75651

(H) A "referral" includes both of the following: 75652

(1) A request by a holder of a license or certificate under 75653
this chapter for an item or service, including a request for a 75654
consultation with another physician and any test or procedure 75655
ordered by or to be performed by or under the supervision of the 75656
other physician; 75657

(2) A request for or establishment of a plan of care by a 75658
license or certificate holder that includes the provision of 75659
designated health services. 75660

(I) "Third-party payer" has the same meaning as in section 75661
3901.38 of the Revised Code. 75662

Sec. 4731.66. (A) Except as provided in sections 4731.67 and 75663
4731.68 of the Revised Code, no holder of a ~~certificate~~ license 75664
under this chapter to practice medicine and surgery, osteopathic 75665
medicine and surgery, or podiatric medicine and surgery shall 75666
refer a patient to a person for a designated health service if the 75667
~~certificate~~ license holder, or a member of the ~~certificate~~ license 75668
holder's immediate family, has either of the following financial 75669
relationships with the person: 75670

(1) An ownership or investment interest in the person whether 75671
through debt, equity, or other means; 75672

(2) Any compensation arrangement involving any remuneration, 75673
directly or indirectly, overtly or covertly, in cash or in kind. 75674

(B) No person to which a ~~certificate~~ license holder has 75675
referred a patient in violation of division (A) of this section 75676
shall bill the patient, any third-party payer, any governmental 75677
health care program, or any other person or governmental entity 75678

for the designated health service rendered pursuant to the 75679
referral. 75680

(C) No person shall knowingly enter into an arrangement or 75681
scheme, including a cross-referral arrangement, that has a 75682
principal purpose of assuring referrals by a ~~certificate~~ license 75683
holder to a particular person that, if the ~~certificate~~ license 75684
holder directly made referrals to such person, would violate 75685
division (A) of this section. 75686

Sec. 4731.67. Section 4731.66 of the Revised Code does not 75687
apply to any of the following referrals by the holder of a 75688
~~certificate~~ license under this chapter: 75689

(A) Referrals for physicians' services that are performed by 75690
or under the personal supervision of a physician in the same group 75691
practice as the referring physician; 75692

(B) Referrals for clinical laboratory services by a 75693
~~certificate~~ license holder specializing in the practice of 75694
pathology if those services are provided by or under the 75695
supervision of the pathologist pursuant to a consultation 75696
requested by another physician; 75697

(C) Referrals for in-office ancillary services to which all 75698
of the following apply: 75699

(1) The services are furnished by the referring physician, a 75700
physician in the same group practice as the referring physician, 75701
or individuals who are employed by the referring physician or the 75702
group practice and who are supervised by the referring physician 75703
or a physician in the group practice, and are furnished either: 75704

(a) In a building in which the referring physician, or 75705
another physician in the same group practice as the referring 75706
physician, furnishes physicians' services unrelated to the 75707
furnishing of designated health services; 75708

(b) In another building used by the referring physician's group practice for the centralized provision of the group's designated health services. 75709
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(2) The services are billed by the physician performing or supervising the services, the physician's group practice, or an entity wholly owned by the group practice. 75712
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(3) The physician's ownership or investment interest in the services described in this division meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code. 75715
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(D) Referrals for in-office ancillary services if the third-party payer is aware of and has agreed in writing to reimburse the services notwithstanding the financial arrangement between the physician and the provider of such ancillary services. 75719
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(E) Referrals for services furnished by a health insuring corporation to an enrollee of the corporation; 75723
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(F) Referrals to a hospital for designated health services, if all of the following apply: 75725
75726

(1) The financial arrangement between the referring physician or immediate family member and the hospital consists of an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code and not a compensation arrangement described in division (A)(2) of that section. 75727
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(2) The referring physician is authorized to perform services at the hospital. 75732
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(3) The ownership or investment interest is in the hospital itself and not merely in a subdivision of the hospital. 75734
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(G) Referrals to a hospital with which the ~~certificate~~ license holder's or immediate family member's financial relationship does not relate to the provision of designated health 75736
75737
75738

services; 75739

(H) Referrals to a laboratory located in a rural area as 75740
defined in section 1886(d)(2)(D) of the "Social Security Act," 49 75741
Stat. 620 (1935), 42 U.S.C.A. 1395ww(d)(2)(D), as amended, if the 75742
financial relationship consists of an ownership or investment 75743
interest described in division (A)(1) of section 4731.66 of the 75744
Revised Code, and not a compensation arrangement described in 75745
division (A)(2) of that section; 75746

(I) Any other referrals in which the financial relationship 75747
between the ~~certificate~~ license holder or immediate family member 75748
and the person furnishing services has been specified in rules 75749
adopted by the state medical board under section 4731.70 of the 75750
Revised Code. 75751

Sec. 4731.68. (A) Ownership of investment securities in a 75752
corporation, including bonds, debentures, notes, other debt 75753
instruments, or shares, shall not be considered an ownership or 75754
investment interest described in division (A)(1) of section 75755
4731.66 of the Revised Code if all of the following apply: 75756

(1) The securities were purchased on terms generally 75757
available to the public. 75758

(2) The corporation is listed for trading on the New York 75759
stock exchange or the American stock exchange or is a national 75760
market system security traded under an automated interdealer 75761
quotation system operated by the national association of 75762
securities dealers. 75763

(3) The corporation had, at the end of its most recent fiscal 75764
year, total assets exceeding one hundred million dollars. 75765

(B) Payments for the rental or lease of office space shall 75766
not be considered a compensation arrangement described in division 75767
(A)(2) of section 4731.66 of the Revised Code if all of the 75768

following apply:	75769
(1) There is a written agreement signed by the parties for the rental or lease of the space that does all of the following:	75770 75771
(a) Specifies the space covered by the agreement and dedicated for the use of the lessee;	75772 75773
(b) Provides for a term of rental or lease of at least one year;	75774 75775
(c) Provides for payment on a periodic basis of an amount that is consistent with fair market value;	75776 75777
(d) Provides for an amount of aggregate payments that does not directly or indirectly vary based on the volume or value of any referrals of business between the parties;	75778 75779 75780
(e) Would be commercially reasonable even if no referrals were made between the parties.	75781 75782
(2) In the case of a rental or lease arrangement between a holder of a certificate <u>license</u> under this chapter or member of the certificate <u>license</u> holder's immediate family and another person in which the certificate <u>license</u> holder or family member also has an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code, the office space is in the same building as the building in which the certificate <u>license</u> holder or the certificate <u>license</u> holder's group practice has a practice.	75783 75784 75785 75786 75787 75788 75789 75790 75791
(3) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.	75792 75793 75794
(C) An arrangement between a hospital and a certificate <u>license</u> holder or a member of the certificate <u>license</u> holder's immediate family for the employment of the certificate <u>license</u> holder or family member or for the provision of administrative	75795 75796 75797 75798

services shall not be considered a compensation arrangement 75799
described in division (A)(2) of section 4731.66 of the Revised 75800
Code if all of the following apply: 75801

(1) The arrangement is for identifiable services. 75802

(2) The amount of the remuneration under the arrangement is 75803
consistent with the fair market value of the services and is not 75804
determined in a manner that directly or indirectly takes into 75805
account the volume or value of any referrals by the ~~certificate~~ 75806
license holder. 75807

(3) The remuneration is provided pursuant to an agreement 75808
that would be commercially reasonable even if the ~~certificate~~ 75809
license holder made no referrals to the hospital. 75810

(4) The arrangement meets any other requirements that the 75811
state medical board applies in rules adopted under section 4731.70 75812
of the Revised Code. 75813

(D) Remuneration by a hospital of a ~~certificate~~ license 75814
holder to induce the ~~certificate~~ license holder to relocate to the 75815
geographic area served by the hospital in order to be a member of 75816
the hospital's medical staff shall not be considered a 75817
compensation arrangement described in division (A)(2) of section 75818
4731.66 of the Revised Code if all of the following apply: 75819

(1) The ~~certificate~~ license holder is not required to refer 75820
patients to the hospital. 75821

(2) The amount of the remuneration is not determined in a 75822
manner that directly or indirectly takes into account the volume 75823
or value of any referrals by the ~~certificate~~ license holder to the 75824
hospital. 75825

(3) The arrangement meets any other requirements that the 75826
state medical board applies in rules adopted under section 4731.70 75827
of the Revised Code. 75828

(E) Remuneration of a ~~certificate~~ license holder or member of 75829
the ~~certificate~~ license holder's immediate family by a person 75830
other than a hospital shall not be considered a compensation 75831
arrangement described in division (A)(2) of section 4731.66 of the 75832
Revised Code if all of the following apply: 75833

(1) The remuneration is for any of the following: 75834

(a) Specific, identifiable services as the medical director 75835
or a member of a medical advisory board of the person; 75836

(b) Specific, identifiable physicians' services furnished to 75837
an individual in a hospice if the physicians' services are payable 75838
by the individual's third-party payer only to the hospice; 75839

(c) Specific, identifiable physicians' services furnished to 75840
a nonprofit blood center; 75841

(d) Specific, identifiable administrative services other than 75842
direct patient care services in circumstances specified in rules 75843
adopted by the state medical board under section 4731.70 of the 75844
Revised Code. 75845

(2) The amount of the remuneration under the arrangement is 75846
consistent with the fair market value of the services and is not 75847
determined in a manner that directly or indirectly takes into 75848
account the volume or value of any referrals by the ~~certificate~~ 75849
license holder. 75850

(3) The remuneration is provided pursuant to an agreement 75851
that would be commercially reasonable even if the ~~certificate~~ 75852
license holder made no referrals to the person. 75853

(4) The arrangement meets any other requirements that the 75854
state medical board applies in rules adopted under section 4731.70 75855
of the Revised Code. 75856

(F) Isolated financial transactions, including a one-time 75857
sale of property, shall not be considered a compensation 75858

arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The amount of the remuneration under the arrangement is consistent with fair market value and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder.

(2) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the other parties to the transaction.

(3) The transaction meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(G) Payment of the salary of a ~~certificate~~ license holder by the ~~certificate~~ license holder's group practice shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code.

Sec. 4731.76. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

Sec. 4731.82. (A) As used in this section:

(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code, except that it does not include either of the following:

(a) The product of human conception of at least twenty weeks of gestation;

(b) The purposeful termination of a pregnancy, as described 75888
in section 2919.11 of the Revised Code. 75889

(2) "Physician" means an individual holding a ~~certificate~~ 75890
license issued under this chapter to practice medicine and surgery 75891
or osteopathic medicine and surgery ~~pursuant to this chapter.~~ 75892

(B) If a woman in the process of experiencing a fetal death 75893
or with the product of human conception as a result of a fetal 75894
death presents herself to a physician and is not referred to a 75895
hospital, the attending physician shall provide the woman with all 75896
of the following: 75897

(1) A written statement, not longer than one page in length, 75898
that confirms that the woman was pregnant and that she 75899
subsequently suffered a miscarriage that resulted in a fetal 75900
death; 75901

(2) Notice of the right of the woman to apply for a fetal 75902
death certificate pursuant to section 3705.20 of the Revised Code; 75903

(3) A short, general description of the attending physician's 75904
procedures for disposing of the product of a fetal death. 75905

The attending physician may present the notice and 75906
description required by divisions (B)(2) and (B)(3) of this 75907
section through oral or written means. The physician shall 75908
document in the woman's medical record that all of the items 75909
required by this division were provided to the woman and shall 75910
place in the record a copy of the statement required by division 75911
(B)(1) of this section. 75912

(C) A physician is immune from civil or criminal liability or 75913
professional disciplinary action with regard to any action taken 75914
in good faith compliance with this section. 75915

Sec. 4731.83. (A) As used in this section: 75916

(1) "Medication-assisted treatment" has the same meaning as 75917

in section 340.01 of the Revised Code. 75918

(2) "Physician" means an individual authorized by this chapter to practice medicine and surgery or osteopathic medicine and surgery. 75919
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(B) A physician shall comply with section 3715.08 of the Revised Code and rules adopted under section 4731.056 of the Revised Code when treating a patient with medication-assisted treatment or proposing to initiate such treatment. 75922
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(C) A physician who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following: 75926
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(1) Exempted by divisions (B)(2)(a) to (d) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification; 75930
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(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 75934
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Sec. 4731.85. The department of health shall establish a 75938
procedure to provide special recognition annually to one or more 75939
persons issued a ~~certificate~~ license under this chapter to 75940
practice medicine and surgery, osteopathic medicine and surgery, 75941
or podiatric medicine and surgery who volunteer medical services 75942
to medically underserved areas of this state or to charitable 75943
shelters or clinics. Any person may nominate a ~~certificate~~ license 75944
holder for consideration by the department. The department shall 75945
annually submit to newspapers of general circulation and other 75946
publications selected by the department a request for nominations. 75947

The request shall describe the required form and content of 75948
nominations and indicate a deadline for submitting nominations. 75949

The department may adopt criteria and guidelines for 75950
selecting nominees for recognition. The department shall publicize 75951
the names, professional accomplishments, and service contributions 75952
of the ~~certificate~~ license holders that it recognizes under this 75953
section. The department may purchase recognition awards and take 75954
other actions to honor such volunteers. 75955

Sec. 4736.01. As used in this chapter: 75956

(A) "Environmental health science" means the aspect of public 75957
health science that includes, but is not limited to, the following 75958
bodies of knowledge: air quality, food quality and protection, 75959
hazardous and toxic substances, consumer product safety, housing, 75960
institutional health and safety, community noise control, 75961
radiation protection, recreational facilities, solid and liquid 75962
waste management, vector control, drinking water quality, milk 75963
sanitation, and rabies control. 75964

(B) "Sanitarian" means a person who performs for compensation 75965
educational, investigational, technical, or administrative duties 75966
requiring specialized knowledge and skills in the field of 75967
environmental health science. 75968

(C) "Registered sanitarian" means a person who is registered 75969
as a sanitarian in accordance with this chapter. 75970

(D) "Sanitarian-in-training" means a person who is registered 75971
as a sanitarian-in-training in accordance with this chapter. 75972

(E) "Practice of environmental health" means consultation, 75973
instruction, investigation, inspection, or evaluation by an 75974
employee of a city health district, a general health district, the 75975
environmental protection agency, the department of health, or the 75976
department of agriculture requiring specialized knowledge, 75977

training, and experience in the field of environmental health 75978
science, with the primary purpose of improving or conducting 75979
administration or enforcement under any of the following: 75980

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 75981
3733. of the Revised Code; 75982

(2) Chapter 3734. of the Revised Code as it pertains to solid 75983
waste; 75984

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 75985
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 75986

(4) Rules adopted under former section 3701.34 of the Revised 75987
Code pertaining to rabies control or swimming pools; 75988

(5) Rules adopted under section 3701.935 of the Revised Code 75989
for school health and safety network inspections and rules adopted 75990
under section 3707.26 of the Revised Code for sanitary 75991
inspections. 75992

"Practice of environmental health" does not include sampling, 75993
testing, controlling of vectors, reporting of observations, or 75994
other duties that do not require application of specialized 75995
knowledge and skills in environmental health science performed 75996
under the supervision of a registered sanitarian. 75997

The ~~state board~~ director of ~~sanitarian registration~~ health 75998
may further define environmental health science in relation to 75999
specific functions in the practice of environmental health through 76000
rules adopted by the ~~board~~ director under Chapter 119. of the 76001
Revised Code. 76002

Sec. 4736.02. ~~(A) There is hereby created the state board of~~ 76003
~~sanitarian registration. The board shall consist~~ advisory board 76004
consisting of seven members appointed by the director of health or 76005
~~his designated representative, the director of environmental~~ 76006
~~protection or his designated representative, and five members~~ 76007

~~appointed by the governor with the advice and consent of the~~ 76008
~~senate for terms established in accordance with rules adopted by~~ 76009
~~the director under section 4736.03 of the Revised Code. The~~ 76010
~~advisory board shall advise the director regarding the~~ 76011
~~registration of sanitarians-in-training and sanitarians,~~ 76012
~~continuing education requirements for sanitarians, the~~ 76013
~~administration of examinations prescribed by section 4736.09 of~~ 76014
~~the Revised Code, the education criteria required under section~~ 76015
~~4736.08 of the Revised Code, and any other matters as may be of~~ 76016
~~assistance to the director in the regulation of sanitarians and~~ 76017
~~sanitarians-in-training. Each~~ 76018

~~Each~~ member appointed by the ~~governor~~ director shall be a 76019
registered sanitarian; ~~however, the initial five members appointed~~ 76020
~~by the governor shall be persons who meet~~ meets the education and 76021
experience requirements of section 4736.08 of the Revised Code for 76022
registration as ~~sanitarians~~ a sanitarian. ~~Of the five members~~ 76023
~~appointed by the governor, at~~ At least one and not more than two 76024
of the members shall be employees of a general health district; at 76025
least one and not more than two shall be employees of a city 76026
health district; and at least one and not more than two shall be 76027
employed in private industry. Not more than one member may be 76028
employed by a university and not more than one member may be 76029
employed by an agency or department of the state. 76030

Within ninety days of the effective date of this ~~section~~ 76031
amendment, the ~~governor~~ director shall make initial appointments 76032
to the advisory board. ~~Of the initial appointments, two shall be~~ 76033
~~for terms ending one year after the effective date of this~~ 76034
~~section; two shall be for terms ending two years after that~~ 76035
~~effective date; and one shall be for a term ending three years~~ 76036
~~after that effective date. Thereafter, terms of office shall be~~ 76037
~~for three years, each term ending on the same day of the same~~ 76038
~~month of the year as did the term which it succeeds. Each member~~ 76039

~~shall hold office from the date of his appointment until the end 76040
of the term for which he was appointed. Any member appointed to 76041
fill a vacancy occurring prior to the expiration of the term for 76042
which his the member's predecessor was appointed shall hold office 76043
for the remainder of such term. Any member shall continue in 76044
office subsequent to the expiration date of his the member's term 76045
until his the member's successor takes office, or until a period 76046
of sixty days has elapsed, whichever occurs first. 76047~~

~~The governor may remove any member of the board for 76048
malfeasance, misfeasance, or nonfeasance after an adjudication 76049
hearing in accordance with Chapter 119. of the Revised Code. 76050~~

~~**Sec. 4736.03.** The state board of sanitarian registration 76051
shall organize within thirty days after its initial members have 76052
been appointed by the governor. The board shall annually elect a 76053
chairman and a vice chairman from its members and shall elect a 76054
secretary to serve at the pleasure of the board. The chairman and 76055
the secretary may administer oaths. A majority of the board 76056
constitutes a quorum. Members shall be compensated for their 76057
necessary expenses incurred in the performance of their official 76058
duties. 76059~~

~~The ~~board~~ director of health shall adopt and may amend or 76060
rescind rules in accordance with Chapter 119. of the Revised Code 76061
governing the administration of the examinations prescribed by 76062
section 4736.09 of the Revised Code, prescribing the form for 76063
application, establishing criteria for determining what courses 76064
may be included toward fulfillment of the science course 76065
requirements of section 4736.08 of the Revised Code, determining 76066
the continuing education program requirements of section 4736.11 76067
of the Revised Code, and for the administration and enforcement of 76068
this chapter. 76069~~

~~The director shall adopt, in accordance with Chapter 119. of 76070~~

the Revised Code, rules establishing terms of office for members 76071
of the sanitarian advisory board created in section 4736.02 of the 76072
Revised Code. 76073

Sec. 4736.05. ~~The state board director of sanitarian~~ 76074
~~registration health shall hold at least one meeting annually to~~ 76075
review and evaluate applications for registration as sanitarians 76076
and sanitarians-in-training, conduct examinations, review and 76077
approve expenses, prepare and approve reports, and transact all 76078
other business as may be necessary to administer and enforce 76079
Chapter 4736. of the Revised Code. ~~Special meetings shall be~~ 76080
~~called by the secretary upon written request of any three members~~ 76081
~~of the board or upon the written request of ten registered~~ 76082
~~sanitarians.~~ 76083

Sec. 4736.06. ~~(A) All receipts of the state board department~~ 76084
~~of sanitarian registration health shall be deposited in the state~~ 76085
treasury to the credit of the ~~occupational licensing and~~ 76086
~~regulatory general operations fund created in section 3701.83 of~~ 76087
the Revised Code. 76088

~~All vouchers of the board shall be approved by the~~ 76089
~~chairperson of the board or secretary, or both, as authorized by~~ 76090
~~the board.~~ 76091

~~(B) The board may employ such persons as are necessary to~~ 76092
~~administer and enforce this chapter.~~ 76093

Sec. 4736.07. ~~The state board director of sanitarian~~ 76094
~~registration health shall keep a record of its proceedings and a~~ 76095
~~record~~ of all applications for registration, which shall include: 76096

(A) The name and address of each applicant; 76097

(B) The name and address of the employer or business 76098
connection of each applicant; 76099

(C) The date of the application;	76100
(D) The educational and experience qualifications of each applicant;	76101 76102
(E) The date on which the board <u>director</u> reviewed and acted upon each application;	76103 76104
(F) The action taken by the board <u>director</u> on each application;	76105 76106
(G) A serial number of each certificate of registration issued by the board <u>director</u> .	76107 76108
The board <u>director</u> shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year.	76109 76110 76111 76112
Sec. 4736.08. An application for registration as a sanitarian shall be made to the state board <u>director</u> of sanitarian registration <u>health</u> on a form prescribed by the board <u>director</u> and accompanied by the application fee prescribed in section 4736.12 of the Revised Code. The board <u>director</u> shall register an applicant if the applicant meets the requirements of section 4736.16 of the Revised Code or is of good moral character, passes an examination conducted by the board <u>director</u> in accordance with section 4736.09 of the Revised Code, and meets the education and experience requirements of division (A), (B), or (C) of this section:	76113 76114 76115 76116 76117 76118 76119 76120 76121 76122 76123
(A) Graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the board <u>director</u> ; and completed at least two years of full-time employment as a sanitarian;	76124 76125 76126 76127 76128
(B) Graduated from an accredited college or university with	76129

at least a baccalaureate degree, completed a major in 76130
environmental health science which included an internship program 76131
approved by the ~~board~~ director; and completed at least one year of 76132
full-time employment as a sanitarian; 76133

(C) Graduated from an accredited college or university with a 76134
degree higher than a baccalaureate degree, including at least 76135
forty-five quarter units or thirty semester units of science 76136
courses approved by the ~~board~~ director; and completed at least one 76137
year of full-time employment as a sanitarian. 76138

Sec. 4736.09. Examinations required by section 4736.08 of the 76139
Revised Code shall be conducted not less than once each calendar 76140
year at such times and places as the ~~state-board~~ director of 76141
~~sanitarian-registration~~ health prescribes. Such examinations shall 76142
be written and shall include applicable subjects in the field of 76143
environmental health science and such other subjects as the ~~board~~ 76144
director may prescribe. The examination shall be objective and 76145
practical. Any examination papers shall not disclose the name of 76146
the applicant, but shall be identified by a number assigned by the 76147
~~secretary of the board~~ director. The preparation of the 76148
examination shall be the responsibility of the ~~board~~ director; 76149
however, the ~~board~~ director may use material prepared by 76150
recognized examination agencies. 76151

No person shall be registered if ~~he~~ the person fails to meet 76152
the minimum grade requirements for the examination specified by 76153
the ~~board~~ director. An applicant who fails to meet such minimum 76154
grade requirements in ~~his~~ the applicant's first examination may be 76155
reexamined at any time and place specified by the ~~board~~ director, 76156
upon resubmission of ~~his~~ an application and payment of the fee 76157
prescribed in section 4736.12 of the Revised Code. 76158

Sec. 4736.10. Any person who meets the educational 76159

qualifications of division (A), (B), or (C) of section 4736.08 of 76160
the Revised Code, but does not meet the experience requirement of 76161
such division may make application to the ~~state board~~ director of 76162
~~sanitarian registration health~~ on a form prescribed by the ~~board~~ 76163
director for registration as a sanitarian-in-training. The ~~board~~ 76164
director shall register such person as a sanitarian-in-training 76165
upon payment of the fee required by section 4736.12 of the Revised 76166
Code, if ~~he~~ the person passes any examination which the ~~board~~ 76167
director may require for registration as a sanitarian-in-training. 76168
Any such examination shall be conducted in the same manner as the 76169
examination required for registration as a sanitarian under 76170
section 4736.09 of the Revised Code. 76171

A sanitarian-in-training shall apply for registration as a 76172
sanitarian within three years ~~of his~~ after registration as a 76173
sanitarian-in-training. The ~~board~~ director may extend the 76174
registration of any sanitarian-in-training who furnishes, in 76175
writing, sufficient cause for not applying for registration as a 76176
sanitarian within the three-year period. 76177

Sec. 4736.11. The ~~state board~~ director of ~~sanitarian~~ 76178
~~registration health~~ shall issue a certificate of registration to 76179
any applicant whom it registers as a sanitarian or a 76180
sanitarian-in-training. Such certificate shall bear: 76181

(A) The name of the person; 76182

(B) The date of issue; 76183

(C) A serial number, designated by the ~~board~~ director; 76184

(D) The ~~seal of the board and~~ signature of the ~~chairperson of~~ 76185
~~the board~~ director; 76186

(E) The designation "registered sanitarian" or 76187
"sanitarian-in-training." 76188

Certificates of registration shall expire annually on the 76189

date fixed by the ~~board~~ director and become invalid on that date 76190
unless renewed pursuant to this section. All registered 76191
sanitarians shall be required annually to complete a continuing 76192
education program in subjects relating to practices of the 76193
profession as a sanitarian to the end that the utilization and 76194
application of new techniques, scientific advancements, and 76195
research findings will assure comprehensive service to the public. 76196
The ~~board~~ director shall prescribe by rule a continuing education 76197
program for registered sanitarians to meet this requirement. The 76198
length of study for this program shall be determined by the ~~board~~ 76199
director but shall be not less than six nor more than twenty-five 76200
hours during the calendar year. At least once annually the ~~board~~ 76201
director shall provide to each registered sanitarian a list of 76202
courses approved by the ~~board~~ director as satisfying the program 76203
prescribed by rule. Upon the request of a registered sanitarian, 76204
the ~~secretary~~ director shall supply a list of applicable courses 76205
that the ~~board~~ director has approved. A certificate may be renewed 76206
for a period of one year at any time prior to the date of 76207
expiration upon payment of the renewal fee prescribed by section 76208
4736.12 of the Revised Code and upon showing proof of having 76209
complied with the continuing education requirements of this 76210
section. The ~~state board of sanitarian registration~~ director may 76211
waive the continuing education requirement in cases of certified 76212
illness or disability which prevents the attendance at any 76213
qualified educational seminars during the twelve months 76214
immediately preceding the annual certificate of registration 76215
renewal date. Certificates which expire may be reinstated under 76216
rules adopted by the ~~board~~ director. 76217

Sec. 4736.12. (A) The ~~state board~~ director of ~~sanitarian~~ 76218
~~registration~~ health shall charge the following fees: 76219

(1) To apply as a sanitarian-in-training, ~~eighty~~ sixty 76220
dollars; 76221

(2) For sanitarians-in-training to apply for registration as sanitarians, ~~eighty~~ sixty dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(3) For persons other than sanitarians-in-training to apply for registration as sanitarians, ~~including persons meeting the requirements of section 4736.16 of the Revised Code,~~ one hundred ~~sixty~~ twenty dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(4) The renewal fee for registered sanitarians shall be ~~ninety~~ sixty-seven dollars and fifty cents.

(5) The renewal fee for sanitarians-in-training shall be ~~ninety~~ sixty-seven dollars and fifty cents.

(6) For late application for renewal, an additional ~~seventy-five~~ fifty-six dollars and twenty-five cents.

The ~~board of sanitarian registration~~ director, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent.

(B) The ~~board of sanitarian registration~~ director shall charge separate fees for examinations as required by section 4736.08 of the Revised Code, provided that the fees are not in excess of the actual cost to the ~~board~~ department of health of conducting the examinations.

(C) The ~~board of sanitarian registration~~ director may adopt rules establishing fees for all of the following:

(1) Application for the registration of a training agency

approved under rules adopted by the ~~board~~ director pursuant to 76252
section 4736.11 of the Revised Code and for the annual 76253
registration renewal of an approved training agency; 76254

(2) Application for the review of continuing education hours 76255
submitted for the ~~board's~~ director's approval by approved training 76256
agencies or by registered sanitarians or sanitarians-in-training; 76257

(3) Additional copies of pocket identification cards and wall 76258
certificates. 76259

Sec. 4736.13. The ~~state board~~ director of ~~sanitarian~~ 76260
~~registration~~ health may deny, refuse to renew, revoke, or suspend 76261
a certificate of registration in accordance with Chapter 119. of 76262
the Revised Code for unprofessional conduct, the practice of fraud 76263
or deceit in obtaining a certificate of registration, dereliction 76264
of duty, incompetence in the practice of environmental health 76265
science, or for other good and sufficient cause. 76266

Sec. 4736.14. The ~~state board~~ director of ~~sanitarian~~ 76267
~~registration~~ health may, upon application and proof of valid 76268
registration, issue a certificate of registration to any person 76269
who is or has been registered as a sanitarian by any other state, 76270
if the requirements of that state at the time of such registration 76271
are determined by the ~~board~~ director to be at least equivalent to 76272
the requirements of this chapter. 76273

Sec. 4736.15. No person shall engage in, or offer to engage 76274
in, the practice of environmental health without being registered 76275
in accordance with sections 4736.01 to ~~4736.16~~ 4736.15 of the 76276
Revised Code. A sanitarian-in-training may engage in the practice 76277
of environmental health for a period not to exceed five years, 76278
provided ~~he~~ the sanitarian-in-training is supervised by a 76279
registered sanitarian. No person except a registered sanitarian 76280
shall use the title "registered sanitarian" or the abbreviation 76281

"R.S." after ~~his~~ the person's name, or represent ~~himself~~ self as a registered sanitarian. Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4736.17. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~state board~~ director of ~~sanitarian registration~~ health shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

Sec. 4736.18. The ~~state board~~ director of ~~sanitarian registration~~ health shall comply with section 4776.20 of the Revised Code.

Sec. 4745.01. (A) "Standard renewal procedure," as used in Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~, 4169., 4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 4728., 4729., 4731., 4733., 4734., ~~4735.~~, 4739., 4741., 4747., 4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4773., and 4775. of the Revised Code, means the license renewal procedures specified in ~~this chapter~~ sections 4745.01 to 4745.04 of the Revised Code.

(B) "Licensing agency," as used in this chapter, means any department, division, board, section of a board, or other state governmental unit subject to the standard renewal procedure, as defined in this section, and authorized by the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

(C) "License," as used in this chapter, means a license,

certificate, permit, card, or other authority issued or conferred 76312
by a licensing agency by authority of which the licensee has or 76313
claims the privilege to engage in the profession, occupation, or 76314
occupational activity, or to have control of and operate certain 76315
specific equipment, machinery, or premises, over which the 76316
licensing agency has jurisdiction. 76317

(D) "Licensee," as used in this chapter, means either the 76318
person to whom the license is issued or renewed by a licensing 76319
agency, or the person, partnership, or corporation at whose 76320
request the license is issued or renewed. 76321

(E) "Renewal" and "renewed," as used in this chapter and in 76322
the chapters of the Revised Code specified in division (A) of this 76323
section, includes the continuing licensing procedure provided in 76324
Chapter 3748. of the Revised Code and rules adopted under it and 76325
in sections 1321.05 and 3921.33 of the Revised Code, and as 76326
applied to those continuing licenses any reference in this chapter 76327
to the date of expiration of any license shall be construed to 76328
mean the due date of the annual or other fee for the continuing 76329
license. 76330

Sec. 4745.05. (A) As used in this section, "licensing agency" 76331
means any state department, division, board, commission, agency, 76332
or other state governmental unit that utilizes the internet-based 76333
electronic licensing system operated by the department of 76334
administrative services to issue a license, certificate, permit, 76335
or other authorization under which a licensee may engage in a 76336
profession, occupation, or occupational activity. 76337

(B) Notwithstanding any contrary provision of the Revised 76338
Code, a licensing agency shall, by January 1, 2018, incorporate 76339
both of the following into the agency's license renewal process: 76340

(1) A license shall be valid for at least two years before 76341
being subject to renewal. 76342

(2) The renewal schedule of a licensing agency shall be staggered so that an approximately equal number of licenses expire, and are subject to renewal, during each year of the duration of the license. 76343
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(C) When a licensing agency adopts a rule establishing a new renewal expiration date in accordance with this section, the licensing agency may prorate otherwise authorized license fees as appropriate. 76347
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(D) A licensing agency shall adopt rules under Chapter 119. of the Revised Code as necessary to implement this section. 76351
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(E) This section does not apply to temporary or initial licenses that licensing agency may otherwise be authorized by law to issue. 76353
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(F) A licensing agency, after having conformed to the requirements of division (B) of this section for a reasonable period of time, may opt-out of conforming to those requirements if conformance did not establish a more uniform funding stream for the agency and has had an adverse effect on both the agency staff and on the community regulated by the agency. 76356
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Sec. 4749.031. (A) The department of public safety shall be a participating public office for purposes of the retained applicant fingerprint database established under section 109.5721 of the Revised Code. The department shall elect to participate in the continuous record monitoring service for all persons licensed or registered under this chapter. When the superintendent of the bureau of criminal identification and investigation, under section 109.57 of the Revised Code, indicates that an individual in the retained applicant fingerprint database has been arrested for, convicted of, or pleaded guilty to any offense, the superintendent promptly shall notify the department either electronically or by mail that additional arrest or conviction information is 76362
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available. 76374

(B) In addition to any other fees charged by the department 76375
under this chapter, an applicant for a license under section 76376
4749.03 of the Revised Code, at the time of making an initial or 76377
renewal application, shall pay any initial or annual fee charged 76378
by the superintendent pursuant to rules adopted under division 76379
(~~F~~)(H) of section 109.5721 of the Revised Code. 76380

Sec. 4751.03. (A) There is hereby established in the 76381
department of aging a board of executives of long-term services 76382
and supports, which board shall be composed of the following 76383
eleven members: 76384

(1) Four members who are nursing home administrators, owners 76385
of nursing homes, or officers of corporations owning nursing 76386
homes, and who shall have an understanding of person-centered 76387
care, and experience with a range of long-term services and 76388
supports settings; 76389

(2)(a) Three members who work in long-term services and 76390
supports settings that are not nursing homes, and who shall have 76391
an understanding of person-centered care, and experience with a 76392
range of long-term services and supports settings; 76393

(b) At least one of the members described in division 76394
(A)(2)(a) of this section shall be a home health administrator, an 76395
owner of a home health agency, or an officer of a home health 76396
agency. 76397

(3) One member who is a member of the academic community; 76398

(4) One member who is a consumer of services offered in a 76399
long-term services and supports setting; 76400

(5) One nonvoting member who is a representative of the 76401
department of health, designated by the director of health, who is 76402

involved in the nursing home survey and certification process, who shall serve in an advisory capacity only; 76403
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(6) One nonvoting member who is a representative of the 76405
office of the state long-term care ombudsman, designated by the 76406
state long-term care ombudsman, who shall serve in an advisory 76407
capacity only. 76408

All members of the board shall be citizens of the United 76409
States and residents of this state. No member of the board who is 76410
appointed under divisions (A)(3) to (6) of this section may have 76411
or acquire any direct financial interest in a nursing home or 76412
long-term services and supports settings. 76413

(B) The term of office for each appointed member of the board 76414
shall be for three years, commencing on the twenty-eighth day of 76415
May and ending on the twenty-seventh day of May. Each member shall 76416
serve from the date of appointment until the end of the term for 76417
which appointed. No member shall serve more than two consecutive 76418
full terms. 76419

(C) Appointments to the board shall be made by the governor. 76420
Any member appointed to fill a vacancy occurring prior to the 76421
expiration of the term for which the member's predecessor was 76422
appointed shall hold office for the remainder of such term. Any 76423
appointed member shall continue in office subsequent to the 76424
expiration date of the member's term until the member's successor 76425
takes office, or until a period of sixty days has elapsed, 76426
whichever occurs first. 76427

(D) The governor may remove any member of the board for 76428
misconduct, incapacity, incompetence, or neglect of duty after the 76429
member so charged has been served with a written statement of 76430
charges and has been given an opportunity to be heard. 76431

(E) Each member of the board, except the member designated by 76432
the director of health and the member designated by the ombudsman, 76433

shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual and necessary expenses incurred in the discharge of such duties.

(F) The board shall elect annually from its membership a chairperson and a vice-chairperson.

(G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the voting members of the board shall constitute a quorum. The affirmative vote of a majority of the voting members of the board is necessary for the board to act.

(H) The board shall appoint a secretary who has no financial interest in a long-term services and supports setting, and may employ and prescribe the powers and duties of such employees and consultants as are necessary to carry out this chapter and the rules adopted under it.

Sec. 4751.04. (A) The board of executives of long-term services and supports shall:

(1) Develop, adopt, impose, and enforce regulations prescribing standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators are of good character and are otherwise suitable, and who, by training and experience, are qualified to serve as nursing home administrators;

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) Issue licenses and registrations to individuals determined, after application of such techniques, to meet such standards, ~~and revoke;~~

(4) Revoke or suspend licenses or registrations previously 76464
issued by the board or impose a civil penalty, fine, or any other 76465
sanction authorized by the board on an individual holding a 76466
license or registration, in any case where the individual ~~holding~~ 76467
~~such license or registration~~ is determined to have failed 76468
substantially to conform to the requirements of such standards; 76469

~~(4)~~(5) Develop, adopt, impose, and enforce regulations and 76470
procedures designed to ensure that individuals holding a temporary 76471
license, or licensed as nursing home administrators will, during 76472
any period that they serve as such, comply with Chapter 4751. of 76473
the Revised Code and the regulations adopted thereunder; 76474

~~(5)~~(6) Receive, investigate, and take appropriate action with 76475
respect to any charge or complaint filed with the board to the 76476
effect that any individual licensed as a nursing home 76477
administrator has failed to comply with Chapter 4751. of the 76478
Revised Code and the regulations adopted thereunder; 76479

~~(6)~~(7) Take such other actions as may be necessary to enable 76480
the state to meet the requirements set forth in the "Social 76481
Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 76482
g; 76483

~~(7)~~(8) Pay all license and registration fees, civil 76484
penalties, and fines collected under Chapter 4751. of the Revised 76485
Code into the board of executives of long-term services and 76486
supports fund created by section 4751.14 of the Revised Code to be 76487
used in administering and enforcing this chapter and the rules 76488
adopted under it; 76489

~~(8)~~(9) Administer, or contract with a government or private 76490
entity to administer, examinations for licensure as a nursing home 76491
administrator. If the board contracts with a government or private 76492
entity to administer the examinations, the contract may authorize 76493
the entity to collect and keep, as all or part of the entity's 76494

compensation under the contract, any fee an applicant for 76495
licensure pays to take an examination. The entity is not required 76496
to deposit the fee into the state treasury; 76497

~~(9)~~(10) Enter into a contract with the department of aging as 76498
required under section 4751.042 of the Revised Code; 76499

~~(10)~~(11) Create opportunities for the education, training, 76500
and credentialing of nursing home administrators ~~and others,~~ 76501
persons in leadership positions who practice in long-term services 76502
and supports settings or who direct the practices of others in 76503
those settings, and persons interested in serving in those roles. 76504
In carrying out this function, the board shall do the following: 76505

(a) Identify core competencies and areas of knowledge that 76506
are appropriate for nursing home administrators, credentialed 76507
individuals, and others working within the long-term services and 76508
supports settings system, with an emphasis on all of the 76509
following: 76510

(i) Leadership; 76511

(ii) Person-centered care; 76512

(iii) Principles of management within both the business and 76513
regulatory environments; 76514

(iv) An understanding of all post-acute settings, including 76515
transitions from acute settings and between post-acute settings. 76516

(b) Assist in the development of a strong, competitive market 76517
in Ohio for training, continuing education, and degree programs in 76518
long-term services and supports settings administration. 76519

(B) In the administration and enforcement of Chapter 4751. of 76520
the Revised Code, and the regulations adopted thereunder, the 76521
board is subject to Chapter 119. of the Revised Code and sections 76522
4743.01 and 4743.02 of the Revised Code except that a notice of 76523
appeal of an order of the board adopting, amending, or rescinding 76524

a rule or regulation does not operate as a stay of the effective 76525
date of such order as provided in section 119.11 of the Revised 76526
Code. The court, at its discretion, may grant a stay of any 76527
regulation in its application against the person filing the notice 76528
of appeal. 76529

Sec. 4751.043. (A) Training and education programs developed 76530
by the board of executives of long-term services and supports 76531
pursuant to division (A)(10) of section 4751.04 of the Revised 76532
Code may be conducted in person or through electronic media. The 76533
board may establish and charge a fee for the education and 76534
training programs. 76535

(B) The board may enter into a contract with a government or 76536
private entity to perform the board's duties under division 76537
(A)(10) of section 4751.04 of the Revised Code to develop and 76538
conduct education and training programs. If the board enters into 76539
such a contract, the contract may authorize the entity to pay any 76540
or all costs associated with the education or training programs 76541
and to collect and keep, as all or part of the entity's 76542
compensation under the contract, any fee an applicant for 76543
education or training pays to enroll in the education or training 76544
program. 76545

Sec. 4751.044. The board of executives of long-term services 76546
and supports shall approve continuing education courses for 76547
nursing home administrators. The board may establish a fee for 76548
approval of such courses that is adequate to cover any expense the 76549
board incurs in the approval process. 76550

Sec. 4751.10. The license or registration, or both, or the 76551
temporary license of any person practicing or offering to practice 76552
nursing home administration, shall be revoked or suspended by the 76553
board of executives of long-term services and supports if such 76554

licensee or temporary licensee: 76555

(A) Is unfit or incompetent by reason of negligence, habits, 76556
or other causes; 76557

(B) Has willfully or repeatedly violated any of the 76558
provisions of Chapter 4751. of the Revised Code or the regulations 76559
adopted thereunder; or willfully or repeatedly acted in a manner 76560
inconsistent with the health and safety of the patients of the 76561
nursing home in which the licensee or temporary licensee is the 76562
administrator; 76563

(C) Is guilty of fraud or deceit in the practice of nursing 76564
home administration or in the licensee's or temporary licensee's 76565
admission to such practice; 76566

(D) Has been convicted in a court of competent jurisdiction, 76567
either within or without this state, of a felony. 76568

~~Proceedings under this section shall be instituted by the 76569
board or shall be begun by filing with the board charges in 76570
writing and under oath. 76571~~

Sec. 4751.14. There is hereby created in the state treasury 76572
the board of executives of long-term services and supports fund. 76573
The fund shall consist of the amounts the board collects under 76574
this chapter as license and registration fees ~~collected under this~~ 76575
~~chapter, other fees, civil penalties, and fines.~~ Money in the fund 76576
shall be used by the board of executives of long-term services and 76577
supports to administer and enforce this chapter and the rules 76578
adopted under it. Investment earnings of the fund shall be 76579
credited to the fund. 76580

Sec. 4751.99. Whoever violates section 4751.02 or 4751.09 of 76581
the Revised Code ~~shall~~ may be fined not ~~less than fifty nor~~ more 76582
than five hundred dollars for the first offense; for each 76583
subsequent offense such person ~~shall~~ may be fined not ~~less than~~ 76584

~~one hundred nor~~ more than five hundred dollars or imprisoned for 76585
not more than ninety days, or both. 76586

The imposition of fines pursuant to this section does not 76587
preclude the imposition of any civil penalties or fines authorized 76588
under section 4751.04 or any other section of the Revised Code. 76589

Sec. 4765.01. As used in this chapter: 76590

(A) "First responder" means an individual who holds a 76591
current, valid certificate issued under section 4765.30 of the 76592
Revised Code to practice as a first responder. 76593

(B) "Emergency medical technician-basic" or "EMT-basic" means 76594
an individual who holds a current, valid certificate issued under 76595
section 4765.30 of the Revised Code to practice as an emergency 76596
medical technician-basic. 76597

(C) "Emergency medical technician-intermediate" or "EMT-I" 76598
means an individual who holds a current, valid certificate issued 76599
under section 4765.30 of the Revised Code to practice as an 76600
emergency medical technician-intermediate. 76601

(D) "Emergency medical technician-paramedic" or "paramedic" 76602
means an individual who holds a current, valid certificate issued 76603
under section 4765.30 of the Revised Code to practice as an 76604
emergency medical technician-paramedic. 76605

(E) "Ambulance" means any motor vehicle that is used, or is 76606
intended to be used, for the purpose of responding to emergency 76607
medical situations, transporting emergency patients, and 76608
administering emergency medical service to patients before, 76609
during, or after transportation. 76610

(F) "Cardiac monitoring" means a procedure used for the 76611
purpose of observing and documenting the rate and rhythm of a 76612
patient's heart by attaching electrical leads from an 76613
electrocardiograph monitor to certain points on the patient's body 76614

surface. 76615

(G) "Emergency medical service" means any of the services 76616
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 76617
the Revised Code that are performed by first responders, emergency 76618
medical technicians-basic, emergency medical 76619
technicians-intermediate, and paramedics. "Emergency medical 76620
service" includes such services performed before or during any 76621
transport of a patient, including transports between hospitals and 76622
transports to and from helicopters. 76623

(H) "Emergency medical service organization" means a public 76624
or private organization using first responders, EMTs-basic, 76625
EMTs-I, or paramedics, or a combination of first responders, 76626
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 76627
services. 76628

(I) "Physician" means an individual who holds a current, 76629
valid ~~certificate~~ license issued under Chapter 4731. of the 76630
Revised Code authorizing the practice of medicine and surgery or 76631
osteopathic medicine and surgery. 76632

(J) "Registered nurse" means an individual who holds a 76633
current, valid license issued under Chapter 4723. of the Revised 76634
Code authorizing the practice of nursing as a registered nurse. 76635

(K) "Volunteer" means a person who provides services either 76636
for no compensation or for compensation that does not exceed the 76637
actual expenses incurred in providing the services or in training 76638
to provide the services. 76639

(L) "Emergency medical service personnel" means first 76640
responders, emergency medical technicians-basic, emergency medical 76641
technicians-intermediate, emergency medical technicians-paramedic, 76642
and persons who provide medical direction to such persons. 76643

(M) "Hospital" has the same meaning as in section 3727.01 of 76644
the Revised Code. 76645

(N) "Trauma" or "traumatic injury" means severe damage to or	76646
destruction of tissue that satisfies both of the following	76647
conditions:	76648
(1) It creates a significant risk of any of the following:	76649
(a) Loss of life;	76650
(b) Loss of a limb;	76651
(c) Significant, permanent disfigurement;	76652
(d) Significant, permanent disability.	76653
(2) It is caused by any of the following:	76654
(a) Blunt or penetrating injury;	76655
(b) Exposure to electromagnetic, chemical, or radioactive	76656
energy;	76657
(c) Drowning, suffocation, or strangulation;	76658
(d) A deficit or excess of heat.	76659
(O) "Trauma victim" or "trauma patient" means a person who	76660
has sustained a traumatic injury.	76661
(P) "Trauma care" means the assessment, diagnosis,	76662
transportation, treatment, or rehabilitation of a trauma victim by	76663
emergency medical service personnel or by a physician, nurse,	76664
physician assistant, respiratory therapist, physical therapist,	76665
chiropractor, occupational therapist, speech-language pathologist,	76666
audiologist, or psychologist licensed to practice as such in this	76667
state or another jurisdiction.	76668
(Q) "Trauma center" means all of the following:	76669
(1) Any hospital that is verified by the American college of	76670
surgeons as an adult or pediatric trauma center;	76671
(2) Any hospital that is operating as an adult or pediatric	76672
trauma center under provisional status pursuant to section	76673

3727.101 of the Revised Code; 76674

(3) Until December 31, 2004, any hospital in this state that 76675
is designated by the director of health as a level II pediatric 76676
trauma center under section 3727.081 of the Revised Code; 76677

(4) Any hospital in another state that is licensed or 76678
designated under the laws of that state as capable of providing 76679
specialized trauma care appropriate to the medical needs of the 76680
trauma patient. 76681

(R) "Pediatric" means involving a patient who is less than 76682
sixteen years of age. 76683

(S) "Adult" means involving a patient who is not a pediatric 76684
patient. 76685

(T) "Geriatric" means involving a patient who is at least 76686
seventy years old or exhibits significant anatomical or 76687
physiological characteristics associated with advanced aging. 76688

(U) "Air medical organization" means an organization that 76689
provides emergency medical services, or transports emergency 76690
victims, by means of fixed or rotary wing aircraft. 76691

(V) "Emergency care" and "emergency facility" have the same 76692
meanings as in section 3727.01 of the Revised Code. 76693

(W) "Stabilize," except as it is used in division (B) of 76694
section 4765.35 of the Revised Code with respect to the manual 76695
stabilization of fractures, has the same meaning as in section 76696
1753.28 of the Revised Code. 76697

(X) "Transfer" has the same meaning as in section 1753.28 of 76698
the Revised Code. 76699

(Y) "Firefighter" means any member of a fire department as 76700
defined in section 742.01 of the Revised Code. 76701

(Z) "Volunteer firefighter" has the same meaning as in 76702
section 146.01 of the Revised Code. 76703

(AA) "Part-time paid firefighter" means a person who provides firefighting services on less than a full-time basis, is routinely scheduled to be present on site at a fire station or other designated location for purposes of responding to a fire or other emergency, and receives more than nominal compensation for the provision of firefighting services.

(BB) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

Sec. 4765.02. (A)(1) There is hereby created the state board of emergency medical, fire, and transportation services within the division of emergency medical services of the department of public safety. The board shall consist of the members specified in this section who are residents of this state. The governor, with the advice and consent of the senate, shall appoint all members of the board, except the employee of the department of public safety designated by the director of public safety under this section to be a member of the board. In making the appointments, the governor shall appoint only members with background or experience in emergency medical services or trauma care and shall attempt to include members representing urban and rural areas, various geographical regions of the state, and various schools of training.

(2) One member of the board shall be a physician certified by the American board of emergency medicine or the American osteopathic board of emergency medicine who is active in the practice of emergency medicine and is actively involved with an emergency medical service organization. The governor shall appoint this member from among three persons nominated by the Ohio chapter of the American college of emergency physicians and three persons nominated by the Ohio osteopathic association. One member shall be

a physician certified by the American board of surgery or the 76735
American osteopathic board of surgery who is active in the 76736
practice of trauma surgery and is actively involved with emergency 76737
medical services. The governor shall appoint this member from 76738
among three persons nominated by the Ohio chapter of the American 76739
college of surgeons and three persons nominated by the Ohio 76740
osteopathic association. One member shall be a physician certified 76741
by the American academy of pediatrics or American osteopathic 76742
board of pediatrics who is active in the practice of pediatric 76743
emergency medicine and actively involved with an emergency medical 76744
service organization. The governor shall appoint this member from 76745
among three persons nominated by the Ohio chapter of the American 76746
academy of pediatrics and three persons nominated by the Ohio 76747
osteopathic association. One member shall be the administrator of 76748
a hospital located in this state. The governor shall appoint this 76749
member from among three persons nominated by OHA: the association 76750
for hospitals and health systems, three persons nominated by the 76751
Ohio osteopathic association, and three persons nominated by the 76752
association of Ohio children's hospitals. One member shall be an 76753
adult or pediatric trauma program manager or trauma program 76754
director who is involved in the daily management of a verified 76755
trauma center. The governor shall appoint this member from among 76756
three persons nominated by the Ohio nurses association, three 76757
persons nominated by the Ohio society of trauma nurse leaders, and 76758
three persons nominated by the Ohio state council of the emergency 76759
nurses association. One member shall be the chief of a fire 76760
department that is also an emergency medical service organization 76761
in which more than fifty per cent of the persons who provide 76762
emergency medical services are full-time paid employees. The 76763
governor shall appoint this member from among three persons 76764
nominated by the Ohio fire chiefs' association. One member shall 76765
be the chief of a fire department that is also an emergency 76766
medical service organization in which more than fifty per cent of 76767

the persons who provide emergency medical services are volunteers. 76768
The governor shall appoint this member from among three persons 76769
nominated by the Ohio fire chiefs' association. One member shall 76770
be a person who is certified to teach under section 4765.23 of the 76771
Revised Code and holds a valid certificate to practice as an EMT, 76772
AEMT, or paramedic. The governor shall appoint this member from 76773
among three persons nominated by the Ohio emergency medical 76774
technician instructors association and the Ohio 76775
instructor/coordinators' society. One member shall be an EMT, 76776
AEMT, or paramedic, and one member shall be a paramedic. The 76777
governor shall appoint these members from among three EMTs or 76778
AEMTs and three paramedics nominated by the Ohio association of 76779
professional fire fighters and three EMTs, three AEMTs, and three 76780
paramedics nominated by the northern Ohio fire fighters. One 76781
member shall be an EMT, AEMT, or paramedic, and one member shall 76782
be a paramedic. The governor shall appoint these members from 76783
among three EMTs or AEMTs and three paramedics nominated by the 76784
Ohio state firefighter's association. One member shall be a person 76785
whom the governor shall appoint from among an EMT, AEMT, or a 76786
paramedic nominated by the Ohio association of emergency medical 76787
services or the Ohio ambulance and medical transportation 76788
association. One member shall be an EMT, AEMT, or a paramedic, 76789
whom the governor shall appoint from among three persons nominated 76790
by the Ohio ambulance and medical transportation association. One 76791
member shall be a paramedic, whom the governor shall appoint from 76792
among three persons nominated by the Ohio ambulance and medical 76793
transportation association. One member shall be the owner or 76794
operator of a private emergency medical service organization whom 76795
the governor shall appoint from among three persons nominated by 76796
the Ohio ambulance and medical transportation association. One 76797
member shall be a member of a third-service emergency medical 76798
service agency or organization whom the governor shall appoint 76799
from among three persons nominated by the Ohio EMS chiefs 76800

association. One member shall be a provider of mobile intensive 76801
care unit transportation in this state whom the governor shall 76802
appoint from among three persons nominated by the Ohio association 76803
of critical care transport. One member shall be a provider of 76804
air-medical transportation in this state whom the governor shall 76805
appoint from among three persons nominated by the Ohio association 76806
of critical care transport. One member shall be the owner or 76807
operator of a nonemergency medical service organization in this 76808
state that provides ambulette services whom the governor shall 76809
appoint from among three persons nominated by the Ohio ambulance 76810
and medical transportation association. 76811

The governor may refuse to appoint any of the persons 76812
nominated by one or more organizations under division (A)(2) of 76813
this section, except the employee of the department of public 76814
safety designated by the director of public safety under this 76815
section to be a member of the board. In that event, the 76816
organization or organizations shall continue to nominate the 76817
required number of persons until the governor appoints to the 76818
board one or more of the persons nominated by the organization or 76819
organizations. 76820

The director of public safety shall designate an employee of 76821
the department of public safety to serve as a member of the board 76822
at the director's pleasure. This member shall serve as a liaison 76823
between the department and the division of emergency medical 76824
services in cooperation with the executive director of the board. 76825

(B) Terms of office of all members appointed by the governor 76826
shall be for three years, each term ending on the same day of the 76827
same month as did the term it succeeds. Each member shall hold 76828
office from the date of appointment until the end of the term for 76829
which the member was appointed. A member shall continue in office 76830
subsequent to the expiration date of the member's term until the 76831
member's successor takes office, or until a period of sixty days 76832

has elapsed, whichever occurs first. 76833

Each vacancy shall be filled in the same manner as the 76834
original appointment. A member appointed to fill a vacancy 76835
occurring prior to the expiration of the term for which the 76836
member's predecessor was appointed shall hold office for the 76837
remainder of the unexpired term. 76838

The term of a member shall expire if the member ceases to 76839
meet any of the requirements to be appointed as that member. The 76840
governor may remove any member from office for neglect of duty, 76841
malfeasance, misfeasance, or nonfeasance, after an adjudication 76842
hearing held in accordance with Chapter 119. of the Revised Code. 76843

(C) The members of the board shall serve without compensation 76844
but shall be reimbursed for their actual and necessary expenses 76845
incurred in carrying out their duties as board members. 76846

(D) The board shall organize by annually selecting a chair 76847
and vice-chair from among its members. The board may adopt bylaws 76848
to regulate its affairs. A majority of all members of the board 76849
shall constitute a quorum. No action shall be taken without the 76850
concurrence of a majority of all members of the board. The board 76851
shall meet at least four times annually and at the call of the 76852
chair. The chair shall call a meeting on the request of the 76853
executive director or the medical director of the board or on the 76854
written request of five members. The board shall maintain written 76855
or electronic records of its meetings. 76856

(E) Upon twenty-four hours' notice from a member of the 76857
board, the member's employer shall release the member from the 76858
member's employment duties to attend meetings of the full board. 76859
Nothing in this division requires the employer of a member of the 76860
board to compensate the member for time the member is released 76861
from employment duties under this paragraph, but any civil 76862
immunity, workers' compensation, disability, or similar coverage 76863

that applies to a member of the board as a result of the member's 76864
employment shall continue to apply while the member is released 76865
from employment duties under this paragraph. 76866

Sec. 4776.01. As used in this chapter: 76867

(A) "License" means an authorization evidenced by a license, 76868
certificate, registration, permit, card, or other authority that 76869
is issued or conferred by a licensing agency to a licensee or to 76870
an applicant for an initial license by which the licensee or 76871
initial license applicant has or claims the privilege to engage in 76872
a profession, occupation, or occupational activity, or, except in 76873
the case of the state dental board, to have control of and operate 76874
certain specific equipment, machinery, or premises, over which the 76875
licensing agency has jurisdiction. 76876

(B) Except as provided in section 4776.20 of the Revised 76877
Code, "licensee" means the person to whom the license is issued by 76878
a licensing agency. 76879

(C) Except as provided in section 4776.20 of the Revised 76880
Code, "licensing agency" means any of the following: 76881

(1) The board authorized by Chapters 4701., 4717., 4725., 76882
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 76883
4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the 76884
Revised Code to issue a license to engage in a specific 76885
profession, occupation, or occupational activity, or to have 76886
charge of and operate certain ~~specified~~ specific equipment, 76887
machinery, or premises. 76888

(2) The state dental board, relative to its authority to 76889
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 76890
4715.27 of the Revised Code; 76891

(3) The department of commerce or state board of pharmacy, 76892
relative to its authority to issue a license to a person or entity 76893

pursuant to Chapter 3796. of the Revised Code or any rules adopted 76894
under that chapter. 76895

(D) "Applicant for an initial license" includes persons 76896
seeking a license for the first time and persons seeking a license 76897
by reciprocity, endorsement, or similar manner of a license issued 76898
in another state. 76899

(E) "Applicant for a restored license" includes persons 76900
seeking restoration of a certificate under section 4730.14, 76901
4731.281, 4760.06, or 4762.06 of the Revised Code. 76902

(F) "Criminal records check" has the same meaning as in 76903
section 109.572 of the Revised Code. 76904

Sec. 4776.02. (A) An applicant for an initial license or 76905
restored license from a licensing agency, a person seeking to 76906
satisfy the requirements to be an employee of a pain management 76907
clinic as specified in section 4729.552 of the Revised Code, a 76908
person seeking to satisfy the requirements to be an employee of a 76909
facility, clinic, or other location that is subject to licensure 76910
as a category III terminal distributor of dangerous drugs with an 76911
office-based opioid treatment classification under section 76912
4729.553 of the Revised Code, or a person seeking employment with 76913
an entity holding a license issued under Chapter 3796. of the 76914
Revised Code shall submit a request to the bureau of criminal 76915
identification and investigation for a criminal records check of 76916
the applicant or person. The request shall be accompanied by a 76917
completed copy of the form prescribed under division (C)(1) of 76918
section 109.572 of the Revised Code, a set of fingerprint 76919
impressions obtained as described in division (C)(2) of that 76920
section, and the fee prescribed under division (C)(3) of that 76921
section. The applicant or person shall ask the superintendent of 76922
the bureau of criminal identification and investigation in the 76923
request to obtain from the federal bureau of investigation any 76924

information it has pertaining to the applicant or person. 76925

An applicant or person requesting a criminal records check 76926
shall provide the bureau of criminal identification and 76927
investigation with the applicant's or person's name and address 76928
and, regarding an applicant, with the licensing agency's name and 76929
address. ~~If the person requesting the criminal records check is a 76930
person seeking employment with an entity holding a license under 76931
Chapter 3796. of the Revised Code, the person also shall provide 76932
the bureau with the name and address of the entity holding the 76933
license. 76934~~

(B) Upon receipt of the completed form, the set of 76935
fingerprint impressions, and the fee provided for in division (A) 76936
of this section, the superintendent of the bureau of criminal 76937
identification and investigation shall conduct a criminal records 76938
check of the applicant or person under division (B) of section 76939
109.572 of the Revised Code. Upon completion of the criminal 76940
records check, the superintendent shall do whichever of the 76941
following is applicable: 76942

(1) If the request was submitted by an applicant for an 76943
initial license or restored license, report the results of the 76944
criminal records check and any information the federal bureau of 76945
investigation provides to the licensing agency identified in the 76946
request for a criminal records check; 76947

(2) If the request was submitted by a person seeking to 76948
satisfy the requirements to be an employee of a pain management 76949
clinic or a person seeking to satisfy the requirements to be an 76950
employee of a facility, clinic, or other location that is subject 76951
to licensure as a category III terminal distributor of dangerous 76952
drugs with an office-based opioid treatment classification, do 76953
both of the following: 76954

(a) Report the results of the criminal records check and any 76955

information the federal bureau of investigation provides to the 76956
person who submitted the request; 76957

(b) Report the results of the portion of the criminal records 76958
check performed by the bureau of criminal identification and 76959
investigation under division (B)(1) of section 109.572 of the 76960
Revised Code to the employer or potential employer specified in 76961
the request of the person who submitted the request and send a 76962
letter to that employer or potential employer regarding the 76963
information provided by the federal bureau of investigation that 76964
states whichever of the following is applicable: 76965

(i) That based on that information there is no record of any 76966
conviction; 76967

(ii) That based on that information the person who submitted 76968
the request may not meet the criteria that are specified in 76969
section 4729.552 or 4729.553 of the Revised Code, whichever is 76970
applicable. 76971

~~(3) If the request was submitted by a person seeking 76972
employment with an entity holding a license issued under Chapter 76973
3796. of the Revised Code, report the results of the criminal 76974
records check, including any information the federal bureau of 76975
investigation provides as part of the criminal records check, to 76976
both of the following: 76977~~

~~(a) The person who submitted the request; 76978~~

~~(b) The entity holding a license issued under Chapter 3796. 76979
of the Revised Code from which the person who submitted the 76980
request is seeking employment. 76981~~

Sec. 4776.04. The results of any criminal records check 76982
conducted pursuant to a request made under this chapter and any 76983
report containing those results, including any information the 76984
federal bureau of investigation provides, are not public records 76985

for purposes of section 149.43 of the Revised Code and shall not 76986
be made available to any person or for any purpose other than as 76987
follows: 76988

(A) If the request for the criminal records check was 76989
submitted by an applicant for an initial license or restored 76990
license, as follows: 76991

(1) The superintendent of the bureau of criminal 76992
identification and investigation shall make the results available 76993
to the licensing agency for use in determining, under the agency's 76994
authorizing chapter of the Revised Code, whether the applicant who 76995
is the subject of the criminal records check should be granted a 76996
license under that chapter. 76997

(2) The licensing agency shall make the results available to 76998
the applicant who is the subject of the criminal records check. 76999

(B) If the request for the criminal records check was 77000
submitted by a person seeking to satisfy the requirements to be an 77001
employee of a pain management clinic as specified in section 77002
4729.552 of the Revised Code or a person seeking to satisfy the 77003
requirements to be an employee of a facility, clinic, or other 77004
location that is subject to licensure as a category III terminal 77005
distributor of dangerous drugs with an office-based opioid 77006
treatment classification, the superintendent of the bureau of 77007
criminal identification and investigation shall make the results 77008
available in accordance with the following: 77009

(1) The superintendent shall make the results of the criminal 77010
records check, including any information the federal bureau of 77011
investigation provides, available to the person who submitted the 77012
request and is the subject of the criminal records check. 77013

(2) The superintendent shall make the results of the portion 77014
of the criminal records check performed by the bureau of criminal 77015

identification and investigation under division (B)(1) of section 77016
109.572 of the Revised Code available to the employer or potential 77017
employer specified in the request of the person who submitted the 77018
request and shall send a letter of the type described in division 77019
(B)(2) of section 4776.02 of the Revised Code to that employer or 77020
potential employer regarding the information provided by the 77021
federal bureau of investigation that contains one of the types of 77022
statements described in that division. 77023

(C) If the request for the criminal records check was 77024
submitted by an applicant for a trainee license under section 77025
4776.021 of the Revised Code, as follows: 77026

(1) The superintendent of the bureau of criminal 77027
identification and investigation shall make the results available 77028
to the licensing agency or other agency identified in division (B) 77029
of section 4776.021 of the Revised Code for use in determining, 77030
under the agency's authorizing chapter of the Revised Code and 77031
division (D) of section 4776.021 of the Revised Code, whether the 77032
applicant who is the subject of the criminal records check should 77033
be granted a trainee license under that chapter and that division. 77034

(2) The licensing agency or other agency identified in 77035
division (B) of section 4776.021 of the Revised Code shall make 77036
the results available to the applicant who is the subject of the 77037
criminal records check. 77038

~~(D) If the request for the criminal records check was 77039
submitted by a person seeking employment with an entity holding a 77040
license issued under Chapter 3796. of the Revised Code, the 77041
superintendent shall make the results available in accordance with 77042
division (B)(3) of section 4776.02 of the Revised Code. 77043~~

Sec. 4776.20. (A) As used in this section: 77044

(1) "Licensing agency" means, in addition to each board 77045

identified in division (C) of section 4776.01 of the Revised Code, 77046
the board or other government entity authorized to issue a license 77047
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 77048
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 77049
4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 77050
4766., 4771., 4773., ~~4774., 4778.~~ and 4781. of the Revised Code. 77051
"Licensing agency" includes an administrative officer that has 77052
authority to issue a license. 77053

(2) "Licensee" means, in addition to a licensee as described 77054
in division (B) of section 4776.01 of the Revised Code, the person 77055
to whom a license is issued by the board or other government 77056
entity authorized to issue a license under Chapters 4703., 4707., 77057
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 77058
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 77059
4753., 4758., 4759., 4763., 4765., 4766., 4771., 4773., ~~4774.,~~ 77060
~~4778.~~ and 4781. of the Revised Code. 77061

(3) "Prosecutor" has the same meaning as in section 2935.01 77062
of the Revised Code. 77063

(B) On a licensee's conviction of, plea of guilty to, 77064
judicial finding of guilt of, or judicial finding of guilt 77065
resulting from a plea of no contest to the offense of trafficking 77066
in persons in violation of section 2905.32 of the Revised Code, 77067
the prosecutor in the case shall promptly notify the licensing 77068
agency of the conviction, plea, or finding and provide the 77069
licensee's name and residential address. On receipt of this 77070
notification, the licensing agency shall immediately suspend the 77071
licensee's license. 77072

(C) If there is a conviction of, plea of guilty to, judicial 77073
finding of guilt of, or judicial finding of guilt resulting from a 77074
plea of no contest to the offense of trafficking in persons in 77075
violation of section 2905.32 of the Revised Code and all or part 77076
of the violation occurred on the premises of a facility that is 77077

licensed by a licensing agency, the prosecutor in the case shall 77078
promptly notify the licensing agency of the conviction, plea, or 77079
finding and provide the facility's name and address and the 77080
offender's name and residential address. On receipt of this 77081
notification, the licensing agency shall immediately suspend the 77082
facility's license. 77083

(D) Notwithstanding any provision of the Revised Code to the 77084
contrary, the suspension of a license under division (B) or (C) of 77085
this section shall be implemented by a licensing agency without a 77086
prior hearing. After the suspension, the licensing agency shall 77087
give written notice to the subject of the suspension of the right 77088
to request a hearing under Chapter 119. of the Revised Code. After 77089
a hearing is held, the licensing agency shall either revoke or 77090
permanently revoke the ~~license~~ license of the subject of the 77091
suspension, unless it determines that the license holder has not 77092
been convicted of, pleaded guilty to, been found guilty of, or 77093
been found guilty based on a plea of no contest to the offense of 77094
trafficking in persons in violation of section 2905.32 of the 77095
Revised Code. 77096

Sec. 4781.04. (A) The manufactured homes commission shall 77097
adopt rules pursuant to Chapter 119. of the Revised Code to do all 77098
of the following: 77099

(1) Establish uniform standards that govern the installation 77100
of manufactured housing. ~~Not later than one hundred eighty days~~ 77101
~~after the secretary of the United States department of housing and~~ 77102
~~urban development adopts model standards for the installation of~~ 77103
~~manufactured housing or amends those standards, the commission~~ 77104
~~shall amend its standards as necessary to be that are consistent~~ 77105
with, and not less stringent than, the model standards for the 77106
design and installation of manufactured housing the secretary of 77107
the United States department of housing and urban development 77108

~~adopts or any manufacturers' standards that the secretary 77109
determines are equal to or not less stringent than the model 77110
standards.; 77111~~

(2) Govern the inspection of the installation of manufactured 77112
housing. The rules shall specify that the commission, any building 77113
department or personnel of any department, or any private third 77114
party, certified pursuant to section 4781.07 of the Revised Code 77115
shall conduct all inspections of the installation of manufactured 77116
housing located in manufactured home parks to determine compliance 77117
with the uniform installation standards the commission establishes 77118
pursuant to this section. 77119

(3) Govern the design, construction, installation, approval, 77120
and inspection of foundations and the base support systems for 77121
manufactured housing. The rules shall specify that the commission, 77122
any building department or personnel of any department, or any 77123
private third party, certified pursuant to section 4781.07 of the 77124
Revised Code shall conduct all inspections of the installation, 77125
foundations, and base support systems of manufactured housing 77126
located in manufactured home parks to determine compliance with 77127
the uniform installation standards and foundation and base support 77128
system design the commission establishes pursuant to this section. 77129

(4) Govern the training, experience, and education 77130
requirements for manufactured housing installers, manufactured 77131
housing dealers, manufactured housing brokers, and manufactured 77132
housing salespersons; 77133

(5) Establish a code of ethics for manufactured housing 77134
installers; 77135

(6) Govern the issuance, revocation, and suspension of 77136
licenses to manufactured housing installers; 77137

(7) Establish fees for the issuance and renewal of licenses, 77138
for conducting inspections to determine an applicant's compliance 77139

with this chapter and the rules adopted pursuant to it, and for 77140
the commission's expenses incurred in implementing this chapter; 77141

(8) Establish conditions under which a licensee may enter 77142
into contracts to fulfill the licensee's responsibilities; 77143

(9) Govern the investigation of complaints concerning any 77144
violation of this chapter or the rules adopted pursuant to it or 77145
complaints involving the conduct of any licensed manufactured 77146
housing installer or person installing manufactured housing 77147
without a license, licensed manufactured housing dealer, licensed 77148
manufactured housing broker, or manufactured housing salesperson; 77149

(10) Establish a dispute resolution program for the timely 77150
resolution of warranty issues involving new manufactured homes, 77151
disputes regarding responsibility for the correction or repair of 77152
defects in manufactured housing, and the installation of 77153
manufactured housing. The rules shall provide for the timely 77154
resolution of disputes between manufacturers, manufactured housing 77155
dealers, and installers regarding the correction or repair of 77156
defects in manufactured housing that are reported by the purchaser 77157
of the home during the one-year period beginning on the date of 77158
installation of the home. The rules also shall provide that 77159
decisions made regarding the dispute under the program are not 77160
binding upon the purchaser of the home or the other parties 77161
involved in the dispute unless the purchaser so agrees in a 77162
written acknowledgement that the purchaser signs and delivers to 77163
the program within ten business days after the decision is issued. 77164

(11) Establish the requirements and procedures for the 77165
certification of building departments and building department 77166
personnel pursuant to section 4781.07 of the Revised Code; 77167

(12) Establish fees to be charged to building departments and 77168
building department personnel applying for certification and 77169
renewal of certification pursuant to section 4781.07 of the 77170

Revised Code;	77171
(13) Develop a policy regarding the maintenance of records	77172
for any inspection authorized or conducted pursuant to this	77173
chapter. Any record maintained under division (A)(13) of this	77174
section shall be a public record under section 149.43 of the	77175
Revised Code.	77176
(14) Carry out any other provision of this chapter.	77177
(B) The manufactured homes commission shall do all of the	77178
following:	77179
(1) Prepare and administer a licensure examination to	77180
determine an applicant's knowledge of manufactured housing	77181
installation and other aspects of installation the commission	77182
determines appropriate;	77183
(2) Select, provide, or procure appropriate examination	77184
questions and answers for the licensure examination and establish	77185
the criteria for successful completion of the examination;	77186
(3) Prepare and distribute any application form this chapter	77187
requires;	77188
(4) Receive applications for licenses and renewal of licenses	77189
and issue licenses to qualified applicants;	77190
(5) Establish procedures for processing, approving, and	77191
disapproving applications for licensure;	77192
(6) Retain records of applications for licensure, including	77193
all application materials submitted and a written record of the	77194
action taken on each application;	77195
(7) Review the design and plans for manufactured housing	77196
installations, foundations, and support systems;	77197
(8) Inspect a sample of homes at a percentage the commission	77198
determines to evaluate the construction and installation of	77199
manufactured housing installations, foundations, and support	77200

systems to determine compliance with the standards the commission 77201
adopts; 77202

(9) Investigate complaints concerning violations of this 77203
chapter or the rules adopted pursuant to it, or the conduct of any 77204
manufactured housing installer, manufactured housing dealer, 77205
manufactured housing broker, or manufactured housing salesperson; 77206

(10) Determine appropriate disciplinary actions for 77207
violations of this chapter; 77208

(11) Conduct audits and inquiries of manufactured housing 77209
installers, manufactured housing dealers, and manufactured housing 77210
brokers as appropriate for the enforcement of this chapter. The 77211
commission, or any person the commission employs for the purpose, 77212
may review and audit the business records of any manufactured 77213
housing installer, dealer, or broker during normal business hours. 77214

(12) Approve an installation training course, which may be 77215
offered by the Ohio manufactured homes association or other 77216
entity; 77217

(13) Perform any function or duty necessary to administer 77218
this chapter and the rules adopted pursuant to it. 77219

(C) Nothing in this section, or in any rule adopted by the 77220
manufactured homes commission, shall be construed to limit the 77221
authority of a board of health to enforce section 3701.344 or 77222
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 77223
authority of the department of administrative services to lease 77224
space for the use of a state agency and to group together state 77225
offices in any city in the state as provided in section 123.01 of 77226
the Revised Code. 77227

Sec. 4781.07. (A) Pursuant to rules the manufactured homes 77228
commission adopts, the commission may certify municipal, township, 77229
and county building departments and the personnel of those 77230

departments, or any private third party, to exercise the 77231
commission's enforcement authority, accept and approve plans and 77232
specifications for foundations, support systems and installations, 77233
and inspect manufactured housing foundations, support systems, and 77234
manufactured housing installations. Any certification is effective 77235
for three years. 77236

(B) Following an investigation and finding of facts that 77237
support its action, the commission may revoke or suspend 77238
certification. The commission may initiate an investigation on its 77239
own motion or the petition of a person affected by the enforcement 77240
or approval of plans. 77241

(C)(1) If a township, municipal corporation, or county does 77242
not have a building department that is certified pursuant to this 77243
section, it may designate by resolution or ordinance another 77244
building department that has been certified pursuant to this 77245
section to exercise the commission's enforcement authority, accept 77246
and approve plans and specifications for foundations, support 77247
systems and installations, and inspect manufactured housing 77248
foundations, support systems, and manufactured housing 77249
installations. The designation is effective upon acceptance by the 77250
designee. 77251

(2) An owner of a manufactured home or an operator of a 77252
manufactured home park may request an inspection and obtain an 77253
approval described in division (C)(1) of this section from any 77254
building department certified pursuant to this section designated 77255
by the township, municipal corporation, or county in which the 77256
owner's manufactured home or operator's manufactured home park is 77257
located. 77258

Sec. 4781.121. (A) The manufactured homes commission, 77259
pursuant to section 4781.04 of the Revised Code, may investigate 77260

any person who allegedly has committed a violation. If, after an investigation the commission determines that reasonable evidence exists that a person has committed a violation, within seven days after that determination, the commission shall send a written notice to that person in the same manner as prescribed in section 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

(B) The commission shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the commission, after the hearing, determines that a violation has occurred, the commission, upon an affirmative vote of five of its members, may impose a fine not exceeding one thousand dollars per violation per day. The commission's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

(C) If the person who allegedly committed a violation fails to appear for a hearing, the commission may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the commission for a hearing.

(D) If the commission assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the commission pursuant to section 131.02 of the Revised Code, the commission shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(E) The authority provided to the commission pursuant to this section, and any fine imposed under this section, shall be in

addition to, and not in lieu of, all penalties and other remedies 77293
provided in this chapter. Any fines collected pursuant to this 77294
section shall be used solely to administer and enforce this 77295
chapter and rules adopted under it. Any fees collected pursuant to 77296
this section shall be transmitted to the treasurer of state and 77297
shall be credited to the manufactured homes commission regulatory 77298
fund created in section 4781.54 of the Revised Code and the rules 77299
adopted thereunder. The fees shall be used only for the purpose of 77300
administering and enforcing sections 4781.26 to 4781.35 of the 77301
Revised Code and the rules adopted thereunder. 77302

(F) As used in this section, "violation" means a violation of 77303
section 4781.11, 4781.16, ~~or~~ 4781.27, 4781.57, or any rule adopted 77304
pursuant to section 4781.04, of the Revised Code. 77305

Sec. 4781.281. (A) The manufactured homes commission may 77306
charge a fee for inspector certification. The fees shall include 77307
all of the following: 77308

(1) The nonrefundable certification fee for inspectors shall 77309
not be greater than fifty dollars for each three-year 77310
certification period. 77311

(2) The nonrefundable certification renewal fee for 77312
inspectors shall not be greater than fifty dollars. 77313

(3) The nonrefundable late fee for certification renewal 77314
shall not be greater than twenty-five dollars in addition to the 77315
renewal fee. 77316

(B) The commission may adopt rules pursuant to Chapter 119. 77317
of the Revised Code establishing fees less than those described in 77318
division (A) of this section. 77319

Sec. 4781.56. (A) The manufactured homes commission may 77320
contract with the board of health of a city or general health 77321
district to permit the commission to abate and remove, in 77322

accordance with sections 3707.01 to 3707.021 of the Revised Code, 77323
any abandoned or unoccupied manufactured home, mobile home, or 77324
recreational vehicle that constitutes a nuisance and that is 77325
located in a manufactured home park within the board of health's 77326
jurisdiction. Under the contract, the commission may receive 77327
complaints of abandoned or unoccupied manufactured homes, mobile 77328
homes, or recreational vehicles that constitute a nuisance and 77329
may, by order, compel the park operator to abate and remove the 77330
nuisance. The park operator shall pay any costs for the removal. 77331

(B) The sheriff, police officer, constable, or bailiff shall 77332
not be liable pursuant to the abatement or removal of any 77333
abandoned or unoccupied manufactured home, mobile home, or 77334
recreational vehicle pursuant to this section. 77335

Sec. 4781.57. The park operator of a manufactured home park 77336
shall ensure that all manufactured home park buildings, lots, 77337
streets, walkways, manufactured homes, mobile homes, and other 77338
facilities located in the manufactured home park shall be 77339
maintained in a condition satisfactory to the commission at all 77340
times. 77341

Sec. 4905.02. (A) As used in this chapter, "public utility" 77342
includes every corporation, company, copartnership, person, or 77343
association, the lessees, trustees, or receivers of the foregoing, 77344
defined in section 4905.03 of the Revised Code, including any 77345
public utility that operates its utility not for profit, except 77346
the following: 77347

(1) An electric light company that operates its utility not 77348
for profit; 77349

(2) A public utility, other than a telephone company, that is 77350
owned and operated exclusively by and solely for the utility's 77351
customers, including any consumer or group of consumers 77352

purchasing, delivering, storing, or transporting, or seeking to 77353
purchase, deliver, store, or transport, natural gas exclusively by 77354
and solely for the consumer's or consumers' own intended use as 77355
the end user or end users and not for profit; 77356

(3) A public utility that is owned or operated by any 77357
municipal corporation; 77358

(4) A railroad as defined in sections 4907.02 and 4907.03 of 77359
the Revised Code; 77360

(5) Any provider, including a telephone company, with respect 77361
to its provision of any of the following: 77362

(a) Advanced services as defined in 47 C.F.R. 51.5; 77363

(b) Broadband service, however defined or classified by the 77364
federal communications commission; 77365

(c) Information service as defined in the "Telecommunications 77366
Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20); 77367

(d) Subject to division (A) of section 4927.03 of the Revised 77368
Code, internet protocol-enabled services as defined in section 77369
4927.01 of the Revised Code; 77370

(e) Subject to division (A) of section 4927.03 of the Revised 77371
Code, any telecommunications service as defined in section 4927.01 77372
of the Revised Code to which both of the following apply: 77373

(i) The service was not commercially available on September 77374
13, 2010, the effective date of the amendment of this section by 77375
S.B. 162 of the 128th general assembly. 77376

(ii) The service employs technology that became available for 77377
commercial use only after September 13, 2010, the effective date 77378
of the amendment of this section by S.B. 162 of the 128th general 77379
assembly. 77380

(B)(1) "Public utility" includes a for-hire motor carrier 77381
even if the carrier is operated in connection with an entity 77382

described in division (A)(1), (2), (4), or (5) of this section. 77383

(2) Division (A) of this section shall not be construed to 77384
relieve a private motor carrier, operated in connection with an 77385
entity described in division (A)(1), (2), (4), or (5) of this 77386
section, from compliance with ~~any~~ either of the following: 77387

(a) Chapter 4923. of the Revised Code; 77388

(b) ~~Hazardous material regulation under section 4921.15 of~~ 77389
~~the Revised Code and division (H) of section 4921.19 of the~~ 77390
~~Revised Code, or rules adopted thereunder;~~ 77391

~~(c)~~ Rules governing unified carrier registration adopted 77392
under section 4921.11 of the Revised Code. 77393

Sec. 4906.01. As used in Chapter 4906. of the Revised Code: 77394

(A) "Person" means an individual, corporation, business 77395
trust, association, estate, trust, or partnership or any officer, 77396
board, commission, department, division, or bureau of the state or 77397
a political subdivision of the state, or any other entity. 77398

(B)(1) "Major utility facility" means: 77399

(a) Electric generating plant and associated facilities 77400
designed for, or capable of, operation at a capacity of fifty 77401
megawatts or more; 77402

(b) An electric transmission line and associated facilities 77403
of a design capacity of one hundred ~~twenty-five~~ kilovolts or more; 77404

(c) A gas pipeline that is greater than five hundred feet in 77405
length, and its associated facilities, is more than nine inches in 77406
outside diameter and is designed for transporting gas at a maximum 77407
allowable operating pressure in excess of one hundred twenty-five 77408
pounds per square inch. 77409

(2) "Major utility facility" does not include any of the 77410
following: 77411

(a) Gas transmission lines over which an agency of the United States has exclusive jurisdiction;	77412 77413
(b) Any solid waste facilities as defined in section 6123.01 of the Revised Code;	77414 77415
(c) Electric distributing lines and associated facilities as defined by the power siting board;	77416 77417
(d) Any manufacturing facility that creates byproducts that may be used in the generation of electricity as defined by the power siting board;	77418 77419 77420
(e) Gathering lines, gas gathering pipelines, and processing plant gas stub pipelines as those terms are defined in section 4905.90 of the Revised Code and associated facilities;	77421 77422 77423
(f) Any gas processing plant as defined in section 4905.90 of the Revised Code;	77424 77425
(g) Natural gas liquids finished product pipelines;	77426
(h) Pipelines from a gas processing plant as defined in section 4905.90 of the Revised Code to a natural gas liquids fractionation plant, including a raw natural gas liquids pipeline, or to an interstate or intrastate gas pipeline;	77427 77428 77429 77430
(i) Any natural gas liquids fractionation plant;	77431
(j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines;	77432 77433 77434
(k) Any compressor stations used by the following:	77435
(i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code;	77436 77437 77438
(ii) A natural gas liquids finished product pipeline, a natural gas liquids fractionation plant, or any pipeline upstream	77439 77440

of a natural gas liquids fractionation plant; or 77441

(iii) A production operation as defined in section 1509.01 of 77442
the Revised Code. 77443

(C) "Commence to construct" means any clearing of land, 77444
excavation, or other action that would adversely affect the 77445
natural environment of the site or route of a major utility 77446
facility, but does not include surveying changes needed for 77447
temporary use of sites or routes for nonutility purposes, or uses 77448
in securing geological data, including necessary borings to 77449
ascertain foundation conditions. 77450

(D) "Certificate" means a certificate of environmental 77451
compatibility and public need issued by the power siting board 77452
under section 4906.10 of the Revised Code or a construction 77453
certificate issued by the board under rules adopted under division 77454
(E) or (F) of section 4906.03 of the Revised Code. 77455

(E) "Gas" means natural gas, flammable gas, or gas that is 77456
toxic or corrosive. 77457

(F) "Natural gas liquids finished product pipeline" means a 77458
pipeline that carries finished product natural gas liquids to the 77459
inlet of an interstate or intrastate finished product natural gas 77460
liquid transmission pipeline, rail loading facility, or other 77461
petrochemical or refinery facility. 77462

(G) "Natural gas liquids fractionation plant" means a 77463
facility that takes a feed of raw natural gas liquids and produces 77464
finished product natural gas liquids. 77465

(H) "Raw natural gas" means hydrocarbons that are produced in 77466
a gaseous state from gas wells and that generally include methane, 77467
ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, 77468
nonanes, and decanes, plus other naturally occurring impurities 77469
like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, 77470
and helium. 77471

(I) "Raw natural gas liquids" means naturally occurring hydrocarbons contained in raw natural gas that are extracted in a gas processing plant and liquefied and generally include mixtures of ethane, propane, butanes, and natural gasoline.

(J) "Finished product natural gas liquids" means an individual finished product produced by a natural gas liquids fractionation plant as a liquid that meets the specifications for commercial products as defined by the gas processors association. Those products include ethane, propane, iso-butane, normal butane, and natural gasoline.

Sec. 4906.10. (A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under sections 1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. of the Revised Code. An applicant may withdraw an application if the board grants a certificate on terms, conditions, or modifications other than those proposed by the applicant in the application. ~~The period of initial operation under a certificate shall expire two years after the date on which electric power is first generated by the facility. During the period of initial operation, the facility shall be subject to the enforcement and monitoring powers of the director of environmental protection under Chapters 3704., 3734., and 6111. of the Revised Code and to the emergency provisions under those chapters. If a major utility facility constructed in accordance with the terms and conditions of its certificate is unable to operate in compliance with all applicable requirements of state laws, rules, and standards pertaining to air pollution, the facility may apply to the~~

~~director of environmental protection for a conditional operating permit under division (G) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the environmental protection agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.~~

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

(1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;

(2) The nature of the probable environmental impact;

(3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;

(4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;

(5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility

will comply with all rules and standards adopted under section 77535
4561.32 of the Revised Code, the board shall consult with the 77536
office of aviation ~~of the division of multi-modal planning and~~ 77537
~~programs~~ of the department of transportation under section 77538
4561.341 of the Revised Code. 77539

(6) That the facility will serve the public interest, 77540
convenience, and necessity; 77541

(7) In addition to the provisions contained in divisions 77542
(A)(1) to (6) of this section and rules adopted under those 77543
divisions, what its impact will be on the viability as 77544
agricultural land of any land in an existing agricultural district 77545
established under Chapter 929. of the Revised Code that is located 77546
within the site and alternative site of the proposed major utility 77547
facility. Rules adopted to evaluate impact under division (A)(7) 77548
of this section shall not require the compilation, creation, 77549
submission, or production of any information, document, or other 77550
data pertaining to land not located within the site and 77551
alternative site. 77552

(8) That the facility incorporates maximum feasible water 77553
conservation practices as determined by the board, considering 77554
available technology and the nature and economics of the various 77555
alternatives. 77556

(B) If the board determines that the location of all or a 77557
part of the proposed facility should be modified, it may condition 77558
its certificate upon that modification, provided that the 77559
municipal corporations and counties, and persons residing therein, 77560
affected by the modification shall have been given reasonable 77561
notice thereof. 77562

(C) A copy of the decision and any opinion issued therewith 77563
shall be served upon each party. 77564

Sec. 4906.13. (A) As used in this section and sections 77565
4906.20 and 4906.98 of the Revised Code, "economically significant 77566
wind farm" means wind turbines and associated facilities with a 77567
single interconnection to the electrical grid and designed for, or 77568
capable of, operation at an aggregate capacity of five or more 77569
megawatts but less than fifty megawatts. The term excludes any 77570
such wind farm in operation on ~~the effective date of this section~~ 77571
June 24, 2008. 77572

(B) No public agency or political subdivision of this state 77573
may require any approval, consent, permit, certificate, or other 77574
condition for the construction or ~~initial~~ operation of a major 77575
utility facility or economically significant wind farm authorized 77576
by a certificate issued pursuant to Chapter 4906. of the Revised 77577
Code. Nothing herein shall prevent the application of state laws 77578
for the protection of employees engaged in the construction of 77579
such facility or wind farm nor of municipal regulations that do 77580
not pertain to the location or design of, or pollution control and 77581
abatement standards for, a major utility facility or economically 77582
significant wind farm for which a certificate has been granted 77583
under this chapter. 77584

Sec. 4911.021. The consumers' counsel shall not operate a 77585
telephone call center for consumer complaints. ~~Any~~ However, for 77586
any calls received by the consumers' counsel concerning consumer 77587
complaints ~~shall be forwarded, the consumers' counsel may assist~~ 77588
consumers with their complaints or forward the calls to the public 77589
utilities commission's call center. 77590

Sec. 4921.01. As used in this chapter: 77591

(A) "Ambulance" has the same meaning as in section 4766.01 of 77592
the Revised Code. 77593

(B) "For-hire motor carrier" means a person engaged in the 77594

business of transporting persons or property by motor vehicle for compensation, except when engaged in any of the following in intrastate commerce:	77595
	77596
	77597
(1) The transportation of persons in taxicabs in the usual taxicab service;	77598
	77599
(2) The transportation of pupils in school busses <u>buses</u> operating to or from school sessions or school events;	77600
	77601
(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;	77602
	77603
(4) The distribution of newspapers;	77604
(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe-line <u>pipeline</u> ;	77605
	77606
	77607
(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;	77608
	77609
(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;	77610
	77611
(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;	77612
	77613
	77614
	77615
(9) The operation of motor vehicles for contractors on public road work.	77616
	77617
"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories.	77618
	77619
	77620
	77621
	77622
Divisions (B)(1) to (9) of this section shall not be construed to relieve a person from compliance with	77623
	77624

~~hazardous material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder, or from compliance with~~ rules governing unified carrier registration adopted under section 4921.11 of the Revised Code.

(C) "Household goods" means personal effects and property used or to be used in a dwelling, excluding property moving from a factory or store.

(D) "Interstate commerce" means trade, traffic, or transportation in the United States that is any of the following:

(1) Between a place in a state and a place outside of that state (including a place outside of the United States);

(2) Between two places in a state through another state or a place outside of the United States;

(3) Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States.

(E) "Intrastate commerce" means any trade, traffic, or transportation in any state which is not described in the term "interstate commerce."

(F) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of persons or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

(G) "Public highway" means any public street, road, or highway in this state, whether within or without the corporate

limits of a municipal corporation. 77655

(H) "Ridesharing arrangement" means the transportation of 77656
persons in a motor vehicle where such transportation is incidental 77657
to another purpose of a volunteer driver, and includes ridesharing 77658
arrangements known as carpools, vanpools, and buspools. 77659

(I) "School bus" has the same meaning as in section 4511.01 77660
of the Revised Code. 77661

(J) "Trailer" means any vehicle without motive power designed 77662
or used for carrying persons or property and for being drawn by a 77663
separate motor vehicle, including any vehicle of the trailer type, 77664
whether designed or used for carrying persons or property wholly 77665
on its own structure, or so designed or used that a part of its 77666
own weight or the weight of its load rests upon and is carried by 77667
such motor vehicle. 77668

Sec. 4921.19. (A) Every for-hire motor carrier operating in 77669
this state shall, at the time of the issuance of a certificate of 77670
public convenience and necessity under section 4921.03 of the 77671
Revised Code, pay to the public utilities commission, for and on 77672
behalf of the treasurer of state, the following taxes: 77673

(1) For each motor vehicle used for transporting persons, 77674
thirty dollars; 77675

(2) For each commercial tractor, as defined in section 77676
4501.01 of the Revised Code, used for transporting property, 77677
thirty dollars; 77678

(3) For each other motor vehicle transporting property, 77679
twenty dollars. 77680

(B) Every for-hire motor carrier operating in this state 77681
solely in intrastate commerce shall, annually between the first 77682
day of May and the thirtieth day of June, pay to the commission, 77683
for and on behalf of the treasurer of state, the following taxes: 77684

(1) For each motor vehicle used for transporting persons, thirty dollars;	77685 77686
(2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;	77687 77688 77689
(3) For each other motor vehicle transporting property, twenty dollars.	77690 77691
(C) After a for-hire motor carrier has paid the applicable taxes under division (A) or (B) of this section and met all applicable requirements under section 4921.03 or division (C) of section 4921.13 of the Revised Code, the commission shall issue the carrier a tax receipt for each motor vehicle for which a tax has been paid under this section. The carrier shall keep the appropriate tax receipt in each motor vehicle operated by the carrier. The carrier shall maintain tax receipt records that specify to which motor vehicle each tax receipt is assigned.	77692 77693 77694 77695 77696 77697 77698 77699 77700
(D) A trailer used by a for-hire motor carrier shall not be taxed under this section.	77701 77702
(E) The annual tax levied by division (B) of this section does not apply in those cases where the commission finds that the movement of agricultural commodities or foodstuffs produced therefrom requires a temporary and seasonal use of vehicular equipment for a period of not more than ninety days. In such event, the tax on the vehicular equipment shall be twenty-five per cent of the annual tax levied by division (B) of this section. If any vehicular equipment is used in excess of the ninety-day period, the annual tax levied by this section shall be paid.	77703 77704 77705 77706 77707 77708 77709 77710 77711
(F) All taxes levied by division (B) of this section shall be reckoned as from the beginning of the quarter in which the tax receipt is issued or as from when the use of equipment under any existing tax receipt began.	77712 77713 77714 77715

(G) The fees for unified carrier registration pursuant to 77716
section 4921.11 of the Revised Code shall be identical to those 77717
established by the unified carrier registration act board as 77718
approved by the federal motor carrier safety administration for 77719
each year. 77720

~~(H)(1) The fees for uniform registration and a uniform permit 77721
as a carrier of hazardous materials pursuant to section 4921.15 of 77722
the Revised Code shall consist of the following: 77723~~

~~(a) A processing fee of fifty dollars; 77724~~

~~(b) An apportioned per truck registration fee, which shall be 77725
calculated by multiplying the percentage of a registrant's 77726
activity in this state times the percentage of the registrant's 77727
business that is hazardous materials related, times the number of 77728
vehicles owned or operated by the registrant, times a per truck 77729
fee determined by order of the commission following public notice 77730
and an opportunity for comment. 77731~~

~~(i) The percentage of a registrant's activity in this state 77732
shall be calculated by dividing the number of miles that the 77733
registrant travels in this state under the international 77734
registration plan, pursuant to section 4503.61 of the Revised 77735
Code, by the number of miles that the registrant travels 77736
nationwide under the international registration plan. Registrants 77737
that operate solely within this state shall use one hundred per 77738
cent as their percentage of activity. Registrants that do not 77739
register their vehicles through the international registration 77740
plan shall calculate activity in the state in the same manner as 77741
that required by the international registration plan. 77742~~

~~(ii) The percentage of a registrant's business that is 77743
hazardous materials related shall be calculated, for 77744
less than truckload shipments, by dividing the weight of all the 77745
registrant's hazardous materials shipments by the total weight of 77746~~

~~all shipments in the previous year. The percentage of a 77747
registrant's business that is hazardous materials related shall be 77748
calculated, for truckload shipments, by dividing the number of 77749
shipments for which placarding, marking of the vehicle, or 77750
manifesting, as appropriate, was required by regulations adopted 77751
under sections 4 to 6 of the "Hazardous Materials Transportation 77752
Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804, 77753
by the total number of the registrant's shipments that transported 77754
any kind of goods in the previous year. A registrant that 77755
transports both less than truckload and truckload shipments of 77756
hazardous materials shall calculate the percentage of business 77757
that is hazardous materials related on a proportional basis. 77758~~

~~(iii) A registrant may utilize fiscal year, or calendar year, 77759
or other current company accounting data, or other publicly 77760
available information, in calculating the percentages required by 77761
divisions (H)(1)(b)(i) and (ii) of this section. 77762~~

~~(2) The commission, after notice and opportunity for a 77763
hearing, may assess each carrier a fee for any background 77764
investigation required for the issuance, for the purpose of 77765
section 3734.15 of the Revised Code, of a uniform permit as a 77766
carrier of hazardous wastes and fees related to investigations and 77767
proceedings for the denial, suspension, or revocation of a uniform 77768
permit as a carrier of hazardous materials. The fees shall not 77769
exceed the reasonable costs of the investigations and proceedings. 77770
The fee for a background investigation for a uniform permit as a 77771
carrier of hazardous wastes shall be six hundred dollars plus the 77772
costs of obtaining any necessary information not included in the 77773
permit application, to be calculated at the rate of thirty dollars 77774
per hour, not exceeding six hundred dollars, plus any fees payable 77775
to obtain necessary information. 77776~~

~~(I) The application fee for a certificate for the 77777
transportation of household goods issued pursuant to sections 77778~~

4921.30 to 4921.38 of the Revised Code shall be based on the 77779
certificate holder's gross revenue, in the prior year, for the 77780
intrastate transportation of household goods. ~~The commission shall~~ 77781
~~establish, by order, ranges of gross revenue and the fee for each~~ 77782
~~range. The fees shall be set in amounts sufficient to carry out~~ 77783
~~the purposes of sections 4921.30 to 4921.38 and 4923.99 of the~~ 77784
~~Revised Code and, to the extent necessary, the commission shall~~ 77785
~~make changes to the fee structure to ensure that neither over nor~~ 77786
~~under collection of the fees occurs. The fees shall also take into~~ 77787
~~consideration the revenue generated from the assessment of~~ 77788
~~forfeitures under section 4923.99 of the Revised Code regarding~~ 77789
~~the consumer protection provisions applicable to for-hire motor~~ 77790
~~carriers engaged in the transportation of household goods.~~ 77791

~~(J)~~(I) The fees and taxes provided under this section shall 77792
be in addition to taxes, fees, and charges fixed and exacted by 77793
other sections of the Revised Code, except the assessments 77794
required by section 4905.10 of the Revised Code, but all fees, 77795
license fees, annual payments, license taxes, or taxes or other 77796
money exactions, except the general property tax, assessed, 77797
charged, fixed, or exacted by local authorities such as municipal 77798
corporations, townships, counties, or other local boards, or the 77799
officers of such subdivisions are illegal and, are superseded by 77800
sections 4503.04 and 4905.03 and Chapter 4921. of the Revised 77801
Code. On compliance with sections 4503.04 and 4905.03 and Chapter 77802
4921. of the Revised Code, all local ordinances, resolutions, 77803
bylaws, and rules in force shall cease to be operative as to the 77804
persons in compliance, except that such local subdivisions may 77805
make reasonable local police regulations within their respective 77806
boundaries not inconsistent with sections 4503.04 and 4905.03 and 77807
Chapter 4921. of the Revised Code. 77808

Sec. 4921.21. (A) As used in this section, "adjusted credit 77809
amount" means the aggregate amount credited to the public 77810

utilities transportation safety fund, less the sum of ~~all~~ both of 77811
the following: 77812

(1) The fees collected by the public utilities commission, in 77813
accordance with the unified carrier registration plan under 77814
section 4921.11 of the Revised Code, that exceed the federal 77815
certification of revenue for each year of the plan; 77816

~~(2) The fees collected by the commission on behalf of other 77817
states under division (C) of section 4921.15 of the Revised Code; 77818~~

~~(3) The forfeitures collected by the commission under section 77819
4923.99 of the Revised Code for violations of rules adopted under 77820
division (A)(2) of section 4923.04 of the Revised Code. 77821~~

(B)(1) There is hereby created in the state treasury the 77822
public utilities transportation safety fund. The fees collected in 77823
accordance with the unified carrier registration plan under 77824
section 4921.11 of the Revised Code, ~~the fees collected under 77825
section 4921.15 of the Revised Code,~~ the taxes and fees remitted 77826
under section 4921.19 of the Revised Code, the forfeitures imposed 77827
under section 4923.99 of the Revised Code, except as provided in 77828
division (B)(2) of this section, and the fines collected under 77829
section 4163.07 of the Revised Code shall be deposited into the 77830
state treasury to the credit of the public utilities 77831
transportation safety fund, until the adjusted credit amount in a 77832
fiscal year is equal to the total amount appropriated from the 77833
fund for the fiscal year. Once this point of parity is reached, 77834
any additional fees, taxes, forfeitures, or fines received during 77835
the fiscal year shall be credited to the general revenue fund, 77836
except as provided in division (B)(2) of this section, and except 77837
for ~~both of the following:~~ 77838

~~(a) The fees collected in accordance with the unified carrier 77839
registration plan under section 4921.11 of the Revised Code, that 77840
exceed the federal certification of revenue for each year of the 77841~~

plan+ 77842

~~(b) The fees collected on behalf of other states under 77843
division (C) of section 4921.15 of the Revised Code. 77844~~

(2) The first eight hundred thousand dollars of forfeitures 77845
collected under section 4923.99 of the Revised Code, for 77846
violations of rules adopted under division (A)(2) of section 77847
4923.04 of the Revised Code, during each fiscal year shall be 77848
credited to the public utilities transportation safety fund. Any 77849
forfeitures in excess of that amount shall be deposited into the 77850
general revenue fund. In each fiscal year, the commission shall 77851
distribute moneys from these forfeitures credited to the public 77852
utilities transportation safety fund for the purposes of emergency 77853
response planning and the training of safety, enforcement, and 77854
emergency services personnel in proper techniques for the 77855
management of hazardous materials releases that occur during 77856
transportation or otherwise. For these purposes, fifty per cent of 77857
all such moneys credited to the public utilities transportation 77858
safety fund shall be distributed to Cleveland state university, 77859
forty-five per cent shall be distributed to other educational 77860
institutions, state agencies, regional planning commissions, and 77861
political subdivisions, and five per cent shall be retained by the 77862
commission for the administration of this section and for training 77863
employees. However, if, in any such period, moneys from these 77864
forfeitures credited to the public utilities transportation safety 77865
fund equal an amount less than four hundred thousand dollars, the 77866
commission shall distribute, to the extent of the aggregate amount 77867
of those moneys, two hundred thousand dollars to Cleveland state 77868
university and the remainder to other educational institutions, 77869
state agencies, regional planning commissions, and political 77870
subdivisions. 77871

(C) The purpose of the public utilities transportation safety 77872
fund shall be for defraying all expenses incident to maintaining 77873

the nonrailroad transportation activities of the commission. 77874

(D) There is hereby created in the state treasury the federal 77875
commercial vehicle transportation systems fund. The fund shall 77876
consist of money received from the United States department of 77877
transportation's commercial vehicle intelligent transportation 77878
systems infrastructure deployment program. The public utilities 77879
commission shall use the fund to deploy the Ohio commercial 77880
vehicle information systems networks project and to improve safety 77881
of motor carrier operations through electronic exchange of data. 77882

(E) There is hereby created in the state treasury the motor 77883
carrier safety fund. The fund shall consist of money received from 77884
the United States department of transportation for motor carrier 77885
safety. The commission shall use the fund to administer the 77886
state's motor carrier safety assistance program and associated 77887
grants, including the motor carrier safety assistance program 77888
basic grant, the incentive grant, the high priority grants, the 77889
new entrant safety assurance grant, the safety data improvement 77890
grant, or their equivalents. 77891

(F) If the director of budget and management determines there 77892
is not sufficient money in the public utilities transportation 77893
safety fund, the director shall transfer money from the general 77894
revenue fund to the public utilities transportation safety fund in 77895
an amount up to the difference between the balance of the public 77896
utilities transportation safety fund and the appropriations from 77897
that fund. If the director subsequently determines during the 77898
fiscal year that the balance of the public utilities 77899
transportation safety fund exceeds the amount needed to support 77900
the appropriations from the fund, the director shall transfer the 77901
excess money, up to the amount of the original transfer, to the 77902
general revenue fund. 77903

Sec. 4923.02. (A) As used in this chapter, "private motor 77904

carrier" does not include a person when engaged in any of the	77905
following in intrastate commerce:	77906
(1) The transportation of persons in taxicabs in the usual	77907
taxicab service;	77908
(2) The transportation of pupils in school busses operating	77909
to or from school sessions or school events;	77910
(3) The transportation of farm supplies to the farm or farm	77911
products from farm to market or to food fabricating plants;	77912
(4) The distribution of newspapers;	77913
(5) The transportation of crude petroleum incidental to	77914
gathering from wells and delivery to destination by pipe line;	77915
(6) The transportation of injured, ill, or deceased persons	77916
by hearse or ambulance;	77917
(7) The transportation of compost (a combination of manure	77918
and sand or shredded bark mulch) or shredded bark mulch;	77919
(8) The transportation of persons in a ridesharing	77920
arrangement when any fee charged each person so transported is in	77921
such amount as to recover only the person's share of the costs of	77922
operating the motor vehicle for such purpose;	77923
(9) The operation of motor vehicles for contractors on public	77924
road work.	77925
(B) The public utilities commission may grant a motor carrier	77926
operating in intrastate commerce a temporary exemption from some	77927
or all of the provisions of this chapter and the rules adopted	77928
under it, when either of the following applies:	77929
(1) The governor of this state has declared an emergency.	77930
(2) The chairperson of the commission or the chairperson's	77931
designee has declared a transportation-specific emergency.	77932

(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section.

(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with the following:

(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code;

(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code;

~~(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code.~~

Sec. 4923.99. (A)(1) Whoever violates Chapter 4921. or 4923. of the Revised Code, or rules adopted thereunder, is liable to the state for a forfeiture of not more than twenty-five thousand dollars for each day of each violation. The public utilities commission, after providing reasonable notice and the opportunity for a hearing in accordance with the procedural rules adopted under section 4901.13 of the Revised Code, shall assess, by order, a forfeiture upon a person whom the commission determines, by a preponderance of the evidence, committed the violation. In determining the amount of the forfeiture for a violation discovered during a driver or motor-vehicle inspection under section 4923.06 of the Revised Code, or discovered during a compliance review under section 4923.07 of the Revised Code, the commission shall, ~~to the extent practicable,~~ not act in a manner

incompatible with the applicable requirements of the United States 77964
department of transportation, ~~and, to the extent practicable,~~ 77965
~~shall utilize a system comparable to the recommended civil penalty~~ 77966
~~procedure adopted by the commercial vehicle safety alliance. In~~ 77967
~~determining the amount of the forfeiture for a violation~~ 77968
~~discovered during a compliance review of a motor carrier under~~ 77969
~~section 4923.07 of the Revised Code, the commission shall, to the~~ 77970
~~extent practicable, not act in a manner incompatible with the~~ 77971
~~civil penalty guidelines of the United States department of~~ 77972
~~transportation.~~ 77973

The attorney general, upon the written request of the 77974
commission, shall bring a civil action in the court of common 77975
pleas of Franklin county to collect a forfeiture assessed under 77976
this section. The commission shall account for the forfeitures 77977
collected under this section and pay them to the treasurer of 77978
state under section 4921.21 of the Revised Code. 77979

(2) The attorney general, upon the written request of the 77980
commission, shall bring an action for injunctive relief in the 77981
court of common pleas of Franklin county against any person who 77982
has violated or is violating any order issued by the commission to 77983
secure compliance with any provision of Chapter 4921. or 4923. of 77984
the Revised Code. The court of common pleas of Franklin county has 77985
jurisdiction to and may grant preliminary and permanent injunctive 77986
relief upon a showing that the person against whom the action is 77987
brought has violated or is violating any such order. The court 77988
shall give precedence to such an action over all other cases. 77989

(B) The amount of any forfeiture may be compromised at any 77990
time prior to collection of the forfeiture. The commission shall 77991
adopt rules governing the manner in which the amount of a 77992
forfeiture may be established by agreement prior to the hearing on 77993
the forfeiture before the commission. 77994

(C) The proceedings of the commission specified in division 77995

(A) of this section are subject to and governed by Chapter 4903. 77996
of the Revised Code, except as otherwise specifically provided in 77997
this section. The court of appeals of Franklin county has 77998
exclusive, original jurisdiction to review, modify, or vacate an 77999
order of the commission issued to secure compliance with any 78000
provision of Chapter 4921. or 4923. of the Revised Code. The court 78001
of appeals shall hear and determine those appeals in the same 78002
manner, and under the same standards, as the supreme court hears 78003
and determines appeals under Chapter 4903. of the Revised Code. 78004
The judgment of the court of appeals is final and conclusive 78005
unless reversed, vacated, or modified on appeal. Such appeals may 78006
be taken either by the commission or the person to whom the 78007
compliance order or forfeiture assessment was issued and shall 78008
proceed as in the case of appeals in civil actions as provided in 78009
the rules of appellate procedure and Chapter 2505. of the Revised 78010
Code. 78011

(D) Section 4903.11 of the Revised Code does not apply to an 78012
appeal of an order issued to secure compliance with Chapter 4921. 78013
or 4923. of the Revised Code or an order issued under division 78014
(A)(1) of this section assessing a forfeiture. Any person to whom 78015
any such order is issued who wishes to contest a compliance order, 78016
the fact of the violation, or the amount of the forfeiture shall 78017
file a notice of appeal, setting forth the order appealed from and 78018
the errors complained of, within sixty days after the entry of the 78019
order upon the journal of the commission. The notice of appeal 78020
shall be served, unless waived, upon the chairperson of the 78021
commission or, in the event of the chairperson's absence, upon any 78022
public utilities commissioner, or by leaving a copy at the office 78023
of the commission at Columbus. An order issued by the commission 78024
to secure compliance with Chapter 4921. or 4923. of the Revised 78025
Code or an order issued under division (A)(1) of this section 78026
assessing a forfeiture shall be reversed, vacated, or modified on 78027
appeal if, upon consideration of the record, the court is of the 78028

opinion that the order was unlawful or unreasonable. 78029

(E) Only for such violations that constitute violations of 78030
the "Hazardous Materials Transportation Uniform Safety Act of 78031
1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or 78032
regulations adopted under the act, the commission, in determining 78033
liability, shall use the same standard of culpability for civil 78034
forfeitures under this section as that set forth for civil 78035
penalties under section 12 of the "Hazardous Materials 78036
Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 78037
U.S.C.A. App. 1809. The commission shall consider the assessment 78038
considerations for civil penalties specified in regulations 78039
adopted under the "Hazardous Materials Transportation Act," 88 78040
Stat. 2156 (1975), 49 U.S.C. 1801. 78041

Sec. 4927.13. (A) An incumbent local exchange carrier that is 78042
an eligible telecommunications carrier under 47 C.F.R. 54.201 78043
shall implement lifeline service throughout the carrier's 78044
traditional service area for its eligible residential customers. 78045

(1) Lifeline service shall consist of all of the following: 78046

(a) ~~Flat rate, monthly, primary~~ Monthly access line service 78047
~~with touch tone service,~~ at a recurring discount to the monthly 78048
basic local exchange service rate that provides for the maximum 78049
contribution of federally available assistance; 78050

(b) Not more than once per customer at a single address in a 78051
twelve-month period, a waiver of all nonrecurring service order 78052
charges for establishing service; 78053

(c) Free blocking of toll service, 900 service, and 976 78054
service. 78055

The carrier may offer to lifeline service customers any other 78056
services and bundles or packages of services at the prevailing 78057
prices, less the lifeline discount. 78058

(2) The carrier also shall offer special payment arrangements 78059
to lifeline service customers that have past due bills for 78060
regulated local service charges, with the initial payment not to 78061
exceed twenty-five dollars before service is installed, and the 78062
balance for regulated local service charges to be paid over six, 78063
equal, monthly payments. Lifeline service customers with past due 78064
bills for toll service charges shall have toll restricted service 78065
until the past due toll service charges have been paid or until 78066
the customer establishes service with another toll service 78067
provider. 78068

(3)(a) Every incumbent local exchange carrier required to 78069
implement lifeline service under division (A) of this section 78070
shall establish an annual marketing budget for promoting lifeline 78071
service and performing outreach regarding lifeline service. All 78072
funds allocated to this budget shall be spent for the promotion 78073
and marketing of lifeline service and outreach regarding lifeline 78074
service and only for those purposes and not for any administrative 78075
costs of implementing lifeline service. All activities relating to 78076
the promotion of, marketing of, and outreach regarding lifeline 78077
service shall be coordinated through a single advisory board 78078
composed of staff of the public utilities commission, the office 78079
of the consumers' counsel, consumer groups representing low-income 78080
constituents, two representatives from the Ohio association of 78081
community action agencies, and, except as provided in division 78082
(A)(3)(b) of this section, every incumbent local exchange carrier 78083
required to implement lifeline service under division (A) of this 78084
section. The public utilities commission may review and approve 78085
decisions of the advisory board in accordance with commission 78086
rules, including decisions on how the lifeline marketing, 78087
promotion, and outreach activities are implemented. 78088

(b) Division (A)(3)(a) of this section does not apply to an 78089
incumbent local exchange carrier with fewer than fifty thousand 78090

access lines. 78091

(4) All other aspects of the carrier's state-specific 78092
lifeline service shall be consistent with federal requirements. 78093

(B) The rates, terms, and conditions for the carrier's 78094
lifeline service shall be tariffed in the manner prescribed by 78095
rule adopted by the public utilities commission. 78096

(C)(1) Eligibility for lifeline service under division (A) of 78097
this section shall be based on either of the following criteria: 78098

(a) An individual's verifiable participation in any federal 78099
or state low-income assistance program, specified in rules adopted 78100
by the commission, that limits assistance based on household 78101
income; 78102

(b) Other verification that an individual's household income 78103
is ~~at or below one hundred fifty per cent of the federal poverty~~ 78104
~~level~~ consistent with the income eligibility threshold in 47 78105
C.F.R. 409(a)(1). 78106

The public utilities commission shall adopt rules 78107
establishing requirements for the implementation of automatic 78108
enrollment of eligible individuals for lifeline assistance. The 78109
public utilities commission shall work with the appropriate state 78110
agencies that administer federal or state low-income assistance 78111
programs and with carriers to negotiate and acquire information 78112
necessary to verify an individual's eligibility and the data 78113
necessary to automatically enroll eligible individuals for 78114
lifeline service. Every incumbent local exchange carrier required 78115
to implement lifeline service under division (A) of this section 78116
shall implement automatic enrollment in accordance with the 78117
applicable rules of the public utilities commission and to the 78118
extent that appropriate state agencies are able to accommodate the 78119
automatic enrollment. 78120

(2) The carrier shall provide written notification if the 78121

carrier determines that an individual is not eligible for lifeline 78122
service and shall provide the individual an additional thirty days 78123
to prove eligibility. 78124

(3) The carrier shall provide written customer notification 78125
if a customer's lifeline service is to be terminated due to 78126
failure to submit acceptable documentation for continued 78127
eligibility for that assistance and shall provide the customer an 78128
additional ~~sixty~~ thirty days to submit acceptable documentation of 78129
continued eligibility or dispute the carrier's findings regarding 78130
termination of the lifeline service. 78131

(D) An incumbent local exchange carrier required to implement 78132
lifeline service under division (A) of this section may recover 78133
from end users of the carrier's telecommunications service other 78134
than lifeline service customers, by a method approved by the 78135
public utilities commission, any lifeline service discounts and 78136
any other lifeline service expenses that the public utilities 78137
commission prescribes by rule and that are not recovered through 78138
federal or state funding, except for expenses incurred under 78139
division (A)(3)(a) of this section. A carrier seeking recovery of 78140
discounts or expenses shall, in accordance with rules adopted by 78141
the public utilities commission, apply to the public utilities 78142
commission for approval of the method of recovery. If the method 78143
of recovery includes a customer billing surcharge, the public 78144
utilities commission shall prescribe by rule how the surcharge is 78145
to be identified on customer bills. 78146

(E) Every incumbent local exchange carrier required to 78147
implement lifeline service under division (A) of this section 78148
shall annually file with the public utilities commission a report 78149
that identifies the number of its customers who receive, at the 78150
time of the filing of the report, lifeline service. 78151

Sec. 4928.01. (A) As used in this chapter: 78152

(1) "Ancillary service" means any function necessary to the provision of electric transmission or distribution service to a retail customer and includes, but is not limited to, scheduling, system control, and dispatch services; reactive supply from generation resources and voltage control service; reactive supply from transmission resources service; regulation service; frequency response service; energy imbalance service; operating reserve-spinning reserve service; operating reserve-supplemental reserve service; load following; back-up supply service; real-power loss replacement service; dynamic scheduling; system black start capability; and network stability service.

(2) "Billing and collection agent" means a fully independent agent, not affiliated with or otherwise controlled by an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent that the agent is under contract with such utility, company, cooperative, or aggregator solely to provide billing and collection for retail electric service on behalf of the utility company, cooperative, or aggregator.

(3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code.

(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section.

(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company.

- (6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service. 78185
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- (7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises. 78187
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- (8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code. 78193
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- (9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent. 78195
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- (10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code. 78203
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- (11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit basis either in the business of supplying a noncompetitive retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent. 78205
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- (12) "Firm electric service" means electric service other than nonfirm electric service. 78212
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- (13) "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a 78214
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board of county commissioners acting as an aggregator for the 78216
provision of a competitive retail electric service under authority 78217
conferred under section 4928.20 of the Revised Code. 78218

(14) A person acts "knowingly," regardless of the person's 78219
purpose, when the person is aware that the person's conduct will 78220
probably cause a certain result or will probably be of a certain 78221
nature. A person has knowledge of circumstances when the person is 78222
aware that such circumstances probably exist. 78223

(15) "Level of funding for low-income customer energy 78224
efficiency programs provided through electric utility rates" means 78225
the level of funds specifically included in an electric utility's 78226
rates on October 5, 1999, pursuant to an order of the public 78227
utilities commission issued under Chapter 4905. or 4909. of the 78228
Revised Code and in effect on October 4, 1999, for the purpose of 78229
improving the energy efficiency of housing for the utility's 78230
low-income customers. The term excludes the level of any such 78231
funds committed to a specific nonprofit organization or 78232
organizations pursuant to a stipulation or contract. 78233

(16) "Low-income customer assistance programs" means the 78234
percentage of income payment plan program, the home energy 78235
assistance program, the home weatherization assistance program, 78236
and the targeted energy efficiency and weatherization program. 78237

(17) "Market development period" for an electric utility 78238
means the period of time beginning on the starting date of 78239
competitive retail electric service and ending on the applicable 78240
date for that utility as specified in section 4928.40 of the 78241
Revised Code, irrespective of whether the utility applies to 78242
receive transition revenues under this chapter. 78243

(18) "Market power" means the ability to impose on customers 78244
a sustained price for a product or service above the price that 78245
would prevail in a competitive market. 78246

(19) "Mercantile customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.

(24) "Person" has the same meaning as in section 1.59 of the Revised Code.

(25) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users, including, but not limited to, advanced energy resources and renewable energy

resources. "Advanced energy project" also includes any project 78278
described in division (A), (B), or (C) of section 4928.621 of the 78279
Revised Code. 78280

(26) "Regulatory assets" means the unamortized net regulatory 78281
assets that are capitalized or deferred on the regulatory books of 78282
the electric utility, pursuant to an order or practice of the 78283
public utilities commission or pursuant to generally accepted 78284
accounting principles as a result of a prior commission 78285
rate-making decision, and that would otherwise have been charged 78286
to expense as incurred or would not have been capitalized or 78287
otherwise deferred for future regulatory consideration absent 78288
commission action. "Regulatory assets" includes, but is not 78289
limited to, all deferred demand-side management costs; all 78290
deferred percentage of income payment plan arrears; 78291
post-in-service capitalized charges and assets recognized in 78292
connection with statement of financial accounting standards no. 78293
109 (receivables from customers for income taxes); future nuclear 78294
decommissioning costs and fuel disposal costs as those costs have 78295
been determined by the commission in the electric utility's most 78296
recent rate or accounting application proceeding addressing such 78297
costs; the undepreciated costs of safety and radiation control 78298
equipment on nuclear generating plants owned or leased by an 78299
electric utility; and fuel costs currently deferred pursuant to 78300
the terms of one or more settlement agreements approved by the 78301
commission. 78302

(27) "Retail electric service" means any service involved in 78303
supplying or arranging for the supply of electricity to ultimate 78304
consumers in this state, from the point of generation to the point 78305
of consumption. For the purposes of this chapter, retail electric 78306
service includes one or more of the following "service 78307
components": generation service, aggregation service, power 78308
marketing service, power brokerage service, transmission service, 78309

distribution service, ancillary service, metering service, and 78310
billing and collection service. 78311

(28) "Starting date of competitive retail electric service" 78312
means January 1, 2001. 78313

(29) "Customer-generator" means a user of a net metering 78314
system. 78315

(30) "Net metering" means measuring the difference in an 78316
applicable billing period between the electricity supplied by an 78317
electric service provider and the electricity generated by a 78318
customer-generator that is fed back to the electric service 78319
provider. 78320

(31) "Net metering system" means a facility for the 78321
production of electrical energy that does all of the following: 78322

(a) Uses as its fuel either solar, wind, biomass, landfill 78323
gas, or hydropower, or uses a microturbine or a fuel cell; 78324

(b) Is located on a customer-generator's premises; 78325

(c) Operates in parallel with the electric utility's 78326
transmission and distribution facilities; 78327

(d) Is intended primarily to offset part or all of the 78328
customer-generator's requirements for electricity. 78329

(32) "Self-generator" means an entity in this state that owns 78330
or hosts on its premises an electric generation facility that 78331
produces electricity primarily for the owner's consumption and 78332
that may provide any such excess electricity to another entity, 78333
whether the facility is installed or operated by the owner or by 78334
an agent under a contract. 78335

(33) "Rate plan" means the standard service offer in effect 78336
on the effective date of the amendment of this section by S.B. 221 78337
of the 127th general assembly, July 31, 2008. 78338

(34) "Advanced energy resource" means any of the following: 78339

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(b) Any distributed generation system consisting of customer cogeneration technology;

(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion;

(d) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(e) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(f) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to,

advanced stoker technology, and advanced fluidized bed 78371
gasification technology, that results in measurable greenhouse gas 78372
emissions reductions as calculated pursuant to the United States 78373
environmental protection agency's waste reduction model (WARM); 78374

(g) Demand-side management and any energy efficiency 78375
improvement; 78376

(h) Any new, retrofitted, refueled, or repowered generating 78377
facility located in Ohio, including a simple or combined-cycle 78378
natural gas generating facility or a generating facility that uses 78379
biomass, coal, modular nuclear, or any other fuel as its input; 78380

(i) Any uprated capacity of an existing electric generating 78381
facility if the uprated capacity results from the deployment of 78382
advanced technology. 78383

"Advanced energy resource" does not include a waste energy 78384
recovery system that is, or has been, included in an energy 78385
efficiency program of an electric distribution utility pursuant to 78386
requirements under section 4928.66 of the Revised Code. 78387

(35) "Air contaminant source" has the same meaning as in 78388
section 3704.01 of the Revised Code. 78389

(36) "Cogeneration technology" means technology that produces 78390
electricity and useful thermal output simultaneously. 78391

(37)(a) "Renewable energy resource" means any of the 78392
following: 78393

(i) Solar photovoltaic or solar thermal energy; 78394

(ii) Wind energy; 78395

(iii) Power produced by a hydroelectric facility; 78396

(iv) Power produced by a small hydroelectric facility, which 78397
is a facility that operates, or is rated to operate, at an 78398
aggregate capacity of less than six megawatts; 78399

(v) Power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts; 78400
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~~(v)~~(vi) Geothermal energy; 78405

~~(vi)~~(vii) Fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion; 78406
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~~(vii)~~(viii) Biomass energy; 78410

~~(viii)~~(ix) Energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census; 78411
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~~(ix)~~(x) Biologically derived methane gas; 78421

~~(x)~~(xi) Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas; 78422
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~~(xi)~~(xii) Energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors. 78425
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"Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, 78428
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but not limited to, a proton exchange membrane fuel cell, 78430
phosphoric acid fuel cell, molten carbonate fuel cell, or solid 78431
oxide fuel cell; wind turbine located in the state's territorial 78432
waters of Lake Erie; methane gas emitted from an abandoned coal 78433
mine; waste energy recovery system placed into service or 78434
retrofitted on or after the effective date of the amendment of 78435
this section by S.B. 315 of the 129th general assembly, September 78436
10, 2012, except that a waste energy recovery system described in 78437
division (A)(38)(b) of this section may be included only if it was 78438
placed into service between January 1, 2002, and December 31, 78439
2004; storage facility that will promote the better utilization of 78440
a renewable energy resource; or distributed generation system used 78441
by a customer to generate electricity from any such energy. 78442

"Renewable energy resource" does not include a waste energy 78443
recovery system that is, or was, on or after January 1, 2012, 78444
included in an energy efficiency program of an electric 78445
distribution utility pursuant to requirements under section 78446
4928.66 of the Revised Code. 78447

(b) As used in division (A)(37) of this section, 78448
"hydroelectric facility" means a hydroelectric generating facility 78449
that is located at a dam on a river, or on any water discharged to 78450
a river, that is within or bordering this state or within or 78451
bordering an adjoining state and meets all of the following 78452
standards: 78453

(i) The facility provides for river flows that are not 78454
detrimental for fish, wildlife, and water quality, including 78455
seasonal flow fluctuations as defined by the applicable licensing 78456
agency for the facility. 78457

(ii) The facility demonstrates that it complies with the 78458
water quality standards of this state, which compliance may 78459
consist of certification under Section 401 of the "Clean Water Act 78460
of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates 78461

that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

(iii) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromous fish.

(iv) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(v) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(vi) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(vii) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(viii) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the

particular agency has jurisdiction over the facility. 78493

(c) The standards in divisions (A)(37)(b)(i) to (viii) of 78494
this section do not apply to a small hydroelectric facility under 78495
division (A)(37)(a)(iv) of this section. 78496

(38) "Waste energy recovery system" means either of the 78497
following: 78498

(a) A facility that generates electricity through the 78499
conversion of energy from either of the following: 78500

(i) Exhaust heat from engines or manufacturing, industrial, 78501
commercial, or institutional sites, except for exhaust heat from a 78502
facility whose primary purpose is the generation of electricity; 78503

(ii) Reduction of pressure in gas pipelines before gas is 78504
distributed through the pipeline, provided that the conversion of 78505
energy to electricity is achieved without using additional fossil 78506
fuels. 78507

(b) A facility at a state institution of higher education as 78508
defined in section 3345.011 of the Revised Code that recovers 78509
waste heat from electricity-producing engines or combustion 78510
turbines and that simultaneously uses the recovered heat to 78511
produce steam, provided that the facility was placed into service 78512
between January 1, 2002, and December 31, 2004. 78513

(39) "Smart grid" means capital improvements to an electric 78514
distribution utility's distribution infrastructure that improve 78515
reliability, efficiency, resiliency, or reduce energy demand or 78516
use, including, but not limited to, advanced metering and 78517
automation of system functions. 78518

(40) "Combined heat and power system" means the coproduction 78519
of electricity and useful thermal energy from the same fuel source 78520
designed to achieve thermal-efficiency levels of at least sixty 78521
per cent, with at least twenty per cent of the system's total 78522

useful energy in the form of thermal energy. 78523

(B) For the purposes of this chapter, a retail electric 78524
service component shall be deemed a competitive retail electric 78525
service if the service component is competitive pursuant to a 78526
declaration by a provision of the Revised Code or pursuant to an 78527
order of the public utilities commission authorized under division 78528
(A) of section 4928.04 of the Revised Code. Otherwise, the service 78529
component shall be deemed a noncompetitive retail electric 78530
service. 78531

Sec. 4928.02. It is the policy of this state to do the 78532
following throughout this state: 78533

(A) Ensure the availability to consumers of adequate, 78534
reliable, safe, efficient, nondiscriminatory, and reasonably 78535
priced retail electric service; 78536

(B) Ensure the availability of unbundled and comparable 78537
retail electric service that provides consumers with the supplier, 78538
price, terms, conditions, and quality options they elect to meet 78539
their respective needs; 78540

(C) Ensure diversity of electricity supplies and suppliers, 78541
by giving consumers effective choices over the selection of those 78542
supplies and suppliers and by encouraging the development of 78543
distributed and small generation facilities; 78544

(D) Encourage innovation and market access for cost-effective 78545
supply- and demand-side retail electric service including, but not 78546
limited to, demand-side management, time-differentiated pricing, 78547
waste energy recovery systems, smart grid programs, and 78548
implementation of advanced metering infrastructure; 78549

(E) Encourage cost-effective and efficient access to 78550
information regarding the operation of the transmission and 78551
distribution systems of electric utilities in order to promote 78552

both effective customer choice of retail electric service and the 78553
development of performance standards and targets for service 78554
quality for all consumers, including annual achievement reports 78555
written in plain language; 78556

(F) Ensure that an electric utility's transmission and 78557
distribution systems are available to a customer-generator or 78558
owner of distributed generation, so that the customer-generator or 78559
owner can market and deliver the electricity it produces; 78560

(G) Recognize the continuing emergence of competitive 78561
electricity markets through the development and implementation of 78562
flexible regulatory treatment; 78563

(H) Ensure effective competition in the provision of retail 78564
electric service by avoiding anticompetitive subsidies flowing 78565
from a noncompetitive retail electric service to a competitive 78566
retail electric service or to a product or service other than 78567
retail electric service, and vice versa, including by prohibiting 78568
the recovery of any generation-related costs through distribution 78569
or transmission rates; 78570

(I) Ensure retail electric service consumers protection 78571
against unreasonable sales practices, market deficiencies, and 78572
market power; 78573

(J) Provide coherent, transparent means of giving appropriate 78574
incentives to technologies that can adapt successfully to 78575
potential environmental mandates; 78576

(K) Encourage implementation of distributed generation across 78577
customer classes through regular review and updating of 78578
administrative rules governing critical issues such as, but not 78579
limited to, interconnection standards, standby charges, and net 78580
metering; 78581

(L) Protect at-risk populations, including, but not limited 78582
to, when considering the implementation of any new advanced energy 78583

or renewable energy resource; 78584

(M) Research technological, regulatory, and marketplace innovations in the electric distribution system, which may include distributed energy resources, such as battery storage; advanced metering infrastructure; distribution automation; sensors; controls; data exchange and use; and associated electric rate design; 78585
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78587
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(N) Encourage the education of small business owners in this state regarding the use of, and encourage the use of, energy efficiency programs and alternative energy resources in their businesses; 78591
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~~(N)~~(O) Facilitate the state's effectiveness in the global economy. 78595
78596

In carrying out this policy, the commission shall consider rules as they apply to the costs of electric distribution infrastructure, including, but not limited to, line extensions, for the purpose of development in this state. 78597
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78600

Sec. 4928.64. (A)(1) As used in this section, "qualifying renewable energy resource" means a renewable energy resource, as defined in section 4928.01 of the Revised Code that ~~has~~: 78601
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78603

(a) Has a placed-in-service date on or after January 1, 1998, 78604
~~or with respect to;~~ 78605

(b) Is any run-of-the-river hydroelectric facility, ~~that has~~ 78606
an in-service date on or after January 1, 1980; ~~a renewable energy resource~~ 78607
78608

(c) Is a small hydroelectric facility; 78609

(d) Is created on or after January 1, 1998, by the 78610
modification or retrofit of any facility placed in service prior 78611
to January 1, 1998; or 78612

(e) Is a mercantile customer-sited renewable energy resource, 78613
whether new or existing, that the mercantile customer commits for 78614
integration into the electric distribution utility's 78615
demand-response, energy efficiency, or peak demand reduction 78616
programs as provided under division (A)(2)(c) of section 4928.66 78617
of the Revised Code, including, but not limited to, any of the 78618
following: 78619

~~(a)~~(i) A resource that has the effect of improving the 78620
relationship between real and reactive power; 78621

~~(b)~~(ii) A resource that makes efficient use of waste heat or 78622
other thermal capabilities owned or controlled by a mercantile 78623
customer; 78624

~~(c)~~(iii) Storage technology that allows a mercantile customer 78625
more flexibility to modify its demand or load and usage 78626
characteristics; 78627

~~(d)~~(iv) Electric generation equipment owned or controlled by 78628
a mercantile customer that uses a renewable energy resource. 78629

(2) For the purpose of this section and as it considers 78630
appropriate, the public utilities commission may classify any new 78631
technology as such a qualifying renewable energy resource. 78632

(B)(1) By 2027 and thereafter, an electric distribution 78633
utility shall provide from qualifying renewable energy resources, 78634
including, at its discretion, qualifying renewable energy 78635
resources obtained pursuant to an electricity supply contract, a 78636
portion of the electricity supply required for its standard 78637
service offer under section 4928.141 of the Revised Code, and an 78638
electric services company shall provide a portion of its 78639
electricity supply for retail consumers in this state from 78640
qualifying renewable energy resources, including, at its 78641
discretion, qualifying renewable energy resources obtained 78642
pursuant to an electricity supply contract. That portion shall 78643

equal twelve and one-half per cent of the total number of kilowatt 78644
hours of electricity sold by the subject utility or company to any 78645
and all retail electric consumers whose electric load centers are 78646
served by that utility and are located within the utility's 78647
certified territory or, in the case of an electric services 78648
company, are served by the company and are located within this 78649
state. However, nothing in this section precludes a utility or 78650
company from providing a greater percentage. 78651

(2) The portion required under division (B)(1) of this 78652
section shall be generated from renewable energy resources, 78653
including one-half per cent from solar energy resources, in 78654
accordance with the following benchmarks: 78655

By end of year	Renewable energy resources	Solar energy resources	78656
2009	0.25%	0.004%	78657
2010	0.50%	0.010%	78658
2011	1%	0.030%	78659
2012	1.5%	0.060%	78660
2013	2%	0.090%	78661
2014	2.5%	0.12%	78662
2015	2.5%	0.12%	78663
2016	2.5%	0.12%	78664
2017	3.5%	0.15%	78665
2018	4.5%	0.18%	78666
2019	5.5%	0.22%	78667
2020	6.5%	0.26%	78668
2021	7.5%	0.3%	78669
2022	8.5%	0.34%	78670
2023	9.5%	0.38%	78671
2024	10.5%	0.42%	78672
2025	11.5%	0.46%	78673
2026 and each calendar	12.5%	0.5%.	78674

year thereafter

(3) The qualifying renewable energy resources implemented by 78675
the utility or company shall be met either: 78676

(a) Through facilities located in this state; or 78677

(b) With resources that can be shown to be deliverable into 78678
this state. 78679

(C)(1) The commission annually shall review an electric 78680
distribution utility's or electric services company's compliance 78681
with the most recent applicable benchmark under division (B)(2) of 78682
this section and, in the course of that review, shall identify any 78683
undercompliance or noncompliance of the utility or company that it 78684
determines is weather-related, related to equipment or resource 78685
shortages for qualifying renewable energy resources as applicable, 78686
or is otherwise outside the utility's or company's control. 78687

(2) Subject to the cost cap provisions of division (C)(3) of 78688
this section, if the commission determines, after notice and 78689
opportunity for hearing, and based upon its findings in that 78690
review regarding avoidable undercompliance or noncompliance, but 78691
subject to division (C)(4) of this section, that the utility or 78692
company has failed to comply with any such benchmark, the 78693
commission shall impose a renewable energy compliance payment on 78694
the utility or company. 78695

(a) The compliance payment pertaining to the solar energy 78696
resource benchmarks under division (B)(2) of this section shall be 78697
an amount per megawatt hour of undercompliance or noncompliance in 78698
the period under review, as follows: 78699

(i) Three hundred dollars for 2014, 2015, and 2016; 78700

(ii) Two hundred fifty dollars for 2017 and 2018; 78701

(iii) Two hundred dollars for 2019 and 2020; 78702

(iv) Similarly reduced every two years thereafter through 78703

2026 by fifty dollars, to a minimum of fifty dollars. 78704

(b) The compliance payment pertaining to the renewable energy 78705
resource benchmarks under division (B)(2) of this section shall 78706
equal the number of additional renewable energy credits that the 78707
electric distribution utility or electric services company would 78708
have needed to comply with the applicable benchmark in the period 78709
under review times an amount that shall begin at forty-five 78710
dollars and shall be adjusted annually by the commission to 78711
reflect any change in the consumer price index as defined in 78712
section 101.27 of the Revised Code, but shall not be less than 78713
forty-five dollars. 78714

(c) The compliance payment shall not be passed through by the 78715
electric distribution utility or electric services company to 78716
consumers. The compliance payment shall be remitted to the 78717
commission, for deposit to the credit of the advanced energy fund 78718
created under section 4928.61 of the Revised Code. Payment of the 78719
compliance payment shall be subject to such collection and 78720
enforcement procedures as apply to the collection of a forfeiture 78721
under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code. 78722

(3) An electric distribution utility or an electric services 78723
company need not comply with a benchmark under division (B)(2) of 78724
this section to the extent that its reasonably expected cost of 78725
that compliance exceeds its reasonably expected cost of otherwise 78726
producing or acquiring the requisite electricity by three per cent 78727
or more. The cost of compliance shall be calculated as though any 78728
exemption from taxes and assessments had not been granted under 78729
section 5727.75 of the Revised Code. 78730

(4)(a) An electric distribution utility or electric services 78731
company may request the commission to make a force majeure 78732
determination pursuant to this division regarding all or part of 78733
the utility's or company's compliance with any minimum benchmark 78734
under division (B)(2) of this section during the period of review 78735

occurring pursuant to division (C)(2) of this section. The 78736
commission may require the electric distribution utility or 78737
electric services company to make solicitations for renewable 78738
energy resource credits as part of its default service before the 78739
utility's or company's request of force majeure under this 78740
division can be made. 78741

(b) Within ninety days after the filing of a request by an 78742
electric distribution utility or electric services company under 78743
division (C)(4)(a) of this section, the commission shall determine 78744
if qualifying renewable energy resources are reasonably available 78745
in the marketplace in sufficient quantities for the utility or 78746
company to comply with the subject minimum benchmark during the 78747
review period. In making this determination, the commission shall 78748
consider whether the electric distribution utility or electric 78749
services company has made a good faith effort to acquire 78750
sufficient qualifying renewable energy or, as applicable, solar 78751
energy resources to so comply, including, but not limited to, by 78752
banking or seeking renewable energy resource credits or by seeking 78753
the resources through long-term contracts. Additionally, the 78754
commission shall consider the availability of qualifying renewable 78755
energy or solar energy resources in this state and other 78756
jurisdictions in the PJM interconnection regional transmission 78757
organization, L.L.C., or its successor and the midcontinent 78758
independent system operator or its successor. 78759

(c) If, pursuant to division (C)(4)(b) of this section, the 78760
commission determines that qualifying renewable energy or solar 78761
energy resources are not reasonably available to permit the 78762
electric distribution utility or electric services company to 78763
comply, during the period of review, with the subject minimum 78764
benchmark prescribed under division (B)(2) of this section, the 78765
commission shall modify that compliance obligation of the utility 78766
or company as it determines appropriate to accommodate the 78767

finding. Commission modification shall not automatically reduce 78768
the obligation for the electric distribution utility's or electric 78769
services company's compliance in subsequent years. If it modifies 78770
the electric distribution utility or electric services company 78771
obligation under division (C)(4)(c) of this section, the 78772
commission may require the utility or company, if sufficient 78773
renewable energy resource credits exist in the marketplace, to 78774
acquire additional renewable energy resource credits in subsequent 78775
years equivalent to the utility's or company's modified obligation 78776
under division (C)(4)(c) of this section. 78777

(5) The commission shall establish a process to provide for 78778
at least an annual review of the renewable energy resource market 78779
in this state and in the service territories of the regional 78780
transmission organizations that manage transmission systems 78781
located in this state. The commission shall use the results of 78782
this study to identify any needed changes to the amount of the 78783
renewable energy compliance payment specified under divisions 78784
(C)(2)(a) and (b) of this section. Specifically, the commission 78785
may increase the amount to ensure that payment of compliance 78786
payments is not used to achieve compliance with this section in 78787
lieu of actually acquiring or realizing energy derived from 78788
qualifying renewable energy resources. However, if the commission 78789
finds that the amount of the compliance payment should be 78790
otherwise changed, the commission shall present this finding to 78791
the general assembly for legislative enactment. 78792

(D) The commission annually shall submit to the general 78793
assembly in accordance with section 101.68 of the Revised Code a 78794
report describing all of the following: 78795

(1) The compliance of electric distribution utilities and 78796
electric services companies with division (B) of this section; 78797

(2) The average annual cost of renewable energy credits 78798
purchased by utilities and companies for the year covered in the 78799

report; 78800

(3) Any strategy for utility and company compliance or for 78801
encouraging the use of qualifying renewable energy resources in 78802
supplying this state's electricity needs in a manner that 78803
considers available technology, costs, job creation, and economic 78804
impacts. 78805

The commission shall begin providing the information 78806
described in division (D)(2) of this section in each report 78807
submitted after September 10, 2012. The commission shall allow and 78808
consider public comments on the report prior to its submission to 78809
the general assembly. Nothing in the report shall be binding on 78810
any person, including any utility or company for the purpose of 78811
its compliance with any benchmark under division (B) of this 78812
section, or the enforcement of that provision under division (C) 78813
of this section. 78814

(E) All costs incurred by an electric distribution utility in 78815
complying with the requirements of this section shall be 78816
bypassable by any consumer that has exercised choice of supplier 78817
under section 4928.03 of the Revised Code. 78818

Sec. 5101.074. If the department of job and family services 78819
receives money from a refund or reconciliation related to the 78820
medicaid program, the department shall transfer the money to the 78821
department of medicaid for deposit into the refunds and 78822
reconciliation fund created under section 5162.65 of the Revised 78823
Code. 78824

Sec. 5101.09. (A) When the director of job and family 78825
services is authorized by the Revised Code to adopt a rule, the 78826
director shall adopt the rule in accordance with the following: 78827

(1) Chapter 119. of the Revised Code if any of the following 78828
apply: 78829

(a) The rule concerns the administration or enforcement of Chapter 4141. of the Revised Code;	78830 78831
(b) The rule concerns a program administered by the department of job and family services, unless the statute authorizing the rule requires that it be adopted in accordance with section 111.15 of the Revised Code;	78832 78833 78834 78835
(c) The statute authorizing the rule requires that the rule be adopted in accordance with Chapter 119. of the Revised Code.	78836 78837
(2) Section 111.15 of the Revised Code, excluding division (D) of that section, if either of the following apply:	78838 78839
(a) The rule concerns the day-to-day staff procedures and operations of the department or financial and operational matters between the department and another government entity or a private entity receiving a grant from the department, unless the statute authorizing the rule requires that it be adopted in accordance with Chapter 119. of the Revised Code;	78840 78841 78842 78843 78844 78845
(b) The statute authorizing the rule requires that the rule be adopted in accordance with section 111.15 of the Revised Code and, by the terms of division (D) of that section, division (D) of that section does not apply to the rule.	78846 78847 78848 78849
(3) Section 111.15 of the Revised Code, including division (D) of that section, if the statute authorizing the rule requires that the rule be adopted in accordance with that section and the rule is not exempt from the application of division (D) of that section.	78850 78851 78852 78853 78854
(B) Except as otherwise required by the Revised Code, the adoption of a rule in accordance with Chapter 119. of the Revised Code does not make the department of job and family services, a county family services agency, or a workforce development agency <u>local board</u> subject to the notice, hearing, or other requirements of sections 119.06 to 119.13 of the Revised Code. As used in this	78855 78856 78857 78858 78859 78860

division, "~~workforce development agency~~ local board" has the same 78861
meaning as in section 6301.01 of the Revised Code. 78862

Sec. 5101.105. A county family services agency may have a 78863
deficit in any special fund of the agency only if both of the 78864
following conditions are satisfied: 78865

(A) The agency has a request for payment pending with the 78866
state sufficient to cover the amount of the deficit and there is a 78867
reasonable likelihood that the payment will be made. 78868

(B) The unspent and unencumbered balance in the county's 78869
general fund is greater than the aggregate of deficit amounts in 78870
all of the county's special funds. 78871

Sec. 5101.16. (A) As used in this section and sections 78872
5101.161 and 5101.162 of the Revised Code: 78873

(1) "Disability financial assistance" means the financial 78874
assistance program established under former Chapter 5115. of the 78875
Revised Code. 78876

(2) "Supplemental nutrition assistance program" means the 78877
program administered by the department of job and family services 78878
pursuant to section 5101.54 of the Revised Code. 78879

(3) "Ohio works first" means the program established by 78880
Chapter 5107. of the Revised Code. 78881

(4) "Prevention, retention, and contingency" means the 78882
program established by Chapter 5108. of the Revised Code. 78883

(5) "Public assistance expenditures" means expenditures for 78884
all of the following: 78885

(a) Ohio works first; 78886

(b) County administration of Ohio works first; 78887

(c) Prevention, retention, and contingency; 78888

(d) County administration of prevention, retention, and contingency;	78889 78890
(e) Disability financial assistance;	78891
(f) County administration of disability financial assistance;	78892
(g) County administration of the supplemental nutrition assistance program;	78893 78894
(h) County administration of medicaid, excluding administrative expenditures for transportation services covered by the medicaid program.	78895 78896 78897
(7) (6) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	78898 78899
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:	78900 78901 78902 78903 78904 78905
(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and county administration of that program during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.	78906 78907 78908 78909 78910
(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of the supplemental nutrition assistance program and medicaid (excluding administrative expenditures for transportation services covered by the medicaid program) during the state fiscal year ending in the previous calendar year that the department determines are allowable, less the amount of federal reimbursement credited to	78911 78912 78913 78914 78915 78916 78917 78918

the county under division (E) of this section for the state fiscal 78919
year ending in the previous calendar year; 78920

(3) A percentage of the actual amount of the county share of 78921
program and administrative expenditures during federal fiscal year 78922
1994 for assistance and services, other than child care, provided 78923
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 78924
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 78925
enactment of the "Personal Responsibility and Work Opportunity 78926
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 78927
and family services shall determine the actual amount of the 78928
county share from expenditure reports submitted to the United 78929
States department of health and human services. The percentage 78930
shall be the percentage established in rules adopted under 78931
division (F) of this section. 78932

(C)(1) If a county's share of public assistance expenditures 78933
determined under division (B) of this section for a state fiscal 78934
year exceeds one hundred five per cent of the county's share for 78935
those expenditures for the immediately preceding state fiscal 78936
year, the department of job and family services shall reduce the 78937
county's share for expenditures under divisions (B)(1) and (2) of 78938
this section so that the total of the county's share for 78939
expenditures under division (B) of this section equals one hundred 78940
five per cent of the county's share of those expenditures for the 78941
immediately preceding state fiscal year. 78942

(2) A county's share of public assistance expenditures 78943
determined under division (B) of this section may be increased 78944
pursuant to section 5101.163 of the Revised Code and a sanction 78945
under section 5101.24 of the Revised Code. An increase made 78946
pursuant to section 5101.163 of the Revised Code may cause the 78947
county's share to exceed the limit established by division (C)(1) 78948
of this section. 78949

(D)(1) If the per capita tax duplicate of a county is less 78950

than the per capita tax duplicate of the state as a whole and 78951
division (D)(2) of this section does not apply to the county, the 78952
percentage to be used for the purpose of division (B)(2) of this 78953
section is the product of ten multiplied by a fraction of which 78954
the numerator is the per capita tax duplicate of the county and 78955
the denominator is the per capita tax duplicate of the state as a 78956
whole. The department of job and family services shall compute the 78957
per capita tax duplicate for the state and for each county by 78958
dividing the tax duplicate for the most recent available year by 78959
the current estimate of population prepared by the development 78960
services agency. 78961

(2) If the percentage of families in a county with an annual 78962
income of less than three thousand dollars is greater than the 78963
percentage of such families in the state and division (D)(1) of 78964
this section does not apply to the county, the percentage to be 78965
used for the purpose of division (B)(2) of this section is the 78966
product of ten multiplied by a fraction of which the numerator is 78967
the percentage of families in the state with an annual income of 78968
less than three thousand dollars a year and the denominator is the 78969
percentage of such families in the county. The department of job 78970
and family services shall compute the percentage of families with 78971
an annual income of less than three thousand dollars for the state 78972
and for each county by multiplying the most recent estimate of 78973
such families published by the development services agency, by a 78974
fraction, the numerator of which is the estimate of average annual 78975
personal income published by the bureau of economic analysis of 78976
the United States department of commerce for the year on which the 78977
census estimate is based and the denominator of which is the most 78978
recent such estimate published by the bureau. 78979

(3) If the per capita tax duplicate of a county is less than 78980
the per capita tax duplicate of the state as a whole and the 78981
percentage of families in the county with an annual income of less 78982

than three thousand dollars is greater than the percentage of such 78983
families in the state, the percentage to be used for the purpose 78984
of division (B)(2) of this section shall be determined as follows: 78985

(a) Multiply ten by the fraction determined under division 78986
(D)(1) of this section; 78987

(b) Multiply the product determined under division (D)(3)(a) 78988
of this section by the fraction determined under division (D)(2) 78989
of this section. 78990

(4) The department of job and family services shall 78991
determine, for each county, the percentage to be used for the 78992
purpose of division (B)(2) of this section not later than the 78993
first day of July of the year preceding the state fiscal year for 78994
which the percentage is used. 78995

(E) The department of job and family services shall credit to 78996
a county the amount of federal reimbursement the department 78997
receives from the United States departments of agriculture and 78998
health and human services for the county's expenditures for 78999
administration of the supplemental nutrition assistance program 79000
and medicaid (excluding administrative expenditures for 79001
transportation services covered by the medicaid program) that the 79002
department determines are allowable administrative expenditures. 79003

(F)(1) The director of job and family services shall adopt 79004
rules in accordance with section 111.15 of the Revised Code to 79005
establish all of the following: 79006

(a) The method the department is to use to change a county's 79007
share of public assistance expenditures determined under division 79008
(B) of this section as provided in division (C) of this section; 79009

(b) The allocation methodology and formula the department 79010
will use to determine the amount of funds to credit to a county 79011
under this section; 79012

(c) The method the department will use to change the payment 79013
of the county share of public assistance expenditures from a 79014
calendar-year basis to a state fiscal year basis; 79015

(d) The percentage to be used for the purpose of division 79016
(B)(3) of this section, which shall, except as provided in section 79017
5101.163 of the Revised Code, meet both of the following 79018
requirements: 79019

(i) The percentage shall not be less than seventy-five per 79020
cent nor more than eighty-two per cent; 79021

(ii) The percentage shall not exceed the percentage that the 79022
state's qualified state expenditures is of the state's historic 79023
state expenditures as those terms are defined in 42 U.S.C. 79024
609(a)(7). 79025

(e) Other procedures and requirements necessary to implement 79026
this section. 79027

(2) The director of job and family services may amend the 79028
rule adopted under division (F)(1)(d) of this section to modify 79029
the percentage on determination that the amount the general 79030
assembly appropriates for Title IV-A programs makes the 79031
modification necessary. The rule shall be adopted and amended as 79032
if an internal management rule and in consultation with the 79033
director of budget and management. 79034

Sec. 5101.17. In determining the need of any person under 79035
Chapter 5107. ~~or 5115.~~ of the Revised Code, the first eighty-five 79036
dollars plus one-half of the excess over eighty-five dollars of 79037
payments made to or in behalf of any person for or with respect to 79038
any month under Title I or II of the "Economic Opportunity Act of 79039
1964," 78 Stat. 508, 42 U.S.C.A. 2701, as amended, shall not be 79040
regarded as income or resources. No payments made under such 79041
titles shall be regarded as income or resources of another 79042

individual except to the extent that they are made available to 79043
the other individual. No grant made to any family under Title III 79044
of such act shall be regarded as income or resources in 79045
determining the need of any member of such family under Chapter 79046
5107. ~~or 5115.~~ of the Revised Code. 79047

Sec. 5101.18. When the director of job and family services 79048
adopts rules under section 5107.05 of the Revised Code regarding 79049
income requirements for the Ohio works first program ~~and under~~ 79050
~~section 5115.03 of the Revised Code regarding income and resource~~ 79051
~~requirements for the disability financial assistance program,~~ the 79052
director shall determine what payments shall be regarded or 79053
disregarded. In making this determination, the director shall 79054
consider: 79055

(A) The source of the payment; 79056

(B) The amount of the payment; 79057

(C) The purpose for which the payment was made; 79058

(D) Whether regarding the payment as income would be in the 79059
public interest; 79060

(E) Whether treating the payment as income would be 79061
detrimental to any of the programs administered in whole or in 79062
part by the department of job and family services and whether such 79063
determination would jeopardize the receipt of any federal grant or 79064
payment by the state or any receipt of aid under Chapter 5107. of 79065
the Revised Code. 79066

Sec. 5101.181. (A) As used in this section and section 79067
5101.182 of the Revised Code, "public assistance" means any or all 79068
of the following: 79069

(1) Ohio works first; 79070

(2) Prevention, retention, and contingency; 79071

(3) Disability financial assistance provided prior to 79072
December 31, 2017, under former Chapter 5115. of the Revised Code; 79073

(4) General assistance provided prior to July 17, 1995, under 79074
former Chapter 5113. of the Revised Code. 79075

(B) As part of the procedure for the determination of 79076
overpayment to a recipient of public assistance under Chapter 79077
5107.7 or 5108., or former Chapter 5115. of the Revised Code, the 79078
director of job and family services may furnish quarterly the name 79079
and social security number of each individual who receives public 79080
assistance to the director of administrative services, the 79081
administrator of the bureau of workers' compensation, and each of 79082
the state's retirement boards. Within fourteen days after 79083
receiving the name and social security number of an individual who 79084
receives public assistance, the director of administrative 79085
services, administrator, or board shall inform the auditor of 79086
state as to whether such individual is receiving wages or 79087
benefits, the amount of any wages or benefits being received, the 79088
social security number, and the address of the individual. The 79089
director of administrative services, administrator, boards, and 79090
any agent or employee of those officials and boards shall comply 79091
with the rules of the director of job and family services 79092
restricting the disclosure of information regarding recipients of 79093
public assistance. Any person who violates this provision shall 79094
thereafter be disqualified from acting as an agent or employee or 79095
in any other capacity under appointment or employment of any state 79096
board, commission, or agency. 79097

(C) The auditor of state may enter into a reciprocal 79098
agreement with the director of job and family services or 79099
comparable officer of any other state for the exchange of names, 79100
current or most recent addresses, or social security numbers of 79101
persons receiving public assistance under Title IV-A of the 79102
"Social Security Act," 42 U.S.C. 601 et seq. 79103

(D) The auditor of state shall retain, for not less than two 79104
years, at least one copy of all information received under this 79105
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 79106
5101.182, and 5505.04 of the Revised Code. 79107

(E) The auditor shall review the information described in 79108
division (D) of this section to determine whether overpayments 79109
were made to recipients of public assistance under Chapters 5107.7 79110
or 5108.7 and former Chapter 5115. of the Revised Code. The 79111
auditor of state shall initiate action leading to prosecution, 79112
where warranted, of recipients who received overpayments by 79113
forwarding the name of each recipient who received overpayment, 79114
together with other pertinent information, to the director of job 79115
and family services, the attorney general, and the county director 79116
of job and family services and county prosecutor of the county 79117
through which public assistance was received. 79118

(F) The auditor of state and the attorney general or their 79119
designees may examine any records, whether in computer or printed 79120
format, in the possession of the director of job and family 79121
services or any county director of job and family services. They 79122
shall provide safeguards which restrict access to such records to 79123
purposes directly connected with an audit or investigation, 79124
prosecution, or criminal or civil proceeding conducted in 79125
connection with the administration of the programs and shall 79126
comply with section 5101.27 of the Revised Code and rules adopted 79127
by the director of job and family services restricting the 79128
disclosure of information regarding recipients of public 79129
assistance. Any person who violates this provision shall 79130
thereafter be disqualified from acting as an agent or employee or 79131
in any other capacity under appointment or employment of any state 79132
board, commission, or agency. 79133

(G) Costs incurred by the auditor of state in carrying out 79134
the auditor of state's duties under this section shall be borne by 79135

the auditor of state. 79136

Sec. 5101.184. (A) The director of job and family services 79137
shall work with the tax commissioner to collect overpayments of 79138
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 79139
Chapter 5113., or section 5101.54 of the Revised Code from refunds 79140
of state income taxes for taxable year 1992 and thereafter that 79141
are payable to the recipients of such overpayments. 79142

Any overpayment of assistance, whether obtained by fraud or 79143
misrepresentation, as the result of an error by the recipient or 79144
by the agency making the payment, or in any other manner, may be 79145
collected under this section. Any reduction under section 5747.12 79146
or 5747.121 of the Revised Code to an income tax refund shall be 79147
made before a reduction under this section. No reduction shall be 79148
made under this section if the amount of the refund is less than 79149
twenty-five dollars after any reduction under section 5747.12 of 79150
the Revised Code. A reduction under this section shall be made 79151
before any part of the refund is contributed under section 79152
5747.113 of the Revised Code, or is credited under section 5747.12 79153
of the Revised Code against tax due in any subsequent year. 79154

The director and the tax commissioner, by rules adopted in 79155
accordance with Chapter 119. of the Revised Code, shall establish 79156
procedures to implement this division. The procedures shall 79157
provide for notice to a recipient of assistance and an opportunity 79158
for the recipient to be heard before the recipient's income tax 79159
refund is reduced. 79160

(B) The director of job and family services may enter into 79161
agreements with the federal government to collect overpayments of 79162
assistance from refunds of federal income taxes that are payable 79163
to recipients of the overpayments. 79164

Sec. 5101.20. (A) As used in this section of the Revised 79165

Code: 79166

(1) "Local area" has the same meaning as in section ~~101 of~~ 79167
~~the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 79168
~~2801, as amended, and division (A) of section~~ 6301.01 of the 79169
Revised Code~~+~~. 79170

(2) "Chief elected official" has the same meaning as ~~in~~ 79171
~~section 101 of the "Workforce Investment Act of 1998," 112 Stat.~~ 79172
~~936, 29 U.S.C. 2801, as amended, and division (F) of~~ "chief 79173
elected official or officials" as defined in section 6301.01 of 79174
the Revised Code~~+~~. 79175

(3) "Grantee" means the chief elected officials of a local 79176
area. 79177

(4) "Local board" has the same meaning as in section 6301.01 79178
of the Revised Code. 79179

(5) "Planning region" has the same meaning as in section 79180
6301.01 of the Revised Code. 79181

(B) The director of job and family services shall enter into 79182
one or more written grant agreements with each local area under 79183
which ~~financial assistance is~~ allocated funds are awarded for 79184
workforce development activities included in the agreements. A 79185
grant agreement shall establish the terms and conditions governing 79186
the accountability for and use of grants provided by the 79187
department of job and family services to the grantee for the 79188
administration of workforce development activities funded under 79189
the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 79190
~~2801, as amended~~ "Workforce Innovation and Opportunity Act," 29 79191
U.S.C. 3101 et seq. 79192

(C) The director may award grants to local areas only through 79193
grant agreements entered into under this section. 79194

(D) In the case of a local area comprised of multiple 79195

political subdivisions, nothing in this section shall preclude the 79196
chief elected officials of a local area from entering into an 79197
agreement among themselves to distribute any liability for 79198
activities of the local area, but such an agreement shall not be 79199
binding on the department of job and family services. 79200

~~(D)~~(E) The written grant agreement entered into under 79201
division (B) of this section shall comply with all applicable 79202
federal and state laws governing workforce development activities 79203
and related funding. All Each local area is subject to all federal 79204
conditions and restrictions that apply to the use of ~~grants~~ 79205
~~received by funds allotted to~~ the department of job and family 79206
services ~~shall apply to the use of the grants received by the~~ and 79207
allocated to local areas from the department for workforce 79208
development activities. 79209

~~(E)~~(F) A written grant agreement entered into under division 79210
(B) of this section shall: 79211

(1) Identify as parties to the agreement the ~~chief-elected~~ 79212
~~officials~~ representatives for the local area, including the chief 79213
elected official or officials, the local board, and the fiscal 79214
agent; 79215

(2) Provide for the incorporation of the planning region and 79216
local ~~workforce development~~ plan; 79217

(3) Include the chief elected official's or officials' 79218
assurance that the local area and any subgrantee or contractor of 79219
the local area will do all of the following: 79220

(a) Ensure that the ~~financial assistance awarded funds~~ 79221
allocated under the grant agreement ~~is~~ are used, and the workforce 79222
development duties included in the agreement are performed, in 79223
accordance with ~~requirements established by the department or any~~ 79224
~~of the following:~~ federal ~~or~~ and state law, the state plan for 79225
receipt of federal financial participation, grant agreements 79226

between the department and a federal agency, ~~or~~ executive orders, ~~and~~ and policies and guidance issued by the department; 79227
79228

(b) ~~Ensure that the chief elected officials and any~~ 79229
~~subgrantee or contractor of the local area utilize that the~~ 79230
implementation and use of a financial management system and other 79231
accountability mechanisms ~~that~~ meet the requirements of federal 79232
and state law and are in accordance with the policies and 79233
procedures that the department establishes; 79234

(c) Require the chief elected officials and any subgrantee or 79235
contractor of the local area to do both of the following: 79236

(i) Monitor all private and government entities that receive 79237
~~a payment from financial assistance awarded~~ funds allocated under 79238
the grant agreement to ensure that ~~each entity uses the payment~~ 79239
funds are utilized in accordance with ~~requirements for the~~ 79240
~~workforce development duties included in the~~ all applicable 79241
federal and state laws, policies, and guidance, and with the terms 79242
and conditions of the grant agreement; 79243

(ii) Take action to recover ~~payments that are not used in~~ 79244
~~accordance with the requirements for the workforce development~~ 79245
~~duties that are included in the~~ funds for expenditures that are 79246
unallowable under federal or state law or under the terms of the 79247
grant agreement. 79248

(d) ~~Require the chief elected officials of a local area to~~ 79249
~~promptly reimburse the department the amount that represents the~~ 79250
~~amount a local area is responsible for of funds the department~~ 79251
~~pays to any entity~~ Promptly remit funds to the department that are 79252
payable to the state or federal government because of an adverse 79253
audit finding, adverse quality control finding, final disallowance 79254
of federal financial participation, or other sanction or penalty; 79255

(e) ~~Require chief elected officials of a local area to take~~ 79256
Take prompt corrective action if the department, auditor of state, 79257

~~federal agency, or other entity authorized by federal or state law~~ 79258
~~to determine compliance with requirements for a workforce~~ 79259
~~development duty included in the agreement~~ state or a federal 79260
agency determines compliance has not been achieved; noncompliance 79261
with state or federal law. 79262

(4) Provide that the ~~award of financial assistance~~ allocation 79263
is subject to the availability of federal funds and appropriations 79264
made by the general assembly; 79265

(5) Provide for annual financial, administrative, or other 79266
incentive awards, if any, to be provided in accordance with 79267
section 5101.23 of the Revised Code. 79268

(6) Establish the ~~method of~~ terms and conditions for amending 79269
or terminating the grant agreement and an expedited process for 79270
correcting terms or conditions of the agreement that the director 79271
and the chief elected officials agree are erroneous. 79272

(7) ~~Provide for~~ Permit the department of job and family 79273
services to ~~award financial assistance~~ allocate funds for the 79274
workforce development duties included in the agreement in 79275
accordance with a methodology for determining the amount of the 79276
award established by rules adopted under division ~~(F)~~(G) of this 79277
section. 79278

(8) Determine the dates that the grant agreement begins and 79279
ends. 79280

~~(F)~~(G)(1) The director shall adopt rules in accordance with 79281
section 111.15 of the Revised Code governing grant agreements. The 79282
director shall adopt the rules as if they were internal management 79283
rules. The rules shall establish methodologies to be used to 79284
determine the amount of ~~financial assistance~~ funds to be awarded 79285
under the agreements and may do any of the following: 79286

(a) Govern the establishment of consolidated funding 79287
allocations and other allocations; 79288

(b) Specify allowable uses of ~~financial assistance awarded~~ 79289
funds allocated under the agreements; 79290

(c) Establish reporting, cash management, audit, and other 79291
requirements the director determines are necessary to provide 79292
accountability for the use of ~~financial assistance awarded funds~~ 79293
allocated under the agreements and determine compliance with 79294
requirements established by the department or any of the 79295
following: a federal or state law, state plan for receipt of 79296
federal financial participation, grant agreement between the 79297
department and a federal entity, or executive order. 79298

(2) A requirement of a grant agreement established by a rule 79299
adopted under this division is applicable to a grant agreement 79300
without having to be restated in the grant agreement. 79301

Sec. 5101.201. ~~The~~ As the director of the state agency for 79302
the implementation of several workforce programs, the director of 79303
job and family services may enter into agreements with ~~one-stop~~ 79304
~~operators~~ local boards, as defined in section 6301.01 of the 79305
Revised Code, and one-stop other OhioMeansJobs center partners for 79306
the purpose of implementing the requirements of section 121 of the 79307
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801~~ 79308
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3151. 79309

Sec. 5101.214. The director of job and family services may 79310
enter into a written agreement with one or more state agencies, as 79311
defined in section 117.01 of the Revised Code, and state 79312
universities and colleges to assist in the coordination, 79313
provision, or enhancement of the family services duties of a 79314
county family services agency or the workforce development 79315
activities of a ~~workforce development agency~~ local board, as 79316
defined in section 6301.01 of the Revised Code. The director also 79317
may enter into written agreements or contracts with, or issue 79318

grants to, private and government entities under which funds are 79319
provided for the enhancement or innovation of family services 79320
duties or workforce development activities on the state or local 79321
level. 79322

The director may adopt internal management rules in 79323
accordance with section 111.15 of the Revised Code to implement 79324
this section. 79325

Sec. 5101.23. Subject to the availability of funds, the 79326
department of job and family services may provide annual 79327
financial, administrative, or other incentive awards to county 79328
family services agencies and ~~workforce development agencies~~ local 79329
areas as defined in section 6301.01 of the Revised Code. A county 79330
family services agency or ~~workforce development agency~~ local area 79331
may spend ~~funds provided as a financial~~ an incentive award awarded 79332
under this section only for the purpose for which the funds are 79333
appropriated. The department may adopt internal management rules 79334
in accordance with section 111.15 of the Revised Code to establish 79335
the amounts of awards, methodology for distributing the awards, 79336
types of awards, and standards for administration ~~by the~~ 79337
~~department.~~ 79338

There is hereby created in the state treasury the social 79339
services incentive fund. The director of job and family services 79340
may request that the director of budget and management transfer 79341
funds in the Title IV-A reserve fund created under section 5101.82 79342
of the Revised Code and other funds appropriated for family 79343
services duties or workforce investment activities into the fund. 79344
If the director of budget and management determines that the funds 79345
identified by the director of job and family services are 79346
available and appropriate for transfer, the director of budget and 79347
management shall make the transfer. Money in the fund shall be 79348
used to provide incentive awards under this section. 79349

Sec. 5101.241. (A) As used in this section: 79350

(1) "Local area" and "chief elected official" have the same 79351
meaning as in section 5101.20 of the Revised Code. 79352

(2) "Responsible entity" means the chief elected officials of 79353
a local area. 79354

(B) The department of job and family services may take action 79355
under division (C) of this section against the responsible entity, 79356
regardless of who performs the workforce development activity, if 79357
the department determines any of the following are the case: 79358

(1) ~~A requirement~~ An entity has failed to comply with the 79359
terms and conditions of a grant agreement ~~entered into~~ executed 79360
between the department and a local area under section 5101.20 of 79361
the Revised Code ~~that includes the workforce development activity,~~ 79362
~~including a requirement for grant agreements established by rules~~ 79363
~~adopted under that section, is not complied with;.~~ 79364

(2) A performance standard for the workforce development 79365
activity established by the federal government or the department 79366
is not met;.

(3) ~~A~~ An entity has failed to comply with a workforce 79368
development activity requirement ~~for the workforce development~~ 79369
~~activity~~ established by the department ~~or any of the following is~~ 79370
~~not complied with;.~~ a federal or state law, a state plan for 79371
receipt of federal financial participation, a grant agreement 79372
between the department and a federal agency, or an executive 79373
order;.

(4) The responsible entity is solely or partially 79375
responsible, as determined by the director of job and family 79376
services, for an adverse audit finding, adverse quality control 79377
finding, final disallowance of federal financial participation, or 79378
other sanction or penalty regarding the workforce development 79379

activity. 79380

(C) The department may take one or more of the following 79381
actions against the responsible entity when authorized by division 79382
(B)(1), (2), (3), or (4) of this section: 79383

(1) Require the responsible entity to submit to and comply 79384
with a corrective action plan, established or approved by the 79385
department, pursuant to a time schedule specified by the 79386
department; 79387

(2) Require the responsible entity to do one of the 79388
following: 79389

(a) Share with the department a final disallowance of federal 79390
financial participation or other sanction or penalty; 79391

(b) Reimburse the department the amount the department pays 79392
to the federal government or another entity that represents the 79393
amount the responsible entity is responsible for of an adverse 79394
audit finding, adverse quality control finding, final disallowance 79395
of federal financial participation, or other sanction or penalty 79396
issued by the federal government, auditor of state, or other 79397
entity; 79398

(c) Pay the federal government or another entity the amount 79399
that represents the amount the responsible entity is responsible 79400
for of an adverse audit finding, adverse quality control finding, 79401
final disallowance of federal financial participation, or other 79402
sanction or penalty issued by the federal government, auditor of 79403
state, or other entity; 79404

(d) Pay the department the amount that represents the amount 79405
the responsible entity is responsible for of an adverse audit 79406
finding, adverse quality control finding, or other sanction or 79407
penalty issued by the department. 79408

(3) Impose a financial or administrative sanction or adverse 79409

audit finding issued by the department against the responsible 79410
entity, which may be increased with each subsequent action taken 79411
against the responsible entity; 79412

(4) Perform or contract with a government or private entity 79413
for the entity to perform the workforce development activity until 79414
the department is satisfied that the responsible entity ensures 79415
that the activity will be performed to the department's 79416
satisfaction. If the department performs or contracts with an 79417
entity to perform the workforce development activity under 79418
division (C)(4) of this section, the department may withhold funds 79419
allocated to or reimbursements due to the responsible entity for 79420
the activity and use those funds to implement division (C)(4) of 79421
this section. 79422

(5) Request the attorney general to bring mandamus 79423
proceedings to compel the responsible entity to take or cease the 79424
actions listed in division (B) of this section. The attorney 79425
general shall bring any mandamus proceedings in the Franklin 79426
county court of appeals at the department's request. 79427

(6) If the department takes action under this division 79428
because of division (B)(3) of this section, withhold funds 79429
allocated or reimbursement due to the responsible entity until the 79430
department determines that the responsible entity is in compliance 79431
with the requirement. The department shall release the funds when 79432
the department determines that compliance has been achieved. 79433

(7) Issue a notice of intent to revoke approval of all or 79434
part of the local plan effected that conflicts with state or 79435
federal law and effectuate the revocation. 79436

(D) The department shall notify the responsible entity and 79437
the appropriate county auditor ~~when the department proposes to~~ 79438
~~take~~ before taking action under division (C) of this section. The 79439
notice shall be in writing and specify the proposed action ~~the~~ 79440

~~department proposes to take.~~ The department shall send the notice 79441
by regular United States mail. Except as provided in division (E) 79442
of this section, the responsible entity may request an 79443
administrative review of a proposed action in accordance with 79444
administrative review procedures the department shall establish. 79445
The administrative review procedures shall comply with all of the 79446
following: 79447

(1) A request for an administrative review shall state 79448
specifically all of the following: 79449

(a) The proposed action specified in the notice from the 79450
department for which the review is requested; 79451

(b) The reason why the responsible entity believes the 79452
proposed action is inappropriate; 79453

(c) All facts and legal arguments that the responsible entity 79454
wants the department to consider; 79455

(d) The name of the person who will serve as the responsible 79456
entity's representative in the review. 79457

(2) If the department's notice specifies more than one 79458
proposed action and the responsible entity does not specify all of 79459
the proposed actions in its request pursuant to division (D)(1)(a) 79460
of this section, the proposed actions not specified in the request 79461
shall not be subject to administrative review and the parts of the 79462
notice regarding those proposed actions shall be final and binding 79463
on the responsible entity. 79464

(3) The responsible entity shall have fifteen calendar days 79465
after the department mails the notice to the responsible entity to 79466
send a written request to the department for an administrative 79467
review. The responsible entity and the department shall attempt to 79468
resolve informally any dispute and may develop a written 79469
resolution to the dispute at any time prior to submitting the 79470
written report described in division (D)(7) of this section to the 79471

director. 79472

(4) In the case of a proposed action under division (C)(2) of 79473
this section, the responsible entity may not include in its 79474
request disputes over a finding, final disallowance of federal 79475
financial participation, or other sanction or penalty issued by 79476
the federal government, auditor of state, or other entity other 79477
than the department. 79478

(5) If the responsible entity fails to request an 79479
administrative review within the required time, the responsible 79480
entity loses the right to request an administrative review of the 79481
proposed actions specified in the notice and the notice becomes 79482
final and binding on the responsible entity. 79483

(6) The director of job and family services shall appoint an 79484
administrative review panel to conduct the administrative review. 79485
The review panel shall consist of department employees who are not 79486
involved in the department's proposal to take action against the 79487
responsible entity. The review panel shall review the responsible 79488
entity's request. The review panel may require that the department 79489
or responsible entity submit additional information and schedule 79490
and conduct an informal hearing to obtain testimony or additional 79491
evidence. A review of a proposal to take action under division 79492
(C)(2) of this section shall be limited solely to the issue of the 79493
amount the responsible entity shall share with the department, 79494
reimburse the department, or pay to the federal government, 79495
department, or other entity under division (C)(2) of this section. 79496
The review panel is not required to make a stenographic record of 79497
its hearing or other proceedings. 79498

(7) After finishing an administrative review, an 79499
administrative review panel appointed under division (D)(6) of 79500
this section shall submit a written report to the director setting 79501
forth its findings of fact, conclusions of law, and 79502
recommendations for action. The director may approve, modify, or 79503

disapprove the recommendations. 79504

(8) The director's approval, modification, or disapproval 79505
under division (D)(7) of this section shall be final and binding 79506
on the responsible entity and shall not be subject to further 79507
review. 79508

(E) The responsible entity is not entitled to an 79509
administrative review under division (D) of this section for any 79510
of the following: 79511

(1) An action taken under division (C)(5) or (6) of this 79512
section; 79513

(2) An action taken under section 5101.242 of the Revised 79514
Code; 79515

(3) An action taken under division (C)(2) of this section if 79516
the federal government, auditor of state, or entity other than the 79517
department has identified the responsible entity as being solely 79518
or partially responsible for an adverse audit finding, adverse 79519
quality control finding, final disallowance of federal financial 79520
participation, or other sanction or penalty; 79521

(4) An adjustment to an allocation, cash draw, advance, or 79522
reimbursement to the responsible entity's local area that the 79523
department determines necessary for budgetary reasons; 79524

(5) Withholding of a cash draw or reimbursement due to 79525
noncompliance with a reporting requirement established in rules 79526
adopted under section 5101.243 of the Revised Code. 79527

(F) This section does not apply to other actions the 79528
department takes against the responsible entity pursuant to 79529
authority granted by another state law unless the other state law 79530
requires the department to take the action in accordance with this 79531
section. 79532

(G) The director of job and family services may adopt rules 79533

in accordance with Chapter 119. of the Revised Code as necessary 79534
to implement this section. 79535

(H) The governor may decertify a local ~~workforce development~~ 79536
board for any of the following reasons in accordance with 79537
~~subsection (e) of section 117 of the "Workforce Investment Act of~~ 79538
~~1998" 112 Stat. 936, 29 U.S.C. 2801, as amended (c)(3) of section~~ 79539
107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 79540
3122: 79541

(1) Fraud or abuse; 79542

(2) Failure to carry out the requirements of the federal 79543
~~"Workforce Investment Act," 112 Stat. 936, 29 U.S.C. 2801, as~~ 79544
~~amended, including failure to meet performance standards~~ 79545
~~established by the federal government for two consecutive years~~ 79546
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 79547
seq. i 79548

(3) Failure to meet local performance accountability measures 79549
for the local area for two consecutive program years, as specified 79550
in subsection (c)(3)(B) of section 107 of the "Workforce 79551
Innovation and Opportunity Act," 29 U.S.C. 3122. 79552

~~(I)(1) If the governor finds that access to basic "Workforce~~ 79553
~~Investment Act" services is not being provided in a local area,~~ 79554
~~the governor may declare an emergency and, in consultation with~~ 79555
~~the chief elected officials of the local area affected, arrange~~ 79556
~~for provision of these services through an alternative entity~~ 79557
~~during the time period in which resolution of the problem~~ 79558
~~preventing service delivery in the local area is pending~~ 79559
determines that there has been a substantial violation of a 79560
specific provision of the "Workforce Innovation and Opportunity 79561
Act," 29 U.S.C. 3101 et seq., and that corrective action has not 79562
been taken, the governor shall take one of the following actions: 79563

(a) Issue a notice of intent to revoke approval of all or 79564

<u>part of a local plan affected by the violation;</u>	79565
<u>(b) Impose a reorganization plan.</u>	79566
<u>(2) A reorganization plan imposed under division (I)(1) of this section may include any of the following:</u>	79567
<u>(a) Decertifying the local board involved in the violation;</u>	79568
<u>(b) Prohibiting the use of eligible providers;</u>	79569
<u>(c) Selecting an alternate entity to administer the program for the local area involved in the violation;</u>	79570
<u>(d) Merging the local area with one or more other local areas;</u>	79571
<u>(e) Making other changes that the governor determines to be necessary to secure compliance with the specific provision. An</u>	79572
<u>An action taken by the governor pursuant to this section is not subject to appeal under this section may be appealed and shall not become effective until the time for appeal has expired or a final decision has been issued on the appeal.</u>	79573
<u>Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:</u>	79574
<u>(A) "County agency" means a county department of job and family services or a public children services agency.</u>	79575
<u>(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.</u>	79576
<u>(C) "Information" means records as defined in section 149.011</u>	79577
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of the Revised Code, any other documents in any format, and data 79594
derived from records and documents that are generated, acquired, 79595
or maintained by the department of job and family services, a 79596
county agency, or an entity performing duties on behalf of the 79597
department or a county agency. 79598

(D) "Law enforcement agency" means the state highway patrol, 79599
an agency that employs peace officers as defined in section 109.71 79600
of the Revised Code, the adult parole authority, a county 79601
department of probation, a prosecuting attorney, the attorney 79602
general, similar agencies of other states, federal law enforcement 79603
agencies, and postal inspectors. "Law enforcement agency" includes 79604
the peace officers and other law enforcement officers employed by 79605
the agency. 79606

(E) "Public assistance" means financial assistance or social 79607
services that are provided under a program administered by the 79608
department of job and family services or a county agency pursuant 79609
to Chapter 329., 5101., 5104., 5107., or 5108., ~~or 5115.~~ of the 79610
Revised Code or an executive order issued under section 107.17 of 79611
the Revised Code. "Public assistance" does not mean medical 79612
assistance provided under a medical assistance program, as defined 79613
in section 5160.01 of the Revised Code. 79614

(F) "Public assistance recipient" means an applicant for or 79615
recipient or former recipient of public assistance. 79616

Sec. 5101.27. (A) Except as permitted by this section, 79617
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 79618
rules adopted under section 5101.30 of the Revised Code, or when 79619
required by federal law, no person or government entity shall 79620
solicit, disclose, receive, use, or knowingly permit, or 79621
participate in the use of any information regarding a public 79622
assistance recipient for any purpose not directly connected with 79623
the administration of a public assistance program. 79624

(B) To the extent permitted by federal law, the department of 79625
job and family services and county agencies shall do all of the 79626
following: 79627

(1) Release information regarding a public assistance 79628
recipient for purposes directly connected to the administration of 79629
the program to a government entity responsible for administering 79630
that public assistance program; 79631

(2) Provide information regarding a public assistance 79632
recipient to a law enforcement agency for the purpose of any 79633
investigation, prosecution, or criminal or civil proceeding 79634
relating to the administration of that public assistance program; 79635

(3) Provide, for purposes directly connected to the 79636
administration of a program that assists needy individuals with 79637
the costs of public utility services, information regarding a 79638
recipient of financial assistance provided under a program 79639
administered by the department or a county agency pursuant to 79640
Chapter 5107. or 5108. of the Revised Code ~~or sections 5115.01 to~~ 79641
~~5115.07 of the Revised Code~~ to an entity administering the public 79642
utility services program. 79643

(C) To the extent permitted by federal law and section 79644
1347.08 of the Revised Code, the department and county agencies 79645
shall provide access to information regarding a public assistance 79646
recipient to all of the following: 79647

(1) The recipient; 79648

(2) The authorized representative; 79649

(3) The legal guardian of the recipient; 79650

(4) The attorney of the recipient, if the attorney has 79651
written authorization that complies with section 5101.272 of the 79652
Revised Code from the recipient. 79653

(D) To the extent permitted by federal law and subject to 79654

division (E) of this section, the department and county agencies 79655
may do both of the following: 79656

(1) Release information about a public assistance recipient 79657
if the recipient gives voluntary, written authorization that 79658
complies with section 5101.272 of the Revised Code; 79659

(2) Release information regarding a public assistance 79660
recipient to a state, federal, or federally assisted program that 79661
provides cash or in-kind assistance or services directly to 79662
individuals based on need or for the purpose of protecting 79663
children to a government entity responsible for administering a 79664
children's protective services program. 79665

(E) Except when the release is required by division (B), (C), 79666
or (D)(2) of this section, the department or county agency shall 79667
release the information only in accordance with the authorization. 79668
The department or county agency shall provide, at no cost, a copy 79669
of each written authorization to the individual who signed it. 79670

(F) The department of job and family services may adopt rules 79671
defining "authorized representative" for purposes of division 79672
(C)(2) of this section. 79673

Sec. 5101.28. (A)(1) On request of the department of job and 79674
family services or a county agency, a law enforcement agency shall 79675
provide information regarding public assistance recipients to 79676
enable the department or county agency to determine, for 79677
eligibility purposes, whether a recipient or a member of a 79678
recipient's assistance group is a fugitive felon or violating a 79679
condition of probation, a community control sanction, parole, or a 79680
post-release control sanction imposed under state or federal law. 79681

(2) A county agency may enter into a written agreement with a 79682
local law enforcement agency establishing procedures concerning 79683
access to information and providing for compliance with division 79684

(F) of this section. 79685

(B) To the extent permitted by federal law, the department 79686
and county agencies shall provide information regarding recipients 79687
of public assistance under a program administered by the state 79688
department or a county agency pursuant to Chapter 5107.7 or 5108.7 79689
~~or 5115.~~ of the Revised Code to law enforcement agencies on 79690
request for the purposes of investigations, prosecutions, and 79691
criminal and civil proceedings that are within the scope of the 79692
law enforcement agencies' official duties. 79693

(C) Information about a public assistance recipient shall be 79694
exchanged, obtained, or shared only if the department, county 79695
agency, or law enforcement agency requesting the information gives 79696
sufficient information to specifically identify the recipient. In 79697
addition to the recipient's name, identifying information may 79698
include the recipient's current or last known address, social 79699
security number, other identifying number, age, gender, physical 79700
characteristics, any information specified in an agreement entered 79701
into under division (A) of this section, or any information 79702
considered appropriate by the department or agency. 79703

(D)(1) The department and its officers and employees are not 79704
liable in damages in a civil action for any injury, death, or loss 79705
to person or property that allegedly arises from the release of 79706
information in accordance with divisions (A), (B), and (C) of this 79707
section. This section does not affect any immunity or defense that 79708
the department and its officers and employees may be entitled to 79709
under another section of the Revised Code or the common law of 79710
this state, including section 9.86 of the Revised Code. 79711

(2) The county agencies and their employees are not liable in 79712
damages in a civil action for any injury, death, or loss to person 79713
or property that allegedly arises from the release of information 79714
in accordance with divisions (A), (B), and (C) of this section. 79715
"Employee" has the same meaning as in division (B) of section 79716

2744.01 of the Revised Code. This section does not affect any 79717
immunity or defense that the county agencies and their employees 79718
may be entitled to under another section of the Revised Code or 79719
the common law of this state, including section 2744.02 and 79720
division (A)(6) of section 2744.03 of the Revised Code. 79721

(E) To the extent permitted by federal law, the department 79722
and county agencies shall provide access to information to the 79723
auditor of state acting pursuant to Chapter 117. or sections 79724
5101.181 and 5101.182 of the Revised Code and to any other 79725
government entity authorized by federal law to conduct an audit 79726
of, or similar activity involving, a public assistance program. 79727

(F) The auditor of state shall prepare an annual report on 79728
the outcome of the agreements required under division (A) of this 79729
section. The report shall include the number of fugitive felons, 79730
probation and parole violators, and violators of community control 79731
sanctions and post-release control sanctions apprehended during 79732
the immediately preceding year as a result of the exchange of 79733
information pursuant to that division. The auditor of state shall 79734
file the report with the governor, the president and minority 79735
leader of the senate, and the speaker and minority leader of the 79736
house of representatives. The state department, county agencies, 79737
and law enforcement agencies shall cooperate with the auditor of 79738
state's office in gathering the information required under this 79739
division. 79740

(G) To the extent permitted by federal law, the department of 79741
job and family services, county departments of job and family 79742
services, and employees of the departments may report to a public 79743
children services agency or other appropriate agency information 79744
on known or suspected physical or mental injury, sexual abuse or 79745
exploitation, or negligent treatment or maltreatment, of a child 79746
receiving public assistance, if circumstances indicate that the 79747
child's health or welfare is threatened. 79748

(H) As used in this section:	79749
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	79750 79751
(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	79752 79753
Sec. 5101.32. (A) The department of job and family services shall work with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division (C) (D) of section 109.5721 of the Revised Code in a format that is acceptable for use by the department. The department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, necessary for such collaboration.	79754 79755 79756 79757 79758 79759 79760 79761 79762
(B) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code necessary for utilizing the information received pursuant to section 109.5721 of the Revised Code, with a final effective date that is not later than December 31, 2008.	79763 79764 79765 79766 79767
Sec. 5101.33. (A) As used in this section, "benefits" means any of the following:	79768 79769
(1) Cash assistance paid under Chapter 5107. or 5115. of the Revised Code;	79770 79771
(2) Supplemental nutrition assistance program benefits provided under section 5101.54 of the Revised Code;	79772 79773
(3) Any other program administered by the department of job and family services under which assistance is provided or service rendered;	79774 79775 79776
(4) Any other program, service, or assistance administered by	79777

a person or government entity that the department determines may 79778
be delivered through the medium of electronic benefit transfer. 79779

(B) The department of job and family services may make any 79780
payment or delivery of benefits to eligible individuals through 79781
the medium of electronic benefit transfer by doing all of the 79782
following: 79783

(1) Contracting with an agent to supply debit cards to the 79784
department of job and family services for use by such individuals 79785
in accessing their benefits and to credit such cards 79786
electronically with the amounts specified by the director of job 79787
and family services pursuant to law; 79788

(2) Informing such individuals about the use of the 79789
electronic benefit transfer system and furnishing them with debit 79790
cards and information that will enable them to access their 79791
benefits through the system; 79792

(3) Arranging with specific financial institutions or 79793
vendors, county departments of job and family services, or persons 79794
or government entities for individuals to have their cards 79795
credited electronically with the proper amounts at their 79796
facilities; 79797

(4) Periodically preparing vouchers for the payment of such 79798
benefits by electronic benefit transfer; 79799

(5) Satisfying any applicable requirements of federal and 79800
state law. 79801

(C) The department may enter into a written agreement with 79802
any person or government entity to provide benefits administered 79803
by that person or entity through the medium of electronic benefit 79804
transfer. A written agreement may require the person or government 79805
entity to pay to the department either or both of the following: 79806

(1) A charge that reimburses the department for all costs the 79807

department incurs in having the benefits administered by the 79808
person or entity provided through the electronic benefit transfer 79809
system; 79810

(2) A fee for having the benefits provided through the 79811
electronic benefit transfer system. 79812

(D) The department may designate which counties will 79813
participate in the medium of electronic benefit transfer, specify 79814
the date a designated county will begin participation, and specify 79815
which benefits will be provided through the medium of electronic 79816
benefit transfer in a designated county. 79817

(E) The department may adopt rules in accordance with Chapter 79818
119. of the Revised Code for the efficient administration of this 79819
section. 79820

Sec. 5101.35. (A) As used in this section: 79821

(1)(a) "Agency" means the following entities that administer 79822
a family services program: 79823

(i) The department of job and family services; 79824

(ii) A county department of job and family services; 79825

(iii) A public children services agency; 79826

(iv) A private or government entity administering, in whole 79827
or in part, a family services program for or on behalf of the 79828
department of job and family services or a county department of 79829
job and family services or public children services agency. 79830

(b) If the department of medicaid contracts with the 79831
department of job and family services to hear appeals authorized 79832
by section 5160.31 of the Revised Code regarding medical 79833
assistance programs, "agency" includes the department of medicaid. 79834

(2) "Appellant" means an applicant, participant, former 79835
participant, recipient, or former recipient of a family services 79836

program who is entitled by federal or state law to a hearing 79837
regarding a decision or order of the agency that administers the 79838
program. 79839

(3)(a) "Family services program" means all of the following: 79840

(i) A Title IV-A program as defined in section 5101.80 of the 79841
Revised Code; 79842

(ii) Programs that provide assistance under Chapter 5104. ~~or~~ 79843
~~5115~~ of the Revised Code; 79844

(iii) Programs that provide assistance under section 79845
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 79846
Revised Code; 79847

(iv) Title XX social services provided under section 5101.46 79848
of the Revised Code, other than such services provided by the 79849
department of mental health and addiction services, the department 79850
of developmental disabilities, a board of alcohol, drug addiction, 79851
and mental health services, or a county board of developmental 79852
disabilities. 79853

(b) If the department of medicaid contracts with the 79854
department of job and family services to hear appeals authorized 79855
by section 5160.31 of the Revised Code regarding medical 79856
assistance programs, "family services program" includes medical 79857
assistance programs. 79858

(4) "Medical assistance program" has the same meaning as in 79859
section 5160.01 of the Revised Code. 79860

(B) Except as provided by divisions (G) and (H) of this 79861
section, an appellant who appeals under federal or state law a 79862
decision or order of an agency administering a family services 79863
program shall, at the appellant's request, be granted a state 79864
hearing by the department of job and family services. This state 79865
hearing shall be conducted in accordance with rules adopted under 79866

this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency, other than the department of medicaid, fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services or the

director's designee issued under division (C) of this section may 79899
appeal from the decision to the court of common pleas pursuant to 79900
section 119.12 of the Revised Code. The appeal shall be governed 79901
by section 119.12 of the Revised Code except that: 79902

(1) The person may appeal to the court of common pleas of the 79903
county in which the person resides, or to the court of common 79904
pleas of Franklin county if the person does not reside in this 79905
state. 79906

(2) The person may apply to the court for designation as an 79907
indigent and, if the court grants this application, the appellant 79908
shall not be required to furnish the costs of the appeal. 79909

(3) The appellant shall mail the notice of appeal to the 79910
department of job and family services and file notice of appeal 79911
with the court within thirty days after the department mails the 79912
administrative appeal decision to the appellant. For good cause 79913
shown, the court may extend the time for mailing and filing notice 79914
of appeal, but such time shall not exceed six months from the date 79915
the department mails the administrative appeal decision. Filing 79916
notice of appeal with the court shall be the only act necessary to 79917
vest jurisdiction in the court. 79918

(4) The department shall be required to file a transcript of 79919
the testimony of the state hearing with the court only if the 79920
court orders the department to file the transcript. The court 79921
shall make such an order only if it finds that the department and 79922
the appellant are unable to stipulate to the facts of the case and 79923
that the transcript is essential to a determination of the appeal. 79924
The department shall file the transcript not later than thirty 79925
days after the day such an order is issued. 79926

(F) The department of job and family services shall adopt 79927
rules in accordance with Chapter 119. of the Revised Code to 79928
implement this section, including rules governing the following: 79929

(1) State hearings under division (B) of this section. The 79930
rules shall include provisions regarding notice of eligibility 79931
termination and the opportunity of an appellant appealing a 79932
decision or order of a county department of job and family 79933
services to request a county conference with the county department 79934
before the state hearing is held. 79935

(2) Administrative appeals under division (C) of this 79936
section; 79937

(3) Time limits for complying with a decision issued under 79938
division (B) or (C) of this section; 79939

(4) Sanctions that may be applied against an agency under 79940
division (D) of this section. 79941

(G) The department of job and family services may adopt rules 79942
in accordance with Chapter 119. of the Revised Code establishing 79943
an appeals process for an appellant who appeals a decision or 79944
order regarding a Title IV-A program identified under division 79945
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 79946
Code that is different from the appeals process established by 79947
this section. The different appeals process may include having a 79948
state agency that administers the Title IV-A program pursuant to 79949
an interagency agreement entered into under section 5101.801 of 79950
the Revised Code administer the appeals process. 79951

(H) If an appellant receiving medicaid through a health 79952
insuring corporation that holds a certificate of authority under 79953
Chapter 1751. of the Revised Code is appealing a denial of 79954
medicaid services based on lack of medical necessity or other 79955
clinical issues regarding coverage by the health insuring 79956
corporation, the person hearing the appeal may order an 79957
independent medical review if that person determines that a review 79958
is necessary. The review shall be performed by a health care 79959
professional with appropriate clinical expertise in treating the 79960

recipient's condition or disease. The department shall pay the 79961
costs associated with the review. 79962

A review ordered under this division shall be part of the 79963
record of the hearing and shall be given appropriate evidentiary 79964
consideration by the person hearing the appeal. 79965

(I) The requirements of Chapter 119. of the Revised Code 79966
apply to a state hearing or administrative appeal under this 79967
section only to the extent, if any, specifically provided by rules 79968
adopted under this section. 79969

Sec. 5101.36. Any application for public assistance gives a 79970
right of subrogation to the department of job and family services 79971
for any workers' compensation benefits payable to a person who is 79972
subject to a support order, as defined in section 3119.01 of the 79973
Revised Code, on behalf of the applicant, to the extent of any 79974
public assistance payments made on the applicant's behalf. If the 79975
director of job and family services, in consultation with a child 79976
support enforcement agency and the administrator of the bureau of 79977
workers' compensation, determines that a person responsible for 79978
support payments to a recipient of public assistance is receiving 79979
workers' compensation, the director shall notify the administrator 79980
of the amount of the benefit to be paid to the department of job 79981
and family services. 79982

For purposes of this section, "public assistance" means Ohio 79983
works first provided under Chapter 5107. of the Revised Code; or 79984
prevention, retention, and contingency benefits and services 79985
provided under Chapter 5108. of the Revised Code; ~~or disability~~ 79986
~~financial assistance provided under Chapter 5115. of the Revised~~ 79987
~~Code.~~ 79988

Sec. 5101.61. (A) As used in this section: 79989

(1) "Senior service provider" means any person who provides 79990

care or services to a person who is an adult as defined in 79991
division (B) of section 5101.60 of the Revised Code. 79992

(2) "Ambulatory health facility" means a nonprofit, public or 79993
proprietary freestanding organization or a unit of such an agency 79994
or organization that: 79995

(a) Provides preventive, diagnostic, therapeutic, 79996
rehabilitative, or palliative items or services furnished to an 79997
outpatient or ambulatory patient, by or under the direction of a 79998
physician or dentist in a facility which is not a part of a 79999
hospital, but which is organized and operated to provide medical 80000
care to outpatients; 80001

(b) Has health and medical care policies which are developed 80002
with the advice of, and with the provision of review of such 80003
policies, an advisory committee of professional personnel, 80004
including one or more physicians, one or more dentists, if dental 80005
care is provided, and one or more registered nurses; 80006

(c) Has a medical director, a dental director, if dental care 80007
is provided, and a nursing director responsible for the execution 80008
of such policies, and has physicians, dentists, nursing, and 80009
ancillary staff appropriate to the scope of services provided; 80010

(d) Requires that the health care and medical care of every 80011
patient be under the supervision of a physician, provides for 80012
medical care in a case of emergency, has in effect a written 80013
agreement with one or more hospitals and other centers or clinics, 80014
and has an established patient referral system to other resources, 80015
and a utilization review plan and program; 80016

(e) Maintains clinical records on all patients; 80017

(f) Provides nursing services and other therapeutic services 80018
in accordance with programs and policies, with such services 80019
supervised by a registered professional nurse, and has a 80020
registered professional nurse on duty at all times of clinical 80021

operations;	80022
(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;	80023 80024
(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;	80025 80026
(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.	80027 80028 80029 80030 80031 80032 80033
(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.	80034 80035 80036 80037
(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.	80038 80039 80040
(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:	80041 80042
(a) Is primarily engaged in providing home health services;	80043
(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;	80044 80045 80046 80047 80048 80049 80050
(c) Is under the supervision of a duly licensed doctor of	80051

medicine or doctor of osteopathy or a registered professional 80052
nurse who is responsible for the execution of such home health 80053
policies; 80054

(d) Maintains comprehensive records on all patients; 80055

(e) Is operated by the state, a political subdivision, or an 80056
agency of either, or is operated not for profit in this state and 80057
is licensed or registered, if required, pursuant to law by the 80058
appropriate department of the state, county, or municipality in 80059
which it furnishes services; or is operated for profit in this 80060
state, meets all the requirements specified in divisions (A)(5)(a) 80061
to (d) of this section, and is certified under Title XVIII of the 80062
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 80063
amended. 80064

(6) "Home health service" means the following items and 80065
services, provided, except as provided in division (A)(6)(g) of 80066
this section, on a visiting basis in a place of residence used as 80067
the patient's home: 80068

(a) Nursing care provided by or under the supervision of a 80069
registered professional nurse; 80070

(b) Physical, occupational, or speech therapy ordered by the 80071
patient's attending physician; 80072

(c) Medical social services performed by or under the 80073
supervision of a qualified medical or psychiatric social worker 80074
and under the direction of the patient's attending physician; 80075

(d) Personal health care of the patient performed by aides in 80076
accordance with the orders of a doctor of medicine or osteopathy 80077
and under the supervision of a registered professional nurse; 80078

(e) Medical supplies and the use of medical appliances; 80079

(f) Medical services of interns and residents-in-training 80080
under an approved teaching program of a nonprofit hospital and 80081

under the direction and supervision of the patient's attending physician; 80082
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(g) Any of the foregoing items and services which: 80084

(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility; 80085
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(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment. 80088
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(7) "Representative of the office of the state long-term care program" has the same meaning as in section 173.14 of the Revised Code. 80093
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Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider other than a representative of the office of the state long-term care program, any peace officer, coroner, member of the clergy, any employee of a community mental health facility, and any person engaged in professional counseling, social work, or marriage and family therapy having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, 80096
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neglect, or exploitation shall immediately report such belief to 80113
the county department of job and family services. ~~This~~ 80114

This section does not apply to employees of any hospital or 80115
public hospital as defined in section 5122.01 of the Revised Code. 80116

(B) Any person having reasonable cause to believe that an 80117
adult has suffered abuse, neglect, or exploitation may report, or 80118
cause reports to be made of such belief to the department. 80119

This division applies to a representative of the office of 80120
the state long-term care program only to the extent permitted by 80121
federal law. 80122

(C) The reports made under this section shall be made orally 80123
or in writing except that oral reports shall be followed by a 80124
written report if a written report is requested by the department. 80125
Written reports shall include: 80126

(1) The name, address, and approximate age of the adult who 80127
is the subject of the report; 80128

(2) The name and address of the individual responsible for 80129
the adult's care, if any individual is, and if the individual is 80130
known; 80131

(3) The nature and extent of the alleged abuse, neglect, or 80132
exploitation of the adult; 80133

(4) The basis of the reporter's belief that the adult has 80134
been abused, neglected, or exploited. 80135

(D) Any person with reasonable cause to believe that an adult 80136
is suffering abuse, neglect, or exploitation who makes a report 80137
pursuant to this section or who testifies in any administrative or 80138
judicial proceeding arising from such a report, or any employee of 80139
the state or any of its subdivisions who is discharging 80140
responsibilities under section 5101.62 of the Revised Code shall 80141
be immune from civil or criminal liability on account of such 80142

investigation, report, or testimony, except liability for perjury, 80143
unless the person has acted in bad faith or with malicious 80144
purpose. 80145

(E) No employer or any other person with the authority to do 80146
so shall discharge, demote, transfer, prepare a negative work 80147
performance evaluation, or reduce benefits, pay, or work 80148
privileges, or take any other action detrimental to an employee or 80149
in any way retaliate against an employee as a result of the 80150
employee's having filed a report under this section. 80151

(F) The written or oral report provided for in this section 80152
and the investigatory report provided for in section 5101.62 of 80153
the Revised Code are confidential and are not public records, as 80154
defined in section 149.43 of the Revised Code. In accordance with 80155
rules adopted by the department of job and family services, 80156
information contained in the report shall upon request be made 80157
available to the adult who is the subject of the report and to 80158
legal counsel for the adult. 80159

(G) The county department of job and family services shall be 80160
available to receive the written or oral report provided for in 80161
this section twenty-four hours a day and seven days a week. 80162

Sec. 5101.802. (A) As used in this section: 80163

(1) "Custodian," "guardian," and "minor child" have the same 80164
meanings as in section 5107.02 of the Revised Code. 80165

(2) "Federal poverty guidelines" has the same meaning as in 80166
section 5101.46 of the Revised Code. 80167

(3) "Kinship caregiver" has the same meaning as in section 80168
5101.85 of the Revised Code. 80169

(B) Subject to division (E) of section 5101.801 of the 80170
Revised Code, there is hereby created the kinship permanency 80171
incentive program to promote permanency for a minor child in the 80172

legal and physical custody of a kinship caregiver. The program 80173
shall provide an initial one-time incentive payment to the kinship 80174
caregiver to defray the costs of initial placement of the minor 80175
child in the kinship caregiver's home. The program may provide 80176
additional permanency incentive payments for the minor child at 80177
six month intervals ~~for a total period not to exceed forty eight~~ 80178
~~months~~, based on the availability of funds. An eligible caregiver 80179
may receive a maximum of eight incentive payments per minor child. 80180

(C) A kinship caregiver may participate in the program if all 80181
of the following requirements are met: 80182

(1) The kinship caregiver applies to a public children 80183
services agency in accordance with the application process 80184
established in rules authorized by division (E) of this section; 80185

(2) Not earlier than July 1, 2005, a juvenile court issues an 80186
order granting legal custody to the kinship caregiver, or a 80187
probate court grants guardianship to the kinship caregiver, except 80188
that a temporary court order is not sufficient to meet this 80189
requirement; 80190

(3) The kinship caregiver is either the minor child's 80191
custodian or guardian; 80192

(4) The minor child resides with the kinship caregiver 80193
pursuant to a placement approval process established in rules 80194
authorized by division (E) of this section; 80195

(5) Excluding any income excluded under rules adopted under 80196
division (E) of this section, the gross income of the kinship 80197
caregiver's family, including the minor child, does not exceed 80198
three hundred per cent of the federal poverty guidelines. 80199

(D) Public children services agencies shall make initial and 80200
ongoing eligibility determinations for the kinship permanency 80201
incentive program in accordance with rules authorized by division 80202
(E) of this section. The director of job and family services shall 80203

supervise public children services agencies' duties under this 80204
section. 80205

(E) The director of job and family services shall adopt rules 80206
under division (C) of section 5101.801 of the Revised Code as 80207
necessary to implement the kinship permanency incentive program. 80208
The rules shall establish all of the following: 80209

(1) The application process for the program; 80210

(2) The placement approval process through which a minor 80211
child is placed with a kinship caregiver for the kinship caregiver 80212
to be eligible for the program; 80213

(3) The initial and ongoing eligibility determination process 80214
for the program, including the computation of income eligibility; 80215

(4) The amount of the incentive payments provided under the 80216
program; 80217

(5) The method by which the incentive payments are provided 80218
to a kinship caregiver. 80219

(F) The amendments made to this section by Am. Sub. H.B. 119 80220
of the 127th general assembly shall not affect the eligibility of 80221
any kinship caregiver whose eligibility was established before 80222
June 30, 2007. 80223

Sec. 5107.05. The director of job and family services shall 80224
adopt rules to implement this chapter. The rules shall be 80225
consistent with Title IV-A, Title IV-D, federal regulations, state 80226
law, the Title IV-A state plan submitted to the United States 80227
secretary of health and human services under section 5101.80 of 80228
the Revised Code, amendments to the plan, and waivers granted by 80229
the United States secretary. Rules governing eligibility, program 80230
participation, and other applicant and participant requirements 80231
shall be adopted in accordance with Chapter 119. of the Revised 80232
Code. Rules governing financial and other administrative 80233

requirements applicable to the department of job and family 80234
services and county departments of job and family services shall 80235
be adopted in accordance with section 111.15 of the Revised Code. 80236

(A) The rules shall specify, establish, or govern all of the 80237
following: 80238

(1) A payment standard for Ohio works first based on federal 80239
and state appropriations that is increased in accordance with 80240
section 5107.04 of the Revised Code; 80241

(2) For the purpose of section 5107.04 of the Revised Code, 80242
the method of determining the amount of cash assistance an 80243
assistance group receives under Ohio works first; 80244

(3) Requirements for initial and continued eligibility for 80245
Ohio works first, including requirements regarding income, 80246
citizenship, age, residence, and assistance group composition; 80247

(4) For the purpose of section 5107.12 of the Revised Code, 80248
application and verification procedures, including the minimum 80249
information an application must contain; 80250

(5) The extent to which a participant of Ohio works first 80251
must notify, pursuant to section 5107.12 of the Revised Code, a 80252
county department of job and family services of additional income 80253
not previously reported to the county department; 80254

(6) For the purpose of section 5107.16 of the Revised Code, 80255
both of the following: 80256

(a) Standards for the determination of good cause for failure 80257
or refusal to comply in full with a provision of a 80258
self-sufficiency contract; 80259

(b) The compliance activities a member of an assistance group 80260
must complete for the member to be considered to have ceased to 80261
fail or refuse to comply in full with a provision of a 80262
self-sufficiency contract. 80263

(7) The department of job and family services providing	80264
written notice of a sanction under section 5107.161 of the Revised	80265
Code;	80266
(8) For the purpose of division (B) of section 5107.17 of the	80267
Revised Code, the circumstances under which the adult member of an	80268
assistance group or an assistance group's minor head of household	80269
whose failure or refusal, without good cause, to comply in full	80270
with a provision of a self-sufficiency contract causes a sanction	80271
under section 5107.16 of the Revised Code must enter into a new,	80272
or amend an existing, self-sufficiency contract before the	80273
assistance group may resume participation in Ohio works first	80274
following the sanction;	80275
(9) Requirements for the collection and distribution of	80276
support payments owed participants of Ohio works first pursuant to	80277
section 5107.20 of the Revised Code;	80278
(10) For the purpose of section 5107.22 of the Revised Code,	80279
what constitutes cooperating in establishing a minor child's	80280
paternity or establishing, modifying, or enforcing a child support	80281
order and good cause for failure or refusal to cooperate;	80282
(11) The requirements governing the LEAP program, including	80283
the definitions of "equivalent of a high school diploma" and "good	80284
cause," and the incentives provided under the LEAP program;	80285
(12) If the director implements section 5107.301 of the	80286
Revised Code, the requirements governing the award provided under	80287
that section, including the form that the award is to take and	80288
requirements an individual must satisfy to receive the award;	80289
(13) Circumstances under which a county department of job and	80290
family services may exempt a minor head of household or adult from	80291
participating in a work activity or developmental activity for all	80292
or some of the weekly hours otherwise required by section 5107.43	80293
of the Revised Code.	80294

(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code; 80295
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(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services; 80298
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(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code; 80300
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(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code; 80302
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(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants. 80306
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(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code. The rules also shall specify the amount of an assistance group's gross earned income that is to be disregarded for the purpose of division (D)(3) of section 5107.10 of the Revised Code. 80309
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The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29). 80316
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The rules adopted under division (A)(13) of this section shall specify that the circumstances include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation. 80318
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(C) The rules may provide that a county department of job and family services is not required to take action under section 80323
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5107.76 of the Revised Code to recover an erroneous payment under 80325
circumstances the rules specify. 80326

Sec. 5107.10. (A) As used in this section: 80327

(1) "Countable income," "gross earned income," and "gross 80328
unearned income" have the meanings established in rules adopted 80329
under section 5107.05 of the Revised Code. 80330

(2) "Federal poverty guidelines" has the same meaning as in 80331
section 5101.46 of the Revised Code, except that references to a 80332
person's family in the definition shall be deemed to be references 80333
to the person's assistance group. 80334

(3) "Gross income" means gross earned income and gross 80335
unearned income. 80336

(4) "Strike" means continuous concerted action in failing to 80337
report to duty; willful absence from one's position; or stoppage 80338
of work in whole from the full, faithful, and proper performance 80339
of the duties of employment, for the purpose of inducing, 80340
influencing, or coercing a change in wages, hours, terms, and 80341
other conditions of employment. "Strike" does not include a 80342
stoppage of work by employees in good faith because of dangerous 80343
or unhealthful working conditions at the place of employment that 80344
are abnormal to the place of employment. 80345

(B) Under the Ohio works first program, an assistance group 80346
shall receive, except as otherwise provided by this chapter, 80347
time-limited cash assistance. In the case of an assistance group 80348
that includes a minor head of household or adult, assistance shall 80349
be provided in accordance with the self-sufficiency contract 80350
entered into under section 5107.14 of the Revised Code. 80351

(C)(1) To be eligible to participate in Ohio works first, an 80352
assistance group must meet all of the following requirements: 80353

~~(1)~~(a) The assistance group, except as provided in division 80354

(E) of this section, must include at least one of the following: 80355

~~(a)~~(i) A minor child who, except as provided in section 80356
5107.24 of the Revised Code, resides with a parent, or specified 80357
relative caring for the child, or, to the extent permitted by 80358
Title IV-A and federal regulations adopted until Title IV-A, 80359
resides with a guardian or custodian caring for the child; 80360

~~(b)~~(ii) A parent residing with and caring for the parent's 80361
minor child who receives supplemental security income under Title 80362
XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 80363
U.S.C.A. 1383, as amended, or federal, state, or local adoption 80364
assistance; 80365

~~(c)~~(iii) A specified relative residing with and caring for a 80366
minor child who is related to the specified relative in a manner 80367
that makes the specified relative a specified relative and 80368
receives supplemental security income or federal, state, or local 80369
foster care or adoption assistance; 80370

~~(d)~~(iv) A woman at least six months pregnant. 80371

~~(2)~~(b) The assistance group must meet the income requirements 80372
established by division (D) of this section. 80373

~~(3)~~(c) No member of the assistance group may be involved in a 80374
strike. 80375

~~(4)~~(d) The assistance group must satisfy the requirements for 80376
Ohio works first established by this chapter and section 5101.83 80377
of the Revised Code. 80378

~~(5)~~(e) The assistance group must meet requirements for Ohio 80379
works first established by rules adopted under section 5107.05 of 80380
the Revised Code. 80381

(2) In addition to meeting the requirements specified in 80382
division (C)(1) of this section, a member of an assistance group 80383
who is required by section 5116.10 of the Revised Code to 80384

participate in the comprehensive case management and employment 80385
program must participate in that program to be eligible to 80386
participate in Ohio works first. 80387

(D)(1) Except as provided in division (D)(4) of this section, 80388
to determine whether an assistance group is initially eligible to 80389
participate in Ohio works first, a county department of job and 80390
family services shall do the following: 80391

(a) Determine whether the assistance group's gross income 80392
exceeds fifty per cent of the federal poverty guidelines. In 80393
making this determination, the county department shall disregard 80394
amounts that federal statutes or regulations and sections 5101.17 80395
and 5117.10 of the Revised Code require be disregarded. The 80396
assistance group is ineligible to participate in Ohio works first 80397
if the assistance group's gross income, less the amounts 80398
disregarded, exceeds fifty per cent of the federal poverty 80399
guidelines. 80400

(b) If the assistance group's gross income, less the amounts 80401
disregarded pursuant to division (D)(1)(a) of this section, does 80402
not exceed fifty per cent of the federal poverty guidelines, 80403
determine whether the assistance group's countable income is less 80404
than the payment standard. The assistance group is ineligible to 80405
participate in Ohio works first if the assistance group's 80406
countable income equals or exceeds the payment standard. 80407

(2) For the purpose of determining whether an assistance 80408
group meets the income requirement established by division 80409
(D)(1)(a) of this section, the annual revision that the United 80410
States department of health and human services makes to the 80411
federal poverty guidelines shall go into effect on the first day 80412
of July of the year for which the revision is made. 80413

(3) To determine whether an assistance group participating in 80414
Ohio works first continues to be eligible to participate, a county 80415

department of job and family services shall determine whether the 80416
assistance group's countable income continues to be less than the 80417
payment standard. In making this determination, the county 80418
department shall disregard ~~the first two hundred fifty dollars~~ an 80419
amount specified in rules adopted under section 5107.05 of the 80420
Revised Code and fifty per cent of the remainder of the assistance 80421
group's gross earned income. No amounts shall be disregarded from 80422
the assistance group's gross unearned income. The assistance group 80423
ceases to be eligible to participate in Ohio works first if its 80424
countable income, less the amounts disregarded, equals or exceeds 80425
the payment standard. 80426

(4) If an assistance group reapplies to participate in Ohio 80427
works first not more than four months after ceasing to 80428
participate, a county department of job and family services shall 80429
use the income requirement established by division (D)(3) of this 80430
section to determine eligibility for resumed participation rather 80431
than the income requirement established by division (D)(1) of this 80432
section. 80433

(E)(1) An assistance group may continue to participate in 80434
Ohio works first even though a public children services agency 80435
removes the assistance group's minor children from the assistance 80436
group's home due to abuse, neglect, or dependency if the agency 80437
does both of the following: 80438

(a) Notifies the county department of job and family services 80439
at the time the agency removes the children that it believes the 80440
children will be able to return to the assistance group within six 80441
months; 80442

(b) Informs the county department at the end of each of the 80443
first five months after the agency removes the children that the 80444
parent, guardian, custodian, or specified relative of the children 80445
is cooperating with the case plans prepared for the children under 80446
section 2151.412 of the Revised Code and that the agency is making 80447

reasonable efforts to return the children to the assistance group. 80448

(2) An assistance group may continue to participate in Ohio 80449
works first pursuant to division (E)(1) of this section for not 80450
more than six payment months. This division does not affect the 80451
eligibility of an assistance group that includes a woman at least 80452
six months pregnant. 80453

Sec. 5108.01. As used in this chapter: 80454

(A) "County family services planning committee" means the 80455
county family services planning committee established under 80456
section 329.06 of the Revised Code ~~or the board created by~~ 80457
~~consolidation under division (C) of section 6301.06 of the Revised~~ 80458
~~Code.~~ 80459

(B) "Prevention, retention, and contingency program" means 80460
the program established by this chapter and funded in part with 80461
federal funds provided under Title IV-A. 80462

(C) "Title IV-A" means Title IV-A of the "Social Security 80463
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 80464

Sec. 5116.01. As used in this chapter: 80465

(A) "Certificate of high school equivalence" has the same 80466
meaning as in section 5107.40 of the Revised Code. 80467

(B) "Fiscal biennial period" means a two-year period 80468
beginning on the first day of July of an odd-numbered year and 80469
ending on the last day of June of the next odd-numbered year. 80470

(C) "In-school youth" has the same meaning as in section 80471
129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 80472
U.S.C. 3164(a)(1)(C). 80473

(D) "Lead agency" means the local participating agency 80474
designated under section 5116.22 of the Revised Code to serve for 80475
a fiscal biennial period, or part thereof, as a county's lead 80476

agency for the purpose of the comprehensive case management and employment program. 80477
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(E) "Local participating agencies" means the county department of job and family services and workforce development agency that serve the same county. 80479
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(F) "Local workforce development board" means a local workforce development board established under section 107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122. 80482
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(G) "Ohio works first" has the same meaning as in section 5107.02 of the Revised Code. 80485
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(H) "Out-of-school youth" has the same meaning as in section 129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(B). 80487
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(I) "Prevention, retention, and contingency program" has the same meaning as in section 5108.01 of the Revised Code. 80490
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(J) "Subcontractor" means an entity with which a local participating agency contracts to perform, on behalf of the local participating agency, one or more of the local participating agency's duties regarding the comprehensive case management and employment program. 80492
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(K) "TANF block grant" means the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq. 80497
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(L) "Work-eligible individual" has the same meaning as in 45 C.F.R. 261.2(n). 80500
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(M) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code. 80502
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(N) "Workforce development agency" means a public or private entity designated or certified by a local workforce development board to coordinate the delivery of workforce services for a 80504
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county. 80507

(O) "Workforce Innovation and Opportunity Act" means Public 80508
Law 113-128, 29 U.S.C. 3101 et seq. 80509

(P) "Youth workforce investment activity funds" means funds 80510
allocated or granted under Title I, Subtitle B, Chapter 2 of the 80511
"Workforce Innovation and Opportunity Act," 29 U.S.C. 1361 et 80512
seq., for youth workforce investment activities. 80513

Sec. 5116.02. There is hereby established the comprehensive 80514
case management and employment program. The department of job and 80515
family services shall coordinate and supervise the administration 80516
of the program to the extent funds are available for this purpose 80517
under the TANF block grant and the Workforce Innovation and 80518
Opportunity Act. 80519

Sec. 5116.03. The comprehensive case management and 80520
employment program is all of the following: 80521

(A) A Title IV-A program for the purpose of division 80522
(A)(4)(c) of section 5101.80 of the Revised Code and, therefore, 80523
subject to all statutes applicable to such a program, including 80524
sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised 80525
Code; 80526

(B) A workforce development activity and, therefore, subject 80527
to all statutes applicable to workforce development activities, 80528
including sections 5101.20, 5101.214, 5101.241, and 5101.243 of 80529
the Revised Code and Chapter 6301. of the Revised Code; 80530

(C) A family services duty, notwithstanding the second 80531
sentence of division (A)(1)(b) of section 307.981 of the Revised 80532
Code, and, therefore, subject to all statutes applicable to family 80533
services duties, including sections 5101.183, 5101.21, 5101.212, 80534
5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and 80535
5101.243 of the Revised Code. 80536

Sec. 5116.06. (A) The director of job and family services 80537
shall adopt rules that are necessary to implement the 80538
comprehensive case management and employment program, including 80539
rules that do all of the following: 80540

(1) Provide for the program to do both of the following: 80541

(a) Help a work-eligible individual satisfy the work 80542
requirements of section 407 of the "Social Security Act," 42 80543
U.S.C. 607; 80544

(b) Help an Ohio works first participant who participates in 80545
the program do both of the following: 80546

(i) Satisfy other Ohio works first requirements, including 80547
requirements included in the participant's self-sufficiency 80548
contract entered into under section 5107.14 of the Revised Code; 80549

(ii) Obtain assistance or services the participant needs 80550
according to an assessment conducted under section 5107.70 of the 80551
Revised Code. 80552

(2) For the purpose of section 5116.11 of the Revised Code, 80553
establish procedures for both of the following: 80554

(a) Assessing the employment and training needs of 80555
individuals participating in the comprehensive case management and 80556
employment program; 80557

(b) Creating, reviewing, revising, and terminating individual 80558
opportunity plans. 80559

(3) For the purpose of section 5116.20 of the Revised Code, 80560
establish procedures, including procedures regarding timing, for a 80561
local workforce development board to decide whether to authorize 80562
the use of its youth workforce investment activity funds for the 80563
comprehensive case management and employment program; 80564

(4) Establish requirements for the plans required by division 80565

<u>(A)(1) of section 5116.23 of the Revised Code;</u>	80566
<u>(5) For the purpose of division (A)(3) of section 5116.23 of the Revised Code, establish procedures for a lead agency to partner with the other local participating agency and subcontractors.</u>	80567 80568 80569 80570
<u>(B) For the purposes of divisions (C) and (F) of section 5116.10 of the Revised Code, the rules adopted under this section may do either or both of the following:</u>	80571 80572 80573
<u>(1) Specify one or more additional mandatory participation groups that are required to participate in the comprehensive case management and employment program;</u>	80574 80575 80576
<u>(2) Specify one or more additional voluntary participation groups that may volunteer to participate in the program.</u>	80577 80578
<u>(C) The rules adopted under this section shall be consistent with all of the following:</u>	80579 80580
<u>(1) The Title IV-A state plan prepared under section 5101.80 of the Revised Code, amendments to the plan, and any waivers regarding the plan granted by the United States secretary of health and human services;</u>	80581 80582 80583 80584
<u>(2) The combined state plan authorized by section 103 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3113, amendments to the plan, and any waivers regarding the plan granted by the United States secretary of labor.</u>	80585 80586 80587 80588
<u>(D) The rules adopted under division (A)(1)(a) of this section may deviate from Chapter 5107. of the Revised Code.</u>	80589 80590
Sec. 5116.10. <u>(A) Each work-eligible individual shall participate in the comprehensive case management and employment program as a condition of participating in Ohio works first if the individual is at least fourteen but not more than twenty-four years of age.</u>	80591 80592 80593 80594 80595

(B) Each individual who is an in-school youth or out-of-school youth shall participate in the comprehensive case management and employment program as a condition of enrollment in workforce development activities funded by the Workforce Innovation and Opportunity Act. 80596
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(C) Each individual who is a member of a group, if any, specified in rules adopted under section 5116.06 of the Revised Code as an additional mandatory participation group shall participate in the comprehensive case management and employment program if funds are available for the group under the TANF block grant and the Workforce Innovation and Opportunity Act. 80601
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(D) Any Ohio works first participant who is not a work-eligible individual may volunteer to participate in the comprehensive case management and employment program if the participant is at least fourteen but not more than twenty-four years of age. 80607
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(E) Any individual receiving benefits and services under the prevention, retention, and contingency program may volunteer to participate in the comprehensive case management and employment program if the individual is at least fourteen but not more than twenty-four years of age. 80612
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(F) Any individual who is a member of a group, if any, specified in rules adopted under section 5116.06 of the Revised Code as a voluntary participation group may volunteer to participate in the comprehensive case management and employment program if funds are available for the group under the TANF block grant and the Workforce Innovation and Opportunity Act. 80617
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Sec. 5116.11. In accordance with rules adopted under section 5116.06 of the Revised Code, a lead agency shall provide for all of the following to occur: 80623
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<u>(A) An individual participating in the comprehensive case management and employment program undergoing an assessment of the individual's employment and training needs;</u>	80626
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<u>(B) An individual opportunity plan being created for the individual as part of the assessment;</u>	80629
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<u>(C) The individual opportunity plan being reviewed, revised, and terminated as appropriate.</u>	80631
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<u>Sec. 5116.12. (A) An individual opportunity plan created under section 5116.11 of the Revised Code shall specify which of the following services, if any, an individual participating in the comprehensive case management and employment program needs:</u>	80633
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<u>(1) Support for the individual to obtain a high school diploma or a certificate of high school equivalence;</u>	80637
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<u>(2) Job placement;</u>	80639
<u>(3) Job retention support;</u>	80640
<u>(4) Other services that aid the individual in achieving the plan's goals.</u>	80641
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<u>(B) The services an individual receives in accordance with an individual opportunity plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes.</u>	80643
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<u>Sec. 5116.20. In accordance with rules adopted under section 5116.06 of the Revised Code, each local workforce development board shall decide whether to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program. The decision shall be made for each fiscal biennial period. A board's decision applies to all of the counties the board serves.</u>	80647
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Sec. 5116.21. If a local workforce development board decides 80654
under section 5116.20 of the Revised Code not to authorize the use 80655
of its youth workforce investment activity funds for the 80656
comprehensive case management and employment program for a fiscal 80657
biennial period, all of the following shall apply to that fiscal 80658
biennial period: 80659

(A) The board shall use its youth workforce investment 80660
activity funds in accordance with Section 129 of the "Workforce 80661
Innovation and Opportunity Act," 29 U.S.C. 3164. 80662

(B) No TANF block grant funds shall be made available to the 80663
board or any county the board serves for the comprehensive case 80664
management and employment program. 80665

(C) The department of job and family services shall use 80666
available TANF block grant funds to administer, or to contract 80667
with a government or private entity to administer, the 80668
comprehensive case management and employment program in the 80669
counties the board serves. 80670

Sec. 5116.22. (A) If a local workforce development board 80671
decides under section 5116.20 of the Revised Code to authorize the 80672
use of its youth workforce investment activity funds for the 80673
comprehensive case management and employment program for a fiscal 80674
biennial period, all of the following shall apply to that fiscal 80675
biennial period: 80676

(1) Before the beginning of the fiscal biennial period, the 80677
board shall enter into a written agreement with department of job 80678
and family services that, to the extent permitted by federal law, 80679
requires the board and the counties the board serves to operate 80680
the comprehensive case management and employment program in 80681
accordance with the program's requirements, including the 80682
requirements established by this chapter, rules adopted under 80683

section 5116.06 of the Revised Code, and any other rules 80684
applicable to the program. 80685

(2) Before the beginning of the fiscal biennial period, the 80686
board of county commissioners of each of the counties the local 80687
workforce development board serves shall designate either of the 80688
local participating agencies to serve as the county's lead agency 80689
for the purpose of the comprehensive case management and 80690
employment program. 80691

(B) After a board of county commissioners designates a local 80692
participating agency to serve as the county's lead agency for a 80693
fiscal biennial period, the board may designate the other local 80694
participating agency to take over as the county's lead agency for 80695
the remainder of the fiscal biennial period. 80696

(C) A board of county commissioners shall inform the 80697
department of job and family services of its designation of the 80698
lead agency under division (A)(2) of this section before the 80699
beginning of the fiscal biennial period for which the designation 80700
is made. A board shall notify the department of any redesignation 80701
of a lead agency under division (B) of this section not later than 80702
sixty days after the redesignation takes effect. 80703

Sec. 5116.23. (A) Each lead agency, in consultation with the 80704
local workforce development board that serves the same county for 80705
which the lead agency has been designated to serve as lead agency, 80706
shall, in accordance with rules adopted under section 5116.06 of 80707
the Revised Code, do all of the following for the fiscal biennial 80708
period, or part thereof, for which it is so designated: 80709

(1) Prepare and submit to the department of job and family 80710
services a plan containing standing procedures for determining and 80711
maintaining individuals' eligibility to participate in the 80712
comprehensive case management and employment program; 80713

(2) Administer the program in the county for which it is 80714
designated to serve as lead agency; 80715

(3) Partner with the other local participating agency and 80716
subcontractors to do both of the following: 80717

(a) Actively coordinate activities regarding the program with 80718
the other local participating agency and any subcontractors; 80719

(b) Help both local participating agencies and any 80720
subcontractors to use their expertise in administering the 80721
program. 80722

(B) If a board of county commissioners redesignates the lead 80723
agency under division (B) of section 5116.22 of the Revised Code 80724
during a fiscal biennial period, the new lead agency shall prepare 80725
and submit to the department of job and family services a new plan 80726
under division (A)(1) of this section not later than sixty days 80727
after the redesignation takes effect. 80728

(C) Each local workforce development board shall ensure that 80729
the plans prepared under division (A)(1) of this section by the 80730
lead agencies serving the same counties the board serves are 80731
included in the board's workforce development plan prepared under 80732
section 6301.07 of the Revised Code. 80733

Sec. 5116.24. A lead agency is responsible for all of the 80734
funds received for the comprehensive case management and 80735
employment program by the county for which the lead agency is 80736
designated to be the lead agency and shall use the funds in a 80737
manner consistent with federal and state law. The lead agency 80738
shall coordinate this responsibility with any entity that has been 80739
designated to serve as a local grant subrecipient or a local 80740
fiscal agent under section 107(d)(12)(B)(i)(II) of the "Workforce 80741
Innovation and Opportunity Act," 29 U.S.C. 3122(d)(12)(B)(i)(II). 80742

Sec. 5116.25. If a lead agency fails to enroll in the 80743

comprehensive case management and employment program an individual 80744
who is required by section 5116.10 of the Revised Code to 80745
participate in the program and to take corrective action that the 80746
department of job and family services requires the lead agency to 80747
take as a consequence of that failure, the department may take the 80748
action authorized by division (C)(5) of section 5101.24 of the 80749
Revised Code, including withholding and spending TANF block grant 80750
funds. 80751

Sec. 5117.10. (A) On or before the fifteenth day of January, 80752
the director of development services shall pay each applicant 80753
determined eligible for a payment under divisions (A) and (B) of 80754
section 5117.07 of the Revised Code one hundred twenty-five 80755
dollars. 80756

(B) The director may withhold from any payment to which a 80757
person would otherwise be entitled under division (A) of this 80758
section any amount that the director determines was erroneously 80759
received by such person in a preceding year under this or the 80760
program established under Am. Sub. H.B. 230, as amended by Am. 80761
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 80762
523 of the 112th general assembly, provided the director has 80763
employed all other legal methods reasonably available to obtain 80764
reimbursement for the erroneous payment or credit prior to the 80765
commencement of the current program year. 80766

(C) Payments made under this section and credits granted 80767
under section 5117.09 of the Revised Code shall not be considered 80768
income for the purpose of determining eligibility or the level of 80769
benefits or assistance under section 329.042 or ~~Chapters~~ Chapter 80770
5107. ~~and 5115.~~ of the Revised Code; the medicaid program; 80771
supplemental security income payments under Title XVI of the 80772
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 80773
amended; or any other program under which eligibility or the level 80774

of benefits or assistance is based upon need measured by income. 80775

Sec. 5119.011. (A) Whenever the term "department of mental health," the term "Ohio department of mental health," the term "department of alcohol and drug addiction services," or the term "Ohio department of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the department of mental health and addiction services. 80776
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(B) Whenever the term "director of mental health" or the term "director of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the director of mental health and addiction services. 80784
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Sec. 5119.22. The director of mental health and addiction services, with respect to all mental health and addiction facilities, addiction services, mental health services, and recovery supports established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following: 80790
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(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code. 80795
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(B) Review and evaluate the community-based continuum of care required by section 340.032 of the Revised Code to be established in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district submitted under division (A)(4) of section 340.03 of the Revised Code and the priorities and plans of the department of mental health and addiction 80798
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services, including the needs of residents of the district 80805
currently receiving services in state-operated hospitals, and make 80806
recommendations for needed improvements to boards of alcohol, drug 80807
addiction, and mental health services; 80808

(C) At the director's discretion, provide to boards of 80809
alcohol, drug addiction, and mental health services state or 80810
federal funds, in addition to those allocated under section 80811
5119.23 of the Revised Code, for special programs or projects the 80812
director considers necessary but for which local funds are not 80813
available; 80814

(D) Establish criteria by which each board of alcohol, drug 80815
addiction, and mental health services reviews and evaluates the 80816
quality, effectiveness, and efficiency of the facility services, 80817
addiction services, mental health services, and recovery supports 80818
for which it contracts under section 340.036 of the Revised Code. 80819
The criteria shall include requirements ensuring appropriate 80820
utilization of the services and supports. The department shall 80821
assess each board's evaluation of the services and supports and 80822
the compliance of each board with this section, Chapter 340. of 80823
the Revised Code, and other state or federal law and regulations. 80824
The department, in cooperation with the board, periodically shall 80825
review and evaluate the quality, effectiveness, and efficiency of 80826
the facility services, addiction services, mental health services, 80827
and recovery supports for which each board contracts under section 80828
340.036 of the Revised Code and the facilities, addiction 80829
services, and mental health services that each board operates or 80830
provides under section 340.037 of the Revised Code. The department 80831
shall collect information that is necessary to perform these 80832
functions. 80833

(E) To the extent the director determines necessary and after 80834
consulting with boards of alcohol, drug addiction, and mental 80835
health services, community addiction services providers, and 80836

community mental health services providers, develop and operate, 80837
or contract for the operation of, a community behavioral health 80838
information system or systems. The department shall specify the 80839
information that must be provided by the boards and providers for 80840
inclusion in the system or systems. 80841

Boards of alcohol, drug addiction, and mental health 80842
services, community addiction services providers, and community 80843
mental health services providers shall submit information 80844
requested by the department in the form and manner and in 80845
accordance with time frames prescribed by the department. 80846
Information collected by the department may include all of the 80847
following: 80848

(1) Information on addiction services, mental health 80849
services, and recovery supports provided; 80850

(2) Financial information regarding expenditures of federal, 80851
state, or local funds; 80852

(3) Information about persons served. 80853

The department shall not collect any personal information 80854
from the boards or providers except as required or permitted by 80855
state or federal law for purposes related to payment, health care 80856
operations, program and service evaluation, reporting activities, 80857
research, system administration, and oversight. 80858

(F) In consultation with representatives of boards of 80859
alcohol, drug addiction, and mental health services and after 80860
consideration of recommendations made by the medical director 80861
appointed under section 5119.11 of the Revised Code, establish all 80862
of the following: 80863

(1) Guidelines, including a timetable, for the boards' 80864
development and submission of proposed community addiction and 80865
mental health plans, budgets, and lists of addiction services, 80866
mental health services, and recovery supports under sections 80867

340.03 and 340.08 of the Revised Code; 80868

(2) Procedures, including a timetable, for the director's 80869
review and approval or disapproval of the plans, budgets, and 80870
lists; 80871

(3) Procedures for corrective action regarding the plans, 80872
budgets, and lists, including submission of revised or new plans, 80873
budgets, and lists; 80874

(4) Procedures for the director to follow in offering 80875
technical assistance to boards to assist them in making the plans, 80876
budgets, and lists acceptable or in making proposed amendments to 80877
approved plans, budgets, and lists meet criteria for approval; 80878

(5) Procedures for issuing time-limited waivers under 80879
division (A)(1) of section 5119.221 of the Revised Code and 80880
waivers under division (A)(2) of that section. 80881

(G) Review each board's proposed community addiction and 80882
mental health plan, budget, and list of addiction services, mental 80883
health services, and recovery supports submitted pursuant to 80884
sections 340.03 and 340.08 of the Revised Code and approve or 80885
disapprove the plan, the budget, and the list in whole or in part. 80886
Except as otherwise authorized by a ~~time-limited~~ waiver issued 80887
under ~~division (A)(1)~~ of section 5119.221 of the Revised Code, the 80888
director shall disapprove a board's proposed budget in whole if 80889
the proposed budget would not make available in the board's 80890
service district the essential elements of the community-based 80891
continuum of care required by section 340.032 of the Revised Code. 80892

Prior to a final decision to disapprove a plan, budget, or 80893
list in whole or in part, a representative of the director shall 80894
meet with the board and discuss the reason for the action the 80895
director proposes to take and any corrective action that should be 80896
taken to make the plan, budget, or list acceptable to the 80897
director. In addition, the director shall offer technical 80898

assistance to the board to assist it to make the plan, budget, or 80899
list acceptable. The director shall give the board a reasonable 80900
time in which to revise the plan, budget, or list. The board 80901
thereafter shall submit a revised plan, budget, or list or a new 80902
plan, budget, or list. 80903

(H) Approve or disapprove all or part of proposed amendments 80904
that a board of alcohol, drug addiction, or mental health services 80905
submits under section 340.03 or 340.08 of the Revised Code to an 80906
approved community addiction and mental health plan, budget, or 80907
list of addiction services, mental health services, and recovery 80908
supports. 80909

If the director disapproves of all or part of any proposed 80910
amendment, the director shall provide the board an opportunity to 80911
present its position. The director shall inform the board of the 80912
reasons for the disapproval and of the criteria that must be met 80913
before the proposed amendment may be approved. The director shall 80914
give the board a reasonable time within which to meet the criteria 80915
and shall offer technical assistance to the board to help it meet 80916
the criteria. 80917

Sec. 5119.221. (A) The director of mental health and 80918
addiction services, in accordance with procedures established 80919
under division (F)(5) of section 5119.22 of the Revised Code, may 80920
do either or both of the following: 80921

(1) Subject to division (B) of this section, issue to a board 80922
of alcohol, drug addiction, and mental health services a 80923
time-limited waiver of the requirement of section 340.032 of the 80924
Revised Code that a community-based continuum of care include all 80925
of the essential elements specified in that section; 80926

(2) Subject to division (C) of this section, issue to a board 80927
a waiver of the requirement of section 340.033 of the Revised Code 80928
that ambulatory detoxification and medication-assisted treatment 80929

be ~~included in~~ made available within the borders of the board's 80930
service district as part of the array of addiction services and 80931
recovery supports for all levels of opioid and co-occurring drug 80932
addiction. 80933

(B) The director may not issue a time-limited waiver under 80934
division (A)(1) of this section unless the director determines 80935
that the board seeking the waiver has made reasonable efforts to 80936
include in the community-based continuum of care the essential 80937
elements being waived. The waiver shall specify the amount of time 80938
for which it is issued and which of the essential elements are 80939
waived. 80940

(C) The director may not issue a waiver under division (A)(2) 80941
of this section unless the director determines that both of the 80942
following apply: 80943

(1) Ambulatory detoxification and medication-assisted 80944
treatment can be made available through one or more contracts 80945
between the board seeking the waiver and community addiction 80946
services providers that are located not more than thirty miles 80947
beyond the borders of the board's service district ~~the board~~ 80948
~~serves;~~ 80949

(2) The amount of time it takes for residents of the service 80950
district the board serves to travel to a community addiction 80951
services provider that provides ambulatory detoxification and 80952
medication-assisted treatment does not impose a significant 80953
barrier to successful treatment. 80954

Sec. 5119.27. (A) Records or information, other than court 80955
journal entries or court docket entries, pertaining to the 80956
identity, diagnosis, or treatment of any person seeking or 80957
receiving services that are maintained in connection with the 80958
performance of any drug treatment program or services licensed by, 80959
or certified by, the director of mental health and addiction 80960

services under this chapter shall be kept confidential, may be 80961
disclosed only for the purposes and under the circumstances 80962
expressly authorized under this section, and may not otherwise be 80963
divulged in any civil, criminal, administrative, or legislative 80964
proceeding. 80965

(B) When the person, with respect to whom any record or 80966
information referred to in division (A) of this section is 80967
maintained, gives consent in the form of a written release signed 80968
by the person, the content of the record or information may be 80969
disclosed if the written release conforms to all of the following: 80970

(1) Specifically identifies the person, official, or entity 80971
to whom the information is to be provided; 80972

(2) Describes with reasonable specificity the record, 80973
records, or information to be disclosed; and 80974

(3) Describes with reasonable specificity the purposes of the 80975
disclosure and the intended use of the disclosed information. 80976

(C) A person who is subject to a community control sanction, 80977
parole, or a post-release control sanction or who is ordered to 80978
rehabilitation in lieu of conviction, and who has agreed to 80979
participate in a drug treatment or rehabilitation program as a 80980
condition of the community control sanction, post-release control 80981
sanction, parole, or order to rehabilitation, shall be considered 80982
to have consented to the release of records and information 80983
relating to the progress of treatment, frequency of treatment, 80984
adherence to treatment requirements, and probable outcome of 80985
treatment. Release of information and records under this division 80986
shall be limited to the court or governmental personnel having the 80987
responsibility for supervising the person's community control 80988
sanction, post-release control sanction, parole, or order to 80989
rehabilitation. A person, described in this division, who refuses 80990
to allow disclosure may be considered in violation of the 80991

conditions of the person's community control sanction, 80992
post-release control sanction, parole, or order to rehabilitation. 80993

(D) Disclosure of a person's record may be made without the 80994
person's consent ~~to~~ in the following circumstances: 80995

(1) To any physician, advanced practice registered nurse, or 80996
physician assistant who treats the person; 80997

(2) To qualified personnel for the purpose of conducting 80998
scientific research, management, financial audits, or program 80999
evaluation, but these personnel may not identify, directly or 81000
indirectly, any individual person in any report of the research, 81001
audit, or evaluation, or otherwise disclose a person's identity in 81002
any manner. 81003

(E) Upon the request of a prosecuting attorney or the 81004
director of mental health and addiction services, a court of 81005
competent jurisdiction may order the disclosure of records or 81006
information referred to in division (A) of this section if the 81007
court has reason to believe that a treatment program or facility 81008
is being operated or used in a manner contrary to law. The use of 81009
any information or record so disclosed shall be limited to the 81010
prosecution of persons who are or may be charged with any offense 81011
related to the illegal operation or use of the drug treatment 81012
program or facility, or to the decision to withdraw the authority 81013
of a drug treatment program or facility to continue operation. For 81014
purposes of this division the court shall: 81015

(1) Limit disclosure to those parts of the person's record 81016
considered essential to fulfill the objective for which the order 81017
was granted; 81018

(2) Require, where appropriate, that all information be 81019
disclosed in chambers; 81020

(3) Include any other appropriate measures to keep disclosure 81021
to a minimum, consistent with the protection of the persons 81022

seeking or receiving services, the physician-patient relationship, 81023
and the administration of the drug treatment and rehabilitation 81024
program. 81025

(F) As used in this section: 81026

(1) "Advanced practice registered nurse" has the same meaning 81027
as in section 4723.01 of the Revised Code. 81028

(2) "Community control sanction" has the same meaning as in 81029
section 2929.01 of the Revised Code. 81030

~~(2)~~(3) "Physician" means an individual authorized under 81031
Chapter 4731. of the Revised Code to practice medicine and surgery 81032
or osteopathic medicine and surgery. 81033

(4) "Physician assistant" means any person who is licensed as 81034
a physician assistant under Chapter 4730. of the Revised Code. 81035

(5) "Post-release control sanction" has the same meaning as 81036
in section 2967.01 of the Revised Code. 81037

Sec. 5119.34. (A) As used in this section and sections 81038
5119.341 and 5119.342 of the Revised Code: 81039

(1) "Accommodations" means housing, daily meal preparation, 81040
laundry, housekeeping, arranging for transportation, social and 81041
recreational activities, maintenance, security, and other services 81042
that do not constitute personal care services or skilled nursing 81043
care. 81044

(2) "ADAMHS board" means a board of alcohol, drug addiction, 81045
and mental health services. 81046

(3) "Adult" means a person who is eighteen years of age or 81047
older, other than a person described in division (A)(4) of this 81048
section who is between eighteen and twenty-one years of age. 81049

(4) "Child" means a person who is under eighteen years of age 81050
or a person with a mental disability who is under twenty-one years 81051

of age. 81052

(5) "Community mental health services provider" means a 81053
community mental health services provider as defined in section 81054
5119.01 of the Revised Code. 81055

(6) "Community mental health services" means any mental 81056
health services certified by the department pursuant to section 81057
5119.36 of the Revised Code. 81058

(7) "Operator" means the person or persons, firm, 81059
partnership, agency, governing body, association, corporation, or 81060
other entity that is responsible for the administration and 81061
management of a residential facility and that is the applicant for 81062
a residential facility license. 81063

(8) "Personal care services" means services including, but 81064
not limited to, the following: 81065

(a) Assisting residents with activities of daily living; 81066

(b) Assisting residents with self-administration of 81067
medication in accordance with rules adopted under this section; 81068

(c) Preparing special diets, other than complex therapeutic 81069
diets, for residents pursuant to the instructions of a physician 81070
or a licensed dietitian, in accordance with rules adopted under 81071
this section. 81072

"Personal care services" does not include "skilled nursing 81073
care" as defined in section 3721.01 of the Revised Code. A 81074
facility need not provide more than one of the services listed in 81075
division (A)(8) of this section to be considered to be providing 81076
personal care services. 81077

(9) "Room and board" means the provision of sleeping and 81078
living space, meals or meal preparation, laundry services, 81079
housekeeping services, or any combination thereof. 81080

(10) "Residential state supplement program" means the program 81081

~~administered established~~ under section 5119.41 of the Revised Code 81082
~~and related provisions of the Administrative Code under which the~~ 81083
~~state supplements the supplemental security income payments~~ 81084
~~received by aged, blind, or disabled adults under Title XVI of the~~ 81085
~~Social Security Act. Residential state supplement payments are~~ 81086
~~used for the provision of accommodations, supervision, and~~ 81087
~~personal care services to supplemental security income recipients~~ 81088
~~the department of mental health and addition services determines~~ 81089
~~are at risk of needing institutional care.~~ 81090

(11) "Supervision" means any of the following: 81091

(a) Observing a resident to ensure the resident's health, 81092
safety, and welfare while the resident engages in activities of 81093
daily living or other activities; 81094

(b) Reminding a resident to perform or complete an activity, 81095
such as reminding a resident to engage in personal hygiene or 81096
other self-care activities; 81097

(c) Assisting a resident in making or keeping an appointment. 81098

(12) "Unrelated" means that a resident is not related to the 81099
owner or operator of a residential facility or to the owner's or 81100
operator's spouse as a parent, grandparent, child, stepchild, 81101
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 81102
the child of an aunt or uncle. 81103

(B)(1) A "residential facility" is a publicly or privately 81104
operated home or facility that falls into one of the following 81105
categories: 81106

(a) Class one facilities provide accommodations, supervision, 81107
personal care services, and mental health services for one or more 81108
unrelated adults with mental illness or one or more unrelated 81109
children or adolescents with severe emotional disturbances; 81110

(b) Class two facilities provide accommodations, supervision, 81111

and personal care services to any of the following:	81112
(i) One or two unrelated persons with mental illness;	81113
(ii) One or two unrelated adults who are receiving <u>payments</u>	81114
<u>under the residential state supplement payments program;</u>	81115
(iii) Three to sixteen unrelated adults.	81116
(c) Class three facilities provide room and board for five or	81117
more unrelated adults with mental illness.	81118
(2) "Residential facility" does not include any of the	81119
following:	81120
(a) A hospital subject to licensure under section 5119.33 of	81121
the Revised Code or an institution maintained, operated, managed,	81122
and governed by the department of mental health and addiction	81123
services for the hospitalization of mentally ill persons pursuant	81124
to section 5119.14 of the Revised Code;	81125
(b) A residential facility licensed under section 5123.19 of	81126
the Revised Code or otherwise regulated by the department of	81127
developmental disabilities;	81128
(c) An institution or association subject to certification	81129
under section 5103.03 of the Revised Code;	81130
(d) A facility operated by a hospice care program licensed	81131
under section 3712.04 of the Revised Code that is used exclusively	81132
for care of hospice patients;	81133
(e) A nursing home, residential care facility, or home for	81134
the aging as defined in section 3721.02 of the Revised Code;	81135
(f) A facility licensed to provide methadone treatment under	81136
section 5119.391 of the Revised Code;	81137
(g) Any facility that receives funding for operating costs	81138
from the development services agency under any program established	81139
to provide emergency shelter housing or transitional housing for	81140

the homeless; 81141

(h) A terminal care facility for the homeless that has 81142
entered into an agreement with a hospice care program under 81143
section 3712.07 of the Revised Code; 81144

(i) A facility approved by the veterans administration under 81145
section 104(a) of the "Veterans Health Care Amendments of 1983," 81146
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 81147
the placement and care of veterans; 81148

(j) The residence of a relative or guardian of a person with 81149
mental illness. 81150

(C) Nothing in division (B) of this section shall be 81151
construed to permit personal care services to be imposed on a 81152
resident who is capable of performing the activity in question 81153
without assistance. 81154

(D) Except in the case of a residential facility described in 81155
division (B)(1)(a) of this section, members of the staff of a 81156
residential facility shall not administer medication to the 81157
facility's residents, but may do any of the following: 81158

(1) Remind a resident when to take medication and watch to 81159
ensure that the resident follows the directions on the container; 81160

(2) Assist a resident in the self-administration of 81161
medication by taking the medication from the locked area where it 81162
is stored, in accordance with rules adopted pursuant to this 81163
section, and handing it to the resident. If the resident is 81164
physically unable to open the container, a staff member may open 81165
the container for the resident. 81166

(3) Assist a physically impaired but mentally alert resident, 81167
such as a resident with arthritis, cerebral palsy, or Parkinson's 81168
disease, in removing oral or topical medication from containers 81169
and in consuming or applying the medication, upon request by or 81170

with the consent of the resident. If a resident is physically 81171
unable to place a dose of medicine to the resident's mouth without 81172
spilling it, a staff member may place the dose in a container and 81173
place the container to the mouth of the resident. 81174

(E)(1) Except as provided in division (E)(2) of this section, 81175
a person operating or seeking to operate a residential facility 81176
shall apply for licensure of the facility to the department of 81177
mental health and addiction services. The application shall be 81178
submitted by the operator. When applying for the license, the 81179
applicant shall pay to the department the application fee 81180
specified in rules adopted under division (L) of this section. The 81181
fee is nonrefundable. 81182

The department shall send a copy of an application to the 81183
ADAMHS board serving the county in which the person operates or 81184
seeks to operate the facility. The ADAMHS board shall review the 81185
application and provide to the department any information about 81186
the applicant or the facility that the board would like the 81187
department to consider in reviewing the application. 81188

(2) A person may not apply for a license to operate a 81189
residential facility if the person is or has been the owner, 81190
operator, or manager of a residential facility for which a license 81191
to operate was revoked or for which renewal of a license was 81192
refused for any reason other than nonpayment of the license 81193
renewal fee, unless both of the following conditions are met: 81194

(a) A period of not less than two years has elapsed since the 81195
date the director of mental health and addiction services issued 81196
the order revoking or refusing to renew the facility's license. 81197

(b) The director's revocation or refusal to renew the license 81198
was not based on an act or omission at the facility that violated 81199
a resident's right to be free from abuse, neglect, or 81200
exploitation. 81201

(F)(1) The department of mental health and addiction services 81202
shall inspect and license the operation of residential facilities. 81203
The department shall consider the past record of the facility and 81204
the applicant or licensee in arriving at its licensure decision. 81205

The department may issue full, probationary, and interim 81206
licenses. A full license shall expire up to three years after the 81207
date of issuance, a probationary license shall expire in a shorter 81208
period of time as specified in rules adopted by the director of 81209
mental health and addiction services under division (L) of this 81210
section, and an interim license shall expire ninety days after the 81211
date of issuance. A license may be renewed in accordance with 81212
rules adopted by the director under division (L) of this section. 81213
The renewal application shall be submitted by the operator. When 81214
applying for renewal of a license, the applicant shall pay to the 81215
department the renewal fee specified in rules adopted under 81216
division (L) of this section. The fee is nonrefundable. 81217

(2) The department may issue an order suspending the 81218
admission of residents to the facility or refuse to issue or renew 81219
and may revoke a license if it finds any of the following: 81220

(a) The facility is not in compliance with rules adopted by 81221
the director pursuant to division (L) of this section; 81222

(b) Any facility operated by the applicant or licensee has 81223
been cited for a pattern of serious noncompliance or repeated 81224
violations of statutes or rules during the period of current or 81225
previous licenses; 81226

(c) The applicant or licensee submits false or misleading 81227
information as part of a license application, renewal, or 81228
investigation. 81229

Proceedings initiated to deny applications for full or 81230
probationary licenses or to revoke such licenses are governed by 81231
Chapter 119. of the Revised Code. An order issued pursuant to this 81232

division remains in effect during the pendency of those 81233
proceedings. 81234

(G) The department may issue an interim license to operate a 81235
residential facility if both of the following conditions are met: 81236

(1) The department determines that the closing of or the need 81237
to remove residents from another residential facility has created 81238
an emergency situation requiring immediate removal of residents 81239
and an insufficient number of licensed beds are available. 81240

(2) The residential facility applying for an interim license 81241
meets standards established for interim licenses in rules adopted 81242
by the director under division (L) of this section. 81243

An interim license shall be valid for ninety days and may be 81244
renewed by the director no more than twice. Proceedings initiated 81245
to deny applications for or to revoke interim licenses under this 81246
division are not subject to Chapter 119. of the Revised Code. 81247

(H)(1) The department of mental health and addiction services 81248
may conduct an inspection of a residential facility as follows: 81249

(a) Prior to issuance of a license for the facility; 81250

(b) Prior to renewal of the license; 81251

(c) To determine whether the facility has completed a plan of 81252
correction required pursuant to division (H)(2) of this section 81253
and corrected deficiencies to the satisfaction of the department 81254
and in compliance with this section and rules adopted pursuant to 81255
it; 81256

(d) Upon complaint by any individual or agency; 81257

(e) At any time the director considers an inspection to be 81258
necessary in order to determine whether the facility is in 81259
compliance with this section and rules adopted pursuant to this 81260
section. 81261

(2) In conducting inspections the department may conduct an 81262

on-site examination and evaluation of the residential facility and 81263
its personnel, activities, and services. The department shall have 81264
access to examine and copy all records, accounts, and any other 81265
documents relating to the operation of the residential facility, 81266
including records pertaining to residents, and shall have access 81267
to the facility in order to conduct interviews with the operator, 81268
staff, and residents. Following each inspection and review, the 81269
department shall complete a report listing any deficiencies, and 81270
including, when appropriate, a time table within which the 81271
operator shall correct the deficiencies. The department may 81272
require the operator to submit a plan of correction describing how 81273
the deficiencies will be corrected. 81274

(I) No person shall do any of the following: 81275

(1) Operate a residential facility unless the facility holds 81276
a valid license; 81277

(2) Violate any of the conditions of licensure after having 81278
been granted a license; 81279

(3) Interfere with a state or local official's inspection or 81280
investigation of a residential facility; 81281

(4) Violate any of the provisions of this section or any 81282
rules adopted pursuant to this section. 81283

(J) The following may enter a residential facility at any 81284
time: 81285

(1) Employees designated by the director of mental health and 81286
addiction services; 81287

(2) Employees of an ADAMHS board under either of the 81288
following circumstances: 81289

(a) When a resident of the facility is receiving services 81290
from a community mental health services provider under contract 81291
with that ADAMHS board or another ADAMHS board; 81292

(b) When authorized by section 340.05 of the Revised Code.	81293
(3) Employees of a community mental health services provider under either of the following circumstances:	81294
(a) When the provider has a person receiving services residing in the facility;	81295
(a) When the provider has a person receiving services residing in the facility;	81296
(a) When the provider has a person receiving services residing in the facility;	81297
(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	81298
(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	81299
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients <u>receiving payments</u> under the residential state supplement program.	81300
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients <u>receiving payments</u> under the residential state supplement program.	81301
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients <u>receiving payments</u> under the residential state supplement program.	81302
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients <u>receiving payments</u> under the residential state supplement program.	81303
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients <u>receiving payments</u> under the residential state supplement program.	81304
The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	81305
The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	81306
The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	81307
The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	81308
(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	81309
(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	81310
(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	81311
(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	81312
(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	81313
(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	81314
(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:	81315
(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:	81316
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(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:	81318
(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	81319
(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	81320
(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	81321
(2) Procedures for the issuance, renewal, or revocation of	81322

the licenses of residential facilities;	81323
(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;	81324 81325 81326 81327
(4) The fee to be paid when applying for a new residential facility license or renewing the license;	81328 81329
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	81330 81331 81332 81333 81334 81335
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	81336 81337
(7) Measures to be taken by residential facilities relative to residents' medication;	81338 81339
(8) Requirements relating to preparation of special diets;	81340
(9) The maximum number of residents who may be served in a residential facility;	81341 81342
(10) The rights of residents of residential facilities and procedures to protect such rights;	81343 81344
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	81345 81346
(M)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall	81347 81348 81349 81350 81351 81352

disclose the source upon order by a court of competent jurisdiction. 81353
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(2) Any person who makes a complaint under division (M)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose. 81355
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(N)(1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility. 81361
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(2) When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents. 81372
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(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action. 81378
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(O) The director may fine a person for violating division (I) of this section. The fine shall be five hundred dollars for a 81382
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first offense; for each subsequent offense, the fine shall be one 81384
thousand dollars. The director's actions in imposing a fine shall 81385
be taken in accordance with Chapter 119. of the Revised Code. 81386

Sec. 5119.363. The director of mental health and addiction 81387
services shall adopt rules governing the duties of boards of 81388
alcohol, drug addiction, and mental health services under section 81389
340.20 of the Revised Code and the duties of community addiction 81390
services providers under section 5119.362 of the Revised Code. The 81391
rules shall authorize the department of mental health and 81392
addiction services to determine an advanced practice registered 81393
nurse's, physician assistant's, or physician's compliance with 81394
section 3715.08 of the Revised Code if such practitioner works for 81395
a community addiction services provider. The rules shall be 81396
adopted in accordance with Chapter 119. of the Revised Code. 81397

Sec. 5119.41. (A) ~~As used in this section:~~ 81398

~~(1) "Nursing facility" has the same meaning as in section 81399
5165.01 of the Revised Code. 81400~~

~~(2) "Residential state supplement administrative agency" 81401
means the department of mental health and addiction services or, 81402
if the department designates an entity under division (C) of this 81403
section for a particular area, the designated entity. 81404~~

~~(3) "Residential state supplement program" means the program 81405
administered pursuant to this section. 81406~~

~~(B) The department of mental health and addiction services 81407
shall implement the residential state supplement program under 81408
which the state supplements the amounts received by aged, blind, 81409
or disabled adults as supplemental security income payments 81410
received by aged, blind, or disabled adults under Title XVI of the 81411
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 81412
security benefits or social security disability insurance benefits 81413~~

under Title II of the "Social Security Act," 42 U.S.C. 401 et seq. 81414
Residential state supplement payments shall be used for the 81415
provision of accommodations, supervision, and personal care 81416
services to ~~social security~~, recipients of supplemental security 81417
income payments, social security benefits, and social security 81418
disability insurance ~~recipients~~ benefits who the department 81419
determines are at risk of needing institutional care. 81420

~~(C)~~ In implementing the program, the department may designate 81421
one or more entities to be responsible for providing 81422
administrative services regarding the program. The department may 81423
designate an entity ~~to be a residential state supplement~~ 81424
~~administrative agency under this division~~ either by entering into 81425
a contract with the entity to ~~serve in that capacity~~ provided the 81426
services or by otherwise delegating to the entity the 81427
responsibility to ~~serve in that capacity~~ provide the services. 81428

~~(D) For an individual to~~ (B) To be eligible for residential 81429
state supplement payments, ~~all of the following must be the case:~~ 81430

~~(1) Except as provided by division (C) of this section, the~~ 81431
~~individual must reside in one of the following living~~ 81432
~~arrangements:~~ 81433

~~(a) A residential care facility licensed by the department of~~ 81434
~~health under Chapter 3721. of the Revised Code or an assisted~~ 81435
~~living program as defined in section 173.51 of the Revised Code;~~ 81436

~~(b) A class two residential facility licensed by the~~ 81437
~~department of mental health and addiction services under section~~ 81438
~~5119.34 of the Revised Code.~~ 81439

~~(2) If a residential state supplement administrative agency~~ 81440
~~is aware that an individual enrolled in the program has mental~~ 81441
~~health needs, the agency shall refer the individual for an~~ 81442
~~assessment pursuant to division (A) of section 340.091 of the~~ 81443
~~Revised Code.~~ 81444

~~(3) The an individual ~~satisfies~~ must satisfy all eligibility requirements established by rules adopted under ~~division (E)~~ of this section.~~

~~(4) An individual residing in a living arrangement housing more than sixteen individuals shall not be eligible for inclusion in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.~~

~~(E)(C) The director of mental health and addiction services and the medicaid director shall adopt rules ~~in accordance with Chapter 119. of the Revised Code~~ as necessary to implement the residential state supplement program, including the requirements that an individual must satisfy to be eligible for payments under the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~

The rules adopted by the director of mental health and addiction services may establish the method to be used to determine the payment an eligible individual will receive under the program. The amount the general assembly appropriates for the program may be a factor included in the method that director establishes.

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the rules adopted by the medicaid director may ~~adopt~~ rules establishing establish standards for adjusting the eligibility requirements concerning the level of impairment ~~a person~~ an individual must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of individuals who are disabled ~~persons~~

solely on a basis classifying disabilities as physical or mental. 81477
~~The medicaid director also may adopt rules that establish 81478~~
~~eligibility standards for aged, blind, or disabled individuals who 81479~~
~~reside in one of the homes or facilities specified in division 81480~~
~~(D)(1) of this section but who, because of their income, do not 81481~~
~~receive supplemental security income payments. The rules may 81482~~
~~provide that these individuals may include individuals who receive 81483~~
~~other types of benefits, including, social security payments or 81484~~
~~social security disability insurance benefits provided under Title 81485~~
~~II of the "Social Security Act," 42 U.S.C. 401, et seq. 81486~~
~~Notwithstanding division (B) of this section, such payments may be 81487~~
~~made if funds are available for them. 81488~~

~~The director of mental health and addiction services may 81489~~
~~adopt rules establishing the method to be used to determine the 81490~~
~~amount an eligible individual will receive under the program. The 81491~~
~~amount the general assembly appropriates for the program may be a 81492~~
~~factor included in the method that director establishes. 81493~~

~~(F)(D) The county department of job and family services of 81494~~
~~the county in which an applicant for the residential state 81495~~
~~supplement program resides or the department of medicaid shall 81496~~
~~determine whether the applicant meets income and resource 81497~~
~~requirements for the program. 81498~~

The county department of job and family services or the 81499
department of medicaid shall notify each individual who is denied 81500
approval for payments under the program of the individual's right 81501
to a hearing. On request, the hearing shall be provided in 81502
accordance with section 5101.35 of the Revised Code. 81503

~~(G)(E) An individual in a licensed or certified living 81504~~
~~arrangement receiving state supplementation on November 15, 1990, 81505~~
~~under former section 5101.531 of the Revised Code shall not become 81506~~
~~ineligible for payments under this ~~section~~ program solely by 81507~~
~~reason of the individual's living arrangement as long as the 81508~~

individual remains in the living arrangement in which the 81509
individual resided on November 15, 1990. 81510

~~(H) The county department of job and family services from 81511
which the person is receiving benefits or the department of 81512
medicaid shall notify each person denied approval for payments 81513
under this section of the person's right to a hearing. On request, 81514
the hearing shall be provided in accordance with section 5101.35 81515
of the Revised Code. 81516~~

Sec. 5119.47. The director of mental health and addiction 81517
services shall administer the problem casino gambling and 81518
addictions fund. The director shall use the money in the fund to 81519
support gambling addiction services, alcohol and drug addiction 81520
services, other services that relate to gambling addiction and 81521
substance abuse, and research that relates to gambling addiction 81522
and substance abuse. Treatment and prevention services supported 81523
by money in the fund under this section shall be services that are 81524
certified by the department of mental health and addiction 81525
services. 81526

The director shall prepare an annual report describing the 81527
use of the fund for these purposes. The director shall submit the 81528
report to the Ohio casino control commission, the speaker and 81529
minority leader of the house of representatives, the president and 81530
minority leader of the senate, and the governor, ~~and the joint~~ 81531
~~committee on gaming and wagering.~~ 81532

Sec. 5119.89. The director of mental health and addiction 81533
services shall consult with the superintendent of insurance as 81534
required by section 3901.90 of the Revised Code to develop 81535
consumer and payer education on mental health and addiction 81536
services insurance parity and establish and promote a consumer 81537
hotline to collect information and help consumers understand and 81538

access their insurance benefits. 81539

The department of mental health and addiction services and 81540
the department of insurance shall jointly report annually on the 81541
departments' efforts, which shall include information on consumer 81542
and payer outreach activities and identification of trends and 81543
barriers to access and coverage in this state. The departments 81544
shall submit the report to the general assembly, the joint 81545
medicaid oversight committee, and the governor, not later than the 81546
thirtieth day of January of each year. 81547

Sec. 5120.116. (A) As used in this section: 81548

(1) "Local confinement" means service of a prison term in a 81549
facility of a type described in division (C) or (D) of section 81550
2929.34 of the Revised Code that is required to be served in such 81551
a facility by division (B)(3)(a) of that section. 81552

(2) "Short-term fifth degree felony inmate" means any 81553
offender who was sentenced to a short-term fifth degree felony 81554
prison term in state fiscal year 2017, who served the prison term 81555
in state confinement, and who, had the offender committed the 81556
offense on or after the effective date of this section, would have 81557
been required to serve the term in local confinement. 81558

(3) "Short-term fifth degree felony prison term" means a 81559
prison term that is twelve months or less that is imposed for a 81560
felony of the fifth degree. 81561

(4) "State confinement" means service of a prison term in an 81562
institution under the control of the department of rehabilitation 81563
and correction. "State confinement" does not include service of a 81564
prison term in a community-based correctional facility. 81565

(B)(1) Not later than October 1, 2017, the department of 81566
rehabilitation and correction shall do all of the following: 81567

(a) Determine the total number of short-term fifth degree felony inmates statewide and determine, for each county in the state, the number of short-term fifth degree felony inmates sentenced by the court of common pleas of that county; 81568
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(b) Calculate the total statewide local confinement exemption, which is equal to fifteen per cent of the total number of short-term fifth degree felony inmates statewide; 81572
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(c) Calculate, for each county in the state, the county apportioned percentage, which is equal to the number of short-term fifth degree felony inmates sentenced by the court of common pleas of that county divided by the total number of short-term fifth degree felony inmates statewide; 81575
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(d) Calculate, for each county in the state, the county's local confinement exemption, which is equal to whichever of the following is applicable: 81580
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(i) Subject to division (B)(1)(d)(ii) of this section, the total statewide local confinement exemption calculated under division (B)(1)(b) of this section multiplied by the county's county apportioned percentage calculated under division (B)(1)(c) of this section; 81583
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(ii) If the exemption number determined under division (B)(1)(d)(i) of this section would be five or fewer, the county's local confinement exemption shall be five. 81588
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(e) Notify each county in the state of the county's local confinement exemption and that the county's local confinement exemption applies for each state fiscal year commencing with state fiscal year 2018. 81591
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(2) In determining and calculating numbers under divisions (B)(1)(b) and (d) of this section, the department shall round up any fraction to the next higher whole number. 81595
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(C) Upon receipt under division (B)(1)(e) of this section of the notice of its local confinement exemption for state fiscal years commencing with state fiscal year 2018, a county may send offenders sentenced by the court of common pleas of the county to a short-term fifth degree felony prison term to the department of rehabilitation and correction for service of the term in state confinement instead of in local confinement. The local confinement exemption determined by the department under division (B)(1)(d) of this section for a county constitutes the total number of offenders sentenced to a short-term fifth degree felony prison term by the court of common pleas of the county, in each state fiscal year commencing with state fiscal year 2018, that may be confined at any one point in time in state confinement instead of in local confinement. A county may send offenders to the department in a state fiscal year for service of a short-term fifth degree felony prison term in state confinement instead of in local confinement under this division as long as the number of offenders confined from the county at that point in time for such a prison term in such a manner is fewer than the county's local confinement exemption. In no case may a county send offenders to the department in any state fiscal year for service of a short-term fifth degree felony prison term in state confinement instead of local confinement under this division if the number of offenders confined from the county at that point in time for such a term in such a manner equals the number of offenders that corresponds to the county's local confinement exemption. The local confinement exemption determined for a county under division (B)(1)(d) of this section applies only for that county and no part of it may be transferred to or used by any other county.

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Sec. 5120.117. (A) As used in this section:

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(1) "Local confinement," "short-term fifth degree felony prison term," and "state confinement" have the same meanings as in

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section 5120.116 of the Revised Code. 81630

(2) "Local correctional facility" means a facility of a type 81631
described in division (C) or (D) of section 2929.34 of the Revised 81632
Code. 81633

(3) "Desired inmate capacity" of a local correctional 81634
facility is the desired inmate capacity of the facility as 81635
specified in the memorandum of understanding established under 81636
section 5149.38 of the Revised Code by the officials of the county 81637
or counties served by courts of common pleas that sentence 81638
offenders to the facility for felonies of the fifth degree. 81639

(B)(1) A court of common pleas is eligible under this section 81640
for an initial local confinement waiver with respect to a 81641
particular offender it sentences to a short-term fifth degree 81642
felony prison term on or after July 1, 2018, and to the local 81643
correctional facility to which the offender will be sent to serve 81644
that term in local confinement, if all of the following apply: 81645

(a) At the point in time that offender is to commence service 81646
of that term, the number of offenders confined from the county for 81647
such a term in state confinement equals the number of offenders 81648
that corresponds to the county's local confinement exemption 81649
determined by the department of rehabilitation and correction 81650
under section 5120.116 of the Revised Code. 81651

(b) The local correctional facility to which the offender 81652
will be sent to serve that term in local confinement notifies the 81653
court that, at that point in time, the inmate population of the 81654
facility is at or exceeds one hundred ten per cent of its desired 81655
inmate capacity of the facility. 81656

(c) The court is not operating under a continuing local 81657
confinement waiver as specified in division (C)(1) of this section 81658
with respect to the local correctional facility described in 81659
division (B)(1)(b) of this section. 81660

(2)(a) Upon determining that it is eligible for an initial local confinement waiver with respect to a particular offender, as specified in division (B)(1) of this section, a court of common pleas promptly may submit to the department of rehabilitation and correction a request for an initial waiver of local confinement with respect to the offender. The request shall specify that the court has sentenced the offender to a short-term fifth degree felony prison term and that the court is eligible for the initial waiver with respect to the offender under the criteria set forth in division (B)(1) of this section and shall include information supporting that eligibility. 81661
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(b) Not later than ten days after receipt of a request from a court of common pleas under division (B)(2)(a) of this section for an initial local confinement waiver with respect to a particular offender, the department shall grant the initial waiver and accept the offender for state confinement. 81672
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(C)(1) If a court of common pleas has been granted an initial local confinement waiver under division (B)(2) of this section with respect to a local correctional facility, the waiver remains in effect with respect to that facility, as a continuing local confinement waiver, until the local correctional facility certifies to the department of rehabilitation and correction that the inmate population of the facility has fallen below one hundred ten per cent of the facility's desired inmate capacity and the department notifies the court that the local correctional facility has so certified. 81677
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If the inmate population of a local correctional facility that is the subject of a continuing local confinement waiver falls below one hundred ten per cent of the facility's desired inmate capacity, the sheriff, administrator, jailer, or other person responsible for operating the facility, within ten days of the inmate population falling below that number, shall certify to the 81687
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department of rehabilitation and correction that the inmate 81693
population of the facility has so fallen. Upon receipt of a 81694
certification from a local correctional facility that the inmate 81695
population of the facility has fallen below one hundred ten per 81696
cent of the facility's desired inmate capacity, the department 81697
promptly shall notify the court of common pleas that has been 81698
granted the waiver with respect to that facility of that fact. 81699
Upon the court's receipt of the notification from the department, 81700
the continuing local confinement waiver terminates. If a 81701
continuing local confinement waiver that was granted to a court of 81702
common pleas with respect to a local correctional facility has 81703
terminated under this division, the court may become eligible for 81704
a new initial local confinement waiver as specified in division 81705
(B)(1) of this section, and may be granted the new waiver under 81706
division (B)(2) of this section. 81707

(2) If a court of common pleas is operating under a 81708
continuing local confinement waiver as specified in division 81709
(C)(1) of this section with respect to a local correctional 81710
facility, if the court sentences an offender on or after July 1, 81711
2018, to a short-term fifth degree felony prison term, and if at 81712
the point in time that offender is to commence service of that 81713
term, division (B)(1)(a) of this section applies to the county, 81714
the court may send the offender to the department of 81715
rehabilitation and correction for service of the term in state 81716
confinement instead of in local confinement in the local 81717
correctional facility. When a court sends an offender to the 81718
department under authority of this division, the department shall 81719
accept the offender for state confinement. The court may continue 81720
sending such offenders to the department for service of their term 81721
in state confinement instead of in local confinement in the local 81722
correctional facility under the criteria described in this 81723
division until the court's continuing local confinement waiver 81724
with respect to that facility is terminated under division (C)(1) 81725

of this section. 81726

(D) If the department accepts an offender for state 81727
confinement under division (B)(2) or (C)(2) of this section, the 81728
department may reduce the amount of the grant money to be provided 81729
to the county under the targeting community alternatives to prison 81730
(T-CAP) program by an amount equal to the department's cost of 81731
confining the offender in state confinement. 81732

Sec. 5120.22. (A) The division of business administration 81733
shall examine the conditions of all buildings, grounds, and other 81734
property connected with the institutions under the control of the 81735
department of rehabilitation and correction, the methods of 81736
bookkeeping and storekeeping, and all matters relating to the 81737
management of such property. The division shall study and become 81738
familiar with the advantages and disadvantages of each as to 81739
location, freight rates, and efficiency of farm and equipment, for 81740
the purpose of aiding in the determination of the local and 81741
general requirements both for maintenance and improvements. 81742

(B) The division, with respect to the various types of 81743
state-owned housing under jurisdiction of the department, shall 81744
adopt, in accordance with section 111.15 of the Revised Code, 81745
rules governing maintenance of the housing and its usage by 81746
department personnel. The rules shall include a procedure for 81747
determining charges for rent and utilities, which the division 81748
shall assess against and collect from department personnel using 81749
the housing. All money collected for rent and utilities pursuant 81750
to the rules shall be deposited into the property receipts fund, 81751
which is hereby created in the state treasury. Money in the fund 81752
shall be used for any expenses necessary to provide housing of 81753
department employees, including but not limited to expenses for 81754
the acquisition, construction, operation, maintenance, repair, 81755
reconstruction, or demolition of land and buildings. 81756

(C) The division may enter into a lease or agreement with a state agency, political subdivision of the state, or private entity to use facilities or other property under the jurisdiction of the department that is not being utilized by the department. All money collected for leasing and services performed in accordance with the lease or agreement shall be deposited into the property receipts fund created under division (B) of this section. Money in the fund shall be used for any expenses resulting from the lease or agreement, including, but not limited to, expenses for services performed, construction, maintenance, repair, reconstruction, or demolition of the facilities or other property.

(D) If, after meeting the expenditure obligations required by divisions (B) and (C) of this section, the division determines that the property receipts fund has excess funds, the division may use money in the fund for services performed, construction, maintenance, repair, reconstruction, or demolition of any other facilities or property owned by the department.

Sec. 5120.68. (A) When a prisoner becomes eligible for parole under section 2967.13 of the Revised Code, the warden of the institution in which the prisoner is incarcerated shall prepare a report containing all of the following information:

(1) Information concerning the prisoner's participation in programs during the prisoner's time at the institution;

(2) Information concerning the prisoner's compliance or noncompliance with rules while at the institution;

(3) Information concerning the ability of the prisoner to seek and obtain employment upon release from incarceration.

(B) The warden shall submit the report created under division (A) of this section to the parole board prior to any hearing to determine whether or not the prisoner should be paroled.

Sec. 5122.02. (A) Except as provided in division (D) of this 81787
section, any person who is eighteen years of age or older and who 81788
is, appears to be, or believes self to be mentally ill may make 81789
written application for voluntary admission to the chief medical 81790
officer of a hospital. 81791

(B) Except as provided in division (D) of this section, the 81792
application also may be made on behalf of a minor by a parent, a 81793
guardian of the person, or the person with custody of the minor, 81794
and on behalf of an adult incompetent person by the guardian or 81795
the person with custody of the incompetent person. 81796

Any person whose admission is applied for under division (A) 81797
or (B) of this section may be admitted for observation, diagnosis, 81798
care, or treatment, in any hospital unless the chief clinical 81799
officer finds that hospitalization is inappropriate, ~~and except~~ 81800
~~that, in the case of a public hospital, no person shall be~~ 81801
~~admitted without the authorization of the board of the person's~~ 81802
~~county of residence. The board of alcohol, drug addiction, and~~ 81803
~~mental health services that serves the patient's county of~~ 81804
~~residence may require preauthorization of such admissions.~~ 81805

(C) If a minor or person adjudicated incompetent due to 81806
mental illness whose voluntary admission is applied for under 81807
division (B) of this section is admitted, the court shall 81808
determine, upon petition by private or otherwise appointed 81809
counsel, a relative, or one acting as next friend, whether the 81810
admission or continued hospitalization is in the best interest of 81811
the minor or incompetent. 81812

The chief clinical officer shall discharge any voluntary 81813
patient who has recovered or whose hospitalization the officer 81814
determines to be no longer advisable and may discharge any 81815
voluntary patient who refuses to accept treatment consistent with 81816
the written treatment plan required by section 5122.27 of the 81817

Revised Code. 81818

(D) A person who is found incompetent to stand trial or not 81819
guilty by reason of insanity and who is committed pursuant to 81820
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 81821
Code shall not voluntarily admit the person or be voluntarily 81822
admitted to a hospital pursuant to this section until after the 81823
final termination of the commitment, as described in division (J) 81824
of section 2945.401 of the Revised Code. 81825

Sec. 5122.03. A patient admitted under section 5122.02 of the 81826
Revised Code who requests release in writing, or whose release is 81827
requested in writing by the patient's counsel, legal guardian, 81828
parent, spouse, or adult next of kin shall be released forthwith, 81829
except that when: 81830

(A) The patient was admitted on the patient's own application 81831
and the request for release is made by a person other than the 81832
patient, release may be conditional upon the agreement of the 81833
patient; or 81834

(B) The chief clinical officer of the hospital, within three 81835
court days from the receipt of the request for release, files or 81836
causes to be filed with the court of the county where the patient 81837
is hospitalized or of the county where the patient is a resident, 81838
an affidavit under section 5122.11 of the Revised Code. Release 81839
may be postponed until the hearing held under section 5122.141 of 81840
the Revised Code. A telephone communication within three court 81841
days from the receipt of the request for release from the chief 81842
clinical officer to the court, indicating that the required 81843
affidavit has been mailed, is sufficient compliance with the time 81844
limit for filing such affidavit. 81845

Unless the patient is released within three days from the 81846
receipt of the request by the chief clinical officer, the request 81847
shall serve as a request for an initial hearing under section 81848

5122.141 of the Revised Code. If the court finds that the patient 81849
is a mentally ill person subject to court order, all provisions of 81850
this chapter with respect to involuntary hospitalization apply to 81851
such person. 81852

Judicial proceedings for hospitalization shall not be 81853
commenced with respect to a voluntary patient except pursuant to 81854
this section. 81855

Sections 5121.30 to 5121.56 of the Revised Code apply to 81856
persons received in a hospital operated by the department of 81857
mental health and addiction services on a voluntary application. 81858

The chief clinical officer of the hospital shall provide 81859
reasonable means and arrangements for informing patients of their 81860
rights to release as provided in this section and for assisting 81861
them in making and presenting requests for release or for a 81862
hearing under section 5122.141 of the Revised Code. 81863

Before a patient is released from a public hospital, the 81864
chief clinical officer ~~shall, when possible, may~~ notify the board 81865
of alcohol, drug addiction, and mental health services that serves 81866
the patient's county of residence of the patient's pending release 81867
after the chief clinical officer has informed the patient that the 81868
board will be so notified. 81869

Sec. 5122.15. (A) Full hearings shall be conducted in a 81870
manner consistent with this chapter and with due process of law. 81871
The hearings shall be conducted by a judge of the probate court or 81872
a referee designated by a judge of the probate court and may be 81873
conducted in or out of the county in which the respondent is held. 81874
Any referee designated under this division shall be an attorney. 81875

(1) With the consent of the respondent, the following shall 81876
be made available to counsel for the respondent: 81877

(a) All relevant documents, information, and evidence in the 81878

custody or control of the state or prosecutor; 81879

(b) All relevant documents, information, and evidence in the 81880
custody or control of the hospital in which the respondent 81881
currently is held, or in which the respondent has been held 81882
pursuant to this chapter; 81883

(c) All relevant documents, information, and evidence in the 81884
custody or control of any hospital, facility, or person not 81885
included in division (A)(1)(a) or (b) of this section. 81886

(2) The respondent has the right to attend the hearing and to 81887
be represented by counsel of the respondent's choice. The right to 81888
attend the hearing may be waived only by the respondent or counsel 81889
for the respondent after consultation with the respondent. 81890

(3) If the respondent is not represented by counsel, is 81891
absent from the hearing, and has not validly waived the right to 81892
counsel, the court shall appoint counsel immediately to represent 81893
the respondent at the hearing, reserving the right to tax costs of 81894
appointed counsel to the respondent, unless it is shown that the 81895
respondent is indigent. If the court appoints counsel, or if the 81896
court determines that the evidence relevant to the respondent's 81897
absence does not justify the absence, the court shall continue the 81898
case. 81899

(4) The respondent shall be informed that the respondent may 81900
retain counsel and have independent expert evaluation. If the 81901
respondent is unable to obtain an attorney, the respondent shall 81902
be represented by court-appointed counsel. If the respondent is 81903
indigent, court-appointed counsel and independent expert 81904
evaluation shall be provided as an expense under section 5122.43 81905
of the Revised Code. 81906

(5) The hearing shall be closed to the public, unless counsel 81907
for the respondent, with the permission of the respondent, 81908
requests that the hearing be open to the public. 81909

(6) If the hearing is closed to the public, the court, for 81910
good cause shown, may admit persons who have a legitimate interest 81911
in the proceedings. If the respondent, the respondent's counsel, 81912
or the designee of the director or of the chief clinical officer 81913
objects to the admission of any person, the court shall hear the 81914
objection and any opposing argument and shall rule upon the 81915
admission of the person to the hearing. 81916

(7) The affiant under section 5122.11 of the Revised Code 81917
shall be subject to subpoena by either party. 81918

(8) The court shall examine the sufficiency of all documents 81919
filed and shall inform the respondent, if present, and the 81920
respondent's counsel of the nature and content of the documents 81921
and the reason for which the respondent is being detained, or for 81922
which the respondent's placement is being sought. 81923

(9) The court shall receive only reliable, competent, and 81924
material evidence. 81925

(10) Unless proceedings are initiated pursuant to section 81926
5120.17 or 5139.08 of the Revised Code, an attorney that the board 81927
designates shall present the case demonstrating that the 81928
respondent is a mentally ill person subject to court order. The 81929
attorney shall offer evidence of the diagnosis, prognosis, record 81930
of treatment, if any, and less restrictive treatment plans, if 81931
any. In proceedings pursuant to section 5120.17 or 5139.08 of the 81932
Revised Code, the attorney general shall designate an attorney who 81933
shall present the case demonstrating that the respondent is a 81934
mentally ill person subject to court order. The attorney shall 81935
offer evidence of the diagnosis, prognosis, record of treatment, 81936
if any, and less restrictive treatment plans, if any. 81937

(11) The respondent or the respondent's counsel has the right 81938
to subpoena witnesses and documents and to examine and 81939
cross-examine witnesses. 81940

- (12) The respondent has the right, but shall not be compelled, to testify, and shall be so advised by the court. 81941
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- (13) On motion of the respondent or the respondent's counsel for good cause shown, or on the court's own motion, the court may order a continuance of the hearing. 81943
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- (14) If the respondent is represented by counsel and the respondent's counsel requests a transcript and record, or if the respondent is not represented by counsel, the court shall make and maintain a full transcript and record of the proceeding. If the respondent is indigent and the transcript and record is made, a copy shall be provided to the respondent upon request and be treated as an expense under section 5122.43 of the Revised Code. 81946
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- (15) To the extent not inconsistent with this chapter, the Rules of Civil Procedure are applicable. 81953
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- (B) Unless, upon completion of the hearing the court finds by clear and convincing evidence that the respondent is a mentally ill person subject to court order, it shall order the respondent's discharge immediately. 81955
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- (C) If, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent is a mentally ill person subject to court order, the court shall order the respondent for a period not to exceed ninety days to any of the following: 81959
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- (1) A hospital operated by the department of mental health and addiction services if the respondent is committed pursuant to section 5139.08 of the Revised Code; 81964
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- (2) A nonpublic hospital; 81967
- (3) The veterans' administration or other agency of the United States government; 81968
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- (4) A board of alcohol, drug addiction, and mental health 81970

services or services provider the board designates; 81971

(5) Receive private psychiatric care or psychological care 81972
~~and treatment, as defined in section 1751.84 of the Revised Code;~~ 81973

(6) Any other suitable facility or person consistent with the 81974
diagnosis, prognosis, and treatment needs of the respondent. A 81975
jail or other local correctional facility is not a suitable 81976
facility. 81977

(D) Any order made pursuant to division (C)(2), (3), (5), or 81978
(6) of this section shall be conditioned upon the receipt by the 81979
court of consent by the hospital, facility, agency, or person to 81980
accept the respondent ~~and may include a requirement that a. The~~ 81981
person or entity described in division (C)(2), (3), (5), or (6) of 81982
this section may inform the board of alcohol, drug addiction, and 81983
mental health services or community mental health services 81984
provider the board designates about the progress of the respondent 81985
with the treatment plan. 81986

(E) In determining the entity or person to which the 81987
respondent is to be committed under division (C) of this section, 81988
the court shall consider the diagnosis, prognosis, preferences of 81989
the respondent and the projected treatment plan for the respondent 81990
and shall order the implementation of the least restrictive 81991
alternative available and consistent with treatment goals. If the 81992
court determines that the least restrictive alternative available 81993
that is consistent with treatment goals is inpatient 81994
hospitalization, the court's order shall so state. 81995

(F) During the ninety-day period the entity or person shall 81996
examine and treat the respondent. If the respondent is receiving 81997
treatment in an outpatient setting, or receives treatment in an 81998
outpatient setting during a subsequent period of continued 81999
commitment under division (H) of this section, the entity or 82000
person to whom the respondent is committed shall determine the 82001

appropriate outpatient treatment for the respondent. If, at any 82002
time prior to the expiration of the ninety-day period, it is 82003
determined by the entity or person that the respondent's treatment 82004
needs could be equally well met in an available and appropriate 82005
less restrictive setting, both of the following apply: 82006

(1) The respondent shall be released from the care of the 82007
entity or person immediately and shall be referred to the court 82008
together with a report of the findings and recommendations of the 82009
entity or person; 82010

(2) The entity or person shall notify the respondent's 82011
counsel ~~or~~ and, on the request of the appropriate board of 82012
alcohol, drug addiction, and mental health services, the attorney 82013
designated by a the board of alcohol, drug addiction, and mental 82014
health services or, if the respondent was committed to a board or 82015
a services provider designated by the board, it. The person or 82016
entity to which the person was placed after commitment shall then 82017
place the respondent in the least restrictive setting available 82018
consistent with treatment goals and notify the court and the 82019
respondent's counsel of the placement. 82020

The court shall dismiss the case or order placement in the 82021
least restrictive setting. 82022

(G)(1) Except as provided in division (G)(2) of this section, 82023
any person for whom proceedings for treatment have been commenced 82024
pursuant to section 5122.11 of the Revised Code, may apply at any 82025
time for voluntary admission or treatment to the entity or person 82026
to which the person was ~~committed~~ ordered. Upon admission as a 82027
voluntary patient, the chief clinical officer of the entity or the 82028
person immediately shall notify the court, the patient's counsel, 82029
the attorney of record for the person or entity to which the 82030
person was committed and, when requested by the board, the 82031
attorney designated by the board, ~~if the attorney has entered the~~ 82032
~~proceedings, in writing of that fact, and, upon.~~ On receipt of the 82033

notice, the court shall dismiss the case. 82034

(2) A person who is found incompetent to stand trial or not 82035
guilty by reason of insanity and who is committed pursuant to 82036
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 82037
Code shall not voluntarily commit the person pursuant to this 82038
section until after the final termination of the commitment, as 82039
described in division (J) of section 2945.401 of the Revised Code. 82040

(H) If, at the end of the first ninety-day period or any 82041
subsequent period of continued commitment, there has been no 82042
disposition of the case, ~~(either by discharge or voluntary~~ 82043
~~admission or treatment)~~, the entity or person shall discharge the 82044
patient immediately, unless at least ten days pass before the 82045
expiration of the period the ~~attorney the board designates or the~~ 82046
~~prosecutor~~ or the attorney of record described in division (G) of 82047
this section files with the court an application for continued 82048
commitment. The application of the attorney ~~or the prosecutor~~ on 82049
record shall include a written report containing the diagnosis, 82050
prognosis, past treatment, a list of alternative treatment 82051
settings and plans, and identification of the treatment setting 82052
that is the least restrictive consistent with treatment needs. The 82053
attorney ~~the board designates or the~~ prosecutor of record or shall 82054
file the written report at least three days prior to the full 82055
hearing. A copy of the application and written report shall be 82056
provided to the respondent's counsel immediately. 82057

The court shall hold a full hearing on applications for 82058
continued commitment at the expiration of the first ninety-day 82059
period and at least every two years after the expiration of the 82060
first ninety-day period. 82061

Hearings following any application for continued commitment 82062
are mandatory and may not be waived. 82063

For a respondent who is ordered to receive treatment in an 82064

outpatient setting, if at any time after the first ninety-day 82065
period the entity or person to whom the respondent was ordered 82066
determines that the respondent has demonstrated voluntary consent 82067
for treatment, that entity or person shall immediately notify the 82068
respondent, the respondent's counsel, the attorney ~~designated by~~ 82069
~~the board, and~~ of record described in division (G) of this 82070
section, and the court. The entity or person shall submit to the 82071
court a report of the findings and recommendations. The court may 82072
dismiss the case upon review of the facts. 82073

Upon request of a person who is involuntarily committed under 82074
this section, or the person's counsel, that is made more than one 82075
hundred eighty days after the person's last full hearing, 82076
mandatory or requested, the court shall hold a full hearing on the 82077
person's continued commitment. Upon the application of a person 82078
involuntarily committed under this section, supported by an 82079
affidavit of a psychiatrist or licensed clinical psychologist, 82080
alleging that the person no longer is a mentally ill person 82081
subject to court order, the court for good cause shown may hold a 82082
full hearing on the person's continued commitment prior to the 82083
expiration of one hundred eighty days after the person's last full 82084
hearing. Section 5122.12 of the Revised Code applies to all 82085
hearings on continued commitment. 82086

If the court, after a hearing for continued commitment finds 82087
by clear and convincing evidence that the respondent is a mentally 82088
ill person subject to court order, the court may order continued 82089
commitment at places or to persons specified in division (C) of 82090
this section. 82091

(I) Unless the admission is pursuant to section 5120.17 or 82092
5139.08 of the Revised Code, the board may request that the chief 82093
clinical officer of the entity admitting a respondent pursuant to 82094
a judicial proceeding, within ten working days of the admission, 82095
shall make a report of the admission to the board of alcohol, drug 82096

addiction, and mental health services serving the respondent's 82097
county of residence. 82098

(J) A referee appointed by the court may make all orders that 82099
a judge may make under this section and sections 5122.11 and 82100
5122.141 of the Revised Code, except an order of contempt of 82101
court. The orders of a referee take effect immediately. Within 82102
fourteen days of the making of an order by a referee, a party may 82103
file written objections to the order with the court. The filed 82104
objections shall be considered a motion, shall be specific, and 82105
shall state their grounds with particularity. Within ten days of 82106
the filing of the objections, a judge of the court shall hold a 82107
hearing on the objections and may hear and consider any testimony 82108
or other evidence relating to the respondent's mental condition. 82109
At the conclusion of the hearing, the judge may ratify, rescind, 82110
or modify the referee's order. 82111

(K) An order of the court under division (C), (H), or ~~(J)~~(I) 82112
of this section is a final order. 82113

(L) Before a ~~board, or a services provider the board~~ 82114
~~designates, may place~~ placing an unconsenting respondent in an 82115
inpatient setting from a less restrictive placement, the ~~board or~~ 82116
~~services provider~~ person or entity to which the respondent was 82117
ordered shall do all of the following: 82118

(1) Determine that the respondent is in immediate need of 82119
treatment in an inpatient setting because the respondent 82120
represents a substantial risk of physical harm to the respondent 82121
or others if allowed to remain in a less restrictive setting; 82122

(2) On the day of placement in the inpatient setting or on 82123
the next court day, file with the court a motion for transfer to 82124
an inpatient setting or communicate to the court by telephone that 82125
the required motion has been mailed; 82126

(3) Ensure that every reasonable and appropriate effort is 82127

made to take the respondent to the inpatient setting in the least 82128
conspicuous manner possible; 82129

(4) Immediately notify the ~~board's designated~~ attorney ~~and~~ 82130
the of record described in division (G) of this section and the 82131
respondent's attorney. 82132

(5) At the request of the board, immediately notify the 82133
board's designated attorney. 82134

At the respondent's request, the court shall hold a hearing 82135
on the motion and make a determination pursuant to division (E) of 82136
this section within five days of the placement. 82137

(M) Before a board, or a services provider the board 82138
designates, may move a respondent from one residential placement 82139
to another, the board or services provider shall consult with the 82140
respondent about the placement. If the respondent objects to the 82141
placement, the proposed placement and the need for it shall be 82142
reviewed by a qualified mental health professional who otherwise 82143
is not involved in the treatment of the respondent. 82144

(N) The entity or person to whom the respondent was ordered 82145
for treatment in an outpatient setting may submit a report to the 82146
court indicating that the respondent has either failed to comply 82147
with the treatment plan or begun to demonstrate signs of 82148
decompensation that may be grounds for hospitalization. On receipt 82149
of the report, the court shall promptly schedule a hearing to 82150
review the case. The court shall conduct the hearing in a manner 82151
consistent with this chapter and due process of law. The ~~board~~ 82152
person or entity to which the person was ordered shall receive 82153
notice of the hearing and ~~the board and entity or person treating~~ 82154
~~the respondent~~ shall submit a report to the court with a plan for 82155
appropriate alternative treatment, if any, or recommend that the 82156
court discontinue the court-ordered treatment. At the request of 82157
the board, the court shall provide a copy of the notice of hearing 82158

and the subsequent report. The court shall consider available and 82159
appropriate alternative placements but shall not impose criminal 82160
sanctions that result in confinement in a jail or other local 82161
correctional facility based on the respondent's failure to comply 82162
with the treatment plan. The court may not order the respondent to 82163
a more restrictive placement unless the criteria specified in 82164
division (L) of this section are met and may not order the 82165
respondent to an inpatient setting unless the court determines by 82166
clear and convincing evidence presented by the ~~board~~ person or 82167
entity to which the person was ordered that the respondent meets 82168
the criteria specified in divisions (A) and (B)(1), (2), (3), or 82169
(4) of section 5122.01 of the Revised Code. 82170

Sec. 5122.31. (A) All certificates, applications, records, 82171
and reports made for the purpose of this chapter and sections 82172
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 82173
Code, other than court journal entries or court docket entries, 82174
and directly or indirectly identifying a patient or former patient 82175
or person whose hospitalization or commitment has been sought 82176
under this chapter, shall be kept confidential and shall not be 82177
disclosed by any person except: 82178

(1) If the person identified, or the person's legal guardian, 82179
if any, or if the person is a minor, the person's parent or legal 82180
guardian, consents, and if the disclosure is in the best interests 82181
of the person, as may be determined by the court for judicial 82182
records and by the chief clinical officer for medical records; 82183

(2) When disclosure is provided for in this chapter or 82184
Chapters 340. or 5119. of the Revised Code or in accordance with 82185
other provisions of state or federal law authorizing such 82186
disclosure; 82187

(3) That hospitals, boards of alcohol, drug addiction, and 82188
mental health services, and community mental health services 82189

providers may release necessary medical information to insurers 82190
and other third-party payers, including government entities 82191
responsible for processing and authorizing payment, to obtain 82192
payment for goods and services furnished to the patient; 82193

(4) Pursuant to a court order signed by a judge; 82194

(5) That a patient shall be granted access to the patient's 82195
own psychiatric and medical records, unless access specifically is 82196
restricted in a patient's treatment plan for clear treatment 82197
reasons; 82198

(6) That hospitals and other institutions and facilities 82199
within the department of mental health and addiction services may 82200
exchange psychiatric records and other pertinent information with 82201
other hospitals, institutions, and facilities of the department, 82202
and with community mental health services providers and boards of 82203
alcohol, drug addiction, and mental health services with which the 82204
department has a current agreement for patient care or services. 82205
Records and information that may be released pursuant to this 82206
division shall be limited to medication history, physical health 82207
status and history, financial status, summary of course of 82208
treatment in the hospital, summary of treatment needs, and a 82209
discharge summary, if any. 82210

(7) That hospitals within the department and other 82211
institutions and facilities within the department may exchange 82212
psychiatric records and other pertinent information with payers 82213
and other providers of treatment, health services, and recovery 82214
supports if the purpose of the exchange is to facilitate 82215
continuity of care for a patient or for the emergency treatment of 82216
an individual; 82217

(8) That a patient's family member who is involved in the 82218
provision, planning, and monitoring of services to the patient may 82219
receive medication information, a summary of the patient's 82220

diagnosis and prognosis, and a list of the services and personnel 82221
available to assist the patient and the patient's family, if the 82222
patient's treating physician determines that the disclosure would 82223
be in the best interests of the patient. No such disclosure shall 82224
be made unless the patient is notified first and receives the 82225
information and does not object to the disclosure. 82226

(9) That community mental health services providers may 82227
exchange psychiatric records and certain other information with 82228
the board of alcohol, drug addiction, and mental health services 82229
and other services providers in order to provide services to a 82230
person involuntarily committed to a board. Release of records 82231
under this division shall be limited to medication history, 82232
physical health status and history, financial status, summary of 82233
course of treatment, summary of treatment needs, and discharge 82234
summary, if any. 82235

(10) That information may be disclosed to the executor or the 82236
administrator of an estate of a deceased patient when the 82237
information is necessary to administer the estate; 82238

(11) That records in the possession of the Ohio history 82239
connection may be released to the closest living relative of a 82240
deceased patient upon request of that relative; 82241

(12) That records pertaining to the patient's diagnosis, 82242
course of treatment, treatment needs, and prognosis shall be 82243
disclosed and released to the appropriate prosecuting attorney if 82244
the patient was committed pursuant to section 2945.38, 2945.39, 82245
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 82246
attorney designated by the ~~board~~ person or entity to which the 82247
person was ordered and, if requested by the board of alcohol, drug 82248
addiction, and mental health services, to the board for 82249
proceedings pursuant to involuntary commitment under this 82250
chapter.; 82251

(13) That a board of alcohol, drug addiction, and mental health services and a probate court may exchange psychiatric records and other pertinent information regarding a patient with each other for the purpose of fulfilling duties under section 340.03 of the Revised Code and Chapter 2101. of the Revised Code, as applicable;

(14) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any;

~~(14)~~(15) That records and reports relating to a person who has been deceased for fifty years or more are no longer considered confidential.

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary 82284
medical information under division (A)(3) of this section to allow 82285
an insurance carrier or other third party payor to comply with 82286
section 5121.43 of the Revised Code shall neither be subject to 82287
criminal nor civil liability. 82288

Sec. 5122.32. (A) As used in this section: 82289

(1) "Quality assurance committee" means a committee that is 82290
appointed in the central office of the department of mental health 82291
and addiction services by the director of mental health and 82292
addiction services, a committee of a hospital or community setting 82293
program, or a duly authorized subcommittee of a committee of that 82294
nature and that is designated to carry out quality assurance 82295
program activities. 82296

(2) "Quality assurance program" means a comprehensive program 82297
within the department of mental health and addiction services to 82298
systematically review and improve the quality of medical and 82299
mental health services within the department and its hospitals and 82300
community setting programs, the safety and security of persons 82301
receiving or administering medical and mental health services 82302
within the department and its hospitals and community setting 82303
programs, and the efficiency and effectiveness of the utilization 82304
of staff and resources in the delivery of medical and mental 82305
health services within the department and its hospitals and 82306
community setting programs. "Quality assurance program" includes 82307
the central office quality assurance committees, morbidity and 82308
mortality review committees, quality assurance programs of 82309
community setting programs, quality assurance committees of 82310
hospitals operated by the department of mental health and 82311
addiction services, and the office of licensure and certification 82312
of the department. 82313

(3) "Quality assurance program activities" include collecting 82314

or compiling information and reports required by a quality 82315
assurance committee, receiving, reviewing, or implementing the 82316
recommendations made by a quality assurance committee, and 82317
credentialing, privileging, infection control, tissue review, peer 82318
review, utilization review including access to patient care 82319
records, patient care assessment records, and medical and mental 82320
health records, medical and mental health resource management, 82321
mortality and morbidity review, and identification and prevention 82322
of medical or mental health incidents and risks, whether performed 82323
by a quality assurance committee or by persons who are directed by 82324
a quality assurance committee. 82325

(4) "Quality assurance records" means the proceedings, 82326
discussion, records, findings, recommendations, evaluations, 82327
opinions, minutes, reports, and other documents or actions that 82328
emanate from quality assurance committees, quality assurance 82329
programs, or quality assurance program activities. "Quality 82330
assurance records" does not include aggregate statistical 82331
information that does not disclose the identity of persons 82332
receiving or providing medical or mental health services in 82333
department of mental health and addiction services hospitals or 82334
community setting programs. 82335

(B)(1) Except as provided in division (E) of this section, 82336
quality assurance records are confidential and are not public 82337
records under section 149.43 of the Revised Code, and shall be 82338
used only in the course of the proper functions of a quality 82339
assurance program. 82340

(2) Except as provided in division (E) of this section, no 82341
person who possesses or has access to quality assurance records 82342
and who knows that the records are quality assurance records shall 82343
willfully disclose the contents of the records to any person or 82344
entity. 82345

(C)(1) Except as provided in division (E) of this section, no 82346

quality assurance record shall be subject to discovery, and is not 82347
admissible in evidence, in any judicial or administrative 82348
proceeding. 82349

(2) Except as provided in division (E) of this section, no 82350
member of a quality assurance committee or a person who is 82351
performing a function that is part of a quality assurance program 82352
shall be permitted or required to testify in a judicial or 82353
administrative proceeding with respect to quality assurance 82354
records or with respect to any finding, recommendation, 82355
evaluation, opinion, or other action taken by the committee, 82356
member, or person. 82357

(3) Information, documents, or records otherwise available 82358
from original sources are not to be construed as being unavailable 82359
for discovery or admission in evidence in a judicial or 82360
administrative proceeding merely because they were presented to a 82361
quality assurance committee. No person testifying before a quality 82362
assurance committee or person who is a member of a quality 82363
assurance committee shall be prevented from testifying as to 82364
matters within the person's knowledge, but the witness cannot be 82365
asked about the witness' testimony before the quality assurance 82366
committee or about an opinion formed by the person as a result of 82367
the quality assurance committee proceedings. 82368

(D)(1) A person who, without malice and in the reasonable 82369
belief that the information is warranted by the facts known to the 82370
person, provides information to a person engaged in quality 82371
assurance program activities is not liable for damages in a civil 82372
action for injury, death, or loss to person or property to any 82373
person as a result of providing the information. 82374

(2) A member of a quality assurance committee, a person 82375
engaged in quality assurance program activities, and an employee 82376
of the department of mental health and addiction services shall 82377
not be liable in damages in a civil action for injury, death, or 82378

loss to person or property to any person for any acts, omissions, 82379
decisions, or other conduct within the scope of the functions of 82380
the quality assurance program. 82381

(3) Nothing in this section shall relieve any institution or 82382
individual from liability arising from the treatment of a patient. 82383

(E) Quality assurance records may be disclosed, and testimony 82384
may be provided concerning quality assurance records, only to the 82385
following persons or entities: 82386

(1) Persons who are employed or retained by the department of 82387
mental health and addiction services and who have authority to 82388
evaluate or implement the recommendations of a state-operated 82389
hospital, community setting program, or central office quality 82390
assurance committee; 82391

(2) Public or private agencies or organizations if needed to 82392
perform a licensing or accreditation function related to 82393
department of mental health and addiction services hospitals or 82394
community setting programs, or to perform monitoring of a hospital 82395
or program of that nature as required by law. 82396

(F) A disclosure of quality assurance records pursuant to 82397
division (E) of this section does not otherwise waive the 82398
confidential and privileged status of the disclosed quality 82399
assurance records. 82400

(G) Nothing in this section shall limit the access of the 82401
Ohio protection and advocacy system to records or personnel as 82402
required under section 5123.601 of the Revised Code. Nothing in 82403
this section shall limit the admissibility of documentary or 82404
testimonial evidence in an action brought by the Ohio protection 82405
and advocacy system in its own name or on behalf of a client. 82406

Sec. 5123.01. As used in this chapter: 82407

(A) "Chief medical officer" means the licensed physician 82408

appointed by the managing officer of an institution for persons 82409
with intellectual disabilities with the approval of the director 82410
of developmental disabilities to provide medical treatment for 82411
residents of the institution. 82412

(B) "Chief program director" means a person with special 82413
training and experience in the diagnosis and management of persons 82414
with developmental disabilities, certified according to division 82415
(C) of this section in at least one of the designated fields, and 82416
appointed by the managing officer of an institution for persons 82417
with intellectual disabilities with the approval of the director 82418
to provide habilitation and care for residents of the institution. 82419

(C) "Comprehensive evaluation" means a study, including a 82420
sequence of observations and examinations, of a person leading to 82421
conclusions and recommendations formulated jointly, with 82422
dissenting opinions if any, by a group of persons with special 82423
training and experience in the diagnosis and management of persons 82424
with developmental disabilities, which group shall include 82425
individuals who are professionally qualified in the fields of 82426
medicine, psychology, and social work, together with such other 82427
specialists as the individual case may require. 82428

(D) "Education" means the process of formal training and 82429
instruction to facilitate the intellectual and emotional 82430
development of residents. 82431

(E) "Habilitation" means the process by which the staff of 82432
the institution assists the resident in acquiring and maintaining 82433
those life skills that enable the resident to cope more 82434
effectively with the demands of the resident's own person and of 82435
the resident's environment and in raising the level of the 82436
resident's physical, mental, social, and vocational efficiency. 82437
Habilitation includes but is not limited to programs of formal, 82438
structured education and training. 82439

(F) "Health officer" means any public health physician, 82440
public health nurse, or other person authorized or designated by a 82441
city or general health district. 82442

(G) "Home and community-based services" means medicaid-funded 82443
home and community-based services specified in division (A)(1) of 82444
section 5166.20 of the Revised Code provided under the medicaid 82445
waiver components the department of developmental disabilities 82446
administers pursuant to section 5166.21 of the Revised Code. 82447
Except as provided in section 5123.0412 of the Revised Code, home 82448
and community-based services provided under the medicaid waiver 82449
component known as the transitions developmental disabilities 82450
waiver are to be considered to be home and community-based 82451
services for the purposes of this chapter, and Chapters 5124. and 82452
5126. of the Revised Code, only to the extent, if any, provided by 82453
the contract required by section 5166.21 of the Revised Code 82454
regarding the waiver. 82455

(H) "ICF/IID" has the same meaning as in section 5124.01 of 82456
the Revised Code. 82457

(I) "Indigent person" means a person who is unable, without 82458
substantial financial hardship, to provide for the payment of an 82459
attorney and for other necessary expenses of legal representation, 82460
including expert testimony. 82461

(J) "Institution" means a public or private facility, or a 82462
part of a public or private facility, that is licensed by the 82463
appropriate state department and is equipped to provide 82464
residential habilitation, care, and treatment for persons with 82465
intellectual disabilities. 82466

(K) "Licensed physician" means a person who holds a valid 82467
certificate issued under Chapter 4731. of the Revised Code 82468
authorizing the person to practice medicine and surgery or 82469
osteopathic medicine and surgery, or a medical officer of the 82470

government of the United States while in the performance of the 82471
officer's official duties. 82472

(L) "Managing officer" means a person who is appointed by the 82473
director of developmental disabilities to be in executive control 82474
of an institution under the jurisdiction of the department of 82475
developmental disabilities. 82476

(M) "Medicaid case management services" means case management 82477
services provided to an individual with a developmental disability 82478
that the state medicaid plan requires. 82479

(N) "Intellectual disability" means a disability 82480
characterized by having significantly subaverage general 82481
intellectual functioning existing concurrently with deficiencies 82482
in adaptive behavior, manifested during the developmental period. 82483

(O) "Person with an intellectual disability subject to 82484
institutionalization by court order" means a person eighteen years 82485
of age or older with at least a moderate level of intellectual 82486
disability and in relation to whom, because of the person's 82487
disability, either of the following conditions exists: 82488

(1) The person represents a very substantial risk of physical 82489
impairment or injury to self as manifested by evidence that the 82490
person is unable to provide for and is not providing for the 82491
person's most basic physical needs and that provision for those 82492
needs is not available in the community; 82493

(2) The person needs and is susceptible to significant 82494
habilitation in an institution. 82495

(P) "Moderate level of intellectual disability" means the 82496
condition in which a person, following a comprehensive evaluation, 82497
is found to have at least moderate deficits in overall 82498
intellectual functioning, as indicated by a full-scale 82499
intelligence quotient test score of fifty-five or below, and at 82500
least moderate deficits in adaptive behavior, as determined in 82501

accordance with the criteria established in the fifth edition of 82502
the diagnostic and statistical manual of mental disorders 82503
published by the American psychiatric association. 82504

(Q) "Developmental disability" means a severe, chronic 82505
disability that is characterized by all of the following: 82506

(1) It is attributable to a mental or physical impairment or 82507
a combination of mental and physical impairments, other than a 82508
mental or physical impairment solely caused by mental illness, as 82509
defined in division (A) of section 5122.01 of the Revised Code. 82510

(2) It is manifested before age twenty-two. 82511

(3) It is likely to continue indefinitely. 82512

(4) It results in one of the following: 82513

(a) In the case of a person under three years of age, at 82514
least one developmental delay, as defined in rules adopted under 82515
section 5123.011 of the Revised Code, or a diagnosed physical or 82516
mental condition that has a high probability of resulting in a 82517
developmental delay, as defined in those rules; 82518

(b) In the case of a person at least three years of age but 82519
under six years of age, at least two developmental delays, as 82520
defined in rules adopted under section 5123.011 of the Revised 82521
Code; 82522

(c) In the case of a person six years of age or older, a 82523
substantial functional limitation in at least three of the 82524
following areas of major life activity, as appropriate for the 82525
person's age: self-care, receptive and expressive language, 82526
learning, mobility, self-direction, capacity for independent 82527
living, and, if the person is at least sixteen years of age, 82528
capacity for economic self-sufficiency. 82529

(5) It causes the person to need a combination and sequence 82530
of special, interdisciplinary, or other type of care, treatment, 82531

or provision of services for an extended period of time that is 82532
individually planned and coordinated for the person. 82533

"Developmental disability" includes intellectual disability. 82534

(R) "State institution" means an institution that is 82535
tax-supported and under the jurisdiction of the department of 82536
developmental disabilities. 82537

(S) "Residence" and "legal residence" have the same meaning 82538
as "legal settlement," which is acquired by residing in Ohio for a 82539
period of one year without receiving general assistance prior to 82540
July 17, 1995, under former Chapter 5113. of the Revised Code, 82541
without receiving financial assistance prior to December 31, 2017, 82542
under former Chapter 5115. of the Revised Code, or assistance from 82543
a private agency that maintains records of assistance given. A 82544
person having a legal settlement in the state shall be considered 82545
as having legal settlement in the assistance area in which the 82546
person resides. No adult person coming into this state and having 82547
a spouse or minor children residing in another state shall obtain 82548
a legal settlement in this state as long as the spouse or minor 82549
children are receiving public assistance, care, or support at the 82550
expense of the other state or its subdivisions. For the purpose of 82551
determining the legal settlement of a person who is living in a 82552
public or private institution or in a home subject to licensing by 82553
the department of job and family services, the department of 82554
mental health and addiction services, or the department of 82555
developmental disabilities, the residence of the person shall be 82556
considered as though the person were residing in the county in 82557
which the person was living prior to the person's entrance into 82558
the institution or home. Settlement once acquired shall continue 82559
until a person has been continuously absent from Ohio for a period 82560
of one year or has acquired a legal residence in another state. A 82561
woman who marries a man with legal settlement in any county 82562
immediately acquires the settlement of her husband. The legal 82563

settlement of a minor is that of the parents, surviving parent, 82564
sole parent, parent who is designated the residential parent and 82565
legal custodian by a court, other adult having permanent custody 82566
awarded by a court, or guardian of the person of the minor, 82567
provided that: 82568

(1) A minor female who marries shall be considered to have 82569
the legal settlement of her husband and, in the case of death of 82570
her husband or divorce, she shall not thereby lose her legal 82571
settlement obtained by the marriage. 82572

(2) A minor male who marries, establishes a home, and who has 82573
resided in this state for one year without receiving general 82574
assistance prior to July 17, 1995, under former Chapter 5113. of 82575
the Revised Code, ~~financial assistance under Chapter 5115. of the~~ 82576
~~Revised Code,~~ or assistance from a private agency that maintains 82577
records of assistance given shall be considered to have obtained a 82578
legal settlement in this state. 82579

(3) The legal settlement of a child under eighteen years of 82580
age who is in the care or custody of a public or private child 82581
caring agency shall not change if the legal settlement of the 82582
parent changes until after the child has been in the home of the 82583
parent for a period of one year. 82584

No person, adult or minor, may establish a legal settlement 82585
in this state for the purpose of gaining admission to any state 82586
institution. 82587

(T)(1) "Resident" means, subject to division (T)(2) of this 82588
section, a person who is admitted either voluntarily or 82589
involuntarily to an institution or other facility pursuant to 82590
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 82591
Code subsequent to a finding of not guilty by reason of insanity 82592
or incompetence to stand trial or under this chapter who is under 82593
observation or receiving habilitation and care in an institution. 82594

(2) "Resident" does not include a person admitted to an institution or other facility under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to resident, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(U) "Respondent" means the person whose detention, commitment, or continued commitment is being sought in any proceeding under this chapter.

(V) "Working day" and "court day" mean Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a legal holiday.

(W) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(X) "Court" means the probate division of the court of common pleas.

(Y) "Supported living" and "residential services" have the same meanings as in section 5126.01 of the Revised Code.

Sec. 5123.033. The program fee fund is hereby created in the state treasury. All fees collected pursuant to sections 5123.161, 5123.163, 5123.164, and 5123.19 of the Revised Code shall be credited to the fund. Money credited to the fund shall be used solely for the department of developmental disabilities' duties under sections 5123.16 to 5123.1611 and 5123.19 of the Revised Code and to provide continuing education and professional training

to providers of services to individuals with developmental 82625
disabilities. If the money credited to the fund is inadequate to 82626
pay all of the department's costs in performing those duties and 82627
providing the continuing education and professional training, the 82628
department may use other available funds appropriated to the 82629
department to pay the remaining costs of performing those duties 82630
and providing the continuing education and professional training. 82631

Sec. 5123.162. (A) ~~The director of developmental disabilities~~ 82632
~~may conduct surveys of persons and government entities that seek a~~ 82633
~~supported living certificate to determine whether the persons and~~ 82634
~~government entities~~ Surveys may be conducted to determine whether 82635
applicants meet or continue to meet the certification standards 82636
for a supported living certificate. ~~The director may also conduct~~ 82637
~~surveys of providers to determine whether the providers continue~~ 82638
~~to meet the certification standards. The director may assign to a~~ 82639
~~county board of developmental disabilities the responsibility to~~ 82640
~~conduct either type of survey.~~ The county board of developmental 82641
disabilities serving the county in which the applicant is located 82642
shall conduct the survey unless the county board provides 82643
supported living, in which case the director of developmental 82644
disabilities shall conduct the survey. Each survey shall be 82645
conducted in accordance with rules adopted under section 5123.1611 82646
of the Revised Code. 82647

(B) Following each survey of a provider, the director or 82648
county board that conducted the survey shall issue a report 82649
listing the date of the survey, any citations issued as a result 82650
of the survey, and the statutes or rules that purportedly have 82651
been violated and are the bases of the citations. ~~The~~ A county 82652
board's report shall include actions the county board recommends 82653
be taken against the provider. A county board shall provide a copy 82654
of the report to the provider and director. Not later than five 82655

business days after issuing or receiving a report, the director 82656
shall also do ~~both~~ all of the following: 82657

(1) Specify a date by which the provider may appeal any of 82658
the citations; 82659

(2) When appropriate, specify a timetable within which the 82660
provider must submit a plan of correction describing how the 82661
problems specified in the citations will be corrected and the date 82662
by which the provider anticipates the problems will be corrected; 82663

(3) If a county board issued the report and recommended that 82664
the provider's certification be suspended because of problems with 82665
the quality, appropriateness, or integrated setting of the 82666
provider's supported living, a substantial risk to the health or 82667
safety of an individual who receives or would receive supported 82668
living from the provider, or a major unusual incident involving 82669
the provider, take the action required by division (A)(2) of 82670
section 5123.166 of the Revised Code. 82671

(C) If the director initiates a proceeding to revoke a 82672
provider's certification, the director shall include the report 82673
required by division (B) of this section with the notice of the 82674
proposed revocation the director sends to the provider. In this 82675
circumstance, the provider may not submit a plan of correction. 82676

(D) After a plan of correction is submitted, the director 82677
shall approve or disapprove the plan. If the plan of correction is 82678
approved, a copy of the approved plan shall be provided, not later 82679
than five business days after it is approved, to the county board 82680
that serves the county in which the provider is located and to any 82681
person or government entity that requests it and. The approved 82682
plan also shall be made available on the internet web site 82683
maintained by the department of developmental disabilities. If the 82684
plan of correction is not approved and the director initiates a 82685
proceeding to revoke the provider's certification, a copy of the 82686

survey report shall be provided to the county board that serves 82687
the county in which the provider is located and any person or 82688
government entity that requests it ~~and~~. In that case, the survey 82689
report also shall be made available on the internet web site 82690
maintained by the department. 82691

(E) In addition to survey reports described in this section, 82692
all other records associated with surveys conducted under this 82693
section are public records for the purpose of section 149.43 of 82694
the Revised Code and shall be made available on the request of any 82695
person or government entity. 82696

Sec. 5123.163. ~~(A)~~ A supported living certificate is valid 82697
~~for a period of time established in rules adopted under section~~ 82698
~~5123.1611 of the Revised Code, unless any~~ until one of the 82699
following ~~occur before the end of that period of time~~ occurs: 82700

~~(A)(1)~~ Except as provided in division (B) of this section and 82701
division (B) section 5123.164 of the Revised Code, the period of 82702
time established in rules adopted under section 5123.1611 of the 82703
Revised Code ends. 82704

(2) The director of developmental disabilities issues an 82705
order requiring that action be taken against the certificate 82706
holder under section 5123.166 of the Revised Code. 82707

~~(B)(3)~~ The director issues an order terminating the 82708
certificate under section 5123.168 of the Revised Code. 82709

~~(C)(4)~~ The certificate holder voluntarily surrenders the 82710
certificate to the director. 82711

(B)(1) A supported living certificate does not expire 82712
pursuant to division (A)(1) of this section if both of the 82713
following are the case on the date the certificate would have 82714
expired pursuant to that division: 82715

(a) The supported living certificate holder has applied for 82716

renewal in accordance with the process established in rules 82717
adopted under section 5123.1611 of the Revised Code. 82718

(b) The director has not approved or denied the certificate 82719
holder's renewal application. 82720

(2) A supported living certificate to which division (B)(1) 82721
of this section applies expires ninety days after the date the 82722
certificate would have expired pursuant to division (A)(1) of this 82723
section, unless either of the following occurs before the end of 82724
that period of time: 82725

(a) The director approves or denies the certificate holder's 82726
renewal application. 82727

(b) The certificate ceases to be valid pursuant to division 82728
(A)(2), (3), or (4) of this section. 82729

(3) The director may delay a certificate's expiration date by 82730
an additional ninety days if the director determines the 82731
additional delay is appropriate. 82732

(C) The director may charge a fee of one hundred dollars to a 82733
supported living certificate holder if both of the following 82734
apply: 82735

(1) The certificate's expiration date is delayed pursuant to 82736
division (B) of this section. 82737

(2) The certificate holder submitted an application for 82738
renewal of the certificate less than forty-five days before the 82739
certificate would have expired pursuant to division (A)(1) of this 82740
section. 82741

The director shall deposit all fees collected under this 82742
section into the program fee fund created under section 5123.033 82743
of the Revised Code. 82744

Sec. 5123.164. (A) Except as provided in sections 5123.166 82745

and 5123.169 of the Revised Code, the director of developmental disabilities shall renew a supported living certificate if the certificate holder follows the renewal process established in rules adopted under section 5123.1611 of the Revised Code, continues to meet the applicable certification standards established in those rules, and pays the renewal fee established in those rules.

(B)(1) The director of developmental disabilities may temporarily restore a provider's supported living certificate that has ceased to be valid pursuant to division (A)(1) of section 5123.163 of the Revised Code if the provider does both of the following after the certificate ceases to be valid:

(a) Submits an application for renewal of the certificate;

(b) Pays the restoration fee established pursuant to division (B)(3)(c) of this section.

(2) A supported living certificate that is temporarily restored pursuant to division (B)(1) of this section is valid for ninety days from the date the certificate is restored, unless one of the following occurs before the end of that period of time:

(a) The director approves or denies the provider's renewal application.

(b) The certificate ceases to be valid pursuant to division (A)(2), (3), or (4) of section 5123.163 of the Revised Code.

(3) The director may do all of the following:

(a) Extend the period of time for which a temporarily restored certificate is valid by an additional ninety days if the director determines the additional extension is appropriate;

(b) Make the temporary restoration of a supported living certificate effective retroactively to the date on which the certificate ceased to be valid pursuant to division (A)(1) of

<u>section 5123.163 of the Revised Code;</u>	82776
<u>(c) Establish a restoration fee of two hundred fifty dollars,</u>	82777
<u>which shall be deposited into the program fee fund created under</u>	82778
<u>section 5123.033 of the Revised Code.</u>	82779
<u>(4) If the director, under division (B)(3)(b) of this</u>	82780
<u>section, makes the temporary restoration of a supported living</u>	82781
<u>certificate effective retroactively to the date on which the</u>	82782
<u>certificate ceased to be valid, the certificate holder's authority</u>	82783
<u>to provide medicaid-funded supported living under the supported</u>	82784
<u>living certificate is also effective retroactively to the same</u>	82785
<u>date.</u>	82786
Sec. 5123.166. (A) <u>(1)</u> If good cause exists as specified in	82787
division (B) of this section and determined in accordance with	82788
procedures established in rules adopted under section 5123.1611 of	82789
the Revised Code, the director of developmental disabilities may	82790
issue an adjudication order requiring that one of the following	82791
actions be taken against a person or government entity seeking or	82792
holding a supported living certificate:	82793
(1) <u>(a)</u> Refusal to issue or renew a supported living	82794
certificate;	82795
(2) <u>(b)</u> Revocation of a supported living certificate;	82796
(3) <u>(c)</u> Suspension of a supported living certificate holder's	82797
authority to do either or both of the following:	82798
(a) <u>(i)</u> Continue to provide supported living to one or more	82799
individuals from one or more counties who receive supported living	82800
from the certificate holder at the time the director takes the	82801
action;	82802
(b) <u>(ii)</u> Begin to provide supported living to one or more	82803
individuals from one or more counties who do not receive supported	82804
living from the certificate holder at the time the director takes	82805

the action. 82806

(2) The director shall issue an adjudication order requiring that an action specified in division (A)(1)(c) of this section be taken against a provider when the director is required to do so by division (B)(3) of section 5162.162 of the Revised Code. 82807
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(B) The following constitute good cause for taking action under division (A)(1) of this section against a person or government entity seeking or holding a supported living certificate: 82811
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82813
82814

(1) The person or government entity's failure to meet or continue to meet the applicable certification standards established in rules adopted under section 5123.1611 of the Revised Code; 82815
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82817
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(2) The person or government entity violates section 5123.165 of the Revised Code; 82819
82820

(3) The person or government entity's failure to satisfy the requirements of section 5123.081 or 5123.52 of the Revised Code; 82821
82822

(4) Misfeasance; 82823

(5) Malfeasance; 82824

(6) Nonfeasance; 82825

(7) Confirmed abuse or neglect; 82826

(8) Financial irresponsibility; 82827

(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity. 82828
82829
82830

(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code. 82831
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82833

(D)(1) The director may issue an order requiring that action 82834

specified in division (A)~~(3)~~(1)(c) of this section be taken before 82835
a provider is provided notice and an opportunity for a hearing if 82836
all of the following are the case: 82837

(a) The director determines such action is warranted by the 82838
provider's failure to continue to meet the applicable 82839
certification standards; 82840

(b) The director determines that the failure either 82841
represents a pattern of serious noncompliance or creates a 82842
substantial risk to the health or safety of an individual who 82843
receives or would receive supported living from the provider; 82844

(c) If the order will suspend the provider's authority to 82845
continue to provide supported living to an individual who receives 82846
supported living from the provider at the time the director issues 82847
the order, both of the following are the case: 82848

(i) The director makes the individual, or the individual's 82849
guardian, aware of the director's determination under division 82850
(D)(1)(b) of this section and the individual or guardian does not 82851
select another provider. 82852

(ii) A county board of developmental disabilities has filed a 82853
complaint with a probate court under section 5126.33 of the 82854
Revised Code that includes facts describing the nature of abuse or 82855
neglect that the individual has suffered due to the provider's 82856
actions that are the basis for the director making the 82857
determination under division (D)(1)(b) of this section and the 82858
probate court does not issue an order authorizing the county board 82859
to arrange services for the individual pursuant to an 82860
individualized service plan developed for the individual under 82861
section 5126.31 of the Revised Code. 82862

(2) If the director issues an order under division (D)(1) of 82863
this section, sections 119.091 to 119.13 of the Revised Code and 82864
all of the following apply: 82865

(a) The director shall send the provider notice of the order 82866
by registered mail, return receipt requested, not later than 82867
twenty-four hours after issuing the order and shall include in the 82868
notice the reasons for the order, the citation to the law or rule 82869
directly involved, and a statement that the provider will be 82870
afforded a hearing if the provider requests it within ten days of 82871
the time of receiving the notice. 82872

(b) If the provider requests a hearing within the required 82873
time and the provider has provided the director the provider's 82874
current address, the director shall immediately set, and notify 82875
the provider of, the date, time, and place for the hearing. 82876

(c) The date of the hearing shall be not later than thirty 82877
days after the director receives the provider's timely request for 82878
the hearing. 82879

(d) The hearing shall be conducted in accordance with section 82880
119.09 of the Revised Code, except for all of the following: 82881

(i) The hearing shall continue uninterrupted until its close, 82882
except for weekends, legal holidays, and other interruptions the 82883
provider and director agree to. 82884

(ii) If the director appoints a referee or examiner to 82885
conduct the hearing, the referee or examiner, not later than ten 82886
days after the date the referee or examiner receives a transcript 82887
of the testimony and evidence presented at the hearing or, if the 82888
referee or examiner does not receive the transcript or no such 82889
transcript is made, the date that the referee or examiner closes 82890
the record of the hearing, shall submit to the director a written 82891
report setting forth the referee or examiner's findings of fact 82892
and conclusions of law and a recommendation of the action the 82893
director should take. 82894

(iii) The provider may, not later than five days after the 82895
date the director, in accordance with section 119.09 of the 82896

Revised Code, sends the provider or the provider's attorney or 82897
other representative of record a copy of the referee or examiner's 82898
report and recommendation, file with the director written 82899
objections to the report and recommendation. 82900

(iv) The director shall approve, modify, or disapprove the 82901
referee or examiner's report and recommendation not earlier than 82902
six days, and not later than fifteen days, after the date the 82903
director, in accordance with section 119.09 of the Revised Code, 82904
sends a copy of the report and recommendation to the provider or 82905
the provider's attorney or other representative of record. 82906

(3) The director may lift an order issued under division 82907
(D)(1) of this section even though a hearing regarding the order 82908
is occurring or pending if the director determines that the 82909
provider has taken action eliminating the good cause for issuing 82910
the order. The hearing shall proceed unless the provider withdraws 82911
the request for the hearing in a written letter to the director. 82912

(4) The director shall lift an order issued under division 82913
(D)(1) of this section if both of the following are the case: 82914

(a) The provider provides the director a plan of compliance 82915
the director determines is acceptable. 82916

(b) The director determines that the provider has implemented 82917
the plan of compliance correctly. 82918

Sec. 5123.1611. (A) The director of developmental 82919
disabilities shall adopt rules under Chapter 119. of the Revised 82920
Code establishing all of the following: 82921

~~(A)~~(1) The extent to which a county board of developmental 82922
disabilities may provide supported living; 82923

~~(B)~~(2) The application process for obtaining a supported 82924
living certificate under section 5123.161 of the Revised Code; 82925

~~(C)~~(3) The certification standards a person or government 82926

entity must meet to obtain a supported living certificate to 82927
provide supported living; 82928

~~(D)~~(4) The certification fee for a supported living 82929
certificate, which shall be deposited into the program fee fund 82930
created under section 5123.033 of the Revised Code; 82931

~~(E)~~(5) The period of time a supported living certificate is 82932
valid; 82933

~~(F)~~(6) Procedures for extending the period of time for which 82934
a supported living certificate is valid under section 5123.163 of 82935
the Revised Code; 82936

(7) The process for renewing a supported living certificate 82937
under section 5123.164 of the Revised Code; 82938

~~(G)~~(8) The renewal fee for a supported living certificate, 82939
which shall be deposited into the program fee fund created under 82940
section 5123.033 of the Revised Code; 82941

~~(H)~~(9) Procedures for temporarily restoring a supported 82942
living certificate under section 5123.164 of the Revised Code; 82943

(10) Procedures for conducting surveys under section 5123.162 82944
of the Revised Code; 82945

~~(I)~~(11) Procedures for determining whether there is good 82946
cause to take action under division (A)(1) of section 5123.166 of 82947
the Revised Code against a person or government entity seeking or 82948
holding a supported living certificate; 82949

~~(J)~~(12) Circumstances under which the director may issue a 82950
supported living certificate to an applicant or renew an 82951
applicant's supported living certificate if the applicant is found 82952
by a criminal records check required by section 5123.169 of the 82953
Revised Code to have been convicted of, pleaded guilty to, or been 82954
found eligible for intervention in lieu of conviction for a 82955
disqualifying offense but meets standards in regard to 82956

rehabilitation set by the director.	82957
<u>(B) The director shall consult with all of the following when</u>	82958
<u>adopting rules under this section:</u>	82959
<u>(1) Individuals with developmental disabilities;</u>	82960
<u>(2) Family members and other representatives of such</u>	82961
<u>individuals;</u>	82962
<u>(3) Representatives of county boards of developmental</u>	82963
<u>disabilities and providers of medicaid-funded supported living.</u>	82964
Sec. 5123.1612. <u>(A) This section applies to a situation in</u>	82965
<u>which all of the following apply:</u>	82966
<u>(1) A supported living certificate holder's certificate</u>	82967
<u>ceased to be valid for any period of time before the effective</u>	82968
<u>date of this section for the reason described in division (A)(1)</u>	82969
<u>of section 5163.163 of the Revised Code;</u>	82970
<u>(2) Before the supported living certificate ceased to be</u>	82971
<u>valid, the certificate holder submitted an application for renewal</u>	82972
<u>of the certificate;</u>	82973
<u>(3) The director of developmental disabilities did not</u>	82974
<u>approve or deny the certificate holder's renewal application</u>	82975
<u>before the certificate ceased to be valid for the reason described</u>	82976
<u>in division (A)(1) of section 5163.163 of the Revised Code;</u>	82977
<u>(4) The director approved the renewal application after the</u>	82978
<u>certificate ceased to be valid for the reason described in</u>	82979
<u>division (A)(1) of section 5163.163 of the Revised Code;</u>	82980
<u>(5) The certificate holder had the authority to provide</u>	82981
<u>medicaid-funded supported living on the day the certificate</u>	82982
<u>renewal became effective.</u>	82983
<u>(B) In the case of a situation described in division (A) of</u>	82984
<u>this section, the supported living certificate renewal and the</u>	82985

certificate holder's authority to provide medicaid-funded supported living are deemed to have been effective retroactively to the date the certificate ceased to be valid for the reason described in division (A)(1) of section 5123.163 of the Revised Code. 82986
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Sec. 5123.377. (A) As used in this section: 82991

(1) "Adult services" has the same meaning as in section 5126.01 of the Revised Code. 82992
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(2) "Community adult facility" means a facility in which adult services are provided or a facility associated with the provision of adult services. 82994
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(3) "Renovation" means work done to a building to restore it to an acceptable condition and to make it functional for use by individuals with developmental disabilities. "Renovation" includes architectural and structural changes and the modernization of mechanical and electrical systems. "Renovation" does not include work that consists primarily of maintenance repairs and replacements necessary due to normal use, wear and tear, or deterioration. 82997
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(B) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or a board of county commissioners pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a community adult facility if all of the following apply: 83005
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(1) The agreement was entered into ~~during the period beginning January 1, 1976, and ending on or before December 31, 1999.~~ 83012
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(2) The agreement requires the county board or board of 83015

county commissioners to use the community adult facility for at least forty years. 83016
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(3) The county board or board of county commissioners submits to the director an application for a change in the agreement's terms that includes all of the following: 83018
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(a) A statement of intent to close the facility and the anticipated date of closure; 83021
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(b) The number of individuals with developmental disabilities served in the facility at the time of application; 83023
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(c) Identification of alternative providers of services to be offered to those individuals; 83025
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(d) A commitment and demonstration that those individuals will receive services from the alternative providers; 83027
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(e) A resolution from the county board or board of county commissioners authorizing the application, including a commitment that if the facility is sold, the county board or board of county commissioners will do either of the following: 83029
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(i) Reimburse the department of developmental disabilities the proceeds of the sale up to the outstanding balance owed under the agreement; 83033
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(ii) Use the proceeds of the sale for the acquisition, renovation, or accessibility modification of housing for individuals with developmental disabilities that complies with the requirements established by the director. 83036
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(4) The director may establish a deadline by which the county board or board of county commissioners shall use the proceeds of a sale pursuant to division (B)(3)(e)(ii) of this section. The director may extend the deadline as many times as the director determines necessary. 83040
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(C) Agreement terms that may be changed pursuant to division 83045

(B) of this section include terms regarding the length of time the facility must be used as a community adult facility. 83046
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Sec. 5123.378. (A) As used in this section: 83048

(1) "Community early childhood facility" means a facility in which early childhood services are provided. 83049
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(2) "Early childhood services" has the same meaning as in section 5126.01 of the Revised Code. 83051
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(3) "Renovation" means work done to a building to restore it to an acceptable condition and to make it functional for use by individuals with developmental disabilities. "Renovation" includes architectural and structural changes and the modernization of mechanical and electrical systems. "Renovation" does not include work that consists primarily of maintenance repairs and replacements necessary due to normal use, wear and tear, or deterioration. 83053
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(B) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or a board of county commissioners pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a community early childhood facility if all of the following apply: 83061
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(1) The agreement was entered into ~~during the period beginning January 1, 1976, and ending on or before~~ December 31, 1999. 83068
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(2) The agreement requires the county board or board of county commissioners to use the community early childhood facility for at least fifteen years. 83071
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(3) The county board or board of county commissioners submits to the director an application for a change in the agreement's 83074
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terms that includes all of the following:	83076
(a) A statement of intent to close the facility and the anticipated date of closure;	83077 83078
(b) The number of individuals with developmental disabilities served in the facility at the time of application;	83079 83080
(c) A commitment and demonstration that those individuals will continue to receive services;	83081 83082
(d) A resolution from the county board or board of county commissioners authorizing the application, including a commitment that if the facility is sold, the county board or board of county commissioners will do either of the following:	83083 83084 83085 83086
(i) Reimburse the department of developmental disabilities the proceeds of the sale up to the outstanding balance owed under the agreement;	83087 83088 83089
(ii) Use the proceeds of the sale for the acquisition, <u>renovation, or accessibility modification</u> of housing for individuals with developmental disabilities that complies with the requirements established by the director.	83090 83091 83092 83093
<u>(4) The director may establish a deadline by which the county board or board of county commissioners shall use the proceeds of a sale pursuant to division (B)(3)(d)(ii) of this section. The director may extend the deadline as many times as the director determines necessary.</u>	83094 83095 83096 83097 83098
(C) Agreement terms that may be changed pursuant to division (B) of this section include terms regarding the length of time the facility must be used as a community early childhood facility.	83099 83100 83101
Sec. 5123.38. (A) Except as provided in division (B) of this section, if an individual receiving supported living or home and community based services funded by a county board of developmental disabilities is committed to a state-operated ICF/IID pursuant to	83102 83103 83104 83105

sections 5123.71 to 5123.76 of the Revised Code, the county board 83106
of developmental disabilities of the county from which the 83107
individual was ordered institutionalized is responsible for the 83108
nonfederal share of medicaid expenditures for the individual's 83109
care in the state-operated ICF/IID. The department of 83110
developmental disabilities shall collect the amount of the 83111
nonfederal share from the county board by either withholding that 83112
amount from funds the department has otherwise allocated to the 83113
county board or submitting an invoice for payment of that amount 83114
to the county board. 83115

(B) Division (A) of this section does not apply under ~~any~~ 83116
either of the following circumstances: 83117

(1) ~~The county board, not~~ Not later than ninety one hundred 83118
eighty days after the date of the commitment of ~~a person receiving~~ 83119
~~supported living~~ an individual, ~~commences funding of supported~~ 83120
~~living for an individual who resides in a state operated ICF/IID~~ 83121
~~on the date of the commitment or another eligible individual~~ 83122
~~designated by the department~~ the county board arranges for the 83123
provision of alternative services for the individual, and the 83124
individual is discharged from the ICF/IID. 83125

(2) ~~The county board, not later than ninety days after the~~ 83126
~~date of the commitment of a person receiving home and~~ 83127
~~community based services, commences funding of home and~~ 83128
~~community based services for an individual who resides in a~~ 83129
~~state operated ICF/IID on the date of the commitment or another~~ 83130
~~eligible individual designated by the department.~~ 83131

~~(3)~~ The director of developmental disabilities, after 83132
determining that circumstances warrant granting a waiver in an 83133
individual's case, grants the county board a waiver that exempts 83134
the county board from responsibility for the nonfederal share for 83135
that case. 83136

Sec. 5123.47. (A) As used in this section:	83137
(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability who receives funding for the services through a county board of developmental disabilities, including any recipient of residential services funded as home and community-based services, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside an individual's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of developmental disabilities or care provided in schools.	83138 83139 83140 83141 83142 83143 83144 83145 83146 83147 83148 83149 83150
(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.	83151 83152
(3) "Unlicensed in-home care worker" means an individual who provides in-home care but is not a health care professional.	83153 83154
(4) "Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of the individual with a developmental disability if the individual with a developmental disability lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.	83155 83156 83157 83158 83159 83160
(5) "Health care professional" means any of the following:	83161
(a) A dentist who holds a valid license issued under Chapter 4715. of the Revised Code;	83162 83163
(b) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code;	83164 83165
(c) An optometrist who holds a valid license issued under	83166

Chapter 4725. of the Revised Code;	83167
(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	83168 83169
(e) A person who holds a valid <u>license or</u> certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;	83170 83171 83172 83173
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	83174 83175
(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;	83176 83177 83178 83179
(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code.	83180 83181
(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glycemc disorders through subcutaneous injections.	83182 83183 83184 83185 83186 83187 83188 83189 83190 83191 83192
(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform health care tasks as part of the in-home care the worker provides to the individual, if all of the following apply:	83193 83194 83195 83196 83197

(1) The family member is the primary supervisor of the care.	83198
(2) The unlicensed in-home care worker has been selected by the family member or the individual receiving care and is under the direct supervision of the family member.	83199 83200 83201
(3) The unlicensed in-home care worker is providing the care through an employment or other arrangement entered into directly with the family member and is not otherwise employed by or under contract with a person or government entity to provide services to individuals with developmental disabilities.	83202 83203 83204 83205 83206
(4) The health care task is completed in accordance with standard, written instructions.	83207 83208
(5) Performance of the health care task requires no judgment based on specialized health care knowledge or expertise.	83209 83210
(6) The outcome of the health care task is reasonably predictable.	83211 83212
(7) Performance of the health care task requires no complex observation of the individual receiving the care.	83213 83214
(8) Improper performance of the health care task will result in only minimal complications that are not life-threatening.	83215 83216
(C) A family member shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. The family member shall authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. The family member shall provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional. The family member or a health care professional shall be available to communicate with the unlicensed in-home care worker either in person or by telecommunication while the in-home	83217 83218 83219 83220 83221 83222 83223 83224 83225 83226 83227

care worker performs a health care task. 83228

(D) A family member who authorizes an unlicensed in-home care 83229
worker to administer oral and topical prescribed medications or 83230
perform other health care tasks retains full responsibility for 83231
the health and safety of the individual receiving the care and for 83232
ensuring that the worker provides the care appropriately and 83233
safely. No entity that funds or monitors the provision of in-home 83234
care may be held liable for the results of the care provided under 83235
this section by an unlicensed in-home care worker, including such 83236
entities as the county board of developmental disabilities and the 83237
department of developmental disabilities. 83238

An unlicensed in-home care worker who is authorized under 83239
this section by a family member to provide care to an individual 83240
may not be held liable for any injury caused in providing the 83241
care, unless the worker provides the care in a manner that is not 83242
in accordance with the training and instructions received or the 83243
worker acts in a manner that constitutes willful or wanton 83244
misconduct. 83245

(E) A county board of developmental disabilities may evaluate 83246
the authority granted by a family member under this section to an 83247
unlicensed in-home care worker at any time it considers necessary 83248
and shall evaluate the authority on receipt of a complaint. If the 83249
board determines that a family member has acted in a manner that 83250
is inappropriate for the health and safety of the individual 83251
receiving the care, the authorization granted by the family member 83252
to an unlicensed in-home care worker is void, and the family 83253
member may not authorize other unlicensed in-home care workers to 83254
provide the care. In making such a determination, the board shall 83255
use appropriately licensed health care professionals and shall 83256
provide the family member an opportunity to file a complaint under 83257
section 5126.06 of the Revised Code. 83258

Sec. 5123.60. (A) As used in this section and section 83259
5123.601 of the Revised Code, "Ohio protection and advocacy 83260
system" means the nonprofit entity designated by the governor in 83261
accordance with Am. Sub. H.B. 153 of the 129th general assembly to 83262
serve as the state's protection and advocacy system and client 83263
assistance program. 83264

(B) The Ohio protection and advocacy system shall provide 83265
both of the following: 83266

(1) Advocacy services for people with disabilities, as 83267
provided under section 101 of the "Developmental Disabilities 83268
Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 83269
42 U.S.C. 15001; 83270

(2) A client assistance program, as provided under section 83271
112 of the ~~"Workforce Investment Act of 1998," 112 Stat. 1163~~ 83272
~~(1998), 29 U.S.C. 732, as amended~~ "Rehabilitation Act of 1973," 29 83273
U.S.C. 732. 83274

(C) The Ohio protection and advocacy system may establish any 83275
guidelines necessary for its operation. 83276

Sec. 5126.0221. (A) As used in this section, "specialized 83277
services" has the same meaning as in section 5123.081 of the 83278
Revised Code. 83279

(B) Except as provided in division (C) of section 5126.033 of 83280
the Revised Code, none of the following individuals may be 83281
employed by a county board of developmental disabilities: 83282

(1) An employee of an agency contracting with the county 83283
board; 83284

(2) An immediate family member of an employee of an agency 83285
contracting with the county board unless the county board adopts a 83286
resolution authorizing the immediate family member's employment 83287

with the county board or the employment is consistent with a 83288
policy adopted by the board establishing parameters for such 83289
employment and the policy is consistent with Chapter 102. and 83290
sections 2921.42, 2921.421, and 2921.43 of the Revised Code; 83291

~~(3) An individual with an immediate family member who serves 83292~~
~~as Except for an individual employed by a county board before 83293~~
~~October 31, 1980, the spouse, son, or daughter of a county 83294~~
~~commissioner of any of the counties county served by the county 83295~~
~~board unless the individual was an employee of the county board 83296~~
~~before October 31, 1980; 83297~~

(4) An individual who is employed by, has an ownership 83298
interest in, performs or provides administrative duties for, or is 83299
a member of the governing board of an entity that provides 83300
specialized services, regardless of whether the entity contracts 83301
with the county board to provide specialized services. 83302

Sec. 5126.042. (A) As used in this section, "emergency 83303
~~status" means a status that an individual with developmental 83304~~
~~disabilities has when the individual is at risk of substantial 83305~~
~~self harm or substantial harm to others if action is not taken 83306~~
~~within thirty days. An "emergency status" may include a status 83307~~
~~resulting from one or more of the following situations: 83308~~

~~(1) Loss of present residence for any reason, including legal 83309~~
~~action; 83310~~

~~(2) Loss of present caretaker for any reason, including 83311~~
~~serious illness of the caretaker, change in the caretaker's 83312~~
~~status, or inability of the caretaker to perform effectively for 83313~~
~~the individual; 83314~~

~~(3) Abuse, neglect, or exploitation of the individual; 83315~~

~~(4) Health and safety conditions that pose a serious risk to 83316~~
~~the individual or others of immediate harm or death; 83317~~

~~(5) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker~~ 83318
~~"Department of developmental disabilities-administered medicaid waiver component" means a medicaid waiver component administered by the department of developmental disabilities pursuant to section 5166.21 of the Revised Code.~~ 83319
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(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law. 83325
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(C) If a county board determines that available resources are insufficient to ~~meet the needs of~~ enroll in department of developmental disabilities-administered medicaid waiver components all individuals who ~~request~~ are assessed as needing home and community-based services, it shall establish a waiting list for the services in accordance with rules adopted under this section. 83334
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~~An individual's date of placement on the waiting list shall be the date a request is made to the board for the individual to receive the home and community based services. The board shall provide for an individual who has an emergency status to receive priority status on the waiting list. The board shall also provide for an individual to whom any of the following apply to receive priority status on the waiting list in accordance with rules adopted under division (E) of this section:~~

~~(1) The individual is receiving supported living, family support services, or adult services for which no federal financial~~ 83348
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~~participation is received under the medicaid program;~~ 83350

~~(2) The individual's primary caregiver is at least sixty years of age;~~ 83351
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~~(3) The individual has intensive needs as determined in accordance with rules adopted under division (E) of this section;~~ 83353
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~~(4) The individual resides in an ICF/IID, as defined in section 5124.01 of the Revised Code;~~ 83355
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~~(5) The individual resides in a nursing facility, as defined in section 5165.01 of the Revised Code.~~ 83357
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~~(D) If two or more individuals on a waiting list established under division (C) of this section have priority for the services pursuant to that division, a county board shall use criteria specified in rules adopted under division (E) of this section in determining the order in which the individuals with priority will be offered the services. An individual who has priority for home and community based services because the individual has an emergency status has priority for the services over all other individuals on the waiting list who do not have emergency status.~~ 83359
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~~(E) The department director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting lists list established under division (C) of this section. The, including rules shall include procedures to be followed to that establish all of the following:~~ 83368
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~~(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before the effective date of this amendment to the waiting list the county board establishes under that division after that date;~~ 83374
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~~(2) Procedures by which a county board is to ensure that the~~ 83379

due process rights of individuals placed on the county board's 83380
waiting lists list are not violated. As part of the rules adopted 83381
~~under this division, the department shall adopt rules establishing~~ 83382
~~criteria a county board shall use under division (D) of this~~ 83383
~~section in determining the order in which individuals with~~ 83384
~~priority for home and community based services pursuant to~~ 83385
~~division (C) of this section will be offered the services~~ 83386
observed; 83387

(3) Criteria a county board is to use to determine all of the 83388
following: 83389

(a) An individual's eligibility to be placed on the county 83390
board's waiting list; 83391

(b) The date an individual was assessed as needing home and 83392
community-based services; 83393

(c) The order in which individuals on the county board's 83394
waiting list are to be offered enrollment in a department of 83395
developmental disabilities-administered medicaid waiver component; 83396

(d) The department of developmental disabilities-administered 83397
medicaid waiver component in which an individual on the county 83398
board's waiting list is to be offered enrollment. 83399

(4) Grounds for removing an individual from the county 83400
board's waiting list. 83401

(E) The director shall consult with all of the following when 83402
adopting rules under division (D) of this section: 83403

(1) Individuals with developmental disabilities; 83404

(2) Associations representing individuals with developmental 83405
disabilities and the families of such individuals; 83406

(3) Associations representing providers of services to 83407
individuals with developmental disabilities; 83408

(4) The Ohio association of county boards serving people with 83409

developmental disabilities. 83410

(F) The following shall take precedence over the applicable 83411
provisions of this section: 83412

(1) Medicaid rules and regulations; 83413

(2) Any specific requirements that may be contained within a 83414
medicaid state plan amendment or department of 83415
disabilities-administered medicaid waiver ~~program that a county~~ 83416
~~board has authority to administer or~~ component with respect to 83417
which ~~it~~ a county board has authority to provide services, 83418
programs, or supports. 83419

Sec. 5126.054. (A) Each county board of developmental 83420
disabilities shall, by resolution, develop a three-calendar year 83421
plan that includes the following three components: 83422

(1) An assessment component that includes all of the 83423
following: 83424

(a) The number of individuals with developmental disabilities 83425
residing in the county who need the level of care provided by an 83426
ICF/IID, may seek home and community-based services, and are ~~given~~ 83427
~~priority~~ placed on a the county board's waiting list established 83428
for the services pursuant to section 5126.042 of the Revised Code; 83429
the service needs of those individuals; and the projected 83430
annualized cost for services; 83431

(b) The source of funds available to the county board to pay 83432
the nonfederal share of medicaid expenditures that the county 83433
board is required by sections 5126.059 and 5126.0510 of the 83434
Revised Code to pay; 83435

(c) Any other applicable information or conditions that the 83436
department of developmental disabilities requires as a condition 83437
of approving the component under section 5123.046 of the Revised 83438
Code. 83439

(2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community-based services pursuant to their placement on the county board's waiting list ~~priority given to them under~~ established for the services pursuant to section 5126.042 of the Revised Code and the types of home and community-based services the individuals are to receive;

(3) A component that provides for the implementation of medicaid case management services and home and community-based services for individuals who begin to receive the services on or after the date the plan is approved under section 5123.046 of the Revised Code. A county board shall include all of the following in the component:

(a) If the department of developmental disabilities or department of medicaid requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;

(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals ~~who have priority placed on a~~ the county board's waiting list established ~~under~~ for the services pursuant to section 5126.042 of the Revised Code;

(c) Any agreement or commitment regarding the county board's funding of home and community-based services that the county board has with the department at the time the county board develops the component;

(d) Assurances adequate to the department that the county board will comply with all of the following requirements:

(i) To provide the types of home and community-based services specified in the preliminary implementation component required by

division (A)(2) of this section to at least the number of 83471
individuals specified in that component; 83472

(ii) To use any additional funds the county board receives 83473
for the services to improve the county board's resource 83474
capabilities for supporting such services available in the county 83475
at the time the component is developed and to expand the services 83476
to accommodate the unmet need for those services in the county; 83477

(iii) To employ or contract with a business manager or enter 83478
into an agreement with another county board of developmental 83479
disabilities that employs or contracts with a business manager to 83480
have the business manager serve both county boards. No 83481
superintendent of a county board may serve as the county board's 83482
business manager. 83483

(iv) To employ or contract with a medicaid services manager 83484
or enter into an agreement with another county board of 83485
developmental disabilities that employs or contracts with a 83486
medicaid services manager to have the medicaid services manager 83487
serve both county boards. No superintendent of a county board may 83488
serve as the county board's medicaid services manager. 83489

(e) Programmatic and financial accountability measures and 83490
projected outcomes expected from the implementation of the plan; 83491

(f) Any other applicable information or conditions that the 83492
department requires as a condition of approving the component 83493
under section 5123.046 of the Revised Code. 83494

(B) A county board whose plan developed under division (A) of 83495
this section is approved by the department under section 5123.046 83496
of the Revised Code shall update and renew the plan in accordance 83497
with a schedule the department shall develop. 83498

Sec. 5126.48. (A) In accordance with rules adopted under 83499
division (B) of this section, a county board of developmental 83500

disabilities may establish and operate a quality incentive program 83501
under which the county board contracts with providers of 83502
medicaid-funded supported living for the following purposes: 83503

(1) To increase the number of such providers in the county 83504
the county board serves through recruitment and retention 83505
processes, including enhanced payment rates; 83506

(2) To improve the quality of medicaid-funded supported 83507
living available in the county by helping providers comply with 83508
applicable federal and state requirements and reduce the 83509
occurrence of major unusual incidents. 83510

(B) The director of developmental disabilities shall adopt 83511
rules in accordance with Chapter 119. of the Revised Code 83512
governing quality incentive programs authorized by this section. 83513
The director shall consult with all of the following when adopting 83514
the rules: 83515

(1) Individuals with developmental disabilities; 83516

(2) Family members and other representatives of such 83517
individuals; 83518

(3) Representatives of county boards of developmental 83519
disabilities and providers of medicaid-funded supported living. 83520

Sec. 5149.10. (A)(1) The parole board shall consist of up to 83521
twelve members, one of whom shall be designated as chairperson by 83522
the director of the department of rehabilitation and correction 83523
and who shall continue as chairperson until a successor is 83524
designated, and any other personnel that are necessary for the 83525
orderly performance of the duties of the board. In addition to the 83526
rules authorized by section 5149.02 of the Revised Code, the chief 83527
of the adult parole authority, subject to the approval of the 83528
chief of the division of parole and community services and subject 83529
to this section, shall adopt rules governing the proceedings of 83530

the parole board. The rules shall provide for all of the 83531
following: 83532

(a) The convening of full board hearings,~~the~~i 83533

(b) The procedures to be followed in full board hearings,~~and~~
~~general~~i 83534
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(c) General procedures to be followed in other hearings of 83536
the board and by the board's hearing officers.~~The rules also~~ 83537
~~shall require agreement by~~i 83538

(d) A requirement that a majority of all the board members 83539
must agree to any recommendation of clemency transmitted to the 83540
governori 83541

(e) For parole hearings, procedures for considering the 83542
report of the warden of the institution in which the eligible 83543
prisoner is incarcerated, submitted under section 5120.68 of the 83544
Revised Code. 83545

(2) When the board members sit as a full board, the 83546
chairperson shall preside. The chairperson shall also allocate the 83547
work of the parole board among the board members. The full board 83548
shall meet at least once each month. In the case of a tie vote on 83549
the full board, the chief of the adult parole authority shall cast 83550
the deciding vote. The chairperson may designate a person to serve 83551
in the chairperson's place. 83552

(3) Except for the chairperson and the member appointed under 83553
division (B) of this section, a member appointed to the parole 83554
board on or after ~~the effective date of this amendment~~ September 83555
30, 2011, shall be appointed to a six-year term. A member 83556
appointed as described in this division shall hold office from the 83557
date of appointment until the end of the term for which the member 83558
was appointed. A member appointed as described in this division is 83559
eligible for reappointment for another six-year term that may or 83560
may not be consecutive to the first six-year term. A member 83561

appointed as described in this division is not eligible for 83562
reappointment after serving two six-year terms whether or not 83563
served consecutively. Vacancies shall be filled in the same manner 83564
provided for original appointments. Any member appointed as 83565
described in this division to fill a vacancy occurring prior to 83566
the expiration date of the term for which the member's predecessor 83567
was appointed shall begin that member's first six-year term upon 83568
appointment, regardless of the time remaining in the term of the 83569
member's predecessor. A member appointed as described in this 83570
division shall continue in office subsequent to the expiration 83571
date of the member's term until the member's successor takes 83572
office or until a period of sixty days has elapsed, whichever 83573
occurs first. 83574

(4) Except as otherwise provided in division (B) of this 83575
section, no person shall be appointed a member of the board who is 83576
not qualified by education or experience in correctional work, 83577
including law enforcement, prosecution of offenses, advocating for 83578
the rights of victims of crime, probation, or parole, in law, in 83579
social work, or in a combination of the three categories. 83580

(B) The director of rehabilitation and correction, in 83581
consultation with the governor, shall appoint one member of the 83582
board, who shall be a person who has been a victim of crime or who 83583
is a member of a victim's family or who represents an organization 83584
that advocates for the rights of victims of crime. After 83585
appointment, this member shall be an unclassified employee of the 83586
department of rehabilitation and correction. 83587

The initial appointment shall be for a term ending four years 83588
after July 1, 1996. Thereafter, the term of office of the member 83589
appointed under this division shall be for four years, with each 83590
term ending on the same day of the same month as did the term that 83591
it succeeds. The member shall hold office from the date of 83592
appointment until the end of the term for which the member was 83593

appointed and may be reappointed. Vacancies shall be filled in the 83594
manner provided for original appointments. Any member appointed 83595
under this division to fill a vacancy occurring prior to the 83596
expiration date of the term for which the member's predecessor was 83597
appointed shall hold office as a member for the remainder of that 83598
term. The member appointed under this division shall continue in 83599
office subsequent to the expiration date of the member's term 83600
until the member's successor takes office or until a period of 83601
sixty days has elapsed, whichever occurs first. 83602

The member appointed under this division shall be compensated 83603
in the same manner as other board members and shall be reimbursed 83604
for actual and necessary expenses incurred in the performance of 83605
the member's duties. The member may vote on all cases heard by the 83606
full board under section 5149.101 of the Revised Code, has such 83607
duties as are assigned by the chairperson of the board, and shall 83608
coordinate the member's activities with the office of victims' 83609
services created under section 5120.60 of the Revised Code. 83610

As used in this division, "crime," "member of the victim's 83611
family," and "victim" have the meanings given in section 2930.01 83612
of the Revised Code. 83613

(C) The chairperson shall submit all recommendations for or 83614
against clemency directly to the governor. 83615

(D) The chairperson shall transmit to the chief of the adult 83616
parole authority all determinations for or against parole made by 83617
the board. Parole determinations are final and are not subject to 83618
review or change by the chief. 83619

(E) In addition to its duties pertaining to parole and 83620
clemency, if an offender is sentenced to a prison term pursuant to 83621
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 83622
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 83623
Code, the parole board shall have control over the offender's 83624

service of the prison term during the entire term unless the board 83625
terminates its control in accordance with section 2971.04 of the 83626
Revised Code. The parole board may terminate its control over the 83627
offender's service of the prison term only in accordance with 83628
section 2971.04 of the Revised Code. 83629

Sec. 5149.311. (A) The department of rehabilitation and 83630
correction shall establish and administer the probation 83631
improvement grant and the probation incentive grant for common 83632
pleas, municipal, and county court probation departments and 83633
community-based correctional facilities that supervise offenders 83634
sentenced by courts of common pleas ~~or~~, municipal courts, or 83635
county courts. 83636

(B)(1) The probation improvement grant shall provide funding 83637
to common pleas, municipal, and county court probation departments 83638
and community-based correctional facilities to adopt policies and 83639
practices based on the latest research on how to reduce the number 83640
of offenders on probation supervision who violate the conditions 83641
of their supervision. 83642

(2) The department shall adopt rules for the distribution of 83643
the probation improvement grant, including ~~the~~ both of the 83644
following: 83645

(a) The formula for the allocation of the subsidy based on 83646
the number of offenders placed on probation annually in each 83647
jurisdiction; 83648

(b) The allocation of funds for the purpose of offsetting 83649
costs incurred by political subdivisions in relation to offenders 83650
who are prohibited from serving the term of imprisonment in an 83651
institution under the control of the department of rehabilitation 83652
and correction pursuant to division (B)(3)(a) of section 2929.34 83653
of the Revised Code. 83654

(C)(1) The probation incentive grant shall provide a performance-based level of funding to common pleas, municipal, and county court probation departments and community-based correctional facilities that are successful in reducing the number of offenders on probation supervision whose terms of supervision are revoked.

(2) The department shall calculate annually any cost savings realized by the state from a reduction in the percentage of people who are incarcerated because their terms of supervised probation were revoked. The cost savings estimate shall be calculated for each jurisdiction served by the probation department or community-based correctional facility eligible for a grant under this section and be based on the difference from ~~fiscal year 2010~~ the average of such commitments from the five calendar years immediately preceding the calendar year in which application for the grant was made and the fiscal year under examination.

(3) The department shall adopt rules that specify the subsidy amount to be appropriated to common pleas, municipal, and county court probation departments and community-based correctional facilities that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked.

(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant:

(1) In order to be eligible for the probation improvement grant and the probation incentive grant, common pleas, municipal, and county courts must satisfy all requirements under sections 2301.27 and 2301.30 of the Revised Code. Except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, in order to be eligible for the probation improvement grant and the probation incentive grant, a court or community-based correctional facility must utilize the single

validated risk assessment tool selected by the department of 83687
rehabilitation and correction under section 5120.114 of the 83688
Revised Code. 83689

(2) The department may deny a subsidy under this section to 83690
any applicant if the applicant fails to comply with the terms of 83691
any agreement entered into pursuant to any of the provisions of 83692
this section. 83693

(3) The department shall evaluate or provide for the 83694
evaluation of the policies, practices, and programs the common 83695
pleas, municipal, or county court probation departments or 83696
community-based correctional facilities utilize with the programs 83697
of subsidies established under this section and establish means of 83698
measuring their effectiveness. 83699

(4) The department shall specify the policies, practices, and 83700
programs for which common pleas, municipal, or county court 83701
probation departments or community-based correctional facilities 83702
may use the program subsidy and shall establish minimum standards 83703
of quality and efficiency that recipients of the subsidy must 83704
follow. The department shall give priority to supporting 83705
evidence-based policies and practices, as defined by the 83706
department. 83707

Sec. 5149.36. Subject to appropriations by the general 83708
assembly, the department of rehabilitation and correction shall 83709
award subsidies to eligible municipal corporations, counties, and 83710
groups of counties pursuant to the subsidy programs described in 83711
division (A)(1) of section 5149.31 of the Revised Code only in 83712
accordance with criteria that the department shall specify in 83713
rules adopted pursuant to Chapter 119. of the Revised Code. The 83714
criteria shall be designed to provide for subsidy awards only on 83715
the basis of demonstrated need and the satisfaction of specified 83716
priorities. The criteria shall ~~be consistent with the following:~~ 83717

~~(A) First require that priority shall be given to the continued funding of existing community corrections programs that satisfy the standards adopted pursuant to division (A)(2) of section 5149.31 of the Revised Code and that are designed to reduce the number of persons committed to state correctional institutions.~~

~~(B) Second priority shall be given to new community corrections programs that are designed to reduce the number of persons committed to state correctional institutions or the number of persons committed to county, multicounty, municipal, municipal-county, or multicounty-municipal jails or workhouses.~~

Sec. 5149.38. (A) In each county, subject to division (B) of this section and not later than thirty days after the effective date of this section, a county commissioner representing the board of county commissioners of the county, the administrative judge of the general division of the court of common pleas of the county, the sheriff of the county, and an official from any municipality operating a local correctional facility in the county to which courts of the county sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval a memorandum of understanding that does all of the following:

(1) Sets forth the plans by which the county will use grant money provided to the county in state fiscal year 2018 and succeeding state fiscal years under the targeting community alternatives to prison (T-CAP) program.

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(a) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division

(F)(1) of this section and shall be specified in the memorandum. 83749

(3) Specifies the desired inmate capacity of each local 83750
correctional facility in the county to which courts of the county 83751
sentence offenders to serve a prison term or jail term, which is 83752
the inmate population that would enable the facility to operate in 83753
the most efficient and effective manner. The sheriff, 83754
administrator, jailer, or other person responsible for operating 83755
each such facility shall determine the desired inmate capacity of 83756
the facility, and the amount so determined shall be the desired 83757
inmate capacity specified under this division in the memorandum of 83758
understanding. 83759

(B) Two or more counties may join together to jointly 83760
establish a memorandum of understanding of the type described in 83761
division (A) of this section. Not later than thirty days after the 83762
effective date of this section, a county commissioner from each of 83763
the affiliating counties representing the county's board of county 83764
commissioners, the administrative judge of the general division of 83765
the court of common pleas of each affiliating county, the sheriff 83766
of each affiliating county, and an official from any municipality 83767
operating a local correctional facility in the affiliating 83768
counties to which courts of the counties sentence offenders shall 83769
agree to, sign, and submit to the department of rehabilitation and 83770
correction for its approval the memorandum of understanding. The 83771
memorandum of understanding shall set forth the plans by which, 83772
and specify the manner in which, the affiliating counties will 83773
complete the tasks identified in divisions (A)(1) and (2) of this 83774
section, and shall specify the desired inmate capacity as 83775
described in division (A)(3) of this section of each local 83776
correctional facility in the affiliating counties to which courts 83777
of the affiliating counties sentence offenders to a prison term or 83778
jail term. 83779

(C) The department of rehabilitation and correction shall 83780

adopt rules establishing standards for approval of memorandums of 83781
understanding submitted to it under division (A) or (B) of this 83782
section. The department shall review the memorandums of 83783
understanding submitted to it and may require the county or 83784
counties that submit a memorandum to modify the memorandum. The 83785
director of rehabilitation and correction shall approve 83786
memorandums of understanding submitted to it under division (A) or 83787
(B) of this section that the director determines satisfy the 83788
standards adopted by the department within thirty days after 83789
receiving each memorandum submitted. For purposes of section 83790
2929.341 of the Revised Code, if the department does not approve a 83791
memorandum of understanding within thirty days of its submission, 83792
the "desired capacity" of a local correctional facility shall be 83793
considered the capacity of the facility previously determined by 83794
the department. 83795

(D) Any person responsible for agreeing to, signing, and 83796
submitting a memorandum of understanding under division (A) or (B) 83797
of this section may delegate the person's authority to do so to an 83798
employee of the agency, entity, or office served by the person. 83799

(E) The persons signing a memorandum of understanding under 83800
division (A) or (B) of this section, or their successors in 83801
office, may revise the memorandum as they determine necessary. The 83802
persons shall revise the memorandum whenever the sheriff, 83803
administrator, jailer, or other person responsible for operating 83804
any facility covered by the memorandum with respect to its desired 83805
inmate capacity informs the persons that the sheriff, 83806
administrator, jailer, or other person has changed the desired 83807
inmate capacity of the facility. Any revision of the memorandum 83808
shall be signed by the parties specified in division (A) or (B) of 83809
this section and submitted to the department of rehabilitation and 83810
correction for its approval under division (C) of this section 83811
within thirty days after the beginning of the state fiscal year. 83812

(F)(1) In each county, the sheriff shall determine the per diem costs for correctional facilities in the county specified in division (C) or (D) of section 2929.34 of the Revised Code for the housing of prisoners who serve a term in the facility pursuant to division (B)(3)(a) of that section, as follows: 83813
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(a) In calendar year 2017, not later than the date on which the appropriate representatives of the county enter into a contract with the department of rehabilitation and correction under the targeting community alternatives to prison (T-CAP) program, the sheriff shall determine the per diem costs for each of the facilities for the housing in the facility of prisoners serving a prison term for a felony in calendar year 2016. The per diem cost so determined shall apply in calendar year 2017. 83818
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(b) Commencing in calendar year 2018, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(a) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made. 83826
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(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(a) of section 2929.34 of the Revised Code. 83833
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(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis. 83840
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(G) As used in this section, "local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code. 83844
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Sec. 5153.113. (A)(1) As used in this section, "applicant" has the same meaning as in section 5153.111 of the Revised Code, and includes an intern applicant or a volunteer applicant. 83847
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(2) "Intern applicant" means a trainee seeking practical educational and career experience who is under consideration for a position with a public children services agency to work, with or without monetary gain or compensation, as a person responsible for the care, custody, or control of a child; 83850
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(3) "Volunteer applicant" means a person who is under consideration for a position with a public children services agency to perform services within the agency voluntarily, without monetary gain or compensation, as a person responsible for the care, custody, or control of a child. 83855
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(B) Notwithstanding division (I)(1) of section 2151.421, section 5153.17, and any other section of the Revised Code pertaining to confidentiality, before a public children services agency employs an applicant, the executive director of the agency, or the executive director's designee within the agency, shall review promptly any information the agency determines to be relevant for the purpose of evaluating the fitness of the applicant, including, but not limited to, the following: 83860
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(1) Abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the applicant is the subject where it has been determined that abuse or neglect occurred; 83868
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(2) The final disposition of investigations of the abuse and neglect reports, or if the investigations have not been completed, the status of the investigations; 83871
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<u>(3) Any underlying documentation concerning the reports.</u>	83874
<u>(C) The information reviewed under division (B) of this section shall not include the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect.</u>	83875 83876 83877 83878
<u>(D) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section.</u>	83879 83880 83881
Sec. 5160.052. The department of medicaid shall collaborate with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division (C) (D) of section 109.5721 of the Revised Code in a format that is acceptable for use by the department. The medicaid director may adopt rules under section 5160.02 of the Revised Code necessary for such collaboration. Any such rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules.	83882 83883 83884 83885 83886 83887 83888 83889 83890 83891
The medicaid director may adopt rules under section 5160.02 of the Revised Code necessary for utilizing the information received pursuant to section 109.5721 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	83892 83893 83894 83895 83896
Sec. 5160.37. (A) A medical assistance recipient's enrollment in a medical assistance program gives an automatic right of recovery to the department of medicaid and a county department of job and family services against the liability of a third party for the cost of medical assistance paid on behalf of the recipient. When an action or claim is brought against a third party by a medical assistance recipient, any payment, settlement or	83897 83898 83899 83900 83901 83902 83903

compromise of the action or claim, or any court award or judgment, 83904
is subject to the recovery right of the department of medicaid or 83905
county department. Except in the case of a medical assistance 83906
recipient who receives medical assistance through a medicaid 83907
managed care organization, the department's or county department's 83908
claim shall not exceed the amount of medical assistance paid by 83909
the department or county department on behalf of the recipient. A 83910
payment, settlement, compromise, judgment, or award that excludes 83911
the cost of medical assistance paid for by the department or 83912
county department shall not preclude a department from enforcing 83913
its rights under this section. 83914

(B)(1) In the case of a medical assistance recipient who 83915
receives medical assistance through a medicaid managed care 83916
organization that has a capitation agreement with a provider, the 83917
amount of the department's or county department's claim shall be 83918
the amount the medicaid managed care organization would have paid 83919
in the absence of a capitation agreement. 83920

(2) In the case of a medical assistance recipient who 83921
receives medical assistance through a medicaid managed care 83922
organization that does not have a capitation agreement with a 83923
provider, the amount of the department's or county department's 83924
claim shall be the amount the medicaid managed care organization 83925
pays for medical assistance rendered to the recipient, even if 83926
that amount is more than the amount the department or county 83927
department pays to the medicaid managed care organization for the 83928
recipient's medical assistance. 83929

(C) A medical assistance recipient, and the recipient's 83930
attorney, if any, shall cooperate with the departments. In 83931
furtherance of this requirement, the medical assistance recipient, 83932
or the recipient's attorney, if any, shall, not later than thirty 83933
days after initiating informal recovery activity or filing a legal 83934
recovery action against a third party, provide written notice of 83935

the activity or action to the department of medicaid or county department if it has paid for medical assistance under a medical assistance program. 83936
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(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of any third party against whom the medical assistance recipient has or may have a right of recovery. 83939
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(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a medical assistance recipient where the department or county department has a right of recovery shall be made final without first giving the department or county department written notice as described in division (C) of this section and a reasonable opportunity to perfect its rights of recovery. If the department or county department is not given the appropriate written notice, the medical assistance recipient and, if there is one, the recipient's attorney, are liable to reimburse the department or county department for the recovery received to the extent of medical assistance payments made by the department or county department. 83943
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(F) The department or county department shall be permitted to enforce its recovery rights against the third party even though it accepted prior payments in discharge of its rights under this section if, at the time the department or county department received such payments, it was not aware that additional medical expenses had been incurred but had not yet been paid by the department or county department. The third party becomes liable to the department or county department as soon as the third party is notified in writing of the valid claims for recovery under this section. 83955
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(G)(1) Subject to division (G)(2) of this section, the right of recovery of the department or county department does not apply to that portion of any judgment, award, settlement, or compromise 83965
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of a claim, to the extent of attorneys' fees, costs, or other 83968
expenses incurred by a medical assistance recipient in securing 83969
the judgment, award, settlement, or compromise, or to the extent 83970
of medical, surgical, and hospital expenses paid by such recipient 83971
from the recipient's own resources. 83972

(2) Reasonable attorneys' fees, not to exceed one-third of 83973
the total judgment, award, settlement, or compromise, plus costs 83974
and other expenses incurred by the medical assistance recipient in 83975
securing the judgment, award, settlement, or compromise, shall 83976
first be deducted from the total judgment, award, settlement, or 83977
compromise. After fees, costs, and other expenses are deducted 83978
from the total judgment, award, settlement, or compromise, there 83979
shall be a rebuttable presumption that the department of medicaid 83980
or county department shall receive no less than one-half of the 83981
remaining amount, or the actual amount of medical assistance paid, 83982
whichever is less. A party may rebut the presumption in accordance 83983
with division (L)(1) or (2) of this section, as applicable. 83984

(H) A right of recovery created by this section may be 83985
enforced separately or jointly by the department of medicaid or 83986
county department. To enforce its recovery rights, the department 83987
or county department may do any of the following: 83988

(1) Intervene or join in any action or proceeding brought by 83989
the medical assistance recipient or on the recipient's behalf 83990
against any third party who may be liable for the cost of medical 83991
assistance paid; 83992

(2) Institute and pursue legal proceedings against any third 83993
party who may be liable for the cost of medical assistance paid; 83994

(3) Initiate legal proceedings in conjunction with any 83995
injured, diseased, or disabled medical assistance recipient or the 83996
recipient's attorney or representative. 83997

(I) A medical assistance recipient shall not assess attorney 83998

fees, costs, or other expenses against the department of medicaid 83999
or a county department when the department or county department 84000
enforces its right of recovery created by this section. 84001

(J) The right of recovery given to the department under this 84002
section includes payments made by a third party under contract 84003
with a person having a duty to support. 84004

(K) The department of medicaid may assign to a medical 84005
assistance provider the right of recovery given to the department 84006
under this section with respect to any claim for which the 84007
department has notified the provider that the department intends 84008
to recoup the department's prior payment for the claim. 84009

(L)(1) Prior to any payment to the department or a county 84010
department pursuant to the department's or county department's 84011
right of recovery under this section, a party that desires to 84012
rebut the presumption in division (G) of this section shall submit 84013
to the department or county department a request for a hearing in 84014
accordance with the procedure the department establishes in rules 84015
required by division (O) of this section. The amount sought by the 84016
department or county department shall be held in escrow or in an 84017
interest on lawyers' trust account until the hearing examiner 84018
renders a decision or the case is otherwise concluded. A party 84019
successfully rebuts the presumption by a showing of clear and 84020
convincing evidence that a different allocation is warranted. 84021

(2) A medical assistance recipient who has repaid money, on 84022
or after September 29, 2007, to the department or a county 84023
department pursuant to the department's or county department's 84024
right of recovery under this section, section 5160.38 of the 84025
Revised Code, or former section 5101.58 or 5101.59 of the Revised 84026
Code may request a hearing to rebut the presumption in division 84027
(G) of this section. The request shall be made in accordance with 84028
the procedure the department establishes for this purpose in rules 84029
required by division (O) of this section. It must be made not 84030

later than one hundred eighty days after ~~the effective date of~~ 84031
~~this amendment~~ September 29, 2015, or ninety days after the 84032
payment is made, whichever is later. A party successfully rebuts 84033
the presumption by a showing of clear and convincing evidence that 84034
a different allocation is warranted. 84035

(3) With respect to a hearing requested under division (L)(1) 84036
or (2) of this section, all of the following are the case: 84037

(a) The hearing examiner may consider, but is not bound by 84038
the allocation of, medical expenses specified in a settlement 84039
agreement between the medical assistance recipient and the 84040
relevant third party; 84041

(b) The department or county department may raise affirmative 84042
defenses during the hearing, including the existence of a prior 84043
settlement with the medical assistance recipient, the doctrine of 84044
accord and satisfaction, or the common law principle of res 84045
judicata; 84046

(c) If the parties agree, live testimony shall not be 84047
presented at the hearing; 84048

(d) The hearing may be governed by rules adopted under 84049
section 5160.02 of the Revised Code. If such rules are adopted, 84050
Chapter 119. of the Revised Code applies to the hearing only to 84051
the extent specified in those rules; 84052

(e) The hearing examiner's decision is binding on the 84053
department or county department and the medical assistance 84054
recipient unless the decision is reversed or modified on appeal to 84055
the medicaid director as described in division (M) of this 84056
section. 84057

(M)(1) A medical assistance recipient who disagrees with a 84058
hearing examiner's decision under division (L) of this section may 84059
file an administrative appeal with the medicaid director in 84060
accordance with the procedure the department establishes for this 84061

purpose in rules required by division (O) of this section. A 84062
hearing is not required during the administrative appeal, but the 84063
director or the director's designee shall review the hearing 84064
examiner's decision and any prior relevant administrative action. 84065
After the review, the director or the director's designee shall 84066
affirm, modify, remand, or reverse the hearing decision. A 84067
decision made under this division is final and binding on the 84068
department or county department and the medical assistance 84069
recipient unless it is reversed or modified on appeal to a court 84070
of common pleas as described in division (N) of this section. 84071

(2) An administrative appeal may be governed by rules adopted 84072
under section 5160.02 of the Revised Code. If such rules are 84073
adopted, Chapter 119. of the Revised Code applies to an 84074
administrative appeal only to the extent specified in those rules. 84075

(N) A party to an administrative appeal described in division 84076
(M) of this section may file an appeal with a court of common 84077
pleas in accordance with section 119.12 of the Revised Code. 84078

(O) The medicaid director shall adopt rules under section 84079
5160.02 of the Revised Code as necessary to implement this 84080
section, including rules establishing procedures a party may use 84081
to request a hearing under division (L)(1) or (2) of this section 84082
or an administrative appeal under division (M)(1) of this section. 84083
The rules shall be adopted in accordance with Chapter 119. of the 84084
Revised Code. 84085

(P) Divisions (L) to (N) of this section are remedial in 84086
nature and shall be liberally construed by the courts of this 84087
state in accordance with section 1.11 of the Revised Code. Those 84088
divisions specify the sole remedy available to a party who claims 84089
the department or a county department has received or is to 84090
receive more money than entitled to receive under this section, 84091
section 5160.38 of the Revised Code, or former section 5101.58 or 84092
5101.59 of the Revised Code. 84093

Sec. 5160.40. (A) As used in this section, "business day" means any day of the week excluding Saturday, Sunday, and a legal holiday, as defined in section 1.14 of the Revised Code.

(B) Subject to divisions ~~(B)~~(C) and ~~(C)~~(D) of this section, a third party shall do all of the following:

(1) Accept the department of medicaid's right of recovery under section 5160.37 of the Revised Code and the assignment of rights to the department that are described in section 5160.38 of the Revised Code;

(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the third party not later than six years after the date of the provision of such medical item or service;

(3) Respond to the department's request for payment of a claim described in division (B)(2) of this section not later than ninety business days after receipt of written proof of the claim, either by paying the claim or issuing a written denial to the department;

(4) Not charge a fee to do either of the following for a claim described in division ~~(A)~~(B)(2) of this section:

(a) Determine whether the claim should be paid;

(b) Process the claim.

~~(4)~~(5) Pay a claim described in division ~~(A)~~(B)(2) of this section;

~~(5)~~(6) Not deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format of the claim form, or a failure by the medical assistance recipient who is the subject of the claim to present proper documentation of coverage at the time of service, if both of the following have occurred:

(a) The claim was submitted by the department not later than 84124
six years after the date of the provision of the medical item or 84125
service. 84126

(b) An action by the department to enforce its right of 84127
recovery under section 5160.37 of the Revised Code on the claim 84128
was commenced not later than six years after the department's 84129
submission of the claim. 84130

~~(6)~~(7) Consider the department's payment of a claim for a 84131
medical item or service to be the equivalent of the medical 84132
assistance recipient having obtained prior authorization for the 84133
item or service from the third party; 84134

~~(7)~~(8) Not deny a claim described in division ~~(A)~~(6)~~(B)~~(7) of 84135
this section that is submitted by the department solely on the 84136
basis of the medical assistance recipient's failure to obtain 84137
prior authorization for the medical item or service. 84138

~~(B)~~(C) For purposes of the requirements in division ~~(A)~~(B) of 84139
this section, a third party shall treat a medicaid managed care 84140
organization as the department for a claim if the individual who 84141
is the subject of the claim received a medical item or service 84142
through a medicaid managed care organization and the department 84143
has assigned its right of recovery for the claim to the medicaid 84144
managed care organization. Even if the department assigned its 84145
right of recovery to a medicaid managed care organization, the 84146
department may, beginning one year from the date the organization 84147
paid the claim, recoup from a third party an amount that was 84148
assigned to the organization but not collected. 84149

~~(C)~~(D) If the department of medicaid, as permitted by 84150
division (K) of section 5160.37 of the Revised Code, assigns to a 84151
medical assistance provider the department's right of recovery for 84152
a claim for which it has notified the provider that it intends to 84153
recoup its prior payment for a claim, a third party shall treat 84154

the provider as the department and shall pay the provider the greater of the following:

(1) The amount the department intends to recoup from the provider for the claim.

(2) If the third party and the provider have an agreement that requires the third party to pay the provider at the time the provider presents the claim to the third party, the amount that is to be paid under that agreement.

~~(D)~~(E) The time limitations associated with the requirements in divisions ~~(A)~~(B)(2) and ~~(5)~~(6) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies.

Sec. 5160.401. (A) A payment made by a third party under division ~~(A)~~(4)~~(B)~~(5) of section 5160.40 of the Revised Code on a claim for payment of a medical item or service provided to a medical assistance recipient is final on the date that is two years after the payment was made to the department of medicaid or the applicable medicaid managed care organization. After a claim is final, the claim is subject to adjustment only if an action for recovery of an overpayment was commenced under division (B) of this section before the date the claim became final and the recovery is agreed to by the department or medicaid managed care organization under division (C) of this section.

(B) If a third party determines that it overpaid a claim for payment, the third party may seek to recover all or part of the overpayment by filing a notice of its intent to seek recovery with the department or medicaid managed care organization, as applicable. The notice of recovery must be filed in writing before the date the payment is final. The notice must specify all of the following:

(1) The full name of the medical assistance recipient who received the medical item or service that is the subject of the claim;	84186 84187 84188
(2) The date or dates on which the medical item or service was provided;	84189 84190
(3) The amount allegedly overpaid and the amount the third party seeks to recover;	84191 84192
(4) The claim number and any other number the department or medicaid managed care organization has assigned to the claim;	84193 84194
(5) The third party's rationale for seeking recovery;	84195
(6) The date the third party made the payment and the method of payment used;	84196 84197
(7) If payment was made by check, the check number;	84198
(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization.	84199 84200 84201 84202 84203
(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section.	84204 84205 84206 84207 84208 84209 84210 84211
Sec. 5162.021. The medicaid director shall adopt rules under sections 5160.02, 5162.02, 5163.03 <u>5163.02</u> , 5164.04 <u>5164.02</u> , 5165.05 <u>5165.02</u> , 5166.02, and 5167.02 of the Revised Code as necessary to authorize the directors of other state agencies to	84212 84213 84214 84215

adopt rules regarding medicaid components, or aspects of medicaid 84216
components, the other state agencies administer pursuant to 84217
contracts entered into under section 5162.35 of the Revised Code. 84218

When the director of another state agency adopts a rule that 84219
would increase the medicaid payment rate for a medicaid service 84220
provided under a medicaid component or aspect of a medicaid 84221
component that the other state agency administers, the director of 84222
the other state agency shall comply with section 5164.021 of the 84223
Revised Code as if that director were the medicaid director. 84224

Sec. 5162.12. (A) The medicaid director shall enter into a 84225
contract with one or more persons to receive and process, on the 84226
director's behalf, requests for medicaid recipient or claims 84227
payment data, data from reports of audits conducted under section 84228
5165.109 of the Revised Code, or extracts or analyses of any of 84229
the foregoing data made by persons who intend to use the items 84230
prepared pursuant to the requests for commercial or academic 84231
purposes. 84232

(B) At a minimum, a contract entered into under this section 84233
shall do both of the following: 84234

(1) Authorize the contracting person to engage in the 84235
activities described in division (A) of this section for 84236
compensation, which must be stated as a percentage of the fees 84237
paid by persons who are provided the items; 84238

(2) Require the contracting person to charge for an item 84239
prepared pursuant to a request a fee in an amount equal to one 84240
hundred two per cent of the cost the department of medicaid incurs 84241
in making the data used to prepare the item available to the 84242
contracting person. 84243

(C) Except as required by federal or state law and subject to 84244
division (E) of this section, both of the following conditions 84245

apply with respect to a request for data described in division (A) 84246
of this section: 84247

(1) The request shall be made through a person who has 84248
entered into a contract with the medicaid director under this 84249
section. 84250

(2) An item prepared pursuant to the request may be provided 84251
to the department of medicaid and is confidential and not subject 84252
to disclosure under section 149.43 or 1347.08 of the Revised Code. 84253

(D) The medicaid director shall use fees the director 84254
receives pursuant to a contract entered into under this section to 84255
pay obligations specified in contracts entered under this section. 84256
Any money remaining after the obligations are paid shall be 84257
deposited in the health ~~care services administration~~ care/medicaid 84258
support and recoveries fund created under section ~~5162.54~~ 5162.52 84259
of the Revised Code. 84260

(E) This section does not apply to requests for medicaid 84261
recipient or claims payment data, data from reports of audits 84262
conducted under section 5165.109 of the Revised Code, or extracts 84263
or analyses of any of the foregoing data that are for any of the 84264
following purposes: 84265

(1) Treatment of medicaid recipients; 84266

(2) Payment of medicaid claims; 84267

(3) Establishment or management of medicaid third party 84268
liability pursuant to sections 5160.35 to 5160.43 of the Revised 84269
Code; 84270

(4) Compliance with the terms of an agreement the medicaid 84271
director enters into for purposes of administering the medicaid 84272
program; 84273

(5) Compliance with an operating protocol the executive 84274
director of the office of health transformation or the executive 84275

director's designee adopts under division (D) of section 191.06 of the Revised Code. 84276
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Sec. 5162.16. A government entity that administers one or more components of the medicaid program and has reasonable cause to believe that an instance of fraud, waste, or abuse has occurred in the medicaid program shall inform the department of medicaid. The department shall collect the information in the medicaid data warehouse system established under section 5162.11 of the Revised Code. 84278
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~~Sec. 5162.40. (A)(1) Except as provided in division (B) of this section, if~~ If a state agency or political subdivision administers one or more components of the medicaid program that the United States department of health and human services approved, and for which federal financial participation was initially obtained, prior to January 1, 2002, or administers one or more aspects of such a component, the department of medicaid may retain or collect not more than ten per cent of the federal financial participation the state agency or political subdivision obtains through an approved, administrative claim regarding the component or aspect of the component. If the department retains or collects a percentage of such federal financial participation, the percentage the department retains or collects shall be specified in a contract the department enters into with the state agency or political subdivision under section 5162.35 of the Revised Code. 84285
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~~(2) Except as provided in division (B) of this section, if a state agency or political subdivision administers one or more components of the medicaid program that the United States department of health and human services approved on or after January 1, 2002, or administers one or more aspects of such a component, the department of medicaid shall retain or collect not less than three and not more than ten per cent of the federal~~ 84300
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~~financial participation the state agency or political subdivision 84307
obtains through an approved, administrative claim regarding the 84308
component or aspect of the component. The percentage the 84309
department retains or collects shall be specified in a contract 84310
the department enters into with the state agency or political 84311
subdivision under section 5162.35 of the Revised Code. 84312~~

(B) All amounts the department retains or collects under this 84313
section shall be deposited into the health ~~care services~~ 84314
administration care/medicaid support and recoveries fund created 84315
under section ~~5162.54~~ 5162.52 of the Revised Code. 84316

Sec. 5162.41. The department of medicaid may retain or 84317
collect a percentage of the federal financial participation 84318
included in a supplemental medicaid payment to one or more 84319
medicaid providers owned or operated by a state agency or 84320
political subdivision that brings the payment to such provider or 84321
providers to the upper payment limit established by 42 C.F.R. 84322
447.272. If the department retains or collects a percentage of 84323
that federal financial participation, the medicaid director shall 84324
adopt a rule under section 5162.02 of the Revised Code specifying 84325
the percentage the department is to retain or collect. All amounts 84326
the department retains or collects under this section shall be 84327
deposited into the health ~~care services administration~~ 84328
care/medicaid support and recoveries fund created under section 84329
~~5162.54~~ 5162.52 of the Revised Code. 84330

Sec. 5162.52. (A) The health care/medicaid support and 84331
recoveries fund is hereby created in the state treasury. All of 84332
the following shall be credited to the fund: 84333

(1) Except as otherwise provided by statute or as authorized 84334
by the controlling board, the nonfederal share of all 84335
medicaid-related revenues, collections, and recoveries; 84336

(2) Federal reimbursement received for payment adjustments made pursuant to the "Social Security Act," section 1923, 42 U.S.C. 1396r-4, under the medicaid program to state mental health hospitals maintained and operated by the department of mental health and addiction services under division (A) of section 5119.14 of the Revised Code;	84337 84338 84339 84340 84341 84342
(3) Revenues the department of medicaid receives from another state agency for medicaid services pursuant to an interagency agreement, other than such revenues required to be deposited into the health care services administration fund created under section 5162.54 of the Revised Code;	84343 84344 84345 84346 84347
(4) The first seven hundred fifty thousand dollars <u>money</u> the department <u>of medicaid</u> receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304;	84348 84349 84350 84351
(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by the "Social Security Act," section 1927, 42 U.S.C. 1396r-8;	84352 84353 84354 84355
(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code;	84356 84357 84358 84359
<u>(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;</u>	84360 84361
<u>(8) The application fees charged to providers under section 5164.31 of the Revised Code;</u>	84362 84363
<u>(9) The fines collected under section 5165.1010 of the Revised Code;</u>	84364 84365
<u>(10) Amounts from assessments on hospitals under section</u>	84366

5168.06 of the Revised Code and intergovernmental transfers by 84367
governmental hospitals under section 5168.07 of the Revised Code 84368
that are deposited into the fund in accordance with the law. 84369

(B) The department of medicaid shall use money credited to 84370
the health care/medicaid support and recoveries fund to pay for 84371
medicaid services and ~~contracts~~ costs associated with the 84372
administration of the medicaid program. 84373

Sec. ~~5162.64~~ 5162.63. (A) There is hereby created in the 84374
state treasury the medicaid school program administrative fund. 84375

(B) Both of the following shall be deposited into the 84376
medicaid school program administrative fund: 84377

(1) The federal funds the department of education receives 84378
for the expenses the department incurs in administering the 84379
medicaid school component of the medicaid program created under 84380
section 5162.36 of the Revised Code; 84381

(2) The money the department collects from qualified medicaid 84382
school providers in the process established in rules authorized by 84383
section 5162.363 of the Revised Code. 84384

(C) The department of education shall use money in the 84385
medicaid school program administrative fund for both of the 84386
following purposes: 84387

(1) Paying for the expenses the department incurs in 84388
administering the medicaid school component of the medicaid 84389
program; 84390

(2) Paying a qualified medicaid school provider a refund for 84391
any overpayment the provider makes to the department under the 84392
process established in rules authorized by section 5162.363 of the 84393
Revised Code if the process results in an overpayment. 84394

Sec. 5162.64. There is hereby created in the state treasury 84395

the money follows the person enhanced reimbursement fund. 84396

The federal payments made to the state under subsection (e) 84397
of section 6071 of the "Deficit Reduction Act of 2005," Public Law 84398
109-171, as amended, shall be deposited into the fund. The 84399
department of medicaid shall use money deposited into the fund for 84400
reform activities related to a money follows the person 84401
demonstration project authorized by the United States secretary of 84402
health and human services, including the helping Ohioans move, 84403
expanding (HOME) choice component of the medicaid program operated 84404
pursuant to section 5164.90 of the Revised Code. 84405

Sec. 5162.65. There is hereby created in the state treasury 84406
the refunds and reconciliation fund. 84407

Money the department of medicaid receives from a refund or 84408
reconciliation shall be deposited into the refunds and 84409
reconciliation fund if the department does not know the 84410
appropriate fund for the money at the time the department receives 84411
the money or if the money is to go to another government entity. 84412
Money transferred from the department of job and family services 84413
under section 5101.074 of the Revised Code also shall be deposited 84414
into the refunds and reconciliation fund. 84415

Money in the refunds and reconciliation fund, including money 84416
transferred from the department of job and family services, shall 84417
be transferred to the appropriate fund once the appropriate fund 84418
is identified or shall be transferred to another government 84419
entity, as appropriate. 84420

Sec. 5162.66. (A) As used in this section, "deficiency" has 84421
the same meaning as in section 5165.60 of the Revised Code. 84422

The (B) There is hereby created in the state treasury the 84423
residents protection fund. All of the following shall be deposited 84424

into the fund: 84425

(1) The proceeds of all fines, including interest, collected 84426
under sections 5165.60 to 5165.89 of the Revised Code ~~shall be~~ 84427
~~deposited in the state treasury to the credit of the residents~~ 84428
~~protection fund, which is hereby created. The;~~ 84429

(2) The proceeds of all fines, including interest, collected 84430
under section 173.42 of the Revised Code ~~shall be deposited in the~~ 84431
~~state treasury to the credit of the residents protection fund;~~ 84432

(3) The portions of civil money penalties and corresponding 84433
interest that are dispersed on or after July 1, 2017, to the 84434
department of medicaid pursuant to 42 C.F.R. 488.845. 84435

Money (C) Subject to 42 C.F.R. 488.845(g)(2), both of the 84436
following apply to the money in the fund: 84437

(1) It shall be used for the all of the following: 84438

(a) The protection of the health or property of residents of 84439
nursing facilities in which the department of health finds 84440
deficiencies, including payment for the costs of relocation of 84441
residents to other facilities, ~~and~~ maintenance; 84442

(b) Maintenance of operation of a facility pending correction 84443
of deficiencies or closure, ~~and reimbursement;~~ 84444

(c) Reimbursement of residents for the loss of money managed 84445
by the facility under section 3721.15 of the Revised Code. ~~Money~~ 84446
~~in the fund~~ 84447

(2) It may also be used to make payments under section 84448
5165.78 of the Revised Code. 84449

(D) The fund shall be maintained and administered by the 84450
department of medicaid under rules developed in consultation with 84451
the departments of health and aging and adopted under section 84452
5162.02 of the Revised Code. The rules shall be adopted in 84453
accordance with Chapter 119. of the Revised Code. 84454

Sec. 5162.70. (A) As used in this section:	84455
(1) "CPI" means the consumer price index for all urban consumers as published by the United States bureau of labor statistics.	84456 84457 84458
(2) "CPI medical inflation rate" means the inflation rate for medical care, or the successor term for medical care, for the midwest region as specified in the CPI.	84459 84460 84461
(3) "JMOC projected medical inflation rate" means the following:	84462 84463
(a) The projected medical inflation rate for a fiscal biennium determined by the actuary with which the joint medicaid oversight committee contracts under section 103.414 of the Revised Code if the committee agrees with the actuary's projected medical inflation rate for that fiscal biennium;	84464 84465 84466 84467 84468
(b) The different projected medical inflation rate for a fiscal biennium determined by the joint medicaid oversight committee under section 103.414 of the Revised Code if the committee disagrees with the projected medical inflation rate determined for that fiscal biennium by the actuary with which the committee contracts under that section.	84469 84470 84471 84472 84473 84474
(4) "Successor term" means a term that the United States bureau of labor statistics uses in place of another term in revisions to the CPI.	84475 84476 84477
(B) The medicaid director shall implement reforms to the medicaid program that do all of the following:	84478 84479
(1) Limit the growth in the per recipient per month cost of the medicaid program, as determined on an aggregate basis for all eligibility groups, for a fiscal biennium to not more than the lesser of the following:	84480 84481 84482 84483
(a) The average annual increase in the CPI medical inflation	84484

rate for the most recent three-year period for which the necessary	84485
data is available as of the first day of the fiscal biennium,	84486
weighted by the most recent year of the three years;	84487
(b) The JMOC projected medical inflation rate for the fiscal	84488
biennium.	84489
(2) Achieve the limit in the growth of the per recipient per	84490
month cost of the medicaid program under division (B)(1) of this	84491
section by doing all of the following:	84492
(a) Improving the physical and mental health of medicaid	84493
recipients;	84494
(b) Providing for medicaid recipients to receive medicaid	84495
services in the most cost-effective and sustainable manner;	84496
(c) Removing barriers that impede medicaid recipients'	84497
ability to transfer to lower cost, and more appropriate, medicaid	84498
services, including home and community-based services;	84499
(d) Establishing medicaid payment rates that encourage value	84500
over volume and result in medicaid services being provided in the	84501
most efficient and effective manner possible;	84502
(e) Implementing fraud and abuse prevention and cost	84503
avoidance mechanisms to the fullest extent possible;	84504
(f) Integrating in the care management system established	84505
under section 5167.03 of the Revised Code the delivery of physical	84506
health, behavioral health, nursing facility, and home and	84507
community based services covered by medicaid.	84508
(3) Reduce the prevalence of comorbid health conditions	84509
among, and the mortality rates of, medicaid recipients;	84510
(4) Reduce infant mortality rates among medicaid recipients.	84511
(C) The medicaid director shall implement the reforms under	84512
this section in accordance with evidence-based strategies that	84513
include measurable goals.	84514

(D) The reforms implemented under this section shall, without making the medicaid program's eligibility requirements more restrictive, reduce the relative number of individuals enrolled in the medicaid program who have the greatest potential to obtain the income and resources that would enable them to cease enrollment in medicaid and instead obtain health care coverage through employer-sponsored health insurance or an exchange.

Sec. 5163.03. (A) Subject to section 5163.05 of the Revised Code, the medicaid program shall cover all mandatory eligibility groups.

(B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover.

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies:

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group.

(2) ~~State statutes do not address whether the~~ The medicaid program ~~may cover~~ covers the optional eligibility group on the effective date of this amendment.

(D) The medicaid program shall not cover ~~any~~ an optional eligibility group ~~that state~~ to which either of the following applies:

(1) State statutes prohibit the medicaid program from covering the optional eligibility group.

(2) Except as provided in divisions (B) and (C)(1) of this section, the medicaid program does not cover the optional eligibility group on the effective date of this amendment.

Sec. 5164.01. As used in this chapter:

(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code.	84544 84545
(B) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r).	84546 84547 84548
(C) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.	84549 84550
(D) <u>"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.</u>	84551 84552
<u>(E)</u> "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services.	84553 84554 84555
(E) <u>(F)</u> "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	84556 84557 84558
(F) <u>(G)</u> "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	84559 84560
(G) <u>(H)</u> "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system.	84561 84562
(H) <u>(I)</u> "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	84563 84564
(I) <u>(J)</u> "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.	84565 84566 84567
(J) <u>(K)</u> "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.	84568 84569 84570 84571
(K) <u>(L)</u> "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	84572 84573

~~(L)~~(M) "Medicaid provider" means a person or government 84574
entity with a valid provider agreement to provide medicaid 84575
services to medicaid recipients. To the extent appropriate in the 84576
context, "medicaid provider" includes a person or government 84577
entity applying for a provider agreement, a former medicaid 84578
provider, or both. 84579

~~(M)~~(N) "Medicaid services" means either or both of the 84580
following: 84581

(1) Mandatory services; 84582

(2) Optional services that the medicaid program covers. 84583

~~(N)~~(O) "Nursing facility" has the same meaning as in section 84584
5165.01 of the Revised Code. 84585

~~(O)~~(P) "Optional services" means the health care services and 84586
items that may be covered by the medicaid state plan or a federal 84587
medicaid waiver and for which the medicaid program receives 84588
federal financial participation. 84589

~~(P)~~(Q) "Prescribed drug" has the same meaning as in 42 C.F.R. 84590
440.120. 84591

~~(Q)~~(R) "Provider agreement" means an agreement to which all 84592
of the following apply: 84593

(1) It is between a medicaid provider and the department of 84594
medicaid; 84595

(2) It provides for the medicaid provider to provide medicaid 84596
services to medicaid recipients; 84597

(3) It complies with 42 C.F.R. 431.107(b). 84598

~~(R)~~(S) "State plan home and community-based services" means 84599
home and community-based services that, as authorized by section 84600
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 84601
covered by the medicaid program pursuant to an amendment to the 84602
medicaid state plan. 84603

(T) "Terminal distributor of dangerous drugs" has the same 84604
meaning as in section 4729.01 of the Revised Code. 84605

Sec. 5164.02. (A) ~~The Subject to section 5164.021 of the~~ 84606
Revised Code, the medicaid director shall adopt rules as necessary 84607
to implement this chapter. The rules shall be adopted in 84608
accordance with Chapter 119. of the Revised Code. 84609

(B) The rules shall establish all of the following: 84610

(1) The amount, duration, and scope of the medicaid services 84611
covered by the medicaid program; 84612

(2) The medicaid payment amount rate for each medicaid 84613
service or, in lieu of the ~~payment amount rate~~, the method by 84614
which the ~~payment amount rate~~ is to be determined for each 84615
medicaid service; 84616

(3) Procedures for enforcing the rules adopted under this 84617
section that provide due process protections, including procedures 84618
for corrective action plans for, and imposing financial and 84619
administrative sanctions on, persons and government entities that 84620
violate the rules. 84621

(C) The rules may be different for different medicaid 84622
services. 84623

(D) The medicaid director is not required to adopt a rule 84624
establishing the medicaid payment amount rate for a medicaid 84625
service if the director adopts a rule establishing the method by 84626
which the ~~payment amount rate~~ is to be determined for the medicaid 84627
service and makes the ~~payment amount rate~~ available on the 84628
internet web site maintained by the department of medicaid. 84629

Sec. 5164.021. For the purposes of sections 103.417 and 84630
5164.69 of the Revised Code, the medicaid director may not 84631
designate an effective date for a rule increasing the medicaid 84632

payment rate for a medicaid service that is earlier than the one 84633
hundred twenty-first day after the date on which it is filed in 84634
final form under section 119.04 of the Revised Code. This applies 84635
to such a rule regardless of whether the rule involves a change to 84636
the method by which a medicaid payment rate for a medicaid service 84637
is to be determined or specifies the actual amount of the rate 84638
increase. 84639

Sec. 5164.10. The medicaid program may cover one or more 84640
state plan home and community-based services that the department 84641
of medicaid selects for coverage. A medicaid recipient of any age 84642
may receive a state plan home and community-based service if the 84643
recipient has countable income not exceeding two hundred 84644
twenty-five per cent of the federal poverty line, has a medical 84645
need for the service, and meets all other eligibility requirements 84646
for the service specified in rules adopted under section 5164.02 84647
of the Revised Code. The rules may not require a medicaid 84648
recipient to undergo a level of care determination to be eligible 84649
for a state plan home and community-based service. 84650

Sec. 5164.29. Not later than December 31, 2018, the 84651
department of medicaid shall develop and implement revisions to 84652
the system by which persons and government entities become and 84653
remain medicaid providers so that there is a single system of 84654
records for the system and the persons and government entities do 84655
not have to submit duplicate data to the state to become or remain 84656
medicaid providers for any component or aspect of a component of 84657
the medicaid program, including a component or aspect of a 84658
component administered by another state agency or political 84659
subdivision pursuant to a contract entered into under section 84660
5162.35 of the Revised Code. The departments of aging, 84661
developmental disabilities, and mental health and addiction 84662
services shall participate in the development of the revisions and 84663

shall utilize the revised system. 84664

Sec. 5164.31. (A) For the purpose of raising funds necessary 84665
to pay the expenses of implementing the provider screening 84666
requirements of subpart E of 42 C.F.R. Part 455 and except as 84667
provided in division (B) of this section, the department of 84668
medicaid shall collect an application fee from a medicaid provider 84669
before doing any of the following: 84670

(1) Entering into a provider agreement with a medicaid 84671
provider that seeks initial enrollment as a provider; 84672

(2) Entering into a provider agreement with a former medicaid 84673
provider that seeks re-enrollment as a provider; 84674

(3) Revalidating a medicaid provider's continued enrollment 84675
as a provider. 84676

(B) The department is not to collect an application fee from 84677
a medicaid provider that is exempt from paying the fee under 42 84678
C.F.R. 455.460(a). 84679

(C) The application fees shall be deposited into the health 84680
~~care services administration~~ care/medicaid support and recoveries 84681
fund created under section ~~5162.54~~ 5162.52 of the Revised Code. 84682
Application fees are nonrefundable when collected in accordance 84683
with 42 C.F.R. 455.460(a). 84684

(D) The medicaid director shall adopt rules under section 84685
5164.02 of the Revised Code as necessary to implement this 84686
section, including a rule establishing the amount of the 84687
application fee to be collected under this section. The amount of 84688
the application fee shall not be set at an amount that is more 84689
than necessary to pay for the expenses of implementing the 84690
provider screening requirements. 84691

Sec. 5164.34. (A) As used in this section: 84692

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	84693 84694
(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	84695 84696 84697
(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.	84698 84699 84700
(4) "Person subject to the criminal records check requirement" means the following:	84701 84702
(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;	84703 84704 84705
(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;	84706 84707 84708 84709 84710 84711 84712
(c) An employee or prospective employee of a medicaid provider if both of the following apply:	84713 84714
(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.	84715 84716 84717
(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.	84718 84719
(5) "Responsible entity" means the following:	84720
(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid	84721 84722

or the department's designee; 84723

(b) With respect to a criminal records check required under 84724
this section for an owner or prospective owner, officer or 84725
prospective officer, board member or prospective board member, or 84726
employee or prospective employee of a medicaid provider, the 84727
provider. 84728

(B) This section does not apply to any of the following: 84729

(1) An individual who is subject to a criminal records check 84730
under section 3712.09, 3721.121, 5123.081, or 5123.169, ~~or~~ 84731
~~5164.341~~ of the Revised Code ~~or any;~~ 84732

(2) An individual who is subject to a database review or 84733
criminal records check under section 173.38, 173.381, 3701.881, or 84734
5164.342 of the Revised Code; 84735

(3) An individual who is an applicant or independent 84736
provider, both as defined in section 5164.341 of the Revised Code. 84737

(C) The department of medicaid may do any of the following: 84738

(1) Require that any medicaid provider submit to a criminal 84739
records check as a condition of obtaining or maintaining a 84740
provider agreement; 84741

(2) Require that any medicaid provider require an owner or 84742
prospective owner, officer or prospective officer, or board member 84743
or prospective board member of the provider submit to a criminal 84744
records check as a condition of being an owner, officer, or board 84745
member of the provider; 84746

(3) Require that any medicaid provider do the following: 84747

(a) If so required by rules authorized by this section, 84748
determine pursuant to a database review conducted under division 84749
(F)(1)(a) of this section whether any employee or prospective 84750
employee of the provider is included in a database; 84751

(b) Unless the provider is prohibited by division (D)(3)(b) 84752

of this section from employing the employee or prospective 84753
employee, require the employee or prospective employee to submit 84754
to a criminal records check as a condition of being an employee of 84755
the provider. 84756

(D)(1) The department or the department's designee shall deny 84757
or terminate a medicaid provider's provider agreement if the 84758
provider is a person subject to the criminal records check 84759
requirement and either of the following applies: 84760

(a) The provider fails to obtain the criminal records check 84761
after being given the information specified in division (G)(1) of 84762
this section. 84763

(b) Except as provided in rules authorized by this section, 84764
the provider is found by the criminal records check to have been 84765
convicted of or have pleaded guilty to a disqualifying offense, 84766
regardless of the date of the conviction or the date of entry of 84767
the guilty plea. 84768

(2) No medicaid provider shall permit a person to be an 84769
owner, officer, or board member of the provider if the person is a 84770
person subject to the criminal records check requirement and 84771
either of the following applies: 84772

(a) The person fails to obtain the criminal records check 84773
after being given the information specified in division (G)(1) of 84774
this section. 84775

(b) Except as provided in rules authorized by this section, 84776
the person is found by the criminal records check to have been 84777
convicted of or have pleaded guilty to a disqualifying offense, 84778
regardless of the date of the conviction or the date of entry of 84779
the guilty plea. 84780

(3) No medicaid provider shall employ a person if any of the 84781
following apply: 84782

(a) The person has been excluded from being a medicaid provider, a medicare provider, or provider for any other federal health care program. 84783
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(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules authorized by this section regarding the database review prohibit the provider from employing a person included in the database. 84786
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 84791
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 84793
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(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea. 84796
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(E)(1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following: 84801
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(a) Which of the provider's owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check; 84809
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(b) Which of the provider's employees or prospective employees are subject to division (C)(3) of this section. 84812
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(2) At times designated in rules authorized by this section, 84814
a medicaid provider that is a person subject to the criminal 84815
records check requirement shall do the following: 84816

(a) Inform each person specified under division (E)(1)(a) of 84817
this section that the person is required to submit to a criminal 84818
records check as a condition of being an owner, officer, or board 84819
member of the provider; 84820

(b) Inform each person specified under division (E)(1)(b) of 84821
this section that the person is subject to division (C)(3) of this 84822
section. 84823

(F)(1) If a medicaid provider is a person subject to the 84824
criminal records check requirement, the department or the 84825
department's designee shall require the conduct of a criminal 84826
records check by the superintendent of the bureau of criminal 84827
identification and investigation. A medicaid provider shall 84828
require the conduct of a criminal records check by the 84829
superintendent with respect to each of the persons specified under 84830
division (E)(1)(a) of this section. With respect to each employee 84831
and prospective employee specified under division (E)(1)(b) of 84832
this section, a medicaid provider shall do the following: 84833

(a) If rules authorized by this section require the provider 84834
to conduct a database review to determine whether the employee or 84835
prospective employee is included in a database, conduct the 84836
database review in accordance with the rules; 84837

(b) Unless the provider is prohibited by division (D)(3)(b) 84838
of this section from employing the employee or prospective 84839
employee, require the conduct of a criminal records check of the 84840
employee or prospective employee by the superintendent. 84841

(2) If a person subject to the criminal records check 84842
requirement does not present proof of having been a resident of 84843
this state for the five-year period immediately prior to the date 84844

the criminal records check is requested or provide evidence that 84845
within that five-year period the superintendent has requested 84846
information about the person from the federal bureau of 84847
investigation in a criminal records check, the responsible entity 84848
shall require the person to request that the superintendent obtain 84849
information from the federal bureau of investigation as part of 84850
the criminal records check of the person. Even if the person 84851
presents proof of having been a resident of this state for the 84852
five-year period, the responsible entity may require that the 84853
person request that the superintendent obtain information from the 84854
federal bureau of investigation and include it in the criminal 84855
records check of the person. 84856

(G) Criminal records checks required by this section shall be 84857
obtained as follows: 84858

(1) The responsible entity shall provide each person subject 84859
to the criminal records check requirement information about 84860
accessing and completing the form prescribed pursuant to division 84861
(C)(1) of section 109.572 of the Revised Code and the standard 84862
impression sheet prescribed pursuant to division (C)(2) of that 84863
section. 84864

(2) The person subject to the criminal records check 84865
requirement shall submit the required form and one complete set of 84866
the person's fingerprint impressions directly to the 84867
superintendent for purposes of conducting the criminal records 84868
check using the applicable methods prescribed by division (C) of 84869
section 109.572 of the Revised Code. The person shall pay all fees 84870
associated with obtaining the criminal records check. 84871

(3) The superintendent shall conduct the criminal records 84872
check in accordance with section 109.572 of the Revised Code. The 84873
person subject to the criminal records check requirement shall 84874
instruct the superintendent to submit the report of the criminal 84875
records check directly to the responsible entity. If the 84876

department or the department's designee is not the responsible 84877
entity, the department or designee may require the responsible 84878
entity to submit the report to the department or designee. 84879

(H)(1) A medicaid provider may employ conditionally a person 84880
for whom a criminal records check is required by this section 84881
prior to obtaining the results of the criminal records check if 84882
both of the following apply: 84883

(a) The provider is not prohibited by division (D)(3)(b) of 84884
this section from employing the person. 84885

(b) The person submits a request for the criminal records 84886
check not later than five business days after the person begins 84887
conditional employment. 84888

(2) A medicaid provider that employs a person conditionally 84889
under division (H)(1) of this section shall terminate the person's 84890
employment if the results of the criminal records check request 84891
are not obtained within the period ending sixty days after the 84892
date the request is made. Regardless of when the results of the 84893
criminal records check are obtained, if the results indicate that 84894
the person has been convicted of or has pleaded guilty to a 84895
disqualifying offense, the provider shall terminate the person's 84896
employment unless circumstances specified in rules authorized by 84897
this section exist that permit the provider to employ the person 84898
and the provider chooses to employ the person. 84899

(I) The report of a criminal records check conducted pursuant 84900
to this section is not a public record for the purposes of section 84901
149.43 of the Revised Code and shall not be made available to any 84902
person other than the following: 84903

(1) The person who is the subject of the criminal records 84904
check or the person's representative; 84905

(2) The medicaid director and the staff of the department who 84906
are involved in the administration of the medicaid program; 84907

(3) The department's designee;	84908
(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;	84909 84910 84911
(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;	84912 84913 84914
(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	84915 84916
(a) The denial or termination of a provider agreement;	84917
(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;	84918 84919
(c) A civil or criminal action regarding the medicaid program.	84920 84921
(J) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:	84922 84923 84924 84925 84926
(1) Designate the categories of persons who are subject to a criminal records check under this section;	84927 84928
(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;	84929 84930 84931 84932 84933 84934
(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records	84935 84936 84937

check conducted pursuant to this section to have been convicted of 84938
or have pleaded guilty to a disqualifying offense; 84939

(4) Specify all of the following: 84940

(a) The circumstances under which a database review must be 84941
conducted under division (F)(1)(a) of this section to determine 84942
whether an employee or prospective employee of a medicaid provider 84943
is included in a database; 84944

(b) The procedures for conducting the database review; 84945

(c) The databases that are to be checked; 84946

(d) The circumstances under which a medicaid provider is 84947
prohibited from employing a person who is found by the database 84948
review to be included in a database. 84949

Sec. 5164.341. (A) As used in this section: 84950

"Anniversary date" means the later of the effective date of 84951
the provider agreement relating to the independent provider or 84952
sixty days after September 26, 2003. 84953

"Applicant" means a person who has applied for a provider 84954
agreement to provide home and community-based services as an 84955
independent provider under a home and community-based medicaid 84956
waiver component administered by the department of medicaid. 84957

"Criminal records check" has the same meaning as in section 84958
109.572 of the Revised Code. 84959

"Disqualifying offense" means any of the offenses listed or 84960
described in divisions (A)(3)(a) to (e) of section 109.572 of the 84961
Revised Code. 84962

"Independent provider" means a person who has a provider 84963
agreement to provide home and community-based services as an 84964
independent provider in a home and community-based services 84965
medicaid waiver component administered by the department of 84966

medicaid. 84967

(B) The department of medicaid or the department's designee 84968
shall deny an applicant's application for a provider agreement and 84969
shall terminate an independent provider's provider agreement if 84970
either of the following applies: 84971

(1) After the applicant or independent provider is given the 84972
information and notification required by divisions (D)(2)(a) and 84973
(b) of this section, the applicant or independent provider fails 84974
to do either of the following: 84975

(a) Access, complete, or forward to the superintendent of the 84976
bureau of criminal identification and investigation the form 84977
prescribed pursuant to division (C)(1) of section 109.572 of the 84978
Revised Code or the standard impression sheet prescribed pursuant 84979
to division (C)(2) of that section; 84980

(b) Instruct the superintendent to submit the completed 84981
report of the criminal records check required by this section 84982
directly to the department or the department's designee. 84983

(2) Except as provided in rules authorized by this section, 84984
the applicant or independent provider is found by ~~a criminal~~ 84985
~~records check required by this section~~ either of the following to 84986
have been convicted of or have pleaded guilty to a disqualifying 84987
offense, regardless of the date of the conviction or the date of 84988
entry of the guilty plea; 84989

(a) A criminal records check required by this section; 84990

(b) In the case of an independent provider, a notice provided 84991
by the bureau of criminal identification and investigation under 84992
division (D) of section 109.5721 of the Revised Code. 84993

(C)(1) The department or the department's designee shall 84994
inform each applicant, at the time of initial application for a 84995
provider agreement, that the applicant is required to provide a 84996

set of the applicant's fingerprint impressions and that a criminal 84997
records check is required to be conducted as a condition of the 84998
department's approving the application. 84999

(2) ~~Beginning on September 26, 2003~~ Unless the department 85000
elects to receive notices about independent providers from the 85001
bureau of criminal identification and investigation pursuant to 85002
division (D) of section 109.5721 of the Revised Code, the 85003
department or the department's designee shall inform each 85004
independent provider on or before the time of the anniversary date 85005
of the provider agreement that the independent provider is 85006
required to provide a set of the independent provider's 85007
fingerprint impressions and that a criminal records check is 85008
required to be conducted. 85009

(D)(1) The department or the department's designee shall 85010
require an applicant to complete a criminal records check prior to 85011
entering into a provider agreement with the applicant. The 85012
department or the department's designee shall require an 85013
independent provider to complete a criminal records check at least 85014
annually unless the department elects to receive notices about 85015
independent providers from the bureau of criminal identification 85016
and investigation pursuant to division (D) of section 109.5721 of 85017
the Revised Code. If an applicant or independent provider for whom 85018
a criminal records check is required by this section does not 85019
present proof of having been a resident of this state for the 85020
five-year period immediately prior to the date the criminal 85021
records check is requested or provide evidence that within that 85022
five-year period the superintendent of the bureau of criminal 85023
identification and investigation has requested information about 85024
the applicant or independent provider from the federal bureau of 85025
investigation in a criminal records check, the department or the 85026
department's designee shall request that the applicant or 85027
independent provider obtain through the superintendent a criminal 85028

records request from the federal bureau of investigation as part 85029
of the criminal records check of the applicant or independent 85030
provider. Even if an applicant or independent provider for whom a 85031
criminal records check request is required by this section 85032
presents proof of having been a resident of this state for the 85033
five-year period, the department or the department's designee may 85034
request that the applicant or independent provider obtain 85035
information through the superintendent from the federal bureau of 85036
investigation in the criminal records check. 85037

(2) The department or the department's designee shall provide 85038
the following to each applicant and independent provider for whom 85039
a criminal records check is required by this section: 85040

(a) Information about accessing, completing, and forwarding 85041
to the superintendent of the bureau of criminal identification and 85042
investigation the form prescribed pursuant to division (C)(1) of 85043
section 109.572 of the Revised Code and the standard impression 85044
sheet prescribed pursuant to division (C)(2) of that section; 85045

(b) Written notification that the applicant or independent 85046
provider is to instruct the superintendent to submit the completed 85047
report of the criminal records check directly to the department or 85048
the department's designee. 85049

(3) Each applicant and independent provider for whom a 85050
criminal records check is required by this section shall pay to 85051
the bureau of criminal identification and investigation the fee 85052
prescribed pursuant to division (C)(3) of section 109.572 of the 85053
Revised Code for the criminal records check conducted of the 85054
applicant or independent provider. 85055

(E) ~~The~~ Neither the report of any criminal records check 85056
conducted by the bureau of criminal identification and 85057
investigation in accordance with section 109.572 of the Revised 85058
Code and pursuant to a request made under this section nor a 85059

notice provided by the bureau under division (D) of section 85060
109.5721 of the Revised Code is ~~not~~ a public record for the 85061
purposes of section 149.43 of the Revised Code ~~and~~. Such a report 85062
or notice shall not be made available to any person other than the 85063
following: 85064

(1) The person who is the subject of the criminal records 85065
check or the person's representative; 85066

(2) The medicaid director and the staff of the department who 85067
are involved in the administration of the medicaid program; 85068

(3) The department's designee; 85069

(4) An individual receiving or deciding whether to receive 85070
home and community-based services from the person who is the 85071
subject of the criminal records check or notice from the bureau; 85072

(5) A court, hearing officer, or other necessary individual 85073
involved in a case dealing with either of the following: 85074

(a) A denial or termination of a provider agreement related 85075
to the criminal records check or notice from the bureau; 85076

(b) A civil or criminal action regarding the medicaid 85077
program. 85078

(F) The medicaid director shall adopt rules under section 85079
5164.02 of the Revised Code to implement this section. The rules 85080
shall specify circumstances under which the department or the 85081
department's designee may either approve an applicant's 85082
application or allow an independent provider to maintain an 85083
existing provider agreement even though the applicant or 85084
independent provider is found by ~~a criminal records check required~~ 85085
~~by this section~~ either of the following to have been convicted of 85086
or have pleaded guilty to a disqualifying offense: 85087

(1) A criminal records check required by this section; 85088

(2) In the case of an independent provider, a notice provided 85089

by the bureau of criminal identification and investigation under 85090
division (D) of section 109.5721 of the Revised Code. 85091

Sec. 5164.342. (A) As used in this section: 85092

"Applicant" means a person who is under final consideration 85093
for employment with a waiver agency in a full-time, part-time, or 85094
temporary position that involves providing home and 85095
community-based services. 85096

"Community-based long-term care provider" means a provider as 85097
defined in section 173.39 of the Revised Code. 85098

"Community-based long-term care subcontractor" means a 85099
subcontractor as defined in section 173.38 of the Revised Code. 85100

"Criminal records check" has the same meaning as in section 85101
109.572 of the Revised Code. 85102

"Disqualifying offense" means any of the offenses listed or 85103
described in divisions (A)(3)(a) to (e) of section 109.572 of the 85104
Revised Code. 85105

"Employee" means a person employed by a waiver agency in a 85106
full-time, part-time, or temporary position that involves 85107
providing home and community-based services. 85108

"Waiver agency" means a person or government entity that 85109
provides home and community-based services under a home and 85110
community-based services medicaid waiver component administered by 85111
the department of medicaid, other than such a person or government 85112
entity that is certified under the medicare program. "Waiver 85113
agency" does not mean an independent provider as defined in 85114
section 5164.341 of the Revised Code. 85115

(B) This section does not apply to any individual who is 85116
subject to a database review or criminal records check under 85117
section 3701.881 of the Revised Code. If a waiver agency also is a 85118
community-based long-term care provider or community-based 85119

long-term care subcontractor, the waiver agency may provide for 85120
applicants and employees to undergo database reviews and criminal 85121
records checks in accordance with section 173.38 of the Revised 85122
Code rather than this section. 85123

(C) No waiver agency shall employ an applicant or continue to 85124
employ an employee in a position that involves providing home and 85125
community-based services if any of the following apply: 85126

(1) A review of the databases listed in division (E) of this 85127
section reveals any of the following: 85128

(a) That the applicant or employee is included in one or more 85129
of the databases listed in divisions (E)(1) to (5) of this 85130
section; 85131

(b) That there is in the state nurse aide registry 85132
established under section 3721.32 of the Revised Code a statement 85133
detailing findings by the director of health that the applicant or 85134
employee ~~abused~~, neglected, or ~~abused~~ exploited a long-term care 85135
facility or residential care facility resident or misappropriated 85136
property of such a resident; 85137

(c) That the applicant or employee is included in one or more 85138
of the databases, if any, specified in rules authorized by this 85139
section and the rules prohibit the waiver agency from employing an 85140
applicant or continuing to employ an employee included in such a 85141
database in a position that involves providing home and 85142
community-based services. 85143

(2) After the applicant or employee is given the information 85144
and notification required by divisions (F)(2)(a) and (b) of this 85145
section, the applicant or employee fails to do either of the 85146
following: 85147

(a) Access, complete, or forward to the superintendent of the 85148
bureau of criminal identification and investigation the form 85149
prescribed to division (C)(1) of section 109.572 of the Revised 85150

Code or the standard impression sheet prescribed pursuant to 85151
division (C)(2) of that section; 85152

(b) Instruct the superintendent to submit the completed 85153
report of the criminal records check required by this section 85154
directly to the chief administrator of the waiver agency. 85155

(3) Except as provided in rules authorized by this section, 85156
the applicant or employee is found by a criminal records check 85157
required by this section to have been convicted of or have pleaded 85158
guilty to a disqualifying offense, regardless of the date of the 85159
conviction or date of entry of the guilty plea. 85160

(D) At the time of each applicant's initial application for 85161
employment in a position that involves providing home and 85162
community-based services, the chief administrator of a waiver 85163
agency shall inform the applicant of both of the following: 85164

(1) That a review of the databases listed in division (E) of 85165
this section will be conducted to determine whether the waiver 85166
agency is prohibited by division (C)(1) of this section from 85167
employing the applicant in the position; 85168

(2) That, unless the database review reveals that the 85169
applicant may not be employed in the position, a criminal records 85170
check of the applicant will be conducted and the applicant is 85171
required to provide a set of the applicant's fingerprint 85172
impressions as part of the criminal records check. 85173

(E) As a condition of employing any applicant in a position 85174
that involves providing home and community-based services, the 85175
chief administrator of a waiver agency shall conduct a database 85176
review of the applicant in accordance with rules authorized by 85177
this section. If rules authorized by this section so require, the 85178
chief administrator of a waiver agency shall conduct a database 85179
review of an employee in accordance with the rules as a condition 85180
of continuing to employ the employee in a position that involves 85181

providing home and community-based services. A database review 85182
shall determine whether the applicant or employee is included in 85183
any of the following: 85184

(1) The excluded parties list system that is maintained by 85185
the United States general services administration pursuant to 85186
subpart 9.4 of the federal acquisition regulation and available at 85187
the federal web site known as the system for award management; 85188

(2) The list of excluded individuals and entities maintained 85189
by the office of inspector general in the United States department 85190
of health and human services pursuant to the "Social Security 85191
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 85192

(3) The registry of developmental disabilities employees 85193
established under section 5123.52 of the Revised Code; 85194

(4) The internet-based sex offender and child-victim offender 85195
database established under division (A)(11) of section 2950.13 of 85196
the Revised Code; 85197

(5) The internet-based database of inmates established under 85198
section 5120.66 of the Revised Code; 85199

(6) The state nurse aide registry established under section 85200
3721.32 of the Revised Code; 85201

(7) Any other database, if any, specified in rules authorized 85202
by this section. 85203

(F)(1) As a condition of employing any applicant in a 85204
position that involves providing home and community-based 85205
services, the chief administrator of a waiver agency shall require 85206
the applicant to request that the superintendent of the bureau of 85207
criminal identification and investigation conduct a criminal 85208
records check of the applicant. If rules authorized by this 85209
section so require, the chief administrator of a waiver agency 85210
shall require an employee to request that the superintendent 85211

conduct a criminal records check of the employee at times 85212
specified in the rules as a condition of continuing to employ the 85213
employee in a position that involves providing home and 85214
community-based services. However, a criminal records check is not 85215
required for an applicant or employee if the waiver agency is 85216
prohibited by division (C)(1) of this section from employing the 85217
applicant or continuing to employ the employee in a position that 85218
involves providing home and community-based services. If an 85219
applicant or employee for whom a criminal records check request is 85220
required by this section does not present proof of having been a 85221
resident of this state for the five-year period immediately prior 85222
to the date the criminal records check is requested or provide 85223
evidence that within that five-year period the superintendent has 85224
requested information about the applicant or employee from the 85225
federal bureau of investigation in a criminal records check, the 85226
chief administrator shall require the applicant or employee to 85227
request that the superintendent obtain information from the 85228
federal bureau of investigation as part of the criminal records 85229
check. Even if an applicant or employee for whom a criminal 85230
records check request is required by this section presents proof 85231
of having been a resident of this state for the five-year period, 85232
the chief administrator may require the applicant or employee to 85233
request that the superintendent include information from the 85234
federal bureau of investigation in the criminal records check. 85235

(2) The chief administrator shall provide the following to 85236
each applicant and employee for whom a criminal records check is 85237
required by this section: 85238

(a) Information about accessing, completing, and forwarding 85239
to the superintendent of the bureau of criminal identification and 85240
investigation the form prescribed pursuant to division (C)(1) of 85241
section 109.572 of the Revised Code and the standard impression 85242
sheet prescribed pursuant to division (C)(2) of that section; 85243

(b) Written notification that the applicant or employee is to 85244
instruct the superintendent to submit the completed report of the 85245
criminal records check directly to the chief administrator. 85246

(3) A waiver agency shall pay to the bureau of criminal 85247
identification and investigation the fee prescribed pursuant to 85248
division (C)(3) of section 109.572 of the Revised Code for any 85249
criminal records check required by this section. However, a waiver 85250
agency may require an applicant to pay to the bureau the fee for a 85251
criminal records check of the applicant. If the waiver agency pays 85252
the fee for an applicant, it may charge the applicant a fee not 85253
exceeding the amount the waiver agency pays to the bureau under 85254
this section if the waiver agency notifies the applicant at the 85255
time of initial application for employment of the amount of the 85256
fee and that, unless the fee is paid, the applicant will not be 85257
considered for employment. 85258

(G)(1) A waiver agency may employ conditionally an applicant 85259
for whom a criminal records check is required by this section 85260
prior to obtaining the results of the criminal records check if 85261
both of the following apply: 85262

(a) The waiver agency is not prohibited by division (C)(1) of 85263
this section from employing the applicant in a position that 85264
involves providing home and community-based services. 85265

(b) The chief administrator of the waiver agency requires the 85266
applicant to request a criminal records check regarding the 85267
applicant in accordance with division (F)(1) of this section not 85268
later than five business days after the applicant begins 85269
conditional employment. 85270

(2) A waiver agency that employs an applicant conditionally 85271
under division (G)(1) of this section shall terminate the 85272
applicant's employment if the results of the criminal records 85273
check, other than the results of any request for information from 85274

the federal bureau of investigation, are not obtained within the 85275
period ending sixty days after the date the request for the 85276
criminal records check is made. Regardless of when the results of 85277
the criminal records check are obtained, if the results indicate 85278
that the applicant has been convicted of or has pleaded guilty to 85279
a disqualifying offense, the waiver agency shall terminate the 85280
applicant's employment unless circumstances specified in rules 85281
authorized by this section exist that permit the waiver agency to 85282
employ the applicant and the waiver agency chooses to employ the 85283
applicant. 85284

(H) The report of any criminal records check conducted 85285
pursuant to a request made under this section is not a public 85286
record for the purposes of section 149.43 of the Revised Code and 85287
shall not be made available to any person other than the 85288
following: 85289

(1) The applicant or employee who is the subject of the 85290
criminal records check or the representative of the applicant or 85291
employee; 85292

(2) The chief administrator of the waiver agency that 85293
requires the applicant or employee to request the criminal records 85294
check or the administrator's representative; 85295

(3) The medicaid director and the staff of the department who 85296
are involved in the administration of the medicaid program; 85297

(4) The director of aging or the director's designee if the 85298
waiver agency also is a community-based long-term care provider or 85299
community-based long-term care subcontractor; 85300

(5) An individual receiving or deciding whether to receive 85301
home and community-based services from the subject of the criminal 85302
records check; 85303

(6) A court, hearing officer, or other necessary individual 85304
involved in a case dealing with any of the following: 85305

(a) A denial of employment of the applicant or employee;	85306
(b) Employment or unemployment benefits of the applicant or employee;	85307 85308
(c) A civil or criminal action regarding the medicaid program.	85309 85310
(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.	85311 85312
(1) The rules may do the following:	85313
(a) Require employees to undergo database reviews and criminal records checks under this section;	85314 85315
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	85316 85317 85318
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	85319 85320 85321
(2) The rules shall specify all of the following:	85322
(a) The procedures for conducting a database review under this section;	85323 85324
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	85325 85326 85327 85328
(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;	85329 85330 85331 85332 85333
(d) The circumstances under which a waiver agency may employ	85334

an applicant or employee who is found by a criminal records check 85335
required by this section to have been convicted of or have pleaded 85336
guilty to a disqualifying offense. 85337

(J) The amendments made by H.B. 487 of the 129th general 85338
assembly to this section do not preclude the department of 85339
medicaid from taking action against a person for failure to comply 85340
with former division (H) of this section as that division existed 85341
on the day preceding January 1, 2013. 85342

Sec. 5164.37. (A) As used in this section: 85343

(1) "Independent provider" has the same meaning as in section 85344
5164.341 of the Revised Code. 85345

(2) "Noninstitutional medicaid provider" means any person or 85346
entity with a provider agreement other than a hospital, nursing 85347
facility, or ICF/IID. 85348

(3) "Owner" means any person having at least five per cent 85349
ownership in a noninstitutional medicaid provider. 85350

(B) Notwithstanding any provision of this chapter to the 85351
contrary, the department of medicaid shall take action under this 85352
section against a noninstitutional medicaid provider or its owner, 85353
officer, authorized agent, associate, manager, or employee. 85354

(C) Except as provided in division (D) of this section and in 85355
rules authorized by this section, on receiving notice and a copy 85356
of an indictment that is issued on or after September 29, 2007, 85357
and charges a noninstitutional medicaid provider or its owner, 85358
officer, authorized agent, associate, manager, or employee with 85359
committing an offense specified in division (E) of this section, 85360
the department shall suspend the provider agreement held by the 85361
noninstitutional medicaid provider. Subject to division (D) of 85362
this section, the department shall also terminate medicaid 85363
payments to the provider for medicaid services rendered. 85364

The suspension shall continue in effect until the proceedings 85365
in the criminal case are completed through dismissal of the 85366
indictment or through conviction, entry of a guilty plea, or 85367
finding of not guilty. If the department commences a process to 85368
terminate the suspended provider agreement, the suspension shall 85369
also continue in effect until the termination process is 85370
concluded. 85371

When subject to a suspension under this division, a provider, 85372
owner, officer, authorized agent, associate, manager, or employee 85373
shall not own or provide medicaid services to any other medicaid 85374
provider or risk contractor or arrange for, render, or order 85375
medicaid services for medicaid recipients during the period of 85376
suspension. During the period of suspension, the provider, owner, 85377
officer, authorized agent, associate, manager, or employee shall 85378
not receive direct payments under the medicaid program or indirect 85379
payments of medicaid funds in the form of salary, shared fees, 85380
contracts, kickbacks, or rebates from or through any other 85381
medicaid provider or risk contractor. 85382

(D)(1) The department shall not suspend a provider agreement 85383
or terminate medicaid payments under division (C) of this section 85384
if the provider or owner can demonstrate through the submission of 85385
written evidence that the provider or owner did not directly or 85386
indirectly sanction the action of its authorized agent, associate, 85387
manager, or employee that resulted in the indictment. 85388

(2) The termination of medicaid payments applies only to 85389
payments for medicaid services rendered subsequent to the date on 85390
which the notice required under division (F) of this section is 85391
sent. Claims for payment for medicaid services rendered by the 85392
provider prior to the issuance of the notice may be subject to 85393
prepayment review procedures whereby the department reviews claims 85394
to determine whether they are supported by sufficient 85395
documentation, are in compliance with state and federal statutes 85396

and rules, and are otherwise complete. 85397

(E)(1) In the case of a noninstitutional medicaid provider 85398
that is not an independent provider, the suspension of a provider 85399
agreement under division (C) of this section applies when an 85400
indictment charges a person with committing an act that would be a 85401
felony or misdemeanor under the laws of this state and the act 85402
relates to or results from either of the following: 85403

(a) Furnishing or billing for medicaid services under the 85404
medicaid program; 85405

(b) Participating in the performance of management or 85406
administrative services relating to furnishing medicaid services 85407
under the medicaid program. 85408

(2) In the case of a noninstitutional medicaid provider that 85409
is an independent provider, the suspension of a provider agreement 85410
under division (C) of this section applies when an indictment 85411
charges a person with committing an act that would constitute a 85412
disqualifying offense as defined in section ~~5164.34~~ 5164.341 of 85413
the Revised Code. 85414

(F) Not later than five days after suspending a provider 85415
agreement under division (C) of this section, the department shall 85416
send notice of the suspension to the affected provider or owner. 85417
In providing the notice, the department shall do all of the 85418
following: 85419

(1) Describe the indictment that was the cause of the 85420
suspension, without necessarily disclosing specific information 85421
concerning any ongoing civil or criminal investigation; 85422

(2) State that the suspension will continue in effect until 85423
the proceedings in the criminal case are completed through 85424
dismissal of the indictment or through conviction, entry of a 85425
guilty plea, or finding of not guilty and, if the department 85426
commences a process to terminate the suspended provider agreement, 85427

until the termination process is concluded; 85428

(3) Inform the provider or owner of the opportunity to submit 85429
to the department, not later than thirty days after receiving the 85430
notice, a request for a reconsideration pursuant to division (G) 85431
of this section. 85432

(G)(1) Pursuant to the procedure specified in division (G)(2) 85433
of this section, a noninstitutional medicaid provider or owner 85434
subject to a suspension under this section may request a 85435
reconsideration. The request shall be made not later than thirty 85436
days after receipt of the notice provided under division (F) of 85437
this section. The reconsideration is not subject to an 85438
adjudication hearing pursuant to Chapter 119. of the Revised Code. 85439

(2) In requesting a reconsideration, the provider or owner 85440
shall submit written information and documents to the department. 85441
The information and documents may pertain to any of the following 85442
issues: 85443

(a) Whether the determination to suspend the provider 85444
agreement was based on a mistake of fact, other than the validity 85445
of the indictment; 85446

(b) Whether any offense charged in the indictment resulted 85447
from an offense specified in division (E) of this section; 85448

(c) Whether the provider or owner can demonstrate that the 85449
provider or owner did not directly or indirectly sanction the 85450
action of its authorized agent, associate, manager, or employee 85451
that resulted in the indictment. 85452

(3) The department shall review the information and documents 85453
submitted in a request for reconsideration. After the review, the 85454
suspension may be affirmed, reversed, or modified, in whole or in 85455
part. The department shall notify the affected provider or owner 85456
of the results of the review. The review and notification of its 85457
results shall be completed not later than forty-five days after 85458

receiving the information and documents submitted in a request for 85459
reconsideration. 85460

(H) Rules adopted under section 5164.02 of the Revised Code 85461
may specify circumstances under which the department would not 85462
suspend a provider agreement pursuant to this section. 85463

Sec. 5164.57. (A)(1) Except as provided in ~~division~~ divisions 85464
(A)(2) and (3) of this section, the department of medicaid may 85465
recover a medicaid payment or portion of a payment made to a 85466
medicaid provider to which the provider is not entitled if the 85467
department notifies the provider of the overpayment during the 85468
five-year period immediately following the end of the state fiscal 85469
year in which the overpayment was made. 85470

(2) In the case of a hospital medicaid provider, if the 85471
department determines as a result of a medicare or medicaid cost 85472
report settlement that the provider received an amount under the 85473
medicaid program to which the provider is not entitled, the 85474
department may recover the overpayment if the department notifies 85475
the provider of the overpayment during the later of the following: 85476

(a) The five-year period immediately following the end of the 85477
state fiscal year in which the overpayment was made; 85478

(b) The one-year period immediately following the date the 85479
department receives from the United States centers for medicare 85480
and medicaid services a completed, audited, medicare cost report 85481
for the provider that applies to the state fiscal year in which 85482
the overpayment was made. 85483

(3) In the case of a nursing facility provider or ICF/IID 85484
provider, if the department determines, from data in the 85485
possession of the department or another state agency at the time 85486
the department makes the determination, that the provider received 85487
an amount under the medicaid program to which the provider is not 85488

entitled, the department may recover the overpayment if the 85489
department notifies the provider of the overpayment during the 85490
three-year period immediately following the end of the state 85491
fiscal year in which the overpayment is made. 85492

(B) Among the overpayments that may be recovered under this 85493
section are the following: 85494

(1) Payment for a medicaid service, or a day of service, not 85495
rendered; 85496

(2) Payment for a day of service at a full per diem rate that 85497
should have been paid at a percentage of the full per diem rate; 85498

(3) Payment for a medicaid service, or day of service, that 85499
was paid by, or partially paid by, a third party, as defined in 85500
section 5160.35 of the Revised Code, and the third party's payment 85501
or partial payment was not offset against the amount paid by the 85502
medicaid program to reduce or eliminate the amount that was paid 85503
by the medicaid program; 85504

(4) Payment when a medicaid recipient's responsibility for 85505
payment was understated and resulted in an overpayment to the 85506
provider. 85507

(C) The department may recover an overpayment under this 85508
section prior to or after any of the following: 85509

(1) Adjudication of a final fiscal audit that section 5164.38 85510
of the Revised Code requires to be conducted in accordance with 85511
Chapter 119. of the Revised Code; 85512

(2) Adjudication of a finding under any other provision of 85513
state statutes governing the medicaid program or the rules adopted 85514
under those statutes; 85515

(3) Expiration of the time to issue a final fiscal audit that 85516
section 5164.38 of the Revised Code requires to be conducted in 85517
accordance with Chapter 119. of the Revised Code; 85518

(4) Expiration of the time to issue a finding under any other 85519
provision of state statutes governing the medicaid program or the 85520
rules adopted under those statutes. 85521

(D)(1) Subject to division (D)(2) of this section, the 85522
recovery of an overpayment under this section does not preclude 85523
the department from subsequently doing the following: 85524

(a) Issuing a final fiscal audit in accordance with Chapter 85525
119. of the Revised Code, as required under section 5164.38 of the 85526
Revised Code; 85527

(b) Issuing a finding under any other provision of state 85528
statutes governing the medicaid program or the rules adopted under 85529
those statutes. 85530

(2) A final fiscal audit or finding issued subsequent to the 85531
recovery of an overpayment under this section shall be reduced by 85532
the amount of the prior recovery, as appropriate. 85533

(E) Nothing in this section limits the department's authority 85534
to recover overpayments pursuant to any other provision of the 85535
Revised Code. 85536

Sec. 5164.69. (A) Neither the department of medicaid, nor 85537
another state agency with which the department has entered into a 85538
contract under section 5162.35 of the Revised Code to administer 85539
one or more components of the medicaid program or one or more 85540
aspects of a component, may increase the medicaid payment rate for 85541
a medicaid service, by rule or otherwise, if any of the following 85542
applies: 85543

(1) The department or other state agency fails to submit the 85544
proposal to the joint medicaid oversight committee in accordance 85545
with section 103.417 of the Revised Code. 85546

(2) The joint medicaid oversight committee votes, not later 85547
than the deadline established by section 103.417 of the Revised 85548

Code, to prohibit the implementation of the proposal. 85549

(3) The general assembly, not later than ninety days after that deadline, adopts a concurrent resolution prohibiting the implementation of the proposal. 85550
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(B) The general assembly's authority to adopt a concurrent resolution prohibiting the implementation of a proposal to increase the medicaid payment rate for a medicaid service applies regardless of whether the joint medicaid oversight committee votes to permit the implementation of the proposal or fails to vote on the proposal before the deadline. 85553
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(C) This section applies to a proposal to increase the medicaid payment rate for a medicaid service regardless of whether the proposal involves a change to the method by which the rate is to be determined or specifies the actual amount of the rate increase. 85559
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Sec. 5164.70. Except as otherwise required by federal statute or regulation, no medicaid payment for any medicaid service provided by a hospital, nursing facility, or ICF/IID shall exceed the following: 85564
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~~(A) If the medicaid provider is a hospital, nursing facility, or ICF/IID,~~ the limits established under Subpart C of 42 C.F.R. Part 447: 85568
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~~(B) If the medicaid provider is other than a provider described in division (A) of this section, the authorized payment limits for the same service under the medicare program.~~ 85571
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Sec. 5164.752. In July of every even-numbered year, the department of medicaid shall initiate a confidential survey of the cost of dispensing drugs incurred by terminal distributors of dangerous drugs in this state. The survey shall be used ~~as the basis for establishing~~ when adjusting the medicaid program's 85574
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dispensing fee for terminal distributors in accordance with 85579
section 5164.753 of the Revised Code. The survey shall be 85580
completed and its results published not later than the last day of 85581
~~October~~ November of the year in which it is conducted. 85582

Each terminal distributor that is a provider of drugs under 85583
the medicaid program shall participate in the survey. Except as 85584
necessary to publish the survey's results, a terminal 85585
distributor's responses to the survey are confidential and not a 85586
public record under section 149.43 of the Revised Code. 85587

The survey shall be conducted in conformance with the 85588
requirements set forth in 42 C.F.R. 447.500 to 447.518. The survey 85589
shall include operational data and direct prescription expenses, 85590
professional services and personnel costs, and usual and customary 85591
overhead expenses of the terminal distributors surveyed. The 85592
survey shall compute and report the cost of dispensing ~~on a basis~~ 85593
~~of the usual and customary charges~~ by terminal distributors ~~to~~ 85594
~~their customers for dispensing drugs.~~ 85595

Sec. 5164.753. ~~In December of every even numbered year~~ 85596
Beginning July 1, 2017, the medicaid director shall establish a 85597
dispensing fee, effective the following July, for paid by the 85598
medicaid program to terminal distributors of dangerous drugs that 85599
are providers of drugs under the medicaid program is ten dollars 85600
and forty-nine cents for each prescription that is filled or 85601
refilled. In establishing By July 1 of every subsequent 85602
odd-numbered year, the director shall adjust the dispensing fee, 85603
~~the director shall take into consideration the results of to~~ 85604
reflect the average cost of dispensing as determined by the survey 85605
conducted under section 5164.752 of the Revised Code. 85606

Sec. 5164.78. (A) The medicaid payment rates for the 85607
following neonatal and newborn services shall equal seventy-five 85608

<u>per cent of the medicare payment rates for the services in effect</u>	85609
<u>on the date the services are provided to medicaid recipients</u>	85610
<u>eligible for the services:</u>	85611
<u>(1) Initial care for normal newborns;</u>	85612
<u>(2) Subsequent day, hospital care for normal newborns;</u>	85613
<u>(3) Same day, initial history and physical examination and</u>	85614
<u>discharge for normal newborns;</u>	85615
<u>(4) Initial neonatal critical care for children not more than</u>	85616
<u>twenty-eight days old;</u>	85617
<u>(5) Subsequent day, neonatal critical care for children not</u>	85618
<u>more than twenty-eight days old;</u>	85619
<u>(6) Subsequent day, pediatric critical care for children at</u>	85620
<u>least twenty-nine days but less than two years old;</u>	85621
<u>(7) Initial neonatal intensive care;</u>	85622
<u>(8) Subsequent day, neonatal intensive noncritical care for</u>	85623
<u>children weighing less than one thousand five hundred grams;</u>	85624
<u>(9) Subsequent day, neonatal intensive noncritical care for</u>	85625
<u>children weighing at least one thousand five hundred grams but not</u>	85626
<u>more than two thousand five hundred grams;</u>	85627
<u>(10) Subsequent day, neonatal noncritical care for children</u>	85628
<u>weighing more than two thousand five hundred grams but not more</u>	85629
<u>than five thousand grams.</u>	85630
<u>(B) The medicaid payment rates for other medicaid services</u>	85631
<u>selected by the medicaid director shall be less than the amount of</u>	85632
<u>the rates in effect on the effective date of this section so that</u>	85633
<u>the cost of the rates set pursuant to division (A) of this section</u>	85634
<u>do not increase medicaid expenditures. The director may not select</u>	85635
<u>any medicaid service for which the medicaid payment rate is</u>	85636
<u>determined in accordance with state statutes.</u>	85637

Sec. 5164.90. (A) As used in this section, "MFP demonstration project" means a money follows the person demonstration project that the United States secretary of health and human services is authorized to award under section 6071 of the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as amended).

~~(B) To the extent funds are available under an MFP demonstration project awarded to the department of medicaid, the~~
The director of medicaid may operate the helping Ohioans move, expanding (HOME) choice ~~demonstration~~ component of the medicaid program to transition qualifying medicaid recipients ~~who qualify for the demonstration component~~ to community settings. In operating the component, the director may do either or both of the following:

(1) Use the following:

(a) Funds that are awarded to the department of medicaid for an MFP demonstration project and appropriated to the department for this purpose, if such funds are available to the department;

(b) State funds appropriated to the department for this purpose, if no funds are available to the department under an MFP demonstration project.

(2) Integrate the component, or one or more aspects of the component, into a home and community-based services medicaid waiver component.

Sec. 5165.01. As used in this chapter:

(A) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting

operator's debt under the medicaid program or the portion of the 85667
debt that represents the franchise permit fee the exiting operator 85668
owes; 85669

(2) The entering operator involved in the change of operator 85670
with the exiting operator specified in division (A)(1) of this 85671
section. 85672

(B) "Allowable costs" are a nursing facility's costs that the 85673
department of medicaid determines are reasonable. Fines paid under 85674
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 85675
Code are not allowable costs. 85676

(C) "Ancillary and support costs" means all reasonable costs 85677
incurred by a nursing facility other than direct care costs, tax 85678
costs, or capital costs. "Ancillary and support costs" includes, 85679
but is not limited to, costs of activities, social services, 85680
pharmacy consultants, habilitation supervisors, qualified 85681
intellectual disability professionals, program directors, medical 85682
and habilitation records, program supplies, incontinence supplies, 85683
food, enterals, dietary supplies and personnel, laundry, 85684
housekeeping, security, administration, medical equipment, 85685
utilities, liability insurance, bookkeeping, purchasing 85686
department, human resources, communications, travel, dues, license 85687
fees, subscriptions, home office costs not otherwise allocated, 85688
legal services, accounting services, minor equipment, maintenance 85689
and repairs, help-wanted advertising, informational advertising, 85690
start-up costs, organizational expenses, other interest, property 85691
insurance, employee training and staff development, employee 85692
benefits, payroll taxes, and workers' compensation premiums or 85693
costs for self-insurance claims and related costs as specified in 85694
rules adopted under section 5165.02 of the Revised Code, for 85695
personnel listed in this division. "Ancillary and support costs" 85696
also means the cost of equipment, including vehicles, acquired by 85697
operating lease executed before December 1, 1992, if the costs are 85698

reported as administrative and general costs on the nursing facility's cost report for the cost reporting period ending December 31, 1992. 85699
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(D) "Applicable calendar year" means the calendar year immediately preceding the calendar year that precedes the first of the state fiscal years for which a rebasing is conducted. 85702
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(E) "Budget reduction adjustment factor" means the factor specified pursuant to or in section 5165.361 of the Revised Code for a state fiscal year. 85705
85706
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(F)(1) "Capital costs" means the actual expense incurred by a nursing facility for all of the following: 85708
85709

(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following: 85710
85711

(i) Buildings; 85712

(ii) Building improvements; 85713

(iii) Except as provided in division (C) of this section, equipment; 85714
85715

(iv) Transportation equipment. 85716

(b) Amortization and interest on land improvements and leasehold improvements; 85717
85718

(c) Amortization of financing costs; 85719

(d) Lease and rent of land, buildings, and equipment. 85720

(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice. 85721
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~~(E)~~(G) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles. 85724
85725
85726

~~(F)~~(H) "Case-mix score" means a measure determined under 85727

section 5165.192 of the Revised Code of the relative direct-care 85728
resources needed to provide care and habilitation to a nursing 85729
facility resident. 85730

~~(G)~~(I) "Change of operator" means an entering operator 85731
becoming the operator of a nursing facility in the place of the 85732
exiting operator. 85733

(1) Actions that constitute a change of operator include the 85734
following: 85735

(a) A change in an exiting operator's form of legal 85736
organization, including the formation of a partnership or 85737
corporation from a sole proprietorship; 85738

(b) A transfer of all the exiting operator's ownership 85739
interest in the operation of the nursing facility to the entering 85740
operator, regardless of whether ownership of any or all of the 85741
real property or personal property associated with the nursing 85742
facility is also transferred; 85743

(c) A lease of the nursing facility to the entering operator 85744
or the exiting operator's termination of the exiting operator's 85745
lease; 85746

(d) If the exiting operator is a partnership, dissolution of 85747
the partnership; 85748

(e) If the exiting operator is a partnership, a change in 85749
composition of the partnership unless both of the following apply: 85750

(i) The change in composition does not cause the 85751
partnership's dissolution under state law. 85752

(ii) The partners agree that the change in composition does 85753
not constitute a change in operator. 85754

(f) If the operator is a corporation, dissolution of the 85755
corporation, a merger of the corporation into another corporation 85756
that is the survivor of the merger, or a consolidation of one or 85757

more other corporations to form a new corporation. 85758

(2) The following, alone, do not constitute a change of operator: 85759

(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions; 85761

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator; 85764

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 85768

~~(H)~~(J) "Cost center" means the following: 85772

(1) Ancillary and support costs; 85773

(2) Capital costs; 85774

(3) Direct care costs; 85775

(4) Tax costs. 85776

~~(I)~~(K) "Custom wheelchair" means a wheelchair to which both of the following apply: 85777

(1) It has been measured, fitted, or adapted in consideration of either of the following: 85779

(a) The body size or disability of the individual who is to use the wheelchair; 85781

(b) The individual's period of need for, or intended use of, the wheelchair. 85783

(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the 85785

supplier who assembled the wheelchair, or the manufacturer from 85787
which the wheelchair was ordered, added or made in accordance with 85788
the instructions of the physician of the individual who is to use 85789
the wheelchair. 85790

~~(F)~~(L)(1) "Date of licensure" means the following: 85791

(a) In the case of a nursing facility that was required by 85792
law to be licensed as a nursing home under Chapter 3721. of the 85793
Revised Code when it originally began to be operated as a nursing 85794
home, the date the nursing facility was originally so licensed; 85795

(b) In the case of a nursing facility that was not required 85796
by law to be licensed as a nursing home when it originally began 85797
to be operated as a nursing home, the date it first began to be 85798
operated as a nursing home, regardless of the date the nursing 85799
facility was first licensed as a nursing home. 85800

(2) If, after a nursing facility's original date of 85801
licensure, more nursing home beds are added to the nursing 85802
facility, the nursing facility has a different date of licensure 85803
for the additional beds. This does not apply, however, to 85804
additional beds when both of the following apply: 85805

(a) The additional beds are located in a part of the nursing 85806
facility that was constructed at the same time as the continuing 85807
beds already located in that part of the nursing facility; 85808

(b) The part of the nursing facility in which the additional 85809
beds are located was constructed as part of the nursing facility 85810
at a time when the nursing facility was not required by law to be 85811
licensed as a nursing home. 85812

(3) The definition of "date of licensure" in this section 85813
applies in determinations of nursing facilities' medicaid payment 85814
rates but does not apply in determinations of nursing facilities' 85815
franchise permit fees. 85816

~~(K)~~(M) "Desk-reviewed" means that a nursing facility's costs 85817
as reported on a cost report submitted under section 5165.10 of 85818
the Revised Code have been subjected to a desk review under 85819
section 5165.108 of the Revised Code and preliminarily determined 85820
to be allowable costs. 85821

~~(L)~~(N) "Direct care costs" means all of the following costs 85822
incurred by a nursing facility: 85823

(1) Costs for registered nurses, licensed practical nurses, 85824
and nurse aides employed by the nursing facility; 85825

(2) Costs for direct care staff, administrative nursing 85826
staff, medical directors, respiratory therapists, and except as 85827
provided in division ~~(L)~~(N)(8) of this section, other persons 85828
holding degrees qualifying them to provide therapy; 85829

(3) Costs of purchased nursing services; 85830

(4) Costs of quality assurance; 85831

(5) Costs of training and staff development, employee 85832
benefits, payroll taxes, and workers' compensation premiums or 85833
costs for self-insurance claims and related costs as specified in 85834
rules adopted under section 5165.02 of the Revised Code, for 85835
personnel listed in divisions ~~(L)~~(N)(1), (2), (4), and (8) of this 85836
section; 85837

(6) Costs of consulting and management fees related to direct 85838
care; 85839

(7) Allocated direct care home office costs; 85840

(8) Costs of habilitation staff (other than habilitation 85841
supervisors), medical supplies, emergency oxygen, over-the-counter 85842
pharmacy products, physical therapists, physical therapy 85843
assistants, occupational therapists, occupational therapy 85844
assistants, speech therapists, audiologists, habilitation 85845
supplies, and universal precautions supplies; 85846

(9) Until January 1, 2014, costs of oxygen, wheelchairs, and resident transportation;	85847
	85848
(10) Beginning January 1, 2014, costs of both of the following:	85849
	85850
(a) Emergency oxygen;	85851
(b) Wheelchairs <u>Costs of wheelchairs</u> other than the following:	85852
	85853
(i)(a) <u>(a)</u> Custom wheelchairs;	85854
(ii)(b) <u>(b)</u> Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	85855
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	85857
(11)(10) <u>(10)</u> Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	85858
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	85860
(M)(O) <u>(O)</u> "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	85861
	85862
(N)(P) <u>(P)</u> "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	85863
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	85865
(O)(Q) <u>(Q)</u> "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.	85866
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	85868
(P)(R) <u>(R)</u> "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.	85869
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	85871
(Q)(S) <u>(S)</u> "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.	85872
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~~(R)~~(T) "Entering operator" means the person or government 85877
entity that will become the operator of a nursing facility when a 85878
change of operator occurs or following an involuntary termination. 85879

~~(S)~~(U) "Exiting operator" means any of the following: 85880

(1) An operator that will cease to be the operator of a 85881
nursing facility on the effective date of a change of operator; 85882

(2) An operator that will cease to be the operator of a 85883
nursing facility on the effective date of a facility closure; 85884

(3) An operator of a nursing facility that is undergoing or 85885
has undergone a voluntary withdrawal of participation; 85886

(4) An operator of a nursing facility that is undergoing or 85887
has undergone an involuntary termination. 85888

~~(T)~~(V)(1) Subject to divisions ~~(T)~~(V)(2) and (3) of this 85889
section, "facility closure" means either of the following: 85890

(a) Discontinuance of the use of the building, or part of the 85891
building, that houses the facility as a nursing facility that 85892
results in the relocation of all of the nursing facility's 85893
residents; 85894

(b) Conversion of the building, or part of the building, that 85895
houses a nursing facility to a different use with any necessary 85896
license or other approval needed for that use being obtained and 85897
one or more of the nursing facility's residents remaining in the 85898
building, or part of the building, to receive services under the 85899
new use. 85900

(2) A facility closure occurs regardless of any of the 85901
following: 85902

(a) The operator completely or partially replacing the 85903
nursing facility by constructing a new nursing facility or 85904
transferring the nursing facility's license to another nursing 85905
facility; 85906

(b) The nursing facility's residents relocating to another of the operator's nursing facilities; 85907
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(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities; 85909
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(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code. 85913
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(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs. 85916
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~~(U) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.~~ 85921
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~~(V)~~(W) "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code. 85923
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~~(W)~~(X) "Inpatient days" means both of the following: 85925

(1) All days during which a resident, regardless of payment source, occupies a bed in a nursing facility that is included in the nursing facility's medicaid-certified capacity; 85926
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(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code. 85929
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~~(X)~~(Y) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request. 85931
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~~(Y)~~(Z) "Low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of 85935
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calculating the nursing facility's medicaid payment rate for 85937
direct care costs, is placed in either of the two lowest resource 85938
utilization groups, excluding any resource utilization group that 85939
is a default group used for residents with incomplete assessment 85940
data. 85941

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 85942
facility's expenditures that are necessary and proper to maintain 85943
an asset in a normally efficient working condition and that do not 85944
extend the useful life of the asset two years or more. 85945
"Maintenance and repair expenses" includes but is not limited to 85946
the costs of ordinary repairs such as painting and wallpapering. 85947

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 85948
nursing facility's beds that are certified for participation in 85949
medicaid as nursing facility beds. 85950

~~(BB)~~(CC) "Medicaid days" means both of the following: 85951

(1) All days during which a resident who is a medicaid 85952
recipient eligible for nursing facility services occupies a bed in 85953
a nursing facility that is included in the nursing facility's 85954
medicaid-certified capacity; 85955

(2) Fifty per cent of the days for which payment is made 85956
under section 5165.34 of the Revised Code. 85957

~~(CC)~~(DD) "Medicare skilled nursing facility market basket 85958
index" means the index established by the United States secretary 85959
of health and human services under section 1888(e)(5) of the 85960
"Social Security Act," 42 U.S.C. 1395yy(e)(5). 85961

(EE)(1) "New nursing facility" means a nursing facility for 85962
which the provider obtains an initial provider agreement following 85963
medicaid certification of the nursing facility by the director of 85964
health, including such a nursing facility that replaces one or 85965
more nursing facilities for which a provider previously held a 85966
provider agreement. 85967

(2) "New nursing facility" does not mean a nursing facility 85968
for which the entering operator seeks a provider agreement 85969
pursuant to section 5165.511 or 5165.512 or (pursuant to section 85970
5165.515) section 5165.07 of the Revised Code. 85971

~~(DD)~~(FF) "Nursing facility" has the same meaning as in the 85972
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 85973

~~(EE)~~(GG) "Nursing facility services" has the same meaning as 85974
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 85975

~~(FF)~~(HH) "Nursing home" has the same meaning as in section 85976
3721.01 of the Revised Code. 85977

~~(GG)~~(II) "Operator" means the person or government entity 85978
responsible for the daily operating and management decisions for a 85979
nursing facility. 85980

~~(HH)~~(JJ)(1) "Owner" means any person or government entity 85981
that has at least five per cent ownership or interest, either 85982
directly, indirectly, or in any combination, in any of the 85983
following regarding a nursing facility: 85984

(a) The land on which the nursing facility is located; 85985

(b) The structure in which the nursing facility is located; 85986

(c) Any mortgage, contract for deed, or other obligation 85987
secured in whole or in part by the land or structure on or in 85988
which the nursing facility is located; 85989

(d) Any lease or sublease of the land or structure on or in 85990
which the nursing facility is located. 85991

(2) "Owner" does not mean a holder of a debenture or bond 85992
related to the nursing facility and purchased at public issue or a 85993
regulated lender that has made a loan related to the nursing 85994
facility unless the holder or lender operates the nursing facility 85995
directly or through a subsidiary. 85996

~~(II)~~(KK) "Per diem" means a nursing facility's actual, 85997

allowable costs in a given cost center in a cost reporting period, 85998
divided by the nursing facility's inpatient days for that cost 85999
reporting period. 86000

~~(JJ)~~(LL) "Provider" means an operator with a provider 86001
agreement. 86002

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as 86003
defined in section 5164.01 of the Revised Code, that is between 86004
the department of medicaid and the operator of a nursing facility 86005
for the provision of nursing facility services under the medicaid 86006
program. 86007

~~(LL)~~(NN) "Purchased nursing services" means services that are 86008
provided in a nursing facility by registered nurses, licensed 86009
practical nurses, or nurse aides who are not employees of the 86010
nursing facility. 86011

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost 86012
that is appropriate and helpful to develop and maintain the 86013
operation of patient care facilities and activities, including 86014
normal standby costs, and that does not exceed what a prudent 86015
buyer pays for a given item or services. Reasonable costs may vary 86016
from provider to provider and from time to time for the same 86017
provider. 86018

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the 86019
following using information from cost reports for an applicable 86020
calendar year that is later than the applicable calendar year used 86021
for the previous rebasing: 86022

(1) Each peer group's rate for ancillary and support costs as 86023
determined pursuant to division (C) of section 5165.16 of the 86024
Revised Code; 86025

(2) Each peer group's rate for capital costs as determined 86026
pursuant to division (C) of section 5165.17 of the Revised Code; 86027

<u>(3) Each peer group's cost per case-mix unit as determined</u>	86028
<u>pursuant to division (C) of section 5165.19 of the Revised Code;</u>	86029
<u>(4) Each nursing facility's rate for tax costs as determined</u>	86030
<u>pursuant to section 5165.21 of the Revised Code.</u>	86031
<u>(OO) "Related party" means an individual or organization</u>	86032
that, to a significant extent, has common ownership with, is	86033
associated or affiliated with, has control of, or is controlled	86034
by, the provider.	86035
(1) An individual who is a relative of an owner is a related	86036
party.	86037
(2) Common ownership exists when an individual or individuals	86038
possess significant ownership or equity in both the provider and	86039
the other organization. Significant ownership or equity exists	86040
when an individual or individuals possess five per cent ownership	86041
or equity in both the provider and a supplier. Significant	86042
ownership or equity is presumed to exist when an individual or	86043
individuals possess ten per cent ownership or equity in both the	86044
provider and another organization from which the provider	86045
purchases or leases real property.	86046
(3) Control exists when an individual or organization has the	86047
power, directly or indirectly, to significantly influence or	86048
direct the actions or policies of an organization.	86049
(4) An individual or organization that supplies goods or	86050
services to a provider shall not be considered a related party if	86051
all of the following conditions are met:	86052
(a) The supplier is a separate bona fide organization.	86053
(b) A substantial part of the supplier's business activity of	86054
the type carried on with the provider is transacted with others	86055
than the provider and there is an open, competitive market for the	86056
types of goods or services the supplier furnishes.	86057

(c) The types of goods or services are commonly obtained by 86058
other nursing facilities from outside organizations and are not a 86059
basic element of patient care ordinarily furnished directly to 86060
patients by nursing facilities. 86061

(d) The charge to the provider is in line with the charge for 86062
the goods or services in the open market and no more than the 86063
charge made under comparable circumstances to others by the 86064
supplier. 86065

~~(OO)~~(RR) "Relative of owner" means an individual who is 86066
related to an owner of a nursing facility by one of the following 86067
relationships: 86068

(1) Spouse; 86069

(2) Natural parent, child, or sibling; 86070

(3) Adopted parent, child, or sibling; 86071

(4) Stepparent, stepchild, stepbrother, or stepsister; 86072

(5) Father-in-law, mother-in-law, son-in-law, 86073
daughter-in-law, brother-in-law, or sister-in-law; 86074

(6) Grandparent or grandchild; 86075

(7) Foster caregiver, foster child, foster brother, or foster 86076
sister. 86077

~~(PP)~~(SS) "Residents' rights advocate" has the same meaning as 86078
in section 3721.10 of the Revised Code. 86079

~~(QQ)~~(TT) "Skilled nursing facility" has the same meaning as 86080
in the "Social Security Act," section 1819(a), 42 U.S.C. 86081
1395i-3(a). 86082

~~(RR)~~(UU) "State fiscal year" means the fiscal year of this 86083
state, as specified in section 9.34 of the Revised Code. 86084

(VV) "Sponsor" has the same meaning as in section 3721.10 of 86085
the Revised Code. 86086

~~(SS)~~(WW) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.

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~~(TT)~~(XX) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.

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~~(UU)~~(YY) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

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~~(VV)~~(ZZ) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.

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Sec. 5165.106. If a nursing facility provider required by section 5165.10 of the Revised Code to file a cost report for the nursing facility fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division (D) of that section, or files an incomplete or inadequate report for the nursing facility under that section, the department of medicaid shall provide immediate written notice to the provider that the provider agreement for the nursing facility will be terminated in thirty days unless the provider submits a complete and adequate cost report for the nursing facility within thirty days. During the thirty-day termination period or any additional time allowed for an appeal of the proposed termination of a provider agreement, the provider shall be paid the nursing facility's then current per medicaid day payment rate, minus the dollar amount by which nursing facility's per medicaid day payment rates are reduced during state fiscal year 2013 in accordance with division (A)(2) of section 5111.26 of the Revised Code (renumbered as section 5165.10 of the Revised Code by H.B. 59 of the 130th general assembly) as that section existed on the day immediately preceding September 29, 2013. On

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the first day of each July, the department shall adjust the amount 86118
of the reduction in effect during the previous twelve months to 86119
reflect the rate of inflation during the preceding twelve months, 86120
as shown in the consumer price index for all items for all urban 86121
consumers for the north central region, published by the United 86122
States bureau of labor statistics. 86123

Sec. 5165.1010. (A) Subject to division (D) of this section, 86124
the department of medicaid shall fine the provider of a nursing 86125
facility if the report of an audit conducted under section 86126
5165.109 of the Revised Code regarding a cost report for the 86127
nursing facility includes either of the following: 86128

(1) Adverse findings that exceed three per cent of the total 86129
amount of medicaid-allowable costs reported in the cost report; 86130

(2) Adverse findings that exceed twenty per cent of 86131
medicaid-allowable costs for a particular cost center reported in 86132
the cost report. 86133

(B) A fine issued under this section shall equal the greatest 86134
of the following: 86135

(1) If the adverse findings exceed three per cent but do not 86136
exceed ten per cent of the total amount of medicaid-allowable 86137
costs reported in the cost report, the greater of three per cent 86138
of those reported costs or ten thousand dollars; 86139

(2) If the adverse findings exceed ten per cent but do not 86140
exceed twenty per cent of the total amount of medicaid-allowable 86141
costs reported in the cost report, the greater of six per cent of 86142
those reported costs or twenty-five thousand dollars; 86143

(3) If the adverse findings exceed twenty per cent of the 86144
total amount of medicaid-allowable costs reported in the cost 86145
report, the greater of ten per cent of those reported costs or 86146
fifty thousand dollars; 86147

(4) If the adverse findings exceed twenty per cent but do not exceed twenty-five per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of three per cent of the total amount of medicaid-allowable costs reported in the cost report or ten thousand dollars;

(5) If the adverse findings exceed twenty-five per cent but do not exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of six per cent of the total amount of medicaid-allowable costs reported in the cost report or twenty-five thousand dollars;

(6) If the adverse findings exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of ten per cent of the total amount of medicaid-allowable costs reported in the cost report or fifty thousand dollars.

(C) Fines paid under this section shall be deposited into the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code.

(D) The department may not collect a fine under this section until all appeal rights relating to the audit report that is the basis for the fine are exhausted.

Sec. 5165.15. Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows:

(A) Determine the sum of all of the following:

(1) The per medicaid day payment rate for ancillary and

support costs determined for the nursing facility under section 5165.16 of the Revised Code;	86178 86179
(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code;	86180 86181 86182
(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;	86183 86184 86185
(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code;	86186 86187 86188
(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code;	86189 86190 86191
(6) Sixteen (B) <u>To the sum determined under division (A) of this section, add the following:</u>	86192 86193
<u>(1) For state fiscal years 2018 and 2019, sixteen dollars and forty-four cents;</u>	86194 86195
<u>(2) For state fiscal year 2020 and, except as provided in division (B)(3) of this section, each state fiscal year thereafter, the sum of the following:</u>	86196 86197 86198
<u>(a) The amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year;</u>	86199 86200 86201
<u>(b) The difference between the following:</u>	86202
<u>(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the determination is being made under division (B) of this section;</u>	86203 86204 86205 86206 86207

(ii) The budget reduction adjustment factor for the state 86208
fiscal year for which the determination is being made under 86209
division (B) of this section. 86210

(3) For the first state fiscal year in a group of consecutive 86211
state fiscal years for which a rebasing is conducted after state 86212
fiscal year 2020, the amount specified or determined for the 86213
purpose of division (B) of this section for the immediately 86214
preceding state fiscal year. 86215

~~(B)~~(C) From the sum determined under division ~~(A)~~(B) of this 86216
section, subtract one dollar and seventy-nine cents. 86217

~~(C)~~(D) To the difference determined under division ~~(B)~~(C) of 86218
this section, add the per medicaid day quality payment rate 86219
determined for the nursing facility under section 5165.25 of the 86220
Revised Code. 86221

Sec. 5165.151. (A) The total per medicaid day payment rate 86222
determined under section 5165.15 of the Revised Code shall not be 86223
the initial rate for nursing facility services provided by a new 86224
nursing facility. Instead, the initial total per medicaid day 86225
payment rate for nursing facility services provided by a new 86226
nursing facility shall be determined in the following manner: 86227

(1) The initial rate for ancillary and support costs shall be 86228
the rate for the new nursing facility's peer group determined 86229
under division ~~(D)~~(C) of section 5165.16 of the Revised Code. 86230

(2) The initial rate for capital costs shall be the rate for 86231
the new nursing facility's peer group determined under division 86232
~~(D)~~(C) of section 5165.17 of the Revised Code; 86233

(3) The initial rate for direct care costs shall be the 86234
product of the cost per case-mix unit determined under division 86235
~~(D)~~(C) of section 5165.19 of the Revised Code for the new nursing 86236
facility's peer group and the new nursing facility's case-mix 86237

score determined under division (B) of this section. 86238

(4) The initial rate for tax costs shall be the following: 86239

(a) If the provider of the new nursing facility submits to 86240
the department of medicaid the nursing facility's projected tax 86241
costs for the calendar year in which the provider obtains an 86242
initial provider agreement for the new nursing facility, an amount 86243
determined by dividing those projected tax costs by the number of 86244
inpatient days the nursing facility would have for that calendar 86245
year if its occupancy rate were one hundred per cent; 86246

(b) If division (A)(4)(a) of this section does not apply, the 86247
median rate for tax costs for the new nursing facility's peer 86248
group in which the nursing facility is placed under division 86249
~~(C)~~(B) of section 5165.16 of the Revised Code. 86250

(5) The quality payment shall be the mean quality payment 86251
rate determined for nursing facilities under section 5165.25 of 86252
the Revised Code. 86253

(6) Fourteen dollars and sixty-five cents shall be added to 86254
the sum of the rates and payment specified in divisions (A)(1) to 86255
(5) of this section. 86256

(B) For the purpose of division (A)(3) of this section, a new 86257
nursing facility's case-mix score shall be the following: 86258

(1) Unless the new nursing facility replaces an existing 86259
nursing facility that participated in the medicaid program 86260
immediately before the new nursing facility begins participating 86261
in the medicaid program, the median annual average case-mix score 86262
for the new nursing facility's peer group; 86263

(2) If the nursing facility replaces an existing nursing 86264
facility that participated in the medicaid program immediately 86265
before the new nursing facility begins participating in the 86266
medicaid program, the semiannual case-mix score most recently 86267

determined under section 5165.192 of the Revised Code for the 86268
replaced nursing facility as adjusted, if necessary, to reflect 86269
any difference in the number of beds in the replaced and new 86270
nursing facilities. 86271

(C) Subject to division (D) of this section, the department 86272
of medicaid shall adjust the rates established under division (A) 86273
of this section effective the first day of July, to reflect new 86274
rate calculations for all nursing facilities under this chapter. 86275

(D) If a rate for direct care costs is determined under this 86276
section for a new nursing facility using the median annual average 86277
case-mix score for the new nursing facility's peer group, the rate 86278
shall be redetermined to reflect the new nursing facility's actual 86279
semiannual average case-mix score determined under section 86280
5165.192 of the Revised Code after the new nursing facility 86281
submits its first two quarterly assessment data that qualify for 86282
use in calculating a case-mix score in accordance with rules 86283
authorized by section 5165.192 of the Revised Code. If the new 86284
nursing facility's quarterly submissions do not qualify for use in 86285
calculating a case-mix score, the department shall continue to use 86286
the median annual average case-mix score for the new nursing 86287
facility's peer group in lieu of the new nursing facility's 86288
semiannual case-mix score until the new nursing facility submits 86289
two consecutive quarterly assessment data that qualify for use in 86290
calculating a case-mix score. 86291

Sec. 5165.153. (A) The total per medicaid day payment rate 86292
determined under section 5165.15 of the Revised Code shall not be 86293
paid for nursing facility services provided by a nursing facility, 86294
or discrete unit of a nursing facility, designated by the 86295
department of medicaid as an outlier nursing facility or unit. 86296
Instead, the provider of a designated outlier nursing facility or 86297
unit shall be paid each state fiscal year a total per medicaid day 86298

payment rate that the department shall prospectively determine in 86299
accordance with a methodology established in rules authorized by 86300
this section. 86301

(B) The department may designate a nursing facility, or 86302
discrete unit of a nursing facility, as an outlier nursing 86303
facility or unit if the nursing facility or unit serves residents 86304
who have either of the following: 86305

(1) Diagnoses or special care needs that require direct care 86306
resources that are not measured adequately by the resident 86307
assessment instrument specified in rules authorized by section 86308
5165.191 of the Revised Code; 86309

(2) Diagnoses or special care needs specified in rules 86310
authorized by this section as otherwise qualifying for 86311
consideration under this section. 86312

(C) Notwithstanding any other provision of this chapter 86313
(except section 5165.156 of the Revised Code), the costs incurred 86314
by a designated outlier nursing facility or unit shall not be 86315
considered in establishing medicaid payment rates for other 86316
nursing facilities or units. 86317

(D) The medicaid director shall adopt rules under section 86318
5165.02 of the Revised Code as necessary to implement this 86319
section. 86320

(1)(a) The rules shall do both of the following: 86321

(i) Specify the criteria and procedures the department will 86322
apply when designating a nursing facility, or discrete unit of a 86323
nursing facility, as an outlier nursing facility or unit; 86324

(ii) Establish a methodology for prospectively determining 86325
the total per medicaid day payment rate that will be paid each 86326
state fiscal year for nursing facility services provided by a 86327
designated outlier nursing facility or unit. 86328

(b) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall do both of the following:

(i) Provide for consideration of whether all of the allowable costs of a nursing facility, or discrete unit of a nursing facility, would be paid by a rate determined under section 5165.15 of the Revised Code;

(ii) Specify the minimum number of nursing facility beds that a nursing facility, or discrete unit of a nursing facility, must have to be designated an outlier nursing facility or unit, which may vary based on the diagnoses or special care needs of the residents served by the nursing facility or unit.

(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall not limit the designation to nursing facilities, or discrete units of nursing facilities, located in large cities.

(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier nursing facilities and units shall provide for the methodology to consider the historical costs of providing nursing facility services to the residents of designated outlier nursing facilities and units.

(2)(a) The rules may do both of the following:

(i) Include for designation as an outlier nursing facility or unit, a nursing facility, or discrete unit of a nursing facility, that serves medically fragile pediatric residents; residents who are dependent on ventilators; residents who have severe traumatic brain injury, end-stage Alzheimer's disease, or end-stage acquired immunodeficiency syndrome; or residents with other diagnoses or special care needs specified in the rules;

(ii) Require that a designated outlier nursing facility 86360
receive authorization from the department before admitting or 86361
retaining a resident. 86362

(b) If the director adopts rules authorized by division 86363
(D)(2)(a)(ii) of this section regarding the authorization of a 86364
designated outlier nursing facility or unit to admit or retain a 86365
resident, the rules shall specify the criteria and procedures the 86366
department will apply when granting that authorization. 86367

Sec. 5165.154. (A) To the extent, if any, provided for in 86368
rules authorized by this section, the total per medicaid day 86369
payment rate determined under section 5165.15 of the Revised Code 86370
shall not be paid for nursing facility services that a nursing 86371
facility not designated as an outlier nursing facility or unit 86372
provides to a resident who meets the criteria for admission to a 86373
designated outlier nursing facility or unit, as specified in rules 86374
authorized by section 5165.153 of the Revised Code. Instead, the 86375
provider of a nursing facility providing nursing facility services 86376
to such a resident shall be paid each state fiscal year a total 86377
per medicaid day payment rate that the department of medicaid 86378
shall prospectively determine in accordance with a methodology 86379
established in rules authorized by this section. 86380

(B) The medicaid director may adopt rules under section 86381
5165.02 of the Revised Code to implement this section. The rules 86382
may require that a nursing facility receive authorization from the 86383
department before admitting or retaining a resident who meets the 86384
criteria for admission to a designated outlier nursing facility or 86385
unit. If the director adopts such rules, the rules shall specify 86386
the criteria and procedures the department will apply when 86387
granting the authorization. 86388

Sec. 5165.157. (A) The medicaid director shall establish an 86389

alternative purchasing model for nursing facility services 86390
provided by designated discrete units of nursing facilities to 86391
medicaid recipients with specialized health care needs. The 86392
director shall do all of the following with regard to the model: 86393

(1) Establish criteria that a discrete unit of a nursing 86394
facility must meet to be designated as a unit that, under the 86395
alternative purchasing model, may admit and provide nursing 86396
facility services to medicaid recipients with specialized health 86397
care needs; 86398

(2) Specify the health care conditions that medicaid 86399
recipients must have to have specialized health care needs, which 86400
may include dependency on a ventilator, severe traumatic brain 86401
injury, the need to be admitted to a long-term acute care hospital 86402
or rehabilitation hospital if not for nursing facility services, 86403
and other serious health care conditions; 86404

(3) ~~For each fiscal year, set~~ Determine the total per 86405
medicaid day payment rate for nursing facility services provided 86406
by designated discrete units of nursing facilities under the 86407
alternative purchasing model ~~at either of the following:~~ 86408

~~(a) Sixty per cent of the statewide average of the total per 86409
medicaid day payment rate for long-term acute care hospital 86410
services as of the first day of the fiscal year;~~ 86411

~~(b) Another amount determined in accordance with an 86412
alternative a methodology that includes improved health outcomes 86413
as a factor in determining the payment rate established for each 86414
such service in rules authorized by section 5165.02 of the Revised 86415
Code; 86416~~

(4) Require, to the extent the director considers necessary, 86417
a medicaid recipient to obtain prior authorization for admission 86418
to a long-term acute care hospital or rehabilitation hospital as a 86419

condition of medicaid payment for long-term acute care hospital or 86420
rehabilitation hospital services. 86421

(B) The criteria established under division (A)(1) of this 86422
section shall provide for a discrete unit of a nursing facility to 86423
be excluded from the alternative purchasing model if the unit is 86424
paid for nursing facility services in accordance with section 86425
5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria 86426
may require the provider of a nursing facility that has a discrete 86427
unit designated for participation in the alternative purchasing 86428
model to report health outcome measurement data to the department 86429
of medicaid. 86430

(C) A discrete unit of a nursing facility that provides 86431
nursing facility services to medicaid recipients with specialized 86432
health care needs under the alternative purchasing model shall be 86433
paid for those services in accordance with division (A)(3) of this 86434
section instead of the total per medicaid day payment rate 86435
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 86436
of the Revised Code. 86437

Sec. 5165.16. (A) ~~As used in this section:~~ 86438

~~(1) "Applicable calendar year" means the following:~~ 86439

~~(a) For the purpose of the department of medicaid's initial 86440
determination under division (D) of this section of each peer 86441
group's rate for ancillary and support costs, calendar year 2003;~~ 86442

~~(b) For the purpose of the department's rebasings, the 86443
calendar year the department selects.~~ 86444

~~(2) "Rebasing" means a redetermination under division (D) of 86445
this section of each peer group's rate for ancillary and support 86446
costs using information from cost reports for an applicable 86447
calendar year that is later than the applicable calendar year used 86448
for the previous determination of such rates.~~ 86449

~~(B)~~ The department of medicaid shall determine each nursing facility's per medicaid day payment rate for ancillary and support costs. A nursing facility's rate shall be the rate determined under division ~~(D)~~(C) of this section for the nursing facility's peer group. ~~However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be the rate determined for the following:~~

~~(1) If the nursing facility has fewer than one hundred beds, the nursing facilities in peer group three;~~

~~(2) If the nursing facility has one hundred or more beds, the nursing facilities in peer group four.~~

~~(C)~~(B) For the purpose of determining nursing facilities' rates for ancillary and support costs, the department shall establish six peer groups-

~~(1) Until the first rebasing occurs, the peer groups shall be composed as follows:~~

~~(a)~~(1) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two.

~~(b)~~(2) Each nursing facility located in any of the following counties shall be placed in peer group three or four: Allen, Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each

nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group three. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group four.

~~(e)(3)~~ Each nursing facility located in any of the following counties shall be placed in peer group five or six: Adams, ~~Allen~~, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, ~~Stark~~, ~~Trumbull~~, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group five. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group six.

~~(2)~~ Beginning with the first rebasing, the peer groups shall be composed as they are under division (C)(1) of this section except as follows:

~~(a)~~ Each nursing facility that has fewer than one hundred beds and is located in Allen, Mahoning, Stark, or Trumbull county shall be placed in peer group three rather than peer group five.

~~(b)~~ Each nursing facility that has one hundred or more beds and is located in Allen, Mahoning, Stark, or Trumbull county shall be placed in peer group four rather than peer group six.

~~(D)(C)(1)~~ The department shall determine the rate for ancillary and support costs for each peer group established under division ~~(C)(B)~~ of this section. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Am.

~~Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general assembly, the rate for ancillary and support costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for ancillary and support costs, the department shall do all of the following:~~ 86512
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(a) Subject to division ~~(D)~~(C)(2) of this section, determine the rate for ancillary and support costs for each nursing facility in the peer group for the applicable calendar year by using the greater of the nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been ninety per cent; 86518
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(b) Subject to division ~~(D)~~(C)(3) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division ~~(D)~~(C)(1)(a) of this section; 86525
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(c) Multiply the rate for ancillary and support costs determined under division ~~(D)~~(C)(1)(a) of this section for the nursing facility identified under division ~~(D)~~(C)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following: 86530
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~~(i) Until the first rebasing occurs, the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics, as that index existed on July 1, 2005;~~ 86538
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~~(ii) Effective with the first rebasing and except Except as~~ 86542

provided in division ~~(D)~~(C)(1)(c)~~(iii)~~(ii) of this section, the 86543
consumer price index for all items for all urban consumers for the 86544
midwest region, published by the United States bureau of labor 86545
statistics; 86546

~~(iii)~~(ii) If the United States bureau of labor statistics 86547
ceases to publish the index specified in division 86548
~~(D)~~(C)(1)(c)~~(ii)~~(i) of this section, the index the bureau 86549
subsequently publishes that covers urban consumers' prices for 86550
items for the region that includes this state. 86551

(d) ~~Until the first rebasing occurs, increase~~ For state 86552
fiscal year 2020 and each state fiscal year thereafter (other than 86553
the first state fiscal year in a group of consecutive state fiscal 86554
years for which a rebasing is conducted), adjust the amount 86555
calculated under division ~~(D)~~(C)(1)(c) of this section ~~by five and~~ 86556
~~eight hundredths per cent~~ using the difference between the 86557
following: 86558

(i) The medicare skilled nursing facility market basket index 86559
determined for the federal fiscal year that begins during the 86560
state fiscal year immediately preceding the state fiscal year for 86561
which the adjustment is being made under division (C)(1)(d) of 86562
this section; 86563

(ii) The budget reduction adjustment factor for the state 86564
fiscal year for which the adjustment is being made under division 86565
(C)(1)(d) of this section. 86566

(2) For the purpose of determining a nursing facility's 86567
occupancy rate under division ~~(D)~~(C)(1)(a) of this section, the 86568
department shall include any beds that the nursing facility 86569
removes from its medicaid-certified capacity unless the nursing 86570
facility also removes the beds from its licensed bed capacity. 86571

(3) In making the identification under division ~~(D)~~(C)(1)(b) 86572
of this section, the department shall exclude both of the 86573

following: 86574

(a) Nursing facilities that participated in the medicaid 86575
program under the same provider for less than twelve months in the 86576
applicable calendar year; 86577

(b) Nursing facilities whose ancillary and support costs are 86578
more than one standard deviation from the mean desk-reviewed, 86579
actual, allowable, per diem ancillary and support cost for all 86580
nursing facilities in the nursing facility's peer group for the 86581
applicable calendar year. 86582

(4) The department shall not redetermine a peer group's rate 86583
for ancillary and support costs under this division based on 86584
additional information that it receives after the rate is 86585
determined. The department shall redetermine a peer group's rate 86586
for ancillary and support costs only if the department made an 86587
error in determining the rate based on information available to 86588
the department at the time of the original determination. 86589

Sec. 5165.17. (A) ~~As used in this section:~~ 86590

~~(1) "Applicable calendar year" means the following:~~ 86591

~~(a) For the purpose of the department of medicaid's initial 86592
determination under division (D) of this section of each peer 86593
group's rate for capital costs, calendar year 2003;~~ 86594

~~(b) For the purpose of the department's rebasings, the 86595
calendar year the department selects.~~ 86596

~~(2) "Rebasing" means a redetermination under division (D) of 86597
this section of each peer group's rate for capital costs using 86598
information from cost reports for an applicable calendar year that 86599
is later than the applicable calendar year used for the previous 86600
determination of such rates.~~ 86601

~~(B)~~ The department of medicaid shall determine each nursing 86602
facility's per medicaid day payment rate for capital costs. A 86603

nursing facility's rate shall be the rate determined under 86604
division ~~(D)~~(C) of this section. However, ~~for the period beginning~~ 86605
~~October 1, 2013, and ending on the first day of the first~~ 86606
~~rebasings, the rate for a nursing facility located in Mahoning or~~ 86607
~~Stark county shall be the rate determined for the following:~~ 86608

~~(1) If the nursing facility has fewer than one hundred beds,~~ 86609
~~the nursing facilities in peer group three;~~ 86610

~~(2) If the nursing facility has one hundred or more beds, the~~ 86611
~~nursing facilities in peer group four.~~ 86612

~~(C)~~(B) For the purpose of determining nursing facilities' 86613
rates for capital costs, the department shall establish six peer 86614
groups. 86615

~~(1) Until the first rebasing occurs, the peer groups shall be~~ 86616
~~composed as follows:~~ 86617

~~(a)~~ Each nursing facility located in any of the following 86618
counties shall be placed in peer group one or two: Brown, Butler, 86619
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 86620
located in any of those counties that has fewer than one hundred 86621
beds shall be placed in peer group one. Each nursing facility 86622
located in any of those counties that has one hundred or more beds 86623
shall be placed in peer group two. 86624

~~(b)~~(2) Each nursing facility located in any of the following 86625
counties shall be placed in peer group three or four: Allen, 86626
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 86627
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 86628
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 86629
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 86630
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 86631
nursing facility located in any of those counties that has fewer 86632
than one hundred beds shall be placed in peer group three. Each 86633
nursing facility located in any of those counties that has one 86634

hundred or more beds shall be placed in peer group four. 86635

~~(e)~~(3) Each nursing facility located in any of the following 86636
counties shall be placed in peer group five or six: Adams, ~~Allen,~~ 86637
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 86638
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 86639
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 86640
Jefferson, Lawrence, Logan, ~~Mahoning,~~ Meigs, Mercer, Monroe, 86641
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 86642
Scioto, Shelby, ~~Stark, Trumbull,~~ Tuscarawas, Van Wert, Vinton, 86643
Washington, Wayne, Williams, and Wyandot. Each nursing facility 86644
located in any of those counties that has fewer than one hundred 86645
beds shall be placed in peer group five. Each nursing facility 86646
located in any of those counties that has one hundred or more beds 86647
shall be placed in peer group six. 86648

~~(2) Beginning with the first rebasing, the peer groups shall 86649
be composed as they are under division (C)(1) of this section 86650
except as follows:~~ 86651

~~(a) Each nursing facility that has fewer than one hundred 86652
beds and is located in Allen, Mahoning, Stark, or Trumbull county 86653
shall be placed in peer group three rather than peer group five. 86654~~

~~(b) Each nursing facility that has one hundred or more beds 86655
and is located in Allen, Mahoning, Stark, or Trumbull county shall 86656
be placed in peer group four rather than peer group six. 86657~~

~~(D)~~(C)(1) The department shall determine the rate for capital 86658
costs for each peer group established under division ~~(C)~~(B) of 86659
this section. The department is not required to conduct a rebasing 86660
more than once every ten years. Except as necessary to implement 86661
the amendments made to this section by Am. Sub. H.B. 153 and Sub- 86662
H.B. 303, both of the 129th general assembly, the rate for capital 86663
costs determined under this division for a peer group shall be 86664
used for subsequent years until the department conducts a 86665

rebasings. To determine a peer group's rate for capital costs, the department shall do both of the following:

(a) Determine the rate for capital costs for the nursing facility in the peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year;

~~(b) Until the first rebasing occurs, increase~~ For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division ~~(D)~~(C)(1)(a) of this section ~~by five and eight hundredths per cent~~ using the difference between the following:

(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section;

(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section.

(2) To identify the nursing facility in a peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year, the department shall do both of the following:

(a) Subject to division ~~(D)~~(C)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 86696
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(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 86699
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(3) For the purpose of determining a nursing facility's occupancy rate under division ~~(D)~~(C)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity. 86703
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(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination. 86709
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~~(E)~~(D) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under this chapter is used to reimburse 86716
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the government agency. 86728

~~(F)~~(E) The capital cost basis of nursing facility assets 86729
shall be determined in the following manner: 86730

(1) Except as provided in division ~~(F)~~(E)(3) of this section, 86731
for purposes of calculating the rates to be paid for facilities 86732
with dates of licensure on or before June 30, 1993, the capital 86733
cost basis of each asset shall be equal to the desk-reviewed, 86734
actual, allowable, capital cost basis that is listed on the 86735
facility's cost report for the calendar year preceding the state 86736
fiscal year during which the rate will be paid. 86737

(2) For facilities with dates of licensure after June 30, 86738
1993, the capital cost basis shall be determined in accordance 86739
with the principles of the medicare program, except as otherwise 86740
provided in this chapter. 86741

(3) Except as provided in division ~~(F)~~(E)(4) of this section, 86742
if a provider transfers an interest in a facility to another 86743
provider after June 30, 1993, there shall be no increase in the 86744
capital cost basis of the asset if the providers are related 86745
parties or the provider to which the interest is transferred 86746
authorizes the provider that transferred the interest to continue 86747
to operate the facility under a lease, management agreement, or 86748
other arrangement. If the previous sentence does not prohibit the 86749
adjustment of the capital cost basis under this division, the 86750
basis of the asset shall be adjusted by one-half of the change in 86751
the consumer price index for all items for all urban consumers, as 86752
published by the United States bureau of labor statistics, during 86753
the time that the transferor held the asset. 86754

(4) If a provider transfers an interest in a facility to 86755
another provider who is a related party, the capital cost basis of 86756
the asset shall be adjusted as specified in division ~~(F)~~(E)(3) of 86757
this section if all of the following conditions are met: 86758

- (a) The related party is a relative of owner; 86759
- (b) Except as provided in division ~~(F)~~(E)(4)(c)(ii) of this 86760
section, the provider making the transfer retains no ownership 86761
interest in the facility; 86762
- (c) The department determines that the transfer is an arm's 86763
length transaction pursuant to rules adopted under section 5165.02 86764
of the Revised Code. The rules shall provide that a transfer is an 86765
arm's length transaction if all of the following apply: 86766
- (i) Once the transfer goes into effect, the provider that 86767
made the transfer has no direct or indirect interest in the 86768
provider that acquires the facility or the facility itself, 86769
including interest as an owner, officer, director, employee, 86770
independent contractor, or consultant, but excluding interest as a 86771
creditor. 86772
- (ii) The provider that made the transfer does not reacquire 86773
an interest in the facility except through the exercise of a 86774
creditor's rights in the event of a default. If the provider 86775
reacquires an interest in the facility in this manner, the 86776
department shall treat the facility as if the transfer never 86777
occurred when the department calculates its reimbursement rates 86778
for capital costs. 86779
- (iii) The transfer satisfies any other criteria specified in 86780
the rules. 86781
- (d) Except in the case of hardship caused by a catastrophic 86782
event, as determined by the department, or in the case of a 86783
provider making the transfer who is at least sixty-five years of 86784
age, not less than twenty years have elapsed since, for the same 86785
facility, the capital cost basis was adjusted most recently under 86786
division ~~(F)~~(E)(4) of this section or actual, allowable capital 86787
costs was determined most recently under division ~~(G)~~(F)(9) of 86788
this section. 86789

~~(G)~~(F) As used in this division: 86790

"Imputed interest" means the lesser of the prime rate plus 86791
two per cent or ten per cent. 86792

"Lease expense" means lease payments in the case of an 86793
operating lease and depreciation expense and interest expense in 86794
the case of a capital lease. 86795

"New lease" means a lease, to a different lessee, of a 86796
nursing facility that previously was operated under a lease. 86797

(1) Subject to division ~~(B)~~(A) of this section, for a lease 86798
of a facility that was effective on May 27, 1992, the entire lease 86799
expense is an actual, allowable capital cost during the term of 86800
the existing lease. The entire lease expense also is an actual, 86801
allowable capital cost if a lease in existence on May 27, 1992, is 86802
renewed under either of the following circumstances: 86803

(a) The renewal is pursuant to a renewal option that was in 86804
existence on May 27, 1992; 86805

(b) The renewal is for the same lease payment amount and 86806
between the same parties as the lease in existence on May 27, 86807
1992. 86808

(2) Subject to division ~~(B)~~(A) of this section, for a lease 86809
of a facility that was in existence but not operated under a lease 86810
on May 27, 1992, actual, allowable capital costs shall include the 86811
lesser of the annual lease expense or the annual depreciation 86812
expense and imputed interest expense that would be calculated at 86813
the inception of the lease using the lessor's entire historical 86814
capital asset cost basis, adjusted by one-half of the change in 86815
the consumer price index for all items for all urban consumers, as 86816
published by the United States bureau of labor statistics, during 86817
the time the lessor held each asset until the beginning of the 86818
lease. 86819

(3) Subject to division ~~(B)~~(A) of this section, for a lease 86820
of a facility with a date of licensure on or after May 27, 1992, 86821
that is initially operated under a lease, actual, allowable 86822
capital costs shall include the annual lease expense if there was 86823
a substantial commitment of money for construction of the facility 86824
after December 22, 1992, and before July 1, 1993. If there was not 86825
a substantial commitment of money after December 22, 1992, and 86826
before July 1, 1993, actual, allowable capital costs shall include 86827
the lesser of the annual lease expense or the sum of the 86828
following: 86829

(a) The annual depreciation expense that would be calculated 86830
at the inception of the lease using the lessor's entire historical 86831
capital asset cost basis; 86832

(b) The greater of the lessor's actual annual amortization of 86833
financing costs and interest expense at the inception of the lease 86834
or the imputed interest expense calculated at the inception of the 86835
lease using seventy per cent of the lessor's historical capital 86836
asset cost basis. 86837

(4) Subject to division ~~(B)~~(A) of this section, for a lease 86838
of a facility with a date of licensure on or after May 27, 1992, 86839
that was not initially operated under a lease and has been in 86840
existence for ten years, actual, allowable capital costs shall 86841
include the lesser of the annual lease expense or the annual 86842
depreciation expense and imputed interest expense that would be 86843
calculated at the inception of the lease using the entire 86844
historical capital asset cost basis of one-half of the change in 86845
the consumer price index for all items for all urban consumers, as 86846
published by the United States bureau of labor statistics, during 86847
the time the lessor held each asset until the beginning of the 86848
lease. 86849

(5) Subject to division ~~(B)~~(A) of this section, for a new 86850
lease of a facility that was operated under a lease on May 27, 86851

1992, actual, allowable capital costs shall include the lesser of 86852
the annual new lease expense or the annual old lease payment. If 86853
the old lease was in effect for ten years or longer, the old lease 86854
payment from the beginning of the old lease shall be adjusted by 86855
one-half of the change in the consumer price index for all items 86856
for all urban consumers, as published by the United States bureau 86857
of labor statistics, from the beginning of the old lease to the 86858
beginning of the new lease. 86859

(6) Subject to division ~~(B)~~(A) of this section, for a new 86860
lease of a facility that was not in existence or that was in 86861
existence but not operated under a lease on May 27, 1992, actual, 86862
allowable capital costs shall include the lesser of annual new 86863
lease expense or the annual amount calculated for the old lease 86864
under division ~~(G)~~(F)(2), (3), (4), or (6) of this section, as 86865
applicable. If the old lease was in effect for ten years or 86866
longer, the lessor's historical capital asset cost basis shall be, 86867
for purposes of calculating the annual amount under division 86868
~~(G)~~(F)(2), (3), (4), or (6) of this section, adjusted by one-half 86869
of the change in the consumer price index for all items for all 86870
urban consumers, as published by the United States bureau of labor 86871
statistics, from the beginning of the old lease to the beginning 86872
of the new lease. 86873

In the case of a lease under division ~~(G)~~(F)(3) of this 86874
section of a facility for which a substantial commitment of money 86875
was made after December 22, 1992, and before July 1, 1993, the old 86876
lease payment shall be adjusted for the purpose of determining the 86877
annual amount. 86878

(7) For any revision of a lease described in division 86879
~~(G)~~(F)(1), (2), (3), (4), (5), or (6) of this section, or for any 86880
subsequent lease of a facility operated under such a lease, other 86881
than execution of a new lease, the portion of actual, allowable 86882
capital costs attributable to the lease shall be the same as 86883

before the revision or subsequent lease. 86884

(8) Except as provided in division ~~(G)~~(F)(9) of this section, 86885
if a provider leases an interest in a facility to another provider 86886
who is a related party or previously operated the facility, the 86887
related party's or previous operator's actual, allowable capital 86888
costs shall include the lesser of the annual lease expense or the 86889
reasonable cost to the lessor. 86890

(9) If a provider leases an interest in a facility to another 86891
provider who is a related party, regardless of the date of the 86892
lease, the related party's actual, allowable capital costs shall 86893
include the annual lease expense, subject to the limitations 86894
specified in divisions ~~(G)~~(F)(1) to (7) of this section, if all of 86895
the following conditions are met: 86896

(a) The related party is a relative of owner; 86897

(b) If the lessor retains an ownership interest, it is, 86898
except as provided in division ~~(G)~~(F)(9)(c)(ii) of this section, 86899
in only the real property and any improvements on the real 86900
property; 86901

(c) The department determines that the lease is an arm's 86902
length transaction pursuant to rules adopted under section 5165.02 86903
of the Revised Code. The rules shall provide that a lease is an 86904
arm's length transaction if all of the following apply: 86905

(i) Once the lease goes into effect, the lessor has no direct 86906
or indirect interest in the lessee or, except as provided in 86907
division ~~(G)~~(F)(9)(b) of this section, the facility itself, 86908
including interest as an owner, officer, director, employee, 86909
independent contractor, or consultant, but excluding interest as a 86910
lessor. 86911

(ii) The lessor does not reacquire an interest in the 86912
facility except through the exercise of a lessor's rights in the 86913
event of a default. If the lessor reacquires an interest in the 86914

facility in this manner, the department shall treat the facility 86915
as if the lease never occurred when the department calculates its 86916
reimbursement rates for capital costs. 86917

(iii) The lease satisfies any other criteria specified in the 86918
rules. 86919

(d) Except in the case of hardship caused by a catastrophic 86920
event, as determined by the department, or in the case of a lessor 86921
who is at least sixty-five years of age, not less than twenty 86922
years have elapsed since, for the same facility, the capital cost 86923
basis was adjusted most recently under division ~~(F)~~(E)(4) of this 86924
section or actual, allowable capital costs were determined most 86925
recently under division ~~(G)~~(F)(9) of this section. 86926

(10) This division does not apply to leases of specific items 86927
of equipment. 86928

Sec. 5165.19. (A) ~~As used in this section:~~ 86929

~~(1) "Applicable calendar year" means the following:~~ 86930

~~(a) For the purpose of the department of medicaid's initial 86931
determination under division (D) of this section of each peer 86932
group's cost per case mix unit, calendar year 2003;~~ 86933

~~(b) For the purpose of the department's rebasings, the 86934
calendar year the department selects.~~ 86935

~~(2) "Rebasing" means a redetermination under division (D) of 86936
this section of each peer group's cost per case mix unit using 86937
information from cost reports for an applicable calendar year that 86938
is later than the applicable calendar year used for the previous 86939
determination of such costs.~~ 86940

~~(B)~~ Semiannually, the department of medicaid shall determine 86941
each nursing facility's per medicaid day payment rate for direct 86942
care costs by multiplying the facility's semiannual case-mix score 86943
determined under section 5165.192 of the Revised Code by the cost 86944

per case-mix unit determined under division ~~(D)~~(C) of this section 86945
for the facility's peer group. However, ~~for the period beginning~~ 86946
~~October 1, 2013, and ending on the first day of the first~~ 86947
~~rebasings, the rate for a nursing facility located in Mahoning or~~ 86948
~~Stark county shall be determined semiannually by multiplying the~~ 86949
~~facility's semiannual case mix score determined under section~~ 86950
~~5165.192 of the Revised Code by the cost per case mix unit~~ 86951
~~determined under division (D) of this section for the nursing~~ 86952
~~facilities in peer group two.~~ 86953

~~(C)~~(B) For the purpose of determining nursing facilities' 86954
rates for direct care costs, the department shall establish three 86955
peer groups. 86956

(1) ~~Until the first rebasing occurs, the peer groups shall be~~ 86957
~~composed as follows:~~ 86958

~~(a)~~ Each nursing facility located in any of the following 86959
counties shall be placed in peer group one: Brown, Butler, 86960
Clermont, Clinton, Hamilton, and Warren. 86961

~~(b)~~(2) Each nursing facility located in any of the following 86962
counties shall be placed in peer group two: Allen, Ashtabula, 86963
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 86964
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 86965
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 86966
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 86967
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 86968

~~(c)~~(3) Each nursing facility located in any of the following 86969
counties shall be placed in peer group three: Adams, ~~Allen~~, 86970
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 86971
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 86972
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 86973
Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, 86974
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 86975

Scioto, Shelby, ~~Stark, Trumbull~~, Tuscarawas, Van Wert, Vinton, 86976
Washington, Wayne, Williams, and Wyandot. 86977

~~(2) Beginning with the first rebasing, the peer groups shall 86978
be composed as they are under division (C)(1) of this section 86979
except that each nursing facility located in Allen, Mahoning, 86980
Stark, or Trumbull county shall be placed in peer group two rather 86981
than peer group three. 86982~~

~~(D)(C)(1) The department shall determine a cost per case-mix 86983
unit for each peer group established under division (C)(B) of this 86984
section. The department is not required to conduct a rebasing more 86985
than once every ten years. Except as necessary to implement the 86986
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 86987
303, both of the 129th general assembly, and H.B. 59 of the 130th 86988
general assembly, the cost per case-mix unit determined under this 86989
division for a peer group shall be used for subsequent years until 86990
the department conducts a rebasing. To determine a peer group's 86991
cost per case-mix unit, the department shall do all of the 86992
following: 86993~~

(a) Determine the cost per case-mix unit for each nursing 86994
facility in the peer group for the applicable calendar year by 86995
dividing each facility's desk-reviewed, actual, allowable, per 86996
diem direct care costs for the applicable calendar year by the 86997
facility's annual average case-mix score determined under section 86998
5165.192 of the Revised Code for the applicable calendar year; 86999

(b) Subject to division ~~(D)(C)~~(2) of this section, identify 87000
which nursing facility in the peer group is at the twenty-fifth 87001
percentile of the cost per case-mix units determined under 87002
division ~~(D)(C)~~(1)(a) of this section; 87003

(c) Calculate the amount that is two per cent above the cost 87004
per case-mix unit determined under division ~~(D)(C)~~(1)(a) of this 87005
section for the nursing facility identified under division 87006

~~(D)(C)(1)(b)~~ of this section; 87007

(d) Using the index specified in division ~~(D)(C)(3)~~ of this 87008
section, multiply the rate of inflation for the eighteen-month 87009
period beginning on the first day of July of the applicable 87010
calendar year and ending the last day of December of the calendar 87011
year immediately following the applicable calendar year by the 87012
amount calculated under division ~~(D)(C)(1)(c)~~ of this section; 87013

(e) ~~Add the following to the amount calculated under division~~ 87014
~~(D)(1)(d) of this section:~~ 87015

~~(i) Until the earlier of January 1, 2014, or when the first~~ 87016
~~rebasings occurs, one dollar and eighty eight cents;~~ 87017

~~(ii) Unless the first rebasing occurs before January 1, 2014,~~ 87018
~~beginning January 1, 2014, and until the first rebasing occurs,~~ 87019
~~eighty six cents.~~ 87020

~~(f) Until the first rebasing occurs, increase For state~~ 87021
~~fiscal year 2020 and each state fiscal year thereafter (other than~~ 87022
~~the first state fiscal year in a group of consecutive state fiscal~~ 87023
~~years for which a rebasing is conducted), adjust the amount~~ 87024
calculated under division ~~(D)(C)(1)(e)(d)~~ of this section ~~by five~~ 87025
~~and eight hundredths per cent using the difference between the~~ 87026
~~following:~~ 87027

~~(i) The medicare skilled nursing facility market basket index~~ 87028
~~determined for the federal fiscal year that begins during the~~ 87029
~~state fiscal year immediately preceding the state fiscal year for~~ 87030
~~which the adjustment is being made under division (C)(1)(e) of~~ 87031
~~this section;~~ 87032

~~(ii) The budget reduction adjustment factor for the state~~ 87033
~~fiscal year for which the adjustment is being made under division~~ 87034
~~(C)(1)(e) of this section.~~ 87035

(2) In making the identification under division ~~(D)(C)(1)(b)~~ 87036

of this section, the department shall exclude both of the 87037
following: 87038

(a) Nursing facilities that participated in the medicaid 87039
program under the same provider for less than twelve months in the 87040
applicable calendar year; 87041

(b) Nursing facilities whose cost per case-mix unit is more 87042
than one standard deviation from the mean cost per case-mix unit 87043
for all nursing facilities in the nursing facility's peer group 87044
for the applicable calendar year. 87045

(3) The following index shall be used for the purpose of the 87046
calculation made under division ~~(D)~~(C)(1)(d) of this section: 87047

~~(a) Until the first rebasing occurs, the employment cost 87048
index for total compensation, health services component, published 87049
by the United States bureau of labor statistics, as the index 87050
existed on July 1, 2005;~~ 87051

~~(b) Effective with the first rebasing and except Except as 87052
provided in division ~~(D)~~(C)(3)~~(e)~~(b) of this section, the 87053
employment cost index for total compensation, nursing and 87054
residential care facilities occupational group, published by the 87055
United States bureau of labor statistics;~~ 87056

~~(e)~~(b) If the United States bureau of labor statistics ceases 87057
to publish the index specified in division ~~(D)~~(C)(3)~~(b)~~(a) of this 87058
section, the index the bureau subsequently publishes that covers 87059
nursing facilities' staff costs. 87060

(4) The department shall not redetermine a peer group's cost 87061
per case-mix unit under this division based on additional 87062
information that it receives after the peer group's per case-mix 87063
unit is determined. The department shall redetermine a peer 87064
group's cost per case-mix unit only if it made an error in 87065
determining the peer group's cost per case-mix unit based on 87066
information available to the department at the time of the 87067

original determination. 87068

Sec. 5165.192. (A)(1) Except as provided in division (B) of 87069
this section and in accordance with the process specified in rules 87070
authorized by this section, the department of medicaid shall do 87071
all of the following: 87072

(a) Every quarter, determine the following two case-mix 87073
scores for each nursing facility: 87074

(i) A quarterly case-mix score that includes each resident 87075
who is a medicaid recipient and is not a low resource utilization 87076
resident; 87077

(ii) A quarterly case-mix score that includes each resident 87078
regardless of payment source. 87079

(b) Every six months, determine a semiannual average case-mix 87080
score for each nursing facility by using the quarterly case-mix 87081
scores determined for the nursing facility pursuant to division 87082
(A)(1)(a)(i) of this section; 87083

(c) After the end of each calendar year, determine an annual 87084
average case-mix score for each nursing facility by using the 87085
quarterly case-mix scores determined for the nursing facility 87086
pursuant to division (A)(1)(a)(ii) of this section. 87087

(2) When determining case-mix scores under division (A)(1) of 87088
this section, the department shall use all of the following: 87089

(a) Data from a resident assessment instrument specified in 87090
rules authorized by section 5165.191 of the Revised Code; 87091

(b) Except as provided in rules authorized by this section, 87092
the case-mix values established by the United States department of 87093
health and human services; 87094

(c) Except as modified in rules authorized by this section, 87095
the grouper methodology used on June 30, 1999, by the United 87096

States department of health and human services for prospective 87097
payment of skilled nursing facilities under the medicare program. 87098

(B)(1) Subject to division (B)(2) of this section, the 87099
department, for one or more months of a calendar quarter, may 87100
assign to a nursing facility a case-mix score that is five per 87101
cent less than the nursing facility's case-mix score for the 87102
immediately preceding calendar quarter if any of the following 87103
apply: 87104

(a) The provider does not timely submit complete and accurate 87105
resident assessment data necessary to determine the nursing 87106
facility's case-mix score for the calendar quarter; 87107

(b) The nursing facility was subject to an exception review 87108
under section 5165.193 of the Revised Code for the immediately 87109
preceding calendar quarter; 87110

(c) The nursing facility was assigned a case-mix score for 87111
the immediately preceding calendar quarter. 87112

(2) Before assigning a case-mix score to a nursing facility 87113
due to the submission of incorrect resident assessment data, the 87114
department shall permit the provider to correct the data. The 87115
department may assign the case-mix score if the provider fails to 87116
submit the corrected resident assessment data not later than the 87117
earlier of the forty-fifth day after the end of the calendar 87118
quarter to which the data pertains or the deadline for submission 87119
of such corrections established by regulations adopted by the 87120
United States department of health and human services under Title 87121
XVIII and Title XIX. 87122

(3) If, for more than six months in a calendar year, a 87123
provider is paid a rate determined for a nursing facility using a 87124
case-mix score assigned to the nursing facility under division 87125
(B)(1) of this section, the department may assign the nursing 87126
facility a cost per case-mix unit that is five per cent less than 87127

the nursing facility's actual or assigned cost per case-mix unit 87128
for the immediately preceding calendar year. The department may 87129
use the assigned cost per case-mix unit, instead of determining 87130
the nursing facility's actual cost per case-mix unit in accordance 87131
with section 5165.19 of the Revised Code, to establish the nursing 87132
facility's rate for direct care costs for the fiscal year 87133
immediately following the calendar year for which the cost per 87134
case-mix unit is assigned. 87135

(4) The department shall take action under division (B)(1), 87136
(2), or (3) of this section only in accordance with rules 87137
authorized by this section. The department shall not take an 87138
action that affects rates for prior payment periods except in 87139
accordance with sections 5165.41 and 5165.42 of the Revised Code. 87140

(C) The medicaid director shall adopt rules under section 87141
5165.02 of the Revised Code as necessary to implement this 87142
section. 87143

(1) The rules shall do all of the following: 87144

(a) Specify the process for determining the semiannual and 87145
annual average case-mix scores for nursing facilities; 87146

(b) Adjust the case-mix values specified in division 87147
(A)(2)(b) of this section to reflect changes in relative wage 87148
differentials that are specific to this state; 87149

(c) Express all of those case-mix values in numeric terms 87150
that are different from the terms specified by the United States 87151
department of health and human services but that do not alter the 87152
relationship of the case-mix values to one another; 87153

(d) Modify the grouper methodology specified in division 87154
(A)(2)(c) of this section as follows: 87155

(i) Establish a different hierarchy for assigning residents 87156
to case-mix categories under the methodology; 87157

(ii) ~~Prohibit~~ Allow the use of the index maximizer element of the methodology; 87158
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(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999; 87160
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(iv) Make other changes the department determines are necessary. 87163
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(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction; 87165
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(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX. 87168
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(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. 87174
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(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group. 87179
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Sec. 5165.21. ~~(A) As used in this section:~~ 87185

~~(1) "Applicable calendar year" means the following:~~ 87186

~~(a) For the purpose of the department of medicaid's initial~~ 87187

~~determination under this section of nursing facilities' rate for 87188
tax costs, calendar year 2003; 87189~~

~~(b) For the purpose of the department's rebasings, the 87190
calendar year the department selects. 87191~~

~~(2) "Rebasing" means a redetermination under division (B) of 87192
this section of each nursing facility's rate for tax costs using 87193
information from cost reports for an applicable calendar year that 87194
is later than the applicable calendar year used for the previous 87195
determination of such rates. 87196~~

~~(B) The department of medicaid shall determine each nursing 87197
facility's per medicaid day payment rate for tax costs. The 87198
department is not required to conduct a rebasing more than once 87199
every ten years. Except as necessary to implement the amendments 87200
made to this section by Sub. H.B. 303 of the 129th general 87201
assembly, the rate for tax costs determined under this division 87202
for a nursing facility shall be used for subsequent years until 87203
the department conducts a rebasing. To determine a nursing 87204
facility's rate for tax costs and except as provided in division 87205
(C) of this section, the department shall do both of the 87206
following: 87207~~

~~(1)(A) Divide the nursing facility's desk-reviewed, actual, 87208
allowable tax costs paid for the applicable calendar year by the 87209
number of inpatient days the nursing facility would have had if 87210
its occupancy rate had been one hundred per cent during the 87211
applicable calendar year; 87212~~

~~(2) Until the first rebasing occurs, increase (B) For state 87213
fiscal year 2020 and each state fiscal year thereafter (other than 87214
the first state fiscal year in a group of consecutive state fiscal 87215
years for which a rebasing is conducted), adjust the amount 87216
calculated under division (B)(1)(A) of this section by five and 87217
eight hundredths per cent using the difference between the 87218~~

following: 87219

(1) The medicare skilled nursing facility market basket index 87220
determined for the federal fiscal year that begins during the 87221
state fiscal year immediately preceding the state fiscal year for 87222
which the adjustment is being made under division (B) of this 87223
section; 87224

(2) The budget reduction adjustment factor for the state 87225
fiscal year for which the adjustment is being made under division 87226
(B) of this section. 87227

~~(C) If a nursing facility had a credit regarding its real~~ 87228
~~estate taxes reflected on its cost report for calendar year 2003,~~ 87229
~~the department shall determine, as follows, its rate for tax costs~~ 87230
~~for the period beginning on July 1, 2010, and ending on the first~~ 87231
~~day of the fiscal year for which the department first conducts a~~ 87232
~~rebasing:~~ 87233

~~(1) Divide the nursing facility's desk reviewed, actual,~~ 87234
~~allowable tax costs paid for calendar year 2004 by the number of~~ 87235
~~inpatient days the nursing facility would have had if its~~ 87236
~~occupancy rate had been one hundred per cent during calendar year~~ 87237
~~2004;~~ 87238

~~(2) Until the first rebasing occurs, increase the amount~~ 87239
~~calculated under division (C)(1) of this section by five and eight~~ 87240
~~hundredths per cent.~~ 87241

Sec. 5165.23. (A) Each state fiscal year, the department of 87242
medicaid shall determine the critical access incentive payment for 87243
each nursing facility that qualifies as a critical access nursing 87244
facility. To qualify as a critical access nursing facility for a 87245
state fiscal year, a nursing facility must meet all of the 87246
following requirements: 87247

(1) The nursing facility must be located in an area that, on 87248

December 31, 2011, was designated an empowerment zone under the 87249
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 87250

(2) The nursing facility must have an occupancy rate of at 87251
least eighty-five per cent as of the last day of the calendar year 87252
immediately preceding the state fiscal year. 87253

(3) The nursing facility must have a medicaid utilization 87254
rate of at least sixty-five per cent as of the last day of the 87255
calendar year immediately preceding the state fiscal year. 87256

~~(4) The nursing facility must have been awarded at least five 87257
points for meeting accountability measures under section 5165.25 87258
of the Revised Code for the fiscal year and at least one of the 87259
five points must have been awarded for meeting the accountability 87260
measures identified in divisions (C)(9), (10), (11), (12), and 87261
(14) of section 5165.25 of the Revised Code. 87262~~

(B) A critical access nursing facility's critical access 87263
incentive payment for a state fiscal year shall equal five per 87264
cent of the portion of the nursing facility's total per medicaid 87265
day payment rate for the state fiscal year that is the sum of the 87266
rates ~~and payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of 87267
section 5165.15 of the Revised Code. 87268

Sec. 5165.25. (A) As used in this section: 87269

(1) "Long-stay resident" means an individual who has resided 87270
in a nursing facility for at least one hundred one days. 87271

(2) "Measurement period" means the following: 87272

(a) For state fiscal year 2017, the period beginning July 1, 87273
2015, and ending December 31, 2015; 87274

(b) For each subsequent state fiscal year, the calendar year 87275
immediately preceding the calendar year in which the state fiscal 87276
year begins. 87277

(3) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code. 87278
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(4) "Short-stay resident" means a nursing facility resident who is not a long-stay resident. 87280
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(B)(1) Using all of the funds made available for a state fiscal year by the rate reductions under division ~~(B)(C)~~ of section 5165.15 of the Revised Code, the department of medicaid shall determine a per medicaid day quality payment rate to be paid for that state fiscal year to each nursing facility that meets at least one of the quality indicators specified in division (B)(2) of this section for the measurement period. The largest quality payment rate for a state fiscal year shall be paid to nursing facilities that meet all of the quality indicators for the measurement period. 87282
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(2) The following are the quality indicators to be used for the purpose of division (B)(1) of this section: 87292
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(a) Not more than the target percentage of the nursing facility's short-stay residents had new or worsened pressure ulcers ~~and not.~~ 87294
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(b) Not more than the target percentage of long-stay residents at high risk for pressure ulcers had pressure ulcers. 87297
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~~(b)(c)~~ Not more than the target percentage of the nursing facility's short-stay residents newly received an antipsychotic medication ~~and not.~~ 87299
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(d) Not more than the target percentage of the nursing facility's long-stay residents received an antipsychotic medication. 87302
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~~(c)~~ The number of the nursing facility's residents who had avoidable inpatient hospital admissions did not exceed the target rate. 87305
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~~(d)~~(e) Not more than the target percentage of the nursing facility's long-stay residents had an unplanned weight loss. 87308
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(f) The nursing facility's employee retention rate is at least the target rate. 87310
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~~(e)~~(g) The nursing facility utilized the nursing home version of the preferences for everyday living inventory for all of its residents. 87312
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(3) The department shall specify the target percentage for the purpose of divisions (B)(2)(a) ~~and (b)~~ to (e) of this section at the fortieth percentile of nursing facilities that have data for the quality indicators. The amount specified for division ~~(B)(2)(a)~~ of this section may differ from the amount specified for division ~~(B)(2)(b)~~ of this section and the amount specified for ~~short stay residents~~ may differ from the amount specified for ~~long stay residents~~. The department also shall specify the target rate for the purpose of division (B)(2)~~(e)~~(f) of this section ~~and the target rate for the purpose of division (B)(2)(d) of this section.~~ 87315
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(C) If a nursing facility undergoes a change of operator during a state fiscal year, the per medicaid day quality payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the state fiscal year shall be the same amount as the per medicaid day quality payment rate that was in effect on the day immediately preceding the effective date of the change of operator and paid to the nursing facility's exiting operator. For the immediately following state fiscal year, the per medicaid day quality payment rate shall be the following: 87326
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(1) If the effective date of the change of operator is on or before the first day of October of the calendar year immediately 87337
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preceding the state fiscal year, the amount determined for the 87339
nursing facility in accordance with division (B) of this section 87340
for the state fiscal year; 87341

(2) If the effective date of the change of operator is after 87342
the first day of October of the calendar year immediately 87343
preceding the state fiscal year, the mean per medicaid day quality 87344
payment rate for all nursing facilities for the state fiscal year. 87345

Sec. 5165.34. (A) The department of medicaid may make 87346
medicaid payments to a nursing facility provider under this 87347
chapter to reserve a bed for a recipient during a temporary 87348
absence under conditions prescribed by the department, to include 87349
hospitalization for an acute condition, visits with relatives and 87350
friends, and participation in therapeutic programs outside the 87351
facility, when the resident's plan of care provides for such 87352
absence and federal financial participation for the payments is 87353
available. 87354

(B) The maximum period for which payments may be made to 87355
reserve a bed in a nursing facility shall not exceed thirty days 87356
in a calendar year. 87357

(C) The department shall establish the per medicaid day 87358
payment rates for reserving beds under this section. In 87359
establishing the per medicaid day payment rates, the department 87360
shall set the per medicaid day payment rate at an amount equal to 87361
the following: 87362

(1) In the case of a nursing facility that had an occupancy 87363
rate exceeding ninety-five per cent, an amount not exceeding fifty 87364
per cent of the per medicaid day payment rate the provider would 87365
be paid if the recipient were not absent from the nursing facility 87366
that day; 87367

(2) In the case of a nursing facility that had an occupancy 87368

rate not exceeding ninety-five per cent, an amount not exceeding 87369
eighteen per cent of the per medicaid day payment rate the 87370
provider would be paid if the recipient were not absent from the 87371
nursing facility that day. 87372

(D) For the purpose of setting a nursing facility's per 87373
medicaid day payment rate to reserve a bed for a day during the 87374
period beginning on ~~the effective date of this amendment~~ September 87375
29, 2013, and ending December 31, 2013, the department shall 87376
determine the nursing facility's occupancy rate by using 87377
information reported on the nursing facility's cost report for 87378
calendar year 2012. For the purpose of setting a nursing 87379
facility's per medicaid day payment rate to reserve a bed for 87380
January 1, 2014, or thereafter, the department shall determine the 87381
nursing facility's occupancy rate by using information reported on 87382
the nursing facility's cost report for the calendar year preceding 87383
the state fiscal year in which the reservation falls. 87384

Sec. 5165.36. The department of medicaid shall conduct a 87385
rebasings at least once every five state fiscal years. When the 87386
department conducts a rebasing for a state fiscal year, it shall 87387
conduct the rebasing for each cost center. 87388

Sec. 5165.361. It is the general assembly's intent to specify 87389
in statute the factor to be used for state fiscal year 2020 and 87390
each state fiscal year thereafter (other than the first state 87391
fiscal year in a group of consecutive state fiscal years for which 87392
a rebasing is conducted) as the budget reduction adjustment factor 87393
for the purpose of sections 5165.15, 5165.16, 5165.17, 5165.19, 87394
and 5165.21 of the Revised Code. The budget reduction adjustment 87395
factor to be used for a state fiscal year shall not exceed the 87396
medicare skilled nursing facility market basket index determined 87397
for the federal fiscal year that begins during the state fiscal 87398
year immediately preceding the state fiscal year for which the 87399

budget reduction adjustment factor is being used. If the general 87400
assembly fails to specify in statute the factor to be used for a 87401
state fiscal year as the budget reduction adjustment factor, the 87402
budget reduction adjustment factor shall be zero. 87403

Sec. 5165.37. The department of medicaid shall make its best 87404
efforts each year to calculate nursing facilities' medicaid 87405
payment rates under this chapter in time to pay the rates by the 87406
fifteenth day of August of each state fiscal year. If the 87407
department is unable to calculate the rates so that they can be 87408
paid by that date, the department shall pay each provider the rate 87409
calculated for the provider's nursing facilities under this 87410
chapter at the end of the previous state fiscal year. If the 87411
department also is unable to calculate the rates to pay the rates 87412
by the fifteenth day of September and the fifteenth day of 87413
October, the department shall pay the previous state fiscal year's 87414
rate to make those payments. The department may increase by five 87415
per cent the previous state fiscal year's rate paid for any 87416
nursing facility pursuant to this section at the request of the 87417
provider. The department shall use rates calculated for the 87418
current state fiscal year to make the payments due by the 87419
fifteenth day of November. 87420

If the rate paid to a provider for a nursing facility 87421
pursuant to this section is lower than the rate calculated for the 87422
nursing facility for the current state fiscal year, the department 87423
shall pay the provider the difference between the two rates for 87424
the number of days for which the provider was paid for the nursing 87425
facility pursuant to this section. If the rate paid for a nursing 87426
facility pursuant to this section is higher than the rate 87427
calculated for it for the current state fiscal year, the provider 87428
shall refund to the department the difference between the two 87429
rates for the number of days for which the provider was paid for 87430

the nursing facility pursuant to this section. 87431

Sec. 5165.41. (A) The department of medicaid shall 87432
redetermine a provider's medicaid payment rate for a nursing 87433
facility using revised information if any of the following results 87434
in a determination that the provider received a higher medicaid 87435
payment rate for the nursing facility than the provider was 87436
entitled to receive: 87437

(1) The provider properly amends a cost report for the 87438
nursing facility under section 5165.107 of the Revised Code; 87439

(2) The department makes a finding based on an audit under 87440
section 5165.109 of the Revised Code; 87441

(3) The department makes a finding based on an exception 87442
review of resident assessment data conducted under section 87443
5165.193 of the Revised Code after the effective date of the 87444
nursing facility's rate for direct care costs that is based on the 87445
resident assessment data; 87446

(4) The department makes a finding based on a post-payment 87447
review conducted under section 5165.49 of the Revised Code. 87448

(B) The department shall apply the redetermined rate to the 87449
periods when the provider received the incorrect rate to determine 87450
the amount of the overpayment. The provider shall refund the 87451
amount of the overpayment. The department may charge the provider 87452
the following amount of interest from the time the overpayment was 87453
made: 87454

(1) If the overpayment resulted from costs reported for 87455
calendar year 1993, the interest shall be no greater than one and 87456
one-half times the current average bank prime rate. 87457

(2) If the overpayment resulted from costs reported for a 87458
subsequent calendar year: 87459

(a) The interest shall be no greater than two times the 87460

current average bank prime rate if the overpayment was no more 87461
than one per cent of the total medicaid payments to the provider 87462
for the state fiscal year for which the overpayment was made. 87463

(b) The interest shall be no greater than two and one-half 87464
times the current average bank prime rate if the overpayment was 87465
more than one per cent of the total medicaid payments to the 87466
provider for the state fiscal year for which the overpayment was 87467
made. 87468

Sec. 5165.42. In addition to the other penalties authorized 87469
by this chapter, the department of medicaid may impose the 87470
following penalties on a nursing facility provider: 87471

(A) If the provider does not furnish invoices or other 87472
documentation that the department requests during an audit within 87473
sixty days after the request, a fine of no more than the greater 87474
of the following: 87475

(1) One thousand dollars per audit; 87476

(2) Twenty-five per cent of the cumulative amount by which 87477
the costs for which documentation was not furnished increased the 87478
total medicaid payments to the provider during the state fiscal 87479
year for which the costs were used to determine a rate. 87480

(B) If an exiting operator or owner fails to provide notice 87481
of a facility closure or voluntary withdrawal of participation in 87482
the medicaid program as required by section 5165.50 of the Revised 87483
Code, or an exiting operator or owner and entering operator fail 87484
to provide notice of a change of operator as required by section 87485
5165.51 of the Revised Code, a fine of not more than the current 87486
average bank prime rate plus four per cent of the last two monthly 87487
payments. 87488

Sec. 5165.52. (A) On receipt of a written notice under 87489
section 5165.50 of the Revised Code of a facility closure or 87490

voluntary withdrawal of participation, on receipt of a written 87491
notice under section 5165.51 of the Revised Code of a change of 87492
operator, or on the effective date of an involuntary termination, 87493
the department of medicaid shall estimate the amount of any 87494
overpayments made under the medicaid program to the exiting 87495
operator, including overpayments the exiting operator disputes, 87496
and other actual and potential debts the exiting operator owes or 87497
may owe to the department and United States centers for medicare 87498
and medicaid services under the medicaid program, including a 87499
franchise permit fee. 87500

(B) In estimating the exiting operator's other actual and 87501
potential debts to the department and the United States centers 87502
for medicare and medicaid services under the medicaid program, the 87503
department shall use a debt estimation methodology the medicaid 87504
director shall establish in rules authorized by section 5165.53 of 87505
the Revised Code. The methodology shall provide for estimating all 87506
of the following that the department determines are applicable: 87507

(1) Refunds due the department under section 5165.41 of the 87508
Revised Code; 87509

(2) Interest owed to the department and United States centers 87510
for medicare and medicaid services; 87511

(3) Final civil monetary and other penalties for which all 87512
right of appeal has been exhausted; 87513

(4) Money owed the department and United States centers for 87514
medicare and medicaid services from any outstanding final fiscal 87515
audit, including a final fiscal audit for the last state fiscal 87516
year or portion thereof in which the exiting operator participated 87517
in the medicaid program; 87518

(5) Other amounts the department determines are applicable. 87519

(C) The department shall provide the exiting operator written 87520

notice of the department's estimate under division (A) of this 87521
section not later than thirty days after the department receives 87522
the notice under section 5165.50 of the Revised Code of the 87523
facility closure or voluntary withdrawal of participation; the 87524
department receives the notice under section 5165.51 of the 87525
Revised Code of the change of operator; or the effective date of 87526
the involuntary termination. The department's written notice shall 87527
include the basis for the estimate. 87528

Sec. 5166.01. As used in this chapter: 87529

"209(b) option" means the option described in section 1902(f) 87530
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 87531
medicaid program's eligibility requirements for aged, blind, and 87532
disabled individuals are more restrictive than the eligibility 87533
requirements for the supplemental security income program. 87534

"Administrative agency" means, with respect to a home and 87535
community-based services medicaid waiver component, the department 87536
of medicaid or, if a state agency or political subdivision 87537
contracts with the department under section 5162.35 of the Revised 87538
Code to administer the component, that state agency or political 87539
subdivision. 87540

"Care management system" means the system established under 87541
section 5167.03 of the Revised Code. 87542

"Dual eligible individual" has the same meaning as in section 87543
5160.01 of the Revised Code. 87544

"Federal poverty line" has the same meaning as in section 87545
5162.01 of the Revised Code. 87546

"Home and community-based services medicaid waiver component" 87547
means a medicaid waiver component under which home and 87548
community-based services are provided as an alternative to 87549
hospital services, nursing facility services, or ICF/IID services. 87550

"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 87551
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"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 87553
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"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 87555
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"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 87557
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"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 87559
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"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 87561
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 87567
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"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 87569
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"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 87571
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"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code. 87573
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"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is 87579
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considered blind or disabled under section 1614(a)(2) or (3) of 87581
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 87582

"Nursing facility" and "nursing facility services" have the 87583
same meanings as in section 5165.01 of the Revised Code. 87584

"Ohio home care waiver program" means the home and 87585
community-based services medicaid waiver component that is known 87586
as Ohio home care and was created pursuant to section 5166.11 of 87587
the Revised Code. 87588

~~"Ohio transitions II aging carve out program" means the home 87589
and community based services medicaid waiver component that is 87590
known as Ohio transitions II aging carve out and was created 87591
pursuant to section 5166.11 of the Revised Code. 87592~~

"Provider agreement" has the same meaning as in section 87593
5164.01 of the Revised Code. 87594

"Residential treatment facility" means a residential facility 87595
licensed by the department of mental health and addiction services 87596
under section 5119.34 of the Revised Code, or an institution 87597
certified by the department of job and family services under 87598
section 5103.03 of the Revised Code, that serves children and 87599
either has more than sixteen beds or is part of a campus of 87600
multiple facilities or institutions that, combined, have a total 87601
of more than sixteen beds. 87602

"Skilled nursing facility" has the same meaning as in section 87603
5165.01 of the Revised Code. 87604

"Unified long-term services and support medicaid waiver 87605
component" means the medicaid waiver component authorized by 87606
section 5166.14 of the Revised Code. 87607

Sec. 5166.16. (A) As used in this section and section 87608
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 87609
component" means all of the following: 87610

(1) The medicaid-funded component of the PASSPORT program, 87611
unless it is terminated pursuant to division (C) of section 173.52 87612
of the Revised Code; 87613

~~(2) The choices program, unless it is terminated pursuant to 87614
division (B) of section 173.53 of the Revised Code; 87615~~

~~(3)~~ The medicaid-funded component of the assisted living 87616
program, unless it is terminated pursuant to division (C) of 87617
section 173.54 of the Revised Code; 87618

~~(4)~~(3) The Ohio home care waiver program, unless it is 87619
terminated pursuant to section 5166.12 of the Revised Code; 87620

~~(5) The Ohio transitions II aging carve out program, unless 87621
it is terminated pursuant to section 5166.13 of the Revised Code. 87622~~

(B) The medicaid director may create a home and 87623
community-based services medicaid waiver component as part of the 87624
integrated care delivery system. If the ICDS medicaid waiver 87625
component is created, both of the following apply: 87626

(1) The department of medicaid shall administer it; 87627

(2) When it begins to accept enrollments, no ICDS participant 87628
who is eligible for the ICDS medicaid waiver component shall be 87629
enrolled in an ODA or MCD medicaid waiver component regardless of 87630
whether the participant prefers to remain or be enrolled in an ODA 87631
or MCD medicaid waiver component. 87632

(C) A dual eligible individual who is eligible for an ODA or 87633
MCD medicaid waiver component may enroll in the component before 87634
the individual becomes an ICDS participant. The dual eligible 87635
individual shall disenroll from the ODA or MCD medicaid waiver 87636
component and enroll in the ICDS medicaid waiver component once 87637
the individual becomes an ICDS participant and it is possible to 87638
enroll the individual in the ICDS medicaid waiver component. The 87639
disenrollment from the ODA or MCD medicaid waiver component and 87640

enrollment into the ICDS medicaid waiver component shall occur 87641
regardless of whether the individual prefers to remain enrolled in 87642
the ODA or MCD medicaid waiver component. 87643

(D) An ICDS participant's disenrollment from an ODA or MCD 87644
medicaid waiver component and enrollment in the ICDS medicaid 87645
waiver component resulting from division (B)(2) or (C) of this 87646
section shall be accomplished without a disruption in the 87647
participant's services under the components. 87648

Sec. 5166.22. (A) Subject to division (B) of this section, 87649
when the department of developmental disabilities allocates 87650
enrollment numbers to a county board of developmental disabilities 87651
for home and community-based services specified in division (A)(1) 87652
of section 5166.20 of the Revised Code and provided under any of 87653
the medicaid waiver components that the department administers 87654
under section 5166.21 of the Revised Code, the department shall 87655
consider all of the following: 87656

(1) The number of individuals with developmental disabilities 87657
~~who are on a~~ placed on the county board's waiting list ~~the county~~ 87658
~~board establishes under~~ established for the services pursuant to 87659
section 5126.042 of the Revised Code ~~for those services and are~~ 87660
~~given priority on the waiting list;~~ 87661

(2) The implementation component required by division (A)(3) 87662
of section 5126.054 of the Revised Code of the county board's plan 87663
approved under section 5123.046 of the Revised Code; 87664

(3) Anything else the department considers necessary to 87665
enable the county boards board to provide ~~those~~ the services to 87666
individuals ~~in accordance with the priority requirements for~~ 87667
placed on the county board's waiting lists list established ~~under~~ 87668
for the services pursuant to section 5126.042 of the Revised Code 87669
~~for those services.~~ 87670

(B) Division (A) of this section applies to home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver only to the extent, if any, provided by the contract required by section 5166.21 of the Revised Code regarding the component.

Sec. 5166.30. (A) As used in sections 5166.30 to 5166.3010 of the Revised Code:

(1) "Adult" means an individual at least eighteen years of age.

(2) "Appropriate director" means the following:

(a) The medicaid director in the context of ~~all~~ both of the following:

(i) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;

~~(ii) The Ohio transitions II aging carve out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;~~

~~(iii)~~ The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.

(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.

(3) "Authorized representative" means the following:

(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;

(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5166.3010 of the Revised Code to act on the consumer's behalf for purposes

regarding home care attendant services. 87700

(4) "Authorizing health care professional" means a health 87701
care professional who, pursuant to section 5166.307 of the Revised 87702
Code, authorizes a home care attendant to assist a consumer with 87703
self-administration of medication, nursing tasks, or both. 87704

(5) "Consumer" means an individual to whom all of the 87705
following apply: 87706

(a) The individual is enrolled in a participating medicaid 87707
waiver component. 87708

(b) The individual has a medically determinable physical 87709
impairment to which both of the following apply: 87710

(i) It is expected to last for a continuous period of not 87711
less than twelve months. 87712

(ii) It causes the individual to require assistance with 87713
activities of daily living, self-care, and mobility, including 87714
either assistance with self-administration of medication or the 87715
performance of nursing tasks, or both. 87716

(c) In the case of an individual who is an adult, the 87717
individual is mentally alert and is, or has an authorized 87718
representative who is, capable of selecting, directing the actions 87719
of, and dismissing a home care attendant. 87720

(d) In the case of an individual who is a minor, the 87721
individual has an authorized representative who is capable of 87722
selecting, directing the actions of, and dismissing a home care 87723
attendant. 87724

(6) "Controlled substance" has the same meaning as in section 87725
3719.01 of the Revised Code. 87726

(7) "Custodian" has the same meaning as in section 2151.011 87727
of the Revised Code. 87728

(8) "Gastrostomy tube" means a percutaneously inserted 87729

catheter that terminates in the stomach.	87730
(9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.	87731 87732
(10) "Health care professional" means a physician or registered nurse.	87733 87734
(11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.	87735 87736 87737 87738
(12) "Home care attendant services" means all of the following as provided by a home care attendant:	87739 87740
(a) Personal care aide services;	87741
(b) Assistance with the self-administration of medication;	87742
(c) Assistance with nursing tasks.	87743
(13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.	87744 87745
(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.	87746 87747
(15) "Minor" means an individual under eighteen years of age.	87748
(16) "Participating medicaid waiver component" means all of the following:	87749 87750
(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;	87751 87752 87753
(b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;	87754 87755
(c) The Ohio transitions II aging carve out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;	87756 87757

~~(d)~~ The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 87758
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(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 87760
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(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. 87763
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"Registered nurse" includes an advanced practice registered nurse, 87766
as defined in section 4723.01 of the Revised Code. 87767

(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 87768
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(B) Participating medicaid waiver components may cover home care attendant services in accordance with sections 5166.30 to 5166.3010 of the Revised Code and rules adopted under section 5166.02 of the Revised Code. 87771
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Sec. 5166.37. The medicaid director shall establish a medicaid waiver component under which an individual included in the eligibility group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), must satisfy at least one of the following requirements to be able to enroll in medicaid as part of the eligibility group: 87775
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(A) Be at least fifty-five years of age; 87781

(B) Be employed; 87782

(C) Be enrolled in school or an occupational training program; 87783
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(D) Be participating in an alcohol and drug addiction treatment program; 87785
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<u>(E) Have intensive health care needs.</u>	87787
<u>Sec. 5166.38. As used in this section, "institution for mental diseases" has the same meaning as in 42 C.F.R. 435.1010.</u>	87788 87789
<u>The department of medicaid shall create and administer a medicaid waiver component under which services are provided to eligible individuals at least twenty-one years of age but less than sixty-five years of age who are in need of care at an institution for mental diseases.</u>	87790 87791 87792 87793 87794
Sec. 5166.40. (A) As used in sections 5166.40 to 5166.409 of the Revised Code:	87795 87796
(1) "Adult" means an individual who is at least eighteen years of age.	87797 87798
(2) "Buckeye account" means a modified health savings account established under section 5166.402 of the Revised Code.	87799 87800
(3) "Contribution" means the amounts that an individual contributes to the individual's buckeye account and are contributed to the account on the individual's behalf under divisions (C) and (D) of section 5166.402 of the Revised Code. "Contribution" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited under division (B) of section 5166.402 of the Revised Code or section 5166.404 of the Revised Code.	87801 87802 87803 87804 87805 87806 87807 87808
(4) "Core portion" means the portion of a healthy Ohio program participant's buckeye account that consists of the following:	87809 87810 87811
(a) The amount of contributions to the account;	87812
(b) The amounts awarded to the account under divisions (C) and (D) of section 5166.404 of the Revised Code.	87813 87814
(5) "Eligible employer-sponsored health plan" has the same	87815

meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 1986," 26 U.S.C. 5000A(f)(2). 87816
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(6) "Healthy Ohio program" means the medicaid waiver component established under sections 5166.40 to 5166.409 of the Revised Code under which medicaid recipients specified in division (B) of this section enroll in comprehensive health plans and contribute to buckeye accounts. 87818
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(7) "Healthy Ohio program debit swipe card" means a debit swipe card issued by a managed care organization to a healthy Ohio program participant under section 5166.403 of the Revised Code. 87823
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(8) "Not-for-profit organization" means an organization that is exempt from federal income taxation under section 501(a) and (c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) and (c)(3). 87826
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(9) "Ward of the state" means ~~both of the following:~~ an individual who is a ward, as defined in section 2111.01 of the Revised Code. 87830
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(10) "Workforce development activity" and "~~workforce development agency~~ local board" have the same meanings as in section 6301.01 of the Revised Code. 87833
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(B) The medicaid director shall establish a medicaid waiver component to be known as the healthy Ohio program. Each adult medicaid recipient, other than a ward of the state, determined to be eligible for medicaid on the basis of either of the following shall participate in the healthy Ohio program: 87836
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(1) On the basis of being included in the category identified by the department of medicaid as covered families and children; 87841
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(2) On the basis of being included in the eligibility group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 87843
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(C) Except as provided in section 5166.406 of the Revised Code, a healthy Ohio program participant shall not receive medicaid services under the fee-for-service component of medicaid or participate in the care management system.

Sec. 5166.408. Each county department of job and family services shall offer to refer to a ~~workforce development agency~~ local board each healthy Ohio program participant who resides in the county served by the county department and is either unemployed or employed for less than an average of twenty hours per week. The referral shall include information about the workforce development activities available from the ~~workforce development agency~~ local board. A participant may refuse to accept the referral and to participate in the workforce development activities without any affect on the participant's eligibility for, or participation in, the healthy Ohio program.

Sec. 5167.01. As used in this chapter:

(A) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(B) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

(C) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b)(2).

(D) ~~"Home and community based services medicaid waiver component"~~ "ICDS participant" has the same meaning as in section ~~5166.01~~ 5164.01 of the Revised Code.

(E) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

(F) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 87875
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(G) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code. 87877
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(H) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 87879
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(I) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person or entity has a provider agreement. 87881
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(J) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 87885
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Sec. 5167.03. As part of the medicaid program, the department of medicaid shall establish a care management system. The department shall implement the system in some or all counties. 87887
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~~The department shall designate the Only medicaid recipients who are eligibility groups that are required or permitted to participate in the care management system on the effective date of this amendment shall be required or permitted to participate in the care management system. Those who shall be required to participate in the system include medicaid recipients who receive cognitive behavioral therapy as described in division (A)(2) of section 5167.16 of the Revised Code. Except as provided in section 5166.406 of the Revised Code, no medicaid recipient participating in the healthy Ohio program established under section 5166.40 of the Revised Code shall participate in the ~~care management~~ system.~~ 87890
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Neither home and community-based services available under a medicaid waiver component nor nursing facility services shall be included in the care management system before January 1, 2021, except that ICDS participants may be required or permitted to 87901
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obtain such services under the care management system. Medicaid recipients who receive such services may be designated for voluntary or mandatory participation in the care management system in order to receive other health care services included in the system. 87905
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The department may require or permit participants in the care management system to obtain health care services from providers designated by the department. The department may require or permit participants to obtain health care services through medicaid managed care organizations. 87910
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Sec. 5167.04. ~~(A) Subject to division (B) of this section,~~ 87915
~~the~~ The department of medicaid shall include alcohol, drug 87916
addiction, and mental health services covered by medicaid in the 87917
care management system established under section 5167.03 of the 87918
Revised Code. 87919

~~(B) All of the following apply to the manner in which division (A) of this section is implemented:~~ 87920
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~~(1) The department shall begin to include the services in the system not later than January Code. The services shall not be included in the system before July 1, 2018.~~ 87922
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~~(2) Before January 1, 2018, any proposal by the department to include all or part of the services in all or part of the system is subject to review by the joint medicaid oversight committee under division (B) of section 103.42 of the Revised Code. The department may implement the proposal only if the committee approves the proposal.~~ 87925
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~~(3) On and after January 1, 2018, any proposal by the department to include all or part of the services in all or part of the system is subject to monitoring by the committee under division (A) or (C) of section 103.42 of the Revised Code, but~~ 87931
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~~approval by the committee is no longer required before the~~ 87935
~~proposal may be implemented.~~ 87936

Sec. 5167.12. (A) When contracting under section 5167.10 of 87937
the Revised Code with a managed care organization that is a health 87938
insuring corporation, the department of medicaid shall require the 87939
health insuring corporation to provide coverage of prescribed 87940
drugs for medicaid recipients enrolled in the health insuring 87941
corporation. In providing the required coverage, the health 87942
insuring corporation may use strategies for the management of drug 87943
utilization, but any such strategies are subject to divisions (B) 87944
and (E) of this section and the department's approval. 87945

(B) The department shall not permit a health insuring 87946
corporation to impose a prior authorization requirement in the 87947
case of a drug to which all of the following apply: 87948

(1) The drug is an antidepressant or antipsychotic. 87949

(2) The drug is administered or dispensed in a standard 87950
tablet or capsule form, except that in the case of an 87951
antipsychotic, the drug also may be administered or dispensed in a 87952
long-acting injectable form. 87953

(3) The drug is prescribed by ~~either~~ any of the following: 87954

(a) A physician ~~whom~~ who is allowed by the health insuring 87955
corporation, ~~pursuant to division (C) of section 5167.10 of the~~ 87956
~~Revised Code, has credentialed~~ to provide care as a psychiatrist 87957
through its credentialing process, as described in division (C) of 87958
section 5167.10 of the Revised Code; 87959

(b) A psychiatrist who is practicing at a location on behalf 87960
of a community mental health services provider whose mental health 87961
services are certified by the department of mental health and 87962
addiction services under section 5119.36 of the Revised Code; 87963

(c) A certified nurse practitioner, as defined in section 87964

4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code; 87965
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(d) A clinical nurse specialist, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code. 87968
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(4) The drug is prescribed for a use that is indicated on the drug's labeling, as approved by the federal food and drug administration. 87972
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(C) Subject to division (E) of this section, the department shall authorize a health insuring corporation to develop and implement a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription. 87975
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(D) The department shall require a health insuring corporation to comply with section 5164.7511 of the Revised Code with respect to medication synchronization. 87981
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(E) The department shall require a health insuring corporation to comply with section 5164.091 of the Revised Code as if the health insuring corporation were the department. 87984
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Sec. 5167.173. (A) As used in this section: 87987

(1) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code. 87988
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(2) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code. 87991
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~~(2)~~(3) "Community health worker services" means the services described in section 4723.81 of the Revised Code. 87993
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~~(3)~~(4) "Public health nurse" means a registered nurse 87995
employed or contracted by a board of health. 87996

(5) "Qualified community hub" means a central clearinghouse 87997
for a network of community care coordination agencies ~~and~~ that 87998
meets all of the following criteria: 87999

(a) Demonstrates to the director of health that it uses an 88000
evidenced-based, pay-for-performance community care coordination 88001
model (endorsed by the federal agency for healthcare research and 88002
quality, the national institutes of health, and the centers for 88003
medicare and medicaid services or their successors) or uses 88004
certified community health workers or public health nurses to 88005
connect at-risk individuals to health, housing, transportation, 88006
employment, education, and other social services; 88007

(b) ~~Demonstrates~~ Is a board of health or demonstrates to the 88008
director of health that it has achieved, or is engaged in 88009
achieving, certification from a national hub certification 88010
program; 88011

(c) Has a plan, approved by the medicaid director, specifying 88012
how the board of health or community hub ensures that children 88013
served by it receive appropriate developmental screenings as 88014
specified in the publication titled "Bright Futures: Guidelines 88015
for Health Supervision of Infants, Children, and Adolescents," 88016
available from the American academy of pediatrics, as well as 88017
appropriate early and periodic screening, diagnostic, and 88018
treatment services. 88019

(B) When contracting with a medicaid managed care 88020
organization that is a health insuring corporation, the department 88021
of medicaid shall require the organization to provide to a 88022
medicaid recipient who meets the criteria in division (C) of this 88023
section, or arrange for the medicaid recipient to receive, both of 88024
the following services provided by a certified community health 88025

worker or public health nurse, as applicable, who is employed by, 88026
or works under a contract with, a qualified community hub: 88027

(1) Community health worker services or services provided by 88028
a public health nurse; 88029

(2) Other services that are not community health worker 88030
services or services provided by a public health nurse but are 88031
performed for the purpose of ensuring that the medicaid recipient 88032
is linked to employment services, housing, educational services, 88033
social services, or medically necessary physical and behavioral 88034
health services. 88035

(C) A medicaid recipient qualifies to receive the services 88036
specified in division (B) of this section if the medicaid 88037
recipient is pregnant or capable of becoming pregnant, resides in 88038
a community served by a qualified community hub, has been 88039
recommended to receive the services by a physician, public health 88040
nurse, or another licensed health professional specified in rules 88041
adopted under division (D) of this section, and is enrolled in the 88042
medicaid managed care organization providing or arranging for the 88043
services. 88044

(D) The medicaid director shall adopt rules under section 88045
5167.02 of the Revised Code specifying the licensed health 88046
professionals, in addition to physicians and public health nurses, 88047
who may recommend that a medicaid recipient receive the services 88048
specified in division (B) of this section. 88049

Sec. 5167.18. Each contract the department of medicaid enters 88050
into with a managed care organization under section 5167.10 of the 88051
Revised Code shall require the managed care organization to comply 88052
with federal and state efforts to identify fraud, waste, and abuse 88053
in the medicaid program. 88054

Sec. 5167.30. (A)(1) The department of medicaid shall 88055

establish a managed care performance payment program. Under the 88056
program, the department may provide payments to medicaid managed 88057
care organizations that meet performance standards established by 88058
the department. 88059

(2) In establishing performance standards, the department may 88060
consult any of the following: 88061

(a) Any quality measurements developed under the pediatric 88062
quality measures program established pursuant to the "Social 88063
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 88064

(b) Any core set of adult health quality measures for 88065
medicaid eligible adults used for purposes of the "Social Security 88066
Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health 88067
quality used for purposes of the medicaid quality measurement 88068
program when the program is established under that section of the 88069
"Social Security Act"; 88070

(c) The most recent healthcare effectiveness data and 88071
information set and quality measurement tool established by the 88072
national committee for quality assurance. 88073

(3) The standards that must be met to receive the payments 88074
may be specified in the contract the department enters into with a 88075
medicaid managed care organization. 88076

(4) If a medicaid managed care organization meets the 88077
performance standards established by the department, the 88078
department shall make one or more performance payments to the 88079
organization. The amount of each performance payment, the number 88080
of payments, and the schedule for making the payments shall be 88081
established by the department. The payments shall be discontinued 88082
if the department determines that the organization no longer meets 88083
the performance standards. The department shall not make or 88084
discontinue payments based on any performance standard that has 88085

been in effect as part of the organization's contract for less than six months.

(B) For purposes of the program, the department shall establish an amount that is to be withheld each time a premium payment is made to a medicaid managed care organization. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all medicaid managed care organizations. The sum of all withholdings under this division shall not exceed ~~two~~ five per cent of the total of all premium payments made to all medicaid managed care organizations.

Each medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its provider agreement with the department.

When the amount is established and each time the amount is modified thereafter, the department shall certify the amount to the director of budget and management and begin withholding the amount from each premium the department pays to a medicaid managed care organization.

Sec. 5167.34. A medicaid managed care organization, its officers, employees, or other persons associated with the managed care organization are not liable in a civil action for damages or other relief for furnishing information to the department of medicaid regarding potential fraud, waste, or abuse in the medicaid program.

Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the Revised Code:

(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) "Cost reporting period" means the twelve-month period 88116
used by a hospital in reporting costs for purposes of Title XVIII 88117
of the "Social Security Act," 42 U.S.C. 1395 et seq. 88118

(C) "Disproportionate share hospital" means a hospital that 88119
meets the definition of a disproportionate share hospital in rules 88120
adopted under section 5168.02 of the Revised Code. 88121

(D) "Federal poverty line" means the official poverty line 88122
defined by the United States office of management and budget based 88123
on the most recent data available from the United States bureau of 88124
the census and revised by the United States secretary of health 88125
and human services pursuant to the "Omnibus Budget Reconciliation 88126
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 88127

(E) "Governmental hospital" means a county hospital with more 88128
than five hundred registered beds or a state-owned and -operated 88129
hospital with more than five hundred registered beds. 88130

(F)(1) "Hospital" means a nonfederal hospital to which either 88131
of the following applies: 88132

(a) The hospital is registered under section 3701.07 of the 88133
Revised Code as a general medical and surgical hospital or a 88134
pediatric general hospital, and provides inpatient hospital 88135
services, as defined in 42 C.F.R. 440.10; 88136

(b) The hospital is recognized under the medicare program as 88137
a cancer hospital and is exempt from the medicare prospective 88138
payment system. 88139

(2) "Hospital" does not include a hospital operated by a 88140
health insuring corporation that has been issued a certificate of 88141
authority under section 1751.05 of the Revised Code or a hospital 88142
that does not charge patients for services. 88143

(G) "Indigent care pool" means the sum of the following: 88144

(1) The total of assessments to be paid in a program year by 88145

all hospitals under section 5168.06 of the Revised Code, less the 88146
assessments deposited into the health ~~care services administration~~ 88147
care/medicaid support and recoveries fund created under section 88148
~~5162.54~~ 5162.52 of the Revised Code; 88149

(2) The total amount of intergovernmental transfers required 88150
to be made in the same program year by governmental hospitals 88151
under section 5168.07 of the Revised Code, less the amount of 88152
transfers deposited into the health ~~care services administration~~ 88153
care/medicaid support and recoveries fund created under section 88154
~~5162.54~~ 5162.52 of the Revised Code; 88155

(3) The total amount of federal matching funds that will be 88156
made available in the same program year as a result of funds 88157
distributed by the department of medicaid to hospitals under 88158
section 5168.09 of the Revised Code. 88159

(H) "Intergovernmental transfer" means any transfer of money 88160
by a governmental hospital under section 5168.07 of the Revised 88161
Code. 88162

(I) "Medicaid services" has the same meaning as in section 88163
5164.01 of the Revised Code. 88164

(J) "Program year" means a period beginning the first day of 88165
October, or a later date designated in rules adopted under section 88166
5168.02 of the Revised Code, and ending the thirtieth day of 88167
September, or an earlier date designated in rules adopted under 88168
that section. 88169

(K) "Registered beds" means the total number of hospital beds 88170
registered with the department of health, as reported in the most 88171
recent "directory of registered hospitals" published by the 88172
department of health. 88173

(L) "Third-party payer" means any person or government entity 88174
that may be liable by law or contract to make payment to or on 88175
behalf of an individual for health care services. "Third-party 88176

payer" does not include a hospital. 88177

(M) "Total facility costs" means the total costs for all 88178
services rendered to all patients, including the direct, indirect, 88179
and overhead cost to the hospital of all services, supplies, 88180
equipment, and capital related to the care of patients, regardless 88181
of whether patients are enrolled in a health insuring corporation, 88182
excluding costs associated with providing skilled nursing services 88183
in distinct-part nursing facility units, as shown on the 88184
hospital's cost report filed under section 5168.05 of the Revised 88185
Code. Effective October 1, 1993, if rules adopted under section 88186
5168.02 of the Revised Code so provide, "total facility costs" may 88187
exclude costs associated with providing care to recipients of any 88188
of the governmental programs listed in division (B) of that 88189
section. 88190

(N) "Uncompensated care" means bad debt and charity care. 88191

Sec. 5168.02. (A) The medicaid director shall adopt rules in 88192
accordance with Chapter 119. of the Revised Code for the purpose 88193
of administering sections 5168.01 to 5168.14 of the Revised Code, 88194
including rules that do all of the following: 88195

(1) Define as a "disproportionate share hospital" any 88196
hospital included under the "Social Security Act," section 88197
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director 88198
determines appropriate; 88199

(2) Prescribe the form for submission of cost reports under 88200
section 5168.05 of the Revised Code; 88201

(3) Establish, in accordance with division (A) of section 88202
5168.06 of the Revised Code, the assessment rate or rates to be 88203
applied to hospitals under that section; 88204

(4) Establish schedules for hospitals to pay installments on 88205
their assessments under section 5168.06 of the Revised Code and 88206

for governmental hospitals to pay installments on their 88207
intergovernmental transfers under section 5168.07 of the Revised 88208
Code; 88209

(5) Establish procedures to notify hospitals of adjustments 88210
made under division (B)(2)(b) of section 5168.06 of the Revised 88211
Code in the amount of installments on their assessment; 88212

(6) Establish procedures to notify hospitals of adjustments 88213
made under division (D) of section 5168.08 of the Revised Code in 88214
the total amount of their assessment and to adjust for the 88215
remainder of the program year the amount of the installments on 88216
the assessments; 88217

(7) Establish, in accordance with section 5168.09 of the 88218
Revised Code, the methodology for paying hospitals under that 88219
section. 88220

The director shall consult with hospitals when adopting the 88221
rules required by divisions (A)(4) and (5) of this section in 88222
order to minimize hospitals' cash flow difficulties. 88223

(B) Rules adopted under this section may provide that "total 88224
facility costs" excludes costs associated with any of the 88225
following: 88226

(1) Medicaid recipients; 88227

~~(2) Recipients of disability financial assistance provided 88228
under Chapter 5115. of the Revised Code; 88229~~

~~(3) Recipients of the program for medically handicapped 88230
children established under section 3701.023 of the Revised Code; 88231~~

~~(4)(3) Medicare beneficiaries; 88232~~

~~(5)(4) Recipients of Title V of the "Social Security Act," 42 88233
U.S.C. 701 et seq.; 88234~~

~~(6)(5) Any other category of costs deemed appropriate by the 88235
director in accordance with Title XIX of the "Social Security 88236~~

Act," 42 U.S.C. 1396 et seq., and the rules adopted under that 88237
title. 88238

Sec. 5168.06. (A) For the purpose of distributing funds to 88239
hospitals under the medicaid program pursuant to sections 5168.01 88240
to 5168.14 of the Revised Code and depositing funds into the 88241
health ~~care services administration~~ care/medicaid support and 88242
recoveries fund created under section ~~5162.54~~ 5162.52 of the 88243
Revised Code, there is hereby imposed an assessment on all 88244
hospitals. Each hospital's assessment shall be based on total 88245
facility costs. All hospitals shall be assessed according to the 88246
rate or rates established each program year in rules adopted under 88247
section 5168.02 of the Revised Code. The department shall assess 88248
all hospitals uniformly and in a manner consistent with federal 88249
statutes and regulations. During any program year, the department 88250
shall not assess any hospital more than two per cent of the 88251
hospital's total facility costs. 88252

The department shall establish an assessment rate or rates 88253
each program year that will do both of the following: 88254

(1) Yield funds that, when combined with intergovernmental 88255
transfers and federal matching funds, will produce a program of 88256
sufficient size to pay a substantial portion of the indigent care 88257
provided by hospitals; 88258

(2) Yield funds that, when combined with intergovernmental 88259
transfers and federal matching funds, will produce amounts for 88260
distribution to disproportionate share hospitals that do not 88261
exceed, in the aggregate, the limits prescribed by the United 88262
States health care financing administration under the "Social 88263
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 88264

(B)(1) Except as provided in division (B)(3) of this section, 88265
each hospital shall pay its assessment in periodic installments in 88266
accordance with a schedule established in rules adopted under 88267

section 5168.02 of the Revised Code. 88268

(2) The installments shall be equal in amount, unless either 88269
of the following applies: 88270

(a) The department makes adjustments during a program year 88271
under division (D) of section 5168.08 of the Revised Code in the 88272
total amount of hospitals' assessments; 88273

(b) The medicaid director determines that adjustments in the 88274
amounts of installments are necessary for the administration of 88275
sections 5168.01 to 5168.14 of the Revised Code and that unequal 88276
installments will not create cash flow difficulties for hospitals. 88277

(3) The director may adopt rules under section 5168.02 of the 88278
Revised Code establishing alternate schedules for hospitals to pay 88279
assessments under this section in order to reduce hospitals' cash 88280
flow difficulties. 88281

Sec. 5168.07. (A) The department of medicaid may require 88282
governmental hospitals to make intergovernmental transfers each 88283
program year for the purpose of distributing funds to hospitals 88284
under the medicaid program pursuant to sections 5168.01 to 5168.14 88285
of the Revised Code and depositing funds into the health care 88286
~~services administration~~ care/medicaid support and recoveries fund 88287
created under section ~~5162.54~~ 5162.52 of the Revised Code. The 88288
department shall not require transfers in an amount that, when 88289
combined with hospital assessments paid under section 5168.06 of 88290
the Revised Code and federal matching funds, produce amounts for 88291
distribution to disproportionate share hospitals that, in the 88292
aggregate, exceed limits prescribed by the United States health 88293
care financing administration under the "Social Security Act," 88294
section 1923(f), 42 U.S.C. 1396r-4(f). 88295

(B) Before or during each program year, the department shall 88296
notify each governmental hospital of the amount of the 88297

intergovernmental transfer it is required to make during the 88298
program year. Each governmental hospital shall make 88299
intergovernmental transfers as required by the department under 88300
this section in periodic installments, executed by electronic fund 88301
transfer, in accordance with a schedule established in rules 88302
adopted under section 5168.02 of the Revised Code. 88303

Sec. 5168.09. The medicaid director shall adopt rules under 88304
section 5168.02 of the Revised Code establishing a methodology to 88305
pay hospitals that is sufficient to expend all money in the 88306
indigent care pool. Under the rules: 88307

(A) The department of medicaid may classify similar hospitals 88308
into groups and allocate funds for distribution within each group. 88309

(B) The department shall establish a method of allocating 88310
funds to hospitals, taking into consideration the relative amount 88311
of indigent care provided by each hospital or group of hospitals. 88312
The amount to be allocated shall be based on any combination of 88313
the following indicators of indigent care that the director 88314
considers appropriate: 88315

(1) Total costs, volume, or proportion of services to 88316
recipients of the medical assistance program, including recipients 88317
enrolled in health insuring corporations; 88318

(2) Total costs, volume, or proportion of services to 88319
low-income patients in addition to medicaid recipients, which may 88320
include recipients of Title V of the "Social Security Act," 42 88321
U.S.C. 701 et seq., ~~and recipients of disability financial~~ 88322
~~assistance provided under Chapter 5115. of the Revised Code;~~ 88323

(3) The amount of uncompensated care provided by the hospital 88324
or group of hospitals; 88325

(4) Other factors that the director considers to be 88326
appropriate indicators of indigent care. 88327

(C) The department shall distribute funds to each hospital or group of hospitals in a manner that first may provide for an additional distribution to individual hospitals that provide a high proportion of indigent care in relation to the total care provided by the hospital or in relation to other hospitals. The department shall establish a formula to distribute the remainder of the funds. The formula shall be consistent with the "Social Security Act," section 1923, 42 U.S.C. 1396r-4, and shall be based on any combination of the indicators of indigent care listed in division (B) of this section that the director considers appropriate.

(D) The department shall distribute funds to each hospital in installments not later than ten working days after the deadline established in rules for each hospital to pay an installment on its assessment under section 5168.06 of the Revised Code. In the case of a governmental hospital that makes intergovernmental transfers, the department shall pay an installment under this section not later than ten working days after the earlier of that deadline or the deadline established in rules for the governmental hospital to pay an installment on its intergovernmental transfer. If the amount in the hospital care assurance program fund created under section 5168.11 of the Revised Code and the portion of the health care - federal fund created under section 5162.50 of the Revised Code that is credited to that fund pursuant to division (B) of section 5168.11 of the Revised Code are insufficient to make the total distributions for which hospitals are eligible to receive in any period, the department shall reduce the amount of each distribution by the percentage by which the amount and portion are insufficient. The department shall distribute to hospitals any amounts not distributed in the period in which they are due as soon as moneys are available in the funds.

Sec. 5168.10. Except for moneys deposited into the health

~~care services administration~~ care/medicaid support and recoveries 88360
fund created under section ~~5162.54~~ 5162.52 of the Revised Code, 88361
the department of medicaid shall not use money paid to the 88362
department under sections 5168.06 and 5168.07 of the Revised Code 88363
or money that the department pays to hospitals under section 88364
5168.09 of the Revised Code to replace any funds appropriated by 88365
the general assembly for the medicaid program. 88366

Sec. 5168.11. (A) Except as provided in section ~~5162.54~~ 88367
5162.52 of the Revised Code, all payments of assessments by 88368
hospitals under section 5168.06 of the Revised Code and all 88369
intergovernmental transfers under section 5168.07 of the Revised 88370
Code shall be deposited in the state treasury to the credit of the 88371
hospital care assurance program fund, hereby created. All 88372
investment earnings of the hospital care assurance program fund 88373
shall be credited to the fund. The department of medicaid shall 88374
maintain records that show the amount of money in the hospital 88375
care assurance program fund at any time that has been paid by each 88376
hospital and the amount of any investment earnings on that amount. 88377
All moneys credited to the hospital care assurance program fund 88378
shall be used solely to make payments to hospitals under division 88379
(D) of this section and section 5168.09 of the Revised Code. 88380

(B) All federal matching funds received as a result of the 88381
department distributing funds from the hospital care assurance 88382
program fund to hospitals under section 5168.09 of the Revised 88383
Code shall be credited to the health care - federal fund created 88384
under section 5162.50 of the Revised Code. 88385

(C) All distributions of funds to hospitals under section 88386
5168.09 of the Revised Code are conditional on: 88387

(1) Expiration of the time for appeals under section 5168.08 88388
of the Revised Code without the filing of an appeal, or on court 88389
determinations, in the event of appeals, that the hospital is 88390

entitled to the funds; 88391

(2) The sum of the following being sufficient to distribute 88392
the funds after the final determination of any appeals: 88393

(a) The available money in the hospital care assurance 88394
program fund; 88395

(b) The available portion of the money in the health care - 88396
federal fund that is credited to that fund pursuant to division 88397
(B) of this section. 88398

(3) The hospital's compliance with section 5168.14 of the 88399
Revised Code. 88400

(D) If an audit conducted by the department of the amounts of 88401
payments made and funds received by hospitals under sections 88402
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 88403
amounts that, due to errors by the department, a hospital should 88404
not have been required to pay but did pay, should have been 88405
required to pay but did not pay, should not have received but did 88406
receive, or should have received but did not receive, the 88407
department shall: 88408

(1) Make payments to any hospital that the audit reveals paid 88409
amounts it should not have been required to pay or did not receive 88410
amounts it should have received; 88411

(2) Take action to recover from a hospital any amounts that 88412
the audit reveals it should have been required to pay but did not 88413
pay or that it should not have received but did receive. 88414

Payments made under division (D)(1) of this section shall be 88415
made from the hospital care assurance program fund. Amounts 88416
recovered under division (D)(2) of this section shall be deposited 88417
to the credit of that fund. Any hospital may appeal the amount the 88418
hospital is to be paid under division (D)(1) or the amount that is 88419
to be recovered from the hospital under division (D)(2) of this 88420

section to the court of common pleas of Franklin county. 88421

Sec. 5168.14. (A) Each hospital that receives funds 88422
distributed under sections 5168.01 to 5168.14 of the Revised Code 88423
shall provide, without charge to the individual, basic, medically 88424
necessary hospital-level services to individuals who are residents 88425
of this state, are not medicaid recipients, and whose income is at 88426
or below the federal poverty line. ~~Recipients of disability~~ 88427
~~financial assistance provided under Chapter 5115. of the Revised~~ 88428
~~Code qualify for services under this section.~~ The medicaid 88429
director shall adopt rules under section 5168.02 of the Revised 88430
Code specifying the hospital services to be provided under this 88431
section. 88432

(B) Nothing in this section shall be construed to prevent a 88433
hospital from requiring an individual to apply for the medicaid 88434
program before the hospital processes an application under this 88435
section. Hospitals may bill any third-party payer for services 88436
rendered under this section. Hospitals may bill the medicaid 88437
program, in accordance with state statutes governing the medicaid 88438
program and rules adopted under those statutes, for medicaid 88439
services rendered under this section if the individual becomes a 88440
medicaid recipient. Hospitals may bill individuals for services 88441
under this section if all of the following apply: 88442

(1) The hospital has an established post-billing procedure 88443
for determining the individual's income and canceling the charges 88444
if the individual is found to qualify for services under this 88445
section. 88446

(2) The initial bill, and at least the first follow-up bill, 88447
is accompanied by a written statement that does all of the 88448
following: 88449

(a) Explains that individuals with income at or below the 88450
federal poverty line are eligible for services without charge; 88451

(b) Specifies the federal poverty line for individuals and families of various sizes at the time the bill is sent; 88452
88453

(c) Describes the procedure required by division (C)(1) of this section. 88454
88455

(3) The hospital complies with any additional rules adopted under section 5168.02 of the Revised Code. 88456
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Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered. 88458
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(C) Each hospital shall collect and report to the department of medicaid, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section. 88463
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(D) This section applies beginning May 22, 1992, regardless of whether rules specifying the services to be provided have been adopted. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for medically handicapped children established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law. 88467
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Sec. 5168.26. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5168.20 to 5168.28 of the Revised Code, including rules that specify the percentage of hospitals' total facility costs to be used in calculating hospitals' assessments under section 5168.21 of the Revised Code. 88476
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(B) The rules adopted under this section may do the following: 88482
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(1) Provide that a hospital's total facility costs for the purpose of the assessment under section 5168.21 of the Revised Code exclude any of the following: 88484
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(a) A hospital's costs associated with providing care to recipients of any of the following: 88487
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(i) The medicaid program; 88489

(ii) The medicare program; 88490

~~(iii) The disability financial assistance program established under Chapter 5115. of the Revised Code;~~ 88491
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~~(iv)~~ The program for medically handicapped children established under section 3701.023 of the Revised Code; 88493
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~~(v)~~(iv) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq. 88495
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(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program. 88498
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(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals. 88501
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(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly. 88504
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Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the 88511
Revised Code: 88512

(A) "Basic health care services" means all of the services 88513
listed in division (A)(1) of section 1751.01 of the Revised Code. 88514

(B) "Franchise fee" means the fee imposed on health insuring 88515
corporations under section 5168.76 of the Revised Code. 88516

(C) "Health insuring corporation" means a health insuring 88517
corporation, as defined in section 1751.01 of the Revised Code, 88518
that pays for, reimburses, provides, delivers, arranges for, or 88519
otherwise makes available basic health care services pursuant to a 88520
policy, contract, certificate, or agreement. "Health insuring 88521
corporation" does not mean a health insuring corporation that pays 88522
for, reimburses, provides, delivers, arranges for, or otherwise 88523
makes available only supplemental health care services, or only 88524
specialty health care services, pursuant to a policy, contract, 88525
certificate, or agreement. 88526

(D) "Indirect guarantee percentage" means the percentage 88527
specified in section 1903(w)(4)(C)(ii) of the "Social Security 88528
Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in 88529
determining whether a health care class is indirectly held 88530
harmless for any portion of the costs of a broad-based 88531
health-care-related tax. If the indirect guarantee percentage 88532
changes during a fiscal year, the indirect guarantee percentage is 88533
the following: 88534

(1) For the part of the fiscal year before the change takes 88535
effect, the percentage in effect before the change; 88536

(2) For the part of the fiscal year beginning with the date 88537
the indirect guarantee percentage changes, the new percentage. 88538

(E) "Medicaid managed care organization" has the same meaning 88539
as in section 5167.01 of the Revised Code. 88540

(F) "Medicaid provider" has the same meaning as in section 88541
5164.01 of the Revised Code. 88542

(G) "Ohio medicaid member month" means a month in which a 88543
medicaid recipient residing in this state is enrolled in a health 88544
insuring corporation, except any such month in which either of the 88545
following applies: 88546

(1) The recipient is enrolled in an approved health benefits 88547
plan pursuant to 5 U.S.C. Pt. III, Subpart G, Chapter 89, and 88548
including the month of such enrollment for the purpose of 88549
calculating a health insuring corporation's franchise fee would 88550
violate 5 U.S.C. 8909(f). 88551

(2) The recipient is enrolled in a medicare advantage plan 88552
pursuant to Part C of Title XVIII of the "Social Security Act," 42 88553
U.S.C. 1395w-21 et seq. 88554

(H) "Other Ohio member month" means a month in which a 88555
resident of this state who is not a medicaid recipient is enrolled 88556
in a health insuring corporation, except any such month in which 88557
either of the following applies: 88558

(1) The resident is enrolled in an approved health benefits 88559
plan pursuant to 5 U.S.C. Pt. III, Subpart G, Chapter 89, and 88560
including the month of such enrollment for the purpose of 88561
calculating a health insuring corporation's franchise fee would 88562
violate 5 U.S.C. 8909(f). 88563

(2) The resident is enrolled in a medicare advantage plan 88564
pursuant to Part C of Title XVIII of the "Social Security Act," 42 88565
U.S.C. 1395w-21 et seq. 88566

Sec. 5168.76. (A) For the purposes specified in section 88567
5168.85 of the Revised Code and subject to sections 5168.82, 88568
5168.83, and 5168.84 of the Revised Code, a franchise fee is 88569
hereby imposed each month beginning with July 2017 on each health 88570

insuring corporation. 88571

(B) The amount of a health insuring corporation's franchise fee for a month shall be determined as follows: 88572
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(1) Multiply the number of Ohio medicaid member months that the health insuring corporation had for the month by the applicable rate or rates as determined in accordance with division (C) of this section; 88574
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(2) Multiply the number of other Ohio member months that the health insuring corporation had for the month by the applicable rate or rates as determined in accordance with division (D) of this section; 88578
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(3) Determine the sum of the products determined under divisions (B)(1) and (2) of this section. 88582
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(C) The applicable rate or rates to be used in the calculation under division (B)(1) of this section for a health insuring corporation for a month shall depend on the cumulative total number of Ohio medicaid member months the health insuring corporation had for all of a fiscal year's months that ended before the beginning of the month in which the franchise fee is due. 88584
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The following table shows the applicable rate or rates: 88591

<u>CUMULATIVE TOTAL NUMBER OF OHIO MEDICAID MEMBER MONTHS</u>	<u>APPLICABLE RATE</u>	
<u>For the first 250,000</u>	<u>\$56</u>	88593
<u>For 250,001 to 500,000</u>	<u>\$45</u>	88594
<u>For 500,001 and above</u>	<u>\$26</u>	88595

(D) The applicable rate or rates to be used in the calculation under division (B)(2) of this section for a health insuring corporation for a month shall depend on the cumulative total number of other Ohio member months the health insuring 88596
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corporation had for all of a fiscal year's months that ended 88600
before the beginning of the month in which the franchise fee is 88601
due. 88602

The following table shows the applicable rate or rates: 88603

<u>CUMULATIVE TOTAL NUMBER OF OTHER OHIO</u>	<u>APPLICABLE RATE</u>	88604
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<u>MEMBER MONTHS</u>		
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<u>For the first 150,000</u>	<u>\$2</u>	88605
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<u>For 150,001 and above</u>	<u>\$1</u>	88606
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Sec. 5168.77. Beginning in August 2017, each health insuring 88608
corporation shall do both of the following not later than the 88609
fifth business day of each month: 88610

(A) Inform the department of medicaid of both of the 88611
following in a manner the department prescribes: 88612

(1) The cumulative total number of Ohio medicaid member 88613
months the health insuring corporation had for all of a fiscal 88614
year's months that ended before the beginning of the month in 88615
which the information is being provided; 88616

(2) The cumulative total number of other Ohio member months 88617
the health insuring corporation had for all of a fiscal year's 88618
months that ended before the beginning of the month in which the 88619
information is being provided. 88620

(B) Pay to the department the amount of its franchise fee for 88621
the immediately preceding month. 88622

Sec. 5168.78. The department of medicaid may request that a 88623
health insuring corporation provide the department documentation 88624
the department needs to verify the health insuring corporation's 88625
cumulative total number of Ohio medicaid member months and other 88626
Ohio member months. On receipt of the request, the health insuring 88627
corporation shall provide the department the requested 88628
documentation. The department also may review relevant 88629

documentation possessed by other entities for the purpose of 88630
making such verifications. 88631

Sec. 5168.79. If the department of medicaid determines that 88632
the amount of the franchise fee that a health insuring corporation 88633
pays for a month is less than the amount it should have paid, the 88634
department shall notify the health insuring corporation. Except as 88635
otherwise provided by the results of a reconsideration conducted 88636
under section 5168.80 of the Revised Code, the health insuring 88637
corporation shall pay the amount due. 88638

Sec. 5168.80. A health insuring corporation may request a 88639
reconsideration of a determination made by the department of 88640
medicaid under section 5168.79 of the Revised Code. A 88641
reconsideration may be requested solely on the grounds that the 88642
department made a material error in making the determination. A 88643
request for a reconsideration must be received by the department 88644
not later than fifteen days after the date the department notifies 88645
the health insuring corporation of the department's determination 88646
and must include written materials setting forth the basis for the 88647
reconsideration. If a health insuring corporation requests a 88648
reconsideration within the time required, the department shall 88649
reconsider the determination and issue a final decision not later 88650
than thirty days after the date the department receives the 88651
request. 88652

Sec. 5168.81. If a health insuring corporation fails to pay 88653
the full amount of a franchise fee when due, the department of 88654
medicaid may assess a ten per cent penalty on the amount due for 88655
each month or fraction thereof that the franchise fee is overdue. 88656

Sec. 5168.82. The franchise fee shall not be imposed on any 88657
health insuring corporation unless there is in effect a waiver 88658

authorizing the franchise fee issued by the United States 88659
secretary of health and human services pursuant to section 88660
1903(w)(3)(E) of the "Social Security Act," 42 U.S.C. 88661
1396b(w)(3)(E). 88662

Sec. 5168.83. If the total amount of franchise fees imposed 88663
on all health insuring corporations under section 5168.76 of the 88664
Revised Code during a fiscal year exceeds the indirect guarantee 88665
percentage of the net patient revenue for all health insuring 88666
corporations for that fiscal year and seventy-five per cent or 88667
more of all health insuring corporations receive enhanced medicaid 88668
payments or other state payments equal to seventy-five per cent or 88669
more of their total franchise fees, the department of medicaid 88670
shall refund the excess amount of the franchise fees to the health 88671
insuring corporations. 88672

Sec. 5168.84. If the United States centers for medicare and 88673
medicaid services determines that the franchise fee is an 88674
impermissible health care-related tax under the section 1903(w) of 88675
the "Social Security Act," 42 U.S.C. 1396b(w), the department of 88676
medicaid shall do either of the following as appropriate: 88677

(A) Modify the imposition of the franchise fee, including (if 88678
necessary) the amount of the franchise fee, in a manner needed for 88679
the United States centers to reverse its determination; 88680

(B) Take all necessary actions to cease the imposition of the 88681
franchise fee until the determination is reversed. 88682

Sec. 5168.85. (A) There is hereby created in the state 88683
treasury the health insuring corporation franchise fee fund. All 88684
payments and penalties paid by health insuring corporations under 88685
sections 5168.77, 5168.79, and 5168.81 of the Revised Code shall 88686
be deposited into the fund. Money in the fund shall be used to 88687

make medicaid payments to medicaid providers and medicaid managed 88688
care organizations. 88689

(B) Any money remaining in the health insuring corporation 88690
franchise fee fund after payments specified in division (A) of 88691
this section are made shall be retained in the fund. Any interest 88692
or other investment proceeds earned on money in the fund shall be 88693
credited to the fund and used to make medicaid payments in 88694
accordance with division (A) of this section. 88695

Sec. 5168.86. The medicaid director may adopt rules in 88696
accordance with Chapter 119. as necessary to implement sections 88697
5168.75 to 5168.86 of the Revised Code. 88698

Sec. 5168.99. (A) The medicaid director shall impose a 88699
penalty for each day that a hospital fails to report the 88700
information required under section 5168.05 of the Revised Code on 88701
or before the dates specified in that section. The amount of the 88702
penalty shall be established by the director in rules adopted 88703
under section 5168.02 of the Revised Code. 88704

(B) In addition to any other remedy available to the 88705
department of medicaid under law to collect unpaid assessments and 88706
transfers under sections 5168.01 to 5168.14 of the Revised Code, 88707
the director shall impose a penalty of ten per cent of the amount 88708
due on any hospital that fails to pay assessments or make 88709
intergovernmental transfers by the dates required by rules adopted 88710
under section 5168.02 of the Revised Code. 88711

(C) In addition to any other remedy available to the 88712
department of medicaid under law to collect unpaid assessments 88713
imposed under section 5168.21 of the Revised Code, the director 88714
shall impose a penalty of ten per cent of the amount due on any 88715
hospital that fails to pay the assessment by the date it is due. 88716

(D) The director shall waive the penalties provided for in 88717
this section for good cause shown by the hospital. 88718

(E) All penalties imposed under this section shall be 88719
deposited into the health ~~care administration~~ care/medicaid 88720
support and recoveries fund created by section ~~5162.54~~ 5162.52 of 88721
the Revised Code. 88722

Sec. 5502.01. (A) The department of public safety shall 88723
administer and enforce the laws relating to the registration, 88724
licensing, sale, and operation of motor vehicles and the laws 88725
pertaining to the licensing of drivers of motor vehicles. 88726

The department shall compile, analyze, and publish statistics 88727
relative to motor vehicle accidents and the causes of them, 88728
prepare and conduct educational programs for the purpose of 88729
promoting safety in the operation of motor vehicles on the 88730
highways, and conduct research and studies for the purpose of 88731
promoting safety on the highways of this state. 88732

(B) The department shall administer the laws and rules 88733
relative to trauma and emergency medical services specified in 88734
Chapter 4765. of the Revised Code and any laws and rules relative 88735
to medical transportation services specified in Chapter 4766. of 88736
the Revised Code. 88737

(C) The department shall administer and enforce the laws 88738
contained in Chapters 4301. and 4303. of the Revised Code and 88739
enforce the rules and orders of the liquor control commission 88740
pertaining to retail liquor permit holders. 88741

(D) The department shall administer the laws governing the 88742
state emergency management agency and shall enforce all additional 88743
duties and responsibilities as prescribed in the Revised Code 88744
related to emergency management services. 88745

(E) The department shall conduct investigations pursuant to 88746

Chapter 5101. of the Revised Code in support of the duty of the 88747
department of job and family services to administer the 88748
supplemental nutrition assistance program throughout this state. 88749
The department of public safety shall conduct investigations 88750
necessary to protect the state's property rights and interests in 88751
the supplemental nutrition assistance program. 88752

(F) The department of public safety shall enforce compliance 88753
with orders and rules of the public utilities commission and 88754
applicable laws in accordance with Chapters 4905., 4921., and 88755
4923. of the Revised Code regarding commercial motor vehicle 88756
transportation safety, economic, and hazardous materials 88757
requirements. 88758

(G) Notwithstanding Chapter 4117. of the Revised Code, the 88759
department of public safety may establish requirements for its 88760
enforcement personnel, including its enforcement agents described 88761
in section 5502.14 of the Revised Code, that include standards of 88762
conduct, work rules and procedures, and criteria for eligibility 88763
as law enforcement personnel. 88764

(H) The department shall administer, maintain, and operate 88765
the Ohio criminal justice network. The Ohio criminal justice 88766
network shall be a computer network that supports state and local 88767
criminal justice activities. The network shall be an electronic 88768
repository for various data, which may include arrest warrants, 88769
notices of persons wanted by law enforcement agencies, criminal 88770
records, prison inmate records, stolen vehicle records, vehicle 88771
operator's licenses, and vehicle registrations and titles. 88772

(I) The department shall coordinate all homeland security 88773
activities of all state agencies and shall be a liaison between 88774
state agencies and local entities for those activities and related 88775
purposes. 88776

(J) Beginning July 1, 2004, the department shall administer 88777

and enforce the laws relative to private investigators and 88778
security service providers specified in Chapter 4749. of the 88779
Revised Code. 88780

(K) The department shall administer criminal justice services 88781
in accordance with sections 5502.61 to 5502.66 of the Revised 88782
Code. 88783

(L) The department shall coordinate security measures and 88784
operations, and may direct the department of administrative 88785
services and the capitol square review and advisory board to 88786
implement any security measures and operations the department of 88787
public safety requires, at the Vern Riffe Center, James A. Rhodes 88788
state office tower, and the capitol square, as defined under 88789
section 105.41 of the Revised Code. 88790

Sec. 5502.13. The department of public safety shall maintain 88791
an investigative unit in order to conduct investigations and other 88792
enforcement activity authorized by Chapters 4301., 4303., 5101., 88793
5107., and 5108., ~~and 5115.~~ and sections 2903.12, 2903.13, 88794
2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 88795
2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 4507.30 88796
of the Revised Code. The director of public safety shall appoint 88797
the employees of the unit who are necessary, designate the 88798
activities to be performed by those employees, and prescribe their 88799
titles and duties. 88800

Sec. 5502.1321. (A) There is hereby created the Ohio 88801
investigative unit contingency fund, which shall be in the custody 88802
of the treasurer of state but shall not be part of the state 88803
treasury. All money seized during investigations or other 88804
enforcement activities of the investigative unit of the department 88805
of public safety prior to January 1, 2017 shall be deposited into 88806
the fund. The director of public safety shall transfer money upon 88807

resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code. 88808
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(B) There is hereby created the Ohio investigative unit custodial fund, which shall be in the custody of the treasurer of state, but shall not be part of the state treasury. All money seized during investigations or other enforcement activities of the investigative unit of the department of public safety on and after January 1, 2017, shall be deposited into the fund. The director of public safety shall transfer money upon resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code. 88810
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Sec. 5502.68. (A) There is hereby created in the state treasury the drug law enforcement fund. Ninety-seven per cent of three dollars and fifty cents out of each ten-dollar court cost imposed pursuant to section 2949.094 of the Revised Code shall be credited to the fund. Money in the fund shall be used only in accordance with this section to award grants to counties, municipal corporations, townships, township police districts, and joint police districts to defray the expenses that a drug task force organized in the county, or in the county in which the municipal corporation, township, or district is located, incurs in performing its functions related to the enforcement of the state's drug laws and other state laws related to illegal drug activity. 88819
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The division of criminal justice services shall administer all money deposited into the drug law enforcement fund and, by rule adopted under Chapter 119. of the Revised Code, shall establish procedures for a county, municipal corporation, township, township police district, or joint police district to apply for money from the fund to defray the expenses that a drug task force organized in the county, or in the county in which the municipal corporation, township, or district is located, incurs in 88831
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performing its functions related to the enforcement of the state's 88839
drug laws and other state laws related to illegal drug activity, 88840
procedures and criteria for determining eligibility of applicants 88841
to be provided money from the fund, and procedures and criteria 88842
for determining the amount of money to be provided out of the fund 88843
to eligible applicants. 88844

(B) The procedures and criteria established under division 88845
(A) of this section for applying for money from the fund shall 88846
include, but shall not be limited to, a provision requiring a 88847
county, municipal corporation, township, township police district, 88848
or joint police district that applies for money from the fund to 88849
specify in its application the amount of money desired from the 88850
fund, provided that the cumulative amount requested in all 88851
applications submitted for any single drug task force may not 88852
exceed more than two hundred fifty thousand dollars in any 88853
calendar year for that task force. 88854

(C) The procedures and criteria established under division 88855
(A) of this section for determining eligibility of applicants to 88856
be provided money from the fund and for determining the amount of 88857
money to be provided out of the fund to eligible applicants shall 88858
include, but not be limited to, all of the following: 88859

(1) Provisions requiring that, in order to be eligible to be 88860
provided money from the fund, a drug task force that applies for 88861
money from the fund must provide evidence that the drug task force 88862
will receive a local funding match of at least twenty-five per 88863
cent of the task force's projected operating costs in the period 88864
of time covered by the grant; 88865

(2) Provisions requiring that money from the fund be 88866
allocated and provided to drug task forces that apply for money 88867
from the fund in accordance with the following priorities: 88868

(a) Drug task forces that apply, that are in existence on the 88869

date of the application, and that are determined to be eligible 88870
applicants, and to which either of the following applies shall be 88871
given first priority to be provided money from the fund: 88872

(i) Drug task forces that received funding through the 88873
division of criminal justice services in calendar year 2007; 88874

(ii) Drug task forces in a county that has a population that 88875
exceeds seven hundred fifty thousand. 88876

(b) If any moneys remain in the fund after all drug task 88877
forces that apply, that are in existence on the date of the 88878
application, that are determined to be eligible applicants, and 88879
that satisfy the criteria set forth in division (C)(2)(a)(i) or 88880
(ii) of this section are provided money from the fund as described 88881
in division (C)(2)(a) of this section, the following categories of 88882
drug task forces that apply and that are determined to be eligible 88883
applicants shall be given priority to be provided money from the 88884
fund in the order in which they apply for money from the fund: 88885

(i) Drug task forces that are not in existence on the date of 88886
the application; 88887

(ii) Drug task forces that are in existence on the date of 88888
the application but that do not satisfy the criteria set forth in 88889
division (C)(2)(a)(i) or (ii) of this section. 88890

(D) The procedures and criteria established under division 88891
(A) of this section for determining the amount of money to be 88892
provided out of the fund to eligible applicants shall include, but 88893
shall not be limited to, a provision specifying that the 88894
cumulative amount provided to any single drug task force may not 88895
exceed more than two hundred fifty thousand dollars in any 88896
calendar year. 88897

(E) Any drug task force for which a grant is awarded by the 88898
division of criminal justice services under this section shall 88899
comply with all grant requirements established by the division, 88900

including a requirement that the drug task force report its 88901
activities through the El Paso intelligence center information 88902
technology systems. 88903

(F) As used in this section, "drug task force" means a drug 88904
task force organized in any county by the sheriff of the county, 88905
the prosecuting attorney of the county, the chief of police of the 88906
organized police department of any municipal corporation or 88907
township in the county, and the chief of police of the police 88908
force of any township police district or joint police district in 88909
the county to perform functions related to the enforcement of 88910
state drug laws and other state laws related to illegal drug 88911
activity. 88912

Sec. 5503.02. (A) The state highway patrol shall enforce the 88913
laws of the state relating to the titling, registration, and 88914
licensing of motor vehicles; enforce on all roads and highways, 88915
notwithstanding section 4513.39 of the Revised Code, the laws 88916
relating to the operation and use of vehicles on the highways; 88917
enforce and prevent the violation of the laws relating to the 88918
size, weight, and speed of commercial motor vehicles and all laws 88919
designed for the protection of the highway pavements and 88920
structures on the highways; investigate and enforce rules and laws 88921
of the public utilities commission governing the transportation of 88922
persons and property by motor carriers and report violations of 88923
such rules and laws to the commission; enforce against any motor 88924
carrier as defined in section 4923.01 of the Revised Code those 88925
rules and laws that, if violated, may result in a forfeiture as 88926
provided in section 4923.99 of the Revised Code; investigate and 88927
report violations of all laws relating to the collection of excise 88928
taxes on motor vehicle fuels; and regulate the movement of traffic 88929
on the roads and highways of the state, notwithstanding section 88930
4513.39 of the Revised Code. 88931

The patrol, whenever possible, shall determine the identity 88932
of the persons who are causing or who are responsible for the 88933
breaking, damaging, or destruction of any improved surfaced 88934
roadway, structure, sign, marker, guardrail, or other appurtenance 88935
constructed or maintained by the department of transportation and 88936
shall arrest the persons who are responsible for the breaking, 88937
damaging, or destruction and bring them before the proper 88938
officials for prosecution. 88939

State highway patrol troopers shall investigate and report 88940
all motor vehicle accidents on all roads and highways outside of 88941
municipal corporations. The superintendent of the patrol or any 88942
state highway patrol trooper may arrest, without a warrant, any 88943
person, who is the driver of or a passenger in any vehicle 88944
operated or standing on a state highway, whom the superintendent 88945
or trooper has reasonable cause to believe is guilty of a felony, 88946
under the same circumstances and with the same power that any 88947
peace officer may make such an arrest. 88948

The superintendent or any state highway patrol trooper may 88949
enforce the criminal laws on all state properties and state 88950
institutions, owned or leased by the state, and, when so ordered 88951
by the governor in the event of riot, civil disorder, or 88952
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 88953
Revised Code, arrest offenders against the criminal laws wherever 88954
they may be found within the state if the violations occurred 88955
upon, or resulted in injury to person or property on, state 88956
properties or state institutions, or under the conditions 88957
described in division (B) of this section. This authority of the 88958
superintendent and any state highway patrol trooper to enforce the 88959
criminal laws shall extend to the Lake Erie Correctional 88960
Institution, to the same extent as if that prison were owned by 88961
this state. 88962

(B) In the event of riot, civil disorder, or insurrection, or 88963

the reasonable threat of riot, civil disorder, or insurrection, 88964
and upon request, as provided in this section, of the sheriff of a 88965
county or the mayor or other chief executive of a municipal 88966
corporation, the governor may order the state highway patrol to 88967
enforce the criminal laws within the area threatened by riot, 88968
civil disorder, or insurrection, as designated by the governor, 88969
upon finding that law enforcement agencies within the counties 88970
involved will not be reasonably capable of controlling the riot, 88971
civil disorder, or insurrection and that additional assistance is 88972
necessary. In cities in which the sheriff is under contract to 88973
provide exclusive police services pursuant to section 311.29 of 88974
the Revised Code, in villages, and in the unincorporated areas of 88975
the county, the sheriff has exclusive authority to request the use 88976
of the patrol. In cities in which the sheriff does not exclusively 88977
provide police services, the mayor, or other chief executive 88978
performing the duties of mayor, has exclusive authority to request 88979
the use of the patrol. 88980

The superintendent or any state highway patrol trooper may 88981
enforce the criminal laws within the area designated by the 88982
governor during the emergency arising out of the riot, civil 88983
disorder, or insurrection until released by the governor upon 88984
consultation with the requesting authority. State highway patrol 88985
troopers shall never be used as peace officers in connection with 88986
any strike or labor dispute. 88987

When a request for the use of the patrol is made pursuant to 88988
this division, the requesting authority shall notify the law 88989
enforcement authorities in contiguous communities and the sheriff 88990
of each county within which the threatened area, or any part of 88991
the threatened area, lies of the request, but the failure to 88992
notify the authorities or a sheriff shall not affect the validity 88993
of the request. 88994

(C) Any person who is arrested by the superintendent or a 88995

state highway patrol trooper shall be taken before any court or 88996
magistrate having jurisdiction of the offense with which the 88997
person is charged. Any person who is arrested or apprehended 88998
within the limits of a municipal corporation shall be brought 88999
before the municipal court or other tribunal of the municipal 89000
corporation. 89001

(D)(1) State highway patrol troopers have the same right and 89002
power of search and seizure as other peace officers. 89003

No state official shall command, order, or direct any state 89004
highway patrol trooper to perform any duty or service that is not 89005
authorized by law. The powers and duties conferred on the patrol 89006
are supplementary to, and in no way a limitation on, the powers 89007
and duties of sheriffs or other peace officers of the state. 89008

(2)(a) A state highway patrol trooper, pursuant to the policy 89009
established by the superintendent of the state highway patrol 89010
under division (D)(2)(b) of this section, may render emergency 89011
assistance to any other peace officer who has arrest authority 89012
under section 2935.03 of the Revised Code, if both of the 89013
following apply: 89014

(i) There is a threat of imminent physical danger to the 89015
peace officer, a threat of physical harm to another person, or any 89016
other serious emergency situation; 89017

(ii) Either the peace officer requests emergency assistance, 89018
or it appears that the peace officer is unable to request 89019
emergency assistance and the circumstances observed by the state 89020
highway patrol trooper reasonably indicate that emergency 89021
assistance is appropriate, or the peace officer requests emergency 89022
assistance and in the request the peace officer specifies a 89023
particular location and the state highway patrol trooper arrives 89024
at that location prior to the time that the peace officer arrives 89025
at that location and the circumstances observed by the state 89026

highway patrol trooper reasonably indicate that emergency 89027
assistance is appropriate. 89028

(b) The superintendent of the state highway patrol shall 89029
establish, within sixty days of August 8, 1991, a policy that sets 89030
forth the manner and procedures by which a state highway patrol 89031
trooper may render emergency assistance to any other peace officer 89032
under division (D)(2)(a) of this section. The policy shall include 89033
a provision that a state highway patrol trooper never be used as a 89034
peace officer in connection with any strike or labor dispute. 89035

(3)(a) A state highway patrol trooper who renders emergency 89036
assistance to any other peace officer under the policy established 89037
by the superintendent pursuant to division (D)(2)(b) of this 89038
section shall be considered to be performing regular employment 89039
for the purposes of compensation, pension, indemnity fund rights, 89040
workers' compensation, and other rights or benefits to which the 89041
trooper may be entitled as incident to regular employment. 89042

(b) A state highway patrol trooper who renders emergency 89043
assistance to any other peace officer under the policy established 89044
by the superintendent pursuant to division (D)(2)(b) of this 89045
section retains personal immunity from liability as specified in 89046
section 9.86 of the Revised Code. 89047

(c) A state highway patrol trooper who renders emergency 89048
assistance under the policy established by the superintendent 89049
pursuant to division (D)(2)(b) of this section has the same 89050
authority as the peace officer for or with whom the state highway 89051
patrol trooper is providing emergency assistance. 89052

(E)(1) Subject to the availability of funds specifically 89053
appropriated by the general assembly for security detail purposes, 89054
the state highway patrol shall provide security as follows: 89055

(a) For the governor; 89056

(b) At the direction of the governor, for other officials of 89057

the state government of this state; officials of the state 89058
governments of other states who are visiting this state; officials 89059
of the United States government who are visiting this state; 89060
officials of the governments of foreign countries or their 89061
political subdivisions who are visiting this state; or other 89062
officials or dignitaries who are visiting this state, including, 89063
but not limited to, members of trade missions; 89064

(c) For the capitol square, as defined in section 105.41 of 89065
the Revised Code, as directed by the department of public safety; 89066

(d) For the Vern Riffe center and the James A. Rhodes state 89067
office tower, as directed by the department of public safety; 89068

(e) For other state property. 89069

(2) To carry out the security responsibilities of the patrol 89070
listed in division (E)(1) of this section, the superintendent may 89071
assign state highway patrol troopers to a separate unit that is 89072
responsible for security details. The number of troopers assigned 89073
to particular security details shall be determined by the 89074
superintendent. 89075

(3) The superintendent and any state highway patrol trooper, 89076
when providing security pursuant to division (E)(1)(a) or (b) of 89077
this section, have the same arrest powers as other peace officers 89078
to apprehend offenders against the criminal laws who endanger or 89079
threaten the security of any person being protected, no matter 89080
where the offense occurs. 89081

The superintendent, any state highway patrol trooper, and any 89082
special police officer designated under section 5503.09 of the 89083
Revised Code, ~~when~~ if providing security pursuant to division 89084
(E)(1)(c) of this section, shall enforce any rules governing 89085
capitol square adopted by the capitol square review and advisory 89086
board. 89087

(F) The governor may order the state highway patrol to 89088

undertake major criminal investigations that involve state 89089
property interests. If an investigation undertaken pursuant to 89090
this division results in either the issuance of a no bill or the 89091
filing of an indictment, the superintendent shall file a complete 89092
and accurate report of the investigation with the president of the 89093
senate, the speaker of the house of representatives, the minority 89094
leader of the senate, and the minority leader of the house of 89095
representatives within fifteen days after the issuance of the no 89096
bill or the filing of an indictment. If the investigation does not 89097
have as its result any prosecutorial action, the superintendent 89098
shall, upon reporting this fact to the governor, file a complete 89099
and accurate report of the investigation with the president of the 89100
senate, the speaker of the house of representatives, the minority 89101
leader of the senate, and the minority leader of the house of 89102
representatives. 89103

(G) The superintendent may purchase or lease real property 89104
and buildings needed by the patrol, negotiate the sale of real 89105
property owned by the patrol, rent or lease real property owned or 89106
leased by the patrol, and make or cause to be made repairs to all 89107
property owned or under the control of the patrol. Any instrument 89108
by which real property is acquired pursuant to this division shall 89109
identify the agency of the state that has the use and benefit of 89110
the real property as specified in section 5301.012 of the Revised 89111
Code. 89112

Sections 123.01 and 125.02 of the Revised Code do not limit 89113
the powers granted to the superintendent by this division. 89114

Sec. 5515.07. (A) The director of transportation, in 89115
accordance with Chapter 119. of the Revised Code, shall adopt 89116
rules consistent with the safety of the traveling public and 89117
consistent with the national policy to govern the use and control 89118
of rest areas within the limits of the right-of-way of interstate 89119

highways and other state highways and in other areas within the 89120
limits of the right-of-way of interstate highways. 89121

(B)(1) Except as provided in division ~~(C)~~(B)(2) of this 89122
section or as otherwise authorized by applicable federal law or 89123
federal regulations, no person shall engage in selling or offering 89124
for sale or exhibiting for purposes of sale, goods, products, 89125
merchandise, or services within the bounds of rest areas within 89126
the limits of the right-of-way of interstate highways and other 89127
state highways, or in other areas within the limits of the 89128
right-of-way of interstate highways, unless the director issues a 89129
permit in accordance with section 5515.01 of the Revised Code. 89130
Notwithstanding any rules adopted by the director to the contrary 89131
or any other policy changes proposed by the director, each 89132
district deputy director of the department of transportation shall 89133
continue to implement any program allowing organizations to 89134
dispense free coffee or similar items after obtaining a permit 89135
that operated within the district prior to January 1, 1997. Each 89136
district deputy director shall operate such program within the 89137
district in the same manner as the program was operated prior to 89138
that date. 89139

~~(C)~~(2) In accordance with rules adopted under division (A) of 89140
this section, the director may cause vending machines to be placed 89141
within each rest area that is able to accommodate the machines. 89142
The vending machines shall dispense food, drink, and other 89143
appropriate articles. 89144

~~(D)~~ This (3) The prohibition under division (B)(1) of this 89145
section does not apply to the sale of goods, products, 89146
merchandise, or services required for the emergency repair of 89147
motor vehicles or emergency medical treatment, or to the 89148
department of transportation as provided in section 5515.08 of the 89149
Revised Code. 89150

(C) The director shall not close any rest area that is 89151

located within the limits of the right-of-way of a scenic byway 89152
designated under section 5516.05 of the Revised Code. 89153

Sec. 5516.20. A sign may be displayed adjacent to an 89154
interstate highway system that uses light-emitting diode lighting 89155
if the sign is located within the boundaries of a tourism 89156
development district designated by a township under section 503.56 89157
of the Revised Code or a municipal corporation under section 89158
715.014 of the Revised Code except to the extent limited or 89159
prohibited by this chapter, any rule adopted under this chapter, 89160
or any zoning regulation adopted by a county, municipal 89161
corporation, or other local zoning authority with jurisdiction. 89162

Sec. 5575.02. After the board of township trustees has 89163
decided to proceed with a road improvement, it shall advertise for 89164
bids once, not later than two weeks prior to the date fixed for 89165
the letting of contracts, in a newspaper of general circulation 89166
within the township. Such notice shall state that copies of the 89167
surveys, plans, profiles, cross sections, ~~estimates,~~ and 89168
specifications for such improvement are on file with the board, 89169
and the time within which bids will be received. The board may let 89170
the work as a whole or in convenient sections, as it determines. 89171
The contract shall be awarded to the lowest and best bidder who 89172
meets the requirements of section 153.54 of the Revised Code, and 89173
shall be let upon the basis of lump sum bids, unless the board 89174
orders that it be let upon the basis of unit price bids, in which 89175
event it shall be let upon such basis. 89176

The board is not required to provide notice of the project 89177
cost estimate when advertising for bids under this section. 89178

Sec. 5575.03. No contract for any road improvement shall be 89179
awarded at a price more than ten per cent in excess of the 89180
estimated cost. The bids received shall be opened at the time 89181

stated in the notice. If no bids are made that equal one hundred 89182
ten per cent of the estimate or less, the board of township 89183
trustees shall either readvertise ~~at~~ based upon the original 89184
estimate, or request an amended estimate from the county engineer, 89185
who shall proceed to make such an estimate as provided in section 89186
5575.01 of the Revised Code, ~~or obtain such an amended estimate~~ 89187
and proceed to advertise ~~at~~ based upon the amended estimate. ~~No~~ 89188
The board is not required to provide notice of the estimate or 89189
amended estimate when readvertising under this section. 89190

No contract shall be awarded for any road improvement without 89191
the certification as to funding required under section 5705.41 of 89192
the Revised Code. The board may reject all bids. 89193

Sec. 5577.081. (A) Except when transferring unfinished 89194
aggregate material between facilities that are under the control 89195
of the same owner or operator that is subject to Chapter 1514. of 89196
the Revised Code or when unloading or loading finished aggregate 89197
product within a ten-mile radius of a surface mining operation 89198
that is permitted and regulated under that chapter, all vehicles 89199
entering or leaving such an operation that have a gross vehicle 89200
weight as defined in division (JJ) of section 4501.01 of the 89201
Revised Code that is in excess of sixty-six thousand pounds shall 89202
use the specific roads designated pursuant to sections 303.14 and 89203
303.141 or 519.14 and 519.141 of the Revised Code as the primary 89204
means of ingress to and egress from the facilities or operation. 89205

(B) The owner or operator of a surface mining operation that 89206
is permitted under Chapter 1514. of the Revised Code and that is 89207
subject to the use of specific roads as the primary means of 89208
ingress to and egress from the operation pursuant to sections 89209
303.14 and 303.141 or 519.14 and 519.141 of the Revised Code shall 89210
post a sign in a conspicuous location to inform the drivers of 89211
trucks entering and leaving the operation of the roads to use as 89212

the primary means of ingress to and egress from the operation. 89213

(C)(1) Whoever violates this section shall receive a written 89214
warning in such a manner that it becomes a part of the person's 89215
permanent record that is maintained by the bureau of motor 89216
vehicles and assists in monitoring violations of this section. 89217

(2) A person who commits a second offense within one year 89218
after committing the first offense is guilty of a minor 89219
misdemeanor. 89220

(3) A person who commits a third or subsequent offense within 89221
one year after committing the first offense is guilty of a 89222
misdemeanor of the fourth degree. 89223

(D) Fine money that is collected under division (C) of this 89224
section shall be deposited in the state treasury to the credit of 89225
the ~~surface~~ mining regulation and safety fund created in section 89226
~~1514.06~~ 1513.30 of the Revised Code. 89227

Sec. 5595.03. (A) A resolution of a board of county 89228
commissioners undertaking a regional transportation improvement 89229
project must include a cooperative agreement containing all of the 89230
following: 89231

(1) A description or analysis of the deficiencies of the 89232
existing transportation system in the counties participating in 89233
the project and of projected needs or deficiencies of the system 89234
in ensuing years under reasonable assumptions about development, 89235
population trends, and other factors affecting transportation 89236
infrastructure in the counties; 89237

(2) A comprehensive list of the transportation improvements 89238
to be completed as part of the project, including a general 89239
description of each improvement, schedules of the projected 89240
beginning and end of each improvement, and the estimated cost of 89241
each improvement; 89242

(3) Directives regarding the operations and reporting requirements of the governing board;	89243 89244
(4) The number of years <u>Subject to division (E) of this section, the period for which</u> the agreement is to be in effect;	89245 89246
(5) Any other terms the board of county commissioners considers necessary or conducive to communicate the intentions of the cooperative agreement and to ensure its effective implementation by the governing board.	89247 89248 89249 89250
(B) A board of county commissioners that intends to undertake a regional transportation improvement project shall hold at least one public hearing on the proposed cooperative agreement before adopting a resolution approving the agreement. The board of county commissioners shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the county. During the thirty-day period before the public hearing, the proposed cooperative agreement shall be made available for public inspection at the offices of each county that will be a party to the agreement.	89251 89252 89253 89254 89255 89256 89257 89258 89259 89260
(C) If the cooperative agreement is approved by each county that will be a party to the agreement, one of the participating counties shall send a copy of the agreement to the director of transportation. The director shall evaluate the agreement and determine if the transportation improvements specified in the agreement are in the best interest of the transportation facilities of this state, as defined in section 5501.01 of the Revised Code. If the director approves the agreement, the director shall send notice of approval to each county that is a party to the agreement. Unless otherwise provided in the cooperative agreement, the agreement is effective immediately upon approval by the director. If the director does not approve the agreement, the director shall send notice of denial to each county that is a party to the agreement. The notice of denial shall include the	89261 89262 89263 89264 89265 89266 89267 89268 89269 89270 89271 89272 89273 89274

reason or reasons for the denial and recommendations for ways in 89275
which the agreement may be changed to meet the approval of the 89276
director. If the director does not make a determination within 89277
ninety days after receiving a cooperative agreement under this 89278
section, the director is deemed to have approved the agreement 89279
and, unless otherwise provided in the agreement, the agreement is 89280
effective immediately. No cooperative agreement is effective 89281
without actual or constructive approval by the director under this 89282
section. 89283

(D) The cooperative agreement governing a regional 89284
transportation improvement project may be amended at any time by 89285
majority vote of the governing board and of the boards of county 89286
commissioners of each of the participating counties and with the 89287
approval of the director of transportation obtained in the same 89288
manner as approval of the original agreement. 89289

(E) The period for which a cooperative agreement adopted or 89290
amended under this section is in effect shall not exceed fifteen 89291
years following the effective date of the original agreement or, 89292
if the agreement authorizes the governing board to issue 89293
securities, twenty years following the first issuance of 89294
securities by the governing board. 89295

Sec. 5595.06. (A) The governing board of a regional 89296
transportation improvement project, pursuant to the cooperative 89297
agreement, may request and receive pledges of revenue from the 89298
state, the counties that are parties to the agreement, and any 89299
political subdivision or taxing unit located within any of those 89300
counties. Except as provided in division (B) of this section, the 89301
pledged revenues shall be used solely for the purpose of funding 89302
the transportation improvements prescribed by the cooperative 89303
agreement, the debt charges on any securities issued by the 89304
governing board under section 5595.05 of the Revised Code, and the 89305

expenses of the governing board. The state, the counties, and any 89306
political subdivision or taxing unit located within such a county 89307
may pledge revenue to the governing board from any of the 89308
following sources: 89309

(1) The general revenue fund of the state; 89310

(2) License tax revenue derived from an annual motor vehicle 89311
license tax imposed pursuant to section 4504.22 of the Revised 89312
Code; 89313

(3) Payments in lieu of taxes derived under section 5709.42, 89314
5709.45, 5709.48, 5709.74, or 5709.79 of the Revised Code if the 89315
real property for which such payments are made will benefit from 89316
the proposed transportation improvements; 89317

(4) Income tax revenue derived from a joint economic 89318
development district or joint economic development zone 89319
established pursuant to section 715.69, 715.691, 715.70, 715.71, 89320
or 715.72 of the Revised Code if the district or zone will benefit 89321
from the proposed transportation improvements; 89322

(5) Revenue derived from special assessments levied in a 89323
special improvement district created under Chapter 1710. of the 89324
Revised Code if the district will benefit from the proposed 89325
transportation improvements; 89326

(6) Revenue from an income source of a new community district 89327
established pursuant to section 349.03 of the Revised Code if the 89328
district will benefit from the proposed transportation 89329
improvements; 89330

(7) Income tax revenue derived from a tax levied by a 89331
municipal corporation in accordance with Chapter 718. of the 89332
Revised Code if the municipal corporation will benefit from the 89333
proposed transportation improvements and revenue from the tax may 89334
lawfully be applied to that purpose under the ordinance or 89335

resolution levying the tax; 89336

(8) Sales and use tax revenue derived from a tax levied under 89337
section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 89338
5741.023 of the Revised Code if the county or transit authority 89339
will benefit from the proposed transportation improvements and 89340
revenue from the tax may lawfully be applied to that purpose under 89341
the resolution levying the tax. 89342

(B) The governing board shall use license tax revenue pledged 89343
to the project under division (A)(2) of this section for the 89344
purpose of funding transportation improvements described in the 89345
cooperative agreement and any other supplemental transportation 89346
improvements necessary to complete the project. If the board 89347
intends to use any of the license tax revenue for supplemental 89348
improvements not described in the agreement, the board, before 89349
submitting a request for license tax revenue to a board of county 89350
commissioners under section 4504.22 of the Revised Code, shall 89351
adopt a resolution allocating the revenue among the improvements 89352
described in the agreement and such supplemental improvements not 89353
described in the agreement. The amount used for supplemental 89354
improvements may not exceed five dollars for each motor vehicle on 89355
which the motor vehicle license tax is collected. If the motor 89356
vehicle license tax is approved, the governing board shall 89357
allocate the revenue only in accordance with the resolution. The 89358
allocation may not be changed unless a proposition to change the 89359
allocation is approved by the majority of electors voting on the 89360
proposition in each county that is a party to the cooperative 89361
agreement. Such a proposition may be proposed by resolution of the 89362
governing board certified to the board of county commissioners of 89363
each county, and, upon receiving such a certified resolution, each 89364
board of county commissioners shall certify identical resolutions 89365
to the respective county board of elections for placement on the 89366
questions and issues ballot at the next succeeding election 89367

occurring at least ninety days after the resolution is certified 89368
to the board of elections. 89369

(C) Pledges of revenue under division (A) of this section may 89370
take any form and may be made subject to any terms that are 89371
mutually agreeable between the revenue contributor and the 89372
governing board. Pledges may be effectuated through periodic or 89373
one-time fixed payments, in variable installments based on 89374
estimated increases in tax revenue attributable to the activities 89375
of the regional transportation improvement project, or through any 89376
other means negotiated by the revenue contributor and the 89377
government board. 89378

As used in this division, "revenue contributor" means the 89379
state, the counties that are parties to the cooperative agreement, 89380
or any political subdivision or taxing unit located within any of 89381
those participating counties, that pledges revenue to a regional 89382
transportation improvement project under division (A) of this 89383
section. 89384

~~Sec. 5595.13. Upon completion of the transportation 89385~~
~~improvements listed in the cooperative agreement, fulfillment of 89386~~
~~all contractual duties assumed by the governing board, and 89387~~
~~repayment of all bonds issued by the governing board, the A 89388~~
regional transportation improvement project and the its governing 89389
board ~~shall dissolve~~ are dissolved by operation of law on the date 89390
specified in the cooperative agreement. The governing board shall 89391
fulfill all contractual duties assumed by the board and repay all 89392
bonds issued by the board before that date. Upon dissolution of 89393
the regional transportation improvement project, the boards of 89394
county commissioners that created the regional transportation 89395
improvement project shall assume title to all real and personal 89396
property acquired by the board in the fulfillment of its duties 89397
under this chapter. The property shall be divided and distributed 89398

in accordance with the cooperative agreement. Unless otherwise 89399
provided by contract, pledges of revenue to the governing board 89400
from the state or a political subdivision or taxing unit shall 89401
terminate by operation of law upon the dissolution of the regional 89402
transportation improvement project. Unless otherwise provided in 89403
the cooperative agreement, unencumbered funds held by the 89404
governing board on the date the regional transportation 89405
improvement district is dissolved shall be proportionally 89406
distributed to the state and each political subdivision and taxing 89407
unit that pledged revenue to the project based on the ratio that 89408
the amount contributed by the state, political subdivision, or 89409
taxing unit bears to the total amount contributed by the state and 89410
all political subdivisions and taxing units over the full duration 89411
of the project. 89412

Sec. 5703.0510. (A) Notwithstanding any other provision of 89413
the Revised Code that requires a taxpayer to provide a tax credit 89414
certificate to the tax commissioner upon the commissioner's 89415
request, any person claiming a credit against a tax or fee 89416
administered by the commissioner shall provide a copy of any 89417
accompanying certificate issued by the director of development 89418
services or by another state agency, if applicable, demonstrating 89419
the person's eligibility for the credit claimed. 89420

(B) If the commissioner prescribes a form for the purpose of 89421
tracking the credits claimed by a person against any tax or fee 89422
administered by the commissioner, the person shall provide the 89423
completed form and a copy of any certificate described in division 89424
(A) of this section on or before the due date of the return, 89425
report, or schedule for the tax or fee against which the credit is 89426
claimed. 89427

(C) If a person fails to provide a certificate or form as 89428
required under this section, the commissioner shall deny the 89429

credit claimed by the person until such certificate or form is 89430
provided to the commissioner. Any amount denied under this section 89431
may be assessed in the same manner as the underlying tax or fee. 89432

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 89433
of this section, no agent of the department of taxation, except in 89434
the agent's report to the department or when called on to testify 89435
in any court or proceeding, shall divulge any information acquired 89436
by the agent as to the transactions, property, or business of any 89437
person while acting or claiming to act under orders of the 89438
department. Whoever violates this provision shall thereafter be 89439
disqualified from acting as an officer or employee or in any other 89440
capacity under appointment or employment of the department. 89441
89442

(B)(1) For purposes of an audit pursuant to section 117.15 of 89443
the Revised Code, or an audit of the department pursuant to 89444
Chapter 117. of the Revised Code, or an audit, pursuant to that 89445
chapter, the objective of which is to express an opinion on a 89446
financial report or statement prepared or issued pursuant to 89447
division (A)(7) or (9) of section 126.21 of the Revised Code, the 89448
officers and employees of the auditor of state charged with 89449
conducting the audit shall have access to and the right to examine 89450
any state tax returns and state tax return information in the 89451
possession of the department to the extent that the access and 89452
examination are necessary for purposes of the audit. Any 89453
information acquired as the result of that access and examination 89454
shall not be divulged for any purpose other than as required for 89455
the audit or unless the officers and employees are required to 89456
testify in a court or proceeding under compulsion of legal 89457
process. Whoever violates this provision shall thereafter be 89458
disqualified from acting as an officer or employee or in any other 89459
capacity under appointment or employment of the auditor of state. 89460

(2) For purposes of an internal audit pursuant to section 89461
126.45 of the Revised Code, the officers and employees of the 89462
office of internal audit in the office of budget and management 89463
charged with directing the internal audit shall have access to and 89464
the right to examine any state tax returns and state tax return 89465
information in the possession of the department to the extent that 89466
the access and examination are necessary for purposes of the 89467
internal audit. Any information acquired as the result of that 89468
access and examination shall not be divulged for any purpose other 89469
than as required for the internal audit or unless the officers and 89470
employees are required to testify in a court or proceeding under 89471
compulsion of legal process. Whoever violates this provision shall 89472
thereafter be disqualified from acting as an officer or employee 89473
or in any other capacity under appointment or employment of the 89474
office of internal audit. 89475

(3) As provided by section 6103(d)(2) of the Internal Revenue 89476
Code, any federal tax returns or federal tax information that the 89477
department has acquired from the internal revenue service, through 89478
federal and state statutory authority, may be disclosed to the 89479
auditor of state or the office of internal audit solely for 89480
purposes of an audit of the department. 89481

(4) For purposes of Chapter 3739. of the Revised Code, an 89482
agent of the department of taxation may share information with the 89483
division of state fire marshal that the agent finds during the 89484
course of an investigation. 89485

(C) Division (A) of this section does not prohibit any of the 89486
following: 89487

(1) Divulging information contained in applications, 89488
complaints, and related documents filed with the department under 89489
section 5715.27 of the Revised Code or in applications filed with 89490
the department under section 5715.39 of the Revised Code; 89491

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;	89492 89493 89494
(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	89495 89496 89497 89498 89499
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	89500 89501 89502
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	89503 89504 89505
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code;	89506 89507 89508 89509
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	89510 89511 89512 89513 89514 89515 89516 89517
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	89518 89519
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose	89520 89521 89522

documents so provided, the county auditor shall not disclose such 89523
documents; 89524

(10) Providing to a county auditor sales or use tax return or 89525
audit information under section 333.06 of the Revised Code; 89526

(11) Subject to section 4301.441 of the Revised Code, 89527
disclosing to the appropriate state agency information in the 89528
possession of the department of taxation that is necessary to 89529
verify a permit holder's gallonage or noncompliance with taxes 89530
levied under Chapter 4301. or 4305. of the Revised Code; 89531

(12) Disclosing to the department of natural resources 89532
information in the possession of the department of taxation that 89533
is necessary for the department of taxation to verify the 89534
taxpayer's compliance with section 5749.02 of the Revised Code or 89535
to allow the department of natural resources to enforce Chapter 89536
1509. of the Revised Code; 89537

(13) Disclosing to the department of job and family services, 89538
industrial commission, and bureau of workers' compensation 89539
information in the possession of the department of taxation solely 89540
for the purpose of identifying employers that misclassify 89541
employees as independent contractors or that fail to properly 89542
report and pay employer tax liabilities. The department of 89543
taxation shall disclose only such information that is necessary to 89544
verify employer compliance with law administered by those 89545
agencies. 89546

(14) Disclosing to the Ohio casino control commission 89547
information in the possession of the department of taxation that 89548
is necessary to verify a casino operator's compliance with section 89549
5747.063 or 5753.02 of the Revised Code and sections related 89550
thereto; 89551

(15) Disclosing to the state lottery commission information 89552
in the possession of the department of taxation that is necessary 89553

to verify a lottery sales agent's compliance with section 5747.064 89554
of the Revised Code. 89555

(16) Disclosing to the development services agency 89556
information in the possession of the department of taxation that 89557
is necessary to ensure compliance with the laws of this state 89558
governing taxation and to verify information reported to the 89559
development services agency for the purpose of evaluating 89560
potential tax credits, grants, or loans. Such information shall 89561
not include information received from the internal revenue service 89562
the disclosure of which is prohibited by section 6103 of the 89563
Internal Revenue Code. No officer, employee, or agent of the 89564
development services agency shall disclose any information 89565
provided to the development services agency by the department of 89566
taxation under division (C)(16) of this section except when 89567
disclosure of the information is necessary for, and made solely 89568
for the purpose of facilitating, the evaluation of potential tax 89569
credits, grants, or loans. 89570

(17) Disclosing to the department of insurance information in 89571
the possession of the department of taxation that is necessary to 89572
ensure a taxpayer's compliance with the requirements with any tax 89573
credit administered by the development services agency and claimed 89574
by the taxpayer against any tax administered by the superintendent 89575
of insurance. No officer, employee, or agent of the department of 89576
insurance shall disclose any information provided to the 89577
department of insurance by the department of taxation under 89578
division (C)(17) of this section. 89579

(18) Disclosing to the division of liquor control information 89580
in the possession of the department of taxation that is necessary 89581
for the division and department to comply with the requirements of 89582
sections 4303.26 and 4303.271 of the Revised Code. 89583

Sec. 5703.26. No person shall knowingly make, present, aid, 89584

or assist in the preparation or presentation of a false or 89585
fraudulent report, return, schedule, statement, claim, or document 89586
authorized or required by law to be filed with the department of 89587
taxation, the treasurer of state, a county auditor, a county 89588
treasurer, or a county clerk of courts, or knowingly procure, 89589
counsel, or advise the preparation or presentation of such report, 89590
return, schedule, statement, claim, or document, or knowingly 89591
change, alter, or amend, or knowingly procure, counsel, or advise 89592
such change, alteration, or amendment of the records upon which 89593
such report, return, schedule, statement, claim, or document is 89594
based with intent to defraud the state or any of its subdivisions. 89595

If the report, return, schedule, statement, claim, or 89596
document involves the application for or renewal of a license, 89597
such acts or conduct may result in the denial or revocation of the 89598
license. 89599

With respect to such acts or conduct, no conviction shall be 89600
had under any other section of the Revised Code. 89601

Sec. 5703.75. This section applies to any tax, fee, or charge 89602
payable to the state and administered by the tax commissioner. If 89603
the total amount of any such tax, fee, or charge shown to be due 89604
on a return, amended return, or notice does not exceed one dollar, 89605
the taxpayer or person liable for the tax, fee, or charge shall 89606
not be required to remit the amount due. If the total amount of a 89607
~~taxpayer's~~ an overpayment of any such tax, fee, or charge does not 89608
exceed one dollar, the tax commissioner shall not be required to 89609
refund the overpayment. 89610

Sec. 5703.94. (A) As used in this section: 89611

(1) "Tax or fee" has the same meaning as in section 5703.77 89612
of the Revised Code. 89613

(2) "Taxpayer" means a person subject to a tax or fee or a 89614

person required to collect or remit a tax or fee. 89615

(3) "Tax official" means the tax commissioner or any employee or agent thereof. 89616
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(4) "Formal guidance" means a rule adopted by the tax commissioner under section 5703.16 of the Revised Code, an opinion issued by the commissioner under section 5703.53 of the Revised Code, or an advisory opinion or information release issued or reissued by the commissioner. 89618
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(5) "Assessment" means an assessment issued by the tax commissioner against a taxpayer. 89623
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(6) "Informal action" means any action undertaken by a tax official to notify a taxpayer that the taxpayer is subject to or required to remit the amount of any tax or fee in excess of the amount already paid or remitted by the taxpayer on the basis of a tax period or date ending before the date such a notification is made. 89625
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(7) "Authorizing legislation date" means the effective date of an amendment, enactment, or repeal of a section, division, or paragraph of the Revised Code or uncodified law upon which a tax official bases the issuance of an assessment or the undertaking of informal action against a taxpayer. 89631
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(B) A tax official shall not issue an assessment or undertake any informal action against a taxpayer that would subject to a tax or fee a category of persons, income, receipts, activities, transactions, services, or personal or real property that no tax official had explicitly considered to be subject to the tax or fee in any formal guidance, assessment, or informal action adopted, issued, in effect, or undertaken at any time during the three years after the authorizing legislation date related to that assessment or informal action. 89636
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(C) Nothing in this section prohibits the tax commissioner 89645

from issuing formal guidance that would subject to any tax or fee 89646
a category of persons, income, receipts, activities, transactions, 89647
services, or personal or real property for tax periods or dates 89648
beginning on or after the date such formal guidance is adopted or 89649
issued. Division (B) of this section shall not apply to an 89650
assessment issued or formal guidance undertaken on the basis of 89651
such formal guidance for tax periods or dates beginning on or 89652
after the date such formal guidance is adopted or issued. 89653

Sec. 5705.01. As used in this chapter: 89654

(A) "Subdivision" means any county; municipal corporation; 89655
township; township police district; joint police district; 89656
township fire district; joint fire district; joint ambulance 89657
district; joint emergency medical services district; fire and 89658
ambulance district; joint recreation district; township waste 89659
disposal district; township road district; community college 89660
district; technical college district; detention facility district; 89661
a district organized under section 2151.65 of the Revised Code; a 89662
combined district organized under sections 2152.41 and 2151.65 of 89663
the Revised Code; a joint-county alcohol, drug addiction, and 89664
mental health service district; a general health district formed 89665
under section 3709.10 of the Revised Code; a drainage improvement 89666
district created under section 6131.52 of the Revised Code; a lake 89667
facilities authority created under Chapter 353. of the Revised 89668
Code; a union cemetery district; a county school financing 89669
district; a city, local, exempted village, cooperative education, 89670
or joint vocational school district; or a regional student 89671
education district created under section 3313.83 of the Revised 89672
Code. 89673

(B) "Municipal corporation" means all municipal corporations, 89674
including those that have adopted a charter under Article XVIII, 89675
Ohio Constitution. 89676

(C) "Taxing authority" or "bond issuing authority" means, in 89677
the case of any county, the board of county commissioners; in the 89678
case of a municipal corporation, the council or other legislative 89679
authority of the municipal corporation; in the case of a city, 89680
local, exempted village, cooperative education, or joint 89681
vocational school district, the board of education; in the case of 89682
a community college district, the board of trustees of the 89683
district; in the case of a technical college district, the board 89684
of trustees of the district; in the case of a detention facility 89685
district, a district organized under section 2151.65 of the 89686
Revised Code, or a combined district organized under sections 89687
2152.41 and 2151.65 of the Revised Code, the joint board of county 89688
commissioners of the district; in the case of a township, the 89689
board of township trustees; in the case of a joint police 89690
district, the joint police district board; in the case of a joint 89691
fire district, the board of fire district trustees; in the case of 89692
a joint recreation district, the joint recreation district board 89693
of trustees; in the case of a joint-county alcohol, drug 89694
addiction, and mental health service district, the district's 89695
board of alcohol, drug addiction, and mental health services; in 89696
the case of a general health district that is a subdivision under 89697
this section, the board of health of the district; in the case of 89698
a joint ambulance district or a fire and ambulance district, the 89699
board of trustees of the district; in the case of a union cemetery 89700
district, the legislative authority of the municipal corporation 89701
and the board of township trustees, acting jointly as described in 89702
section 759.341 of the Revised Code; in the case of a drainage 89703
improvement district, the board of county commissioners of the 89704
county in which the drainage district is located; in the case of a 89705
lake facilities authority, the board of directors; in the case of 89706
a joint emergency medical services district, the joint board of 89707
county commissioners of all counties in which all or any part of 89708
the district lies; and in the case of a township police district, 89709

a township fire district, a township road district, or a township
waste disposal district, the board of township trustees of the
township in which the district is located. "Taxing authority" also
means the educational service center governing board that serves
as the taxing authority of a county school financing district as
provided in section 3311.50 of the Revised Code, and the board of
directors of a regional student education district created under
section 3313.83 of the Revised Code.

(D) "Fiscal officer" in the case of a county, means the
county auditor; in the case of a municipal corporation, the city
auditor or village clerk, or an officer who, by virtue of the
charter, has the duties and functions of the city auditor or
village clerk, except that in the case of a municipal university
the board of directors of which have assumed, in the manner
provided by law, the custody and control of the funds of the
university, the chief accounting officer of the university shall
perform, with respect to the funds, the duties vested in the
fiscal officer of the subdivision by sections 5705.41 and 5705.44
of the Revised Code; in the case of a school district, the
treasurer of the board of education; in the case of a county
school financing district, the treasurer of the educational
service center governing board that serves as the taxing
authority; in the case of a township, the township fiscal officer;
in the case of a joint police district, the treasurer of the
district; in the case of a joint fire district, the clerk of the
board of fire district trustees; in the case of a joint ambulance
district, the clerk of the board of trustees of the district; in
the case of a joint emergency medical services district, the
person appointed as fiscal officer pursuant to division (D) of
section 307.053 of the Revised Code; in the case of a fire and
ambulance district, the person appointed as fiscal officer
pursuant to division (B) of section 505.375 of the Revised Code;
in the case of a joint recreation district, the person designated

pursuant to section 755.15 of the Revised Code; in the case of a union cemetery district, the clerk of the municipal corporation designated in section 759.34 of the Revised Code; in the case of a children's home district, educational service center, general health district, joint-county alcohol, drug addiction, and mental health service district, county library district, detention facility district, district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a metropolitan park district for which no treasurer has been appointed pursuant to section 1545.07 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district; in the case of a metropolitan park district which has appointed a treasurer pursuant to section 1545.07 of the Revised Code, that treasurer; in the case of a drainage improvement district, the auditor of the county in which the drainage improvement district is located; in the case of a lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code; in the case of a regional student education district, the fiscal officer appointed pursuant to section 3313.83 of the Revised Code; and in all other cases, the officer responsible for keeping the appropriation accounts and drawing warrants for the expenditure of the moneys of the district or taxing unit.

(E) "Permanent improvement" or "improvement" means any property, asset, or improvement with an estimated life or usefulness of five years or more, including land and interests therein, and reconstructions, enlargements, and extensions thereof having an estimated life or usefulness of five years or more.

(F) "Current operating expenses" and "current expenses" mean the lawful expenditures of a subdivision, except those for permanent improvements, and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of

indebtedness of the subdivision. 89775

(G) "Debt charges" means interest, sinking fund, and 89776
retirement charges on bonds, notes, or certificates of 89777
indebtedness. 89778

(H) "Taxing unit" means any subdivision or other governmental 89779
district having authority to levy taxes on the property in the 89780
district or issue bonds that constitute a charge against the 89781
property of the district, including conservancy districts, 89782
metropolitan park districts, sanitary districts, road districts, 89783
and other districts. 89784

(I) "District authority" means any board of directors, 89785
trustees, commissioners, or other officers controlling a district 89786
institution or activity that derives its income or funds from two 89787
or more subdivisions, such as the educational service center, the 89788
trustees of district children's homes, the district board of 89789
health, a joint-county alcohol, drug addiction, and mental health 89790
service district's board of alcohol, drug addiction, and mental 89791
health services, detention facility districts, a joint recreation 89792
district board of trustees, districts organized under section 89793
2151.65 of the Revised Code, combined districts organized under 89794
sections 2152.41 and 2151.65 of the Revised Code, and other such 89795
boards. 89796

(J) "Tax list" and "tax duplicate" mean the general tax lists 89797
and duplicates prescribed by sections 319.28 and 319.29 of the 89798
Revised Code. 89799

(K) "Property" as applied to a tax levy means taxable 89800
property listed on general tax lists and duplicates. 89801

(L) "Association library district" means a territory, the 89802
boundaries of which are defined by the state library board 89803
pursuant to division (I) of section 3375.01 of the Revised Code, 89804
in which a library association or private corporation maintains a 89805

free public library. 89806

(M) "Library district" means a territory, the boundaries of 89807
which are defined by the state library board pursuant to section 89808
3375.01 of the Revised Code, in which the board of trustees of a 89809
county, municipal corporation, school district, or township public 89810
library maintains a free public library. 89811

(N) "Qualifying library levy" means either of the following: 89812

(1) A levy for the support of a library association or 89813
private corporation that has an association library district with 89814
boundaries that are not identical to those of a subdivision; 89815

(2) A levy proposed under section 5705.23 of the Revised Code 89816
for the support of the board of trustees of a public library that 89817
has a library district with boundaries that are not identical to 89818
those of a subdivision. 89819

(O) "School library district" means a school district in 89820
which a free public library has been established that is under the 89821
control and management of a board of library trustees as provided 89822
in section 3375.15 of the Revised Code. 89823

Sec. 5705.03. (A) The taxing authority of each subdivision 89824
may levy taxes annually, subject to the limitations of sections 89825
5705.01 to 5705.47 of the Revised Code, on the real and personal 89826
property within the subdivision for the purpose of paying the 89827
current operating expenses of the subdivision and acquiring or 89828
constructing permanent improvements. The taxing authority of each 89829
subdivision and taxing unit shall, subject to the limitations of 89830
such sections, levy such taxes annually as are necessary to pay 89831
the interest and sinking fund on and retire at maturity the bonds, 89832
notes, and certificates of indebtedness of such subdivision and 89833
taxing unit, including levies in anticipation of which the 89834
subdivision or taxing unit has incurred indebtedness. 89835

(B)(1) When a taxing authority determines that it is necessary to levy a tax outside the ten-mill limitation for any purpose authorized by the Revised Code, the taxing authority shall certify to the county auditor a resolution or ordinance requesting that the county auditor certify to the taxing authority the total current tax valuation of the subdivision, and the number of mills required to generate a specified amount of revenue, or the dollar amount of revenue that would be generated by a specified number of mills. The resolution or ordinance shall state ~~the~~ all of the following:

(a) The purpose of the tax, ~~whether;~~

(b) Whether the tax is an additional levy ~~or,~~ a renewal or a replacement of an existing tax, ~~and the~~ or a renewal or replacement of an existing tax with an increase or a decrease;

(c) The section of the Revised Code authorizing submission of the question of the tax;

(d) The term of years of the tax or if the tax is for a continuing period of time;

(e) That the tax is to be levied upon the entire territory of the subdivision or, if authorized by the Revised Code, a description of the portion of the territory of the subdivision in which the tax is to be levied;

(f) The date of the election at which the question of the tax shall appear on the ballot;

(g) That the ballot measure shall be submitted to the entire territory of the subdivision or, if authorized by the Revised Code, a description of the portion of the territory of the subdivision to which the ballot measure shall be submitted;

(h) The tax year in which the tax will first be levied and the calendar year in which the tax will first be collected;

(i) Each such county in which the subdivision has territory. 89866

~~If~~ 89867

If a subdivision is located in more than one county, the 89868
county auditor shall obtain from the county auditor of each other 89869
county in which the subdivision is located the current tax 89870
valuation for the portion of the subdivision in that county. The 89871
county auditor shall issue the certification to the taxing 89872
authority within ten days after receiving the taxing authority's 89873
resolution or ordinance requesting it. 89874

(2) When considering the tangible personal property component 89875
of the tax valuation of the subdivision, the county auditor shall 89876
take into account the assessment percentages prescribed in section 89877
5711.22 of the Revised Code. The tax commissioner may issue rules, 89878
orders, or instructions directing how the assessment percentages 89879
must be utilized. 89880

(3) ~~If, upon~~ Upon receiving the certification from the county 89881
auditor, the taxing authority ~~proceeds~~ may adopt a resolution or 89882
ordinance stating the rate of the tax levy, expressed in mills for 89883
each one dollar in tax valuation as estimated by the county 89884
auditor, and that the taxing authority will proceed with the 89885
submission of the question of the tax to electors, ~~the.~~ The taxing 89886
authority shall certify ~~its~~ this resolution or ordinance, 89887
~~accompanied by~~ a copy of the county auditor's certification, and 89888
the resolution or ordinance the taxing authority adopted under 89889
division (B)(1) of this section to the county auditor and to the 89890
proper county board of elections in the manner and within the time 89891
prescribed by the section of the Revised Code governing submission 89892
of the question, ~~and shall include with its certification the rate~~ 89893
~~of the tax levy, expressed in mills for each one dollar in tax~~ 89894
~~valuation as estimated by the county auditor.~~ The county board of 89895
elections shall not submit the question of the tax to electors 89896
unless a copy of the county auditor's certification accompanies 89897

the ~~resolution~~ resolutions or ~~ordinance~~ ordinances the taxing 89898
authority certifies to the board. Before requesting a taxing 89899
authority to submit a tax levy, any agency or authority authorized 89900
to make that request shall first request the certification from 89901
the county auditor provided under this section. 89902

(4) This division is supplemental to, and not in derogation 89903
of, any similar requirement governing the certification by the 89904
county auditor of the tax valuation of a subdivision or necessary 89905
tax rates for the purposes of the submission of the question of a 89906
tax in excess of the ten-mill limitation, including sections 89907
133.18 and 5705.195 of the Revised Code. 89908

(C) All taxes levied on property shall be extended on the tax 89909
list and duplicate by the county auditor of the county in which 89910
the property is located, and shall be collected by the county 89911
treasurer of such county in the same manner and under the same 89912
laws and rules as are prescribed for the assessment and collection 89913
of county taxes. The proceeds of any tax levied by or for any 89914
subdivision when received by its fiscal officer shall be deposited 89915
in its treasury to the credit of the appropriate fund. 89916

Sec. 5705.16. A resolution of the taxing authority of any 89917
political subdivision shall be passed by a majority of all the 89918
members thereof, declaring the necessity for the transfer of funds 89919
authorized by section 5705.15 of the Revised Code, and such taxing 89920
authority shall ~~prepare~~ submit to the tax commissioner a petition 89921
~~addressed to the court of common pleas of the county in which the~~ 89922
~~funds are held. The petition shall set forth~~ that includes the 89923
name and amount of the fund, the fund to which it is desired to be 89924
transferred, a copy of such resolution with a full statement of 89925
the proceedings pertaining to its passage, and the reason or 89926
necessity for the transfer. ~~A duplicate copy of said petition~~ 89927
~~shall be forwarded to the tax commissioner for the commissioner's~~ 89928

~~examination and approval~~ The commissioner shall approve the 89929
transfer of such funds upon determining each of the following: 89930

(A) The petition states sufficient facts; 89931

(B) That there are good reasons, or that a necessity exists, 89932
for the transfer; 89933

(C) No injury will result from the transfer of such funds. 89934

If the petition is disapproved by the commissioner, it shall 89935
be returned within ten days of its receipt to the officers who 89936
submitted it, with a memorandum of the commissioner's objections, 89937
and the taxing authority shall not transfer the funds as requested 89938
by the petition. This disapproval shall not prejudice a later 89939
application for approval. If the petition is approved by the 89940
commissioner, it shall be ~~forwarded~~ returned within ten days of 89941
its receipt to ~~the clerk of the court of common pleas of the~~ 89942
~~county to whose court of common pleas the petition is addressed,~~ 89943
~~marked with the approval of the commissioner. If the commissioner~~ 89944
~~approves the petition, the commissioner shall notify immediately~~ 89945
~~the officers who submitted the petition, who then may file the~~ 89946
~~petition in the court to which it is addressed, and the taxing~~ 89947
authority may transfer the funds as requested by the petition. 89948

~~The petitioner shall give notice of the filing, object, and~~ 89949
~~prayer of the petition, and of the time when it will be heard. The~~ 89950
~~notice shall be given by one publication in a newspaper of general~~ 89951
~~circulation in the territory to be affected by such transfer of~~ 89952
~~funds. If there is no such newspaper, the notice shall be posted~~ 89953
~~in ten conspicuous places within the territory for a period of~~ 89954
~~four weeks.~~ 89955

~~The petition may be heard at the time stated in the notice,~~ 89956
~~or as soon thereafter as convenient for the court. Any person who~~ 89957
~~objects to the prayer of such petition shall file the person's~~ 89958
~~objections in such cause on or before the time fixed in the notice~~ 89959

~~for hearing, and that person shall be entitled to be heard.~~ 89960

~~If, upon hearing, the court finds that the notice has been 89961
given as required by this section, that the petition states 89962
sufficient facts, that there are good reasons, or that a necessity 89963
exists, for the transfer, and that no injury will result 89964
therefrom, it shall grant the prayer of the petition and order the 89965
petitioners to make such transfer.~~ 89966

~~A copy of the findings, orders, and judgments of the court 89967
shall be certified by the clerk and entered on the records of the 89968
petitioning officers or board, and thereupon the petitioners may 89969
make the transfer of funds as directed by the court. All costs of 89970
such proceedings shall be paid by the petitioners, except that if 89971
objections are filed the court may order such objectors to pay all 89972
or a portion of the costs.~~ 89973

Sec. 5709.101. Real property satisfying all of the following 89974
conditions shall be exempt from taxation: 89975

(A) If any part of the property is held out for rent to 89976
tenants, less than seventy-five per cent of the square footage of 89977
that part is leased by one or more tenants. 89978

(B) On the tax lien date, it is owned by a municipal 89979
corporation to which the property was conveyed by a community 89980
improvement corporation as defined in section 1724.01 of the 89981
Revised Code. 89982

(C) It was conveyed to that community improvement corporation 89983
by the United States government or any of its agencies. 89984

(D) It is subject to an agreement under which that municipal 89985
corporation is required to convey the property to that community 89986
improvement corporation before the property may be developed. 89987

Sec. 5709.17. The following property shall be exempted from 89988

taxation: 89989

(A) Real estate held or occupied by an association or 89990
corporation, organized or incorporated under the laws of this 89991
state relative to soldiers' memorial associations, or monumental 89992
building associations, ~~or cemetery associations or corporations,~~ 89993
~~which and that,~~ in the opinion of the trustees, directors, or 89994
managers thereof, is necessary and proper to carry out the object 89995
intended for such association or corporation; 89996

(B) Real estate and tangible personal property held or 89997
occupied by a veterans' organization that qualifies for exemption 89998
from taxation under section 501(c)(19) or 501(c)(23) of the 89999
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 90000
amended, and is incorporated under the laws of this state or the 90001
United States, except real estate held by such an organization for 90002
the production of rental income in excess of thirty-six thousand 90003
dollars in a tax year, before accounting for any cost or expense 90004
incurred in the production of such income. For the purposes of 90005
this division, rental income includes only income arising directly 90006
from renting the real estate to others for consideration. 90007

(C) Tangible personal property held by a corporation 90008
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 90009
section 501(c)(3) of the Internal Revenue Code, and exempt from 90010
taxation under section 501(a) of the Internal Revenue Code shall 90011
be exempt from taxation if it is property obtained as described in 90012
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 90013

(D) Real estate held or occupied by a fraternal organization 90014
and used primarily for meetings of and the administration of the 90015
fraternal organization or for providing, on a not-for-profit 90016
basis, educational or health services, except real estate held by 90017
such an organization for the production of rental income in excess 90018
of thirty-six thousand dollars in a tax year before accounting for 90019

any cost or expense incurred in the production of such income. As 90020
used in this division, "rental income" has the same meaning as in 90021
division (B) of this section, and "fraternal organization" means a 90022
domestic fraternal society, order, or association operating under 90023
the lodge, council, or grange system that qualifies for exemption 90024
from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 90025
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 90026
as amended; that provides financial support for charitable 90027
purposes, as defined in division (B)(12) of section 5739.02 of the 90028
Revised Code; and that operates under a state governing body that 90029
has been operating in this state for at least eighty-five years. 90030

Sec. 5709.212. (A) With every application for an exempt 90031
facility certificate filed pursuant to section 5709.21 of the 90032
Revised Code, the applicant shall pay a fee equal to one-half of 90033
one per cent of the total exempt facility project cost, not to 90034
exceed two thousand dollars. ~~One half of the fee received with~~ 90035
~~applications for exempt facility certificates shall be credited to~~ 90036
~~the exempt facility administrative fund, which is hereby created~~ 90037
~~in the state treasury, for appropriation to the department of~~ 90038
~~taxation for use in administering sections 5709.20 to 5709.27 of~~ 90039
~~the Revised Code.~~ If the director of environmental protection is 90040
required to provide the opinion for an application, ~~one half of~~ 90041
the fee shall be credited to the non-Title V clean air fund 90042
created in section 3704.035 of the Revised Code for use in 90043
administering section 5709.211 of the Revised Code, unless the 90044
application is for an industrial water pollution control facility. 90045
If the application is for an industrial water pollution control 90046
facility, ~~one half of~~ the fee shall be credited to the surface 90047
water protection fund created in section 6111.038 of the Revised 90048
Code for use in administering section 5709.211 of the Revised 90049
Code. If the director of development is required to provide the 90050
opinion for an application, ~~one half of~~ the fee for each exempt 90051

facility application shall be credited to the exempt facility 90052
inspection fund, which is hereby created in the state treasury, 90053
for appropriation to the ~~department of~~ development services agency 90054
for use in administering section 5709.211 of the Revised Code. 90055

An applicant is not entitled to any tax exemption under 90056
section 5709.25 of the Revised Code until the fee required by this 90057
section is paid. The fee required by this section is not 90058
refundable, and is due with the application for an exempt facility 90059
certificate even if an exempt facility certificate ultimately is 90060
not issued or is withdrawn. Any application submitted without 90061
payment of the fee shall be deemed incomplete until the fee is 90062
paid. 90063

(B) The application fee imposed under division (A) of this 90064
section for a jointly owned facility shall be equal to one-half of 90065
one per cent of the total exempt facility project cost, not to 90066
exceed two thousand dollars for each facility that is the subject 90067
of the application. 90068

Sec. 5709.45. (A) As used in sections 5709.45 to 5709.47 of 90069
the Revised Code: 90070

(1) "Downtown redevelopment district" or "district" means an 90071
area not more than ten acres enclosed by a continuous boundary in 90072
which at least one historic building is being, or will be, 90073
rehabilitated. 90074

(2) "Historic building" and "rehabilitation" have the same 90075
meanings as in section 149.311 of the Revised Code. 90076

(3) "Public infrastructure improvement" has the same meaning 90077
as in section 5709.40 of the Revised Code. 90078

(4) "Improvement" means the increase in the assessed value of 90079
real property that would first appear on the tax list after the 90080
effective date of an ordinance adopted under this section were it 90081

not for the exemption granted by the ordinance. 90082

(5) "Innovation district" means an area located entirely 90083
within a downtown redevelopment district, enclosed by a continuous 90084
boundary, and equipped with a high-speed broadband network capable 90085
of download speeds of at least one hundred gigabits per second. 90086

(6) "Qualified business" means a business primarily engaged, 90087
or primarily organized to engage, in a trade or business that 90088
involves research and development, technology transfer, 90089
bio-technology, information technology, or the application of new 90090
technology developed through research and development or acquired 90091
through technology transfer. 90092

(7) "Information technology" means the branch of technology 90093
devoted to the study and application of data and the processing 90094
thereof; the automatic acquisition, storage, manipulation or 90095
transformation, management, movement, control, display, switching, 90096
interchange, transmission or reception of data, and the 90097
development or use of hardware, software, firmware, and procedures 90098
associated with this processing. "Information technology" includes 90099
matters concerned with the furtherance of computer science and 90100
technology, design, development, installation, and implementation 90101
of information systems and applications that in turn will be 90102
licensed or sold to a specific target market. "Information 90103
technology" does not include the creation of a distribution method 90104
for existing products and services. 90105

(8) "Research and development" means designing, creating, or 90106
formulating new or enhanced products, equipment, or processes, and 90107
conducting scientific or technological inquiry and experimentation 90108
in the physical sciences with the goal of increasing scientific 90109
knowledge that may reveal the bases for new or enhanced products, 90110
equipment, or processes. 90111

(9) "Technology transfer" means the transfer of technology 90112

from one sector of the economy to another, including the transfer 90113
of military technology to civilian applications, civilian 90114
technology to military applications, or technology from public or 90115
private research laboratories to military or civilian 90116
applications. 90117

(B) For the purposes of promoting rehabilitation of historic 90118
buildings, creating jobs, and encouraging economic development in 90119
commercial and mixed-use commercial and residential areas, and for 90120
the purpose of funding transportation improvements that will 90121
benefit such areas, the legislative authority of a municipal 90122
corporation may adopt an ordinance creating a downtown 90123
redevelopment district and declaring improvements to parcels 90124
within the district to be a public purpose and exempt from 90125
taxation. Downtown redevelopment districts shall not be created in 90126
areas used exclusively for residential purposes and shall not be 90127
utilized for development or redevelopment of residential areas. 90128

The ordinance shall specify all of the following: 90129

(1) The boundary of the district; 90130

(2) The county treasurer's permanent parcel number associated 90131
with each parcel included in the district; 90132

(3) The parcel or parcels within the district that include a 90133
historic building that is being or will be rehabilitated; 90134

(4) The proposed life of the district; 90135

(5) An economic development plan for the district that 90136
includes all of the following: 90137

(a) A statement describing the principal purposes and goals 90138
to be served by creating the district; 90139

(b) An explanation of how the municipal corporation will 90140
collaborate with businesses and property owners within the 90141
district to develop strategies for achieving such purposes and 90142

goals; 90143

(c) A plan for using the service payments provided for in 90144
section 5709.46 of the Revised Code to promote economic 90145
development and job creation within the district. 90146

Not more than seventy per cent of improvements to parcels 90147
within a downtown redevelopment district may be exempted from 90148
taxation under this section. A district may not include a parcel 90149
that is exempted from taxation under this section or section 90150
5709.40 or 5709.41 of the Revised Code on the effective date of 90151
the ordinance. Except as provided in division (F) of this section, 90152
the life of a downtown redevelopment district shall not exceed ten 90153
years. 90154

A municipal corporation may adopt more than one ordinance 90155
under division (B) of this section. A single such ordinance may 90156
create more than one downtown redevelopment district. 90157

(C) For the purposes of attracting and facilitating growth of 90158
qualified businesses and supporting the economic development 90159
efforts of business incubators and accelerators, the legislative 90160
authority of a municipal corporation may designate an innovation 90161
district within a proposed or existing downtown redevelopment 90162
district. The life of the innovation district shall be identical 90163
to the downtown redevelopment district in which the innovation 90164
district is located. In addition to the requirements in division 90165
(B) of this section, an ordinance creating a downtown 90166
redemption district that includes an innovation district shall 90167
specify all of the following: 90168

(1) The boundary of the innovation district; 90169

(2) The permanent parcel number associated with each parcel 90170
included in the innovation district; 90171

(3) An economic development plan for the innovation district 90172
that meets the criteria prescribed by division (B)(5) of this 90173

section. 90174

(D) At least thirty days before adopting an ordinance under 90175
division (B) of this section, the legislative authority of the 90176
municipal corporation shall conduct a public hearing on the 90177
proposed ordinance and the accompanying economic development plan. 90178
At least thirty days before the public hearing, the legislative 90179
authority shall give notice of the public hearing and the proposed 90180
ordinance by first class mail to every real property owner whose 90181
property is located within the boundaries of the proposed district 90182
that is the subject of the proposed ordinance. 90183

(E) Revenue derived from downtown redevelopment district 90184
service payments may be used by the municipal corporation for any 90185
of the following purposes: 90186

(1) To finance or support loans, deferred loans, or grants to 90187
owners of historic buildings within the downtown redevelopment 90188
district. Such loans or grants shall be awarded upon the condition 90189
that the loan or grant amount may be used by the owner only to 90190
rehabilitate the historic building. A municipal corporation that 90191
awards a loan or grant under this division shall develop a plan 90192
for tracking the loan or grant recipient's use of the loan or 90193
grant and monitoring the progress of the recipient's 90194
rehabilitation project. 90195

(2) To make contributions to a special improvement district 90196
for use under section 1710.14 of the Revised Code, to a community 90197
improvement corporation for use under section 1724.12 of the 90198
Revised Code, or to a nonprofit corporation, as defined in section 90199
1702.01 of the Revised Code, the primary purpose of which is 90200
redeveloping historic buildings and historic districts for use by 90201
the corporation to rehabilitate a historic building within the 90202
downtown redevelopment district or to otherwise promote or enhance 90203
the district. Amounts contributed under division (E)(2) of this 90204
section shall not exceed the property tax revenue that would have 90205

been generated by twenty per cent of the assessed value of the 90206
exempted improvements within the downtown redevelopment district. 90207

(3) To finance or support loans to owners of one or more 90208
buildings located within the district that do not qualify as 90209
historic buildings. Such loans shall be awarded upon the condition 90210
that the loan amount may be used by the owner only to make repairs 90211
and improvements to the building or buildings. A municipal 90212
corporation that awards a loan under this division shall develop a 90213
plan for tracking the loan recipient's use of the loan and 90214
monitoring the progress of the recipient's repairs or 90215
improvements. 90216

(4) To finance public infrastructure improvements within the 90217
downtown redevelopment district. If revenue generated by the 90218
downtown redevelopment district will be used to finance public 90219
infrastructure improvements, the economic development plan 90220
described by division (B)(5) of this section shall identify 90221
specific projects that are being or will be undertaken within the 90222
district and describe how such infrastructure improvements will 90223
accommodate additional demands on the existing infrastructure 90224
within the district. A municipal corporation shall not use service 90225
payments derived from a downtown redevelopment district to repair 90226
or replace police or fire equipment. 90227

(5) To finance or support loans, deferred loans, or grants to 90228
qualified businesses or to incubators and accelerators that 90229
provide services and capital to qualified businesses within an 90230
innovation district. Such loans or grants shall be awarded upon 90231
the condition that the loan or grant shall be used by the 90232
recipient to start or develop one or more qualified businesses 90233
within the innovation district. A municipal corporation that 90234
awards a loan or grant under this division shall develop a plan 90235
for tracking the loan or grant recipient's use of the loan or 90236
grant and monitoring the establishment and growth of the qualified 90237

business. 90238

(F) Notwithstanding division (B) of this section, 90239
improvements to parcels located within a downtown redevelopment 90240
district may be exempted from taxation under this section for up 90241
to thirty years if either of the following apply: 90242

(1) The ordinance creating the redevelopment district 90243
specifies that payments in lieu of taxes shall be paid to the 90244
city, local, or exempted village, and joint vocational school 90245
district or districts in which the redevelopment district is 90246
located in the amount of the taxes that would have been payable to 90247
the school district or districts if the improvements had not been 90248
exempted from taxation. 90249

(2) The municipal corporation creating the district obtains 90250
the approval under division (G) of this section of the board of 90251
education of each city, local, and exempted village school 90252
district within which the district will be located. 90253

(G)(1) The legislative authority of a municipal corporation 90254
seeking the approval of a school district for the purpose of 90255
division (G)(2) of this section shall send notice of the proposed 90256
ordinance to the school district not later than forty-five 90257
business days before it intends to adopt the ordinance. The notice 90258
shall include a copy of the proposed ordinance and shall indicate 90259
the date on which the legislative authority intends to adopt the 90260
ordinance. The board of education of the school district, by 90261
resolution adopted by a majority of the board, may do any of the 90262
following: 90263

(a) Approve the exemption for the number of years specified 90264
in the proposed ordinance; 90265

(b) Disapprove the exemption for the number of years in 90266
excess of ten; 90267

(c) Approve the exemption on the condition that the 90268

legislative authority and the board negotiate an agreement 90269
providing for compensation to the school district equal in value 90270
to a percentage of the amount of taxes exempted in the eleventh 90271
and subsequent years of the exemption period or other mutually 90272
agreeable compensation. If an agreement is negotiated under this 90273
division, the legislative authority shall compensate all joint 90274
vocational school districts within which the downtown 90275
redevelopment district is located at the same rate and under the 90276
same terms received by the city, local, or exempted village school 90277
district. 90278

(2) The board of education shall certify a resolution adopted 90279
under division (G)(1) of this section to the legislative authority 90280
of the municipal corporation not later than fourteen days before 90281
the date the legislative authority intends to adopt the ordinance 90282
as indicated in the notice. If the board of education approves the 90283
ordinance or negotiates a mutually acceptable compensation 90284
agreement with the legislative authority, the legislative 90285
authority may enact the ordinance in its current form. If the 90286
board disapproves of the ordinance and fails to negotiate a 90287
mutually acceptable compensation agreement with the legislative 90288
authority, the legislative authority may exempt improvements to 90289
parcels within the downtown redevelopment district for not more 90290
than ten years. If the board fails to certify a resolution to the 90291
legislative authority within the time prescribed by this division, 90292
the legislative authority may adopt the ordinance and may exempt 90293
improvements to parcels within the downtown redevelopment district 90294
for the period of time specified in the notice delivered to the 90295
board of education. The legislative authority may adopt the 90296
ordinance at any time after the board of education certifies its 90297
resolution approving the exemption to the legislative authority 90298
or, if the board approves the exemption on the condition that a 90299
mutually acceptable compensation agreement be negotiated, at any 90300
time after the compensation agreement is agreed to by the board 90301

and the legislative authority. 90302

(3) If a board of education has adopted a resolution waiving 90303
its right to approve exemptions from taxation under this section 90304
and the resolution remains in effect, approval of exemptions by 90305
the board is not required under division (G) of this section. If a 90306
board of education has adopted a resolution allowing a legislative 90307
authority to deliver the notice required under division (G)(1) of 90308
this section fewer than forty-five business days before the 90309
legislative authority's adoption of the ordinance, the legislative 90310
authority shall deliver the notice to the board not later than the 90311
number of days before such adoption as prescribed by the board in 90312
its resolution. If a board of education adopts a resolution 90313
waiving its right to approve agreements or shortening the 90314
notification period, the board shall certify a copy of the 90315
resolution to the legislative authority. If the board of education 90316
rescinds such a resolution, it shall certify notice of the 90317
rescission to the legislative authority. 90318

(4) If the legislative authority is not required by division 90319
(G) of this section to notify the board of education of the 90320
legislative authority's intent to create a downtown redevelopment 90321
district, the legislative authority shall comply with the notice 90322
requirements imposed under section 5709.83 of the Revised Code, 90323
unless the board has adopted a resolution under that section 90324
waiving its right to receive such a notice. 90325

(H) Service payments in lieu of taxes that are attributable 90326
to any amount by which the effective tax rate of either a renewal 90327
levy with an increase or a replacement levy exceeds the effective 90328
tax rate of the levy renewed or replaced, or that are attributable 90329
to an additional levy, for a levy authorized by the voters for any 90330
of the following purposes on or after January 1, 2006, and which 90331
are provided pursuant to an ordinance creating a downtown 90332
redevelopment district under division (B) of this section shall be 90333

distributed to the appropriate taxing authority as required under 90334
division (C) of section 5709.46 of the Revised Code in an amount 90335
equal to the amount of taxes from that additional levy or from the 90336
increase in the effective tax rate of such renewal or replacement 90337
levy that would have been payable to that taxing authority from 90338
the following levies were it not for the exemption authorized 90339
under division (B) of this section: 90340

(1) A tax levied under division (L) of section 5705.19 or 90341
section 5705.191 of the Revised Code for community mental 90342
retardation and developmental disabilities programs and services 90343
pursuant to Chapter 5126. of the Revised Code; 90344

(2) A tax levied under division (Y) of section 5705.19 of the 90345
Revised Code for providing or maintaining senior citizens services 90346
or facilities; 90347

(3) A tax levied under section 5705.22 of the Revised Code 90348
for county hospitals; 90349

(4) A tax levied by a joint-county district or by a county 90350
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 90351
for alcohol, drug addiction, and mental health services or 90352
facilities; 90353

(5) A tax levied under section 5705.23 of the Revised Code 90354
for library purposes; 90355

(6) A tax levied under section 5705.24 of the Revised Code 90356
for the support of children services and the placement and care of 90357
children; 90358

(7) A tax levied under division (Z) of section 5705.19 of the 90359
Revised Code for the provision and maintenance of zoological park 90360
services and facilities under section 307.76 of the Revised Code; 90361

(8) A tax levied under section 511.27 or division (H) of 90362
section 5705.19 of the Revised Code for the support of township 90363

park districts; 90364

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 90365
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 90369
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(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 90371
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90374

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 90375
90376

(I) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year commencing before the effective date of the ordinance or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and that commences after the effective date of the ordinance. In lieu of stating a specific year, the ordinance may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the ordinance. 90377
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Except as otherwise provided in this division, the exemption ends on the date specified in the ordinance as the date the improvement ceases to be a public purpose or the downtown redevelopment district expires, whichever occurs first. The 90391
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exemption of an improvement within a downtown redevelopment 90395
district may end on a later date, as specified in the ordinance, 90396
if the legislative authority and the board of education of the 90397
city, local, or exempted village school district within which the 90398
parcel or district is located have entered into a compensation 90399
agreement under section 5709.82 of the Revised Code with respect 90400
to the improvement, and the board of education has approved the 90401
term of the exemption under division (G) of this section, but in 90402
no case shall the improvement be exempted from taxation for more 90403
than thirty years. Exemptions shall be claimed and allowed in the 90404
same manner as in the case of other real property exemptions. If 90405
an exemption status changes during a year, the procedure for the 90406
apportionment of the taxes for that year is the same as in the 90407
case of other changes in tax exemption status during the year. 90408

(J) Additional municipal financing of the projects and 90409
services described in division (E) of this section may be provided 90410
by any methods that the municipal corporation may otherwise use 90411
for financing such projects and services. If the municipal 90412
corporation issues bonds or notes to finance such projects and 90413
services and pledges money from the municipal downtown 90414
redevelopment district fund to pay the interest on and principal 90415
of the bonds or notes, the bonds or notes are not subject to 90416
Chapter 133. of the Revised Code. 90417

(K) The municipal corporation, not later than fifteen days 90418
after the adoption of an ordinance under this section, shall 90419
submit to the director of development services a copy of the 90420
ordinance. On or before the thirty-first day of March of each 90421
year, the municipal corporation shall submit a status report to 90422
the director of development services. The report shall indicate, 90423
in the manner prescribed by the director, the progress of the 90424
projects and services during each year that an exemption remains 90425
in effect, including a summary of the receipts from service 90426

payments in lieu of taxes; expenditures of money from the funds 90427
created under section 5709.47 of the Revised Code; a description 90428
of the projects and services financed with such expenditures; and 90429
a quantitative summary of changes in employment and private 90430
investment resulting from each project and service. 90431

(L) Nothing in this section shall be construed to prohibit a 90432
legislative authority from declaring to be a public purpose 90433
improvements with respect to more than one parcel. 90434

(M)(1) The owner of real property located in a downtown 90435
redevelopment district may enter into an agreement with the 90436
municipal corporation that created the district to impose a 90437
redevelopment charge on the property to cover all or part of the 90438
cost of services, facilities, and improvements provided within the 90439
district under division (E) of this section. The agreement shall 90440
include the following: 90441

(a) The amount of the redevelopment charge. The redevelopment 90442
charge may be a fixed dollar amount or an amount determined on the 90443
basis of the assessed valuation of the property or all or part of 90444
the profits, gross receipts, or other revenues of a business 90445
operating on the property, including rentals received from leases 90446
of the property. If the property is leased to one or more tenants, 90447
the redevelopment charge may be itemized as part of the lease 90448
rate. 90449

(b) The termination date of the redevelopment charge. The 90450
redevelopment charge shall not be charged after the expiration or 90451
termination of the downtown redevelopment district. 90452

(c) The terms by which the municipal corporation shall 90453
collect the redevelopment charge. 90454

(d) The purposes for which the redevelopment charge may be 90455
used by the municipal corporation. The redevelopment charge shall 90456
be used only for those purposes described by division (E) of this 90457

section. The agreement may specify any or all of such purposes. 90458

(2) Redevelopment charges collected by a municipal 90459
corporation under division (M) of this section shall be deposited 90460
to the municipal downtown redevelopment district fund created 90461
under section 5709.47 of the Revised Code. 90462

(3) An agreement by a property owner under division (M) of 90463
this section is hereby deemed to be a covenant running with the 90464
land. The covenant is fully binding on behalf of and enforceable 90465
by the municipal corporation against any person acquiring an 90466
interest in the land and all of that person's successors and 90467
assigns. 90468

(4) No purchase agreement for real estate or any interest in 90469
real estate upon which a redevelopment charge is levied shall be 90470
enforceable by the seller or binding upon the purchaser unless the 90471
purchase agreement specifically refers to the redevelopment 90472
charge. If a conveyance of such real estate or interest in such 90473
real estate is made pursuant to a purchase agreement that does not 90474
make such reference, the redevelopment charge shall continue to be 90475
a covenant running with the land fully binding on behalf of and 90476
enforceable by the municipal corporation against the person 90477
accepting the conveyance pursuant to the purchase agreement. 90478

(5) If a redevelopment charge is not paid when due, the 90479
overdue amount shall be collected according to the terms of the 90480
agreement. If the agreement does not specify a procedure for 90481
collecting overdue redevelopment charges, the municipal 90482
corporation may certify the charge to the county auditor. The 90483
county auditor shall enter the unpaid charge on the tax list and 90484
duplicate of real property opposite the parcel against which it is 90485
charged and certify the charge to the county treasurer. The unpaid 90486
redevelopment charge is a lien on property against which it is 90487
charged from the date the charge is entered on the tax list, and 90488
shall be collected in the manner provided for the collection of 90489

real property taxes. Once the charge is collected, it shall be 90490
paid immediately to the municipal corporation. 90491

Sec. 5709.48. (A) As used in this section, "regional 90492
transportation improvement project" has the same meaning as in 90493
section 5595.01 of the Revised Code. 90494

(B) For the purposes described in division (A) of section 90495
5595.06 of the Revised Code, the boards of county commissioners of 90496
one or more counties that are participants in a regional 90497
transportation improvement project may, by resolution, create a 90498
transportation financing district and declare improvements to 90499
parcels within the district to be a public purpose and exempt from 90500
taxation. 90501

(C) A transportation financing district may include territory 90502
in more than one county as long as each such county is a party to 90503
the resolution creating the district and a participant in the 90504
regional transportation improvement project funded by the 90505
district. A district shall not include areas used exclusively for 90506
residential purposes. A district shall not include any parcel that 90507
is or has been exempted from taxation under this section or 90508
section 5709.40, 5709.41, 5709.45, 5709.73, or 5709.77 of the 90509
Revised Code. Counties may designate parcels within the boundaries 90510
of a district that are not included in the district. Counties may 90511
designate noncontiguous parcels located outside the boundaries of 90512
the district that are included in the district. 90513

Counties may adopt more than one resolution under division 90514
(B) of this section. A single such resolution may create more than 90515
one transportation financing district. 90516

(D) A resolution creating a transportation financing district 90517
shall specify all of the following: 90518

(1) A description of the territory included in the district; 90519

(2) The county treasurer's permanent parcel number associated with each parcel included in the district; 90520
90521

(3) The percentage of improvements to be exempted from taxation and the duration of the exemption, which shall not exceed the remaining number of years the cooperative agreement for the regional transportation improvement district, described under section 5595.03 of the Revised Code, is in effect; 90522
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(4) A plan for the district that describes the principal purposes and goals to be served by the district and explains how the use of service payments provided for by section 5709.49 of the Revised Code will economically benefit owners of property within the district. 90527
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(E)(1) Before adopting a resolution under division (B) of this section, the board or boards of county commissioners of the participating counties shall notify and obtain the approval of each subdivision and taxing unit that levies a property tax within the territory of the proposed transportation financing district. A subdivision or taxing unit's approval or disapproval of the proposed district shall be in the form of an ordinance or resolution. The board or boards may negotiate an agreement with a subdivision or taxing unit providing for compensation equal in value to a percentage of the amount of taxes exempted or some other mutually agreeable compensation. 90532
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(2) A subdivision or taxing unit may adopt an ordinance or resolution waiving its right to approve or receive notice of transportation financing districts proposed under this section. If a subdivision or taxing unit has adopted such an ordinance or resolution, the terms of that ordinance or resolution supersede the requirements of division (E)(1) of this section. One or more boards of county commissioners may negotiate an agreement with a subdivision or taxing unit providing for some mutually agreeable compensation in exchange for the subdivision or taxing unit 90543
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adopting such an ordinance or resolution. If a subdivision or 90552
taxing unit has adopted such an ordinance or resolution, it shall 90553
certify a copy to the board of county commissioners of the county 90554
or counties in which the subdivision or taxing unit is located. If 90555
the subdivision or taxing unit rescinds such an ordinance or 90556
resolution, it shall certify notice of the rescission to the same 90557
board or boards. 90558

(F) After notifying and obtaining the approval of each 90559
subdivision and taxing unit that levies a property tax within the 90560
territory of the proposed transportation financing district as 90561
required under division (E) of this section, the boards of county 90562
commissioners of the participating counties shall notify and 90563
obtain the approval of every real property owner whose property is 90564
included in the proposed district. 90565

(G)(1) If the resolution creating the transportation 90566
financing district is approved by the board of county 90567
commissioners of each county in which the district is located, one 90568
of the counties shall send a copy of the resolution and 90569
documentation sufficient to prove that the requirements of 90570
divisions (E) and (F) of this section have been met to the 90571
director of development services. The director shall evaluate the 90572
resolution and documentation to determine if the counties have 90573
fully complied with the requirements of this section. If the 90574
director approves the resolution, the director shall send notice 90575
of approval to each county that is a party to the resolution. If 90576
the director does not approve the resolution, the director shall 90577
send notice of denial to each county that is a party to the 90578
resolution. The notice of denial shall include the reason or 90579
reasons for the denial. If the director does not make a 90580
determination within ninety days after receiving a resolution 90581
under this section, the director is deemed to have approved the 90582
resolution. No resolution creating a transportation financing 90583

district is effective without actual or constructive approval by 90584
the director under this section. 90585

(2) An exemption from taxation granted under this section 90586
commences with the tax year specified in the resolution so long as 90587
the year specified in the resolution commences after the effective 90588
date of the resolution. If the resolution specifies a year 90589
commencing before the effective date of the resolution or 90590
specifies no year whatsoever, the exemption commences with the tax 90591
year in which an exempted improvement first appears on the tax 90592
list and that commences after the effective date of the 90593
resolution. In lieu of stating a specific year, the resolution may 90594
provide that the exemption commences in the tax year in which the 90595
value of an improvement exceeds a specified amount or in which the 90596
construction of one or more improvements is completed, provided 90597
that such tax year commences after the effective date of the 90598
resolution. 90599

(3) Except as otherwise provided in this division, the 90600
exemption ends on the date specified in the resolution as the date 90601
the improvement ceases to be a public purpose or the regional 90602
transportation improvement project funded by the service payments 90603
dissolves under section 5595.13 of the Revised Code, whichever 90604
occurs first. Exemptions shall be claimed and allowed in the same 90605
manner as in the case of other real property exemptions. If an 90606
exemption status changes during a year, the procedure for the 90607
apportionment of the taxes for that year is the same as in the 90608
case of other changes in tax exemption status during the year. 90609

(H) Service payments in lieu of taxes that are attributable 90610
to any amount by which the effective tax rate of either a renewal 90611
levy with an increase or a replacement levy exceeds the effective 90612
tax rate of the levy renewed or replaced, or that are attributable 90613
to an additional levy, for a levy authorized by the voters for any 90614
of the following purposes on or after January 1, 2006, and which 90615

are provided pursuant to a resolution creating a transportation financing district under this section shall be distributed to the appropriate taxing authority as required under division (C) of section 5709.49 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 of the Revised Code for community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts; 90646
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(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 90649
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 90653
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(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 90655
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(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 90659
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(I) The resolution creating a transportation financing district may be amended at any time by majority vote of the boards of county commissioners of each county in which the district is located and with the approval of the director of development services obtained in the same manner as approval of the original resolution. 90661
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Sec. 5709.49. (A) A county that has declared an improvement to be a public purpose under section 5709.48 of the Revised Code shall require the owner of any structure located on the parcel to make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payment of real property taxes. Each such payment shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the improvement if it were not exempt from taxation. If any reduction 90667
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in the levies otherwise applicable to such exempt property is made 90676
by the county budget commission under section 5705.31 of the 90677
Revised Code, the amount of the service payment in lieu of taxes 90678
shall be calculated as if such reduction in levies had not been 90679
made. 90680

(B) Moneys collected as service payments in lieu of taxes 90681
from a parcel shall be distributed at the same time and in the 90682
same manner as real property tax payments. However, subject to 90683
division (C) of this section or section 5709.913 of the Revised 90684
Code, the entire amount so collected shall be distributed to the 90685
county in which the parcel is located. If a resolution adopted 90686
under section 5709.48 of the Revised Code specifies that service 90687
payments shall be paid to another subdivision or taxing unit in 90688
which the parcel is located, the county treasurer shall distribute 90689
the portion of the service payments to that subdivision or taxing 90690
unit in an amount equal to the property tax payments the 90691
subdivision or taxing unit would have received from the portion of 90692
the parcel's improvement exempted from taxation had the 90693
improvement not been exempted, or some other amount as directed in 90694
the resolution. The treasurer shall maintain a record of the 90695
service payments in lieu of taxes made from property in each 90696
transportation financing district. 90697

(C) If annual service payments in lieu of taxes are required 90698
under this section, the county treasurer shall distribute to the 90699
appropriate taxing authorities the portion of the service payments 90700
that represent payments required under division (H) of section 90701
5709.48 of the Revised Code. 90702

(D) Nothing in this section or section 5709.48 of the Revised 90703
Code affects the taxes levied against that portion of the value of 90704
any parcel of property that is not exempt from taxation. 90705

Sec. 5709.50. (A) A county that grants a tax exemption under 90706
section 5709.48 of the Revised Code shall establish a regional 90707
transportation improvement project fund into which shall be 90708
deposited service payments in lieu of taxes distributed to the 90709
county under section 5709.49 of the Revised Code. Money in the 90710
regional transportation improvement project fund shall be used to 90711
compensate subdivisions and taxing units within which exempted 90712
parcels are located pursuant to agreements entered into by the 90713
county under division (E) of section 5709.48 of the Revised Code. 90714
The remainder shall be dispensed to the governing board of the 90715
regional transportation improvement project and used for the 90716
purposes described in the resolution creating the transportation 90717
financing district. 90718

(B) Any incidental surplus remaining in the regional 90719
transportation improvement project fund or an account of that fund 90720
upon dissolution of the fund or account shall be transferred to 90721
the general fund of the county. 90722

Sec. 5709.62. (A) In any municipal corporation that is 90723
defined by the United States office of management and budget as a 90724
principal city of a metropolitan statistical area, the legislative 90725
authority of the municipal corporation may designate one or more 90726
areas within its municipal corporation as proposed enterprise 90727
zones. Upon designating an area, the legislative authority shall 90728
petition the director of development services for certification of 90729
the area as having the characteristics set forth in division 90730
(A)(1) of section 5709.61 of the Revised Code as amended by 90731
Substitute Senate Bill No. 19 of the 120th general assembly. 90732
Except as otherwise provided in division (E) of this section, on 90733
and after July 1, 1994, legislative authorities shall not enter 90734
into agreements under this section unless the legislative 90735
authority has petitioned the director and the director has 90736

certified the zone under this section as amended by that act; 90737
however, all agreements entered into under this section as it 90738
existed prior to July 1, 1994, and the incentives granted under 90739
those agreements shall remain in effect for the period agreed to 90740
under those agreements. Within sixty days after receiving such a 90741
petition, the director shall determine whether the area has the 90742
characteristics set forth in division (A)(1) of section 5709.61 of 90743
the Revised Code, and shall forward the findings to the 90744
legislative authority of the municipal corporation. If the 90745
director certifies the area as having those characteristics, and 90746
thereby certifies it as a zone, the legislative authority may 90747
enter into an agreement with an enterprise under division (C) of 90748
this section. 90749

(B) Any enterprise that wishes to enter into an agreement 90750
with a municipal corporation under division (C) of this section 90751
shall submit a proposal to the legislative authority of the 90752
municipal corporation on a form prescribed by the director of 90753
development services, together with the application fee 90754
established under section 5709.68 of the Revised Code. The form 90755
shall require the following information: 90756

(1) An estimate of the number of new employees whom the 90757
enterprise intends to hire, or of the number of employees whom the 90758
enterprise intends to retain, within the zone at a facility that 90759
is a project site, and an estimate of the amount of payroll of the 90760
enterprise attributable to these employees; 90761

(2) An estimate of the amount to be invested by the 90762
enterprise to establish, expand, renovate, or occupy a facility, 90763
including investment in new buildings, additions or improvements 90764
to existing buildings, machinery, equipment, furniture, fixtures, 90765
and inventory; 90766

(3) A listing of the enterprise's current investment, if any, 90767
in a facility as of the date of the proposal's submission. 90768

The enterprise shall review and update the listings required 90769
under this division to reflect material changes, and any agreement 90770
entered into under division (C) of this section shall set forth 90771
final estimates and listings as of the time the agreement is 90772
entered into. The legislative authority may, on a separate form 90773
and at any time, require any additional information necessary to 90774
determine whether an enterprise is in compliance with an agreement 90775
and to collect the information required to be reported under 90776
section 5709.68 of the Revised Code. 90777

(C) Upon receipt and investigation of a proposal under 90778
division (B) of this section, if the legislative authority finds 90779
that the enterprise submitting the proposal is qualified by 90780
financial responsibility and business experience to create and 90781
preserve employment opportunities in the zone and improve the 90782
economic climate of the municipal corporation, the legislative 90783
authority, ~~on or before October 15, 2017,~~ may do one of the 90784
following: 90785

(1) Enter into an agreement with the enterprise under which 90786
the enterprise agrees to establish, expand, renovate, or occupy a 90787
facility and hire new employees, or preserve employment 90788
opportunities for existing employees, in return for one or more of 90789
the following incentives: 90790

(a) Exemption for a specified number of years, not to exceed 90791
fifteen, of a specified portion, up to seventy-five per cent, of 90792
the assessed value of tangible personal property first used in 90793
business at the project site as a result of the agreement. If an 90794
exemption for inventory is specifically granted in the agreement 90795
pursuant to this division, the exemption applies to inventory 90796
required to be listed pursuant to sections 5711.15 and 5711.16 of 90797
the Revised Code, except that, in the instance of an expansion or 90798
other situations in which an enterprise was in business at the 90799
facility prior to the establishment of the zone, the inventory 90800

that is exempt is that amount or value of inventory in excess of 90801
the amount or value of inventory required to be listed in the 90802
personal property tax return of the enterprise in the return for 90803
the tax year in which the agreement is entered into. 90804

(b) Exemption for a specified number of years, not to exceed 90805
fifteen, of a specified portion, up to seventy-five per cent, of 90806
the increase in the assessed valuation of real property 90807
constituting the project site subsequent to formal approval of the 90808
agreement by the legislative authority; 90809

(c) Provision for a specified number of years, not to exceed 90810
fifteen, of any optional services or assistance that the municipal 90811
corporation is authorized to provide with regard to the project 90812
site. 90813

(2) Enter into an agreement under which the enterprise agrees 90814
to remediate an environmentally contaminated facility, to spend an 90815
amount equal to at least two hundred fifty per cent of the true 90816
value in money of the real property of the facility prior to 90817
remediation as determined for the purposes of property taxation to 90818
establish, expand, renovate, or occupy the remediated facility, 90819
and to hire new employees or preserve employment opportunities for 90820
existing employees at the remediated facility, in return for one 90821
or more of the following incentives: 90822

(a) Exemption for a specified number of years, not to exceed 90823
fifteen, of a specified portion, not to exceed fifty per cent, of 90824
the assessed valuation of the real property of the facility prior 90825
to remediation; 90826

(b) Exemption for a specified number of years, not to exceed 90827
fifteen, of a specified portion, not to exceed one hundred per 90828
cent, of the increase in the assessed valuation of the real 90829
property of the facility during or after remediation; 90830

(c) The incentive under division (C)(1)(a) of this section, 90831

except that the percentage of the assessed value of such property 90832
exempted from taxation shall not exceed one hundred per cent; 90833

(d) The incentive under division (C)(1)(c) of this section. 90834

(3) Enter into an agreement with an enterprise that plans to 90835
purchase and operate a large manufacturing facility that has 90836
ceased operation or announced its intention to cease operation, in 90837
return for exemption for a specified number of years, not to 90838
exceed fifteen, of a specified portion, up to one hundred per 90839
cent, of the assessed value of tangible personal property used in 90840
business at the project site as a result of the agreement, or of 90841
the assessed valuation of real property constituting the project 90842
site, or both. 90843

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 90844
section, the portion of the assessed value of tangible personal 90845
property or of the increase in the assessed valuation of real 90846
property exempted from taxation under those divisions may exceed 90847
seventy-five per cent in any year for which that portion is 90848
exempted if the average percentage exempted for all years in which 90849
the agreement is in effect does not exceed sixty per cent, or if 90850
the board of education of the city, local, or exempted village 90851
school district within the territory of which the property is or 90852
will be located approves a percentage in excess of seventy-five 90853
per cent. 90854

(2) Notwithstanding any provision of the Revised Code to the 90855
contrary, the exemptions described in divisions (C)(1)(a), (b), 90856
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 90857
be for up to fifteen years if the board of education of the city, 90858
local, or exempted village school district within the territory of 90859
which the property is or will be located approves a number of 90860
years in excess of ten. 90861

(3) For the purpose of obtaining the approval of a city, 90862

local, or exempted village school district under division (D)(1) 90863
or (2) of this section, the legislative authority shall deliver to 90864
the board of education a notice not later than forty-five days 90865
prior to approving the agreement, excluding Saturdays, Sundays, 90866
and legal holidays as defined in section 1.14 of the Revised Code. 90867
The notice shall state the percentage to be exempted, an estimate 90868
of the true value of the property to be exempted, and the number 90869
of years the property is to be exempted. The board of education, 90870
by resolution adopted by a majority of the board, shall approve or 90871
disapprove the agreement and certify a copy of the resolution to 90872
the legislative authority not later than fourteen days prior to 90873
the date stipulated by the legislative authority as the date upon 90874
which approval of the agreement is to be formally considered by 90875
the legislative authority. The board of education may include in 90876
the resolution conditions under which the board would approve the 90877
agreement, including the execution of an agreement to compensate 90878
the school district under division (B) of section 5709.82 of the 90879
Revised Code. The legislative authority may approve the agreement 90880
at any time after the board of education certifies its resolution 90881
approving the agreement to the legislative authority, or, if the 90882
board approves the agreement conditionally, at any time after the 90883
conditions are agreed to by the board and the legislative 90884
authority. 90885

If a board of education has adopted a resolution waiving its 90886
right to approve agreements and the resolution remains in effect, 90887
approval of an agreement by the board is not required under this 90888
division. If a board of education has adopted a resolution 90889
allowing a legislative authority to deliver the notice required 90890
under this division fewer than forty-five business days prior to 90891
the legislative authority's approval of the agreement, the 90892
legislative authority shall deliver the notice to the board not 90893
later than the number of days prior to such approval as prescribed 90894
by the board in its resolution. If a board of education adopts a 90895

resolution waiving its right to approve agreements or shortening 90896
the notification period, the board shall certify a copy of the 90897
resolution to the legislative authority. If the board of education 90898
rescinds such a resolution, it shall certify notice of the 90899
rescission to the legislative authority. 90900

(4) The legislative authority shall comply with section 90901
5709.83 of the Revised Code unless the board of education has 90902
adopted a resolution under that section waiving its right to 90903
receive such notice. 90904

(E) This division applies to zones certified by the director 90905
of development services under this section prior to July 22, 1994. 90906

~~On or before October 15, 2017, the~~ The legislative authority 90907
that designated a zone to which this division applies may enter 90908
into an agreement with an enterprise if the legislative authority 90909
finds that the enterprise satisfies one of the criteria described 90910
in divisions (E)(1) to (5) of this section: 90911

(1) The enterprise currently has no operations in this state 90912
and, subject to approval of the agreement, intends to establish 90913
operations in the zone; 90914

(2) The enterprise currently has operations in this state 90915
and, subject to approval of the agreement, intends to establish 90916
operations at a new location in the zone that would not result in 90917
a reduction in the number of employee positions at any of the 90918
enterprise's other locations in this state; 90919

(3) The enterprise, subject to approval of the agreement, 90920
intends to relocate operations, currently located in another 90921
state, to the zone; 90922

(4) The enterprise, subject to approval of the agreement, 90923
intends to expand operations at an existing site in the zone that 90924
the enterprise currently operates; 90925

(5) The enterprise, subject to approval of the agreement, 90926
intends to relocate operations, currently located in this state, 90927
to the zone, and the director of development services has issued a 90928
waiver for the enterprise under division (B) of section 5709.633 90929
of the Revised Code. 90930

The agreement shall require the enterprise to agree to 90931
establish, expand, renovate, or occupy a facility in the zone and 90932
hire new employees, or preserve employment opportunities for 90933
existing employees, in return for one or more of the incentives 90934
described in division (C) of this section. 90935

(F) All agreements entered into under this section shall be 90936
in the form prescribed under section 5709.631 of the Revised Code. 90937
After an agreement is entered into under this section, if the 90938
legislative authority revokes its designation of a zone, or if the 90939
director of development services revokes a zone's certification, 90940
any entitlements granted under the agreement shall continue for 90941
the number of years specified in the agreement. 90942

(G) Except as otherwise provided in this division, an 90943
agreement entered into under this section shall require that the 90944
enterprise pay an annual fee equal to the greater of one per cent 90945
of the dollar value of incentives offered under the agreement or 90946
five hundred dollars; provided, however, that if the value of the 90947
incentives exceeds two hundred fifty thousand dollars, the fee 90948
shall not exceed two thousand five hundred dollars. The fee shall 90949
be payable to the legislative authority once per year for each 90950
year the agreement is effective on the days and in the form 90951
specified in the agreement. Fees paid shall be deposited in a 90952
special fund created for such purpose by the legislative authority 90953
and shall be used by the legislative authority exclusively for the 90954
purpose of complying with section 5709.68 of the Revised Code and 90955
by the tax incentive review council created under section 5709.85 90956
of the Revised Code exclusively for the purposes of performing the 90957

duties prescribed under that section. The legislative authority 90958
may waive or reduce the amount of the fee charged against an 90959
enterprise, but such a waiver or reduction does not affect the 90960
obligations of the legislative authority or the tax incentive 90961
review council to comply with section 5709.68 or 5709.85 of the 90962
Revised Code. 90963

(H) When an agreement is entered into pursuant to this 90964
section, the legislative authority authorizing the agreement shall 90965
forward a copy of the agreement to the director of development 90966
services and to the tax commissioner within fifteen days after the 90967
agreement is entered into. If any agreement includes terms not 90968
provided for in section 5709.631 of the Revised Code affecting the 90969
revenue of a city, local, or exempted village school district or 90970
causing revenue to be forgone by the district, including any 90971
compensation to be paid to the school district pursuant to section 90972
5709.82 of the Revised Code, those terms also shall be forwarded 90973
in writing to the director of development services along with the 90974
copy of the agreement forwarded under this division. 90975

(I) After an agreement is entered into, the enterprise shall 90976
file with each personal property tax return required to be filed, 90977
or annual report required to be filed under section 5727.08 of the 90978
Revised Code, while the agreement is in effect, an informational 90979
return, on a form prescribed by the tax commissioner for that 90980
purpose, setting forth separately the property, and related costs 90981
and values, exempted from taxation under the agreement. 90982

(J) Enterprises may agree to give preference to residents of 90983
the zone within which the agreement applies relative to residents 90984
of this state who do not reside in the zone when hiring new 90985
employees under the agreement. 90986

(K) An agreement entered into under this section may include 90987
a provision requiring the enterprise to create one or more 90988
temporary internship positions for students enrolled in a course 90989

of study at a school or other educational institution in the 90990
vicinity, and to create a scholarship or provide another form of 90991
educational financial assistance for students holding such a 90992
position in exchange for the student's commitment to work for the 90993
enterprise at the completion of the internship. 90994

(L) The tax commissioner's authority in determining the 90995
accuracy of any exemption granted by an agreement entered into 90996
under this section is limited to divisions (C)(1)(a) and (b), 90997
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 90998
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 90999
and, as authorized by law, to enforcing any modification to, or 91000
revocation of, that agreement by the legislative authority of a 91001
municipal corporation or the director of development services. 91002

Sec. 5709.63. (A) With the consent of the legislative 91003
authority of each affected municipal corporation or of a board of 91004
township trustees, a board of county commissioners may, in the 91005
manner set forth in section 5709.62 of the Revised Code, designate 91006
one or more areas in one or more municipal corporations or in 91007
unincorporated areas of the county as proposed enterprise zones. A 91008
board of county commissioners may designate no more than one area 91009
within a township, or within adjacent townships, as a proposed 91010
enterprise zone. The board shall petition the director of 91011
development services for certification of the area as having the 91012
characteristics set forth in division (A)(1) or (2) of section 91013
5709.61 of the Revised Code as amended by Substitute Senate Bill 91014
No. 19 of the 120th general assembly. Except as otherwise provided 91015
in division (D) of this section, on and after July 1, 1994, boards 91016
of county commissioners shall not enter into agreements under this 91017
section unless the board has petitioned the director and the 91018
director has certified the zone under this section as amended by 91019
that act; however, all agreements entered into under this section 91020
as it existed prior to July 1, 1994, and the incentives granted 91021

under those agreements shall remain in effect for the period 91022
agreed to under those agreements. The director shall make the 91023
determination in the manner provided under section 5709.62 of the 91024
Revised Code. 91025

Any enterprise wishing to enter into an agreement with the 91026
board under division (B) or (D) of this section shall submit a 91027
proposal to the board on the form and accompanied by the 91028
application fee prescribed under division (B) of section 5709.62 91029
of the Revised Code. The enterprise shall review and update the 91030
estimates and listings required by the form in the manner required 91031
under that division. The board may, on a separate form and at any 91032
time, require any additional information necessary to determine 91033
whether an enterprise is in compliance with an agreement and to 91034
collect the information required to be reported under section 91035
5709.68 of the Revised Code. 91036

(B) If the board of county commissioners finds that an 91037
enterprise submitting a proposal is qualified by financial 91038
responsibility and business experience to create and preserve 91039
employment opportunities in the zone and to improve the economic 91040
climate of the municipal corporation or municipal corporations or 91041
the unincorporated areas in which the zone is located and to which 91042
the proposal applies, the board, ~~on or before October 15, 2017,~~ 91043
~~and~~ with the consent of the legislative authority of each affected 91044
municipal corporation or of the board of township trustees, may do 91045
either of the following: 91046

(1) Enter into an agreement with the enterprise under which 91047
the enterprise agrees to establish, expand, renovate, or occupy a 91048
facility in the zone and hire new employees, or preserve 91049
employment opportunities for existing employees, in return for the 91050
following incentives: 91051

(a) When the facility is located in a municipal corporation, 91052
the board may enter into an agreement for one or more of the 91053

incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(b) When the facility is located in an unincorporated area, the board may enter into an agreement for one or more of the following incentives:

(i) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to sixty per cent, of the assessed value of tangible personal property first used in business at a project site as a result of the agreement. If an exemption for inventory is specifically granted in the agreement pursuant to this division, the exemption applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory that is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(ii) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to sixty per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the board;

(iii) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance the board is authorized to provide with regard to the project site;

(iv) The incentive described in division (C)(2) of section 5709.62 of the Revised Code.

(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has

ceased operation or has announced its intention to cease 91085
operation, in return for exemption for a specified number of 91086
years, not to exceed fifteen, of a specified portion, up to one 91087
hundred per cent, of tangible personal property used in business 91088
at the project site as a result of the agreement, or of real 91089
property constituting the project site, or both. 91090

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 91091
this section, the portion of the assessed value of tangible 91092
personal property or of the increase in the assessed valuation of 91093
real property exempted from taxation under those divisions may 91094
exceed sixty per cent in any year for which that portion is 91095
exempted if the average percentage exempted for all years in which 91096
the agreement is in effect does not exceed fifty per cent, or if 91097
the board of education of the city, local, or exempted village 91098
school district within the territory of which the property is or 91099
will be located approves a percentage in excess of sixty per cent. 91100

(b) Notwithstanding any provision of the Revised Code to the 91101
contrary, the exemptions described in divisions (B)(1)(b)(i), 91102
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 91103
fifteen years if the board of education of the city, local, or 91104
exempted village school district within the territory of which the 91105
property is or will be located approves a number of years in 91106
excess of ten. 91107

(c) For the purpose of obtaining the approval of a city, 91108
local, or exempted village school district under division 91109
(C)(1)(a) or (b) of this section, the board of county 91110
commissioners shall deliver to the board of education a notice not 91111
later than forty-five days prior to approving the agreement, 91112
excluding Saturdays, Sundays, and legal holidays as defined in 91113
section 1.14 of the Revised Code. The notice shall state the 91114
percentage to be exempted, an estimate of the true value of the 91115
property to be exempted, and the number of years the property is 91116

to be exempted. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the board of county commissioners not later than fourteen days prior to the date stipulated by the board of county commissioners as the date upon which approval of the agreement is to be formally considered by the board of county commissioners. The board of education may include in the resolution conditions under which the board would approve the agreement, including the execution of an agreement to compensate the school district under division (B) of section 5709.82 of the Revised Code. The board of county commissioners may approve the agreement at any time after the board of education certifies its resolution approving the agreement to the board of county commissioners, or, if the board of education approves the agreement conditionally, at any time after the conditions are agreed to by the board of education and the board of county commissioners.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board of education is not required under division (C) of this section. If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under this division fewer than forty-five business days prior to approval of the agreement by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board

of county commissioners. 91150

(2) The board of county commissioners shall comply with 91151
section 5709.83 of the Revised Code unless the board of education 91152
has adopted a resolution under that section waiving its right to 91153
receive such notice. 91154

(D) This division applies to zones certified by the director 91155
of development services under this section prior to July 22, 1994. 91156

~~On or before October 15, 2017, and with~~ With the consent of 91157
the legislative authority of each affected municipal corporation 91158
or board of township trustees of each affected township, the board 91159
of county commissioners that designated a zone to which this 91160
division applies may enter into an agreement with an enterprise if 91161
the board finds that the enterprise satisfies one of the criteria 91162
described in divisions (D)(1) to (5) of this section: 91163

(1) The enterprise currently has no operations in this state 91164
and, subject to approval of the agreement, intends to establish 91165
operations in the zone; 91166

(2) The enterprise currently has operations in this state 91167
and, subject to approval of the agreement, intends to establish 91168
operations at a new location in the zone that would not result in 91169
a reduction in the number of employee positions at any of the 91170
enterprise's other locations in this state; 91171

(3) The enterprise, subject to approval of the agreement, 91172
intends to relocate operations, currently located in another 91173
state, to the zone; 91174

(4) The enterprise, subject to approval of the agreement, 91175
intends to expand operations at an existing site in the zone that 91176
the enterprise currently operates; 91177

(5) The enterprise, subject to approval of the agreement, 91178
intends to relocate operations, currently located in this state, 91179

to the zone, and the director of development services has issued a 91180
waiver for the enterprise under division (B) of section 5709.633 91181
of the Revised Code. 91182

The agreement shall require the enterprise to agree to 91183
establish, expand, renovate, or occupy a facility in the zone and 91184
hire new employees, or preserve employment opportunities for 91185
existing employees, in return for one or more of the incentives 91186
described in division (B) of this section. 91187

(E) All agreements entered into under this section shall be 91188
in the form prescribed under section 5709.631 of the Revised Code. 91189
After an agreement under this section is entered into, if the 91190
board of county commissioners revokes its designation of a zone, 91191
or if the director of development services revokes a zone's 91192
certification, any entitlements granted under the agreement shall 91193
continue for the number of years specified in the agreement. 91194

(F) Except as otherwise provided in this division, an 91195
agreement entered into under this section shall require that the 91196
enterprise pay an annual fee equal to the greater of one per cent 91197
of the dollar value of incentives offered under the agreement or 91198
five hundred dollars; provided, however, that if the value of the 91199
incentives exceeds two hundred fifty thousand dollars, the fee 91200
shall not exceed two thousand five hundred dollars. The fee shall 91201
be payable to the board of county commissioners once per year for 91202
each year the agreement is effective on the days and in the form 91203
specified in the agreement. Fees paid shall be deposited in a 91204
special fund created for such purpose by the board and shall be 91205
used by the board exclusively for the purpose of complying with 91206
section 5709.68 of the Revised Code and by the tax incentive 91207
review council created under section 5709.85 of the Revised Code 91208
exclusively for the purposes of performing the duties prescribed 91209
under that section. The board may waive or reduce the amount of 91210
the fee charged against an enterprise, but such waiver or 91211

reduction does not affect the obligations of the board or the tax 91212
incentive review council to comply with section 5709.68 or 5709.85 91213
of the Revised Code, respectively. 91214

(G) With the approval of the legislative authority of a 91215
municipal corporation or the board of township trustees of a 91216
township in which a zone is designated under division (A) of this 91217
section, the board of county commissioners may delegate to that 91218
legislative authority or board any powers and duties of the board 91219
of county commissioners to negotiate and administer agreements 91220
with regard to that zone under this section. 91221

(H) When an agreement is entered into pursuant to this 91222
section, the board of county commissioners authorizing the 91223
agreement or the legislative authority or board of township 91224
trustees that negotiates and administers the agreement shall 91225
forward a copy of the agreement to the director of development 91226
services and to the tax commissioner within fifteen days after the 91227
agreement is entered into. If any agreement includes terms not 91228
provided for in section 5709.631 of the Revised Code affecting the 91229
revenue of a city, local, or exempted village school district or 91230
causing revenue to be foregone by the district, including any 91231
compensation to be paid to the school district pursuant to section 91232
5709.82 of the Revised Code, those terms also shall be forwarded 91233
in writing to the director of development services along with the 91234
copy of the agreement forwarded under this division. 91235

(I) After an agreement is entered into, the enterprise shall 91236
file with each personal property tax return required to be filed, 91237
or annual report that is required to be filed under section 91238
5727.08 of the Revised Code, while the agreement is in effect, an 91239
informational return, on a form prescribed by the tax commissioner 91240
for that purpose, setting forth separately the property, and 91241
related costs and values, exempted from taxation under the 91242
agreement. 91243

(J) Enterprises may agree to give preference to residents of 91244
the zone within which the agreement applies relative to residents 91245
of this state who do not reside in the zone when hiring new 91246
employees under the agreement. 91247

(K) An agreement entered into under this section may include 91248
a provision requiring the enterprise to create one or more 91249
temporary internship positions for students enrolled in a course 91250
of study at a school or other educational institution in the 91251
vicinity, and to create a scholarship or provide another form of 91252
educational financial assistance for students holding such a 91253
position in exchange for the student's commitment to work for the 91254
enterprise at the completion of the internship. 91255

(L) The tax commissioner's authority in determining the 91256
accuracy of any exemption granted by an agreement entered into 91257
under this section is limited to divisions (B)(1)(b)(i) and (ii), 91258
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 91259
this section as it pertains to divisions (C)(2)(a), (b), and (c) 91260
of section 5709.62 of the Revised Code, and divisions (B)(1) to 91261
(10) of section 5709.631 of the Revised Code and, as authorized by 91262
law, to enforcing any modification to, or revocation of, that 91263
agreement by the board of county commissioners or the director of 91264
development services or, if the board's powers and duties are 91265
delegated under division (G) of this section, by the legislative 91266
authority of a municipal corporation or board of township 91267
trustees. 91268

Sec. 5709.632. (A)(1) The legislative authority of a 91269
municipal corporation defined by the United States office of 91270
management and budget as a principal city of a metropolitan 91271
statistical area may, in the manner set forth in section 5709.62 91272
of the Revised Code, designate one or more areas in the municipal 91273
corporation as a proposed enterprise zone. 91274

(2) With the consent of the legislative authority of each 91275
affected municipal corporation or of a board of township trustees, 91276
a board of county commissioners may, in the manner set forth in 91277
section 5709.62 of the Revised Code, designate one or more areas 91278
in one or more municipal corporations or in unincorporated areas 91279
of the county as proposed urban jobs and enterprise zones, except 91280
that a board of county commissioners may designate no more than 91281
one area within a township, or within adjacent townships, as a 91282
proposed urban jobs and enterprise zone. 91283

(3) The legislative authority or board of county 91284
commissioners may petition the director of development services 91285
for certification of the area as having the characteristics set 91286
forth in division (A)(3) of section 5709.61 of the Revised Code. 91287
Within sixty days after receiving such a petition, the director 91288
shall determine whether the area has the characteristics set forth 91289
in that division and forward the findings to the legislative 91290
authority or board of county commissioners. If the director 91291
certifies the area as having those characteristics and thereby 91292
certifies it as a zone, the legislative authority or board may 91293
enter into agreements with enterprises under division (B) of this 91294
section. Any enterprise wishing to enter into an agreement with a 91295
legislative authority or board of county commissioners under this 91296
section and satisfying one of the criteria described in divisions 91297
(B)(1) to (5) of this section shall submit a proposal to the 91298
legislative authority or board on the form prescribed under 91299
division (B) of section 5709.62 of the Revised Code and shall 91300
review and update the estimates and listings required by the form 91301
in the manner required under that division. The legislative 91302
authority or board may, on a separate form and at any time, 91303
require any additional information necessary to determine whether 91304
an enterprise is in compliance with an agreement and to collect 91305
the information required to be reported under section 5709.68 of 91306
the Revised Code. 91307

(B) Prior to entering into an agreement with an enterprise, 91308
the legislative authority or board of county commissioners shall 91309
determine whether the enterprise submitting the proposal is 91310
qualified by financial responsibility and business experience to 91311
create and preserve employment opportunities in the zone and to 91312
improve the economic climate of the municipal corporation or 91313
municipal corporations or the unincorporated areas in which the 91314
zone is located and to which the proposal applies, and whether the 91315
enterprise satisfies one of the following criteria: 91316

(1) The enterprise currently has no operations in this state 91317
and, subject to approval of the agreement, intends to establish 91318
operations in the zone; 91319

(2) The enterprise currently has operations in this state 91320
and, subject to approval of the agreement, intends to establish 91321
operations at a new location in the zone that would not result in 91322
a reduction in the number of employee positions at any of the 91323
enterprise's other locations in this state; 91324

(3) The enterprise, subject to approval of the agreement, 91325
intends to relocate operations, currently located in another 91326
state, to the zone; 91327

(4) The enterprise, subject to approval of the agreement, 91328
intends to expand operations at an existing site in the zone that 91329
the enterprise currently operates; 91330

(5) The enterprise, subject to approval of the agreement, 91331
intends to relocate operations, currently located in this state, 91332
to the zone, and the director of development services has issued a 91333
waiver for the enterprise under division (B) of section 5709.633 91334
of the Revised Code. 91335

(C) If the legislative authority or board determines that the 91336
enterprise is so qualified and satisfies one of the criteria 91337
described in divisions (B)(1) to (5) of this section, the 91338

legislative authority or board may, after complying with section 91339
5709.83 of the Revised Code ~~and on or before October 15, 2017,~~ 91340
and, in the case of a board of commissioners, with the consent of 91341
the legislative authority of each affected municipal corporation 91342
or of the board of township trustees, enter into an agreement with 91343
the enterprise under which the enterprise agrees to establish, 91344
expand, renovate, or occupy a facility in the zone and hire new 91345
employees, or preserve employment opportunities for existing 91346
employees, in return for the following incentives: 91347

(1) When the facility is located in a municipal corporation, 91348
a legislative authority or board of commissioners may enter into 91349
an agreement for one or more of the incentives provided in 91350
division (C) of section 5709.62 of the Revised Code, subject to 91351
division (D) of that section; 91352

(2) When the facility is located in an unincorporated area, a 91353
board of commissioners may enter into an agreement for one or more 91354
of the incentives provided in divisions (B)(1)(b), (B)(2), and 91355
(B)(3) of section 5709.63 of the Revised Code, subject to division 91356
(C) of that section. 91357

(D) All agreements entered into under this section shall be 91358
in the form prescribed under section 5709.631 of the Revised Code. 91359
After an agreement under this section is entered into, if the 91360
legislative authority or board of county commissioners revokes its 91361
designation of the zone, or if the director of development 91362
services revokes the zone's certification, any entitlements 91363
granted under the agreement shall continue for the number of years 91364
specified in the agreement. 91365

(E) Except as otherwise provided in this division, an 91366
agreement entered into under this section shall require that the 91367
enterprise pay an annual fee equal to the greater of one per cent 91368
of the dollar value of incentives offered under the agreement or 91369
five hundred dollars; provided, however, that if the value of the 91370

incentives exceeds two hundred fifty thousand dollars, the fee 91371
shall not exceed two thousand five hundred dollars. The fee shall 91372
be payable to the legislative authority or board of commissioners 91373
once per year for each year the agreement is effective on the days 91374
and in the form specified in the agreement. Fees paid shall be 91375
deposited in a special fund created for such purpose by the 91376
legislative authority or board and shall be used by the 91377
legislative authority or board exclusively for the purpose of 91378
complying with section 5709.68 of the Revised Code and by the tax 91379
incentive review council created under section 5709.85 of the 91380
Revised Code exclusively for the purposes of performing the duties 91381
prescribed under that section. The legislative authority or board 91382
may waive or reduce the amount of the fee charged against an 91383
enterprise, but such waiver or reduction does not affect the 91384
obligations of the legislative authority or board or the tax 91385
incentive review council to comply with section 5709.68 or 5709.85 91386
of the Revised Code, respectively. 91387

(F) With the approval of the legislative authority of a 91388
municipal corporation or the board of township trustees of a 91389
township in which a zone is designated under division (A)(2) of 91390
this section, the board of county commissioners may delegate to 91391
that legislative authority or board any powers and duties of the 91392
board to negotiate and administer agreements with regard to that 91393
zone under this section. 91394

(G) When an agreement is entered into pursuant to this 91395
section, the legislative authority or board of commissioners 91396
authorizing the agreement shall forward a copy of the agreement to 91397
the director of development services and to the tax commissioner 91398
within fifteen days after the agreement is entered into. If any 91399
agreement includes terms not provided for in section 5709.631 of 91400
the Revised Code affecting the revenue of a city, local, or 91401
exempted village school district or causing revenue to be forgone 91402

by the district, including any compensation to be paid to the 91403
school district pursuant to section 5709.82 of the Revised Code, 91404
those terms also shall be forwarded in writing to the director of 91405
development services along with the copy of the agreement 91406
forwarded under this division. 91407

(H) After an agreement is entered into, the enterprise shall 91408
file with each personal property tax return required to be filed 91409
while the agreement is in effect, an informational return, on a 91410
form prescribed by the tax commissioner for that purpose, setting 91411
forth separately the property, and related costs and values, 91412
exempted from taxation under the agreement. 91413

(I) An agreement entered into under this section may include 91414
a provision requiring the enterprise to create one or more 91415
temporary internship positions for students enrolled in a course 91416
of study at a school or other educational institution in the 91417
vicinity, and to create a scholarship or provide another form of 91418
educational financial assistance for students holding such a 91419
position in exchange for the student's commitment to work for the 91420
enterprise at the completion of the internship. 91421

Sec. 5709.64. (A) If an enterprise has been granted an 91422
incentive for the current calendar year under an agreement entered 91423
pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised 91424
Code, it may apply, on or before the thirtieth day of April of 91425
that year, to the director of development, on a form prescribed by 91426
the director, for a tax incentive qualification certificate. The 91427
enterprise qualifies for an initial certificate if, on or before 91428
the last day of the calendar year immediately preceding that in 91429
which application is made, it satisfies all of the following 91430
requirements: 91431

(1) The enterprise has established, expanded, renovated, or 91432
occupied a facility pursuant to the agreement under section 91433

5709.62, 5709.63, or 5709.632 of the Revised Code. 91434

(2) The enterprise has hired new employees to fill nonretail 91435
positions at the facility, at least twenty-five per cent of whom 91436
at the time they were employed were at least one of the following: 91437

(a) Unemployed persons who had resided at least six months in 91438
the county in which the enterprise's project site is located; 91439

(b) JPTA eligible employees who had resided at least six 91440
months in the county in which the enterprise's project site is 91441
located; 91442

(c) Participants of the Ohio works first program under 91443
Chapter 5107. of the Revised Code or the prevention, retention, 91444
and contingency program under Chapter 5108. of the Revised Code or 91445
recipients of general assistance under former Chapter 5113. of the 91446
Revised Code, financial assistance under former Chapter 5115. of 91447
the Revised Code, or unemployment compensation benefits who had 91448
resided at least six months in the county in which the 91449
enterprise's project site is located; 91450

(d) ~~Handicapped persons~~ Eligible individuals with 91451
disabilities, as defined under division (A) of section 3304.11 of 91452
the Revised Code, who had resided at least six months in the 91453
county in which the enterprise's project site is located; 91454

(e) Residents for at least one year of a zone located in the 91455
county in which the enterprise's project site is located. 91456

The director of development shall, by rule, establish 91457
criteria for determining what constitutes a nonretail position at 91458
a facility. 91459

(3) The average number of positions attributable to the 91460
enterprise in the municipal corporation during the calendar year 91461
immediately preceding the calendar year in which application is 91462
made exceeds the maximum number of positions attributable to the 91463

enterprise in the municipal corporation during the calendar year 91464
immediately preceding the first year the enterprise satisfies the 91465
requirements set forth in divisions (A)(1) and (2) of this 91466
section. If the enterprise is engaged in a business which, because 91467
of its seasonal nature, customarily enables the enterprise to 91468
operate at full capacity only during regularly recurring periods 91469
of the year, the average number of positions attributable to the 91470
enterprise in the municipal corporation during each period of the 91471
calendar year immediately preceding the calendar year in which 91472
application is made must exceed only the maximum number of 91473
positions attributable to the enterprise in each corresponding 91474
period of the calendar year immediately preceding the first year 91475
the enterprise satisfies the requirements of divisions (A)(1) and 91476
(2) of this section. The director of development shall, by rule, 91477
prescribe methods for determining whether an enterprise is engaged 91478
in a seasonal business and for determining the length of the 91479
corresponding periods to be compared. 91480

(4) The enterprise has not closed or reduced employment at 91481
any place of business in the state for the primary purpose of 91482
establishing, expanding, renovating, or occupying a facility. The 91483
legislative authority of any municipal corporation or the board of 91484
county commissioners of any county that concludes that an 91485
enterprise has closed or reduced employment at a place of business 91486
in that municipal corporation or county for the primary purpose of 91487
establishing, expanding, renovating, or occupying a facility in a 91488
zone may appeal to the director to determine whether the 91489
enterprise has done so. Upon receiving such an appeal, the 91490
director shall investigate the allegations and make such a 91491
determination before issuing an initial or renewal tax incentive 91492
qualification certificate under this section. 91493

Within sixty days after receiving an application under this 91494
division, the director shall review, investigate, and verify the 91495

application and determine whether the enterprise qualifies for a 91496
certificate. The application shall include an affidavit executed 91497
by the applicant verifying that the enterprise satisfies the 91498
requirements of division (A)(2) of this section, and shall contain 91499
such information and documents as the director requires, by rule, 91500
to ascertain whether the enterprise qualifies for a certificate. 91501
If the director finds the enterprise qualified, the director shall 91502
issue a tax incentive qualification certificate, which shall bear 91503
as its date of issuance the thirtieth day of June of the year of 91504
application, and shall state that the applicant is entitled to 91505
receive, for the taxable year that includes the certificate's date 91506
of issuance, the tax incentives provided under section 5709.65 of 91507
the Revised Code with regard to the facility to which the 91508
certificate applies. If an enterprise is issued an initial 91509
certificate, it may apply, on or before the thirtieth day of April 91510
of each succeeding calendar year for which it has been granted an 91511
incentive under an agreement entered pursuant to section 5709.62, 91512
5709.63, or 5709.632 of the Revised Code, for a renewal 91513
certificate. Subsequent to its initial certification, the 91514
enterprise qualifies for up to three successive renewal 91515
certificates if, on or before the last day of the calendar year 91516
immediately preceding that in which the application is made, it 91517
satisfies all the requirements of divisions (A)(1) to (4) of this 91518
section, and neither the zone's designation nor the zone's 91519
certification has been revoked prior to the fifteenth day of June 91520
of the year in which the application is made. The application 91521
shall include an affidavit executed by the applicant verifying 91522
that the enterprise satisfies the requirements of division (A)(2) 91523
of this section. An enterprise with ten or more supervisory 91524
personnel at the facility to which a certificate applies qualifies 91525
for any subsequent renewal certificates only if it meets all of 91526
the foregoing requirements and, in addition, at least ten per cent 91527
of those supervisory personnel are employees who, when first hired 91528

by the enterprise, satisfied at least one of the criteria 91529
specified in divisions (A)(2)(a) to (e) of this section. If the 91530
enterprise qualifies, a renewal certificate shall be issued 91531
bearing as its date of issuance the thirtieth day of June of the 91532
year of application. The director shall send copies of the initial 91533
certificate, and each renewal certificate, by certified mail, to 91534
the enterprise, the tax commissioner, the board of county 91535
commissioners, and the chief executive of the municipal 91536
corporation in which the facility to which the certificate applies 91537
is located. 91538

(B) If the director determines that an enterprise is not 91539
qualified for an initial or renewal tax incentive qualification 91540
certificate, the director shall send notice of this determination, 91541
specifying the reasons for it, by certified mail, to the 91542
applicant, the tax commissioner, the board of county 91543
commissioners, and the chief executive of the municipal 91544
corporation in which the facility to which the certificate would 91545
have applied is located. Within thirty days after receiving such a 91546
notice, an enterprise may request, in writing, a hearing before 91547
the director for the purpose of reviewing the application and the 91548
reasons for the determination. Within sixty days after receiving a 91549
request for a hearing, the director shall afford one and, within 91550
thirty days after the hearing, shall issue a redetermination of 91551
the enterprise's qualification for a certificate. If the 91552
enterprise is found to be qualified, the director shall proceed in 91553
the manner provided under division (A) of this section. If the 91554
enterprise is found to be unqualified, the director shall send 91555
notice of this finding, by certified mail, to the applicant, the 91556
tax commissioner, the board of county commissioners, and the chief 91557
executive of the municipal corporation in which the facility to 91558
which the certificate would have applied is located. The 91559
director's redetermination that an enterprise is unqualified may 91560
be appealed to the board of tax appeals in the manner provided 91561

under section 5717.02 of the Revised Code. 91562

Sec. 5709.68. (A) On or before the thirty-first day of March 91563
each year, a municipal corporation or county that has entered into 91564
an agreement with an enterprise under section 5709.62, 5709.63, or 91565
5709.632 of the Revised Code shall submit to the director of 91566
development services and the board of education of each school 91567
district of which a municipal corporation or township to which 91568
such an agreement applies is a part a report on all of those 91569
agreements in effect during the preceding calendar year. The 91570
report shall include all of the following information: 91571

(1) The designation, assigned by the director of development 91572
services, of each urban jobs and enterprise zone within the 91573
municipal corporation or county, the date each zone was certified, 91574
the name of each municipal corporation or township within each 91575
zone, and the total population of each zone according to the most 91576
recent data available; 91577

(2) The number of enterprises that are subject to those 91578
agreements and the number of full-time employees subject to those 91579
agreements within each zone, each according to the most recent 91580
data available and identified and categorized by the appropriate 91581
standard industrial code, and the rate of unemployment in the 91582
municipal corporation or county in which the zone is located for 91583
each year since each zone was certified; 91584

(3) The number of agreements approved and executed during the 91585
calendar year for which the report is submitted, the total number 91586
of agreements in effect on the thirty-first day of December of the 91587
preceding calendar year, the number of agreements that expired 91588
during the calendar year for which the report is submitted, and 91589
the number of agreements scheduled to expire during the calendar 91590
year in which the report is submitted. For each agreement that 91591
expired during the calendar year for which the report is 91592

submitted, the municipal corporation or county shall include the 91593
amount of taxes exempted and the estimated dollar value of any 91594
other incentives provided under the agreement. 91595

(4) The number of agreements receiving compliance reviews by 91596
the tax incentive review council in the municipal corporation or 91597
county during the calendar year for which the report is submitted, 91598
including all of the following information: 91599

(a) The number of agreements the terms of which an enterprise 91600
has complied with, indicating separately for each agreement the 91601
value of the real and personal property exempted pursuant to the 91602
agreement and a comparison of the stipulated and actual schedules 91603
for hiring new employees, for retaining existing employees, for 91604
the amount of payroll of the enterprise attributable to these 91605
employees, and for investing in establishing, expanding, 91606
renovating, or occupying a facility; 91607

(b) The number of agreements the terms of which an enterprise 91608
has failed to comply with, indicating separately for each 91609
agreement the value of the real and personal property exempted 91610
pursuant to the agreement and a comparison of the stipulated and 91611
actual schedules for hiring new employees, for retaining existing 91612
employees, for the amount of payroll of the enterprise 91613
attributable to these employees, and for investing in 91614
establishing, expanding, renovating, or occupying a facility; 91615

(c) The number of agreements about which the tax incentive 91616
review council made recommendations to the legislative authority 91617
of the municipal corporation or county, and the number of those 91618
recommendations that have not been followed; 91619

(d) The number of agreements rescinded during the calendar 91620
year for which the report is submitted. 91621

(5) The number of enterprises that are subject to agreements 91622
that expanded within each zone, including the number of new 91623

employees hired and existing employees retained by each 91624
enterprise, and the number of new enterprises that are subject to 91625
agreements and that established within each zone, including the 91626
number of new employees hired by each enterprise; 91627

(6)(a) The number of enterprises that are subject to 91628
agreements and that closed or reduced employment at any place of 91629
business within the state for the primary purpose of establishing, 91630
expanding, renovating, or occupying a facility, indicating 91631
separately for each enterprise the political subdivision in which 91632
the enterprise closed or reduced employment at a place of business 91633
and the number of full-time employees transferred and retained by 91634
each such place of business; 91635

(b) The number of enterprises that are subject to agreements 91636
and that closed or reduced employment at any place of business 91637
outside the state for the primary purpose of establishing, 91638
expanding, renovating, or occupying a facility. 91639

(7) For each agreement in effect during any part of the 91640
preceding year, the number of employees employed by the enterprise 91641
at the project site immediately prior to formal approval of the 91642
agreement, the number of employees employed by the enterprise at 91643
the project site on the thirty-first day of December of the 91644
preceding year, the payroll of the enterprise for the preceding 91645
year, the amount of taxes paid on tangible personal property 91646
situated at the project site and the amount of those taxes that 91647
were not paid because of the exemption granted under the 91648
agreement, and the amount of taxes paid on real property 91649
constituting the project site and the amount of those taxes that 91650
were not paid because of the exemption granted under the 91651
agreement. If an agreement was entered into under section 5709.632 91652
of the Revised Code with an enterprise described in division 91653
(B)(2) of that section, the report shall include the number of 91654
employee positions at all of the enterprise's locations in this 91655

state. If an agreement is conditioned on a waiver issued under 91656
division (B) of section 5709.633 of the Revised Code on the basis 91657
of the circumstance described in division (B)(3)(a) or (b) of that 91658
section, the report shall include the number of employees at the 91659
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 91660
section, respectively. 91661

(B) Upon the failure of a municipal corporation or county to 91662
comply with division (A) of this section: 91663

(1) Beginning on the first day of April of the calendar year 91664
in which the municipal corporation or county fails to comply with 91665
that division, the municipal corporation or county shall not enter 91666
into any agreements with an enterprise under section 5709.62, 91667
5709.63, or 5709.632 of the Revised Code until the municipal 91668
corporation or county has complied with division (A) of this 91669
section. 91670

(2) On the first day of each ensuing calendar month until the 91671
municipal corporation or county complies with division (A) of this 91672
section, the director of development services shall either order 91673
the proper county auditor to deduct from the next succeeding 91674
payment of taxes to the municipal corporation or county under 91675
section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an 91676
amount equal to one thousand dollars for each calendar month the 91677
municipal corporation or county fails to comply with that 91678
division, or order the county auditor to deduct that amount from 91679
the next succeeding payment to the municipal corporation or county 91680
from the undivided local government fund under section 5747.51 of 91681
the Revised Code. At the time such a payment is made, the county 91682
auditor shall comply with the director's order by issuing a 91683
warrant, drawn on the fund from which the money would have been 91684
paid, to the director of development services, who shall deposit 91685
the warrant into the state enterprise zone program administration 91686
fund created in division (C) of this section. 91687

(C) The director, by rule, shall establish the state's application fee for applications submitted to a municipal corporation or county to enter into an agreement under section 5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing the amount of the fee, the director shall consider the state's cost of administering the enterprise zone program, including the cost of reviewing the reports required under division (A) of this section. The director may change the amount of the fee at the times and in the increments the director considers necessary. Any municipal corporation or county that receives an application shall collect the application fee and remit the fee for deposit in the state treasury to the credit of the ~~business assistance tax~~ incentives operating fund created in section 122.174 of the Revised Code.

(D) On or before the thirtieth day of June each year, the director of development services shall certify to the tax commissioner the information described under division (A)(7) of this section, derived from the reports submitted to the director under this section.

On the basis of the information certified under this division, the tax commissioner annually shall submit a report to the governor, the speaker of the house of representatives, the president of the senate, and the chairpersons of the ways and means committees of the respective houses of the general assembly, indicating for each enterprise zone the amount of state and local taxes that were not required to be paid because of exemptions granted under agreements entered into under section 5709.62, 5709.63, or 5709.632 of the Revised Code and the amount of additional taxes paid from the payroll of new employees.

Sec. 5709.73. (A) As used in this section and section 5709.74 of the Revised Code:

(1) "Business day" means a day of the week excluding 91719
Saturday, Sunday, and a legal holiday as defined in section 1.14 91720
of the Revised Code. 91721

(2) "Further improvements" or "improvements" means the 91722
increase in the assessed value of real property that would first 91723
appear on the tax list and duplicate of real and public utility 91724
property after the effective date of a resolution adopted under 91725
this section were it not for the exemption granted by that 91726
resolution. For purposes of division (B) of this section, 91727
"improvements" do not include any property used or to be used for 91728
residential purposes. For this purpose, "property that is used or 91729
to be used for residential purposes" means property that, as 91730
improved, is used or to be used for purposes that would cause the 91731
tax commissioner to classify the property as residential property 91732
in accordance with rules adopted by the commissioner under section 91733
5713.041 of the Revised Code. 91734

(3) "Housing renovation" means a project carried out for 91735
residential purposes. 91736

(4) "Incentive district" has the same meaning as in section 91737
5709.40 of the Revised Code, except that a blighted area is in the 91738
unincorporated area of a township. 91739

(5) "Overlay" has the same meaning as in section 5709.40 of 91740
the Revised Code, except that the overlay is delineated by the 91741
board of township trustees. 91742

(6) "Project" and "public infrastructure improvement" have 91743
the same meanings as in section 5709.40 of the Revised Code. 91744

(B) A board of township trustees may, by unanimous vote, 91745
adopt a resolution that declares to be a public purpose any public 91746
infrastructure improvements made that are necessary for the 91747
development of certain parcels of land located in the 91748
unincorporated area of the township. Except with the approval 91749

under division (D) of this section of the board of education of 91750
each city, local, or exempted village school district within which 91751
the improvements are located, the resolution may exempt from real 91752
property taxation not more than seventy-five per cent of further 91753
improvements to a parcel of land that directly benefits from the 91754
public infrastructure improvements, for a period of not more than 91755
ten years. The resolution shall specify the percentage of the 91756
further improvements to be exempted and the life of the exemption. 91757

(C)(1) A board of township trustees may adopt, by unanimous 91758
vote, a resolution creating an incentive district and declaring 91759
improvements to parcels within the district to be a public purpose 91760
and, except as provided in division (C)(2) of this section, exempt 91761
from taxation as provided in this section, but no board of 91762
township trustees of a township that has a population that exceeds 91763
twenty-five thousand, as shown by the most recent federal 91764
decennial census, shall adopt a resolution that creates an 91765
incentive district if the sum of the taxable value of real 91766
property in the proposed district for the preceding tax year and 91767
the taxable value of all real property in the township that would 91768
have been taxable in the preceding year were it not for the fact 91769
that the property was in an existing incentive district and 91770
therefore exempt from taxation exceeds twenty-five per cent of the 91771
taxable value of real property in the township for the preceding 91772
tax year. The district shall be located within the unincorporated 91773
area of the township and shall not include any territory that is 91774
included within a district created under division (B) of section 91775
5709.78 of the Revised Code. The resolution shall delineate the 91776
boundary of the proposed district and specifically identify each 91777
parcel within the district. A proposed district may not include 91778
any parcel that is or has been exempted from taxation under 91779
division (B) of this section or that is or has been within another 91780
district created under this division. A resolution may create more 91781
than one such district, and more than one resolution may be 91782

adopted under division (C)(1) of this section. 91783

(2)(a) Not later than thirty days prior to adopting a 91784
resolution under division (C)(1) of this section, if the township 91785
intends to apply for exemptions from taxation under section 91786
5709.911 of the Revised Code on behalf of owners of real property 91787
located within the proposed incentive district, the board shall 91788
conduct a public hearing on the proposed resolution. Not later 91789
than thirty days prior to the public hearing, the board shall give 91790
notice of the public hearing and the proposed resolution by first 91791
class mail to every real property owner whose property is located 91792
within the boundaries of the proposed incentive district that is 91793
the subject of the proposed resolution. The notice shall include a 91794
map of the proposed incentive district on which the board of 91795
township trustees shall have delineated an overlay. The notice 91796
shall inform the property owner of the owner's right to exclude 91797
the owner's property from the incentive district if both of the 91798
following conditions are met: 91799

(i) The owner's entire parcel of property will not be located 91800
within the overlay. 91801

(ii) The owner has submitted a statement to the board of 91802
county commissioners of the county in which the parcel is located 91803
indicating the owner's intent to seek a tax exemption for 91804
improvements to the owner's parcel under division (A) or (B) of 91805
section 5709.78 of the Revised Code within the next five years. 91806

When both of the preceding conditions are met, the owner may 91807
exclude the owner's property from the incentive district by 91808
submitting a written response in accordance with division 91809
(C)(2)(b) of this section. The notice also shall include 91810
information detailing the required contents of the response, the 91811
address to which the response may be mailed, and the deadline for 91812
submitting the response. 91813

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section who meets the conditions specified in divisions (C)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall include a copy of the statement submitted under division (C)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting a resolution under division (C)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (C)(2)(b) of this section. A township shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to a resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the

public infrastructure improvements made, to be made, or in the 91846
process of being made, that benefit or serve, or, once made, will 91847
benefit or serve parcels in the district. The resolution also 91848
shall identify one or more specific projects being, or to be, 91849
undertaken in the district that place additional demand on the 91850
public infrastructure improvements designated in the resolution. 91851
The project identified may, but need not be, the project under 91852
division (C)(3)(b) of this section that places real property in 91853
use for commercial or industrial purposes. 91854

A resolution adopted under division (C)(1) of this section on 91855
or after March 30, 2006, shall not designate police or fire 91856
equipment as public infrastructure improvements, and no service 91857
payment provided for in section 5709.74 of the Revised Code and 91858
received by the township under the resolution shall be used for 91859
police or fire equipment. 91860

(b) A resolution adopted under division (C)(1) of this 91861
section may authorize the use of service payments provided for in 91862
section 5709.74 of the Revised Code for the purpose of housing 91863
renovations within the incentive district, provided that the 91864
resolution also designates public infrastructure improvements that 91865
benefit or serve the district, and that a project within the 91866
district places real property in use for commercial or industrial 91867
purposes. Service payments may be used to finance or support 91868
loans, deferred loans, and grants to persons for the purpose of 91869
housing renovations within the district. The resolution shall 91870
designate the parcels within the district that are eligible for 91871
housing renovations. The resolution shall state separately the 91872
amount or the percentages of the expected aggregate service 91873
payments that are designated for each public infrastructure 91874
improvement and for the purpose of housing renovations. 91875

(4) Except with the approval of the board of education of 91876
each city, local, or exempted village school district within the 91877

territory of which the incentive district is or will be located, 91878
and subject to division (E) of this section, the life of an 91879
incentive district shall not exceed ten years, and the percentage 91880
of improvements to be exempted shall not exceed seventy-five per 91881
cent. With approval of the board of education, the life of a 91882
district may be not more than thirty years, and the percentage of 91883
improvements to be exempted may be not more than one hundred per 91884
cent. The approval of a board of education shall be obtained in 91885
the manner provided in division (D) of this section. 91886

(D) Improvements with respect to a parcel may be exempted 91887
from taxation under division (B) of this section, and improvements 91888
to parcels within an incentive district may be exempted from 91889
taxation under division (C) of this section, for up to ten years 91890
or, with the approval of the board of education of the city, 91891
local, or exempted village school district within which the parcel 91892
or district is located, for up to thirty years. The percentage of 91893
the improvements exempted from taxation may, with such approval, 91894
exceed seventy-five per cent, but shall not exceed one hundred per 91895
cent. Not later than forty-five business days prior to adopting a 91896
resolution under this section declaring improvements to be a 91897
public purpose that is subject to approval by a board of education 91898
under this division, the board of township trustees shall deliver 91899
to the board of education a notice stating its intent to adopt a 91900
resolution making that declaration. The notice regarding 91901
improvements with respect to a parcel under division (B) of this 91902
section shall identify the parcels for which improvements are to 91903
be exempted from taxation, provide an estimate of the true value 91904
in money of the improvements, specify the period for which the 91905
improvements would be exempted from taxation and the percentage of 91906
the improvements that would be exempted, and indicate the date on 91907
which the board of township trustees intends to adopt the 91908
resolution. The notice regarding improvements made under division 91909
(C) of this section to parcels within an incentive district shall 91910

delineate the boundaries of the district, specifically identify 91911
each parcel within the district, identify each anticipated 91912
improvement in the district, provide an estimate of the true value 91913
in money of each such improvement, specify the life of the 91914
district and the percentage of improvements that would be 91915
exempted, and indicate the date on which the board of township 91916
trustees intends to adopt the resolution. The board of education, 91917
by resolution adopted by a majority of the board, may approve the 91918
exemption for the period or for the exemption percentage specified 91919
in the notice; may disapprove the exemption for the number of 91920
years in excess of ten, may disapprove the exemption for the 91921
percentage of the improvements to be exempted in excess of 91922
seventy-five per cent, or both; or may approve the exemption on 91923
the condition that the board of township trustees and the board of 91924
education negotiate an agreement providing for compensation to the 91925
school district equal in value to a percentage of the amount of 91926
taxes exempted in the eleventh and subsequent years of the 91927
exemption period or, in the case of exemption percentages in 91928
excess of seventy-five per cent, compensation equal in value to a 91929
percentage of the taxes that would be payable on the portion of 91930
the improvements in excess of seventy-five per cent were that 91931
portion to be subject to taxation, or other mutually agreeable 91932
compensation. 91933

The board of education shall certify its resolution to the 91934
board of township trustees not later than fourteen days prior to 91935
the date the board of township trustees intends to adopt the 91936
resolution as indicated in the notice. If the board of education 91937
and the board of township trustees negotiate a mutually acceptable 91938
compensation agreement, the resolution may declare the 91939
improvements a public purpose for the number of years specified in 91940
the resolution or, in the case of exemption percentages in excess 91941
of seventy-five per cent, for the exemption percentage specified 91942
in the resolution. In either case, if the board of education and 91943

the board of township trustees fail to negotiate a mutually 91944
acceptable compensation agreement, the resolution may declare the 91945
improvements a public purpose for not more than ten years, and 91946
shall not exempt more than seventy-five per cent of the 91947
improvements from taxation. If the board of education fails to 91948
certify a resolution to the board of township trustees within the 91949
time prescribed by this section, the board of township trustees 91950
thereupon may adopt the resolution and may declare the 91951
improvements a public purpose for up to thirty years or, in the 91952
case of exemption percentages proposed in excess of seventy-five 91953
per cent, for the exemption percentage specified in the 91954
resolution. The board of township trustees may adopt the 91955
resolution at any time after the board of education certifies its 91956
resolution approving the exemption to the board of township 91957
trustees, or, if the board of education approves the exemption on 91958
the condition that a mutually acceptable compensation agreement be 91959
negotiated, at any time after the compensation agreement is agreed 91960
to by the board of education and the board of township trustees. 91961
If a mutually acceptable compensation agreement is negotiated 91962
between the board of township trustees and the board of education, 91963
including agreements for payments in lieu of taxes under section 91964
5709.74 of the Revised Code, the board of township trustees shall 91965
compensate the joint vocational school district within which the 91966
parcel or district is located at the same rate and under the same 91967
terms received by the city, local, or exempted village school 91968
district. 91969

If a board of education has adopted a resolution waiving its 91970
right to approve exemptions from taxation under this section and 91971
the resolution remains in effect, approval of such exemptions by 91972
the board of education is not required under division (D) of this 91973
section. If a board of education has adopted a resolution allowing 91974
a board of township trustees to deliver the notice required under 91975
division (D) of this section fewer than forty-five business days 91976

prior to adoption of the resolution by the board of township trustees, the board of township trustees shall deliver the notice to the board of education not later than the number of days prior to the adoption as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of township trustees. If the board of education rescinds the resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of township trustees is not required by division (D) of this section to notify the board of education of the board of township trustees' intent to declare improvements to be a public purpose, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive the notice.

(E)(1) If a proposed resolution under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the resolution the board of township trustees shall deliver to the board of county commissioners of the county within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the

improvements would be exempted from taxation, specify the 92009
percentage of the improvements that would be exempted from 92010
taxation, and indicate the date on which the board of township 92011
trustees intends to adopt the resolution. 92012

(2) The board of county commissioners, by resolution adopted 92013
by a majority of the board, may object to the exemption for the 92014
number of years in excess of ten, may object to the exemption for 92015
the percentage of the improvement to be exempted in excess of 92016
seventy-five per cent, or both. If the board of county 92017
commissioners objects, the board may negotiate a mutually 92018
acceptable compensation agreement with the board of township 92019
trustees. In no case shall the compensation provided to the board 92020
of county commissioners exceed the property taxes foregone due to 92021
the exemption. If the board of county commissioners objects, and 92022
the board of county commissioners and board of township trustees 92023
fail to negotiate a mutually acceptable compensation agreement, 92024
the resolution adopted under division (C)(1) of this section shall 92025
provide to the board of county commissioners compensation in the 92026
eleventh and subsequent years of the exemption period equal in 92027
value to not more than fifty per cent of the taxes that would be 92028
payable to the county or, if the board of county commissioner's 92029
objection includes an objection to an exemption percentage in 92030
excess of seventy-five per cent, compensation equal in value to 92031
not more than fifty per cent of the taxes that would be payable to 92032
the county, on the portion of the improvement in excess of 92033
seventy-five per cent, were that portion to be subject to 92034
taxation. The board of county commissioners shall certify its 92035
resolution to the board of township trustees not later than thirty 92036
days after receipt of the notice. 92037

(3) If the board of county commissioners does not object or 92038
fails to certify its resolution objecting to an exemption within 92039
thirty days after receipt of the notice, the board of township 92040

trustees may adopt its resolution, and no compensation shall be 92041
provided to the board of county commissioners. If the board of 92042
county commissioners timely certifies its resolution objecting to 92043
the trustees' resolution, the board of township trustees may adopt 92044
its resolution at any time after a mutually acceptable 92045
compensation agreement is agreed to by the board of county 92046
commissioners and the board of township trustees, or, if no 92047
compensation agreement is negotiated, at any time after the board 92048
of township trustees agrees in the proposed resolution to provide 92049
compensation to the board of county commissioners of fifty per 92050
cent of the taxes that would be payable to the county in the 92051
eleventh and subsequent years of the exemption period or on the 92052
portion of the improvement in excess of seventy-five per cent, 92053
were that portion to be subject to taxation. 92054

(F) Service payments in lieu of taxes that are attributable 92055
to any amount by which the effective tax rate of either a renewal 92056
levy with an increase or a replacement levy exceeds the effective 92057
tax rate of the levy renewed or replaced, or that are attributable 92058
to an additional levy, for a levy authorized by the voters for any 92059
of the following purposes on or after January 1, 2006, and which 92060
are provided pursuant to a resolution creating an incentive 92061
district under division (C)(1) of this section that is adopted on 92062
or after January 1, 2006, shall be distributed to the appropriate 92063
taxing authority as required under division (C) of section 5709.74 92064
of the Revised Code in an amount equal to the amount of taxes from 92065
that additional levy or from the increase in the effective tax 92066
rate of such renewal or replacement levy that would have been 92067
payable to that taxing authority from the following levies were it 92068
not for the exemption authorized under division (C) of this 92069
section: 92070

(1) A tax levied under division (L) of section 5705.19 or 92071
section 5705.191 or 5705.222 of the Revised Code for community 92072

developmental disabilities programs and services pursuant to	92073
Chapter 5126. of the Revised Code;	92074
(2) A tax levied under division (Y) of section 5705.19 of the	92075
Revised Code for providing or maintaining senior citizens services	92076
or facilities;	92077
(3) A tax levied under section 5705.22 of the Revised Code	92078
for county hospitals;	92079
(4) A tax levied by a joint-county district or by a county	92080
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	92081
for alcohol, drug addiction, and mental health services or	92082
families;	92083
(5) A tax levied under section 5705.23 of the Revised Code	92084
for library purposes;	92085
(6) A tax levied under section 5705.24 of the Revised Code	92086
for the support of children services and the placement and care of	92087
children;	92088
(7) A tax levied under division (Z) of section 5705.19 of the	92089
Revised Code for the provision and maintenance of zoological park	92090
services and facilities under section 307.76 of the Revised Code;	92091
(8) A tax levied under section 511.27 or division (H) of	92092
section 5705.19 of the Revised Code for the support of township	92093
park districts;	92094
(9) A tax levied under division (A), (F), or (H) of section	92095
5705.19 of the Revised Code for parks and recreational purposes of	92096
a joint recreation district organized pursuant to division (B) of	92097
section 755.14 of the Revised Code;	92098
(10) A tax levied under section 1545.20 or 1545.21 of the	92099
Revised Code for park district purposes;	92100
(11) A tax levied under section 5705.191 of the Revised Code	92101
for the purpose of making appropriations for public assistance;	92102

human or social services; public relief; public welfare; public 92103
health and hospitalization; and support of general hospitals; 92104

(12) A tax levied under section 3709.29 of the Revised Code 92105
for a general health district program. 92106

(G) An exemption from taxation granted under this section 92107
commences with the tax year specified in the resolution so long as 92108
the year specified in the resolution commences after the effective 92109
date of the resolution. If the resolution specifies a year 92110
commencing before the effective date of the resolution or 92111
specifies no year whatsoever, the exemption commences with the tax 92112
year in which an exempted improvement first appears on the tax 92113
list and duplicate of real and public utility property and that 92114
commences after the effective date of the resolution. In lieu of 92115
stating a specific year, the resolution may provide that the 92116
exemption commences in the tax year in which the value of an 92117
improvement exceeds a specified amount or in which the 92118
construction of one or more improvements is completed, provided 92119
that such tax year commences after the effective date of the 92120
resolution. With respect to the exemption of improvements to 92121
parcels under division (B) of this section, the resolution may 92122
allow for the exemption to commence in different tax years on a 92123
parcel-by-parcel basis, with a separate exemption term specified 92124
for each parcel. 92125

Except as otherwise provided in this division, the exemption 92126
ends on the date specified in the resolution as the date the 92127
improvement ceases to be a public purpose or the incentive 92128
district expires, or ends on the date on which the public 92129
infrastructure improvements and housing renovations are paid in 92130
full from the township public improvement tax increment equivalent 92131
fund established under section 5709.75 of the Revised Code, 92132
whichever occurs first. The exemption of an improvement with 92133
respect to a parcel or within an incentive district may end on a 92134

later date, as specified in the resolution, if the board of township trustees and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement and the board of education has approved the term of the exemption under division (D) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. The board of township trustees may, by majority vote, adopt a resolution permitting the township to enter into such agreements as the board finds necessary or appropriate to provide for the construction or undertaking of public infrastructure improvements and housing renovations. Any exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(H) The board of township trustees may issue the notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements and housing renovations made pursuant to this section. The notes shall be signed by the board and attested by the signature of the township fiscal officer, shall bear interest not to exceed the rate provided in section 9.95 of the Revised Code, and are not subject to Chapter 133. of the Revised Code. The resolution authorizing the issuance of the notes shall pledge the funds of the township public improvement tax increment equivalent fund established pursuant to section 5709.75 of the Revised Code to pay the interest on and principal of the notes. The notes, which may contain a clause permitting prepayment at the option of the board, shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

(I) The township, not later than fifteen days after the 92168
adoption of a resolution under this section, shall submit to the 92169
director of development services a copy of the resolution. On or 92170
before the thirty-first day of March of each year, the township 92171
shall submit a status report to the director of development 92172
services. The report shall indicate, in the manner prescribed by 92173
the director, the progress of the project during each year that 92174
the exemption remains in effect, including a summary of the 92175
receipts from service payments in lieu of taxes; expenditures of 92176
money from the fund created under section 5709.75 of the Revised 92177
Code; a description of the public infrastructure improvements and 92178
housing renovations financed with the expenditures; and a 92179
quantitative summary of changes in private investment resulting 92180
from each project. 92181

(J) Nothing in this section shall be construed to prohibit a 92182
board of township trustees from declaring to be a public purpose 92183
improvements with respect to more than one parcel. 92184

If a parcel is located in a new community district in which 92185
the new community authority imposes a community development charge 92186
on the basis of rentals received from leases of real property as 92187
described in division (L)(2) of section 349.01 of the Revised 92188
Code, the parcel may not be exempted from taxation under this 92189
section. 92190

(K) A board of township trustees that adopted a resolution 92191
under this section prior to July 21, 1994, may amend that 92192
resolution to include any additional public infrastructure 92193
improvement. A board of township trustees that seeks by the 92194
amendment to utilize money from its township public improvement 92195
tax increment equivalent fund for land acquisition in aid of 92196
industry, commerce, distribution, or research, demolition on 92197
private property, or stormwater and flood remediation projects may 92198
do so provided that the board currently is a party to a 92199

hold-harmless agreement with the board of education of the city, 92200
local, or exempted village school district within the territory of 92201
which are located the parcels that are subject to an exemption. 92202
For the purposes of this division, a "hold-harmless agreement" 92203
means an agreement under which the board of township trustees 92204
agrees to compensate the school district for one hundred per cent 92205
of the tax revenue that the school district would have received 92206
from further improvements to parcels designated in the resolution 92207
were it not for the exemption granted by the resolution. 92208

(L) Notwithstanding the limitation prescribed by division (D) 92209
of this section on the number of years that improvements to a 92210
parcel or parcels may be exempted from taxation, a board of 92211
trustees of a township with a population of fifteen thousand or 92212
more may amend a resolution originally adopted under this section 92213
before December 31, 1994, to extend the exemption of improvements 92214
to the parcel or parcels included in such resolution for an 92215
additional period not to exceed fifteen years. The amendment shall 92216
not increase the percentage of improvements to the parcel or 92217
parcels exempted from taxation. The Before adopting an amendment 92218
authorized under this division, the board of township trustees 92219
shall obtain the approval of each board of education of the city, 92220
local, or exempted village school district within which the 92221
exempted parcels are located in the manner required under division 92222
(D) of this section, except that (1) the board of education may 92223
approve the exemption on the condition that the board of township 92224
trustees and the board of education negotiate an agreement 92225
providing for compensation to the school district equal in value 92226
to the amount of taxes the district forgoes in each year the 92227
exemption is extended pursuant to this division or any other 92228
mutually agreeable compensation and (2) if the board of education 92229
fails to certify a resolution approving the amendment to the board 92230
of township trustees within the time prescribed by division (D) of 92231
this section, the board of township trustees shall not adopt the 92232

amendment authorized under this division. 92233

No approval under this division shall be required from a 92234
board of education that has adopted a resolution waiving its right 92235
to approve exemptions from taxation pursuant to division (D) of 92236
this section. If the board of education has adopted such a 92237
resolution, the board of township trustees shall comply with the 92238
notice requirements imposed under section 5709.83 of the Revised 92239
Code before taking formal action to adopt an amendment authorized 92240
under this division unless the board of education has adopted a 92241
resolution under that section waiving its right to receive the 92242
notice. ~~The~~ Not later than fourteen days before adopting an 92243
amendment authorized under this division, the board of township 92244
trustees shall deliver ~~an identical~~ a notice identical to a notice 92245
required under section 5709.83 of the Revised Code to the board of 92246
county commissioners of each county in which the exempted parcels 92247
are located. 92248

Sec. 5709.92. (A) As used in this section: 92249

(1) "School district" means a city, local, or exempted 92250
village school district. 92251

(2) "Joint vocational school district" means a joint 92252
vocational school district created under section 3311.16 of the 92253
Revised Code, and includes a cooperative education school district 92254
created under section 3311.52 or 3311.521 of the Revised Code and 92255
a county school financing district created under section 3311.50 92256
of the Revised Code. 92257

(3) "Total resources" means the sum of the amounts described 92258
in divisions (A)(3)(a) to (g) of this section less any reduction 92259
required under division (C)~~(3)~~(4)(a) of this section. 92260

(a) The state education aid for fiscal year 2015; 92261

(b) The sum of the payments received in fiscal year 2015 for 92262

current expense levy losses under division (C)(3) of section 92263
5727.85 and division (C)(12) of section 5751.21 of the Revised 92264
Code, as they existed at that time, excluding the portion of such 92265
payments attributable to levies for joint vocational school 92266
district purposes; 92267

(c) The sum of fixed-sum levy loss payments received by the 92268
school district in fiscal year 2015 under division (F)(1) of 92269
section 5727.85 and division (E)(1) of section 5751.21 of the 92270
Revised Code, as they existed at that time, for fixed-sum levies 92271
charged and payable for a purpose other than paying debt charges; 92272

(d) The district's taxes charged and payable against all 92273
property on the tax list of real and public utility property for 92274
current expense purposes for tax year 2014, including taxes 92275
charged and payable from emergency levies charged and payable 92276
under sections 5705.194 to 5705.197 of the Revised Code, excluding 92277
taxes levied for joint vocational school district purposes or 92278
levied under section 5705.23 of the Revised Code; 92279

(e) The amount certified for fiscal year 2015 under division 92280
(A)(2) of section 3317.08 of the Revised Code; 92281

(f) Distributions received during calendar year 2014 from 92282
taxes levied under section 718.09 of the Revised Code; 92283

(g) Distributions received during fiscal year 2015 from the 92284
gross casino revenue county student fund. 92285

(4)(a) "State education aid" for a school district means the 92286
sum of state amounts computed for the district under sections 92287
3317.022 and 3317.0212 of the Revised Code after any amounts are 92288
added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of 92289
the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, 92290
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 92291

(b) "State education aid" for a joint vocational district 92292
means the amount computed for the district under section 3317.16 92293

of the Revised Code after any amounts are added or subtracted	92294
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general	92295
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL	92296
DISTRICTS."	92297
(5) "Taxes charged and payable" means taxes charged and	92298
payable after the reduction required by section 319.301 of the	92299
Revised Code but before the reductions required by sections	92300
319.302 and 323.152 of the Revised Code.	92301
(6) "Capacity quintile" means the capacity measure quintiles	92302
determined under division (B) of this section.	92303
(7) "Threshold per cent" means the following:	92304
(a) For a school district in the lowest capacity quintile,	92305
one per cent for fiscal year 2016 and two per cent for fiscal year	92306
2017.	92307
(b) For a school district in the second lowest capacity	92308
quintile, one and one-fourth per cent for fiscal year 2016 and two	92309
and one-half per cent for fiscal year 2017.	92310
(c) For a school district in the third lowest capacity	92311
quintile, one and one-half per cent for fiscal year 2016 and three	92312
per cent for fiscal year 2017.	92313
(d) For a school district in the second highest capacity	92314
quintile, one and three-fourths per cent for fiscal year 2016 and	92315
three and one-half per cent for fiscal year 2017.	92316
(e) For a school district in the highest capacity quintile,	92317
two per cent for fiscal year 2016 and four per cent for fiscal	92318
year 2017.	92319
(f) For a joint vocational school district, two per cent for	92320
fiscal year 2016 and four per cent for fiscal year 2017.	92321
(8) "Current expense allocation" means the sum of the	92322
payments received by a school district or joint vocational school	92323

district in fiscal year 2015 for current expense levy losses under 92324
division (C)(3) of section 5727.85 and division (C)(12) of section 92325
5751.21 of the Revised Code as they existed at that time, less any 92326
reduction required under division (C)~~(3)~~(4)(b) of this section. 92327

(9) "Non-current expense allocation" means the sum of the 92328
payments received by a school district or joint vocational school 92329
district in fiscal year 2015 for levy losses under division 92330
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 92331
5751.21 of the Revised Code, as they existed at that time, and 92332
levy losses in fiscal year 2015 under division (H) of section 92333
5727.84 of the Revised Code as that section existed at that time 92334
attributable to levies for and payments received for losses on 92335
levies intended to generate money for maintenance of classroom 92336
facilities. 92337

(10) "Operating TPP fixed-sum levy losses" means the sum of 92338
payments received by a school district in fiscal year 2015 for 92339
levy losses under division (E) of section 5751.21 of the Revised 92340
Code, excluding levy losses for debt purposes. 92341

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum 92342
of payments received by the school district in fiscal year 2015 92343
for levy losses under division (H) of section 5727.84 of the 92344
Revised Code, excluding levy losses for debt purposes. 92345

(12) "TPP fixed-sum debt levy losses" means the sum of 92346
payments received by a school district in fiscal year 2015 for 92347
levy losses under division (E) of section 5751.21 of the Revised 92348
Code for debt purposes. 92349

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 92350
payments received by the school district in fiscal year 2015 for 92351
levy losses under division (H) of section 5727.84 of the Revised 92352
Code for debt purposes. 92353

(14) "Qualifying levies" means qualifying levies described in 92354

section 5751.20 of the Revised Code as that section was in effect 92355
before July 1, 2015. 92356

(15) "Total taxable value" has the same meaning as in section 92357
3317.02 of the Revised Code. 92358

(B) The department of education shall rank all school 92359
districts in the order of districts' capacity measures determined 92360
under former section 3317.018 of the Revised Code from lowest to 92361
highest, and divide such ranking into quintiles, with the first 92362
quintile containing the twenty per cent of school districts having 92363
the lowest capacity measure and the fifth quintile containing the 92364
twenty per cent of school districts having the highest capacity 92365
measure. This calculation and ranking shall be performed once, in 92366
fiscal year 2016. 92367

(C)(1) In fiscal year 2016, payments shall be made to school 92368
districts and joint vocational school districts equal to the sum 92369
of the amounts described in divisions (C)(1)(a) or (b) and 92370
(C)(1)(c) of this section. In fiscal year 2017, payments shall be 92371
made to school districts and joint vocational school districts 92372
equal to the amount described in division (C)(1)(a) or (b) of this 92373
section. 92374

(a) If the ratio of the current expense allocation to total 92375
resources is equal to or less than the district's threshold per 92376
cent, zero; 92377

(b) If the ratio of the current expense allocation to total 92378
resources is greater than the district's threshold per cent, the 92379
difference between the current expense allocation and the product 92380
of the threshold percentage and total resources; 92381

(c) For fiscal year 2016, the product of the non-current 92382
expense allocation multiplied by fifty per cent. 92383

(2) In fiscal ~~year~~ years 2018 and ~~subsequent fiscal years~~ 92384
2019, payments shall be made to school districts and joint 92385

vocational school districts equal to the difference obtained by 92386
subtracting the amount described in division (C)(2)(b) of this 92387
section from the amount described in division (C)(2)(a) of this 92388
section, provided that such amount is greater than zero. 92389

(a) The sum of the payments received by the district under 92390
division (C)(1)(b) or (C)(2) of this section for the immediately 92391
preceding fiscal year; 92392

(b) One-sixteenth of one per cent of the average of the total 92393
taxable value of the district for tax years 2014, 2015, and 2016. 92394

(3) In fiscal year 2020 and subsequent fiscal years, payments 92395
shall be made to school districts and joint vocational school 92396
districts equal to the difference obtained by subtracting the 92397
amount described in division (C)(3)(b) of this section from the 92398
amount described in division (C)(3)(a) of this section, provided 92399
that such amount is greater than zero. 92400

(a) The sum of the payments received by the district under 92401
division (C)(2) or (3) of this section for the immediately 92402
preceding fiscal year; 92403

(b) One-fourth of one-tenth of one per cent of the average of 92404
the total taxable value of the district for tax years 2016, 2017, 92405
and 2018. 92406

(4)(a) "Total resources" used to compute payments under 92407
division (C)(1) of this section shall be reduced to the extent 92408
that payments distributed in fiscal year 2015 were attributable to 92409
levies no longer charged and payable for tax year 2014. 92410

(b) "Current expense allocation" used to compute payments 92411
under division (C)(1) of this section shall be reduced to the 92412
extent that the payments distributed in fiscal year 2015 were 92413
attributable to levies no longer charged and payable for tax year 92414
2014. 92415

~~(4)~~(5) The department of education shall report to each 92416
school district and joint vocational school district the 92417
apportionment of the payments under division (C)(1) of this 92418
section among the district's funds based on qualifying levies. 92419

(D)(1) Payments in the following amounts shall be made to 92420
school districts and joint vocational school districts in tax 92421
years 2016 through 2021: 92422

(a) In tax year 2016, the sum of the district's operating TPP 92423
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 92424

(b) In tax year 2017, the sum of the district's operating TPP 92425
fixed-sum levy losses and eighty per cent of operating S.B. 3 92426
fixed-sum levy losses. 92427

(c) In tax year 2018, the sum of eighty per cent of the 92428
district's operating TPP fixed-sum levy losses and sixty per cent 92429
of its operating S.B. 3 fixed-sum levy losses. 92430

(d) In tax year 2019, the sum of sixty per cent of the 92431
district's operating TPP fixed-sum levy losses and forty per cent 92432
of its operating S.B. 3 fixed-sum levy losses. 92433

(e) In tax year 2020, the sum of forty per cent of the 92434
district's operating TPP fixed-sum levy losses and twenty per cent 92435
of its operating S.B. 3 fixed-sum levy losses. 92436

(f) In tax year 2021, twenty per cent of the district's 92437
operating TPP fixed-sum levy losses. 92438

No payment shall be made under division (D)(1) of this 92439
section after tax year 2021. 92440

(2) Amounts are payable under division (D) of this section 92441
for fixed-sum levy losses only to the extent of such losses for 92442
qualifying levies that remain in effect for the current tax year. 92443
For this purpose, a qualifying levy levied under section 5705.194 92444
or 5705.213 of the Revised Code remains in effect for the current 92445

tax year only if a tax levied under either of those sections is 92446
charged and payable for the current tax year for an annual sum at 92447
least equal to the annual sum levied by the board of education for 92448
tax year 2004 under those sections less the amount of the payment 92449
under this division. 92450

(E)(1) For fixed-sum levies for debt purposes, payments shall 92451
be made to school districts and joint vocational school districts 92452
equal to one hundred per cent of the district's fixed-sum levy 92453
loss determined under division (E) of section 5751.20 and division 92454
(H) of section 5727.84 of the Revised Code as in effect before 92455
July 1, 2015, and paid in tax year 2014. No payment shall be made 92456
for qualifying levies that are no longer charged and payable. 92457

(2) Beginning in 2016, by the thirty-first day of January of 92458
each year, the tax commissioner shall review the calculation of 92459
fixed-sum levy loss for debt purposes determined under division 92460
(E) of section 5751.20 and division (H) of section 5727.84 of the 92461
Revised Code as in effect before July 1, 2015. If the commissioner 92462
determines that a fixed-sum levy that had been scheduled to be 92463
reimbursed in the current year is no longer charged and payable, a 92464
revised calculation for that year and all subsequent years shall 92465
be made. 92466

(F)(1) For taxes levied within the ten-mill limitation for 92467
debt purposes in tax year 1998 in the case of electric company tax 92468
value losses, and in tax year 1999 in the case of natural gas 92469
company tax value losses, payments shall be made to school 92470
districts and joint vocational school districts equal to one 92471
hundred per cent of the loss computed under division (D) of 92472
section 5727.85 of the Revised Code as in effect before July 1, 92473
2015, as if the tax were a fixed-rate levy, but those payments 92474
shall extend through fiscal year 2016. 92475

(2) For taxes levied within the ten-mill limitation for debt 92476
purposes in tax year 2005, payments shall be made to school 92477

districts and joint vocational school districts equal to one 92478
hundred per cent of the loss computed under division (D) of 92479
section 5751.21 of the Revised Code as in effect before July 1, 92480
2015, as if the tax were a fixed-rate levy, but those payments 92481
shall extend through fiscal year 2018. 92482

(G) If all the territory of a school district or joint 92483
vocational school district is merged with another district, or if 92484
a part of the territory of a school district or joint vocational 92485
school district is transferred to an existing or newly created 92486
district, the department of education, in consultation with the 92487
tax commissioner, shall adjust the payments made under this 92488
section as follows: 92489

(1) For a merger of two or more districts, fixed-sum levy 92490
losses, total resources, current expense allocation, and 92491
non-current expense allocation of the successor district shall be 92492
the sum of such items for each of the districts involved in the 92493
merger. 92494

(2) If property is transferred from one district to a 92495
previously existing district, the amount of the total resources, 92496
current expense allocation, and non-current expense allocation 92497
that shall be transferred to the recipient district shall be an 92498
amount equal to the total resources, current expense allocation, 92499
and non-current expense allocation of the transferor district 92500
times a fraction, the numerator of which is the number of pupils 92501
being transferred to the recipient district, measured, in the case 92502
of a school district, by formula ADM as defined in section 3317.02 92503
of the Revised Code or, in the case of a joint vocational school 92504
district, by formula ADM as defined for a joint vocational school 92505
district in that section, and the denominator of which is the 92506
formula ADM of the transferor district. 92507

(3) After December 31, 2010, if property is transferred from 92508
one or more districts to a district that is newly created out of 92509

the transferred property, the newly created district shall be 92510
deemed not to have any total resources, current expense 92511
allocation, total allocation, or non-current expense allocation. 92512

(4) If the recipient district under division (G)(2) of this 92513
section or the newly created district under division (G)(3) of 92514
this section is assuming debt from one or more of the districts 92515
from which the property was transferred and any of the districts 92516
losing the property had fixed-sum levy losses, the department of 92517
education, in consultation with the tax commissioner, shall make 92518
an equitable division of the reimbursements for those losses. 92519

(H) The payments required by divisions (C), (D), (E), and (F) 92520
of this section shall be distributed periodically to each school 92521
and joint vocational school district by the department of 92522
education unless otherwise provided for. Except as provided in 92523
division (D) of this section, if a levy that is a qualifying levy 92524
is not charged and payable in any year after 2014, payments to the 92525
school district or joint vocational school district shall be 92526
reduced to the extent that the payments distributed in fiscal year 92527
2015 were attributable to the levy loss of that levy. 92528

Sec. 5713.051. (A) As used in this section: 92529

(1) "Oil" means all grades of crude oil. 92530

(2) "Gas" means all forms of natural gas. 92531

(3) "Well" means an oil or gas well or an oil and gas well. 92532

(4) "M.C.F." means one thousand cubic feet. 92533

(5) "Commonly metered wells" means two or more wells that 92534
share the same meter. 92535

(6) "Total production" means the total amount of oil, 92536
measured in barrels, and the total amount of gas, measured in 92537
M.C.F., of all oil and gas actually produced and sold from a 92538
single well that is developed and producing on the tax lien date. 92539

For commonly metered wells, "total production" means the total amount of oil, measured in barrels, and the total amount of gas, measured in M.C.F., of all oil and gas actually produced and sold from the commonly metered wells divided by the number of the commonly metered wells.

(7) "Flush production" means total production from a single well during the first twelve calendar months during not more than two consecutive calendar years after a well first begins to produce. For commonly metered wells, "flush production" means total production during the first twelve calendar months during not more than two consecutive calendar years after a well first begins to produce from all wells with flush production divided by the number of those wells.

(8) "Production through secondary recovery methods" means total production from a single well where mechanically induced pressure, such as air, nitrogen, carbon dioxide, or water pressure, is used to stimulate and maintain production in the oil and gas reservoir, exclusive of any flush production. For commonly metered wells, "production through secondary recovery methods" means total production from all wells with production through secondary recovery methods divided by the number of ~~the~~ those wells.

(9) "Stabilized production" means total production reduced, if applicable, by the greater of forty-two and one-half per cent of flush production or fifty per cent of production through secondary recovery methods.

(10) "Average daily production" means stabilized production divided by three hundred sixty-five, provided the well was in production at the beginning of the calendar year. If the well was not in production at the beginning of the calendar year, "average daily production" means stabilized production divided by the number of days beginning with the day the well went into

production in the calendar year and ending with the thirty-first 92572
day of December. 92573

(11) "Gross price" means the unweighted average price per 92574
barrel of oil or the average price per M.C.F. of gas produced from 92575
Ohio wells and first sold during the five-year period ending with 92576
the calendar year immediately preceding the tax lien date, as 92577
reported by the department of natural resources. 92578

(12) "Average annual decline rate" means the amount of yearly 92579
decline in oil and gas production of a well after flush production 92580
has ended. For the purposes of this section, the average annual 92581
decline rate is thirteen per cent. 92582

(13) "Gross revenue" means the gross revenue from a well 92583
during a ten-year discount period with production assumed to be 92584
one barrel of oil or one M.C.F. of gas during the first year of 92585
production and declining at the annual average annual decline rate 92586
during the remaining nine years of the ten-year discount period, 92587
as follows: 92588

(a) First year: one barrel or one M.C.F. multiplied by gross 92589
price; 92590

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by 92591
gross price; 92592

(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by 92593
gross price; 92594

(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by 92595
gross price; 92596

(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by 92597
gross price; 92598

(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by 92599
gross price; 92600

(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by 92601

gross price;	92602
(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by gross price;	92603 92604
(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by gross price;	92605 92606
(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by gross price.	92607 92608
(14) "Average royalty expense" means the annual cost of royalties paid by all working interest owners in a well. For the purposes of this section, the average royalty expense is fifteen per cent of annual gross revenue.	92609 92610 92611 92612
(15) "Average operating expense" means the annual cost of operating and maintaining a producing well after it first begins production. For the purposes of this section, the average operating expense is forty per cent of annual gross revenue.	92613 92614 92615 92616
(16) "Average capital recovery expense" means the annual capitalized investment cost of a developed and producing well. For the purposes of this section, average capital recovery expense is thirty per cent of annual gross revenue.	92617 92618 92619 92620
(17) "Discount rate" means the rate used to determine the present net worth of one dollar during each year of the ten-year discount period assuming the net income stream projected for each year of the ten-year discount period is received at the half-year point. For the purposes of this section, the discount rate equals thirteen per cent plus the rate per annum prescribed by division (B) of section 5703.47 of the Revised Code and determined by the tax commissioner in October of the calendar year immediately preceding the tax lien date.	92621 92622 92623 92624 92625 92626 92627 92628 92629
(B) The true value in money of oil reserves constituting real property on tax lien dates January 1, 2007, and thereafter with	92630 92631

respect to a developed and producing well that has not been the 92632
subject of a recent arm's length sale, exclusive of personal 92633
property necessary to recover the oil, shall be determined under 92634
division (B)(1) or (2) of this section. 92635

(1) For ~~wells~~ oil reserves for which average daily production 92636
of oil from a well is one barrel or more in the calendar year 92637
preceding the tax lien date, the true value in money equals the 92638
average daily production of oil from the well multiplied by the 92639
net present value of one barrel of oil, where: 92640

(a) Net present value of one barrel of oil = 365 x the sum of 92641
[net income for each year of the discount period x discount rate 92642
factor for that year] for all years in the discount period; and 92643

(b) Net income for a year of the discount period = gross 92644
revenue for that year minus the sum of the following for that 92645
year: average royalty expense, average operating expense, and 92646
average capital recovery expense. 92647

(2) For ~~wells~~ oil reserves for which average daily production 92648
of oil from a well is less than one barrel in the calendar year 92649
preceding the tax lien date, the true value in money equals the 92650
average daily production of the well, if any, in the calendar year 92651
preceding the tax lien date multiplied by sixty per cent of the 92652
net present value of one barrel of oil as computed under division 92653
(B)(1) of this section. 92654

(C) The true value in money of gas reserves constituting real 92655
property on tax lien dates January 1, 2007, and thereafter with 92656
respect to a developed and producing well that has not been the 92657
subject of a recent arm's length sale, exclusive of personal 92658
property necessary to recover the gas, shall be determined under 92659
division (C)(1) or (2) of this section. 92660

(1) For ~~wells~~ gas reserves for which average daily production 92661
of gas from a well is eight M.C.F. or more in the calendar year 92662

preceding the tax lien date, the true value in money equals the 92663
average daily production of gas from the well multiplied by the 92664
net present value of one M.C.F. of gas, where: 92665

(a) Net present value of one M.C.F. of gas = 365 x the sum of 92666
[net income for each year of the discount period x discount rate 92667
factor for that year] for all years in the discount period; and 92668

(b) Net income for a year of the discount period = gross 92669
revenue for that year minus the sum of the following for that 92670
year: average royalty expense, average operating expense, and 92671
average capital recovery expense. 92672

(2) For ~~wells~~ gas reserves for which average daily production 92673
of gas from a well is less than eight M.C.F. in the calendar year 92674
preceding the tax lien date, the true value in money equals the 92675
average daily production of the well, if any, in the calendar year 92676
preceding the tax lien date multiplied by fifty per cent of the 92677
net present value of one M.C.F. as computed under division (C)(1) 92678
of this section. 92679

(D) No method other than the method described in this section 92680
shall be used to determine the true value in money of oil or gas 92681
reserves for property tax purposes. 92682

Sec. 5713.31. At any time after the first Monday in January 92683
and prior to the first Monday in March of any year, an owner of 92684
agricultural land may file an application with the county auditor 92685
of the county in which such land is located, requesting the 92686
auditor to value the land for real property tax purposes at the 92687
current value such land has for agricultural use, in accordance 92688
with section 5715.01 of the Revised Code and the rules adopted by 92689
the commissioner for the valuation of such land. An owner's first 92690
application with respect to the owner's land shall be in the form 92691
of an initial application. Each application filed in ensuing 92692
consecutive years after the initial application by that owner 92693

shall be in the form of a renewal application. The commissioner 92694
shall prescribe the form of the initial and the renewal 92695
application, but the renewal application shall require no more 92696
information than is necessary to establish the applicant's 92697
continued eligibility to have the applicant's land valued for 92698
agricultural use, for all lots, parcels, or tracts of land, or 92699
portions thereof, within a county, that have been valued at the 92700
current value of such land for agricultural use in the preceding 92701
tax year. If, on the first day of January of the tax year, any 92702
portion of the applicant's agricultural land is used for a 92703
conservation practice or devoted to a land retirement or 92704
conservation program under an agreement with an agency of the 92705
federal government, the applicant shall so indicate on the initial 92706
or renewal application. 92707

On or before the second Tuesday after the first Monday in 92708
March, the auditor shall determine whether the current owner of 92709
any lot, parcel, or tract of land or portion thereof contained in 92710
the preceding tax year's agricultural land tax list failed to file 92711
an initial or renewal application, as appropriate, for the current 92712
tax year with respect to such lot, parcel, or tract or portion 92713
thereof. The auditor shall forthwith notify, by certified mail, 92714
each owner who failed to file an application that unless 92715
application is filed with the auditor prior to the first Monday of 92716
April of the current year, the land will be valued for real 92717
property tax purposes in the current tax year at its true value in 92718
money and that the recoupment required by sections 5713.34 and 92719
5713.35 of the Revised Code will be placed on the current year's 92720
tax list and duplicate for collection. 92721

Each initial application shall be accompanied by a fee of 92722
twenty-five dollars. Application fees shall be paid into the 92723
county treasury to the credit of the real estate assessment fund 92724
created under section 325.31 of the Revised Code. 92725

Upon receipt of an application and payment of the required fee the auditor shall determine whether the information contained therein is correct and the application complete.

If the auditor determines the information is incorrect or the application is incomplete, the auditor shall return the application to the applicant by certified mail with an enumeration of the items which are incorrect or incomplete. An applicant may file an amended application, without charge, within fifteen days of the receipt of the returned application.

If the auditor determines the application or amended application is complete and the information therein is correct, the auditor shall, prior to the first Monday in August, view or cause to be viewed the land described in the application and determine whether the land is land devoted exclusively to agricultural use.

If the auditor determines, which determination shall be made as of the first Monday of August, annually, that the land is land devoted exclusively to agricultural use, the auditor shall appraise it for real property tax purposes in accordance with section 5715.01 of the Revised Code and the rules adopted by the commissioner for the valuation of land devoted exclusively to agricultural use and such appraised value shall be the value used by the auditor in determining the taxable value of such land for the current tax year under section 5713.03 of the Revised Code and as shown on the general tax list compiled under section 319.28 of the Revised Code.

The auditor shall enter on the real property record required under section 5713.03 of the Revised Code for the tract, lot, or parcel of land so appraised, in addition to the other information required to be recorded thereon, its value as land devoted exclusively to agricultural use based on the values determined by the commissioner for each soil type present in the tract, lot, or

parcel. Subject to division (A)(1) of section 5713.34 of the 92758
Revised Code, tracts, lots, or parcels of land or portions thereof 92759
used for a conservation practice or devoted to a land retirement 92760
or conservation program under an agreement with an agency of the 92761
federal government on the first day of January of the tax year 92762
shall be valued at the lowest valued of all soil types listed in 92763
the commissioner's annual publication of the per-acre agricultural 92764
use values for each soil type in the state. 92765

Sec. 5713.33. (A) The county auditor shall make and maintain 92766
an "agricultural land tax list," on forms prescribed by the tax 92767
commissioner, listing each tract, lot or parcel of land which has 92768
been valued for tax purposes as land devoted exclusively to 92769
agricultural use under section 5713.31 of the Revised Code, 92770
showing: 92771

~~(A)~~(1) The name of the owner; 92772

~~(B)~~(2) A description of the land; 92773

~~(C)~~(3) The current agricultural use value and taxable value 92774
of the land as land devoted exclusively to agricultural use, as 92775
provided by section 5713.31 of the Revised Code; 92776

~~(D)~~(4) The true value, and taxable value, of the land as 92777
determined in accordance with Section 2, Article XII, of the Ohio 92778
Constitution; 92779

~~(E)~~(5) The dollar amount of real property taxes levied 92780
against such land under section 319.30 of the Revised Code for the 92781
current tax year; 92782

~~(F)~~(6) The dollar amount of real property taxes which would 92783
have been levied against such land for the current tax year under 92784
section 319.30 of the Revised Code if it had been valued for tax 92785
purposes in accordance with Section 2, Article XII, of the Ohio 92786
Constitution; 92787

~~(G)(7)~~ The dollar difference between the amounts shown in 92788
divisions ~~(E)(A)(5)~~ and ~~(F)(6)~~ of this section. 92789

(B) Annually, upon determining the sums to be levied upon 92790
each tract and lot of real property under section 319.30 of the 92791
Revised Code, the county auditor shall enter upon the 92792
"agricultural land tax list" for each tract, lot or parcel of land 92793
valued under section 5713.31 of the Revised Code for the current 92794
tax year the appropriate figures for the current tax year, as 92795
required by this section. 92796

(C) Annually, the tax commissioner shall publish a report 92797
composed of the information described in divisions (A)(1) to (7) 92798
of this section for all agricultural land in the state. The report 92799
shall be compiled in such a manner that the information can be 92800
indexed and sorted by county and by school district. 92801

Sec. 5713.34. (A)(1) Upon the conversion of all or any 92802
portion of a tract, lot, or parcel of land devoted exclusively to 92803
agricultural use a portion of the tax savings upon such converted 92804
land shall be recouped as provided for by Section 36, Article II, 92805
Ohio Constitution by levying a charge on such land in an amount 92806
equal to the amount of the tax savings on the converted land 92807
during the three tax years immediately preceding the year in which 92808
the conversion occurs. If the auditor discovers that agricultural 92809
land valued at the lowest valued soil type, pursuant to section 92810
5713.31 of the Revised Code, because of its use for a conservation 92811
practice or devotion to a land retirement or conservation program 92812
ceases to be used or devoted to such purposes sooner than 92813
thirty-six months after the initial certification, the auditor 92814
shall levy a charge on such agricultural land in an amount equal 92815
to the reduction in taxes resulting from the land's valuation at 92816
the lowest valued soil type, rather than valuation at its actual 92817
soil type, in all preceding years the land was so valued, not to 92818

exceed the most recent three years. The ~~charge~~ charges levied 92819
under this section shall constitute a lien of the state upon such 92820
converted land as of the first day of January of the tax year in 92821
which the charge is levied and shall continue until discharged as 92822
provided by law. 92823

(2) Upon the conversion of an adequately described portion of 92824
a tract, lot, or parcel of land, the county auditor shall divide 92825
any numbered permanent parcel into economic units and value each 92826
unit individually for the purpose of levying the charge under 92827
division (A)(1) of this section against only the converted 92828
portion. 92829

(3) A charge shall not be levied under this section for the 92830
conversion of a portion of a tract, lot, or parcel of land devoted 92831
exclusively to agricultural use if the conversion is incident to 92832
the construction or installation of an energy facility, as defined 92833
in section 5727.01 of the Revised Code, and if the remaining 92834
portion of the tract, lot, or parcel continues to be devoted 92835
exclusively to agricultural use. 92836

(B) Except as otherwise provided in division (C) or (D) of 92837
this section, a public entity that acquires by any means and 92838
converts land devoted exclusively to agricultural use and a 92839
private entity granted the power of eminent domain that acquires 92840
by any means and converts land devoted exclusively to agricultural 92841
use shall pay the charge levied by division (A) of this section 92842
and shall not, directly or indirectly, transfer the charge to the 92843
person from whom the land is acquired. A person injured by a 92844
violation of this division may recover, in a civil action, any 92845
damages resulting from the violation. 92846

(C) The charge levied by division (A)(1) of this section does 92847
not apply to the conversion of land acquired by a public entity by 92848
means other than eminent domain and thereafter used exclusively 92849
for a public purpose that leaves the land principally undeveloped 92850

when either of the following conditions applies: 92851

(1) In the case of land so acquired and converted by a park 92852
district created under Chapter 1545. of the Revised Code, the land 92853
is located within the boundaries of the park district. 92854

(2) In the case of land so acquired and converted by a public 92855
entity other than a park district created under Chapter 1545. of 92856
the Revised Code, the land is located within the boundaries of any 92857
city, local, exempted village, or joint vocational school district 92858
that is wholly or partially located within the boundaries of the 92859
public entity that so acquired and converted the land. 92860

If all or any portion of a tract, lot, or parcel of such land 92861
is later developed or otherwise converted to a purpose other than 92862
one of the purposes enumerated under division (E)(1) of this 92863
section, the charge levied by division (A)(1) of this section 92864
shall be levied against such developed or converted land as 92865
otherwise required by that division. 92866

The county auditor of the county in which the land is located 92867
shall determine annually whether all or any portion of a tract, 92868
lot, or parcel of land formerly converted to a purpose enumerated 92869
under division (E)(1) of this section has been developed in such a 92870
way or converted to such a purpose as to require the charge levied 92871
by division (A)(1) of this section to be levied against the land 92872
so developed or converted. 92873

(D) Division (B) of this section does not apply to a public 92874
entity that acquires by means other than eminent domain and 92875
converts land devoted exclusively to agricultural use to use for 92876
public, active or passive, outdoor education, recreation, or 92877
similar open space uses when either of the following conditions 92878
applies: 92879

(1) In the case of land so acquired and converted by a park 92880
district created under Chapter 1545. of the Revised Code, the land 92881

is located outside the boundaries of the park district. 92882

(2) In the case of land so acquired and converted by a public 92883
entity other than a park district created under Chapter 1545. of 92884
the Revised Code, the land is located outside the boundaries of 92885
any city, local, exempted village, or joint vocational school 92886
district that is wholly or partially located within the boundaries 92887
of the public entity that so acquired and converted the land. 92888

(E) As used in divisions (C) and (D) of this section: 92889

(1) "Principally undeveloped" means a parcel of real property 92890
that is used for public, active or passive, outdoor education, 92891
recreation, or similar open space uses and contains only the 92892
structures, roadways, and other facilities that are necessary for 92893
such uses. 92894

(2) "Public entity" means any political subdivision of this 92895
state or any agency or instrumentality of a political subdivision. 92896

Sec. 5715.01. (A) The tax commissioner shall direct and 92897
supervise the assessment for taxation of all real property. The 92898
commissioner shall adopt, prescribe, and promulgate rules for the 92899
determination of true value and taxable value of real property by 92900
uniform rule for such values and for the determination of the 92901
current agricultural use value of land devoted exclusively to 92902
agricultural use. ~~The~~ 92903

(1) ~~The~~ uniform rules shall prescribe methods of determining 92904
the true value and taxable value of real property ~~and shall also~~ 92905
~~prescribe the method for determining the current agricultural use~~ 92906
~~value of land devoted exclusively to agricultural use, which~~ 92907
~~method shall reflect standard and modern appraisal techniques that~~ 92908
~~take into consideration; the productivity of the soil under normal~~ 92909
~~management practices; the average price patterns of the crops and~~ 92910
~~products produced to determine the income potential to be~~ 92911

~~capitalized; the market value of the land for agricultural use; and other pertinent factors.~~ 92912
The rules shall provide that in 92913
determining the true value of lands or improvements thereon for 92914
tax purposes, all facts and circumstances relating to the value of 92915
the property, its availability for the purposes for which it is 92916
constructed or being used, its obsolete character, if any, the 92917
income capacity of the property, if any, and any other factor that 92918
tends to prove its true value shall be used. In determining the 92919
true value of minerals or rights to minerals for the purpose of 92920
real property taxation, the tax commissioner shall not include in 92921
the value of the minerals or rights to minerals the value of any 92922
tangible personal property used in the recovery of those minerals. 92923

(2) The uniform rules shall prescribe the method for 92924
determining the current agricultural use value of land devoted 92925
exclusively to agricultural use, which method shall reflect 92926
standard and modern appraisal techniques that take into 92927
consideration the productivity of the soil under normal management 92928
practices, typical cropping and land use patterns, the average 92929
price patterns of the crops and products produced and the typical 92930
production costs to determine the net income potential to be 92931
capitalized, and other pertinent factors. 92932

In determining the agricultural land capitalization rate to 92933
be applied to the net income potential from agricultural use, the 92934
commissioner shall use standard and modern appraisal techniques. 92935
To calculate the capitalization rate for any year, the 92936
commissioner shall do both of the following: 92937

(a) Use an equity yield rate equal to the greater of (i) the 92938
average of the total rates of return on farm equity for the 92939
twenty-five most recent years for which those rates have been 92940
calculated and published by the United States department of 92941
agriculture economic research service or another published source 92942
or (ii) the loan interest rate the commissioner uses for that year 92943

to calculate the capitalization rate; 92944

(b) Assume that the holding period for agricultural land is 92945
twenty-five years for the purpose of computing buildup of equity 92946
or appreciation with respect to that land. 92947

The commissioner shall add to the overall capitalization rate 92948
a tax additur. The sum of the overall capitalization rate and the 92949
tax additur shall represent as nearly as possible the rate of 92950
return a prudent investor would expect from an average or typical 92951
farm in this state considering only agricultural factors. 92952

The commissioner shall annually determine and announce the 92953
overall capitalization rate, tax additur, agricultural land 92954
capitalization rate, and the individual components used in 92955
computing such amounts in a determination, finding, computation, 92956
or order of the commissioner published simultaneously with the 92957
commissioner's annual publication of the per-acre agricultural use 92958
values for each soil type. 92959

(3) Notwithstanding any other provision of this chapter and 92960
Chapter 5713. of the Revised Code, the current agricultural use 92961
value of land devoted exclusively to agricultural use shall equal 92962
the following amounts for the years specified: 92963

(a) In counties that undergo a reappraisal or triennial 92964
update in 2017, the current agricultural use value of the land for 92965
each of the 2017, 2018, and 2019 tax years shall equal the sum of 92966
the following amounts: 92967

(i) The current agricultural use value of the land for that 92968
tax year, as determined under this section and section 5713.31 of 92969
the Revised Code, and rules adopted pursuant those sections, 92970
without regard to the adjustment under division (A)(3)(a)(ii) of 92971
this section; 92972

(ii) One-half of the amount, if any, by which the value of 92973
the land for the 2016 tax year, as determined under this section, 92974

section 5713.31 of the Revised Code, and the rules adopted 92975
pursuant those sections and issued by the tax commissioner for 92976
counties undergoing a reappraisal or triennial update in the 2016 92977
tax year, exceeds the value determined under division (A)(3)(a)(i) 92978
of this section. 92979

(b) In counties that undergo a reappraisal or triennial 92980
update in 2018, the current agricultural use value of the land for 92981
each of the 2018, 2019, and 2020 tax years shall equal the sum of 92982
the following amounts: 92983

(i) The current agricultural use value of the land for that 92984
tax year, as determined under this section and section 5713.31 of 92985
the Revised Code, and rules adopted pursuant those sections, 92986
without regard to the adjustment under division (A)(3)(b)(ii) of 92987
this section; 92988

(ii) One-half of the amount, if any, by which the value of 92989
the land for the 2017 tax year, as determined under this section, 92990
section 5713.31 of the Revised Code, and the rules adopted 92991
pursuant those sections and issued by the tax commissioner for 92992
counties undergoing a reappraisal or triennial update in the 2017 92993
tax year, exceeds the value determined under division (A)(3)(b)(i) 92994
of this section. 92995

(c) In counties that undergo a reappraisal or triennial 92996
update in 2019, the current agricultural use value of the land for 92997
each of the 2019, 2020, and 2021 tax years shall equal the sum of 92998
the following amounts: 92999

(i) The current agricultural use value of the land for that 93000
tax year, as determined under this section and section 5713.31 of 93001
the Revised Code, and rules adopted pursuant those sections, 93002
without regard to the adjustment under division (A)(3)(c)(ii) of 93003
this section; 93004

(ii) One-half of the amount, if any, by which the value of 93005

the land for the 2018 tax year, as determined under this section, 93006
section 5713.31 of the Revised Code, and the rules adopted 93007
pursuant those sections and issued by the tax commissioner for 93008
counties undergoing a reappraisal or triennial update in the 2018 93009
tax year, exceeds the value determined under division (A)(3)(c)(i) 93010
of this section. 93011

(B) The taxable value shall be that per cent of true value in 93012
money, or current agricultural use value in the case of land 93013
valued in accordance with section 5713.31 of the Revised Code, the 93014
commissioner by rule establishes, but it shall not exceed 93015
thirty-five per cent. The uniform rules shall also prescribe 93016
methods of making the appraisals set forth in section 5713.03 of 93017
the Revised Code. The taxable value of each tract, lot, or parcel 93018
of real property and improvements thereon, determined in 93019
accordance with the uniform rules and methods prescribed thereby, 93020
shall be the taxable value of the tract, lot, or parcel for all 93021
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 93022
5717.01 to 5717.06 of the Revised Code. County auditors shall, 93023
under the direction and supervision of the commissioner, be the 93024
chief assessing officers of their respective counties, and shall 93025
list and value the real property within their respective counties 93026
for taxation in accordance with this section and sections 5713.03 93027
and 5713.31 of the Revised Code and with such rules of the 93028
commissioner. There shall also be a board in each county, known as 93029
the county board of revision, which shall hear complaints and 93030
revise assessments of real property for taxation. 93031

(C) The commissioner shall neither adopt nor enforce any rule 93032
that requires true value for any tax year to be any value other 93033
than the true value in money on the tax lien date of such tax year 93034
or that requires taxable value to be obtained in any way other 93035
than by reducing the true value, or in the case of land valued in 93036
accordance with section 5713.31 of the Revised Code, its current 93037

agricultural use value, by a specified, uniform percentage. 93038

Sec. 5715.19. (A) As used in this section, "member" has the 93039
same meaning as in section 1705.01 of the Revised Code. 93040

(1) Subject to division (A)(2) of this section, a complaint 93041
against any of the following determinations for the current tax 93042
year shall be filed with the county auditor on or before the 93043
thirty-first day of March of the ensuing tax year or the date of 93044
closing of the collection for the first half of real and public 93045
utility property taxes for the current tax year, whichever is 93046
later: 93047

(a) Any classification made under section 5713.041 of the 93048
Revised Code; 93049

(b) Any determination made under section 5713.32 or 5713.35 93050
of the Revised Code; 93051

(c) Any recoupment charge levied under section 5713.35 of the 93052
Revised Code; 93053

(d) The determination of the total valuation or assessment of 93054
any parcel that appears on the tax list, except parcels assessed 93055
by the tax commissioner pursuant to section 5727.06 of the Revised 93056
Code; 93057

(e) The determination of the total valuation of any parcel 93058
that appears on the agricultural land tax list, except parcels 93059
assessed by the tax commissioner pursuant to section 5727.06 of 93060
the Revised Code; 93061

(f) Any determination made under division (A) of section 93062
319.302 of the Revised Code. 93063

If such a complaint is filed by mail or certified mail, the 93064
date of the United States postmark placed on the envelope or 93065
sender's receipt by the postal service shall be treated as the 93066
date of filing. A private meter postmark on an envelope is not a 93067

valid postmark for purposes of establishing the filing date. 93068

Any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; an individual who is retained by such a person and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person; if the person is a firm, company, association, partnership, limited liability company, or corporation, an officer, a salaried employee, a partner, or a member of that person; if the person is a trust, a trustee of the trust; the board of county commissioners; the prosecuting attorney or treasurer of the county; the board of township trustees of any township with territory within the county; the board of education of any school district with any territory in the county; or the mayor or legislative authority of any municipal corporation with any territory in the county may file such a complaint regarding any such determination affecting any real property in the county, except that a person owning taxable real property in another county may file such a complaint only with regard to any such determination affecting real property in the county that is located in the same taxing district as that person's real property is located. The county auditor shall present to the county board of revision all complaints filed with the auditor.

(2) As used in division (A)(2) of this section, "interim period" means, for each county, the tax year to which section 5715.24 of the Revised Code applies and each subsequent tax year

until the tax year in which that section applies again. 93100

No person, board, or officer shall file a complaint against 93101
the valuation or assessment of any parcel that appears on the tax 93102
list if it filed a complaint against the valuation or assessment 93103
of that parcel for any prior tax year in the same interim period, 93104
unless the person, board, or officer alleges that the valuation or 93105
assessment should be changed due to one or more of the following 93106
circumstances that occurred after the tax lien date for the tax 93107
year for which the prior complaint was filed and that the 93108
circumstances were not taken into consideration with respect to 93109
the prior complaint: 93110

(a) The property was sold in an arm's length transaction, as 93111
described in section 5713.03 of the Revised Code; 93112

(b) The property lost value due to some casualty; 93113

(c) Substantial improvement was added to the property; 93114

(d) An increase or decrease of at least fifteen per cent in 93115
the property's occupancy has had a substantial economic impact on 93116
the property. 93117

(3) If a county board of revision, the board of tax appeals, 93118
or any court dismisses a complaint filed under this section or 93119
section 5715.13 of the Revised Code for the reason that the act of 93120
filing the complaint was the unauthorized practice of law or the 93121
person filing the complaint was engaged in the unauthorized 93122
practice of law, the party affected by a decrease in valuation or 93123
the party's agent, or the person owning taxable real property in 93124
the county or in a taxing district with territory in the county, 93125
may refile the complaint, notwithstanding division (A)(2) of this 93126
section. 93127

(4) Notwithstanding division (A)(2) of this section, a 93128
person, board, or officer may file a complaint against the 93129
valuation or assessment of any parcel that appears on the tax list 93130

if it filed a complaint against the valuation or assessment of 93131
that parcel for any prior tax year in the same interim period if 93132
the person, board, or officer withdrew the complaint before the 93133
complaint was heard by the board. 93134

(B) Within thirty days after the last date such complaints 93135
may be filed, the auditor shall give notice of each complaint in 93136
which the stated amount of overvaluation, undervaluation, 93137
discriminatory valuation, illegal valuation, or incorrect 93138
determination is at least seventeen thousand five hundred dollars 93139
to each property owner whose property is the subject of the 93140
complaint, if the complaint was not filed by the owner or the 93141
owner's spouse, and to each board of education whose school 93142
district may be affected by the complaint. Within thirty days 93143
after receiving such notice, a board of education; a property 93144
owner; the owner's spouse; an individual who is retained by such 93145
an owner and who holds a designation from a professional 93146
assessment organization, such as the institute for professionals 93147
in taxation, the national council of property taxation, or the 93148
international association of assessing officers; a public 93149
accountant who holds a permit under section 4701.10 of the Revised 93150
Code, a general or residential real estate appraiser licensed or 93151
certified under Chapter 4763. of the Revised Code, or a real 93152
estate broker licensed under Chapter 4735. of the Revised Code, 93153
who is retained by such a person; or, if the property owner is a 93154
firm, company, association, partnership, limited liability 93155
company, corporation, or trust, an officer, a salaried employee, a 93156
partner, a member, or trustee of that property owner, may file a 93157
complaint in support of or objecting to the amount of alleged 93158
overvaluation, undervaluation, discriminatory valuation, illegal 93159
valuation, or incorrect determination stated in a previously filed 93160
complaint or objecting to the current valuation. Upon the filing 93161
of a complaint under this division, the board of education or the 93162
property owner shall be made a party to the action. 93163

(C) Each board of revision shall notify any complainant and also the property owner, if the property owner's address is known, when a complaint is filed by one other than the property owner, by certified mail, not less than ten days prior to the hearing, of the time and place the same will be heard. ~~The~~ Except as otherwise provided in this division, the board of revision shall hear and render its decision on a complaint within ninety business days after the filing thereof with the board or, except that if a complaint is filed within thirty days after receiving notice from the auditor as provided in division (B) of this section, ~~the board shall hear and render its decision~~ within ninety business days after such filing. The boards of revision of the ten most populous counties in the state shall have ninety business days in addition to the time otherwise permitted under this division to render a decision on a complaint. For the purpose of computing the time within which a board of revision is required to render a decision on a complaint under this division, "business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(D) The determination of any such complaint shall relate back to the date when the lien for taxes or recoupment charges for the current year attached or the date as of which liability for such year was determined. Liability for taxes and recoupment charges for such year and each succeeding year until the complaint is finally determined and for any penalty and interest for nonpayment thereof within the time required by law shall be based upon the determination, valuation, or assessment as finally determined. Each complaint shall state the amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect classification or determination upon which the complaint is based. The treasurer shall accept any amount tendered as taxes or recoupment charge upon property concerning which a complaint is then pending, computed upon the claimed valuation as set forth in

the complaint. If a complaint filed under this section for the 93197
current year is not determined by the board within the time 93198
prescribed for such determination, the complaint and any 93199
proceedings in relation thereto shall be continued by the board as 93200
a valid complaint for any ensuing year until such complaint is 93201
finally determined by the board or upon any appeal from a decision 93202
of the board. In such case, the original complaint shall continue 93203
in effect without further filing by the original taxpayer, the 93204
original taxpayer's assignee, or any other person or entity 93205
authorized to file a complaint under this section. 93206

(E) If a taxpayer files a complaint as to the classification, 93207
valuation, assessment, or any determination affecting the 93208
taxpayer's own property and tenders less than the full amount of 93209
taxes or recoupment charges as finally determined, an interest 93210
charge shall accrue as follows: 93211

(1) If the amount finally determined is less than the amount 93212
billed but more than the amount tendered, the taxpayer shall pay 93213
interest at the rate per annum prescribed by section 5703.47 of 93214
the Revised Code, computed from the date that the taxes were due 93215
on the difference between the amount finally determined and the 93216
amount tendered. This interest charge shall be in lieu of any 93217
penalty or interest charge under section 323.121 of the Revised 93218
Code unless the taxpayer failed to file a complaint and tender an 93219
amount as taxes or recoupment charges within the time required by 93220
this section, in which case section 323.121 of the Revised Code 93221
applies. 93222

(2) If the amount of taxes finally determined is equal to or 93223
greater than the amount billed and more than the amount tendered, 93224
the taxpayer shall pay interest at the rate prescribed by section 93225
5703.47 of the Revised Code from the date the taxes were due on 93226
the difference between the amount finally determined and the 93227
amount tendered, such interest to be in lieu of any interest 93228

charge but in addition to any penalty prescribed by section 93229
323.121 of the Revised Code. 93230

(F) Upon request of a complainant, the tax commissioner shall 93231
determine the common level of assessment of real property in the 93232
county for the year stated in the request that is not valued under 93233
section 5713.31 of the Revised Code, which common level of 93234
assessment shall be expressed as a percentage of true value and 93235
the common level of assessment of lands valued under such section, 93236
which common level of assessment shall also be expressed as a 93237
percentage of the current agricultural use value of such lands. 93238
Such determination shall be made on the basis of the most recent 93239
available sales ratio studies of the commissioner and such other 93240
factual data as the commissioner deems pertinent. 93241

(G) A complainant shall provide to the board of revision all 93242
information or evidence within the complainant's knowledge or 93243
possession that affects the real property that is the subject of 93244
the complaint. A complainant who fails to provide such information 93245
or evidence is precluded from introducing it on appeal to the 93246
board of tax appeals or the court of common pleas, except that the 93247
board of tax appeals or court may admit and consider the evidence 93248
if the complainant shows good cause for the complainant's failure 93249
to provide the information or evidence to the board of revision. 93250

(H) In case of the pendency of any proceeding in court based 93251
upon an alleged excessive, discriminatory, or illegal valuation or 93252
incorrect classification or determination, the taxpayer may tender 93253
to the treasurer an amount as taxes upon property computed upon 93254
the claimed valuation as set forth in the complaint to the court. 93255
The treasurer may accept the tender. If the tender is not 93256
accepted, no penalty shall be assessed because of the nonpayment 93257
of the full taxes assessed. 93258

Sec. 5715.20. (A) Whenever a county board of revision renders 93259

a decision on a complaint filed under section 5715.19 of the Revised Code or on an application for remission under section 5715.39 of the Revised Code, it shall certify its action by certified mail to the person in whose name the property is listed or sought to be listed and ~~to the complainant~~, if the complainant or applicant is not the person in whose name the property is listed or sought to be listed, to the complainant or applicant. A person's time to file an appeal under section 5717.01 of the Revised Code commences with the mailing of notice of the decision to that person as provided in this section. The tax commissioner's time to file an appeal under section 5717.01 of the Revised Code commences with the last mailing to a person required to be mailed notice of the decision as provided in this division.

(B) The tax commissioner may order the county auditor to send to the commissioner the decisions of the board of revision rendered on complaints filed under section 5715.19 of the Revised Code or on applications for remission filed under section 5715.39 of the Revised Code in the manner and for the time period that the commissioner prescribes. Nothing in this division extends the commissioner's time to file an appeal under section 5717.01 of the Revised Code.

Sec. 5715.27. (A)(1) Except as provided in division (A)(2) of this section and in section 3735.67 of the Revised Code, the owner, a vendee in possession under a purchase agreement or a land contract, the beneficiary of a trust, or a lessee for an initial term of not less than thirty years of any property may file an application with the tax commissioner, on forms prescribed by the commissioner, requesting that such property be exempted from taxation and that taxes, interest, and penalties be remitted as provided in division (C) of section 5713.08 of the Revised Code.

(2) If the property that is the subject of the application

for exemption is any of the following, the application shall be 93291
filed with the county auditor of the county in which the property 93292
is listed for taxation: 93293

(a) A public road or highway; 93294

(b) Property belonging to the federal government of the 93295
United States; 93296

(c) Additions or other improvements to an existing building 93297
or structure that belongs to the state or a political subdivision, 93298
as defined in section 5713.081 of the Revised Code, and that is 93299
exempted from taxation as property used exclusively for a public 93300
purpose; 93301

~~(d) Property of the boards of trustees and of the housing 93302
commissions of the state universities, the northeastern Ohio 93303
universities college of medicine, and of the state to be exempted 93304
under section 3345.17 of the Revised Code. 93305~~

(B) The board of education of any school district may request 93306
the tax commissioner or county auditor to provide it with 93307
notification of applications for exemption from taxation for 93308
property located within that district. If so requested, the 93309
commissioner or auditor shall send to the board on a monthly basis 93310
reports that contain sufficient information to enable the board to 93311
identify each property that is the subject of an exemption 93312
application, including, but not limited to, the name of the 93313
property owner or applicant, the address of the property, and the 93314
auditor's parcel number. The commissioner or auditor shall mail 93315
the reports by the fifteenth day of the month following the end of 93316
the month in which the commissioner or auditor receives the 93317
applications for exemption. 93318

(C) A board of education that has requested notification 93319
under division (B) of this section may, with respect to any 93320
application for exemption of property located in the district and 93321

included in the commissioner's or auditor's most recent report 93322
provided under that division, file a statement with the 93323
commissioner or auditor and with the applicant indicating its 93324
intent to submit evidence and participate in any hearing on the 93325
application. The statements shall be filed prior to the first day 93326
of the third month following the end of the month in which that 93327
application was docketed by the commissioner or auditor. A 93328
statement filed in compliance with this division entitles the 93329
district to submit evidence and to participate in any hearing on 93330
the property and makes the district a party for purposes of 93331
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 93332
the commissioner's or auditor's decision to the board of tax 93333
appeals. 93334

(D) The commissioner or auditor shall not hold a hearing on 93335
or grant or deny an application for exemption of property in a 93336
school district whose board of education has requested 93337
notification under division (B) of this section until the end of 93338
the period within which the board may submit a statement with 93339
respect to that application under division (C) of this section. 93340
The commissioner or auditor may act upon an application at any 93341
time prior to that date upon receipt of a written waiver from each 93342
such board of education, or, in the case of exemptions authorized 93343
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 93344
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 93345
of the Revised Code, upon the request of the property owner. 93346
Failure of a board of education to receive the report required in 93347
division (B) of this section shall not void an action of the 93348
commissioner or auditor with respect to any application. The 93349
commissioner or auditor may extend the time for filing a statement 93350
under division (C) of this section. 93351

(E) A complaint may also be filed with the commissioner or 93352
auditor by any person, board, or officer authorized by section 93353

5715.19 of the Revised Code to file complaints with the county 93354
board of revision against the continued exemption of any property 93355
granted exemption by the commissioner or auditor under this 93356
section. 93357

(F) An application for exemption and a complaint against 93358
exemption shall be filed prior to the thirty-first day of December 93359
of the tax year for which exemption is requested or for which the 93360
liability of the property to taxation in that year is requested. 93361
The commissioner or auditor shall consider such application or 93362
complaint in accordance with procedures established by the 93363
commissioner, determine whether the property is subject to 93364
taxation or exempt therefrom, and, if the commissioner makes the 93365
determination, certify the determination to the auditor. Upon 93366
making the determination or receiving the commissioner's 93367
determination, the auditor shall correct the tax list and 93368
duplicate accordingly. If a tax certificate has been sold under 93369
section 5721.32 or 5721.33 of the Revised Code with respect to 93370
property for which an exemption has been requested, the tax 93371
commissioner or auditor shall also certify the findings to the 93372
county treasurer of the county in which the property is located. 93373

(G) Applications and complaints, and documents of any kind 93374
related to applications and complaints, filed with the tax 93375
commissioner or county auditor under this section are public 93376
records within the meaning of section 149.43 of the Revised Code. 93377

(H) If the commissioner or auditor determines that the use of 93378
property or other facts relevant to the taxability of property 93379
that is the subject of an application for exemption or a complaint 93380
under this section has changed while the application or complaint 93381
was pending, the commissioner or auditor may make the 93382
determination under division (F) of this section separately for 93383
each tax year beginning with the year in which the application or 93384
complaint was filed or the year for which remission of taxes under 93385

division (C) of section 5713.08 of the Revised Code was requested, 93386
and including each subsequent tax year during which the 93387
application or complaint is pending before the commissioner or 93388
auditor. 93389

Sec. 5715.39. (A) The tax commissioner may remit real 93390
property taxes, manufactured home taxes, penalties, and interest 93391
found by the commissioner to have been illegally assessed. The 93392
commissioner also may remit any penalty charged against any real 93393
property or manufactured or mobile home that was the subject of an 93394
application for exemption from taxation under section 5715.27 of 93395
the Revised Code if the commissioner determines that the applicant 93396
requested such exemption in good faith. The commissioner shall 93397
include notice of the remission in the commissioner's 93398
certification to the county auditor required under that section. 93399

(B) The county auditor, upon consultation with the county 93400
treasurer, shall remit a penalty for late payment of any real 93401
property taxes or manufactured home taxes when: 93402

(1) The taxpayer could not make timely payment of the tax 93403
because of the negligence or error of the county auditor or county 93404
treasurer in the performance of a statutory duty relating to the 93405
levy or collection of such tax. 93406

(2) In cases other than those described in division (B)(1) of 93407
this section, and except as provided in division (B)(5) of this 93408
section, the taxpayer failed to receive a tax bill or a correct 93409
tax bill, and the taxpayer made a good faith effort to obtain such 93410
bill within thirty days after the last day for payment of the tax. 93411

(3) The tax was not timely paid because of the death or 93412
serious injury of the taxpayer, or the taxpayer's confinement in a 93413
hospital within sixty days preceding the last day for payment of 93414
the tax if, in any case, the tax was subsequently paid within 93415
sixty days after the last day for payment of such tax. 93416

(4) The taxpayer demonstrates that the full payment was properly deposited in the mail in sufficient time for the envelope to be postmarked by the United States postal service on or before the last day for payment of such tax. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the date of payment of such tax.

(5) With respect to the first payment due after a taxpayer fully satisfies a mortgage against a parcel of real property, the mortgagee failed to notify the treasurer of the satisfaction of the mortgage, and the tax bill was not sent to the taxpayer.

(C) If the auditor determines that remission is not required under division (B) of this section, the auditor shall present the application to the board of revision. The board of revision shall review the auditor's determination and remit a penalty for late payment of any real property taxes or manufactured homes taxes if ~~in cases other than those described in division the board determines that any of divisions (B)(1) to (5) of this section,~~ applies or if it determines that the taxpayer's failure to make timely payment of the tax is due to reasonable cause and not willful neglect.

(D) ~~The taxpayer, upon application within sixty days after the mailing of the county auditor's or board of revision's decision, may request the tax commissioner to review the denial of the remission of a penalty by the auditor or board. The application may be filed in person or by certified mail. If the application is filed by certified mail, the date of the United States postmark placed on the sender's receipt by the postal service shall be treated as the date of filing. The commissioner shall consider the application, determine whether the penalty should be remitted, and certify the determination to the taxpayer, to the county treasurer, and to the county auditor, who shall correct the tax list and duplicate accordingly. The commissioner~~

may issue orders and instructions for the uniform implementation 93449
of this section by all county boards of revision, county auditors, 93450
and county treasurers, and such orders and instructions shall be 93451
followed by such officers and boards. 93452

(E) This section shall not provide to the taxpayer any remedy 93453
with respect to any matter that the taxpayer may be authorized to 93454
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 93455
the Revised Code. 93456

~~(F) Applications for remission, and documents of any kind 93457
related to those applications, filed with the tax commissioner 93458
under this section are public records within the meaning of 93459
section 149.43 of the Revised Code unless otherwise excepted under 93460
that section. 93461~~

Sec. 5717.07. If the county auditor, tax commissioner, or any 93462
board, legislative authority, or public official appeals a 93463
decision of a county board of revision to the board of tax 93464
appeals, or appeals a decision of the board of tax appeals, a 93465
court of common pleas, or a court of appeals pursuant to this 93466
chapter regarding a decision by a county board of revision, and if 93467
the owner of the property that is the subject of the appeal is a 93468
party to the appeal and prevails in the proceeding, the county 93469
auditor, tax commissioner, board, legislative authority, or public 93470
official that appealed the decision shall pay the reasonable 93471
attorney's fees and court costs incurred by the property owner 93472
with respect to that appeal proceeding. If more than one such 93473
party appealed the determination, the attorney's fees and court 93474
costs shall be divided equally among those political subdivisions. 93475

Sec. 5725.33. (A) Except as otherwise provided in this 93476
section, terms used in this section have the same meaning as 93477
section 45D of the Internal Revenue Code, any related proposed, 93478

temporary, or final regulations promulgated under the Internal 93479
Revenue Code, any rules or guidance of the internal revenue 93480
service or the United States department of the treasury, and any 93481
related rules or guidance issued by the community development 93482
financial institutions fund of the United States department of the 93483
treasury, as such law, regulations, rules, and guidance exist on 93484
October 16, 2009. 93485

As used in this section: 93486

(1) "Adjusted purchase price" means the amount paid for the 93487
portion of a qualified equity investment approved or certified by 93488
the director of development services for a qualified community 93489
development entity in accordance with rules adopted under division 93490
(E) of this section. 93491

(2) "Applicable percentage" means zero per cent for each of 93492
the first two credit allowance dates, seven per cent for the third 93493
credit allowance date, and eight per cent for the four following 93494
credit allowance dates. 93495

(3) "Credit allowance date" means the date, on or after 93496
January 1, 2010, a qualified equity investment is made and each of 93497
the six anniversary dates thereafter. For qualified equity 93498
investments made after October 16, 2009, but before January 1, 93499
2010, the initial credit allowance date is January 1, 2010, and 93500
each of the six anniversary dates thereafter is on the first day 93501
of January of each year. 93502

(4) "Qualified community development entity" includes only 93503
entities: 93504

(a) That have entered into an allocation agreement with the 93505
community development financial institutions fund of the United 93506
States department of the treasury with respect to credits 93507
authorized by section 45D of the Internal Revenue Code; 93508

(b) Whose service area includes any portion of this state; 93509
and 93510

(c) That will designate an equity investment in such entities 93511
as a qualified equity investment for purposes of both section 45D 93512
of the Internal Revenue Code and this section. 93513

(5) "Qualified equity investment" is limited to an equity 93514
investment in a qualified community development entity that: 93515

(a) Is acquired after October 16, 2009, at its original 93516
issuance solely in exchange for cash; 93517

(b) Has at least eighty-five per cent of its cash purchase 93518
price used by the qualified community development entity to make 93519
qualified low-income community investments in qualified active 93520
low-income community businesses in this state, provided that in 93521
the seventh year after a qualified equity investment is made, only 93522
seventy-five per cent of such cash purchase price must be used by 93523
the qualified community development entity to make qualified 93524
low-income community investments in those businesses; and 93525

(c) Is designated by the issuer as a qualified equity 93526
investment. 93527

"Qualified equity investment" includes any equity investment 93528
that would, but for division (A)(5)(a) of this section, be a 93529
qualified equity investment in the hands of the taxpayer if such 93530
investment was a qualified equity investment in the hands of a 93531
prior holder. 93532

(B) There is hereby allowed a nonrefundable credit against 93533
the tax imposed by section 5725.18 of the Revised Code for an 93534
insurance company holding a qualified equity investment on the 93535
credit allowance date occurring in the calendar year for which the 93536
tax is due. The credit shall equal the applicable percentage of 93537
the adjusted purchase price, subject to divisions (B)(1) and (2) 93538
of this section: 93539

(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred in the sale or repayment, in another qualified low-income community investment in this state within twelve months of the receipt of such capital. If the qualified low-income community investment is sold or repaid after the sixth anniversary of the issuance of the qualified equity investment, the qualified low-income community investment shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance.

(2) The qualified low-income community investment made in this state shall equal the sum of the qualified low-income community investments in each qualified active low-income community business in this state, not to exceed two million five hundred sixty-four thousand dollars, in which the qualified community development entity invests, including such investments in any such businesses in this state related to that qualified active low-income community business through majority ownership or control.

The credit shall be claimed in the order prescribed by section 5725.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing years.

By claiming a tax credit under this section, an insurance 93572
company waives its rights under section 5725.222 of the Revised 93573
Code with respect to the time limitation for the assessment of 93574
taxes as it relates to credits claimed that later become subject 93575
to recapture under division (E) of this section. 93576

~~(C) The amount of qualified equity investments on the basis 93577
of which credits may be claimed under this section and sections 93578
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 93579
the amount, estimated by the director of development, that would 93580
cause the total amount of credits allowed each fiscal year to 93581
exceed ten million dollars, computed without regard to the 93582
potential for taxpayers to carry tax credits forward to later 93583
years~~ The aggregate amount of credit allocations made by the 93584
director of development services under this section and sections 93585
5726.54, 5729.16, and 5733.58 of the Revised Code each fiscal year 93586
shall not exceed ten million dollars. 93587

(D) If any amount of the federal tax credit allowed for a 93588
qualified equity investment for which a credit was received under 93589
this section is recaptured under section 45D of the Internal 93590
Revenue Code, or if the director of development services 93591
determines that an investment for which a tax credit is claimed 93592
under this section is not a qualified equity investment or that 93593
the proceeds of an investment for which a tax credit is claimed 93594
under this section are used to make qualified low-income community 93595
investments other than in a qualified active low-income community 93596
business in this state, all or a portion of the credit received on 93597
account of that investment shall be paid by the insurance company 93598
that received the credit to the superintendent of insurance. The 93599
amount to be recovered shall be determined by the director of 93600
development services pursuant to rules adopted under division (E) 93601
of this section. The director shall certify any amount due under 93602
this division to the superintendent of insurance, and the 93603

superintendent shall notify the treasurer of state of the amount 93604
due. Upon notification, the treasurer shall invoice the insurance 93605
company for the amount due. The amount due is payable not later 93606
than thirty days after the date the treasurer invoices the 93607
insurance company. The amount due shall be considered to be tax 93608
due under section 5725.18 of the Revised Code, and may be 93609
collected by assessment without regard to the time limitations 93610
imposed under section 5725.222 of the Revised Code for the 93611
assessment of taxes by the superintendent. All amounts collected 93612
under this division shall be credited as revenue from the tax 93613
levied under section 5725.18 of the Revised Code. 93614

(E) The tax credits authorized under this section and 93615
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 93616
be administered by the development services agency. The director 93617
of development services, in consultation with the tax commissioner 93618
and the superintendent of insurance, pursuant to Chapter 119. of 93619
the Revised Code, shall adopt rules for the administration of this 93620
section and sections 5726.54, 5729.16, and 5733.58 of the Revised 93621
Code. The rules shall provide for determining the recovery of 93622
credits under division (D) of this section and under sections 93623
5726.54, 5729.16, and 5733.58 of the Revised Code, including 93624
prorating the amount of the credit to be recovered on any 93625
reasonable basis, the manner in which credits may be allocated 93626
among claimants, and the amount of any application or other fees 93627
to be charged in connection with a recovery. 93628

(F) ~~There is hereby created in the state treasury the new~~ 93629
~~markets tax credit operating fund.~~ The director of development 93630
services is authorized to charge reasonable application and other 93631
fees in connection with the administration of tax credits 93632
authorized by this section and sections 5726.54, 5729.16, and 93633
5733.58 of the Revised Code. Any such fees collected shall be 93634
credited to the tax incentives operating fund created in section 93635

~~122.174 of the Revised Code. The director of development services shall use money in the fund to pay expenses related to the administration of tax credits authorized under sections 5725.33, 5726.54, 5729.16, and 5733.58 of the Revised Code.~~

(G) Tax credits earned or allocated to a pass-through entity, as that term is defined in section 5733.04 of the Revised Code, under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised Code may be allocated to persons having a direct or indirect ownership interest in the pass-through entity for such persons' direct use in accordance with the provisions of any mutual agreement between such persons.

Sec. 5727.26. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any natural gas company or combined company that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.24 to 5727.29 of the Revised Code. The commissioner shall give the company assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The tax commissioner may adopt rules providing for the imposition and remission of the penalty.

(B) Unless the company assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, either personally or by certified mail, a written petition signed by the company's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the company assessed to the ~~treasurer of state~~ commissioner. The petition shall indicate the

objections of the company assessed, but additional objections may 93667
be raised in writing if received by the commissioner prior to the 93668
date shown on the final determination. 93669

If a petition for reassessment has been properly filed, the 93670
commissioner shall proceed under section 5703.60 of the Revised 93671
Code. 93672

(C) After an assessment becomes final, if any portion of the 93673
assessment, including accrued interest, remains unpaid, a 93674
certified copy of the tax commissioner's entry making the 93675
assessment final may be filed in the office of the clerk of the 93676
court of common pleas in the county in which the natural gas 93677
company's or combined company's principal place of business is 93678
located, or in the office of the clerk of court of common pleas of 93679
Franklin county. 93680

Immediately on the filing of the entry, the clerk shall enter 93681
judgment for the state against the company assessed in the amount 93682
shown on the entry. The judgment may be filed by the clerk in a 93683
loose-leaf book entitled, "special judgments for the public 93684
utility excise tax on natural gas and combined companies," and 93685
shall have the same effect as other judgments. Execution shall 93686
issue upon the judgment at the request of the tax commissioner, 93687
and all laws applicable to sales on execution shall apply to sales 93688
made under the judgment. 93689

If the assessment is not paid in its entirety within sixty 93690
days after the day the assessment was issued, the portion of the 93691
assessment consisting of tax due shall bear interest at the rate 93692
per annum prescribed by section 5703.47 of the Revised Code from 93693
the day the tax commissioner issues the assessment until it is 93694
paid or until it is certified to the attorney general for 93695
collection under section 131.02 of the Revised Code, whichever 93696
comes first. If the unpaid portion of the assessment is certified 93697
to the attorney general for collection, the entire unpaid portion 93698

of the assessment shall bear interest at the rate per annum 93699
prescribed by section 5703.47 of the Revised Code from the date of 93700
certification until the date it is paid in its entirety. Interest 93701
shall be paid in the same manner as the tax and may be collected 93702
by the issuance of an assessment under this section. 93703

(D) If the tax commissioner believes that collection of the 93704
tax will be jeopardized unless proceedings to collect or secure 93705
collection of the tax are instituted without delay, the 93706
commissioner may issue a jeopardy assessment against the company 93707
liable for the tax. Immediately upon the issuance of the jeopardy 93708
assessment, the commissioner shall file an entry with the clerk of 93709
the court of common pleas in the manner prescribed by division (C) 93710
of this section. Notice of the jeopardy assessment shall be served 93711
on the company assessed or the company's authorized agent in the 93712
manner provided in section 5703.37 of the Revised Code within five 93713
days of the filing of the entry with the clerk. The total amount 93714
assessed is immediately due and payable, unless the company 93715
assessed files a petition for reassessment in accordance with 93716
division (B) of this section and provides security in a form 93717
satisfactory to the commissioner and in an amount sufficient to 93718
satisfy the unpaid balance of the assessment. Full or partial 93719
payment of the assessment does not prejudice the commissioner's 93720
consideration of the petition for reassessment. 93721

(E) The tax commissioner shall immediately forward to the 93722
treasurer of state all amounts that the tax commissioner receives 93723
under this section, and such amounts shall be considered revenue 93724
arising from the tax imposed by section 5727.24 of the Revised 93725
Code. 93726

(F) No assessment shall be made or issued against a natural 93727
gas company or combined company for the tax imposed by section 93728
5727.24 of the Revised Code more than four years after the return 93729
date for the period in which the tax was reported, or more than 93730

four years after the return for the period was filed, whichever is 93731
later. 93732

Sec. 5727.28. (A) The ~~treasurer of state~~ tax commissioner 93733
shall refund to a natural gas company or combined company subject 93734
to the tax imposed by section 5727.24 of the Revised Code, the 93735
amount of tax paid illegally or erroneously, or paid on an illegal 93736
or erroneous assessment. Applications for a refund shall be filed 93737
with the tax commissioner, on a form prescribed by the 93738
commissioner, within four years of the illegal or erroneous 93739
payment of the tax. 93740

On the filing of the application, the commissioner shall 93741
determine the amount of refund to which the applicant is entitled. 93742
If the amount is not less than that claimed, the commissioner 93743
shall ~~certify the amount to~~ notify the director of budget and 93744
management and ~~treasurer of state for payment~~ issue the refund 93745
from the tax refund fund under section 5703.052 of the Revised 93746
Code. If the amount is less than that claimed, the commissioner 93747
shall proceed in accordance with section 5703.70 of the Revised 93748
Code. 93749

If the application for refund is for taxes paid on an illegal 93750
or erroneous assessment, the commissioner shall include in the 93751
certified amount interest calculated at the rate per annum 93752
prescribed by section 5703.47 of the Revised Code from the date of 93753
overpayment to the date of the commissioner's certification. 93754

(B) If a natural gas company or combined company entitled to 93755
a refund of taxes under this section, or section 5703.70 of the 93756
Revised Code, is indebted to the state for any tax or fee 93757
administered by the tax commissioner that is paid to the state, or 93758
any charge, penalty, or interest arising from such a tax or fee, 93759
the amount refundable may be applied in satisfaction of that debt. 93760
If the amount refundable is less than the amount of the debt, it 93761

may be applied in partial satisfaction of the debt. If the amount 93762
refundable is greater than the amount of the debt, the amount 93763
remaining after satisfaction of the debt shall be refunded. 93764

(C) In lieu of granting a refund under division (A) or (B) of 93765
this section, the tax commissioner may allow a natural gas company 93766
or combined company to claim a credit of the amount of the tax 93767
refund on the return for the period during which the tax became 93768
refundable. The commissioner may require the company to submit 93769
information to support a claim for a credit under this division, 93770
and the commissioner may disallow the credit if the information is 93771
not provided. 93772

Sec. 5727.31. (A) Each public utility subject to the excise 93773
tax imposed by section 5727.30 of the Revised Code, annually, on 93774
or before the first day of August, shall file with the tax 93775
commissioner a statement in such form as the commissioner 93776
prescribes and shall pay any amount due. 93777

(B)(1) Annually, on or before the fifteenth day of October of 93778
the current year, each public utility whose estimated excise taxes 93779
for the current year as based upon the statement required to be 93780
filed in that year by division (A) of this section are one 93781
thousand dollars or more shall file with the ~~treasurer of state~~ 93782
commissioner a report, in such form as the ~~tax~~ commissioner 93783
prescribes, showing the amount of excise tax estimated to be 93784
charged or levied pursuant to law for the current year upon the 93785
basis of such annual statement, and shall remit a portion of the 93786
estimated excise taxes shown to be due by the report. The portion 93787
of the estimated excise taxes due at the time the report is filed 93788
shall be one-third of its total excise taxes estimated to be 93789
charged or levied for the current year based upon the annual 93790
statement filed under division (A) of this section. 93791

(2) Annually, on or before the first day of March and June, 93792

each public utility whose excise taxes as based upon its last 93793
preceding annual statement filed under division (A) of this 93794
section prior to the first day of January were one thousand 93795
dollars or more shall file with the ~~treasurer of state~~ 93796
commissioner a report, in such form as the ~~tax~~ commissioner 93797
prescribes, showing the amount of excise tax charged or levied 93798
pursuant to law upon the basis of such annual statement, and shall 93799
remit a portion of the excise taxes shown to be due by each such 93800
report. The portion of the excise taxes due at the time each such 93801
report is filed shall be one-third of its total excise taxes so 93802
charged or levied based upon such annual statement. 93803

(C) Any public utility subject to the excise taxes imposed by 93804
section 5727.30 of the Revised Code whose tax as certified under 93805
section 5727.38 of the Revised Code in a year equals or exceeds 93806
the amount specified for that year in section 5727.311 of the 93807
Revised Code shall make the payments required under this section 93808
in the second ensuing and each succeeding year in the manner 93809
prescribed by section 5727.311 of the Revised Code, except as 93810
otherwise prescribed by that section. 93811

(D)(1) For purposes of this section, a report required to be 93812
filed under division (B) of this section is considered filed when 93813
it is received by the ~~treasurer of state~~ tax commissioner. 93814

(2) For purposes of this section and sections 5727.311 and 93815
5727.42 of the Revised Code, remittance of an excise tax required 93816
to be made under this section is considered to be made when the 93817
remittance is received by the treasurer of state or tax 93818
commissioner, or when credited to an account designated by the 93819
treasurer of state for the receipt of tax remittances. 93820

Sec. 5727.311. (A) Any public utility subject to an excise 93821
tax imposed by section 5727.30 of the Revised Code whose tax ~~as~~ 93822
~~certified by the tax commissioner under section 5727.38 of the~~ 93823

~~Revised Code~~ equals or exceeds fifty thousand dollars shall make 93824
each payment required under division (B) of section 5727.31 of the 93825
Revised Code for the second ensuing and each succeeding year by 93826
electronic funds transfer as prescribed by division (C) of this 93827
section. 93828

If the tax ~~certified by the tax commissioner~~ in each of two 93829
consecutive years is less than fifty thousand dollars, the public 93830
utility is relieved of the requirement to remit taxes by 93831
electronic funds transfer for the year that next follows the 93832
second of the consecutive years in which the tax certified is less 93833
than fifty thousand dollars, and is relieved of that requirement 93834
for each succeeding year unless the tax ~~certified~~ in a subsequent 93835
year equals or exceeds fifty thousand dollars. 93836

(B) The tax commissioner shall notify each public utility 93837
required by this section or section 5727.25 of the Revised Code to 93838
remit taxes by electronic funds transfer of the public utility's 93839
obligation to do so, and shall maintain an updated list of those 93840
public utilities, ~~and shall timely certify the list and any~~ 93841
~~additions thereto or deletions therefrom to the treasurer of~~ 93842
~~state.~~ Failure by the tax commissioner to notify a public utility 93843
subject to this section to remit taxes by electronic funds 93844
transfer does not relieve the public utility of its obligation to 93845
remit taxes by electronic funds transfer. 93846

(C) Public utilities required by this section or section 93847
5727.25 of the Revised Code to remit periodic payments by 93848
electronic funds transfer shall remit such payments to the 93849
treasurer of state in the manner prescribed by rules adopted by 93850
the treasurer of state under section 113.061 of the Revised Code. 93851
The payment of public utility excise taxes by electronic funds 93852
transfer does not affect a public utility's obligation to file the 93853
annual statement and periodic reports in the manner and at the 93854
times prescribed by section 5727.31 of the Revised Code. 93855

A public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer may apply to the ~~treasurer of state~~ tax commissioner in the manner prescribed by the ~~treasurer of state~~ commissioner to be excused from that requirement. The ~~treasurer of state~~ commissioner may excuse the public utility from remittance by electronic funds transfer for good cause shown for the period of time requested by the public utility or for a portion of that period. The ~~treasurer of state~~ commissioner shall notify the ~~tax commissioner and the~~ public utility of the ~~treasurer of state's~~ commissioner's decision as soon as is practicable.

(D) If a public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer remits those taxes by some means other than by electronic funds transfer as prescribed by this section and the rules adopted by the treasurer of state, and the ~~treasurer of state~~ tax commissioner determines that the failure to remit taxes as required was not due to reasonable cause or was due to willful neglect, the ~~treasurer of state~~ commissioner may impose an additional charge on the public utility equal to five per cent of the amount of the taxes required to be paid by electronic funds transfer, but not to exceed five thousand dollars. Any additional charge imposed under this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from excise taxes imposed by this chapter.

No additional charge shall be assessed under this division against a public utility that has been notified of its obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be assessed upon the remittance of any subsequent tax payment that the public

utility remits by some means other than electronic funds transfer. 93888

Sec. 5727.38. On or before the first Monday of November, 93889
annually, the tax commissioner ~~shall~~ may assess an excise tax 93890
against ~~each~~ a public utility subject to the excise tax under 93891
section 5727.30 of the Revised Code. The tax shall be computed by 93892
multiplying the taxable gross receipts as determined by the 93893
commissioner under section 5727.33 of the Revised Code by six and 93894
three-fourths per cent in the case of pipe-line companies, and 93895
four and three-fourths per cent in the case of all other 93896
companies. The minimum tax for any such company for owning 93897
property or doing business in this state shall be fifty dollars. 93898
The assessment shall be ~~certified~~ mailed to the taxpayer ~~and~~ 93899
~~treasurer of state.~~ 93900

Sec. 5727.42. (A) The treasurer of state shall ~~maintain a~~ 93901
~~list of all taxes levied and payments made pursuant to the annual~~ 93902
notify the tax commissioner of any payment of the excise tax 93903
imposed by section 5727.30 of the Revised Code. The ~~treasurer of~~ 93904
state commissioner shall collect and the taxpayer shall pay all 93905
taxes and any penalties thereon. Payments of the tax may be made 93906
by mail, in person, by electronic funds transfer if required to do 93907
so by section 5727.311 of the Revised Code, or by any other means 93908
authorized by the ~~treasurer of state~~ commissioner. The ~~treasurer~~ 93909
~~of state~~ commissioner may adopt rules concerning the methods and 93910
timeliness of payment. 93911

(B) Each tax ~~bill~~ assessment issued pursuant to this section 93912
shall separately reflect the taxes and any penalty due, ~~due date,~~ 93913
and any other information considered necessary. ~~The last day on~~ 93914
~~which payment may be made without penalty shall be at least twenty~~ 93915
~~but not more than thirty days from the date of mailing the tax~~ 93916
~~bill.~~ The ~~treasurer of state~~ commissioner shall mail the ~~tax bill~~ 93917
assessment to the taxpayer, and the mailing of it shall be 93918

prima-facie evidence of receipt thereof by the taxpayer. 93919

(C) The ~~treasurer of state~~ commissioner shall refund taxes 93920
levied and payments made for the tax imposed by section 5727.30 of 93921
the Revised Code as provided in this section, but no refund shall 93922
be made to a taxpayer having a delinquent claim certified pursuant 93923
to this section that remains unpaid. The ~~treasurer of state~~ 93924
commissioner may consult the attorney general regarding such 93925
claims. 93926

(D) ~~Within twenty days after receipt of~~ After receiving any 93927
excise tax ~~assessment certified to the treasurer of state~~ annual 93928
statement for the tax imposed by section 5727.30 of the Revised 93929
Code, the ~~treasurer of state~~ commissioner shall: 93930

(1) Ascertain the difference between the total taxes ~~shown on~~ 93931
~~such assessment~~ owed and the sum of all ~~estimated~~ payments, 93932
~~exclusive of any penalties thereon, previously~~ made for that year. 93933

(2) If the difference is a deficiency, the ~~treasurer of state~~ 93934
commissioner shall issue a ~~tax bill~~ an assessment. 93935

(3) If the difference is an excess, the ~~treasurer of state~~ 93936
commissioner shall ~~certify the name of the taxpayer and the amount~~ 93937
~~to be refunded to~~ notify the director of budget and management ~~for~~ 93938
~~payment and issue a refund of that amount~~ to the taxpayer. If the 93939
amount of the refund is less than that claimed by the taxpayer, 93940
the taxpayer, within sixty days of the issuance of the refund, may 93941
provide to the commissioner additional information to support the 93942
claim or may request a hearing. Upon receiving such information or 93943
request within that time, the commissioner shall follow the same 93944
procedures set forth in divisions (C) and (D) of section 5703.70 93945
of the Revised Code for the determination of refund applications. 93946

If the taxpayer has a deficiency for one tax year and an 93947
excess for another tax year, or any combination thereof for more 93948
than two years, the ~~treasurer of state~~ commissioner may determine 93949

the net result and, depending on such result, proceed to ~~mail a~~ 93950
~~tax bill~~ issue an assessment or certify a refund. 93951

(E) If a taxpayer fails to pay ~~all~~ the amount of taxes ~~on or~~ 93952
~~before the due date shown on the tax bill~~ required to be paid, or 93953
fails to make an estimated payment on or before the due date 93954
prescribed in division (B) of section 5727.31 of the Revised Code, 93955
~~but makes payment within ten calendar days of such date, the~~ 93956
~~treasurer of state shall add a penalty equal to five per cent of~~ 93957
~~the amount that should have been timely paid. If payment is not~~ 93958
~~made within ten days of such date, the treasurer of state shall~~ 93959
~~add a penalty equal to fifteen per cent of the amount that should~~ 93960
~~have been timely paid. The treasurer of state shall prepare a~~ 93961
~~delinquent claim for each tax bill on which penalties were added~~ 93962
~~and certify such claims to the attorney general and tax~~ 93963
~~commissioner. The~~ the commissioner shall impose a penalty in the 93964
amount of fifteen per cent of the unpaid amount, and the 93965
commissioner shall issue an assessment for the unpaid amount and 93966
penalty. Unless a timely petition for reassessment is filed under 93967
section 5727.47 of the Revised Code, the attorney general shall 93968
proceed to collect the delinquent taxes and penalties thereon in 93969
the manner prescribed by law and notify the ~~treasurer of state and~~ 93970
~~tax~~ commissioner of all collections. 93971

Sec. 5727.47. (A) Notice of each assessment certified or 93972
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 93973
shall be mailed to the public utility, and its mailing shall be 93974
prima-facie evidence of its receipt by the public utility to which 93975
it is addressed. With the notice, the tax commissioner shall 93976
provide instructions on how to petition for reassessment and 93977
request a hearing on the petition. If a public utility objects to 93978
any such an assessment ~~certified to it pursuant to such sections,~~ 93979
it may file with the commissioner, either personally or by 93980
certified mail, within sixty days after the mailing of the notice 93981

of assessment a written petition for reassessment signed by the 93982
utility's authorized agent having knowledge of the facts. The date 93983
the commissioner receives the petition shall be considered the 93984
date of filing. The petition shall indicate the utility's 93985
objections, but additional objections may be raised in writing if 93986
received by the commissioner prior to the date shown on the final 93987
determination. 93988

In the case of a petition seeking a reduction in taxable 93989
value filed with respect to an assessment ~~issued~~ certified under 93990
section 5727.23 of the Revised Code, the petitioner shall state in 93991
the petition the total amount of reduction in taxable value sought 93992
by the petitioner. If the petitioner objects to the percentage of 93993
true value at which taxable property is assessed by the 93994
commissioner, the petitioner shall state in the petition the total 93995
amount of reduction in taxable value sought both with and without 93996
regard to the objection pertaining to the percentage of true value 93997
at which its taxable property is assessed. If a petitioner objects 93998
to the commissioner's apportionment of the taxable value of the 93999
petitioner's taxable property, the petitioner shall distinctly 94000
state in the petition that the petitioner objects to the 94001
commissioner's apportionment, and, within forty-five days after 94002
filing the petition for reassessment, shall submit the 94003
petitioner's proposed apportionment of the taxable value of its 94004
taxable property among taxing districts. If a petitioner that 94005
objects to the commissioner's apportionment fails to state its 94006
objections to that apportionment in its petition for reassessment 94007
or fails to submit its proposed apportionment within forty-five 94008
days after filing the petition for reassessment, the commissioner 94009
shall dismiss the petitioner's objection to the commissioner's 94010
apportionment, and the taxable value of the petitioner's taxable 94011
property, subject to any adjustment to taxable value pursuant to 94012
the petition or appeal, shall be apportioned in the manner used by 94013
the commissioner in the preliminary or amended preliminary 94014

assessment ~~issued~~ certified under section 5727.23 of the Revised Code. 94015
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If an additional objection seeking a reduction in taxable value in excess of the reduction stated in the original petition is properly and timely raised with respect to an assessment issued under section 5727.23 of the Revised Code, the petitioner shall state the total amount of the reduction in taxable value sought in the additional objection both with and without regard to any reduction in taxable value pertaining to the percentage of true value at which taxable property is assessed. If a petitioner fails to state the reduction in taxable value sought in the original petition or in additional objections properly raised after the petition is filed, the commissioner shall notify the petitioner of the failure by certified mail. If the petitioner fails to notify the commissioner in writing of the reduction in taxable value sought in the petition or in an additional objection within thirty days after receiving the commissioner's notice, the commissioner shall dismiss the petition or the additional objection in which that reduction is sought. 94017
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(B)(1) Subject to divisions (B)(2) and (3) of this section, a public utility filing a petition for reassessment regarding an assessment certified or issued under section 5727.23 or 5727.38 of the Revised Code shall pay the tax with respect to the assessment objected to as required by law. The acceptance of any tax payment by the treasurer of state, tax commissioner, or any county treasurer shall not prejudice any claim for taxes on final determination by the commissioner or final decision by the board of tax appeals or any court. 94034
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(2) If a public utility properly and timely files a petition for reassessment regarding an assessment ~~issued~~ certified under section 5727.23 of the Revised Code, the petitioner shall pay the tax as prescribed by divisions (B)(2)(a), (b), and (c) of this 94043
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section: 94047

(a) If the petitioner does not object to the commissioner's 94048
apportionment of the taxable value of the petitioner's taxable 94049
property, the petitioner is not required to pay the part of the 94050
tax otherwise due on the taxable value that the petitioner seeks 94051
to have reduced, subject to division (B)(2)(c) of this section. 94052

(b) If the petitioner objects to the commissioner's 94053
apportionment of the taxable value of the petitioner's taxable 94054
property, the petitioner is not required to pay the tax otherwise 94055
due on the part of the taxable value apportioned to any taxing 94056
district that the petitioner objects to, subject to division 94057
(B)(2)(c) of this section. If, pursuant to division (A) of this 94058
section, the petitioner has, in a proper and timely manner, 94059
apportioned taxable value to a taxing district to which the 94060
commissioner did not apportion the petitioner's taxable value, the 94061
petitioner shall pay the tax due on the taxable value that the 94062
petitioner has apportioned to the taxing district, subject to 94063
division (B)(2)(c) of this section. 94064

(c) If a petitioner objects to the percentage of true value 94065
at which taxable property is assessed by the commissioner, the 94066
petitioner shall pay the tax due on the basis of the percentage of 94067
true value at which the public utility's taxable property is 94068
assessed by the commissioner. In any case, the petitioner's 94069
payment of tax shall not be less than the amount of tax due based 94070
on the taxable value reflected on the last appeal notice issued by 94071
the commissioner under division (C) of this section. Until the 94072
county auditor receives notification under division (E) of this 94073
section and proceeds under section 5727.471 of the Revised Code to 94074
issue any refund that is found to be due, the county auditor shall 94075
not issue a refund for any increase in the reduction in taxable 94076
value that is sought by a petitioner later than forty-five days 94077
after the petitioner files the original petition as required under 94078

division (A) of this section. 94079

(3) Any part of the tax that, under division (B)(2)(a) or (b) 94080
of this section, is not paid shall be collected upon receipt of 94081
the notification as provided in section 5727.471 of the Revised 94082
Code with interest thereon computed in the same manner as interest 94083
is computed under division (E) of section 5715.19 of the Revised 94084
Code, subject to any correction of the assessment by the 94085
commissioner under division (E) of this section or the final 94086
judgment of the board of tax appeals or a court to which the 94087
board's final judgment is appealed. The penalty imposed under 94088
section 323.121 of the Revised Code shall apply only to the unpaid 94089
portion of the tax if the petitioner's tax payment is less than 94090
the amount of tax due based on the taxable value reflected on the 94091
last appeal notice issued by the commissioner under division (C) 94092
of this section. 94093

(C) Upon receipt of a properly filed petition for 94094
reassessment with respect to an assessment certified under section 94095
5727.23 of the Revised Code, the tax commissioner shall notify the 94096
treasurer of state or the auditor of each county to which the 94097
assessment objected to has been certified. In the case of a 94098
petition with respect to an assessment ~~issued~~ certified under 94099
section 5727.23 of the Revised Code, the commissioner shall issue 94100
an appeal notice within thirty days after receiving the amount of 94101
the taxable value reduction and apportionment changes sought by 94102
the petitioner in the original petition or in any additional 94103
objections properly and timely raised by the petitioner. The 94104
appeal notice shall indicate the amount of the reduction in 94105
taxable value sought in the petition or in the additional 94106
objections and the extent to which the reduction in taxable value 94107
and any change in apportionment requested by the petitioner would 94108
affect the commissioner's apportionment of the taxable value among 94109
taxing districts in the county as shown in the assessment. If a 94110

petitioner is seeking a reduction in taxable value on the basis of 94111
a lower percentage of true value than the percentage at which the 94112
commissioner assessed the petitioner's taxable property, the 94113
appeal notice shall indicate the reduction in taxable value sought 94114
by the petitioner without regard to the reduction sought on the 94115
basis of the lower percentage and shall indicate that the 94116
petitioner is required to pay tax on the reduced taxable value 94117
determined without regard to the reduction sought on the basis of 94118
a lower percentage of true value, as provided under division 94119
(B)(2)(c) of this section. The appeal notice shall include a 94120
statement that the reduced taxable value and the apportionment 94121
indicated in the notice are not final and are subject to 94122
adjustment by the commissioner or by the board of tax appeals or a 94123
court on appeal. If the commissioner finds an error in the appeal 94124
notice, the commissioner may amend the notice, but the notice is 94125
only for informational and tax payment purposes; the notice is not 94126
subject to appeal by any person. The commissioner also shall mail 94127
a copy of the appeal notice to the petitioner. Upon the request of 94128
a taxing authority, the county auditor may disclose to the taxing 94129
authority the extent to which a reduction in taxable value sought 94130
by a petitioner would affect the apportionment of taxable value to 94131
the taxing district or districts under the taxing authority's 94132
jurisdiction, but such a disclosure does not constitute a notice 94133
required by law to be given for the purpose of section 5717.02 of 94134
the Revised Code. 94135

(D) If the petitioner requests a hearing on the petition, the 94136
tax commissioner shall assign a time and place for the hearing on 94137
the petition and notify the petitioner of such time and place, but 94138
the commissioner may continue the hearing from time to time as 94139
necessary. 94140

(E) The tax commissioner may make corrections to the 94141
assessment as the commissioner finds proper. The commissioner 94142

shall serve a copy of the commissioner's final determination on 94143
the petitioner in the manner provided in section 5703.37 of the 94144
Revised Code. The commissioner's decision in the matter shall be 94145
final, subject to appeal under section 5717.02 of the Revised 94146
Code. ~~The~~ With respect to a final determination issued for an 94147
assessment certified under section 5727.23 of the Revised Code, 94148
the commissioner also shall transmit a copy of the final 94149
determination to the ~~treasurer of state or~~ applicable county 94150
auditor. In the absence of any further appeal, or when a decision 94151
of the board of tax appeals or of any court to which the decision 94152
has been appealed becomes final, the commissioner shall notify the 94153
public utility and, as appropriate, ~~the treasurer of state who~~ 94154
shall proceed under section 5727.42 of the Revised Code, or notify 94155
the applicable county auditor, who shall proceed under section 94156
5727.471 of the Revised Code. 94157

The notification made under this division is not subject to 94158
further appeal. 94159

(F) On appeal, no adjustment shall be made in the tax 94160
commissioner's assessment ~~issued~~ certified under section 5727.23 94161
of the Revised Code that reduces the taxable value of a 94162
petitioner's taxable property by an amount that exceeds the 94163
reduction sought by the petitioner in its petition for 94164
reassessment or in any additional objections properly and timely 94165
raised after the petition is filed with the commissioner. 94166

Sec. 5727.48. The tax commissioner, on application by a 94167
public utility, may extend to the public utility a further 94168
specified time, not to exceed ~~sixty~~ thirty days, within which to 94169
file any report or statement required by this chapter to be filed 94170
with the commissioner, except reports required by sections 5727.24 94171
to 5727.29 of the Revised Code. A public utility must file such an 94172
application, in writing, with the commissioner on or before the 94173

date that the report or statement is otherwise required to be 94174
filed. 94175

Sec. 5727.53. The taxes, fees, and penalties provided by this 94176
chapter that are remitted to the treasurer of state may be 94177
recovered by an action brought in the name of the state in the 94178
court of common pleas of Franklin county, or of any county in 94179
which such public utility is doing business, or in which the line 94180
of any railroad company is located, and such court of common pleas 94181
shall have jurisdiction of the action regardless of the amount 94182
involved. The attorney general, on request of the tax 94183
commissioner, shall institute such action in the court of common 94184
pleas of Franklin county or of any of such counties the 94185
commissioner directs. ~~In any such action it shall be sufficient to~~ 94186
~~allege that the tax, fee, or penalty sought to be recovered stands~~ 94187
~~charged on the delinquent duplicate of the treasurer of state, and~~ 94188
~~that the same has been unpaid for a period of thirty days after~~ 94189
~~having been placed thereon.~~ Sums recovered in any such action 94190
shall be paid into the state treasury in the same manner as the 94191
tax. 94192

Sec. 5727.60. If a person fails to file a report within the 94193
time prescribed by section 5727.08 or 5727.31 of the Revised Code, 94194
including any extensions of time granted by the tax commissioner, 94195
a penalty of fifty dollars per month, not to exceed five hundred 94196
dollars, may be imposed for each month or fraction of a month 94197
elapsing between the due date of the report, including any 94198
extensions, and the date the report was filed. The penalty under 94199
this section for failing to file a report required by section 94200
5727.08 of the Revised Code shall be paid into the state general 94201
revenue fund. ~~If the penalty is not paid within fifteen days after~~ 94202
~~notice of the penalty is mailed to the person who failed to timely~~ 94203
~~file the report, the tax commissioner shall certify the penalty as~~ 94204

~~a claim to the attorney general for collection.~~ The penalty under 94205
this section for failing to file the report required by section 94206
5727.31 of the Revised Code shall be deposited into the state 94207
treasury in the same manner as the tax, and the commissioner may 94208
collect the penalty by assessment pursuant to section 5727.38 of 94209
the Revised Code. The tax commissioner may abate this penalty in 94210
full or in part. 94211

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the 94212
Revised Code: 94213

(A) "Electric distribution company" means either of the 94214
following: 94215

(1) A person who distributes electricity through a meter of 94216
an end user in this state or to an unmetered location in this 94217
state; 94218

(2) The end user of electricity in this state, if the end 94219
user obtains electricity that is not distributed or transmitted to 94220
the end user by an electric distribution company that is required 94221
to remit the tax imposed by section 5727.81 of the Revised Code. 94222

"Electric distribution company" does not include an end user 94223
of electricity in this state who self-generates electricity that 94224
is used directly by that end user on the same site that the 94225
electricity is generated or a person that donates all of the 94226
electricity the person generates to a political subdivision of the 94227
state. Division (A)(2) of this section shall not apply to a 94228
political subdivision in this state that is the end user of 94229
electricity that is donated to the political subdivision. 94230

(B) "Kilowatt hour" means one thousand watt hours of 94231
electricity. 94232

(C) For an electric distribution company, "meter of an end 94233
user in this state" means the last meter used to measure the 94234

kilowatt hours distributed by an electric distribution company to 94235
a location in this state, or the last meter located outside of 94236
this state that is used to measure the kilowatt hours consumed at 94237
a location in this state. 94238

(D) "Person" has the same meaning as in section 5701.01 of 94239
the Revised Code, but also includes a political subdivision of the 94240
state. 94241

(E) "Municipal electric utility" means a municipal 94242
corporation that owns or operates a system for the distribution of 94243
electricity. 94244

(F) "Qualified end user" means an end user of electricity 94245
that satisfies either of the following criteria: 94246

(1) The end user uses more than three million kilowatt hours 94247
of electricity at one manufacturing location in this state for a 94248
calendar day for use in a qualifying manufacturing process. 94249

(2) The end user uses electricity distributed by an electric 94250
distribution company other than a municipal electric utility or a 94251
rural electric company at a manufacturing location in this state 94252
for use in a chlor-alkali manufacturing process. 94253

(G) "Qualified regeneration" means a process to convert 94254
electricity to a form of stored energy by means such as using 94255
electricity to compress air for storage or to pump water to an 94256
elevated storage reservoir, if such stored energy is subsequently 94257
used to generate electricity for sale to others primarily during 94258
periods when there is peak demand for electricity. 94259

(H) "Qualified regeneration meter" means the last meter used 94260
to measure electricity used in a qualified regeneration process. 94261

(I) "Qualifying manufacturing process" means ~~the performance 94262
of an electrochemical reaction in which electrons from direct 94263
current electricity remain a part of the product being 94264~~

~~manufactured~~ an electrochemical manufacturing process or a 94265
chlor-alkali manufacturing process. 94266

(J) "Self-assessing purchaser" means a purchaser that meets 94267
all the requirements of, and pays the excise tax in accordance 94268
with, division (C) of section 5727.81 of the Revised Code. 94269

(K) "Natural gas distribution company" means a natural gas 94270
company or a combined company, as defined in section 5727.01 of 94271
the Revised Code, that is subject to the excise tax imposed by 94272
section 5727.24 of the Revised Code and that distributes natural 94273
gas through a meter of an end user in this state or to an 94274
unmetered location in this state. 94275

(L) "MCF" means one thousand cubic feet. 94276

(M) For a natural gas distribution company, "meter of an end 94277
user in this state" means the last meter used to measure the MCF 94278
of natural gas distributed by a natural gas distribution company 94279
to a location in this state, or the last meter located outside of 94280
this state that is used to measure the natural gas consumed at a 94281
location in this state. 94282

(N) "Flex customer" means an industrial or a commercial 94283
facility that has consumed more than one billion cubic feet of 94284
natural gas a year at a single location during any of the previous 94285
five years, or an industrial or a commercial end user of natural 94286
gas that purchases natural gas distribution services from a 94287
natural gas distribution company at discounted rates or charges 94288
established in any of the following: 94289

(1) A special arrangement subject to review and regulation by 94290
the public utilities commission under section 4905.31 of the 94291
Revised Code; 94292

(2) A special arrangement with a natural gas distribution 94293
company pursuant to a municipal ordinance; 94294

(3) A variable rate schedule that permits rates to vary 94295
between defined amounts, provided that the schedule is on file 94296
with the public utilities commission. 94297

An end user that meets this definition on January 1, 2000, or 94298
thereafter is a "flex customer" for purposes of determining the 94299
rate of taxation under division (D) of section 5727.811 of the 94300
Revised Code. 94301

(O) "Electrochemical manufacturing process" means the 94302
performance of an electrochemical reaction in which electrons from 94303
direct current electricity remain a part of the product being 94304
manufactured. "Electrochemical manufacturing process" does not 94305
include a chlor-alkali manufacturing process. 94306

(P) "Chlor-alkali manufacturing process" means a process that 94307
uses electricity to produce chlorine and other chemicals through 94308
the electrolysis of a salt solution. 94309

Sec. 5727.81. (A) For the purpose of raising revenue to fund 94310
the needs of this state and its local governments, an excise tax 94311
is hereby levied and imposed on an electric distribution company 94312
for all electricity distributed by such company at the following 94313
rates per kilowatt hour of electricity distributed in a thirty-day 94314
period by the company through a meter of an end user in this 94315
state: 94316

KILOWATT HOURS DISTRIBUTED	RATE PER	94317
TO AN END USER	KILOWATT HOUR	94318
For the first 2,000	\$.00465	94319
For the next 2,001 to 15,000	\$.00419	94320
For 15,001 and above	\$.00363	94321

If no meter is used to measure the kilowatt hours of 94322
electricity distributed by the company, the rates shall apply to 94323
the estimated kilowatt hours of electricity distributed to an 94324
unmetered location in this state. 94325

The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement period to obtain a daily average usage. The tax shall be determined by obtaining the sum of divisions (A)(1), (2), and (3) of this section and multiplying that amount by the number of days in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.

Except as provided in division (C) of this section, the electric distribution company shall pay the tax to the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the Revised Code.

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state; 94357
94358

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner; 94359
94360
94361

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner. 94362
94363
94364
94365

(C)(1) As used in division (C) of this section: 94366

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code. 94367
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(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements. 94373
94374
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(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway. 94378
94379

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve 94380
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months as estimated by the tax commissioner. The tax commissioner 94388
shall make such an estimate upon the written request by an 94389
applicant for registration as a self-assessing purchaser under 94390
this division. For the meter reading period including July 1, 94391
2008, through the meter reading period including December 31, 94392
2010, such a purchaser may elect to self-assess the excise tax 94393
imposed by this section at the rate of \$.00075 per kilowatt hour 94394
on the first five hundred four million kilowatt hours distributed 94395
to that meter or location during the registration year, and a 94396
percentage of the total price of all electricity distributed to 94397
that meter or location equal to three and one-half per cent. For 94398
the meter reading period including January 1, 2011, and 94399
thereafter, such a purchaser may elect to self-assess the excise 94400
tax imposed by this section at the rate of \$.00257 per kilowatt 94401
hour for the first five hundred million kilowatt hours, and 94402
\$.001832 per kilowatt hour for each kilowatt hour in excess of 94403
five hundred million kilowatt hours, distributed to that meter or 94404
location during the registration year. 94405

A qualified end user that receives electricity through a 94406
meter of an end user in this state or through more than one meter 94407
at a single location in this state and that consumes, over the 94408
course of the previous calendar year, more than forty-five million 94409
kilowatt hours in other than its qualifying manufacturing process, 94410
may elect to self-assess the tax as allowed by this division with 94411
respect to the electricity used in other than its qualifying 94412
manufacturing process. 94413

Payment of the tax shall be made directly to the tax 94414
commissioner in accordance with divisions (A)(4) and (5) of 94415
section 5727.82 of the Revised Code, or the treasurer of state in 94416
accordance with section 5727.83 of the Revised Code. If the 94417
electric distribution company serving the self-assessing purchaser 94418
is a municipal electric utility and the purchaser is within the 94419

municipal corporation's corporate limits, payment shall be made to 94420
such municipal corporation's general fund and reports shall be 94421
filed in accordance with divisions (A)(4) and (5) of section 94422
5727.82 of the Revised Code, except that "municipal corporation" 94423
shall be substituted for "treasurer of state" and "tax 94424
commissioner." A self-assessing purchaser that pays the excise tax 94425
as provided in this division shall not be required to pay the tax 94426
to the electric distribution company from which its electricity is 94427
distributed. If a self-assessing purchaser's receipt of 94428
electricity is not subject to the tax as measured under this 94429
division, the tax on the receipt of such electricity shall be 94430
measured and paid as provided in division (A) of this section. 94431

(3) In the case of the acquisition of a package, unless the 94432
elements of the package are separately stated isolating the total 94433
price of electricity from the price of the remaining elements of 94434
the package, the tax imposed under this section applies to the 94435
entire price of the package. If the elements of the package are 94436
separately stated, the tax imposed under this section applies to 94437
the total price of the electricity. 94438

(4) Any electric supplier that sells electricity as part of a 94439
package shall separately state to the purchaser the total price of 94440
the electricity and, upon request by the tax commissioner, the 94441
total price of each of the other elements of the package. 94442

(5) The tax commissioner may adopt rules relating to the 94443
computation of the total price of electricity with respect to 94444
self-assessing purchasers, which may include rules to establish 94445
the total price of electricity purchased as part of a package. 94446

(6) An annual application for registration as a 94447
self-assessing purchaser shall be made for each qualifying meter 94448
or location on a form prescribed by the tax commissioner. The 94449
registration year begins on the first day of May and ends on the 94450
following thirtieth day of April. Persons may apply after the 94451

first day of May for the remainder of the registration year. In 94452
the case of an applicant applying on the basis of an estimated 94453
consumption of forty-five million kilowatt hours over the course 94454
of the succeeding twelve months, the applicant shall provide such 94455
information as the tax commissioner considers to be necessary to 94456
estimate such consumption. At the time of making the application 94457
and by the first day of May of each year, a self-assessing 94458
purchaser shall pay a fee of five hundred dollars to the tax 94459
commissioner, or to the treasurer of state as provided in section 94460
5727.83 of the Revised Code, for each qualifying meter or 94461
location. The tax commissioner shall immediately pay to the 94462
treasurer of state all amounts that the tax commissioner receives 94463
under this section. The treasurer of state shall deposit such 94464
amounts into the kilowatt hour excise tax administration fund, 94465
which is hereby created in the state treasury. Money in the fund 94466
shall be used to defray the tax commissioner's cost in 94467
administering the tax owed under section 5727.81 of the Revised 94468
Code by self-assessing purchasers. After the application is 94469
approved by the tax commissioner, the registration shall remain in 94470
effect for the current registration year, or until canceled by the 94471
registrant upon written notification to the commissioner of the 94472
election to pay the tax in accordance with division (A) of this 94473
section, or until canceled by the tax commissioner for not paying 94474
the tax or fee under division (C) of this section or for not 94475
meeting the qualifications in division (C)(2) of this section. The 94476
tax commissioner shall give written notice to the electric 94477
distribution company from which electricity is delivered to a 94478
self-assessing purchaser of the purchaser's self-assessing status, 94479
and the electric distribution company is relieved of the 94480
obligation to pay the tax imposed by division (A) of this section 94481
for electricity distributed to that self-assessing purchaser until 94482
it is notified by the tax commissioner that the self-assessing 94483
purchaser's registration is canceled. Within fifteen days of 94484

notification of the canceled registration, the electric 94485
distribution company shall be responsible for payment of the tax 94486
imposed by division (A) of this section on electricity distributed 94487
to a purchaser that is no longer registered as a self-assessing 94488
purchaser. A self-assessing purchaser with a canceled registration 94489
must file a report and remit the tax imposed by division (A) of 94490
this section on all electricity it receives for any measurement 94491
period prior to the tax being reported and paid by the electric 94492
distribution company. A self-assessing purchaser whose 94493
registration is canceled by the tax commissioner is not eligible 94494
to register as a self-assessing purchaser for two years after the 94495
registration is canceled. 94496

(7) If the tax commissioner cancels the self-assessing 94497
registration of a purchaser registered on the basis of its 94498
estimated consumption because the purchaser does not consume at 94499
least forty-five million kilowatt hours of electricity over the 94500
course of the twelve-month period for which the estimate was made, 94501
the tax commissioner shall assess and collect from the purchaser 94502
the difference between (a) the amount of tax that would have been 94503
payable under division (A) of this section on the electricity 94504
distributed to the purchaser during that period and (b) the amount 94505
of tax paid by the purchaser on such electricity pursuant to 94506
division (C)(2) of this section. The assessment shall be paid 94507
within sixty days after the tax commissioner issues it, regardless 94508
of whether the purchaser files a petition for reassessment under 94509
section 5727.89 of the Revised Code covering that period. If the 94510
purchaser does not pay the assessment within the time prescribed, 94511
the amount assessed is subject to the additional charge and the 94512
interest prescribed by divisions (B) and (C) of section 5727.82 of 94513
the Revised Code, and is subject to assessment under section 94514
5727.89 of the Revised Code. If the purchaser is a qualified end 94515
user, division (C)(7) of this section applies only to electricity 94516
it consumes in other than its qualifying manufacturing process. 94517

(D) The tax imposed by this section does not apply to the 94518
distribution of any kilowatt hours of electricity to the federal 94519
government, to an end user located at a federal facility that uses 94520
electricity for the enrichment of uranium, to a qualified 94521
regeneration meter, or to an end user for any day the end user is 94522
a qualified end user. The exemption under this division for a 94523
qualified end user only applies to the manufacturing location 94524
where the qualified end user uses electricity distributed by an 94525
electric distribution company other than a municipal electric 94526
utility or a rural electric company in a chlor-alkali 94527
manufacturing process, or where the qualified end user uses more 94528
than three million kilowatt hours per day in a ~~qualifying~~ an 94529
electrochemical manufacturing process. 94530

(E) All revenue arising from the tax imposed by this section 94531
shall be credited to the general revenue fund except as provided 94532
by division (C) of this section and section 5727.82 of the Revised 94533
Code. 94534

Sec. 5731.46. The county treasurer shall keep an account 94535
showing the amount of all taxes and interest received by ~~him~~ the 94536
treasurer under Chapter 5731. of the Revised Code. On the 94537
twenty-fifth day of February ~~and the twentieth day of August~~ of 94538
each year ~~he,~~ the treasurer shall settle with the county auditor 94539
for all such taxes and interest so received ~~at the time of making~~ 94540
~~such settlement,~~ in the preceding calendar year and not included 94541
in any ~~preceding~~ prior settlement, showing for what estate, by 94542
whom, and when paid. At each such settlement the auditor shall 94543
allow to the treasurer and ~~himself~~ to the auditor, on the money so 94544
collected and accounted for by ~~him~~ the auditor, their respective 94545
fees, ~~at the percentages allowed by law~~ under section 319.54 or 94546
321.27 of the Revised Code. The correctness thereof, together with 94547
a statement of the fees allowed at such settlement, and the fees 94548
and expenses allowed to the officers ~~under such chapter~~ shall be 94549

certified by the auditor. 94550

Sec. 5731.49. At each ~~semiannual~~ annual settlement provided 94551
for by section 5731.46 of the Revised Code, the county auditor 94552
shall certify to the county auditor of any other county in which 94553
is located in whole or in part any municipal corporation or 94554
township to which any of the taxes collected under this chapter 94555
and not previously accounted for, is due, a statement of the 94556
amount of such taxes due to each corporation or township in such 94557
county entitled to share in the distribution thereof. The amount 94558
due upon such settlement to each such municipal corporation or 94559
township, and to each municipal corporation and township in the 94560
county in which the taxes are collected, shall be paid upon the 94561
warrant of the county auditor to the county treasurer or other 94562
proper officer of such municipal corporation or township. The 94563
amount of any refund chargeable against any such municipal 94564
corporation or township at the time of making such settlement, 94565
shall be adjusted in determining the amount due to such municipal 94566
corporation or township at such settlement; provided that if the 94567
municipal corporation or township against which such refund is 94568
chargeable is not entitled to share in the fund to be distributed 94569
at such settlement, the auditor shall draw a warrant for the 94570
amount in favor of the treasurer payable from any undivided 94571
general taxes in the possession of such treasurer, unless such 94572
municipal corporation or township is located in another county, in 94573
which event the auditor shall issue a certificate for such amount 94574
to the auditor of the proper county, who shall draw a like warrant 94575
therefor payable from any undivided general taxes in the 94576
possession of the treasurer of such county. In either case at the 94577
next semiannual settlement of such undivided general taxes, the 94578
amount of such warrant shall be deducted from the distribution of 94579
taxes of such municipal corporation or township and charged 94580
against the proceeds of levies for the general fund of such 94581

municipal corporation or township, and a similar deduction shall 94582
be made at each next semiannual settlement of such undivided 94583
general taxes until such warrant has been satisfied in full. 94584

If it is discovered that an amount of taxes collected under 94585
this chapter has been paid in error to a township or municipal 94586
corporation to which the taxes are not due under this chapter, the 94587
township or municipal corporation to which the amount was 94588
erroneously paid, when repaying that amount to any subdivision to 94589
which the taxes were due, shall not be required to pay interest on 94590
that amount. 94591

Sec. 5735.02. (A) A motor fuel dealer shall not receive, use, 94592
sell, or distribute any motor fuel or engage in business within 94593
this state unless the motor fuel dealer holds an unrevoked license 94594
issued by the tax commissioner to engage in such business. 94595

(B) To procure a motor fuel dealer's license, every motor 94596
fuel dealer shall file with the commissioner an application 94597
verified under oath by the applicant and in such form as the 94598
commissioner prescribes, setting forth, in addition to such other 94599
information required by the commissioner, the following: 94600

(1) The name under which the motor fuel dealer will transact 94601
business within the state; 94602

(2) The location, including street number address, of its 94603
principal office or place of business within this state; 94604

(3) The name and address of the owner, or the names and 94605
addresses of the partners if such motor fuel dealer is a 94606
partnership, or the names and addresses of the principal officers 94607
if such motor fuel dealer is a corporation or an association; 94608

(4) If such motor fuel dealer is a corporation organized 94609
under the laws of another state, territory, or country, a 94610
certified copy of the certificate or license issued by the Ohio 94611

secretary of state showing that such corporation is authorized to 94612
transact business in this state; 94613

(5) An agreement that the motor fuel dealer will assume the 94614
liability and will pay the tax on any shipment of motor fuel made 94615
into the state from any other state or foreign country and sold or 94616
caused to be sold by such motor fuel dealer for delivery to a 94617
person in this state who is not the holder of an unrevoked motor 94618
fuel dealer's license. 94619

(C)(1) Except as provided in division (C)(2) of this section, 94620
an application for a license shall be accompanied by a bond, of 94621
the character stipulated and in the amount provided for in section 94622
5735.03 of the Revised Code, which shall be filed with the 94623
commissioner. 94624

(2) The ~~tax~~ commissioner may exempt a motor fuel dealer from 94625
the requirements set forth in division (C)(1) of this section and 94626
section 5735.03 of the Revised Code if the motor fuel dealer only 94627
sells or distributes motor fuel upon which the motor fuel taxes 94628
imposed under this chapter have been paid or are not required to 94629
be paid by the motor fuel dealer. 94630

(D) If any application for a license to transact business as 94631
a motor fuel dealer in the state is filed by any person who has 94632
had any license previously canceled for cause by the tax 94633
commissioner; if the commissioner believes that such application 94634
is not filed in good faith or that such application is filed as a 94635
subterfuge by some person for the real person in interest who has 94636
previously had any license canceled for cause by the tax 94637
commissioner; ~~or~~ if the person has violated any provision of this 94638
chapter; or if the person has failed to file any returns, submit 94639
any information, or pay any outstanding taxes, charges, or fees as 94640
required for any tax, charge, or fee administered by the 94641
commissioner, to the extent the commissioner is aware of such 94642
failure at the time of the application, then the tax commissioner, 94643

after a hearing, of which the applicant shall be given five days' 94644
notice in writing and at which said applicant shall have the right 94645
to appear in person or by counsel and present testimony, may 94646
refuse to issue to such person a license to transact business as a 94647
motor fuel dealer in the state. 94648

(E) When the application in proper form has been accepted for 94649
filing, and the bond accepted and approved, the commissioner shall 94650
issue to such motor fuel dealer a license to transact business as 94651
a motor fuel dealer in the state, subject to cancellation of such 94652
license as provided by law. 94653

(F) No person shall make a false or fraudulent statement on 94654
the application required by this section. 94655

Sec. 5735.50. (A) As used in this section: 94656

(1) "Rate of federal motor fuel tax" means the rate of tax 94657
levied under section 4081 of the Internal Revenue Code on one 94658
gallon of gasoline other than aviation gasoline or one gallon of 94659
diesel fuel, as those terms are defined in section 4083 of the 94660
Internal Revenue Code. 94661

(2) "Rate of state motor fuel tax" means the aggregate rate 94662
of tax levied under sections 5735.05, 5735.25, 5735.29, and 94663
5735.30 of the Revised Code on one gallon of gasoline or one 94664
gallon of diesel fuel. 94665

(3) "Adjustment date" means the effective date of the 94666
enactment of this section or a date on which a change in the rate 94667
of federal or state motor fuel tax takes effect. 94668

(4) "Fuel tax sticker" means a sticker described in division 94669
(B)(1) of this section. 94670

(5) "Retail pump" means a pump situated at a retail service 94671
station through which gasoline or diesel fuel is pumped directly 94672
into motor vehicle fuel tanks for consumption. 94673

(6) "Municipal sealer" means a sealer of weights and measures appointed under section 733.63 of the Revised Code. 94674
94675

(B)(1) The director of agriculture shall, within sixty days after an adjustment date, design and cause to be produced a sticker that displays, in readable font, the following information: 94676
94677
94678
94679

(a) The rate of federal and state motor fuel tax as of the adjustment date. The information required by division (B)(1)(a) of this section shall be categorized and arranged on the sticker as such information is categorized and arranged on the following table: 94680
94681
94682
94683
94684

	<u>GASOLINE</u>	<u>DIESEL FUEL</u>	
<u>FEDERAL TAX</u>	<u>[Rate of federal motor motor fuel tax on gasoline other than aviation gasoline]</u>	<u>[Rate of federal fuel tax on diesel fuel]</u>	94685 94686
<u>STATE TAX</u>	<u>[Rate of state motor fuel tax on gasoline]</u>	<u>[Rate of state motor fuel tax on diesel fuel]</u>	94687
<u>TOTAL TAX</u>	<u>[sum of the rate of federal motor fuel tax on gasoline other than aviation gasoline plus the rate of state motor fuel tax on gasoline]</u>	<u>[sum of the rate of state motor fuel tax on diesel fuel plus the rate of state motor fuel tax on diesel fuel]</u>	94688

Each of the three columns in the table described in division (B)(1)(a) of this section shall be separated by a vertical line and each of the four rows shall be separated by a horizontal line. The table shall be enclosed within lines forming a box such that "federal tax," "state tax," "total tax," and the corresponding gasoline and diesel rates appear as individual cells within a grid pattern. 94689
94690
94691
94692
94693
94694
94695

(b) A representation of the great seal of the state as 94696

described in section 5.10 of the Revised Code without regard to 94697
the minimum dimensions prescribed by that section; 94698

(c) At the bottom of the sticker and in a font smaller than 94699
that used to display the information described in division 94700
(B)(1)(a) of this section, a statement that reads as follows: 94701
"THIS NOTICE IS REQUIRED BY THE OHIO FUEL TAX TRANSPARENCY ACT, 94702
O.R.C. 5735.50." 94703

(2) A fuel tax sticker shall not display any information 94704
other than the information required under divisions (B)(1)(a) to 94705
(c) of this section, and shall not display the name of any public 94706
official, state employee, or state agency. No color shall be 94707
displayed on the sticker other than red, white, or blue. The width 94708
and length of a fuel tax sticker shall not be less than three and 94709
one-half inches and shall not exceed four and one-half inches. 94710

(3) The director shall, within sixty days after an adjustment 94711
date, distribute fuel tax stickers to each county auditor or 94712
municipal sealer in the number requested by the auditor or sealer 94713
under division (C)(1) of this section. The director shall not 94714
charge a county auditor, municipal sealer, or any person for the 94715
creation or delivery of a fuel tax sticker under this section. 94716

(C)(1) Within fifteen days after an adjustment date, the 94717
director of agriculture shall notify each county auditor and 94718
municipal sealer that the director is designing and causing to be 94719
produced fuel tax stickers as required under division (B)(1) of 94720
this section. Within fifteen days after receipt of such a notice, 94721
a county auditor or municipal sealer shall notify the director of 94722
the number of fuel tax stickers the auditor or sealer requires to 94723
perform the auditor's or sealer's duties under division (C)(2) of 94724
this section. 94725

(2) Each county auditor or municipal sealer or an employee 94726
thereof shall affix fuel tax stickers received from the director 94727

of agriculture on each retail pump the auditor or sealer is 94728
required to inspect under the authority of section 1327.52 of the 94729
Revised Code. Each sticker shall be affixed on or before the 94730
earlier of fourteen months following an adjustment date or the 94731
date the auditor or sealer or an employee thereof arrives on the 94732
premises of a retail service station for the purposes of carrying 94733
out a required inspection or other official business, including 94734
the performance of the auditor's or sealer's duties under section 94735
1327.52 of the Revised Code. A sticker shall be displayed in a 94736
clear and prominent manner and shall be affixed on each face of a 94737
retail pump on which a meter measuring the volume of gasoline or 94738
diesel fuel dispensed is located. A sticker shall not be affixed 94739
in a manner that obstructs or obscures any other sticker or notice 94740
required to be displayed pursuant to federal, state, or local law. 94741
A county auditor or municipal sealer or employee thereof shall 94742
replace any fuel tax sticker that is no longer readable or is no 94743
longer affixed as required under division (C)(2) of this section 94744
or that has been affixed on a retail pump for more than three 94745
consecutive years. 94746

(D) A county auditor or municipal sealer may notify the 94747
director of agriculture at any time if the auditor or sealer 94748
requires additional fuel tax stickers to perform the auditor's or 94749
sealer's duties under this section. Upon receiving such a request, 94750
the director shall distribute the number of fuel tax stickers so 94751
requested to the auditor or sealer. 94752

(E) Nothing in this section makes the owner or operator of a 94753
retail service station liable for affixing or maintaining a fuel 94754
tax sticker. 94755

Sec. 5736.06. (A) No person subject to the tax imposed by 94756
section 5736.02 of the Revised Code shall distribute, import, or 94757
cause the importation of motor fuel for consumption in this state 94758

without holding a supplier's license issued by the tax commissioner to engage in such activities. 94759
94760

(B)(1) ~~A person~~ Within thirty days after first becoming 94761
subject to the tax imposed by section 5736.02 of the Revised Code 94762
~~shall, on or before March 1, 2014, or within thirty days of first~~ 94763
~~becoming subject to the tax imposed by this chapter, whichever is~~ 94764
~~earlier, a person shall~~ apply to the tax commissioner for a 94765
supplier's license on the form prescribed by the commissioner. 94766

(2) Each person issued a supplier's license under division 94767
(B)(1) of this section shall apply to renew the license on or 94768
before the first day of March of each year. 94769

(3) Each license issued or renewed under division (B)(1) or 94770
(2) of this section shall be valid from the first day of March 94771
through the last day of February or, in the case of a new license 94772
issued after the first day of March, the date of issuance through 94773
the last day of February. 94774

(4) With each license application submitted under division 94775
(B)(1) or (2) of this section, the applicant shall pay an 94776
application fee equal to one of the following amounts: 94777

(a) If the applicant solely imports or causes the importation 94778
of motor fuel for sale, exchange, or transfer by the person in 94779
this state, three hundred dollars; 94780

(b) If the applicant engages in activities in addition to 94781
those described in division (B)~~(3)~~(4)(a) of this section, one 94782
thousand dollars. 94783

If an applicant timely submits an application under division 94784
(B)(1) of this section on or after the first day of September of 94785
any year, the fee that would apply to the applicant under division 94786
(B)~~(3)~~(4)(a) or (b) of this section shall be reduced by one-half. 94787

~~(4)~~(5) The failure to apply to the commissioner for a 94788

supplier's license does not relieve a person from the requirement 94789
to file returns and pay the tax imposed by this chapter. 94790

(C) The tax commissioner may refuse to issue a license to any 94791
applicant under this section in the following circumstances: 94792

(1) The applicant has previously had any license canceled for 94793
cause by the commissioner. 94794

(2) The commissioner believes that the application is not 94795
filed in good faith or is filed as a subterfuge in an attempt to 94796
procure a license for another person. 94797

(3) The applicant has violated any provision of this chapter. 94798

(D) If the tax commissioner refuses to issue a license to an 94799
applicant under this section, the applicant is entitled to a 94800
refund of the application fee in accordance with section 5736.08 94801
of the Revised Code. All application fees collected under this 94802
section shall be deposited into the petroleum activity tax 94803
administration fund created in section 5736.13 of the Revised 94804
Code. 94805

(E) No person shall make a false or fraudulent statement on 94806
an application required by this section. 94807

Sec. 5739.01. As used in this chapter: 94808

(A) "Person" includes individuals, receivers, assignees, 94809
trustees in bankruptcy, estates, firms, partnerships, 94810
associations, joint-stock companies, joint ventures, clubs, 94811
societies, corporations, the state and its political subdivisions, 94812
and combinations of individuals of any form. 94813

(B) "Sale" and "selling" include all of the following 94814
transactions for a consideration in any manner, whether absolutely 94815
or conditionally, whether for a price or rental, in money or by 94816
exchange, and by any means whatsoever: 94817

(1) All transactions by which title or possession, or both,	94818
of tangible personal property, is or is to be transferred, or a	94819
license to use or consume tangible personal property is or is to	94820
be granted;	94821
(2) All transactions by which lodging by a hotel is or is to	94822
be furnished to transient guests;	94823
(3) All transactions by which:	94824
(a) An item of tangible personal property is or is to be	94825
repaired, except property, the purchase of which would not be	94826
subject to the tax imposed by section 5739.02 of the Revised Code;	94827
(b) An item of tangible personal property is or is to be	94828
installed, except property, the purchase of which would not be	94829
subject to the tax imposed by section 5739.02 of the Revised Code	94830
or property that is or is to be incorporated into and will become	94831
a part of a production, transmission, transportation, or	94832
distribution system for the delivery of a public utility service;	94833
(c) The service of washing, cleaning, waxing, polishing, or	94834
painting a motor vehicle is or is to be furnished;	94835
(d) Until August 1, 2003, industrial laundry cleaning	94836
services are or are to be provided and, on and after August 1,	94837
2003, laundry and dry cleaning services are or are to be provided;	94838
(e) Automatic data processing, computer services, <u>electronic</u>	94839
<u>publishing services</u> , or electronic information services are or are	94840
to be provided for use in business when the true object of the	94841
transaction is the receipt by the consumer of automatic data	94842
processing, computer services, <u>electronic publishing services</u> , or	94843
electronic information services rather than the receipt of	94844
personal or professional services to which. When provided in	94845
conjunction with one or more other services, the receipt by a	94846
consumer of automatic data processing, computer services,	94847
<u>electronic publishing services</u> , or electronic information services	94848

~~are incidental or supplemental~~ is not the true object of the 94849
transaction when the automatic data processing, computer service, 94850
electronic publishing service, or electronic information service 94851
is provided primarily for the delivery, receipt, or use of the 94852
other service or services. Notwithstanding any other provision of 94853
this chapter, ~~such transactions~~ sales of automatic data 94854
processing, computer services, electronic publishing services, or 94855
electronic information services that occur between members of an 94856
affiliated group are not sales. An "affiliated group" means two or 94857
more persons related in such a way that one person owns or 94858
controls the business operation of another member of the group. In 94859
the case of corporations with stock, one corporation owns or 94860
controls another if it owns more than fifty per cent of the other 94861
corporation's common stock with voting rights. 94862

(f) Telecommunications service, including prepaid calling 94863
service, prepaid wireless calling service, or ancillary service, 94864
is or is to be provided, but not including coin-operated telephone 94865
service; 94866

(g) Landscaping and lawn care service is or is to be 94867
provided; 94868

(h) Private investigation and security service is or is to be 94869
provided; 94870

(i) Information services or tangible personal property is 94871
provided or ordered by means of a nine hundred telephone call; 94872

(j) Building maintenance and janitorial service is or is to 94873
be provided; 94874

(k) Employment service is or is to be provided; 94875

(l) Employment placement service is or is to be provided; 94876

(m) Exterminating service is or is to be provided; 94877

(n) Physical fitness facility service is or is to be 94878

provided; 94879

(o) Recreation and sports club service is or is to be 94880
provided; 94881

(p) On and after August 1, 2003, satellite broadcasting 94882
service is or is to be provided; 94883

(q) On and after August 1, 2003, personal care service is or 94884
is to be provided to an individual. As used in this division, 94885
"personal care service" includes skin care, the application of 94886
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 94887
piercing, tanning, massage, and other similar services. "Personal 94888
care service" does not include a service provided by or on the 94889
order of a licensed physician or licensed chiropractor, or the 94890
cutting, coloring, or styling of an individual's hair. 94891

(r) On and after August 1, 2003, the transportation of 94892
persons by motor vehicle or aircraft is or is to be provided, when 94893
the transportation is entirely within this state, except for 94894
transportation provided by an ambulance service, by a transit bus, 94895
as defined in section 5735.01 of the Revised Code, and 94896
transportation provided by a citizen of the United States holding 94897
a certificate of public convenience and necessity issued under 49 94898
U.S.C. 41102; 94899

(s) On and after August 1, 2003, motor vehicle towing service 94900
is or is to be provided. As used in this division, "motor vehicle 94901
towing service" means the towing or conveyance of a wrecked, 94902
disabled, or illegally parked motor vehicle. 94903

(t) On and after August 1, 2003, snow removal service is or 94904
is to be provided. As used in this division, "snow removal 94905
service" means the removal of snow by any mechanized means, but 94906
does not include the providing of such service by a person that 94907
has less than five thousand dollars in sales of such service 94908
during the calendar year. 94909

~~(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(c) of this section, are not sales.~~

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture.

The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business;

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor

vehicle insurance and the amount the consumer owes to a person 94973
holding title to or a lien on the consumer's motor vehicle in the 94974
event the consumer's motor vehicle suffers a total loss under the 94975
terms of the motor vehicle insurance policy or is stolen and not 94976
recovered, if the protection and its price are included in the 94977
purchase or lease agreement; 94978

(11)(a) Except as provided in division (B)(11)(b) of this 94979
section, on and after October 1, 2009, all transactions by which 94980
health care services are paid for, reimbursed, provided, 94981
delivered, arranged for, or otherwise made available by a medicaid 94982
health insuring corporation pursuant to the corporation's contract 94983
with the state. 94984

(b) If the centers for medicare and medicaid services of the 94985
United States department of health and human services determines 94986
that the taxation of transactions described in division (B)(11)(a) 94987
of this section constitutes an impermissible health care-related 94988
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 94989
1396b(w), and regulations adopted thereunder, the medicaid 94990
director shall notify the tax commissioner of that determination. 94991
Beginning with the first day of the month following that 94992
notification, the transactions described in division (B)(11)(a) of 94993
this section are not sales for the purposes of this chapter or 94994
Chapter 5741. of the Revised Code. The tax commissioner shall 94995
order that the collection of taxes under sections 5739.02, 94996
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 94997
5741.023 of the Revised Code shall cease for transactions 94998
occurring on or after that date. 94999

(12) All transactions by which a specified digital product is 95000
provided for permanent use or less than permanent use, regardless 95001
of whether continued payment is required. 95002

Except as provided in this section, "sale" and "selling" do 95003
not include transfers of interest in leased property where the 95004

original lessee and the terms of the original lease agreement 95005
remain unchanged, or professional, insurance, or personal service 95006
transactions that involve the transfer of tangible personal 95007
property as an inconsequential element, for which no separate 95008
charges are made. 95009

(C) "Vendor" means the person providing the service or by 95010
whom the transfer effected or license given by a sale is or is to 95011
be made or given and, for sales described in division (B)(3)(i) of 95012
this section, the telecommunications service vendor that provides 95013
the nine hundred telephone service; if two or more persons are 95014
engaged in business at the same place of business under a single 95015
trade name in which all collections on account of sales by each 95016
are made, such persons shall constitute a single vendor. 95017

Physicians, dentists, hospitals, and veterinarians who are 95018
engaged in selling tangible personal property as received from 95019
others, such as ~~eyeglasses~~, mouthwashes, dentifrices, or similar 95020
articles, are vendors. Before July 1, 2019, such tangible personal 95021
property includes eyeglasses and similar articles. Veterinarians 95022
who are engaged in transferring to others for a consideration 95023
drugs, the dispensing of which does not require an order of a 95024
licensed veterinarian or physician under federal law, are vendors. 95025

(D)(1) "Consumer" means the person for whom the service is 95026
provided, to whom the transfer effected or license given by a sale 95027
is or is to be made or given, to whom the service described in 95028
division (B)(3)(f) or (i) of this section is charged, or to whom 95029
the admission is granted. 95030

(2) Physicians, dentists, hospitals, and blood banks operated 95031
by nonprofit institutions and persons licensed to practice 95032
veterinary medicine, surgery, and dentistry are consumers of all 95033
tangible personal property and services purchased by them in 95034
connection with the practice of medicine, dentistry, the rendition 95035
of hospital or blood bank service, or the practice of veterinary 95036

medicine, surgery, and dentistry. In addition to being consumers 95037
of drugs administered by them or by their assistants according to 95038
their direction, veterinarians also are consumers of drugs that 95039
under federal law may be dispensed only by or upon the order of a 95040
licensed veterinarian or physician, when transferred by them to 95041
others for a consideration to provide treatment to animals as 95042
directed by the veterinarian. 95043

(3) A person who performs a facility management, or similar 95044
service contract for a contractee is a consumer of all tangible 95045
personal property and services purchased for use in connection 95046
with the performance of such contract, regardless of whether title 95047
to any such property vests in the contractee. The purchase of such 95048
property and services is not subject to the exception for resale 95049
under division (E)~~(1)~~ of this section. 95050

(4)(a) In the case of a person who purchases printed matter 95051
for the purpose of distributing it or having it distributed to the 95052
public or to a designated segment of the public, free of charge, 95053
that person is the consumer of that printed matter, and the 95054
purchase of that printed matter for that purpose is a sale. 95055

(b) In the case of a person who produces, rather than 95056
purchases, printed matter for the purpose of distributing it or 95057
having it distributed to the public or to a designated segment of 95058
the public, free of charge, that person is the consumer of all 95059
tangible personal property and services purchased for use or 95060
consumption in the production of that printed matter. That person 95061
is not entitled to claim exemption under division (B)(42)(f) of 95062
section 5739.02 of the Revised Code for any material incorporated 95063
into the printed matter or any equipment, supplies, or services 95064
primarily used to produce the printed matter. 95065

(c) The distribution of printed matter to the public or to a 95066
designated segment of the public, free of charge, is not a sale to 95067
the members of the public to whom the printed matter is 95068

distributed or to any persons who purchase space in the printed 95069
matter for advertising or other purposes. 95070

(5) A person who makes sales of any of the services listed in 95071
division (B)(3) of this section is the consumer of any tangible 95072
personal property used in performing the service. The purchase of 95073
that property is not subject to the resale exception under 95074
division (E)~~(1)~~ of this section. 95075

(6) A person who engages in highway transportation for hire 95076
is the consumer of all packaging materials purchased by that 95077
person and used in performing the service, except for packaging 95078
materials sold by such person in a transaction separate from the 95079
service. 95080

(7) In the case of a transaction for health care services 95081
under division (B)(11) of this section, a medicaid health insuring 95082
corporation is the consumer of such services. The purchase of such 95083
services by a medicaid health insuring corporation is not subject 95084
to the exception for resale under division (E)~~(1)~~ of this section 95085
or to the exemptions provided under divisions (B)(12), (18), (19), 95086
and (22) of section 5739.02 of the Revised Code. 95087

(E) "Retail sale" and "sales at retail" include all sales, 95088
except those in which the purpose of the consumer is to resell the 95089
thing transferred or benefit of the service provided, by a person 95090
engaging in business, in the form in which the same is, or is to 95091
be, received by the person. 95092

(F) "Business" includes any activity engaged in by any person 95093
with the object of gain, benefit, or advantage, either direct or 95094
indirect. "Business" does not include the activity of a person in 95095
managing and investing the person's own funds. 95096

(G) "Engaging in business" means commencing, conducting, or 95097
continuing in business, and liquidating a business when the 95098
liquidator thereof holds itself out to the public as conducting 95099

such business. Making a casual sale is not engaging in business. 95100

(H)(1)(a) "Price," except as provided in divisions (H)(2), 95101
(3), and (4) of this section, means the total amount of 95102
consideration, including cash, credit, property, and services, for 95103
which tangible personal property or services are sold, leased, or 95104
rented, valued in money, whether received in money or otherwise, 95105
without any deduction for any of the following: 95106

(i) The vendor's cost of the property sold; 95107

(ii) The cost of materials used, labor or service costs, 95108
interest, losses, all costs of transportation to the vendor, all 95109
taxes imposed on the vendor, including the tax imposed under 95110
Chapter 5751. of the Revised Code, and any other expense of the 95111
vendor; 95112

(iii) Charges by the vendor for any services necessary to 95113
complete the sale; 95114

(iv) On and after August 1, 2003, delivery charges. As used 95115
in this division, "delivery charges" means charges by the vendor 95116
for preparation and delivery to a location designated by the 95117
consumer of tangible personal property or a service, including 95118
transportation, shipping, postage, handling, crating, and packing. 95119

(v) Installation charges; 95120

(vi) Credit for any trade-in. 95121

(b) "Price" includes consideration received by the vendor 95122
from a third party, if the vendor actually receives the 95123
consideration from a party other than the consumer, and the 95124
consideration is directly related to a price reduction or discount 95125
on the sale; the vendor has an obligation to pass the price 95126
reduction or discount through to the consumer; the amount of the 95127
consideration attributable to the sale is fixed and determinable 95128
by the vendor at the time of the sale of the item to the consumer; 95129

and one of the following criteria is met: 95130

(i) The consumer presents a coupon, certificate, or other 95131
document to the vendor to claim a price reduction or discount 95132
where the coupon, certificate, or document is authorized, 95133
distributed, or granted by a third party with the understanding 95134
that the third party will reimburse any vendor to whom the coupon, 95135
certificate, or document is presented; 95136

(ii) The consumer identifies the consumer's self to the 95137
seller as a member of a group or organization entitled to a price 95138
reduction or discount. A preferred customer card that is available 95139
to any patron does not constitute membership in such a group or 95140
organization. 95141

(iii) The price reduction or discount is identified as a 95142
third party price reduction or discount on the invoice received by 95143
the consumer, or on a coupon, certificate, or other document 95144
presented by the consumer. 95145

(c) "Price" does not include any of the following: 95146

(i) Discounts, including cash, term, or coupons that are not 95147
reimbursed by a third party that are allowed by a vendor and taken 95148
by a consumer on a sale; 95149

(ii) Interest, financing, and carrying charges from credit 95150
extended on the sale of tangible personal property or services, if 95151
the amount is separately stated on the invoice, bill of sale, or 95152
similar document given to the purchaser; 95153

(iii) Any taxes legally imposed directly on the consumer that 95154
are separately stated on the invoice, bill of sale, or similar 95155
document given to the consumer. For the purpose of this division, 95156
the tax imposed under Chapter 5751. of the Revised Code is not a 95157
tax directly on the consumer, even if the tax or a portion thereof 95158
is separately stated. 95159

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services 95192
under division (B)(11) of this section, "price" means the amount 95193
of managed care premiums received each month by a medicaid health 95194
insuring corporation. 95195

(I) "Receipts" means the total amount of the prices of the 95196
sales of vendors, provided that the dollar value of gift cards 95197
distributed pursuant to an awards, loyalty, or promotional 95198
program, and cash discounts allowed and taken on sales at the time 95199
they are consummated are not included, minus any amount deducted 95200
as a bad debt pursuant to section 5739.121 of the Revised Code. 95201
"Receipts" does not include the sale price of property returned or 95202
services rejected by consumers when the full sale price and tax 95203
are refunded either in cash or by credit. 95204

(J) "Place of business" means any location at which a person 95205
engages in business. 95206

(K) "Premises" includes any real property or portion thereof 95207
upon which any person engages in selling tangible personal 95208
property at retail or making retail sales and also includes any 95209
real property or portion thereof designated for, or devoted to, 95210
use in conjunction with the business engaged in by such person. 95211

(L) "Casual sale" means a sale of an item of tangible 95212
personal property that was obtained by the person making the sale, 95213
through purchase or otherwise, for the person's own use and was 95214
previously subject to any state's taxing jurisdiction on its sale 95215
or use, and includes such items acquired for the seller's use that 95216
are sold by an auctioneer employed directly by the person for such 95217
purpose, provided the location of such sales is not the 95218
auctioneer's permanent place of business. As used in this 95219
division, "permanent place of business" includes any location 95220
where such auctioneer has conducted more than two auctions during 95221
the year. 95222

(M) "Hotel" means every establishment kept, used, maintained, 95223
advertised, or held out to the public to be a place where sleeping 95224
accommodations are offered to guests, in which five or more rooms 95225
are used for the accommodation of such guests, whether the rooms 95226
are in one or several structures, except as otherwise provided in 95227
division (G) of section 5739.09 of the Revised Code. 95228

(N) "Transient guests" means persons occupying a room or 95229
rooms for sleeping accommodations for less than thirty consecutive 95230
days. 95231

(O) "Making retail sales" means the effecting of transactions 95232
wherein one party is obligated to pay the price and the other 95233
party is obligated to provide a service or to transfer title to or 95234
possession of the item sold. "Making retail sales" does not 95235
include the preliminary acts of promoting or soliciting the retail 95236
sales, other than the distribution of printed matter which 95237
displays or describes and prices the item offered for sale, nor 95238
does it include delivery of a predetermined quantity of tangible 95239
personal property or transportation of property or personnel to or 95240
from a place where a service is performed. 95241

(P) "Used directly in the rendition of a public utility 95242
service" means that property that is to be incorporated into and 95243
will become a part of the consumer's production, transmission, 95244
transportation, or distribution system and that retains its 95245
classification as tangible personal property after such 95246
incorporation; fuel or power used in the production, transmission, 95247
transportation, or distribution system; and tangible personal 95248
property used in the repair and maintenance of the production, 95249
transmission, transportation, or distribution system, including 95250
only such motor vehicles as are specially designed and equipped 95251
for such use. Tangible personal property and services used 95252
primarily in providing highway transportation for hire are not 95253
used directly in the rendition of a public utility service. In 95254

this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United

States census bureau.	95286
(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.	95287 95288 95289 95290
(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.	95291 95292 95293 95294 95295 95296 95297
(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.	95298 95299 95300
(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.	95301 95302 95303 95304
(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.	95305 95306 95307 95308 95309 95310
(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:	95311 95312 95313
(i) Examining or acquiring data stored in or accessible to the computer equipment;	95314 95315

(ii) Placing data into the computer equipment to be retrieved 95316
by designated recipients with access to the computer equipment. 95317

For transactions occurring on or after the effective date of 95318
the amendment of this section by H.B. 157 of the 127th general 95319
assembly, December 21, 2007, "electronic information services" 95320
does not include electronic publishing as defined in division 95321
(LLL) of this section. 95322

(d) "Electronic publishing" and "electronic publishing 95323
services" means providing access to one or more of the following 95324
primarily for business customers, including the federal government 95325
or a state government or a political subdivision thereof, to 95326
conduct research: news; business, financial, legal, consumer, or 95327
credit materials; editorials, columns, reader commentary, or 95328
features; photos or images; archival or research material; legal 95329
notices, identity verification, or public records; scientific, 95330
educational, instructional, technical, professional, trade, or 95331
other literary materials; or other similar information which has 95332
been gathered and made available by the provider to the consumer 95333
in an electronic format. Providing electronic publishing services 95334
includes the functions necessary for the acquisition, formatting, 95335
editing, storage, and dissemination of data or information that is 95336
the subject of a sale. 95337

(e) "Automatic data processing, computer services, electronic 95338
publishing services, or electronic information services" shall not 95339
include personal or professional services. 95340

(2) As used in ~~divisions (B)(3)(e) and~~ division (Y)(1) of 95341
this section, "personal and professional services" means all 95342
services other than automatic data processing, computer services, 95343
electronic publishing services, or electronic information 95344
services, including but not limited to: 95345

(a) Accounting and legal services such as advice on tax 95346

matters, asset management, budgetary matters, quality control,	95347
information security, and auditing and any other situation where	95348
the service provider receives data or information and studies,	95349
alters, analyzes, interprets, or adjusts such material;	95350
(b) Analyzing business policies and procedures;	95351
(c) Identifying management information needs;	95352
(d) Feasibility studies, including economic and technical	95353
analysis of existing or potential computer hardware or software	95354
needs and alternatives;	95355
(e) Designing policies, procedures, and custom software for	95356
collecting business information, and determining how data should	95357
be summarized, sequenced, formatted, processed, controlled, and	95358
reported so that it will be meaningful to management;	95359
(f) Developing policies and procedures that document how	95360
business events and transactions are to be authorized, executed,	95361
and controlled;	95362
(g) Testing of business procedures;	95363
(h) Training personnel in business procedure applications;	95364
(i) Providing credit information to users of such information	95365
by a consumer reporting agency, as defined in the "Fair Credit	95366
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	95367
as hereafter amended, including but not limited to gathering,	95368
organizing, analyzing, recording, and furnishing such information	95369
by any oral, written, graphic, or electronic medium;	95370
(j) Providing debt collection services by any oral, written,	95371
graphic, or electronic means;	95372
(k) Providing digital advertising services.	95373
The services listed in divisions (Y)(2)(a) to (k) of this	95374
section are not automatic data processing or computer services,	95375
<u>electronic publishing services, or electronic information</u>	95376

services. 95377

(Z) "Highway transportation for hire" means the 95378
transportation of personal property belonging to others for 95379
consideration by any of the following: 95380

(1) The holder of a permit or certificate issued by this 95381
state or the United States authorizing the holder to engage in 95382
transportation of personal property belonging to others for 95383
consideration over or on highways, roadways, streets, or any 95384
similar public thoroughfare; 95385

(2) A person who engages in the transportation of personal 95386
property belonging to others for consideration over or on 95387
highways, roadways, streets, or any similar public thoroughfare 95388
but who could not have engaged in such transportation on December 95389
11, 1985, unless the person was the holder of a permit or 95390
certificate of the types described in division (Z)(1) of this 95391
section; 95392

(3) A person who leases a motor vehicle to and operates it 95393
for a person described by division (Z)(1) or (2) of this section. 95394

(AA)(1) "Telecommunications service" means the electronic 95395
transmission, conveyance, or routing of voice, data, audio, video, 95396
or any other information or signals to a point, or between or 95397
among points. "Telecommunications service" includes such 95398
transmission, conveyance, or routing in which computer processing 95399
applications are used to act on the form, code, or protocol of the 95400
content for purposes of transmission, conveyance, or routing 95401
without regard to whether the service is referred to as voice-over 95402
internet protocol service or is classified by the federal 95403
communications commission as enhanced or value-added. 95404
"Telecommunications service" does not include any of the 95405
following: 95406

(a) Data processing and information services that allow data 95407

to be generated, acquired, stored, processed, or retrieved and 95408
delivered by an electronic transmission to a consumer where the 95409
consumer's primary purpose for the underlying transaction is the 95410
processed data or information; 95411

(b) Installation or maintenance of wiring or equipment on a 95412
customer's premises; 95413

(c) Tangible personal property; 95414

(d) Advertising, including directory advertising; 95415

(e) Billing and collection services provided to third 95416
parties; 95417

(f) Internet access service; 95418

(g) Radio and television audio and video programming 95419
services, regardless of the medium, including the furnishing of 95420
transmission, conveyance, and routing of such services by the 95421
programming service provider. Radio and television audio and video 95422
programming services include, but are not limited to, cable 95423
service, as defined in 47 U.S.C. 522(6), and audio and video 95424
programming services delivered by commercial mobile radio service 95425
providers, as defined in 47 C.F.R. 20.3; 95426

(h) Ancillary service; 95427

(i) Digital products delivered electronically, including 95428
software, music, video, reading materials, or ring tones. 95429

(2) "Ancillary service" means a service that is associated 95430
with or incidental to the provision of telecommunications service, 95431
including conference bridging service, detailed telecommunications 95432
billing service, directory assistance, vertical service, and voice 95433
mail service. As used in this division: 95434

(a) "Conference bridging service" means an ancillary service 95435
that links two or more participants of an audio or video 95436
conference call, including providing a telephone number. 95437

"Conference bridging service" does not include telecommunications services used to reach the conference bridge. 95438
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(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement. 95440
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(c) "Directory assistance" means an ancillary service of providing telephone number or address information. 95443
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(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service. 95445
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(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service. 95450
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(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer. 95455
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(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of 95464
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which the number declines with use in a known amount. 95469

(5) "Prepaid wireless calling service" means a 95470
telecommunications service that provides the right to utilize 95471
mobile telecommunications service as well as other 95472
non-telecommunications services, including the download of digital 95473
products delivered electronically, and content and ancillary 95474
services, that must be paid for in advance and that is sold in 95475
predetermined units or dollars of which the number declines with 95476
use in a known amount. 95477

(6) "Value-added non-voice data service" means a 95478
telecommunications service in which computer processing 95479
applications are used to act on the form, content, code, or 95480
protocol of the information or data primarily for a purpose other 95481
than transmission, conveyance, or routing. 95482

(7) "Coin-operated telephone service" means a 95483
telecommunications service paid for by inserting money into a 95484
telephone accepting direct deposits of money to operate. 95485

(8) "Customer" has the same meaning as in section 5739.034 of 95486
the Revised Code. 95487

(BB) "Laundry and dry cleaning services" means removing soil 95488
or dirt from towels, linens, articles of clothing, or other fabric 95489
items that belong to others and supplying towels, linens, articles 95490
of clothing, or other fabric items. "Laundry and dry cleaning 95491
services" does not include the provision of self-service 95492
facilities for use by consumers to remove soil or dirt from 95493
towels, linens, articles of clothing, or other fabric items. 95494

(CC) "Magazines distributed as controlled circulation 95495
publications" means magazines containing at least twenty-four 95496
pages, at least twenty-five per cent editorial content, issued at 95497
regular intervals four or more times a year, and circulated 95498
without charge to the recipient, provided that such magazines are 95499

not owned or controlled by individuals or business concerns which 95500
conduct such publications as an auxiliary to, and essentially for 95501
the advancement of the main business or calling of, those who own 95502
or control them. 95503

(DD) "Landscaping and lawn care service" means the services 95504
of planting, seeding, sodding, removing, cutting, trimming, 95505
pruning, mulching, aerating, applying chemicals, watering, 95506
fertilizing, and providing similar services to establish, promote, 95507
or control the growth of trees, shrubs, flowers, grass, ground 95508
cover, and other flora, or otherwise maintaining a lawn or 95509
landscape grown or maintained by the owner for ornamentation or 95510
other nonagricultural purpose. However, "landscaping and lawn care 95511
service" does not include the providing of such services by a 95512
person who has less than five thousand dollars in sales of such 95513
services during the calendar year. 95514

(EE) "Private investigation and security service" means the 95515
performance of any activity for which the provider of such service 95516
is required to be licensed pursuant to Chapter 4749. of the 95517
Revised Code, or would be required to be so licensed in performing 95518
such services in this state, and also includes the services of 95519
conducting polygraph examinations and of monitoring or overseeing 95520
the activities on or in, or the condition of, the consumer's home, 95521
business, or other facility by means of electronic or similar 95522
monitoring devices. "Private investigation and security service" 95523
does not include special duty services provided by off-duty police 95524
officers, deputy sheriffs, and other peace officers regularly 95525
employed by the state or a political subdivision. 95526

(FF) "Information services" means providing conversation, 95527
giving consultation or advice, playing or making a voice or other 95528
recording, making or keeping a record of the number of callers, 95529
and any other service provided to a consumer by means of a nine 95530
hundred telephone call, except when the nine hundred telephone 95531

call is the means by which the consumer makes a contribution to a 95532
recognized charity. 95533

(GG) "Research and development" means designing, creating, or 95534
formulating new or enhanced products, equipment, or manufacturing 95535
processes, and also means conducting scientific or technological 95536
inquiry and experimentation in the physical sciences with the goal 95537
of increasing scientific knowledge which may reveal the bases for 95538
new or enhanced products, equipment, or manufacturing processes. 95539

(HH) "Qualified research and development equipment" means 95540
capitalized tangible personal property, and leased personal 95541
property that would be capitalized if purchased, used by a person 95542
primarily to perform research and development. Tangible personal 95543
property primarily used in testing, as defined in division (A)(4) 95544
of section 5739.011 of the Revised Code, or used for recording or 95545
storing test results, is not qualified research and development 95546
equipment unless such property is primarily used by the consumer 95547
in testing the product, equipment, or manufacturing process being 95548
created, designed, or formulated by the consumer in the research 95549
and development activity or in recording or storing such test 95550
results. 95551

(II) "Building maintenance and janitorial service" means 95552
cleaning the interior or exterior of a building and any tangible 95553
personal property located therein or thereon, including any 95554
services incidental to such cleaning for which no separate charge 95555
is made. However, "building maintenance and janitorial service" 95556
does not include the providing of such service by a person who has 95557
less than five thousand dollars in sales of such service during 95558
the calendar year. As used in this division, "cleaning" does not 95559
include sanitation services necessary for an establishment 95560
described in 21 U.S.C. 608 to comply with rules and regulations 95561
adopted pursuant to that section. 95562

(JJ) "Employment service" means providing or supplying 95563

personnel, on a temporary or long-term basis, to perform work or labor under the supervision or control of another, when the personnel so provided or supplied receive their wages, salary, or other compensation from the provider or supplier of the employment service or from a third party that provided or supplied the personnel to the provider or supplier. "Employment service" does not include:

(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.

(2) Medical and health care services.

(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.

(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.

(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.

(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.

(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(MM) "Physical fitness facility service" means all 95594
transactions by which a membership is granted, maintained, or 95595
renewed, including initiation fees, membership dues, renewal fees, 95596
monthly minimum fees, and other similar fees and dues, by a 95597
physical fitness facility such as an athletic club, health spa, or 95598
gymnasium, which entitles the member to use the facility for 95599
physical exercise. 95600

(NN) "Recreation and sports club service" means all 95601
transactions by which a membership is granted, maintained, or 95602
renewed, including initiation fees, membership dues, renewal fees, 95603
monthly minimum fees, and other similar fees and dues, by a 95604
recreation and sports club, which entitles the member to use the 95605
facilities of the organization. "Recreation and sports club" means 95606
an organization that has ownership of, or controls or leases on a 95607
continuing, long-term basis, the facilities used by its members 95608
and includes an aviation club, gun or shooting club, yacht club, 95609
card club, swimming club, tennis club, golf club, country club, 95610
riding club, amateur sports club, or similar organization. 95611

(OO) "Livestock" means farm animals commonly raised for food, 95612
food production, or other agricultural purposes, including, but 95613
not limited to, cattle, sheep, goats, swine, poultry, and captive 95614
deer. "Livestock" does not include invertebrates, amphibians, 95615
reptiles, domestic pets, animals for use in laboratories or for 95616
exhibition, or other animals not commonly raised for food or food 95617
production. 95618

(PP) "Livestock structure" means a building or structure used 95619
exclusively for the housing, raising, feeding, or sheltering of 95620
livestock, and includes feed storage or handling structures and 95621
structures for livestock waste handling. 95622

(QQ) "Horticulture" means the growing, cultivation, and 95623
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 95624
and nursery stock. As used in this division, "nursery stock" has 95625

the same meaning as in section 927.51 of the Revised Code. 95626

(RR) "Horticulture structure" means a building or structure 95627
used exclusively for the commercial growing, raising, or 95628
overwintering of horticultural products, and includes the area 95629
used for stocking, storing, and packing horticultural products 95630
when done in conjunction with the production of those products. 95631

(SS) "Newspaper" means an unbound publication bearing a title 95632
or name that is regularly published, at least as frequently as 95633
biweekly, and distributed from a fixed place of business to the 95634
public in a specific geographic area, and that contains a 95635
substantial amount of news matter of international, national, or 95636
local events of interest to the general public. 95637

(TT) "Professional racing team" means a person that employs 95638
at least twenty full-time employees for the purpose of conducting 95639
a motor vehicle racing business for profit. The person must 95640
conduct the business with the purpose of racing one or more motor 95641
racing vehicles in at least ten competitive professional racing 95642
events each year that comprise all or part of a motor racing 95643
series sanctioned by one or more motor racing sanctioning 95644
organizations. A "motor racing vehicle" means a vehicle for which 95645
the chassis, engine, and parts are designed exclusively for motor 95646
racing, and does not include a stock or production model vehicle 95647
that may be modified for use in racing. For the purposes of this 95648
division: 95649

(1) A "competitive professional racing event" is a motor 95650
vehicle racing event sanctioned by one or more motor racing 95651
sanctioning organizations, at which aggregate cash prizes in 95652
excess of eight hundred thousand dollars are awarded to the 95653
competitors. 95654

(2) "Full-time employee" means an individual who is employed 95655
for consideration for thirty-five or more hours a week, or who 95656

renders any other standard of service generally accepted by custom 95657
or specified by contract as full-time employment. 95658

(UU)(1) "Lease" or "rental" means any transfer of the 95659
possession or control of tangible personal property for a fixed or 95660
indefinite term, for consideration. "Lease" or "rental" includes 95661
future options to purchase or extend, and agreements described in 95662
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 95663
the amount of consideration may be increased or decreased by 95664
reference to the amount realized upon the sale or disposition of 95665
the property. "Lease" or "rental" does not include: 95666

(a) A transfer of possession or control of tangible personal 95667
property under a security agreement or a deferred payment plan 95668
that requires the transfer of title upon completion of the 95669
required payments; 95670

(b) A transfer of possession or control of tangible personal 95671
property under an agreement that requires the transfer of title 95672
upon completion of required payments and payment of an option 95673
price that does not exceed the greater of one hundred dollars or 95674
one per cent of the total required payments; 95675

(c) Providing tangible personal property along with an 95676
operator for a fixed or indefinite period of time, if the operator 95677
is necessary for the property to perform as designed. For purposes 95678
of this division, the operator must do more than maintain, 95679
inspect, or set up the tangible personal property. 95680

(2) "Lease" and "rental," as defined in division (UU) of this 95681
section, shall not apply to leases or rentals that exist before 95682
June 26, 2003. 95683

(3) "Lease" and "rental" have the same meaning as in division 95684
(UU)(1) of this section regardless of whether a transaction is 95685
characterized as a lease or rental under generally accepted 95686
accounting principles, the Internal Revenue Code, Title XIII of 95687

the Revised Code, or other federal, state, or local laws. 95688

(VV) "Mobile telecommunications service" has the same meaning 95689
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 95690
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 95691
on and after August 1, 2003, includes related fees and ancillary 95692
services, including universal service fees, detailed billing 95693
service, directory assistance, service initiation, voice mail 95694
service, and vertical services, such as caller ID and three-way 95695
calling. 95696

(WW) "Certified service provider" has the same meaning as in 95697
section 5740.01 of the Revised Code. 95698

(XX) "Satellite broadcasting service" means the distribution 95699
or broadcasting of programming or services by satellite directly 95700
to the subscriber's receiving equipment without the use of ground 95701
receiving or distribution equipment, except the subscriber's 95702
receiving equipment or equipment used in the uplink process to the 95703
satellite, and includes all service and rental charges, premium 95704
channels or other special services, installation and repair 95705
service charges, and any other charges having any connection with 95706
the provision of the satellite broadcasting service. 95707

(YY) "Tangible personal property" means personal property 95708
that can be seen, weighed, measured, felt, or touched, or that is 95709
in any other manner perceptible to the senses. For purposes of 95710
this chapter and Chapter 5741. of the Revised Code, "tangible 95711
personal property" includes motor vehicles, electricity, water, 95712
gas, steam, and prewritten computer software. 95713

(ZZ) ~~"Direct mail" means printed material delivered or 95714
distributed by United States mail or other delivery service to a 95715
mass audience or to addressees on a mailing list provided by the 95716
consumer or at the direction of the consumer when the cost of the 95717
items are not billed directly to the recipients. "Direct mail" 95718~~

~~includes tangible personal property supplied directly or~~ 95719
~~indirectly by the consumer to the direct mail vendor for inclusion~~ 95720
~~in the package containing the printed material. "Direct mail" does~~ 95721
~~not include multiple items of printed material delivered to a~~ 95722
~~single address~~ "Municipal gas utility" means a municipal 95723
corporation that owns or operates a system for the distribution of 95724
natural gas. 95725

(AAA) "Computer" means an electronic device that accepts 95726
information in digital or similar form and manipulates it for a 95727
result based on a sequence of instructions. 95728

(BBB) "Computer software" means a set of coded instructions 95729
designed to cause a computer or automatic data processing 95730
equipment to perform a task. 95731

(CCC) "Delivered electronically" means delivery of computer 95732
software from the seller to the purchaser by means other than 95733
tangible storage media. 95734

(DDD) "Prewritten computer software" means computer software, 95735
including prewritten upgrades, that is not designed and developed 95736
by the author or other creator to the specifications of a specific 95737
purchaser. The combining of two or more prewritten computer 95738
software programs or prewritten portions thereof does not cause 95739
the combination to be other than prewritten computer software. 95740
"Prewritten computer software" includes software designed and 95741
developed by the author or other creator to the specifications of 95742
a specific purchaser when it is sold to a person other than the 95743
purchaser. If a person modifies or enhances computer software of 95744
which the person is not the author or creator, the person shall be 95745
deemed to be the author or creator only of such person's 95746
modifications or enhancements. Prewritten computer software or a 95747
prewritten portion thereof that is modified or enhanced to any 95748
degree, where such modification or enhancement is designed and 95749
developed to the specifications of a specific purchaser, remains 95750

prewritten computer software; provided, however, that where there 95751
is a reasonable, separately stated charge or an invoice or other 95752
statement of the price given to the purchaser for the modification 95753
or enhancement, the modification or enhancement shall not 95754
constitute prewritten computer software. 95755

(EEE)(1) "Food" means substances, whether in liquid, 95756
concentrated, solid, frozen, dried, or dehydrated form, that are 95757
sold for ingestion or chewing by humans and are consumed for their 95758
taste or nutritional value. "Food" does not include alcoholic 95759
beverages, dietary supplements, soft drinks, or tobacco. 95760

(2) As used in division (EEE)(1) of this section: 95761

(a) "Alcoholic beverages" means beverages that are suitable 95762
for human consumption and contain one-half of one per cent or more 95763
of alcohol by volume. 95764

(b) "Dietary supplements" means any product, other than 95765
tobacco, that is intended to supplement the diet and that is 95766
intended for ingestion in tablet, capsule, powder, softgel, 95767
gelcap, or liquid form, or, if not intended for ingestion in such 95768
a form, is not represented as conventional food for use as a sole 95769
item of a meal or of the diet; that is required to be labeled as a 95770
dietary supplement, identifiable by the "supplement facts" box 95771
found on the label, as required by 21 C.F.R. 101.36; and that 95772
contains one or more of the following dietary ingredients: 95773

(i) A vitamin; 95774

(ii) A mineral; 95775

(iii) An herb or other botanical; 95776

(iv) An amino acid; 95777

(v) A dietary substance for use by humans to supplement the 95778
diet by increasing the total dietary intake; 95779

(vi) A concentrate, metabolite, constituent, extract, or 95780

combination of any ingredient described in divisions 95781
(EEE)(2)(b)(i) to (v) of this section. 95782

(c) "Soft drinks" means nonalcoholic beverages that contain 95783
natural or artificial sweeteners. "Soft drinks" does not include 95784
beverages that contain milk or milk products, soy, rice, or 95785
similar milk substitutes, or that contains greater than fifty per 95786
cent vegetable or fruit juice by volume. 95787

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 95788
tobacco, or any other item that contains tobacco. 95789

(FFF) "Drug" means a compound, substance, or preparation, and 95790
any component of a compound, substance, or preparation, other than 95791
food, dietary supplements, or alcoholic beverages that is 95792
recognized in the official United States pharmacopoeia, official 95793
homeopathic pharmacopoeia of the United States, or official 95794
national formulary, and supplements to them; is intended for use 95795
in the diagnosis, cure, mitigation, treatment, or prevention of 95796
disease; or is intended to affect the structure or any function of 95797
the body. 95798

(GGG) "Prescription" means an order, formula, or recipe 95799
issued in any form of oral, written, electronic, or other means of 95800
transmission by a duly licensed practitioner authorized by the 95801
laws of this state to issue a prescription. 95802

(HHH) "Durable medical equipment" means equipment, including 95803
repair and replacement parts for such equipment, that can 95804
withstand repeated use, is primarily and customarily used to serve 95805
a medical purpose, generally is not useful to a person in the 95806
absence of illness or injury, and is not worn in or on the body. 95807
"Durable medical equipment" does not include mobility enhancing 95808
equipment. 95809

(III) "Mobility enhancing equipment" means equipment, 95810
including repair and replacement parts for such equipment, that is 95811

primarily and customarily used to provide or increase the ability 95812
to move from one place to another and is appropriate for use 95813
either in a home or a motor vehicle, that is not generally used by 95814
persons with normal mobility, and that does not include any motor 95815
vehicle or equipment on a motor vehicle normally provided by a 95816
motor vehicle manufacturer. "Mobility enhancing equipment" does 95817
not include durable medical equipment. 95818

(JJJ) "Prosthetic device" means a replacement, corrective, or 95819
supportive device, including repair and replacement parts for the 95820
device, worn on or in the human body to artificially replace a 95821
missing portion of the body, prevent or correct physical deformity 95822
or malfunction, or support a weak or deformed portion of the body. 95823
As used in this division, "prosthetic device" does not include 95824
corrective eyeglasses, contact lenses, or dental prosthesis. 95825

(KKK)(1) "Fractional aircraft ownership program" means a 95826
program in which persons within an affiliated group sell and 95827
manage fractional ownership program aircraft, provided that at 95828
least one hundred airworthy aircraft are operated in the program 95829
and the program meets all of the following criteria: 95830

(a) Management services are provided by at least one program 95831
manager within an affiliated group on behalf of the fractional 95832
owners. 95833

(b) Each program aircraft is owned or possessed by at least 95834
one fractional owner. 95835

(c) Each fractional owner owns or possesses at least a 95836
one-sixteenth interest in at least one fixed-wing program 95837
aircraft. 95838

(d) A dry-lease aircraft interchange arrangement is in effect 95839
among all of the fractional owners. 95840

(e) Multi-year program agreements are in effect regarding the 95841
fractional ownership, management services, and dry-lease aircraft 95842

interchange arrangement aspects of the program. 95843

(2) As used in division (KKK)(1) of this section: 95844

(a) "Affiliated group" has the same meaning as in division 95845
(B)(3)(e) of this section. 95846

(b) "Fractional owner" means a person that owns or possesses 95847
at least a one-sixteenth interest in a program aircraft and has 95848
entered into the agreements described in division (KKK)(1)(e) of 95849
this section. 95850

(c) "Fractional ownership program aircraft" or "program 95851
aircraft" means a turbojet aircraft that is owned or possessed by 95852
a fractional owner and that has been included in a dry-lease 95853
aircraft interchange arrangement and agreement under divisions 95854
(KKK)(1)(d) and (e) of this section, or an aircraft a program 95855
manager owns or possesses primarily for use in a fractional 95856
aircraft ownership program. 95857

(d) "Management services" means administrative and aviation 95858
support services furnished under a fractional aircraft ownership 95859
program in accordance with a management services agreement under 95860
division (KKK)(1)(e) of this section, and offered by the program 95861
manager to the fractional owners, including, at a minimum, the 95862
establishment and implementation of safety guidelines; the 95863
coordination of the scheduling of the program aircraft and crews; 95864
program aircraft maintenance; program aircraft insurance; crew 95865
training for crews employed, furnished, or contracted by the 95866
program manager or the fractional owner; the satisfaction of 95867
record-keeping requirements; and the development and use of an 95868
operations manual and a maintenance manual for the fractional 95869
aircraft ownership program. 95870

(e) "Program manager" means the person that offers management 95871
services to fractional owners pursuant to a management services 95872
agreement under division (KKK)(1)(e) of this section. 95873

~~(LLL)~~ "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.

~~(MMM)~~ "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of ~~job and family services~~ medicaid pursuant to section ~~5111.17~~ 5167.10 of the Revised Code.

~~(NNN)~~(MMM) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

~~(OOO)~~(NNN) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

~~(QQQ)~~(PPP) "Specified digital product" means an 95906
electronically transferred digital audiovisual work, digital audio 95907
work, or digital book. 95908

As used in division ~~(QQQ)~~(PPP) of this section: 95909

(1) "Digital audiovisual work" means a series of related 95910
images that, when shown in succession, impart an impression of 95911
motion, together with accompanying sounds, if any. 95912

(2) "Digital audio work" means a work that results from the 95913
fixation of a series of musical, spoken, or other sounds, 95914
including digitized sound files that are downloaded onto a device 95915
and that may be used to alert the customer with respect to a 95916
communication. 95917

(3) "Digital book" means a work that is generally recognized 95918
in the ordinary and usual sense as a book. 95919

(4) "Electronically transferred" means obtained by the 95920
purchaser by means other than tangible storage media. 95921

~~(RRR)~~(QQQ) "Digital advertising services" means providing 95922
access, by means of telecommunications equipment, to computer 95923
equipment that is used to enter, upload, download, review, 95924
manipulate, store, add, or delete data for the purpose of 95925
electronically displaying, delivering, placing, or transferring 95926
promotional advertisements to potential customers about products 95927
or services or about industry or business brands. 95928

~~(SSS) "Municipal gas utility" means a municipal corporation 95929
that owns or operates a system for the distribution of natural 95930
gas. 95931~~

Sec. 5739.02. For the purpose of providing revenue with which 95932
to meet the needs of the state, for the use of the general revenue 95933
fund of the state, for the purpose of securing a thorough and 95934
efficient system of common schools throughout the state, for the 95935

purpose of affording revenues, in addition to those from general 95936
property taxes, permitted under constitutional limitations, and 95937
from other sources, for the support of local governmental 95938
functions, and for the purpose of reimbursing the state for the 95939
expense of administering this chapter, an excise tax is hereby 95940
levied on each retail sale made in this state. 95941

(A)(1) The tax shall be collected as provided in section 95942
5739.025 of the Revised Code. The rate of the tax shall be five 95943
and three-fourths per cent. The tax applies and is collectible 95944
when the sale is made, regardless of the time when the price is 95945
paid or delivered. 95946

(2) In the case of the lease or rental, with a fixed term of 95947
more than thirty days or an indefinite term with a minimum period 95948
of more than thirty days, of any motor vehicles designed by the 95949
manufacturer to carry a load of not more than one ton, watercraft, 95950
outboard motor, or aircraft, or of any tangible personal property, 95951
other than motor vehicles designed by the manufacturer to carry a 95952
load of more than one ton, to be used by the lessee or renter 95953
primarily for business purposes, the tax shall be collected by the 95954
vendor at the time the lease or rental is consummated and shall be 95955
calculated by the vendor on the basis of the total amount to be 95956
paid by the lessee or renter under the lease agreement. If the 95957
total amount of the consideration for the lease or rental includes 95958
amounts that are not calculated at the time the lease or rental is 95959
executed, the tax shall be calculated and collected by the vendor 95960
at the time such amounts are billed to the lessee or renter. In 95961
the case of an open-end lease or rental, the tax shall be 95962
calculated by the vendor on the basis of the total amount to be 95963
paid during the initial fixed term of the lease or rental, and for 95964
each subsequent renewal period as it comes due. As used in this 95965
division, "motor vehicle" has the same meaning as in section 95966
4501.01 of the Revised Code, and "watercraft" includes an outdrive 95967

unit attached to the watercraft. 95968

A lease with a renewal clause and a termination penalty or 95969
similar provision that applies if the renewal clause is not 95970
exercised is presumed to be a sham transaction. In such a case, 95971
the tax shall be calculated and paid on the basis of the entire 95972
length of the lease period, including any renewal periods, until 95973
the termination penalty or similar provision no longer applies. 95974
The taxpayer shall bear the burden, by a preponderance of the 95975
evidence, that the transaction or series of transactions is not a 95976
sham transaction. 95977

(3) Except as provided in division (A)(2) of this section, in 95978
the case of a sale, the price of which consists in whole or in 95979
part of the lease or rental of tangible personal property, the tax 95980
shall be measured by the installments of that lease or rental. 95981

(4) In the case of a sale of a physical fitness facility 95982
service or recreation and sports club service, the price of which 95983
consists in whole or in part of a membership for the receipt of 95984
the benefit of the service, the tax applicable to the sale shall 95985
be measured by the installments thereof. 95986

(B) The tax does not apply to the following: 95987

(1) Sales to the state or any of its political subdivisions, 95988
or to any other state or its political subdivisions if the laws of 95989
that state exempt from taxation sales made to this state and its 95990
political subdivisions; 95991

(2) Sales of food for human consumption off the premises 95992
where sold; 95993

(3) Sales of food sold to students only in a cafeteria, 95994
dormitory, fraternity, or sorority maintained in a private, 95995
public, or parochial school, college, or university; 95996

(4) Sales of newspapers and sales or transfers of magazines 95997

distributed as controlled circulation publications; 95998

(5) The furnishing, preparing, or serving of meals without 95999
charge by an employer to an employee provided the employer records 96000
the meals as part compensation for services performed or work 96001
done; 96002

(6) Sales of motor fuel upon receipt, use, distribution, or 96003
sale of which in this state a tax is imposed by the law of this 96004
state, but this exemption shall not apply to the sale of motor 96005
fuel on which a refund of the tax is allowable under division (A) 96006
of section 5735.14 of the Revised Code; and the tax commissioner 96007
may deduct the amount of tax levied by this section applicable to 96008
the price of motor fuel when granting a refund of motor fuel tax 96009
pursuant to division (A) of section 5735.14 of the Revised Code 96010
and shall cause the amount deducted to be paid into the general 96011
revenue fund of this state; 96012

(7) Sales of natural gas by a natural gas company or 96013
municipal gas utility, of water by a water-works company, or of 96014
steam by a heating company, if in each case the thing sold is 96015
delivered to consumers through pipes or conduits, and all sales of 96016
communications services by a telegraph company, all terms as 96017
defined in section 5727.01 of the Revised Code, and sales of 96018
electricity delivered through wires; 96019

(8) Casual sales by a person, or auctioneer employed directly 96020
by the person to conduct such sales, except as to such sales of 96021
motor vehicles, watercraft or outboard motors required to be 96022
titled under section 1548.06 of the Revised Code, watercraft 96023
documented with the United States coast guard, snowmobiles, and 96024
all-purpose vehicles as defined in section 4519.01 of the Revised 96025
Code; 96026

(9)(a) Sales of services or tangible personal property, other 96027
than motor vehicles, mobile homes, and manufactured homes, by 96028

churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music,

dramatics, and the arts; or the promotion of education by an 96093
organization engaged in carrying on research in, or the 96094
dissemination of, scientific and technological knowledge and 96095
information primarily for the public. 96096

Nothing in this division shall be deemed to exempt sales to 96097
any organization for use in the operation or carrying on of a 96098
trade or business, or sales to a home for the aged for use in the 96099
operation of independent living facilities as defined in division 96100
(A) of section 5709.12 of the Revised Code. 96101

(13) Building and construction materials and services sold to 96102
construction contractors for incorporation into a structure or 96103
improvement to real property under a construction contract with 96104
this state or a political subdivision of this state, or with the 96105
United States government or any of its agencies; building and 96106
construction materials and services sold to construction 96107
contractors for incorporation into a structure or improvement to 96108
real property that are accepted for ownership by this state or any 96109
of its political subdivisions, or by the United States government 96110
or any of its agencies at the time of completion of the structures 96111
or improvements; building and construction materials sold to 96112
construction contractors for incorporation into a horticulture 96113
structure or livestock structure for a person engaged in the 96114
business of horticulture or producing livestock; building 96115
materials and services sold to a construction contractor for 96116
incorporation into a house of public worship or religious 96117
education, or a building used exclusively for charitable purposes 96118
under a construction contract with an organization whose purpose 96119
is as described in division (B)(12) of this section; building 96120
materials and services sold to a construction contractor for 96121
incorporation into a building under a construction contract with 96122
an organization exempt from taxation under section 501(c)(3) of 96123
the Internal Revenue Code of 1986 when the building is to be used 96124

exclusively for the organization's exempt purposes; building and 96125
construction materials sold for incorporation into the original 96126
construction of a sports facility under section 307.696 of the 96127
Revised Code; building and construction materials and services 96128
sold to a construction contractor for incorporation into real 96129
property outside this state if such materials and services, when 96130
sold to a construction contractor in the state in which the real 96131
property is located for incorporation into real property in that 96132
state, would be exempt from a tax on sales levied by that state; 96133
building and construction materials for incorporation into a 96134
transportation facility pursuant to a public-private agreement 96135
entered into under sections 5501.70 to 5501.83 of the Revised 96136
Code; and, until one calendar year after the construction of a 96137
convention center that qualifies for property tax exemption under 96138
section 5709.084 of the Revised Code is completed, building and 96139
construction materials and services sold to a construction 96140
contractor for incorporation into the real property comprising 96141
that convention center; 96142

(14) Sales of ships or vessels or rail rolling stock used or 96143
to be used principally in interstate or foreign commerce, and 96144
repairs, alterations, fuel, and lubricants for such ships or 96145
vessels or rail rolling stock; 96146

(15) Sales to persons primarily engaged in any of the 96147
activities mentioned in division (B)(42)(a), (g), or (h) of this 96148
section, to persons engaged in making retail sales, or to persons 96149
who purchase for sale from a manufacturer tangible personal 96150
property that was produced by the manufacturer in accordance with 96151
specific designs provided by the purchaser, of packages, including 96152
material, labels, and parts for packages, and of machinery, 96153
equipment, and material for use primarily in packaging tangible 96154
personal property produced for sale, including any machinery, 96155
equipment, and supplies used to make labels or packages, to 96156

prepare packages or products for labeling, or to label packages or 96157
products, by or on the order of the person doing the packaging, or 96158
sold at retail. "Packages" includes bags, baskets, cartons, 96159
crates, boxes, cans, bottles, bindings, wrappings, and other 96160
similar devices and containers, but does not include motor 96161
vehicles or bulk tanks, trailers, or similar devices attached to 96162
motor vehicles. "Packaging" means placing in a package. Division 96163
(B)(15) of this section does not apply to persons engaged in 96164
highway transportation for hire. 96165

(16) Sales of food to persons using supplemental nutrition 96166
assistance program benefits to purchase the food. As used in this 96167
division, "food" has the same meaning as in 7 U.S.C. 2012 and 96168
federal regulations adopted pursuant to the Food and Nutrition Act 96169
of 2008. 96170

(17) Sales to persons engaged in farming, agriculture, 96171
horticulture, or floriculture, of tangible personal property for 96172
use or consumption primarily in the production by farming, 96173
agriculture, horticulture, or floriculture of other tangible 96174
personal property for use or consumption primarily in the 96175
production of tangible personal property for sale by farming, 96176
agriculture, horticulture, or floriculture; or material and parts 96177
for incorporation into any such tangible personal property for use 96178
or consumption in production; and of tangible personal property 96179
for such use or consumption in the conditioning or holding of 96180
products produced by and for such use, consumption, or sale by 96181
persons engaged in farming, agriculture, horticulture, or 96182
floriculture, except where such property is incorporated into real 96183
property; 96184

(18) Sales of drugs for a human being that may be dispensed 96185
only pursuant to a prescription; insulin as recognized in the 96186
official United States pharmacopoeia; urine and blood testing 96187
materials when used by diabetics or persons with hypoglycemia to 96188

test for glucose or acetone; hypodermic syringes and needles when 96189
used by diabetics for insulin injections; epoetin alfa when 96190
purchased for use in the treatment of persons with medical 96191
disease; hospital beds when purchased by hospitals, nursing homes, 96192
or other medical facilities; and medical oxygen and medical 96193
oxygen-dispensing equipment when purchased by hospitals, nursing 96194
homes, or other medical facilities; 96195

(19) Sales of prosthetic devices, durable medical equipment 96196
for home use, or mobility enhancing equipment, when made pursuant 96197
to a prescription and when such devices or equipment are for use 96198
by a human being. 96199

(20) Sales of emergency and fire protection vehicles and 96200
equipment to nonprofit organizations for use solely in providing 96201
fire protection and emergency services, including trauma care and 96202
emergency medical services, for political subdivisions of the 96203
state; 96204

(21) Sales of tangible personal property manufactured in this 96205
state, if sold by the manufacturer in this state to a retailer for 96206
use in the retail business of the retailer outside of this state 96207
and if possession is taken from the manufacturer by the purchaser 96208
within this state for the sole purpose of immediately removing the 96209
same from this state in a vehicle owned by the purchaser; 96210

(22) Sales of services provided by the state or any of its 96211
political subdivisions, agencies, instrumentalities, institutions, 96212
or authorities, or by governmental entities of the state or any of 96213
its political subdivisions, agencies, instrumentalities, 96214
institutions, or authorities; 96215

(23) Sales of motor vehicles to nonresidents of this state 96216
under the circumstances described in division (B) of section 96217
5739.029 of the Revised Code; 96218

(24) Sales to persons engaged in the preparation of eggs for 96219

sale of tangible personal property used or consumed directly in 96220
such preparation, including such tangible personal property used 96221
for cleaning, sanitizing, preserving, grading, sorting, and 96222
classifying by size; packages, including material and parts for 96223
packages, and machinery, equipment, and material for use in 96224
packaging eggs for sale; and handling and transportation equipment 96225
and parts therefor, except motor vehicles licensed to operate on 96226
public highways, used in intraplant or interplant transfers or 96227
shipment of eggs in the process of preparation for sale, when the 96228
plant or plants within or between which such transfers or 96229
shipments occur are operated by the same person. "Packages" 96230
includes containers, cases, baskets, flats, fillers, filler flats, 96231
cartons, closure materials, labels, and labeling materials, and 96232
"packaging" means placing therein. 96233

(25)(a) Sales of water to a consumer for residential use; 96234

(b) Sales of water by a nonprofit corporation engaged 96235
exclusively in the treatment, distribution, and sale of water to 96236
consumers, if such water is delivered to consumers through pipes 96237
or tubing. 96238

(26) Fees charged for inspection or reinspection of motor 96239
vehicles under section 3704.14 of the Revised Code; 96240

(27) Sales to persons licensed to conduct a food service 96241
operation pursuant to section 3717.43 of the Revised Code, of 96242
tangible personal property primarily used directly for the 96243
following: 96244

(a) To prepare food for human consumption for sale; 96245

(b) To preserve food that has been or will be prepared for 96246
human consumption for sale by the food service operator, not 96247
including tangible personal property used to display food for 96248
selection by the consumer; 96249

(c) To clean tangible personal property used to prepare or 96250

serve food for human consumption for sale.	96251
(28) Sales of animals by nonprofit animal adoption services	96252
or county humane societies;	96253
(29) Sales of services to a corporation described in division	96254
(A) of section 5709.72 of the Revised Code, and sales of tangible	96255
personal property that qualifies for exemption from taxation under	96256
section 5709.72 of the Revised Code;	96257
(30) Sales and installation of agricultural land tile, as	96258
defined in division (B)(5)(a) of section 5739.01 of the Revised	96259
Code;	96260
(31) Sales and erection or installation of portable grain	96261
bins, as defined in division (B)(5)(b) of section 5739.01 of the	96262
Revised Code;	96263
(32) The sale, lease, repair, and maintenance of, parts for,	96264
or items attached to or incorporated in, motor vehicles that are	96265
primarily used for transporting tangible personal property	96266
belonging to others by a person engaged in highway transportation	96267
for hire, except for packages and packaging used for the	96268
transportation of tangible personal property;	96269
(33) Sales to the state headquarters of any veterans'	96270
organization in this state that is either incorporated and issued	96271
a charter by the congress of the United States or is recognized by	96272
the United States veterans administration, for use by the	96273
headquarters;	96274
(34) Sales to a telecommunications service vendor, mobile	96275
telecommunications service vendor, or satellite broadcasting	96276
service vendor of tangible personal property and services used	96277
directly and primarily in transmitting, receiving, switching, or	96278
recording any interactive, one- or two-way electromagnetic	96279
communications, including voice, image, data, and information,	96280
through the use of any medium, including, but not limited to,	96281

poles, wires, cables, switching equipment, computers, and record 96282
storage devices and media, and component parts for the tangible 96283
personal property. The exemption provided in this division shall 96284
be in lieu of all other exemptions under division (B)(42)(a) or 96285
(n) of this section to which the vendor may otherwise be entitled, 96286
based upon the use of the thing purchased in providing the 96287
telecommunications, mobile telecommunications, or satellite 96288
broadcasting service. 96289

(35)(a) Sales where the purpose of the consumer is to use or 96290
consume the things transferred in making retail sales and 96291
consisting of newspaper inserts, catalogues, coupons, flyers, gift 96292
certificates, or other advertising material that prices and 96293
describes tangible personal property offered for retail sale. 96294

(b) Sales to direct marketing vendors of preliminary 96295
materials such as photographs, artwork, and typesetting that will 96296
be used in printing advertising material; and of printed matter 96297
that offers free merchandise or chances to win sweepstake prizes 96298
and that is mailed to potential customers with advertising 96299
material described in division (B)(35)(a) of this section; 96300

(c) Sales of equipment such as telephones, computers, 96301
facsimile machines, and similar tangible personal property 96302
primarily used to accept orders for direct marketing retail sales. 96303

(d) Sales of automatic food vending machines that preserve 96304
food with a shelf life of forty-five days or less by refrigeration 96305
and dispense it to the consumer. 96306

For purposes of division (B)(35) of this section, "direct 96307
marketing" means the method of selling where consumers order 96308
tangible personal property by United States mail, delivery 96309
service, or telecommunication and the vendor delivers or ships the 96310
tangible personal property sold to the consumer from a warehouse, 96311
catalogue distribution center, or similar fulfillment facility by 96312

means of the United States mail, delivery service, or common carrier. 96313
96314

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure; 96315
96316
96317

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students; 96318
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(38) Sales to a professional racing team of any of the following: 96323
96324

(a) Motor racing vehicles; 96325

(b) Repair services for motor racing vehicles; 96326

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication. 96327
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(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000; 96335
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96337

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, 96338
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or distribution system and that retains its classification as 96343
tangible personal property after incorporation; fuel or power used 96344
in the production, transmission, or distribution of electricity; 96345
energy conversion equipment as defined in section 5727.01 of the 96346
Revised Code; and tangible personal property and services used in 96347
the repair and maintenance of the production, transmission, or 96348
distribution system, including only those motor vehicles as are 96349
specially designed and equipped for such use. The exemption 96350
provided in this division shall be in lieu of all other exemptions 96351
in division (B)(42)(a) or (n) of this section to which a provider 96352
of electricity may otherwise be entitled based on the use of the 96353
tangible personal property or service purchased in generating, 96354
transmitting, or distributing electricity. 96355

(41) Sales to a person providing services under division 96356
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 96357
personal property and services used directly and primarily in 96358
providing taxable services under that section. 96359

(42) Sales where the purpose of the purchaser is to do any of 96360
the following: 96361

(a) To incorporate the thing transferred as a material or a 96362
part into tangible personal property to be produced for sale by 96363
manufacturing, assembling, processing, or refining; or to use or 96364
consume the thing transferred directly in producing tangible 96365
personal property for sale by mining, including, without 96366
limitation, the extraction from the earth of all substances that 96367
are classed geologically as minerals, production of crude oil and 96368
natural gas, or directly in the rendition of a public utility 96369
service, except that the sales tax levied by this section shall be 96370
collected upon all meals, drinks, and food for human consumption 96371
sold when transporting persons. Persons engaged in rendering 96372
services in the exploration for, and production of, crude oil and 96373
natural gas for others are deemed engaged directly in the 96374

exploration for, and production of, crude oil and natural gas.	96375
This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.	96376 96377 96378
(b) To hold the thing transferred as security for the performance of an obligation of the vendor;	96379 96380
(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	96381 96382
(d) To use or consume the thing directly in commercial fishing;	96383 96384
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	96385 96386 96387 96388
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	96389 96390 96391 96392 96393
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	96394 96395 96396
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	96397 96398 96399 96400 96401 96402
(i) To use the thing transferred as qualified research and development equipment;	96403 96404

(j) To use or consume the thing transferred primarily in 96405
storing, transporting, mailing, or otherwise handling purchased 96406
sales inventory in a warehouse, distribution center, or similar 96407
facility when the inventory is primarily distributed outside this 96408
state to retail stores of the person who owns or controls the 96409
warehouse, distribution center, or similar facility, to retail 96410
stores of an affiliated group of which that person is a member, or 96411
by means of direct marketing. This division does not apply to 96412
motor vehicles registered for operation on the public highways. As 96413
used in this division, "affiliated group" has the same meaning as 96414
in division (B)(3)(e) of section 5739.01 of the Revised Code and 96415
"direct marketing" has the same meaning as in division (B)(35) of 96416
this section. 96417

(k) To use or consume the thing transferred to fulfill a 96418
contractual obligation incurred by a warrantor pursuant to a 96419
warranty provided as a part of the price of the tangible personal 96420
property sold or by a vendor of a warranty, maintenance or service 96421
contract, or similar agreement the provision of which is defined 96422
as a sale under division (B)(7) of section 5739.01 of the Revised 96423
Code; 96424

(l) To use or consume the thing transferred in the production 96425
of a newspaper for distribution to the public; 96426

(m) To use tangible personal property to perform a service 96427
listed in division (B)(3) of section 5739.01 of the Revised Code, 96428
if the property is or is to be permanently transferred to the 96429
consumer of the service as an integral part of the performance of 96430
the service; 96431

(n) To use or consume the thing transferred primarily in 96432
producing tangible personal property for sale by farming, 96433
agriculture, horticulture, or floriculture. Persons engaged in 96434
rendering farming, agriculture, horticulture, or floriculture 96435
services for others are deemed engaged primarily in farming, 96436

agriculture, horticulture, or floriculture. This paragraph does 96437
not exempt from "retail sale" or "sales at retail" the sale of 96438
tangible personal property that is to be incorporated into a 96439
structure or improvement to real property. 96440

(o) To use or consume the thing transferred in acquiring, 96441
formatting, editing, storing, and disseminating data or 96442
information by electronic publishing; 96443

(p) To provide the thing transferred to the owner or lessee 96444
of a motor vehicle that is being repaired or serviced, if the 96445
thing transferred is a rented motor vehicle and the purchaser is 96446
reimbursed for the cost of the rented motor vehicle by a 96447
manufacturer, warrantor, or provider of a maintenance, service, or 96448
other similar contract or agreement, with respect to the motor 96449
vehicle that is being repaired or serviced. 96450

As used in division (B)(42) of this section, "thing" includes 96451
all transactions included in divisions (B)(3)(a), (b), and (e) of 96452
section 5739.01 of the Revised Code. 96453

(43) Sales conducted through a coin operated device that 96454
activates vacuum equipment or equipment that dispenses water, 96455
whether or not in combination with soap or other cleaning agents 96456
or wax, to the consumer for the consumer's use on the premises in 96457
washing, cleaning, or waxing a motor vehicle, provided no other 96458
personal property or personal service is provided as part of the 96459
transaction. 96460

(44) Sales of replacement and modification parts for engines, 96461
airframes, instruments, and interiors in, and paint for, aircraft 96462
used primarily in a fractional aircraft ownership program, and 96463
sales of services for the repair, modification, and maintenance of 96464
such aircraft, and machinery, equipment, and supplies primarily 96465
used to provide those services. 96466

(45) Sales of telecommunications service that is used 96467

directly and primarily to perform the functions of a call center. 96468
As used in this division, "call center" means any physical 96469
location where telephone calls are placed or received in high 96470
volume for the purpose of making sales, marketing, customer 96471
service, technical support, or other specialized business 96472
activity, and that employs at least fifty individuals that engage 96473
in call center activities on a full-time basis, or sufficient 96474
individuals to fill fifty full-time equivalent positions. 96475

(46) Sales by a telecommunications service vendor of 900 96476
service to a subscriber. This division does not apply to 96477
information services, as defined in division (FF) of section 96478
5739.01 of the Revised Code. 96479

(47) Sales of value-added non-voice data service. This 96480
division does not apply to any similar service that is not 96481
otherwise a telecommunications service. 96482

(48)(a) Sales of machinery, equipment, and software to a 96483
qualified direct selling entity for use in a warehouse or 96484
distribution center primarily for storing, transporting, or 96485
otherwise handling inventory that is held for sale to independent 96486
salespersons who operate as direct sellers and that is held 96487
primarily for distribution outside this state; 96488

(b) As used in division (B)(48)(a) of this section: 96489

(i) "Direct seller" means a person selling consumer products 96490
to individuals for personal or household use and not from a fixed 96491
retail location, including selling such product at in-home product 96492
demonstrations, parties, and other one-on-one selling. 96493

(ii) "Qualified direct selling entity" means an entity 96494
selling to direct sellers at the time the entity enters into a tax 96495
credit agreement with the tax credit authority pursuant to section 96496
122.17 of the Revised Code, provided that the agreement was 96497
entered into on or after January 1, 2007. Neither contingencies 96498

relevant to the granting of, nor later developments with respect 96499
to, the tax credit shall impair the status of the qualified direct 96500
selling entity under division (B)(48) of this section after 96501
execution of the tax credit agreement by the tax credit authority. 96502

(c) Division (B)(48) of this section is limited to machinery, 96503
equipment, and software first stored, used, or consumed in this 96504
state within the period commencing June 24, 2008, and ending on 96505
the date that is five years after that date. 96506

(49) Sales of materials, parts, equipment, or engines used in 96507
the repair or maintenance of aircraft or avionics systems of such 96508
aircraft, and sales of repair, remodeling, replacement, or 96509
maintenance services in this state performed on aircraft or on an 96510
aircraft's avionics, engine, or component materials or parts. As 96511
used in division (B)(49) of this section, "aircraft" means 96512
aircraft of more than six thousand pounds maximum certified 96513
takeoff weight or used exclusively in general aviation. 96514

(50) Sales of full flight simulators that are used for pilot 96515
or flight-crew training, sales of repair or replacement parts or 96516
components, and sales of repair or maintenance services for such 96517
full flight simulators. "Full flight simulator" means a replica of 96518
a specific type, or make, model, and series of aircraft cockpit. 96519
It includes the assemblage of equipment and computer programs 96520
necessary to represent aircraft operations in ground and flight 96521
conditions, a visual system providing an out-of-the-cockpit view, 96522
and a system that provides cues at least equivalent to those of a 96523
three-degree-of-freedom motion system, and has the full range of 96524
capabilities of the systems installed in the device as described 96525
in appendices A and B of part 60 of chapter 1 of title 14 of the 96526
Code of Federal Regulations. 96527

(51) Any transfer or lease of tangible personal property 96528
between the state and JobsOhio in accordance with section 4313.02 96529
of the Revised Code. 96530

(52)(a) Sales to a qualifying corporation. 96531

(b) As used in division (B)(52) of this section: 96532

(i) "Qualifying corporation" means a nonprofit corporation 96533
organized in this state that leases from an eligible county land, 96534
buildings, structures, fixtures, and improvements to the land that 96535
are part of or used in a public recreational facility used by a 96536
major league professional athletic team or a class A to class AAA 96537
minor league affiliate of a major league professional athletic 96538
team for a significant portion of the team's home schedule, 96539
provided the following apply: 96540

(I) The facility is leased from the eligible county pursuant 96541
to a lease that requires substantially all of the revenue from the 96542
operation of the business or activity conducted by the nonprofit 96543
corporation at the facility in excess of operating costs, capital 96544
expenditures, and reserves to be paid to the eligible county at 96545
least once per calendar year. 96546

(II) Upon dissolution and liquidation of the nonprofit 96547
corporation, all of its net assets are distributable to the board 96548
of commissioners of the eligible county from which the corporation 96549
leases the facility. 96550

(ii) "Eligible county" has the same meaning as in section 96551
307.695 of the Revised Code. 96552

(53) Sales to or by a cable service provider, video service 96553
provider, or radio or television broadcast station regulated by 96554
the federal government of cable service or programming, video 96555
service or programming, audio service or programming, or 96556
electronically transferred digital audiovisual or audio work. As 96557
used in division (B)(53) of this section, "cable service" and 96558
"cable service provider" have the same meanings as in section 96559
1332.01 of the Revised Code, and "video service," "video service 96560
provider," and "video programming" have the same meanings as in 96561

section 1332.21 of the Revised Code. 96562

(54) Sales of investment metal bullion and investment coins. 96563
"Investment metal bullion" means any bullion described in section 96564
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 96565
that bullion is in the physical possession of a trustee. 96566
"Investment coin" means any coin composed primarily of gold, 96567
silver, platinum, or palladium. 96568

(55)(a) On and after July 1, 2019, sales of optical aids or 96569
components thereof by a vendor licensed under Chapter 4725. or 96570
4731. of the Revised Code or otherwise authorized to dispense 96571
optical aids or components under the laws of another state, 96572
country, or province. 96573

(b) As used in division (B)(55) of this section: 96574

(i) "Optical aid" means eyeglasses, contact lenses, or other 96575
instruments or devices that may aid or correct human vision and 96576
that have been prescribed by a physician or optometrist licensed 96577
by any state, country, or province. 96578

(ii) "Eyeglasses" includes lenses and frames into which 96579
lenses have been installed if the lenses have been prescribed by a 96580
physician or optometrist licensed by any state, country, or 96581
province. 96582

(56) Sales of a specified digital product electronically 96583
transferred for use in or for delivery through use of a machine 96584
that accepts direct cash payments or direct payments by a 96585
financial transaction device to operate and that operates 96586
primarily for the purpose of providing entertainment or amusement, 96587
such as a juke box, music machine, arcade game, or other similar 96588
machine. As used in division (B)(56) of this section, "financial 96589
transaction device" has the same meaning as in section 113.40 of 96590
the Revised Code. 96591

(C) For the purpose of the proper administration of this 96592

chapter, and to prevent the evasion of the tax, it is presumed 96593
that all sales made in this state are subject to the tax until the 96594
contrary is established. 96595

(D) The levy of this tax on retail sales of recreation and 96596
sports club service shall not prevent a municipal corporation from 96597
levying any tax on recreation and sports club dues or on any 96598
income generated by recreation and sports club dues. 96599

(E) The tax collected by the vendor from the consumer under 96600
this chapter is not part of the price, but is a tax collection for 96601
the benefit of the state, and of counties levying an additional 96602
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 96603
Code and of transit authorities levying an additional sales tax 96604
pursuant to section 5739.023 of the Revised Code. Except for the 96605
discount authorized under section 5739.12 of the Revised Code and 96606
the effects of any rounding pursuant to section 5703.055 of the 96607
Revised Code, no person other than the state or such a county or 96608
transit authority shall derive any benefit from the collection or 96609
payment of the tax levied by this section or section 5739.021, 96610
5739.023, or 5739.026 of the Revised Code. 96611

Sec. 5739.021. (A) For the purpose of providing additional 96612
general revenues for the county ~~or~~, supporting criminal and 96613
administrative justice services in the county, funding a regional 96614
transportation improvement project under section 5595.06 of the 96615
Revised Code, or ~~both~~ any combination of the foregoing, and to pay 96616
the expenses of administering such levy, any county may levy a tax 96617
at the rate of not more than one per cent at any multiple of 96618
~~one-fourth~~ one-twentieth of one per cent upon every retail sale 96619
made in the county, except sales of watercraft and outboard motors 96620
required to be titled pursuant to Chapter 1548. of the Revised 96621
Code and sales of motor vehicles, and may increase the rate of an 96622
existing tax to not more than one per cent at any multiple of 96623

~~one-fourth~~ one-twentieth of one per cent. 96624

The tax shall be levied and the rate increased pursuant to a 96625
resolution of the board of county commissioners. The resolution 96626
shall state the purpose for which the tax is to be levied and the 96627
number of years for which the tax is to be levied, or that it is 96628
for a continuing period of time. If the tax is to be levied for 96629
the purpose of providing additional general revenues and for the 96630
purpose of supporting criminal and administrative justice 96631
services, the resolution shall state the rate or amount of the tax 96632
to be apportioned to each such purpose. The rate or amount may be 96633
different for each year the tax is to be levied, but the rates or 96634
amounts actually apportioned each year shall not be different from 96635
that stated in the resolution for that year. If the resolution is 96636
adopted as an emergency measure necessary for the immediate 96637
preservation of the public peace, health, or safety, it must 96638
receive an affirmative vote of all of the members of the board of 96639
county commissioners and shall state the reasons for such 96640
necessity. The board shall deliver a certified copy of the 96641
resolution to the tax commissioner, not later than the sixty-fifth 96642
day prior to the date on which the tax is to become effective, 96643
which shall be the first day of the calendar quarter. 96644

Prior to the adoption of any resolution under this section, 96645
the board of county commissioners shall conduct two public 96646
hearings on the resolution, the second hearing to be not less than 96647
three nor more than ten days after the first. Notice of the date, 96648
time, and place of the hearings shall be given by publication in a 96649
newspaper of general circulation in the county, or as provided in 96650
section 7.16 of the Revised Code, once a week on the same day of 96651
the week for two consecutive weeks, the second publication being 96652
not less than ten nor more than thirty days prior to the first 96653
hearing. 96654

Except as provided in division (B)(3) of this section, the 96655

resolution shall be subject to a referendum as provided in 96656
sections 305.31 to 305.41 of the Revised Code. 96657

If a petition for a referendum is filed, the county auditor 96658
with whom the petition was filed shall, within five days, notify 96659
the board of county commissioners and the tax commissioner of the 96660
filing of the petition by certified mail. If the board of 96661
elections with which the petition was filed declares the petition 96662
invalid, the board of elections, within five days, shall notify 96663
the board of county commissioners and the tax commissioner of that 96664
declaration by certified mail. If the petition is declared to be 96665
invalid, the effective date of the tax or increased rate of tax 96666
levied by this section shall be the first day of a calendar 96667
quarter following the expiration of sixty-five days from the date 96668
the commissioner receives notice from the board of elections that 96669
the petition is invalid. 96670

(B)(1) A resolution that is not adopted as an emergency 96671
measure may direct the board of elections to submit the question 96672
of levying the tax or increasing the rate of tax to the electors 96673
of the county at a special election held on the date specified by 96674
the board of county commissioners in the resolution, provided that 96675
the election occurs not less than ninety days after a certified 96676
copy of such resolution is transmitted to the board of elections 96677
and the election is not held in February or August of any year. 96678
Upon transmission of the resolution to the board of elections, the 96679
board of county commissioners shall notify the tax commissioner in 96680
writing of the levy question to be submitted to the electors. No 96681
resolution adopted under this division shall go into effect unless 96682
approved by a majority of those voting upon it, and, except as 96683
provided in division (B)(3) of this section, shall become 96684
effective on the first day of a calendar quarter following the 96685
expiration of sixty-five days from the date the tax commissioner 96686
receives notice from the board of elections of the affirmative 96687

vote. 96688

(2) A resolution that is adopted as an emergency measure 96689
shall go into effect as provided in division (A) of this section, 96690
but may direct the board of elections to submit the question of 96691
repealing the tax or increase in the rate of the tax to the 96692
electors of the county at the next general election in the county 96693
occurring not less than ninety days after a certified copy of the 96694
resolution is transmitted to the board of elections. Upon 96695
transmission of the resolution to the board of elections, the 96696
board of county commissioners shall notify the tax commissioner in 96697
writing of the levy question to be submitted to the electors. The 96698
ballot question shall be the same as that prescribed in section 96699
5739.022 of the Revised Code. The board of elections shall notify 96700
the board of county commissioners and the tax commissioner of the 96701
result of the election immediately after the result has been 96702
declared. If a majority of the qualified electors voting on the 96703
question of repealing the tax or increase in the rate of the tax 96704
vote for repeal of the tax or repeal of the increase, the board of 96705
county commissioners, on the first day of a calendar quarter 96706
following the expiration of sixty-five days after the date the 96707
board and tax commissioner receive notice of the result of the 96708
election, shall, in the case of a repeal of the tax, cease to levy 96709
the tax, or, in the case of a repeal of an increase in the rate of 96710
the tax, cease to levy the increased rate and levy the tax at the 96711
rate at which it was imposed immediately prior to the increase in 96712
rate. 96713

(3) If a vendor makes a sale in this state by printed catalog 96714
and the consumer computed the tax on the sale based on local rates 96715
published in the catalog, any tax levied or repealed or rate 96716
changed under this section shall not apply to such a sale until 96717
the first day of a calendar quarter following the expiration of 96718
one hundred twenty days from the date of notice by the tax 96719

commissioner pursuant to division (H) of this section. 96720

(C) If a resolution is rejected at a referendum or if a 96721
resolution adopted after January 1, 1982, as an emergency measure 96722
is repealed by the electors pursuant to division (B)(2) of this 96723
section or section 5739.022 of the Revised Code, then for one year 96724
after the date of the election at which the resolution was 96725
rejected or repealed the board of county commissioners may not 96726
adopt any resolution authorized by this section as an emergency 96727
measure. 96728

(D) The board of county commissioners, at any time while a 96729
tax levied under this section is in effect, may by resolution 96730
reduce the rate at which the tax is levied to a lower rate 96731
authorized by this section. Any reduction in the rate at which the 96732
tax is levied shall be made effective on the first day of a 96733
calendar quarter next following the sixty-fifth day after a 96734
certified copy of the resolution is delivered to the tax 96735
commissioner. 96736

(E) The tax on every retail sale subject to a tax levied 96737
pursuant to this section shall be in addition to the tax levied by 96738
section 5739.02 of the Revised Code and any tax levied pursuant to 96739
section 5739.023 or 5739.026 of the Revised Code. 96740

A county that levies a tax pursuant to this section shall 96741
levy a tax at the same rate pursuant to section 5741.021 of the 96742
Revised Code. 96743

The additional tax levied by the county shall be collected 96744
pursuant to section 5739.025 of the Revised Code. If the 96745
additional tax or some portion thereof is levied for the purpose 96746
of criminal and administrative justice services, the revenue from 96747
the tax, or the amount or rate apportioned to that purpose, shall 96748
be credited to a special fund created in the county treasury for 96749
receipt of that revenue. 96750

Any tax levied pursuant to this section is subject to the 96751
exemptions provided in section 5739.02 of the Revised Code and in 96752
addition shall not be applicable to sales not within the taxing 96753
power of a county under the Constitution of the United States or 96754
the Ohio Constitution. 96755

(F) For purposes of this section, a copy of a resolution is 96756
"certified" when it contains a written statement attesting that 96757
the copy is a true and exact reproduction of the original 96758
resolution. 96759

(G) If a board of commissioners intends to adopt a resolution 96760
to levy a tax in whole or in part for the purpose of criminal and 96761
administrative justice services, the board shall prepare and make 96762
available at the first public hearing at which the resolution is 96763
considered a statement containing the following information: 96764

(1) For each of the two preceding fiscal years, the amount of 96765
expenditures made by the county from the county general fund for 96766
the purpose of criminal and administrative justice services; 96767

(2) For the fiscal year in which the resolution is adopted, 96768
the board's estimate of the amount of expenditures to be made by 96769
the county from the county general fund for the purpose of 96770
criminal and administrative justice services; 96771

(3) For each of the two fiscal years after the fiscal year in 96772
which the resolution is adopted, the board's preliminary plan for 96773
expenditures to be made from the county general fund for the 96774
purpose of criminal and administrative justice services, both 96775
under the assumption that the tax will be imposed for that purpose 96776
and under the assumption that the tax would not be imposed for 96777
that purpose, and for expenditures to be made from the special 96778
fund created under division (E) of this section under the 96779
assumption that the tax will be imposed for that purpose. 96780

The board shall prepare the statement and the preliminary 96781

plan using the best information available to the board at the time 96782
the statement is prepared. Neither the statement nor the 96783
preliminary plan shall be used as a basis to challenge the 96784
validity of the tax in any court of competent jurisdiction, nor 96785
shall the statement or preliminary plan limit the authority of the 96786
board to appropriate, pursuant to section 5705.38 of the Revised 96787
Code, an amount different from that specified in the preliminary 96788
plan. 96789

(H) Upon receipt from a board of county commissioners of a 96790
certified copy of a resolution required by division (A) or (D) of 96791
this section, or from the board of elections of a notice of the 96792
results of an election required by division (A) or (B)(1) or (2) 96793
of this section, the tax commissioner shall provide notice of a 96794
tax rate change in a manner that is reasonably accessible to all 96795
affected vendors. The commissioner shall provide this notice at 96796
least sixty days prior to the effective date of the rate change. 96797
The commissioner, by rule, may establish the method by which 96798
notice will be provided. 96799

(I) As used in this section, "criminal and administrative 96800
justice services" means the exercise by the county sheriff of all 96801
powers and duties vested in that office by law; the exercise by 96802
the county prosecuting attorney of all powers and duties vested in 96803
that office by law; the exercise by any court in the county of all 96804
powers and duties vested in that court; the exercise by the clerk 96805
of the court of common pleas, any clerk of a municipal court 96806
having jurisdiction throughout the county, or the clerk of any 96807
county court of all powers and duties vested in the clerk by law 96808
except, in the case of the clerk of the court of common pleas, the 96809
titling of motor vehicles or watercraft pursuant to Chapter 1548. 96810
or 4505. of the Revised Code; the exercise by the county coroner 96811
of all powers and duties vested in that office by law; making 96812
payments to any other public agency or a private, nonprofit 96813

agency, the purposes of which in the county include the diversion, 96814
adjudication, detention, or rehabilitation of criminals or 96815
juvenile offenders; the operation and maintenance of any detention 96816
facility, as defined in section 2921.01 of the Revised Code; and 96817
the construction, acquisition, equipping, or repair of such a 96818
detention facility, including the payment of any debt charges 96819
incurred in the issuance of securities pursuant to Chapter 133. of 96820
the Revised Code for the purpose of constructing, acquiring, 96821
equipping, or repairing such a facility. 96822

Sec. 5739.023. (A)(1) For the purpose of providing additional 96823
general revenues for a transit authority or funding a regional 96824
transportation improvement project under section 5595.06 of the 96825
Revised Code, or both, and ~~paying to pay~~ the expenses of 96826
administering such levy, any transit authority as defined in 96827
division (U) of section 5739.01 of the Revised Code may levy a tax 96828
upon every retail sale made in the territory of the transit 96829
authority, except sales of watercraft and outboard motors required 96830
to be titled pursuant to Chapter 1548. of the Revised Code and 96831
sales of motor vehicles, at a rate of not more than one and 96832
one-half per cent at any multiple of ~~one-fourth~~ one-twentieth of 96833
one per cent and may increase the existing rate of tax to not more 96834
than one and one-half per cent at any multiple of ~~one-fourth~~ 96835
one-twentieth of one per cent. The tax shall be levied and the 96836
rate increased pursuant to a resolution of the legislative 96837
authority of the transit authority and a certified copy of the 96838
resolution shall be delivered by the fiscal officer to the board 96839
of elections as provided in section 3505.071 of the Revised Code 96840
and to the tax commissioner. The resolution shall specify the 96841
number of years for which the tax is to be in effect or that the 96842
tax is for a continuing period of time, and the date of the 96843
election on the question of the tax pursuant to section 306.70 of 96844
the Revised Code. The board of elections shall certify the results 96845

of the election to the transit authority and tax commissioner. 96846

(2) Except as provided in division (C) of this section, the 96847
tax levied by the resolution shall become effective on the first 96848
day of a calendar quarter next following the sixty-fifth day 96849
following the date the tax commissioner receives from the board of 96850
elections the certification of the results of the election on the 96851
question of the tax. 96852

(B) The legislative authority may, at any time while the tax 96853
is in effect, by resolution fix the rate of the tax at any rate 96854
authorized by this section and not in excess of that approved by 96855
the voters pursuant to section 306.70 of the Revised Code. Except 96856
as provided in division (C) of this section, any change in the 96857
rate of the tax shall be made effective on the first day of a 96858
calendar quarter next following the sixty-fifth day following the 96859
date the tax commissioner receives the certification of the 96860
resolution; provided, that in any case where bonds, or notes in 96861
anticipation of bonds, of a regional transit authority have been 96862
issued under section 306.40 of the Revised Code without a vote of 96863
the electors while the tax proposed to be reduced was in effect, 96864
the board of trustees of the regional transit authority shall 96865
continue to levy and collect under authority of the original 96866
election authorizing the tax a rate of tax that the board of 96867
trustees reasonably estimates will produce an amount in that year 96868
equal to the amount of principal of and interest on those bonds as 96869
is payable in that year. 96870

(C) Upon receipt from the board of elections of the 96871
certification of the results of the election required by division 96872
(A) of this section, or from the legislative authority of the 96873
certification of a resolution under division (B) of this section, 96874
the tax commissioner shall provide notice of a tax rate change in 96875
a manner that is reasonably accessible to all affected vendors. 96876
The commissioner shall provide this notice at least sixty days 96877

prior to the effective date of the rate change. The commissioner, 96878
by rule, may establish the method by which notice will be 96879
provided. 96880

(D) If a vendor makes a sale in this state by printed catalog 96881
and the consumer computed the tax on the sale based on local rates 96882
published in the catalog, any tax levied or rate changed under 96883
this section shall not apply to such a sale until the first day of 96884
a calendar quarter following the expiration of one hundred twenty 96885
days from the date of notice by the tax commissioner pursuant to 96886
division (C) of this section. 96887

(E) The tax on every retail sale subject to a tax levied 96888
pursuant to this section is in addition to the tax levied by 96889
section 5739.02 of the Revised Code and any tax levied pursuant to 96890
section 5739.021 or 5739.026 of the Revised Code. 96891

(F) The additional tax levied by the transit authority shall 96892
be collected pursuant to section 5739.025 of the Revised Code. 96893

(G) Any tax levied pursuant to this section is subject to the 96894
exemptions provided in section 5739.02 of the Revised Code and in 96895
addition shall not be applicable to sales not within the taxing 96896
power of a transit authority under the constitution of the United 96897
States or the constitution of this state. 96898

(H) The rate of a tax levied under this section is subject to 96899
reduction under section 5739.028 of the Revised Code, if a ballot 96900
question is approved by voters pursuant to that section. 96901

~~Sec. 5739.025. As used in this section, "local tax" means a 96902
tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 96903
5741.021, 5741.022, or 5741.023 of the Revised Code. 96904~~

~~(A) The taxes levied by sections 5739.02 and 5741.02 of the 96905
Revised Code shall be collected as follows: 96906~~

~~(1) On and after July 1, 2003, and on or before June 30, 96907~~

1.65	1.82	10¢	96940
1.83	2.00	11¢	96941

~~If the price exceeds two dollars, the tax is eleven cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eighteen cents, the amount of tax is eleven cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eighteen cents, the amount of tax is eleven cents for each two dollars plus the amount of tax for prices nineteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(B) On and after July 1, 2003, and on and before June 30, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~

~~(1) When the combined rate of state and local tax is six and one-fourth per cent:~~

If the price	But not more than	The amount of	96957
is at least	the tax is	No tax	96958
\$.01	\$.15	No tax	96959
.16	.16	1¢	96960
.17	.32	2¢	96961
.33	.48	3¢	96962
.49	.64	4¢	96963
.65	.80	5¢	96964
.81	.96	6¢	96965
.97	1.12	7¢	96966
1.13	1.28	8¢	96967
1.29	1.44	9¢	96968
1.45	1.60	10¢	96969
1.61	1.76	11¢	96970
1.77	1.92	12¢	96971

1.93	2.08	13¢	96972
2.09	2.24	14¢	96973
2.25	2.40	15¢	96974
2.41	2.56	16¢	96975
2.57	2.72	17¢	96976
2.73	2.88	18¢	96977
2.89	3.04	19¢	96978
3.05	3.20	20¢	96979
3.21	3.36	21¢	96980
3.37	3.52	22¢	96981
3.53	3.68	23¢	96982
3.69	3.84	24¢	96983
3.85	4.00	25¢	96984

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of state and local tax is six and one half per cent:~~

If the price		The amount of	96996
is at least	But not more than	the tax is	96997
\$.01	\$.15	No tax	96998
.16	.30	2¢	96999
.31	.46	3¢	97000
.47	.61	4¢	97001
.62	.76	5¢	97002
.77	.92	6¢	97003

.93	1.07	7¢	97004
1.08	1.23	8¢	97005
1.24	1.38	9¢	97006
1.39	1.53	10¢	97007
1.54	1.69	11¢	97008
1.70	1.84	12¢	97009
1.85	2.00	13¢	97010

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(3) When the combined rate of state and local tax is six and three fourths per cent:~~

If the price		The amount of	97021
is at least	But not more than	the tax is	97022
\$.01	\$.15	No tax	97023
.16	.29	2¢	97024
.30	.44	3¢	97025
.45	.59	4¢	97026
.60	.74	5¢	97027
.75	.88	6¢	97028
.89	1.03	7¢	97029
1.04	1.18	8¢	97030
1.19	1.33	9¢	97031
1.34	1.48	10¢	97032
1.49	1.62	11¢	97033
1.63	1.77	12¢	97034
1.78	1.92	13¢	97035

1.93	2.07	14¢	97036
2.08	2.22	15¢	97037
2.23	2.37	16¢	97038
2.38	2.51	17¢	97039
2.52	2.66	18¢	97040
2.67	2.81	19¢	97041
2.82	2.96	20¢	97042
2.97	3.11	21¢	97043
3.12	3.25	22¢	97044
3.26	3.40	23¢	97045
3.41	3.55	24¢	97046
3.56	3.70	25¢	97047
3.71	3.85	26¢	97048
3.86	4.00	27¢	97049

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of state and local tax is seven per cent:~~

If the price	But not more than	The amount of	97064
is at least	the tax is		97065
\$.01	\$.15	No tax	97066
.16	.28	2¢	97067

.29	.42	3¢	97068
.43	.57	4¢	97069
.58	.71	5¢	97070
.72	.85	6¢	97071
.86	1.00	7¢	97072

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of state and local tax is seven and one fourth per cent:~~

If the price		The amount of	97083
is at least	But not more than	the tax is	97084
\$.01	\$.15	No tax	97085
.16	.27	2¢	97086
.28	.41	3¢	97087
.42	.55	4¢	97088
.56	.68	5¢	97089
.69	.82	6¢	97090
.83	.96	7¢	97091
.97	1.10	8¢	97092
1.11	1.24	9¢	97093
1.25	1.37	10¢	97094
1.38	1.51	11¢	97095
1.52	1.65	12¢	97096
1.66	1.79	13¢	97097
1.80	1.93	14¢	97098
1.94	2.06	15¢	97099

2.07	2.20	16¢	97100
2.21	2.34	17¢	97101
2.35	2.48	18¢	97102
2.49	2.62	19¢	97103
2.63	2.75	20¢	97104
2.76	2.89	21¢	97105
2.90	3.03	22¢	97106
3.04	3.17	23¢	97107
3.18	3.31	24¢	97108
3.32	3.44	25¢	97109
3.45	3.58	26¢	97110
3.59	3.72	27¢	97111
3.73	3.86	28¢	97112
3.87	4.00	29¢	97113

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of state and local tax is seven and one half per cent:~~

If the price		The amount of	97128
is at least	But not more than	the tax is	97129
\$.01	\$.15	No tax	97130
.16	.26	2¢	97131

.27	.40	3¢	97132
.41	.53	4¢	97133
.54	.65	5¢	97134
.66	.80	6¢	97135
.81	.93	7¢	97136
.94	1.06	8¢	97137
1.07	1.20	9¢	97138
1.21	1.33	10¢	97139
1.34	1.46	11¢	97140
1.47	1.60	12¢	97141
1.61	1.73	13¢	97142
1.74	1.86	14¢	97143
1.87	2.00	15¢	97144

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of state and local tax is seven and three fourths per cent:~~

If the price		The amount of	97155
is at least	But not more than	the tax is	97156
\$.01	\$.15	No tax	97157
.16	.25	2¢	97158
.26	.38	3¢	97159
.39	.51	4¢	97160
.52	.64	5¢	97161
.65	.77	6¢	97162
.78	.90	7¢	97163

.91	1.03	8¢	97164
1.04	1.16	9¢	97165
1.17	1.29	10¢	97166
1.30	1.41	11¢	97167
1.42	1.54	12¢	97168
1.55	1.67	13¢	97169
1.68	1.80	14¢	97170
1.81	1.93	15¢	97171
1.94	2.06	16¢	97172
2.07	2.19	17¢	97173
2.20	2.32	18¢	97174
2.33	2.45	19¢	97175
2.46	2.58	20¢	97176
2.59	2.70	21¢	97177
2.71	2.83	22¢	97178
2.84	2.96	23¢	97179
2.97	3.09	24¢	97180
3.10	3.22	25¢	97181
3.23	3.35	26¢	97182
3.36	3.48	27¢	97183
3.49	3.61	28¢	97184
3.62	3.74	29¢	97185
3.75	3.87	30¢	97186
3.88	4.00	31¢	97187

~~If the price exceeds four dollars, the tax is thirty one~~ 97188
~~cents on each four dollars. If the price exceeds four dollars or a~~ 97189
~~multiple thereof by not more than twelve cents, the amount of tax~~ 97190
~~is thirty one cents for each four dollars plus one cent. If the~~ 97191
~~price exceeds four dollars or a multiple thereof by more than~~ 97192
~~twelve cents but by not more than twenty five cents, the amount of~~ 97193
~~tax is thirty one cents for each four dollars plus two cents. If~~ 97194
~~the price exceeds four dollars or a multiple thereof by more than~~ 97195
~~twenty five cents, the amount of tax is thirty one cents for each~~ 97196

~~four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~ 97197
97198
97199

~~(8) When the combined rate of state and local tax is eight per cent:~~ 97200
97201

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	97204
.16	.25	2¢	97205
.26	.37	3¢	97206
.38	.50	4¢	97207
.51	.62	5¢	97208
.63	.75	6¢	97209
.76	.87	7¢	97210
.88	1.00	8¢	97211

~~If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty six cents through ninety nine cents in accordance with the schedule above.~~ 97212
97213
97214
97215
97216
97217
97218
97219
97220
97221
97222

~~(9) When the combined rate of state and local tax is eight and one fourth per cent:~~ 97223
97224

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	97227
.16	.24	2¢	97228

.25	.36	3¢	97229
.37	.48	4¢	97230
.49	.60	5¢	97231
.61	.72	6¢	97232
.73	.84	7¢	97233
.85	.96	8¢	97234
.97	1.09	9¢	97235
1.10	1.21	10¢	97236
1.22	1.33	11¢	97237
1.34	1.45	12¢	97238
1.46	1.57	13¢	97239
1.58	1.69	14¢	97240
1.70	1.81	15¢	97241
1.82	1.93	16¢	97242
1.94	2.06	17¢	97243
2.07	2.18	18¢	97244
2.19	2.30	19¢	97245
2.31	2.42	20¢	97246
2.43	2.54	21¢	97247
2.55	2.66	22¢	97248
2.67	2.78	23¢	97249
2.79	2.90	24¢	97250
2.91	3.03	25¢	97251
3.04	3.15	26¢	97252
3.16	3.27	27¢	97253
3.28	3.39	28¢	97254
3.40	3.51	29¢	97255
3.52	3.63	30¢	97256
3.64	3.75	31¢	97257
3.76	3.87	32¢	97258
3.88	4.00	33¢	97259

~~If the price exceeds four dollars, the tax is thirty three~~ 97260
~~cents on each four dollars. If the price exceeds four dollars or a~~ 97261

~~multiple thereof by not more than eleven cents, the amount of tax 97262
is thirty three cents for each four dollars plus one cent. If the 97263
price exceeds four dollars or a multiple thereof by more than 97264
eleven cents but by not more than twenty four cents, the amount of 97265
tax is thirty three cents for each four dollars plus two cents. If 97266
the price exceeds four dollars or a multiple thereof by more than 97267
twenty four cents, the amount of tax is thirty three cents for 97268
each four dollars plus the amount of tax for prices twenty six 97269
cents through three dollars and ninety nine cents in accordance 97270
with the schedule above. 97271~~

~~(10) When the combined rate of state and local tax is eight 97272
and one half per cent: 97273~~

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	97274
.16	.23	2¢	97275
.24	.35	3¢	97276
.36	.47	4¢	97277
.48	.58	5¢	97278
.59	.70	6¢	97279
.71	.82	7¢	97280
.83	.94	8¢	97281
.95	1.05	9¢	97282
1.06	1.17	10¢	97283
1.18	1.29	11¢	97284
1.30	1.41	12¢	97285
1.42	1.52	13¢	97286
1.53	1.64	14¢	97287
1.65	1.76	15¢	97288
1.77	1.88	16¢	97289
1.89	2.00	17¢	97290

~~If the price exceeds two dollars, the tax is seventeen cents 97293~~

on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eleven cents, the amount of tax is seventeen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eleven cents but by not more than twenty three cents, the amount of tax is seventeen cents for each two dollars plus two cents. If the price exceeds two dollars or a multiple thereof by more than twenty three cents, the amount of tax is seventeen cents for each two dollars plus the amount of tax for prices twenty four cents through one dollar and ninety nine cents in accordance with the schedule above.

(11) When the combined rate of state and local tax is eight and three fourths per cent:

is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	97309
.16	.22	2¢	97310
.23	.34	3¢	97311
.35	.45	4¢	97312
.46	.57	5¢	97313
.58	.68	6¢	97314
.69	.80	7¢	97315
.81	.91	8¢	97316
.92	1.02	9¢	97317
1.03	1.14	10¢	97318
1.15	1.25	11¢	97319
1.26	1.37	12¢	97320
1.38	1.48	13¢	97321
1.49	1.60	14¢	97322
1.61	1.71	15¢	97323
1.72	1.82	16¢	97324
1.83	1.94	17¢	97325

1.95	2.05	18¢	97326
2.06	2.17	19¢	97327
2.18	2.28	20¢	97328
2.29	2.40	21¢	97329
2.41	2.51	22¢	97330
2.52	2.62	23¢	97331
2.63	2.74	24¢	97332
2.75	2.85	25¢	97333
2.86	2.97	26¢	97334
2.98	3.08	27¢	97335
3.09	3.20	28¢	97336
3.21	3.31	29¢	97337
3.32	3.42	30¢	97338
3.43	3.54	31¢	97339
3.55	3.65	32¢	97340
3.66	3.77	33¢	97341
3.78	3.88	34¢	97342
3.89	4.00	35¢	97343

~~If the price exceeds four dollars, the tax is thirty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus the amount of tax for prices twenty three cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(12) When the combined rate of state and local tax is nine per cent:~~

If the price		The amount of	97358
is at least	But not more than	the tax is	97359
\$.01	\$.15	No tax	97360
.16	.22	2¢	97361
.23	.33	3¢	97362
.34	.44	4¢	97363
.45	.55	5¢	97364
.56	.66	6¢	97365
.67	.77	7¢	97366
.78	.88	8¢	97367
.89	1.00	9¢	97368

~~If the price exceeds one dollar, the tax is nine cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than eleven cents, the amount of tax is nine cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is nine cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty two cents, the amount of tax is nine cents for each one dollar plus the amount of tax for prices twenty three cents through ninety nine cents in accordance with the schedule above.~~

~~(C) On and after July 1, 2005, and on and before December 31, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~

~~(1) When the total rate of local tax is one fourth per cent:~~

If the price	But not	The amount	97386
is at least	more than	of the tax is	97387
\$.01	\$.15	No tax	97388
.16	.17	1¢	97389

.18	.34	2¢	97390
.35	.52	3¢	97391
.53	.69	4¢	97392
.70	.86	5¢	97393
.87	1.04	6¢	97394
1.05	1.21	7¢	97395
1.22	1.39	8¢	97396
1.40	1.56	9¢	97397
1.57	1.73	10¢	97398
1.74	1.91	11¢	97399
1.92	2.08	12¢	97400
2.09	2.26	13¢	97401
2.27	2.43	14¢	97402
2.44	2.60	15¢	97403
2.61	2.78	16¢	97404
2.79	2.95	17¢	97405
2.96	3.13	18¢	97406
3.14	3.30	19¢	97407
3.31	3.47	20¢	97408
3.48	3.65	21¢	97409
3.66	3.82	22¢	97410
3.83	4.00	23¢	97411

~~If the price exceeds four dollars, the tax is twenty three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of local tax is one half per cent:~~

If the price	But not	The amount	97422
is at least	more than	of the tax is	97423
\$.01	\$.15	No tax	97424
.16	.17	1¢	97425
.18	.34	2¢	97426
.35	.50	3¢	97427
.51	.67	4¢	97428
.68	.83	5¢	97429
.84	1.00	6¢	97430

~~If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety nine cents in accordance with the schedule above.~~

~~(3) When the combined rate of local tax is three fourths per cent.~~

If the price	But not	The amount	97441
is at least	more than	of the tax is	97442
\$.01	\$.15	No tax	97443
.16	.16	1¢	97444
.17	.32	2¢	97445
.33	.48	3¢	97446
.49	.64	4¢	97447
.65	.80	5¢	97448
.81	.96	6¢	97449
.97	1.12	7¢	97450
1.13	1.28	8¢	97451
1.29	1.44	9¢	97452
1.45	1.60	10¢	97453

1.61	1.76	11¢	97454
1.77	1.92	12¢	97455
1.93	2.08	13¢	97456
2.09	2.24	14¢	97457
2.25	2.40	15¢	97458
2.41	2.56	16¢	97459
2.57	2.72	17¢	97460
2.73	2.88	18¢	97461
2.89	3.04	19¢	97462
3.05	3.20	20¢	97463
3.21	3.36	21¢	97464
3.37	3.52	22¢	97465
3.53	3.68	23¢	97466
3.69	3.84	24¢	97467
3.85	4.00	25¢	97468

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of local tax is one per cent:~~

If the price	But not	The amount	97479
is at least	more than	of the tax is	97480
\$.01	\$.15	No tax	97481
.16	.30	2¢	97482
.31	.46	3¢	97483
.47	.61	4¢	97484
.62	.76	5¢	97485

.77	.92	6¢	97486
.93	1.07	7¢	97487
1.08	1.23	8¢	97488
1.24	1.38	9¢	97489
1.39	1.53	10¢	97490
1.54	1.69	11¢	97491
1.70	1.84	12¢	97492
1.85	2.00	13¢	97493

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of local tax is one and one fourth per cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	97506
.16	.29	2¢	97507
.30	.44	3¢	97508
.45	.59	4¢	97509
.60	.74	5¢	97510
.75	.88	6¢	97511
.89	1.03	7¢	97512
1.04	1.18	8¢	97513
1.19	1.33	9¢	97514
1.34	1.48	10¢	97515
1.49	1.62	11¢	97516
1.63	1.77	12¢	97517

1.78	1.92	13¢	97518
1.93	2.07	14¢	97519
2.08	2.22	15¢	97520
2.23	2.37	16¢	97521
2.38	2.51	17¢	97522
2.52	2.66	18¢	97523
2.67	2.81	19¢	97524
2.82	2.96	20¢	97525
2.97	3.11	21¢	97526
3.12	3.25	22¢	97527
3.26	3.40	23¢	97528
3.41	3.55	24¢	97529
3.56	3.70	25¢	97530
3.71	3.85	26¢	97531
3.86	4.00	27¢	97532

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of local tax is one and one half per cent:~~

If the price	But not	The amount	97547
is at least	more than	of the tax is	97548
\$.01	\$.15	No tax	97549

.16	.28	2¢	97550
.29	.42	3¢	97551
.43	.57	4¢	97552
.58	.71	5¢	97553
.72	.85	6¢	97554
.86	1.00	7¢	97555

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of local tax is one and three fourths per cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	97566
.16	.27	2¢	97569
.28	.41	3¢	97570
.42	.55	4¢	97571
.56	.68	5¢	97572
.69	.82	6¢	97573
.83	.96	7¢	97574
.97	1.10	8¢	97575
1.11	1.24	9¢	97576
1.25	1.37	10¢	97577
1.38	1.51	11¢	97578
1.52	1.65	12¢	97579
1.66	1.79	13¢	97580
1.80	1.93	14¢	97581

1.94	2.06	15¢	97582
2.07	2.20	16¢	97583
2.21	2.34	17¢	97584
2.35	2.48	18¢	97585
2.49	2.62	19¢	97586
2.63	2.75	20¢	97587
2.76	2.89	21¢	97588
2.90	3.03	22¢	97589
3.04	3.17	23¢	97590
3.18	3.31	24¢	97591
3.32	3.44	25¢	97592
3.45	3.58	26¢	97593
3.59	3.72	27¢	97594
3.73	3.86	28¢	97595
3.87	4.00	29¢	97596

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(8) When the combined rate of local tax is two per cent:~~

If the price	But not	The amount	97609
is at least	more than	of the tax is	97610
\$.01	\$.15	No tax	97611
.16	.26	2¢	97612
			97613

.27	.40	3¢	97614
.41	.53	4¢	97615
.54	.65	5¢	97616
.66	.80	6¢	97617
.81	.93	7¢	97618
.94	1.06	8¢	97619
1.07	1.20	9¢	97620
1.21	1.33	10¢	97621
1.34	1.46	11¢	97622
1.47	1.60	12¢	97623
1.61	1.73	13¢	97624
1.74	1.86	14¢	97625
1.87	2.00	15¢	97626

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of local tax is two and one fourth per cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	97637
.16	.25	2¢	97638
.26	.38	3¢	97639
.39	.51	4¢	97640
.52	.64	5¢	97641
.65	.77	6¢	97642
.78	.90	7¢	97643

.91	1.03	8¢	97646
1.04	1.16	9¢	97647
1.17	1.29	10¢	97648
1.30	1.41	11¢	97649
1.42	1.54	12¢	97650
1.55	1.67	13¢	97651
1.68	1.80	14¢	97652
1.81	1.93	15¢	97653
1.94	2.06	16¢	97654
2.07	2.19	17¢	97655
2.20	2.32	18¢	97656
2.33	2.45	19¢	97657
2.46	2.58	20¢	97658
2.59	2.70	21¢	97659
2.71	2.83	22¢	97660
2.84	2.96	23¢	97661
2.97	3.09	24¢	97662
3.10	3.22	25¢	97663
3.23	3.35	26¢	97664
3.36	3.48	27¢	97665
3.49	3.61	28¢	97666
3.62	3.74	29¢	97667
3.75	3.87	30¢	97668
3.88	4.00	31¢	97669

~~If the price exceeds four dollars, the tax is thirty one~~ 97670
~~cents on each four dollars. If the price exceeds four dollars or a~~ 97671
~~multiple thereof by not more than twelve cents, the amount of tax~~ 97672
~~is thirty one cents for each four dollars plus one cent. If the~~ 97673
~~price exceeds four dollars or a multiple thereof by more than~~ 97674
~~twelve cents but not more than twenty five cents, the amount of~~ 97675
~~tax is thirty one cents for each four dollars plus two cents. If~~ 97676
~~the price exceeds four dollars or a multiple thereof by more than~~ 97677
~~twenty five cents, the amount of tax is thirty one cents for each~~ 97678

~~four dollars plus the amount of tax for prices twenty six cents 97679
through three dollars and ninety nine cents in accordance with the 97680
schedule above. 97681~~

~~(10) When the combined rate of local tax is two and one half 97682
per cent: 97683~~

If the price	But not	The amount	97684
is at least	more than	of the tax is	97685
\$.01	\$.15	No tax	97686
.16	.25	2¢	97687
.26	.37	3¢	97688
.38	.50	4¢	97689
.51	.62	5¢	97690
.63	.75	6¢	97691
.76	.87	7¢	97692
.88	1.00	8¢	97693

~~If the price exceeds one dollar, the tax is eight cents on 97694
each one dollar. If the price exceeds one dollar or a multiple 97695
thereof by not more than twelve cents, the amount of tax is eight 97696
cents for each one dollar plus one cent. If the price exceeds one 97697
dollar or a multiple thereof by more than twelve cents but not 97698
more than twenty five cents, the amount of tax is eight cents for 97699
each one dollar plus two cents. If the price exceeds one dollar or 97700
a multiple thereof by more than twenty five cents, the amount of 97701
tax is eight cents for each one dollar plus the amount of tax for 97702
prices twenty six cents through ninety nine cents in accordance 97703
with the schedule above. 97704~~

~~(11) When the combined rate of local tax is two and 97705
three fourths per cent: 97706~~

If the price	But not	The amount	97707
is at least	more than	of the tax is	97708
\$.01	\$.15	No tax	97709
.16	.24	2¢	97710

.25	.36	3¢	97711
.37	.48	4¢	97712
.49	.60	5¢	97713
.61	.72	6¢	97714
.73	.84	7¢	97715
.85	.96	8¢	97716
.97	1.09	9¢	97717
1.10	1.21	10¢	97718
1.22	1.33	11¢	97719
1.34	1.45	12¢	97720
1.46	1.57	13¢	97721
1.58	1.69	14¢	97722
1.70	1.81	15¢	97723
1.82	1.93	16¢	97724
1.94	2.06	17¢	97725
2.07	2.18	18¢	97726
2.19	2.30	19¢	97727
2.31	2.42	20¢	97728
2.43	2.54	21¢	97729
2.55	2.66	22¢	97730
2.67	2.78	23¢	97731
2.79	2.90	24¢	97732
2.91	3.03	25¢	97733
3.04	3.15	26¢	97734
3.16	3.27	27¢	97735
3.28	3.39	28¢	97736
3.40	3.51	29¢	97737
3.52	3.63	30¢	97738
3.64	3.75	31¢	97739
3.76	3.87	32¢	97740
3.88	4.00	33¢	97741

~~If the price exceeds four dollars, the tax is thirty three~~ 97742
~~cents on each four dollars. If the price exceeds four dollars or a~~ 97743

~~multiple thereof by not more than eleven cents, the amount of tax 97744
is thirty three cents for each four dollars plus one cent. If the 97745
price exceeds four dollars or a multiple thereof by more than 97746
eleven cents but not more than twenty four cents, the amount of 97747
tax is thirty three cents for each four dollars plus two cents. If 97748
the price exceeds four dollars or a multiple thereof by more than 97749
twenty four cents, the amount of tax is thirty three cents for 97750
each four dollars plus the amount of tax for prices twenty six 97751
cents through three dollars and ninety nine cents in accordance 97752
with the schedule above. 97753~~

~~(12) When the combined rate of local tax is three per cent: 97754~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	97757
.16	.23	2¢	97758
.24	.35	3¢	97759
.36	.47	4¢	97760
.48	.58	5¢	97761
.59	.70	6¢	97762
.71	.82	7¢	97763
.83	.94	8¢	97764
.95	1.05	9¢	97765
1.06	1.17	10¢	97766
1.18	1.29	11¢	97767
1.30	1.41	12¢	97768
1.42	1.52	13¢	97769
1.53	1.64	14¢	97770
1.65	1.76	15¢	97771
1.77	1.88	16¢	97772
1.89	2.00	17¢	97773

~~If the price exceeds two dollars, the tax is seventeen cents 97774
on each two dollars. If the price exceeds two dollars or a 97775~~

~~multiple thereof by not more than eleven cents, the amount of tax 97776
is seventeen cents for each two dollars plus one cent. If the 97777
price exceeds two dollars or a multiple thereof by more than 97778
eleven cents but not more than twenty three cents, the amount of 97779
tax is seventeen cents for each two dollars plus two cents. If the 97780
price exceeds two dollars or a multiple thereof by more than 97781
twenty three cents, the amount of tax is seventeen cents for each 97782
two dollars plus the amount of tax for prices twenty four cents 97783
through one dollar and ninety nine cents in accordance with the 97784
schedule above. 97785~~

~~(D) In lieu of collecting the tax pursuant to the schedules 97786
set forth in divisions (A), (B), and (C) of this section, a vendor 97787
may compute the tax on each sale as follows: 97788~~

~~(1) On sales of fifteen cents or less, no tax shall apply. 97789~~

~~(2) On sales in excess of fifteen cents, multiply the price 97790
by the aggregate rate of taxes in effect under sections 5739.02 97791
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 97792
5741.022, and 5741.023 of the Revised Code. The computation shall 97793
be carried out to six decimal places. If the result is a 97794
fractional amount of a cent, the calculated tax shall be increased 97795
to the next highest cent and that amount shall be collected by the 97796
vendor. 97797~~

~~(E) On and after January 1, 2006, a (A) A vendor shall 97798
compute the tax on each sale by multiplying the price by the 97799
aggregate rate of taxes in effect under sections 5739.02 and 97800
5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021, 97801
5741.022, and 5741.023 of the Revised Code. The computation shall 97802
be carried out to three decimal places. If the result is a 97803
fractional amount of a cent, the calculated tax shall be rounded 97804
to a whole cent using a method that rounds up to the next cent 97805
whenever the third decimal place is greater than four. A vendor 97806
may elect to compute the tax due on a transaction on an item or an 97807~~

invoice basis. 97808

~~(F)~~(B) In auditing a vendor, the tax commissioner shall 97809
consider the method prescribed by this section that was used by 97810
the vendor in determining and collecting the tax due under this 97811
chapter on taxable transactions. If the vendor correctly collects 97812
and remits the tax due under this chapter in accordance with the 97813
~~schedules in divisions (A), (B), and (C) of this section or in~~ 97814
~~accordance with the~~ computation prescribed in division ~~(D) or (E)~~ 97815
(A) of this section, the commissioner shall not assess any 97816
additional tax on those transactions. 97817

~~(G)~~(C)(1) With respect to a sale of a fractional ownership 97818
program aircraft used primarily in a fractional aircraft ownership 97819
program, including all accessories attached to such aircraft, the 97820
tax shall be calculated pursuant to ~~divisions~~ division (A) ~~to (E)~~ 97821
of this section, provided that the tax commissioner shall modify 97822
those calculations so that the maximum tax on each program 97823
aircraft is eight hundred dollars. In the case of a sale of a 97824
fractional interest that is less than one hundred per cent of the 97825
program aircraft, the tax charged on the transaction shall be 97826
eight hundred dollars multiplied by a fraction, the numerator of 97827
which is the percentage of ownership or possession in the aircraft 97828
being purchased in the transaction, and the denominator of which 97829
is one hundred per cent. 97830

(2) Notwithstanding any other provision of law to the 97831
contrary, the tax calculated under division ~~(G)~~(C)(1) of this 97832
section and paid with respect to the sale of a fractional 97833
ownership program aircraft used primarily in a fractional aircraft 97834
ownership program shall be credited to the general revenue fund. 97835

Sec. 5739.026. (A) A board of county commissioners may levy a 97836
tax ~~of one fourth or one half of one per cent~~ on every retail sale 97837
in the county, except sales of watercraft and outboard motors 97838

required to be titled pursuant to Chapter 1548. of the Revised 97839
Code and sales of motor vehicles, at a rate of not more than 97840
one-half of one per cent at any multiple of one-twentieth of one 97841
per cent and may increase an existing rate of ~~one-fourth of one~~ 97842
~~per cent~~ tax to not more than one-half of one per cent at any 97843
multiple of one-twentieth of one per cent, to pay the expenses of 97844
administering the tax and, except as provided in division (A)(6) 97845
of this section, for any one or more of the following purposes 97846
provided that the aggregate levy for all such purposes does not 97847
exceed one-half of one per cent: 97848

(1) To provide additional revenues for the payment of bonds 97849
or notes issued in anticipation of bonds issued by a convention 97850
facilities authority established by the board of county 97851
commissioners under Chapter 351. of the Revised Code and to 97852
provide additional operating revenues for the convention 97853
facilities authority; 97854

(2) To provide additional revenues for a transit authority 97855
operating in the county; 97856

(3) To provide additional revenue for the county's general 97857
fund; 97858

(4) To provide additional revenue for permanent improvements 97859
~~within the county~~ to be distributed by the community improvements 97860
board in accordance with section 307.283 and to pay principal, 97861
interest, and premium on bonds issued under section 307.284 of the 97862
Revised Code; 97863

(5) To provide additional revenue for the acquisition, 97864
construction, equipping, or repair of any specific permanent 97865
improvement or any class or group of permanent improvements, which 97866
improvement or class or group of improvements shall be enumerated 97867
in the resolution required by division (D) of this section, and to 97868
pay principal, interest, premium, and other costs associated with 97869

the issuance of bonds or notes in anticipation of bonds issued 97870
pursuant to Chapter 133. of the Revised Code for the acquisition, 97871
construction, equipping, or repair of the specific permanent 97872
improvement or class or group of permanent improvements; 97873

(6) To provide revenue for the implementation and operation 97874
of a 9-1-1 system in the county. If the tax is levied or the rate 97875
increased exclusively for such purpose, the tax shall not be 97876
levied or the rate increased for more than five years. At the end 97877
of the last year the tax is levied or the rate increased, any 97878
balance remaining in the special fund established for such purpose 97879
shall remain in that fund and be used exclusively for such purpose 97880
until the fund is completely expended, and, notwithstanding 97881
section 5705.16 of the Revised Code, the board of county 97882
commissioners shall not petition for the transfer of money from 97883
such special fund, and the tax commissioner shall not approve such 97884
a petition. 97885

If the tax is levied or the rate increased for such purpose 97886
for more than five years, the board of county commissioners also 97887
shall levy the tax or increase the rate of the tax for one or more 97888
of the purposes described in divisions (A)(1) to (5) of this 97889
section and shall prescribe the method for allocating the revenues 97890
from the tax each year in the manner required by division (C) of 97891
this section. 97892

(7) To provide additional revenue for the operation or 97893
maintenance of a detention facility, as that term is defined under 97894
division (F) of section 2921.01 of the Revised Code; 97895

(8) To provide revenue to finance the construction or 97896
renovation of a sports facility, but only if the tax is levied for 97897
that purpose in the manner prescribed by section 5739.028 of the 97898
Revised Code. 97899

As used in division (A)(8) of this section: 97900

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 97901
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(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 97903
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(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 97905
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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services; 97911
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(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code; 97913
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(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code. 97917
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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 97920
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The rate of tax shall be a multiple of ~~one-fourth~~ one-twentieth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code shall be a 97925
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multiple of ~~one-fourth~~ one-twentieth of one per cent. The tax 97932
shall be levied and the rate increased pursuant to a resolution 97933
adopted by a majority of the members of the board. The board shall 97934
deliver a certified copy of the resolution to the tax 97935
commissioner, not later than the sixty-fifth day prior to the date 97936
on which the tax is to become effective, which shall be the first 97937
day of a calendar quarter. 97938

Prior to the adoption of any resolution to levy the tax or to 97939
increase the rate of tax exclusively for the purpose set forth in 97940
division (A)(3) of this section, the board of county commissioners 97941
shall conduct two public hearings on the resolution, the second 97942
hearing to be no fewer than three nor more than ten days after the 97943
first. Notice of the date, time, and place of the hearings shall 97944
be given by publication in a newspaper of general circulation in 97945
the county, or as provided in section 7.16 of the Revised Code, 97946
once a week on the same day of the week for two consecutive weeks. 97947
The second publication shall be no fewer than ten nor more than 97948
thirty days prior to the first hearing. Except as provided in 97949
division (E) of this section, the resolution shall be subject to a 97950
referendum as provided in sections 305.31 to 305.41 of the Revised 97951
Code. If the resolution is adopted as an emergency measure 97952
necessary for the immediate preservation of the public peace, 97953
health, or safety, it must receive an affirmative vote of all of 97954
the members of the board of county commissioners and shall state 97955
the reasons for the necessity. 97956

If the tax is for more than one of the purposes set forth in 97957
divisions (A)(1) to (7), (9), ~~and (10)~~, and (12) of this section, 97958
or is exclusively for one of the purposes set forth in division 97959
(A)(1), (2), (4), (5), (6), (7), (9), ~~or (10)~~, or (12) of this 97960
section, the resolution shall not go into effect unless it is 97961
approved by a majority of the electors voting on the question of 97962
the tax. 97963

(B) The board of county commissioners shall adopt a resolution under section 351.02 of the Revised Code creating the convention facilities authority, or under section 307.283 of the Revised Code creating the community improvements board, before adopting a resolution levying a tax for the purpose of a convention facilities authority under division (A)(1) of this section or for the purpose of a community improvements board under division (A)(4) of this section.

(C)(1) If the tax is to be used for more than one of the purposes set forth in divisions (A)(1) to (7), (9), ~~and~~ (10), and (12) of this section, the board of county commissioners shall establish the method that will be used to determine the amount or proportion of the tax revenue received by the county during each year that will be distributed for each of those purposes, including, if applicable, provisions governing the reallocation of a convention facilities authority's allocation if the authority is dissolved while the tax is in effect. The allocation method may provide that different proportions or amounts of the tax shall be distributed among the purposes in different years, but it shall clearly describe the method that will be used for each year. Except as otherwise provided in division (C)(2) of this section, the allocation method established by the board is not subject to amendment during the life of the tax.

(2) Subsequent to holding a public hearing on the proposed amendment, the board of county commissioners may amend the allocation method established under division (C)(1) of this section for any year, if the amendment is approved by the governing board of each entity whose allocation for the year would be reduced by the proposed amendment. In the case of a tax that is levied for a continuing period of time, the board may not so amend the allocation method for any year before the sixth year that the tax is in effect.

(a) If the additional revenues provided to the convention facilities authority are pledged by the authority for the payment of convention facilities authority revenue bonds for as long as such bonds are outstanding, no reduction of the authority's allocation of the tax shall be made for any year except to the extent that the reduced authority allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds. 97996
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(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes. 98005
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(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds. 98013
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(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes. 98021
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(D)(1) The resolution levying the tax or increasing the rate 98028
of tax shall state the rate of the tax or the rate of the 98029
increase; the purpose or purposes for which it is to be levied; 98030
the number of years for which it is to be levied or that it is for 98031
a continuing period of time; the allocation method required by 98032
division (C) of this section; and if required to be submitted to 98033
the electors of the county under division (A) of this section, the 98034
date of the election at which the proposal shall be submitted to 98035
the electors of the county, which shall be not less than ninety 98036
days after the certification of a copy of the resolution to the 98037
board of elections and, if the tax is to be levied exclusively for 98038
the purpose set forth in division (A)(3) of this section, shall 98039
not occur in August of any year. Upon certification of the 98040
resolution to the board of elections, the board of county 98041
commissioners shall notify the tax commissioner in writing of the 98042
levy question to be submitted to the electors. If approved by a 98043
majority of the electors, the tax shall become effective on the 98044
first day of a calendar quarter next following the sixty-fifth day 98045
following the date the board of county commissioners and tax 98046
commissioner receive from the board of elections the certification 98047
of the results of the election, except as provided in division (E) 98048
of this section. 98049

(2)(a) A resolution specifying that the tax is to be used 98050
exclusively for the purpose set forth in division (A)(3) of this 98051
section that is not adopted as an emergency measure may direct the 98052
board of elections to submit the question of levying the tax or 98053
increasing the rate of the tax to the electors of the county at a 98054
special election held on the date specified by the board of county 98055
commissioners in the resolution, provided that the election occurs 98056
not less than ninety days after the resolution is certified to the 98057
board of elections and the election is not held in August of any 98058
year. Upon certification of the resolution to the board of 98059
elections, the board of county commissioners shall notify the tax 98060

commissioner in writing of the levy question to be submitted to 98061
the electors. No resolution adopted under division (D)(2)(a) of 98062
this section shall go into effect unless approved by a majority of 98063
those voting upon it and, except as provided in division (E) of 98064
this section, not until the first day of a calendar quarter 98065
following the expiration of sixty-five days from the date the tax 98066
commissioner receives notice from the board of elections of the 98067
affirmative vote. 98068

(b) A resolution specifying that the tax is to be used 98069
exclusively for the purpose set forth in division (A)(3) of this 98070
section that is adopted as an emergency measure shall become 98071
effective as provided in division (A) of this section, but may 98072
direct the board of elections to submit the question of repealing 98073
the tax or increase in the rate of the tax to the electors of the 98074
county at the next general election in the county occurring not 98075
less than ninety days after the resolution is certified to the 98076
board of elections. Upon certification of the resolution to the 98077
board of elections, the board of county commissioners shall notify 98078
the tax commissioner in writing of the levy question to be 98079
submitted to the electors. The ballot question shall be the same 98080
as that prescribed in section 5739.022 of the Revised Code. The 98081
board of elections shall notify the board of county commissioners 98082
and the tax commissioner of the result of the election immediately 98083
after the result has been declared. If a majority of the qualified 98084
electors voting on the question of repealing the tax or increase 98085
in the rate of the tax vote for repeal of the tax or repeal of the 98086
increase, the board of county commissioners, on the first day of a 98087
calendar quarter following the expiration of sixty-five days after 98088
the date the board and tax commissioner received notice of the 98089
result of the election, shall, in the case of a repeal of the tax, 98090
cease to levy the tax, or, in the case of a repeal of an increase 98091
in the rate of the tax, cease to levy the increased rate and levy 98092
the tax at the rate at which it was imposed immediately prior to 98093

the increase in rate. 98094

(c) A board of county commissioners, by resolution, may 98095
reduce the rate of a tax levied exclusively for the purpose set 98096
forth in division (A)(3) of this section to a lower rate 98097
authorized by this section. Any such reduction shall be made 98098
effective on the first day of the calendar quarter next following 98099
the sixty-fifth day after the tax commissioner receives a 98100
certified copy of the resolution from the board. 98101

(E) If a vendor makes a sale in this state by printed catalog 98102
and the consumer computed the tax on the sale based on local rates 98103
published in the catalog, any tax levied or repealed or rate 98104
changed under this section shall not apply to such a sale until 98105
the first day of a calendar quarter following the expiration of 98106
one hundred twenty days from the date of notice by the tax 98107
commissioner pursuant to division (G) of this section. 98108

(F) The tax levied pursuant to this section shall be in 98109
addition to the tax levied by section 5739.02 of the Revised Code 98110
and any tax levied pursuant to section 5739.021 or 5739.023 of the 98111
Revised Code. 98112

A county that levies a tax pursuant to this section shall 98113
levy a tax at the same rate pursuant to section 5741.023 of the 98114
Revised Code. 98115

The additional tax levied by the county shall be collected 98116
pursuant to section 5739.025 of the Revised Code. 98117

Any tax levied pursuant to this section is subject to the 98118
exemptions provided in section 5739.02 of the Revised Code and in 98119
addition shall not be applicable to sales not within the taxing 98120
power of a county under the Constitution of the United States or 98121
the Ohio Constitution. 98122

(G) Upon receipt from a board of county commissioners of a 98123
certified copy of a resolution required by division (A) of this 98124

section, or from the board of elections a notice of the results of 98125
an election required by division (D)(1), (2)(a), (b), or (c) of 98126
this section, the tax commissioner shall provide notice of a tax 98127
rate change in a manner that is reasonably accessible to all 98128
affected vendors. The commissioner shall provide this notice at 98129
least sixty days prior to the effective date of the rate change. 98130
The commissioner, by rule, may establish the method by which 98131
notice will be provided. 98132

Sec. 5739.033. (A) The amount of tax due pursuant to sections 98133
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 98134
the sum of the taxes imposed pursuant to those sections at the 98135
sourcing location of the sale as determined under this section or, 98136
if applicable, under division (C) of section 5739.031 or section 98137
5739.034 of the Revised Code. This section applies only to a 98138
vendor's or seller's obligation to collect and remit sales taxes 98139
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 98140
Revised Code or use taxes under section 5741.02, 5741.021, 98141
5741.022, or 5741.023 of the Revised Code. Division (A) of this 98142
section does not apply in determining the jurisdiction for which 98143
sellers are required to collect the use tax under section 5741.05 98144
of the Revised Code. This section does not affect the obligation 98145
of a consumer to remit use taxes on the storage, use, or other 98146
consumption of tangible personal property or on the benefit 98147
realized of any service provided, to the jurisdiction of that 98148
storage, use, or consumption, or benefit realized. 98149

(B)(1) Beginning January 1, 2010, retail sales, excluding the 98150
lease or rental, of tangible personal property or digital goods 98151
shall be sourced to the location where the vendor receives an 98152
order for the sale of such property or goods if: 98153

(a) The vendor receives the order in this state and the 98154
consumer receives the property or goods in this state; 98155

(b) The location where the consumer receives the property or goods is determined under division (C)(2), (3), or (4) of this section; and

(c) The record-keeping system used by the vendor to calculate the tax imposed captures the location where the order is received at the time the order is received.

(2) A consumer has no additional liability to this state under this chapter or Chapter 5741. of the Revised Code for tax, penalty, or interest on a sale for which the consumer remits tax to the vendor in the amount invoiced by the vendor if the invoice amount is calculated at either the rate applicable to the location where the consumer receives the property or digital good or at the rate applicable to the location where the order is received by the vendor. A consumer may rely on a written representation by the vendor as to the location where the order for the sale was received by the vendor. If the consumer does not have a written representation by the vendor as to the location where the order was received by the vendor, the consumer may use a location indicated by a business address for the vendor that is available from records that are maintained in the ordinary course of the consumer's business to determine the rate applicable to the location where the order was received.

(3) For the purposes of division (B) of this section, the location where an order is received by or on behalf of a vendor means the physical location of the vendor or a third party such as an established outlet, office location, or automated order receipt system operated by or on behalf of the vendor, where an order is initially received by or on behalf of the vendor, and not where the order may be subsequently accepted, completed, or fulfilled. An order is received when all necessary information to determine whether the order can be accepted has been received by or on behalf of the vendor. The location from which the property or

digital good is shipped shall not be used to determine the 98188
location where the order is received by the vendor. 98189

(4) For the purposes of division (B) of this section, if 98190
services subject to taxation under this chapter or Chapter 5741. 98191
of the Revised Code are sold with tangible personal property or 98192
digital goods pursuant to a single contract or in the same 98193
transaction, the services are billed on the same billing statement 98194
or invoice, and, because of the application of division (B) of 98195
this section, the transaction would be sourced to more than one 98196
jurisdiction, the situs of the transaction shall be the location 98197
where the order is received by or on behalf of the vendor. 98198

(C) Except for sales, other than leases, of titled motor 98199
vehicles, titled watercraft, or titled outboard motors as provided 98200
in section 5741.05 of the Revised Code, or as otherwise provided 98201
in this section and section 5739.034 of the Revised Code, all 98202
sales shall be sourced as follows: 98203

(1) If the consumer or a donee designated by the consumer 98204
receives tangible personal property or a service at a vendor's 98205
place of business, the sale shall be sourced to that place of 98206
business. 98207

(2) When the tangible personal property or service is not 98208
received at a vendor's place of business, the sale shall be 98209
sourced to the location known to the vendor where the consumer or 98210
the donee designated by the consumer receives the tangible 98211
personal property or service, including the location indicated by 98212
instructions for delivery to the consumer or the consumer's donee. 98213

(3) If divisions (C)(1) and (2) of this section do not apply, 98214
the sale shall be sourced to the location indicated by an address 98215
for the consumer that is available from the vendor's business 98216
records that are maintained in the ordinary course of the vendor's 98217
business, when use of that address does not constitute bad faith. 98218

(4) If divisions (C)(1), (2), and (3) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a shipping company on behalf of a consumer.

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, a business consumer that is not a holder of a direct payment permit granted under section 5739.031 of the Revised Code, that purchases a digital good, computer software, except computer software received in person by a business consumer at a vendor's place of business, or a service, and that knows at the time of purchase that such digital good, software, or service will be concurrently available for use in more than one taxing jurisdiction shall deliver to the vendor in conjunction with its purchase an exemption certificate claiming multiple points of use, or shall meet the requirements of division (D)(2) of this section. On receipt of the exemption certificate claiming multiple points of use, the vendor is relieved of its obligation to collect, pay, or remit the tax due, and the business consumer must pay the tax directly to the state.

(b) A business consumer that delivers the exemption certificate claiming multiple points of use to a vendor may use any reasonable, consistent, and uniform method of apportioning the tax due on the digital good, computer software, or service that is supported by the consumer's business records as they existed at the time of the sale. The business consumer shall report and pay the appropriate tax to each jurisdiction where concurrent use occurs. The tax due shall be calculated as if the apportioned amount of the digital good, computer software, or service had been delivered to each jurisdiction to which the sale is apportioned under this division.

(c) The exemption certificate claiming multiple points of use shall remain in effect for all future sales by the vendor to the business consumer until it is revoked in writing by the business consumer, except as to the business consumer's specific apportionment of a subsequent sale under division (D)(1)(b) of this section and the facts existing at the time of the sale.

(2) When the vendor knows that a digital good, computer software, or service sold will be concurrently available for use by the business consumer in more than one jurisdiction, but the business consumer does not provide an exemption certificate claiming multiple points of use as required by division (D)(1) of this section, the vendor may work with the business consumer to produce the correct apportionment. Governed by the principles of division (D)(1)(b) of this section, the vendor and business consumer may use any reasonable, but consistent and uniform, method of apportionment that is supported by the vendor's and business consumer's books and records as they exist at the time the sale is reported for purposes of the taxes levied under this chapter. If the business consumer certifies to the accuracy of the apportionment and the vendor accepts the certification, the vendor shall collect and remit the tax accordingly. In the absence of bad

faith, the vendor is relieved of any further obligation to collect 98283
tax on any transaction where the vendor has collected tax pursuant 98284
to the information certified by the business consumer. 98285

(3) When the vendor knows that the digital good, computer 98286
software, or service will be concurrently available for use in 98287
more than one jurisdiction, and the business consumer does not 98288
have a direct pay permit and does not provide to the vendor an 98289
exemption certificate claiming multiple points of use as required 98290
in division (D)(1) of this section, or certification pursuant to 98291
division (D)(2) of this section, the vendor shall collect and 98292
remit the tax based on division (C) of this section. 98293

(4) Nothing in this section shall limit a person's obligation 98294
for sales or use tax to any state in which a digital good, 98295
computer software, or service is concurrently available for use, 98296
nor limit a person's ability under local, state, or federal law, 98297
to claim a credit for sales or use taxes legally due and paid to 98298
other jurisdictions. 98299

(E) A person who holds a direct payment permit issued under 98300
section 5739.031 of the Revised Code is not required to deliver an 98301
exemption certificate claiming multiple points of use to a vendor. 98302
But such permit holder shall comply with division (D)(2) of this 98303
section in apportioning the tax due on a digital good, computer 98304
software, or a service for use in business that will be 98305
concurrently available for use in more than one taxing 98306
jurisdiction. 98307

(F)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 98308
section, the consumer of advertising and promotional direct mail 98309
or other direct mail that is not a holder of a direct payment 98310
permit ~~shall~~ may provide to the vendor in conjunction with the 98311
sale ~~either an~~ a fully completed exemption certificate claiming 98312
direct mail prescribed by the tax commissioner, or, if the direct 98313
mail is advertising and promotional direct mail, information to 98314

show the jurisdictions to which ~~the~~ that direct mail is delivered 98315
to recipients. 98316

~~(2)~~ Upon (b) In the absence of bad faith, upon receipt of 98317
such an exemption certificate, the vendor is relieved of all 98318
obligations to collect, pay, or remit the applicable tax and the 98319
consumer is obligated to pay that tax on a direct pay basis. An 98320
exemption certificate claiming direct mail shall remain in effect 98321
for all future sales of direct mail by the vendor to the consumer 98322
until it is revoked in writing. 98323

~~(3)~~ (c) Upon receipt of information from the consumer showing 98324
the jurisdictions to which ~~the~~ advertising and promotional direct 98325
mail is delivered to recipients, the vendor shall collect the tax 98326
according to the delivery information provided by the consumer. In 98327
the absence of bad faith, the vendor is relieved of any further 98328
obligation to collect tax on any transaction where the vendor has 98329
collected tax pursuant to the delivery information provided by the 98330
consumer. 98331

~~(4)~~ (d) If the consumer of advertising and promotional direct 98332
mail or other direct mail does not have a direct payment permit 98333
and does not provide the vendor with either an exemption 98334
certificate claiming direct mail or, if applicable, delivery 98335
information as required by division (F)(1)(a) of this section, the 98336
vendor shall collect the tax according to division (C)(5) of this 98337
section in the case of advertising and promotional direct mail or 98338
division (C)(3) of this section in the case of other direct mail. 98339
Nothing in division (F)~~(4)~~(1)(d) of this section shall limit a 98340
consumer's obligation to pay sales or use tax to any state to 98341
which the direct mail is delivered. 98342

~~(5)~~ (e) If a consumer of advertising and promotional direct 98343
mail or other direct mail provides the vendor with documentation 98344
of direct payment authority, the consumer shall not be required to 98345
provide an exemption certificate claiming direct mail or, if 98346

applicable, delivery information to the vendor. 98347

(2) As used in division (F) of this section: 98348

(a) "Direct mail" means printed material delivered or 98349
distributed by United States mail or other delivery service to a 98350
mass audience or to addressees on a mailing list provided by the 98351
consumer or at the direction of the consumer when the cost of the 98352
items are not billed directly to the recipients. "Direct mail" 98353
includes tangible personal property supplied directly or 98354
indirectly by the consumer to the direct mail vendor for inclusion 98355
in the package containing the printed material. "Direct mail" does 98356
not include multiple items of printed material delivered to a 98357
single address. 98358

(b) "Advertising and promotional direct mail" means direct 98359
mail, the primary purpose of which is to attract public attention 98360
to a product, person, business, or organization, or to attempt to 98361
sell, popularize, or secure financial support for a product, 98362
person, business, or organization. As used in division (F)(2)(b) 98363
of this section, "product" means tangible personal property, 98364
whether transferred electronically or otherwise, or a service. 98365

(c) "Other direct mail" means direct mail that is not 98366
advertising and promotional direct mail, regardless of whether 98367
advertising and promotional direct mail is included in the same 98368
mailing. "Other direct mail" includes all of the following: 98369

(i) Transactional direct mail that contains personal 98370
information specific to the addressee, including invoices, bills, 98371
statements of account, and payroll advices; 98372

(ii) Any legally required mailings, including privacy 98373
notices, tax reports, and stockholder reports; 98374

(iii) Other nonpromotional direct mail delivered to existing 98375
or former shareholders, customers, employees, or agents, including 98376
newsletter and informational pieces. 98377

"Other direct mail" does not include the development of 98378
billing information or the provision of any data processing 98379
service that is more than incidental. 98380

(G) If the vendor provides lodging to transient guests as 98381
specified in division (B)(2) of section 5739.01 of the Revised 98382
Code, the sale shall be sourced to the location where the lodging 98383
is located. 98384

(H)(1) As used in this division and division (I) of this 98385
section, "transportation equipment" means any of the following: 98386

(a) Locomotives and railcars that are utilized for the 98387
carriage of persons or property in interstate commerce. 98388

(b) Trucks and truck-tractors with a gross vehicle weight 98389
rating of greater than ten thousand pounds, trailers, 98390
semi-trailers, or passenger buses that are registered through the 98391
international registration plan and are operated under authority 98392
of a carrier authorized and certificated by the United States 98393
department of transportation or another federal authority to 98394
engage in the carriage of persons or property in interstate 98395
commerce. 98396

(c) Aircraft that are operated by air carriers authorized and 98397
certificated by the United States department of transportation or 98398
another federal authority to engage in the carriage of persons or 98399
property in interstate or foreign commerce. 98400

(d) Containers designed for use on and component parts 98401
attached to or secured on the items set forth in division 98402
(H)(1)(a), (b), or (c) of this section. 98403

(2) A sale, lease, or rental of transportation equipment 98404
shall be sourced pursuant to division (C) of this section. 98405

(I)(1) A lease or rental of tangible personal property that 98406
does not require recurring periodic payments shall be sourced 98407

pursuant to division (C) of this section. 98408

(2) A lease or rental of tangible personal property that 98409
requires recurring periodic payments shall be sourced as follows: 98410

(a) In the case of a motor vehicle, other than a motor 98411
vehicle that is transportation equipment, or an aircraft, other 98412
than an aircraft that is transportation equipment, such lease or 98413
rental shall be sourced as follows: 98414

(i) An accelerated tax payment on a lease or rental taxed 98415
pursuant to division (A)(2) of section 5739.02 of the Revised Code 98416
shall be sourced to the primary property location at the time the 98417
lease or rental is consummated. Any subsequent taxable charges on 98418
the lease or rental shall be sourced to the primary property 98419
location for the period in which the charges are incurred. 98420

(ii) For a lease or rental taxed pursuant to division (A)(3) 98421
of section 5739.02 of the Revised Code, each lease or rental 98422
installment shall be sourced to the primary property location for 98423
the period covered by the installment. 98424

(b) In the case of a lease or rental of all other tangible 98425
personal property, other than transportation equipment, such lease 98426
or rental shall be sourced as follows: 98427

(i) An accelerated tax payment on a lease or rental that is 98428
taxed pursuant to division (A)(2) of section 5739.02 of the 98429
Revised Code shall be sourced pursuant to division (C) of this 98430
section at the time the lease or rental is consummated. Any 98431
subsequent taxable charges on the lease or rental shall be sourced 98432
to the primary property location for the period in which the 98433
charges are incurred. 98434

(ii) For a lease or rental that is taxed pursuant to division 98435
(A)(3) of section 5739.02 of the Revised Code, the initial lease 98436
or rental installment shall be sourced pursuant to division (C) of 98437
this section. Each subsequent installment shall be sourced to the 98438

primary property location for the period covered by the 98439
installment. 98440

(3) As used in division (I) of this section, "primary 98441
property location" means an address for tangible personal property 98442
provided by the lessee or renter that is available to the lessor 98443
or owner from its records maintained in the ordinary course of 98444
business, when use of that address does not constitute bad faith. 98445

(J) If the vendor provides a service specified in division 98446
(B)(11) of section 5739.01 of the Revised Code, the situs of the 98447
sale is the location of the enrollee for whom a medicaid health 98448
insurance corporation receives managed care premiums. Such sales 98449
shall be sourced to the locations of the enrollees in the same 98450
proportion as the managed care premiums received by the medicaid 98451
health insuring corporation on behalf of enrollees located in a 98452
particular taxing jurisdiction in Ohio as compared to all managed 98453
care premiums received by the medicaid health insuring 98454
corporation. 98455

Sec. 5739.09. (A)(1) A board of county commissioners may, by 98456
resolution adopted by a majority of the members of the board, levy 98457
an excise tax not to exceed three per cent on transactions by 98458
which lodging by a hotel is or is to be furnished to transient 98459
guests. The board shall establish all regulations necessary to 98460
provide for the administration and allocation of the tax. The 98461
regulations may prescribe the time for payment of the tax, and may 98462
provide for the imposition of a penalty or interest, or both, for 98463
late payments, provided that the penalty does not exceed ten per 98464
cent of the amount of tax due, and the rate at which interest 98465
accrues does not exceed the rate per annum prescribed pursuant to 98466
section 5703.47 of the Revised Code. Except as provided in 98467
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), ~~and~~ (10), 98468
(11), and (12) of this section, the regulations shall provide, 98469

after deducting the real and actual costs of administering the 98470
tax, for the return to each municipal corporation or township that 98471
does not levy an excise tax on the transactions, a uniform 98472
percentage of the tax collected in the municipal corporation or in 98473
the unincorporated portion of the township from each transaction, 98474
not to exceed thirty-three and one-third per cent. The remainder 98475
of the revenue arising from the tax shall be deposited in a 98476
separate fund and shall be spent solely to make contributions to 98477
the convention and visitors' bureau operating within the county, 98478
including a pledge and contribution of any portion of the 98479
remainder pursuant to an agreement authorized by section 307.678 98480
or 307.695 of the Revised Code, provided that if the board of 98481
county commissioners of an eligible county as defined in section 98482
307.678 or 307.695 of the Revised Code adopts a resolution 98483
amending a resolution levying a tax under this division to provide 98484
that revenue from the tax shall be used by the board as described 98485
in either division (D) of section 307.678 or division (H) of 98486
section 307.695 of the Revised Code, the remainder of the revenue 98487
shall be used as described in the resolution making that 98488
amendment. Except as provided in division (A)(2), (3), (4), (5), 98489
(6), (7), (8), (9), ~~or (10)~~, or (11) or (H) of this section, on 98490
and after May 10, 1994, a board of county commissioners may not 98491
levy an excise tax pursuant to this division in any municipal 98492
corporation or township located wholly or partly within the county 98493
that has in effect an ordinance or resolution levying an excise 98494
tax pursuant to division (B) of this section. The board of a 98495
county that has levied a tax under division (C) of this section 98496
may, by resolution adopted within ninety days after July 15, 1985, 98497
by a majority of the members of the board, amend the resolution 98498
levying a tax under this division to provide for a portion of that 98499
tax to be pledged and contributed in accordance with an agreement 98500
entered into under section 307.695 of the Revised Code. A tax, any 98501
revenue from which is pledged pursuant to such an agreement, shall 98502

remain in effect at the rate at which it is imposed for the 98503
duration of the period for which the revenue from the tax has been 98504
so pledged. 98505

The board of county commissioners of an eligible county as 98506
defined in section 307.695 of the Revised Code may, by resolution 98507
adopted by a majority of the members of the board, amend a 98508
resolution levying a tax under this division to provide that the 98509
revenue from the tax shall be used by the board as described in 98510
division (H) of section 307.695 of the Revised Code, in which case 98511
the tax shall remain in effect at the rate at which it was imposed 98512
for the duration of any agreement entered into by the board under 98513
section 307.695 of the Revised Code, the duration during which any 98514
securities issued by the board under that section are outstanding, 98515
or the duration of the period during which the board owns a 98516
project as defined in section 307.695 of the Revised Code, 98517
whichever duration is longest. 98518

The board of county commissioners of an eligible county as 98519
defined in section 307.678 of the Revised Code may, by resolution, 98520
amend a resolution levying a tax under this division to provide 98521
that revenue from the tax, not to exceed five hundred thousand 98522
dollars each year, may be used as described in division ~~(D)~~(E) of 98523
section 307.678 of the Revised Code. 98524

Notwithstanding division (A)(1) of this section, the board of 98525
county commissioners of a county described in division (A)(8)(a) 98526
of this section may, by resolution, amend a resolution levying a 98527
tax under this division to provide that all or a portion of the 98528
revenue from the tax, including any revenue otherwise required to 98529
be returned to townships or municipal corporations under this 98530
division, may be used or pledged for the payment of debt service 98531
on securities issued to pay the costs of constructing, operating, 98532
and maintaining sports facilities described in division (A)(8)(b) 98533
of this section. 98534

The board of county commissioners of a county described in 98535
division (A)(9) of this section may, by resolution, amend a 98536
resolution levying a tax under this division to provide that all 98537
or a portion of the revenue from the tax may be used for the 98538
purposes described in section 307.679 of the Revised Code. 98539

(2) A board of county commissioners that levies an excise tax 98540
under division (A)(1) of this section on June 30, 1997, at a rate 98541
of three per cent, and that has pledged revenue from the tax to an 98542
agreement entered into under section 307.695 of the Revised Code 98543
or, in the case of the board of county commissioners of an 98544
eligible county as defined in section 307.695 of the Revised Code, 98545
has amended a resolution levying a tax under division (C) of this 98546
section to provide that proceeds from the tax shall be used by the 98547
board as described in division (H) of section 307.695 of the 98548
Revised Code, may, at any time by a resolution adopted by a 98549
majority of the members of the board, amend the resolution levying 98550
a tax under division (A)(1) of this section to provide for an 98551
increase in the rate of that tax up to seven per cent on each 98552
transaction; to provide that revenue from the increase in the rate 98553
shall be used as described in division (H) of section 307.695 of 98554
the Revised Code or be spent solely to make contributions to the 98555
convention and visitors' bureau operating within the county to be 98556
used specifically for promotion, advertising, and marketing of the 98557
region in which the county is located; and to provide that the 98558
rate in excess of the three per cent levied under division (A)(1) 98559
of this section shall remain in effect at the rate at which it is 98560
imposed for the duration of the period during which any agreement 98561
is in effect that was entered into under section 307.695 of the 98562
Revised Code by the board of county commissioners levying a tax 98563
under division (A)(1) of this section, the duration of the period 98564
during which any securities issued by the board under division (I) 98565
of section 307.695 of the Revised Code are outstanding, or the 98566
duration of the period during which the board owns a project as 98567

defined in section 307.695 of the Revised Code, whichever duration 98568
is longest. The amendment also shall provide that no portion of 98569
that revenue need be returned to townships or municipal 98570
corporations as would otherwise be required under division (A)(1) 98571
of this section. 98572

(3) A board of county commissioners that levies a tax under 98573
division (A)(1) of this section on March 18, 1999, at a rate of 98574
three per cent may, by resolution adopted not later than 98575
forty-five days after March 18, 1999, amend the resolution levying 98576
the tax to provide for all of the following: 98577

(a) That the rate of the tax shall be increased by not more 98578
than an additional four per cent on each transaction; 98579

(b) That all of the revenue from the increase in the rate 98580
shall be pledged and contributed to a convention facilities 98581
authority established by the board of county commissioners under 98582
Chapter 351. of the Revised Code on or before November 15, 1998, 98583
and used to pay costs of constructing, maintaining, operating, and 98584
promoting a facility in the county, including paying bonds, or 98585
notes issued in anticipation of bonds, as provided by that 98586
chapter; 98587

(c) That no portion of the revenue arising from the increase 98588
in rate need be returned to municipal corporations or townships as 98589
otherwise required under division (A)(1) of this section; 98590

(d) That the increase in rate shall not be subject to 98591
diminution by initiative or referendum or by law while any bonds, 98592
or notes in anticipation of bonds, issued by the authority under 98593
Chapter 351. of the Revised Code to which the revenue is pledged, 98594
remain outstanding in accordance with their terms, unless 98595
provision is made by law or by the board of county commissioners 98596
for an adequate substitute therefor that is satisfactory to the 98597
trustee if a trust agreement secures the bonds. 98598

Division (A)(3) of this section does not apply to the board 98599
of county commissioners of any county in which a convention center 98600
or facility exists or is being constructed on November 15, 1998, 98601
or of any county in which a convention facilities authority levies 98602
a tax pursuant to section 351.021 of the Revised Code on that 98603
date. 98604

As used in division (A)(3) of this section, "cost" and 98605
"facility" have the same meanings as in section 351.01 of the 98606
Revised Code, and "convention center" has the same meaning as in 98607
section 307.695 of the Revised Code. 98608

(4)(a) A board of county commissioners that levies a tax 98609
under division (A)(1) of this section on June 30, 2002, at a rate 98610
of three per cent may, by resolution adopted not later than 98611
September 30, 2002, amend the resolution levying the tax to 98612
provide for all of the following: 98613

(i) That the rate of the tax shall be increased by not more 98614
than an additional three and one-half per cent on each 98615
transaction; 98616

(ii) That all of the revenue from the increase in rate shall 98617
be pledged and contributed to a convention facilities authority 98618
established by the board of county commissioners under Chapter 98619
351. of the Revised Code on or before May 15, 2002, and be used to 98620
pay costs of constructing, expanding, maintaining, operating, or 98621
promoting a convention center in the county, including paying 98622
bonds, or notes issued in anticipation of bonds, as provided by 98623
that chapter; 98624

(iii) That no portion of the revenue arising from the 98625
increase in rate need be returned to municipal corporations or 98626
townships as otherwise required under division (A)(1) of this 98627
section; 98628

(iv) That the increase in rate shall not be subject to 98629

diminution by initiative or referendum or by law while any bonds, 98630
or notes in anticipation of bonds, issued by the authority under 98631
Chapter 351. of the Revised Code to which the revenue is pledged, 98632
remain outstanding in accordance with their terms, unless 98633
provision is made by law or by the board of county commissioners 98634
for an adequate substitute therefor that is satisfactory to the 98635
trustee if a trust agreement secures the bonds. 98636

(b) Any board of county commissioners that, pursuant to 98637
division (A)(4)(a) of this section, has amended a resolution 98638
levying the tax authorized by division (A)(1) of this section may 98639
further amend the resolution to provide that the revenue referred 98640
to in division (A)(4)(a)(ii) of this section shall be pledged and 98641
contributed both to a convention facilities authority to pay the 98642
costs of constructing, expanding, maintaining, or operating one or 98643
more convention centers in the county, including paying bonds, or 98644
notes issued in anticipation of bonds, as provided in Chapter 351. 98645
of the Revised Code, and to a convention and visitors' bureau to 98646
pay the costs of promoting one or more convention centers in the 98647
county. 98648

(c) Any board of county commissioners that, pursuant to 98649
division (A)(4)(a) of this section, has amended a resolution 98650
levying the tax authorized by division (A)(1) of this section 98651
shall amend the resolution on or before January 1, 2018, to 98652
provide all of the following: 98653

(i) On or before the last day of March of each year, 98654
beginning in 2019, the county shall determine the amount by which 98655
the revenue from the increase in rate collected in the preceding 98656
calendar year exceeds six million dollars and, to the extent that 98657
the excess amount is unexpended and unencumbered on the effective 98658
date of the amendment of this section by H.B. 49 of the 132nd 98659
general assembly, distribute it among the municipal corporations 98660
and townships located in the county as provided in division 98661

(A)(4)(c)(ii) of this section; 98662

(ii) The payment to each such municipal corporation or township shall equal the excess amount multiplied by the proportion of the revenue collected in the preceding year attributable to transactions by which lodging by a hotel located in that municipal corporation or the unincorporated portion of the township is or is to be furnished to transient guests; 98663
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(iii) Payments received by a municipal corporation or township under division (A)(4)(c)(ii) of this section shall be used solely for the purpose of promoting travel and tourism in the municipal corporation or township and funding travel and tourism-related projects; 98669
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(iv) Beginning in 2018, the county shall not spend or encumber more than six million dollars in revenue collected in any calendar year from the increase in rate for purposes other than those described in division (A)(4)(c) of this section. 98674
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(d) As used in division (A)(4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code. 98678
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(5)(a) As used in division (A)(5) of this section: 98682

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code. 98683
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(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard. 98685
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(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the

resolution shall provide that all of the revenue from the increase 98724
in rate, after deducting the real and actual costs of 98725
administering the tax, shall be used to pay the costs of 98726
improving, expanding, equipping, financing, or operating a 98727
convention center by a convention and visitors' bureau in the 98728
county. The increase in rate shall remain in effect for the period 98729
specified in the resolution, not to exceed ten years, and may be 98730
extended for an additional period of time not to exceed ten years 98731
thereafter by a resolution adopted by a majority of the members of 98732
the board. The increase in rate shall be subject to the 98733
regulations adopted under division (A)(1) of this section, except 98734
that the resolution may provide that no portion of the revenue 98735
from the increase in the rate shall be returned to townships or 98736
municipal corporations as would otherwise be required under that 98737
division. 98738

(7) Division (A)(7) of this section applies only to a county 98739
with a population greater than sixty-five thousand and less than 98740
seventy thousand according to the most recent federal decennial 98741
census and in which, on December 31, 2006, an excise tax is levied 98742
under division (A)(1) of this section at a rate not less than and 98743
not greater than three per cent, and in which the most recent 98744
increase in the rate of that tax was enacted or took effect in 98745
November 1984. 98746

The board of county commissioners of a county to which this 98747
division applies, by resolution adopted by a majority of the 98748
members of the board, may increase the rate of the tax by not more 98749
than one per cent on transactions by which lodging by a hotel is 98750
or is to be furnished to transient guests. The increase in rate 98751
shall be for the purpose of paying expenses deemed necessary by 98752
the convention and visitors' bureau operating in the county to 98753
promote travel and tourism. The increase in rate shall remain in 98754
effect for the period specified in the resolution, not to exceed 98755

twenty years, provided that the increase in rate may not continue 98756
beyond the time when the purpose for which the increase is levied 98757
ceases to exist. If revenue from the increase in rate is pledged 98758
to the payment of debt charges on securities, the increase in rate 98759
is not subject to diminution by initiative or referendum or by law 98760
for so long as the securities are outstanding, unless provision is 98761
made by law or by the board of county commissioners for an 98762
adequate substitute for that revenue that is satisfactory to the 98763
trustee if a trust agreement secures payment of the debt charges. 98764
The increase in rate shall be subject to the regulations adopted 98765
under division (A)(1) of this section, except that the resolution 98766
may provide that no portion of the revenue from the increase in 98767
the rate shall be returned to townships or municipal corporations 98768
as would otherwise be required under division (A)(1) of this 98769
section. A resolution adopted under division (A)(7) of this 98770
section is subject to referendum under sections 305.31 to 305.99 98771
of the Revised Code. 98772

(8)(a) Division (A)(8) of this section applies only to a 98773
county satisfying all of the following: 98774

(i) The population of the county is greater than one hundred 98775
seventy-five thousand and less than two hundred twenty-five 98776
thousand according to the most recent federal decennial census. 98777

(ii) An amusement park with an average yearly attendance in 98778
excess of two million guests is located in the county. 98779

(iii) On December 31, 2014, an excise tax was levied in the 98780
county under division (A)(1) of this section at a rate of three 98781
per cent. 98782

(b) The board of county commissioners of a county to which 98783
this division applies, by resolution adopted by a majority of the 98784
members of the board, may increase the rate of the tax by not more 98785
than one per cent on transactions by which lodging by a hotel is 98786

or is to be furnished to transient guests. The increase in rate 98787
shall be ~~for the purpose of paying~~ used to pay the costs of 98788
constructing and maintaining ~~county-owned~~ facilities owned by the 98789
county or by a port authority created under Chapter 4582. of the 98790
Revised Code, and designed to host sporting events and ~~paying~~ 98791
expenses deemed necessary by the convention and visitors' bureau 98792
operating in the county to promote travel and tourism with 98793
reference to the sports facilities, and to pay or pledged to the 98794
payment of debt service on securities issued to pay the costs of 98795
constructing, operating, and maintaining the sports facilities. 98796
The increase in rate shall remain in effect for the period 98797
specified in the resolution. If revenue from the increase in rate 98798
is pledged to the payment of debt charges on securities, the 98799
increase in rate is not subject to diminution by initiative or 98800
referendum or by law for so long as the securities are 98801
outstanding, unless provision is made by law or by the board of 98802
county commissioners for an adequate substitute for that revenue 98803
that is satisfactory to the trustee if a trust agreement secures 98804
payment of the debt charges. The increase in rate shall be subject 98805
to the regulations adopted under division (A)(1) of this section, 98806
except that the resolution may provide that no portion of the 98807
revenue from the increase in the rate shall be returned to 98808
townships or municipal corporations as would otherwise be required 98809
under division (A)(1) of this section. 98810

(9) The board of county commissioners of a county with a 98811
population greater than seventy-five thousand and less than 98812
seventy-eight thousand, by resolution adopted by a majority of the 98813
members of the board not later than October 15, 2015, may increase 98814
the rate of the tax by not more than one per cent on transactions 98815
by which lodging by a hotel is or is to be furnished to transient 98816
guests. The increase in rate shall be for the purposes described 98817
in section 307.679 of the Revised Code or for the promotion of 98818
travel and tourism in the county, including travel and tourism to 98819

sports facilities. The increase in rate shall remain in effect for 98820
the period specified in the resolution and as necessary to fulfill 98821
the county's obligations under a cooperative agreement entered 98822
into under section 307.679 of the Revised Code. If the resolution 98823
is adopted by the board before ~~the effective date of the enactment~~ 98824
~~of this division~~ September 29, 2015, but after that enactment 98825
becomes law, the increase in rate shall become effective beginning 98826
on ~~the effective date of the enactment of this division~~ September 98827
29, 2015. If revenue from the increase in rate is pledged to the 98828
payment of debt charges on securities, or to substitute for other 98829
revenues pledged to the payment of such debt, the increase in rate 98830
is not subject to diminution by initiative or referendum or by law 98831
for so long as the securities are outstanding, unless provision is 98832
made by law or by the board of county commissioners for an 98833
adequate substitute for that revenue that is satisfactory to the 98834
trustee if a trust agreement secures payment of the debt charges. 98835
The increase in rate shall be subject to the regulations adopted 98836
under division (A)(1) of this section, except that no portion of 98837
the revenue from the increase in the rate shall be returned to 98838
townships or municipal corporations as would otherwise be required 98839
under division (A)(1) of this section. 98840

(10) Division (A)(10) of this section applies only to 98841
counties satisfying either of the following: 98842

(a) A county that, on July 1, 2015, does not levy an excise 98843
tax under division (A)(1) of this section and that has a 98844
population of at least thirty-nine thousand but not more than 98845
forty thousand according to the 2010 federal decennial census; 98846

(b) A county that, on July 1, 2015, levies an excise tax 98847
under division (A)(1) of this section at a rate of three per cent 98848
and that has a population of at least seventy-one thousand but not 98849
more than seventy-five thousand according to 2010 federal 98850
decennial census. 98851

The board of county commissioners of a county to which 98852
division (A)(10) of this section applies, by resolution adopted by 98853
a majority of the members of the board, may levy an excise tax at 98854
a rate not to exceed three per cent on transactions by which 98855
lodging by a hotel is or is to be furnished to transient guests 98856
for the purpose of acquiring, constructing, equipping, or 98857
repairing permanent improvements, as defined in section 133.01 of 98858
the Revised Code. If the board does not levy a tax under division 98859
(A)(1) of this section, the board shall establish regulations 98860
necessary to provide for the administration of the tax, which may 98861
prescribe the time for payment of the tax and the imposition of 98862
penalty or interest subject to the limitations on penalty and 98863
interest provided in division (A)(1) of this section. No portion 98864
of the revenue shall be returned to townships or municipal 98865
corporations in the county unless otherwise provided by resolution 98866
of the board. The tax shall apply throughout the territory of the 98867
county, including in any township or municipal corporation levying 98868
an excise tax under division (B) of this section or division (A) 98869
of section 5739.08 of the Revised Code. The levy of the tax is 98870
subject to referendum as provided under section 305.31 of the 98871
Revised Code. 98872

The tax shall remain in effect for the period specified in 98873
the resolution. If revenue from the increase in rate is pledged to 98874
the payment of debt charges on securities, the increase in rate is 98875
not subject to diminution by initiative or referendum or by law 98876
for so long as the securities are outstanding unless provision is 98877
made by law or by the board for an adequate substitute for that 98878
revenue that is satisfactory to the trustee if a trust agreement 98879
secures payment of the debt charges. 98880

(11) The board of county commissioners of an eligible county, 98881
as defined in section 307.678 of the Revised Code, that levies an 98882
excise tax under division (A)(1) of this section on July 1, 2017, 98883

at a rate of three per cent may, by resolution adopted by a 98884
majority of the members of the board, amend the resolution levying 98885
the tax to increase the rate of the tax by not more than an 98886
additional three per cent on each transaction. No portion of the 98887
revenue shall be returned to townships or municipal corporations 98888
in the county unless otherwise provided by resolution of the 98889
board. Otherwise, the revenue from the increase in the rate shall 98890
be distributed and used in the same manner described under 98891
division (A)(1) of this section. The increase in rate shall remain 98892
in effect for the period specified in the resolution. If revenue 98893
from the increase in rate is pledged to the payment of debt 98894
charges on securities, the increase in rate is not subject to 98895
diminution by initiative or referendum or by law for so long as 98896
the securities are outstanding unless provision is made by law or 98897
by the board for an adequate substitute for that revenue that is 98898
satisfactory to the trustee if a trust agreement secures payment 98899
of the debt charges. 98900

(12) Division (A)(12) of this section applies only to a 98901
county that has a population greater than one hundred ninety 98902
thousand and less than two hundred thousand according to the 2010 98903
federal decennial census and that levies an excise tax under 98904
division (A)(1) of this section at a rate of three per cent. 98905

The board of county commissioners of a county to which this 98906
division applies, by resolution adopted by a majority of the 98907
members of the board, may increase the rate of the tax by not more 98908
than one per cent on transactions by which lodging by a hotel is 98909
or is to be furnished to transient guests. Revenue from the 98910
increase in rate shall be used for the purposes of paying the 98911
costs of constructing and maintaining sports and recreation 98912
facilities in the county and paying expenses considered necessary 98913
by the convention and visitors' bureau operating in the county to 98914
promote travel and tourism with respect to those sports and 98915

recreation facilities. The tax shall remain in effect for the 98916
period specified in the resolution. If revenue from the increase 98917
in rate is pledged to the payment of debt charges on securities, 98918
the increase in rate is not subject to diminution by initiative or 98919
referendum or by law for so long as the securities are 98920
outstanding, unless a provision is made by law or by the board of 98921
county commissioners for an adequate substitute for that revenue 98922
that is satisfactory to the trustee if a trust agreement secures 98923
payment of the debt charges. The increase in rate shall be subject 98924
to the regulations adopted under division (A)(1) of this section, 98925
except that the resolution may provide that no portion of the 98926
revenue from the increase in the rate shall be returned to 98927
townships or municipal corporations as would otherwise be required 98928
under division (A)(1) of this section. 98929

(B)(1) The legislative authority of a municipal corporation 98930
or the board of trustees of a township that is not wholly or 98931
partly located in a county that has in effect a resolution levying 98932
an excise tax pursuant to division (A)(1) of this section may, by 98933
ordinance or resolution, levy an excise tax not to exceed three 98934
per cent on transactions by which lodging by a hotel is or is to 98935
be furnished to transient guests. The legislative authority of the 98936
municipal corporation or the board of trustees of the township 98937
shall deposit at least fifty per cent of the revenue from the tax 98938
levied pursuant to this division into a separate fund, which shall 98939
be spent solely to make contributions to convention and visitors' 98940
bureaus operating within the county in which the municipal 98941
corporation or township is wholly or partly located, and the 98942
balance of that revenue shall be deposited in the general fund. 98943
The municipal corporation or township shall establish all 98944
regulations necessary to provide for the administration and 98945
allocation of the tax. The regulations may prescribe the time for 98946
payment of the tax, and may provide for the imposition of a 98947
penalty or interest, or both, for late payments, provided that the 98948

penalty does not exceed ten per cent of the amount of tax due, and 98949
the rate at which interest accrues does not exceed the rate per 98950
annum prescribed pursuant to section 5703.47 of the Revised Code. 98951
The levy of a tax under this division is in addition to any tax 98952
imposed on the same transaction by a municipal corporation or a 98953
township as authorized by division (A) of section 5739.08 of the 98954
Revised Code. 98955

(2)(a) The legislative authority of the most populous 98956
municipal corporation located wholly or partly in a county in 98957
which the board of county commissioners has levied a tax under 98958
division (A)(4) of this section may amend, on or before September 98959
30, 2002, that municipal corporation's ordinance or resolution 98960
that levies an excise tax on transactions by which lodging by a 98961
hotel is or is to be furnished to transient guests, to provide for 98962
all of the following: 98963

(i) That the rate of the tax shall be increased by not more 98964
than an additional one per cent on each transaction; 98965

(ii) That all of the revenue from the increase in rate shall 98966
be pledged and contributed to a convention facilities authority 98967
established by the board of county commissioners under Chapter 98968
351. of the Revised Code on or before May 15, 2002, and be used to 98969
pay costs of constructing, expanding, maintaining, operating, or 98970
promoting a convention center in the county, including paying 98971
bonds, or notes issued in anticipation of bonds, as provided by 98972
that chapter; 98973

(iii) That the increase in rate shall not be subject to 98974
diminution by initiative or referendum or by law while any bonds, 98975
or notes in anticipation of bonds, issued by the authority under 98976
Chapter 351. of the Revised Code to which the revenue is pledged, 98977
remain outstanding in accordance with their terms, unless 98978
provision is made by law, by the board of county commissioners, or 98979
by the legislative authority, for an adequate substitute therefor 98980

that is satisfactory to the trustee if a trust agreement secures 98981
the bonds. 98982

(b) The legislative authority of a municipal corporation 98983
that, pursuant to division (B)(2)(a) of this section, has amended 98984
its ordinance or resolution to increase the rate of the tax 98985
authorized by division (B)(1) of this section may further amend 98986
the ordinance or resolution to provide that the revenue referred 98987
to in division (B)(2)(a)(ii) of this section shall be pledged and 98988
contributed both to a convention facilities authority to pay the 98989
costs of constructing, expanding, maintaining, or operating one or 98990
more convention centers in the county, including paying bonds, or 98991
notes issued in anticipation of bonds, as provided in Chapter 351. 98992
of the Revised Code, and to a convention and visitors' bureau to 98993
pay the costs of promoting one or more convention centers in the 98994
county. 98995

As used in division (B)(2) of this section, "cost" has the 98996
same meaning as in section 351.01 of the Revised Code, and 98997
"convention center" has the same meaning as in section 307.695 of 98998
the Revised Code. 98999

(3) The legislative authority of an eligible municipal 99000
corporation may amend, on or before December 31, 2017, that 99001
municipal corporation's ordinance or resolution that levies an 99002
excise tax on transactions by which lodging by a hotel is or is to 99003
be furnished to transient guests, to provide for the following: 99004

(a) That the rate of the tax shall be increased by not more 99005
than an additional three per cent on each transaction; 99006

(b) That all of the revenue from the increase in rate shall 99007
be used by the municipal corporation for economic development and 99008
tourism-related purposes. 99009

As used in division (B)(3) of this section, "eligible 99010
municipal corporation" means a municipal corporation that, on the 99011

effective date of the amendment of this section by H.B. 49 of the 99012
132nd general assembly, levied a tax under division (B)(1) of this 99013
section at a rate of three per cent and that is located in a 99014
county that, on that date, levied a tax under division (A) of this 99015
section at a rate of three per cent and that has, according to the 99016
most recent federal decennial census, a population exceeding three 99017
hundred thousand but not greater than three hundred fifty 99018
thousand. 99019

(C) For the purposes described in section 307.695 of the 99020
Revised Code and to cover the costs of administering the tax, a 99021
board of county commissioners of a county where a tax imposed 99022
under division (A)(1) of this section is in effect may, by 99023
resolution adopted within ninety days after July 15, 1985, by a 99024
majority of the members of the board, levy an additional excise 99025
tax not to exceed three per cent on transactions by which lodging 99026
by a hotel is or is to be furnished to transient guests. The tax 99027
authorized by this division shall be in addition to any tax that 99028
is levied pursuant to division (A) of this section, but it shall 99029
not apply to transactions subject to a tax levied by a municipal 99030
corporation or township pursuant to the authorization granted by 99031
division (A) of section 5739.08 of the Revised Code. The board 99032
shall establish all regulations necessary to provide for the 99033
administration and allocation of the tax. The regulations may 99034
prescribe the time for payment of the tax, and may provide for the 99035
imposition of a penalty or interest, or both, for late payments, 99036
provided that the penalty does not exceed ten per cent of the 99037
amount of tax due, and the rate at which interest accrues does not 99038
exceed the rate per annum prescribed pursuant to section 5703.47 99039
of the Revised Code. All revenues arising from the tax shall be 99040
expended in accordance with section 307.695 of the Revised Code. 99041
The board of county commissioners of an eligible county as defined 99042
in section 307.695 of the Revised Code may, by resolution adopted 99043
by a majority of the members of the board, amend the resolution 99044

levying a tax under this division to provide that the revenue from 99045
the tax shall be used by the board as described in division (H) of 99046
section 307.695 of the Revised Code. A tax imposed under this 99047
division shall remain in effect at the rate at which it is imposed 99048
for the duration of the period during which any agreement entered 99049
into by the board under section 307.695 of the Revised Code is in 99050
effect, the duration of the period during which any securities 99051
issued by the board under division (I) of section 307.695 of the 99052
Revised Code are outstanding, or the duration of the period during 99053
which the board owns a project as defined in section 307.695 of 99054
the Revised Code, whichever duration is longest. 99055

(D) For the purpose of providing contributions under division 99056
(B)(1) of section 307.671 of the Revised Code to enable the 99057
acquisition, construction, and equipping of a port authority 99058
educational and cultural facility in the county and, to the extent 99059
provided for in the cooperative agreement authorized by that 99060
section, for the purpose of paying debt service charges on bonds, 99061
or notes in anticipation of bonds, described in division (B)(1)(b) 99062
of that section, a board of county commissioners, by resolution 99063
adopted within ninety days after December 22, 1992, by a majority 99064
of the members of the board, may levy an additional excise tax not 99065
to exceed one and one-half per cent on transactions by which 99066
lodging by a hotel is or is to be furnished to transient guests. 99067
The excise tax authorized by this division shall be in addition to 99068
any tax that is levied pursuant to divisions (A), (B), and (C) of 99069
this section, to any excise tax levied pursuant to section 5739.08 99070
of the Revised Code, and to any excise tax levied pursuant to 99071
section 351.021 of the Revised Code. The board of county 99072
commissioners shall establish all regulations necessary to provide 99073
for the administration and allocation of the tax that are not 99074
inconsistent with this section or section 307.671 of the Revised 99075
Code. The regulations may prescribe the time for payment of the 99076
tax, and may provide for the imposition of a penalty or interest, 99077

or both, for late payments, provided that the penalty does not 99078
exceed ten per cent of the amount of tax due, and the rate at 99079
which interest accrues does not exceed the rate per annum 99080
prescribed pursuant to section 5703.47 of the Revised Code. All 99081
revenues arising from the tax shall be expended in accordance with 99082
section 307.671 of the Revised Code and division (D) of this 99083
section. The levy of a tax imposed under this division may not 99084
commence prior to the first day of the month next following the 99085
execution of the cooperative agreement authorized by section 99086
307.671 of the Revised Code by all parties to that agreement. The 99087
tax shall remain in effect at the rate at which it is imposed for 99088
the period of time described in division (C) of section 307.671 of 99089
the Revised Code for which the revenue from the tax has been 99090
pledged by the county to the corporation pursuant to that section, 99091
but, to any extent provided for in the cooperative agreement, for 99092
no lesser period than the period of time required for payment of 99093
the debt service charges on bonds, or notes in anticipation of 99094
bonds, described in division (B)(1)(b) of that section. 99095

(E) For the purpose of paying the costs of acquiring, 99096
constructing, equipping, and improving a municipal educational and 99097
cultural facility, including debt service charges on bonds 99098
provided for in division (B) of section 307.672 of the Revised 99099
Code, and for any additional purposes determined by the county in 99100
the resolution levying the tax or amendments to the resolution, 99101
including subsequent amendments providing for paying costs of 99102
acquiring, constructing, renovating, rehabilitating, equipping, 99103
and improving a port authority educational and cultural performing 99104
arts facility, as defined in section 307.674 of the Revised Code, 99105
and including debt service charges on bonds provided for in 99106
division (B) of section 307.674 of the Revised Code, the 99107
legislative authority of a county, by resolution adopted within 99108
ninety days after June 30, 1993, by a majority of the members of 99109
the legislative authority, may levy an additional excise tax not 99110

to exceed one and one-half per cent on transactions by which 99111
lodging by a hotel is or is to be furnished to transient guests. 99112
The excise tax authorized by this division shall be in addition to 99113
any tax that is levied pursuant to divisions (A), (B), (C), and 99114
(D) of this section, to any excise tax levied pursuant to section 99115
5739.08 of the Revised Code, and to any excise tax levied pursuant 99116
to section 351.021 of the Revised Code. The legislative authority 99117
of the county shall establish all regulations necessary to provide 99118
for the administration and allocation of the tax. The regulations 99119
may prescribe the time for payment of the tax, and may provide for 99120
the imposition of a penalty or interest, or both, for late 99121
payments, provided that the penalty does not exceed ten per cent 99122
of the amount of tax due, and the rate at which interest accrues 99123
does not exceed the rate per annum prescribed pursuant to section 99124
5703.47 of the Revised Code. All revenues arising from the tax 99125
shall be expended in accordance with section 307.672 of the 99126
Revised Code and this division. The levy of a tax imposed under 99127
this division shall not commence prior to the first day of the 99128
month next following the execution of the cooperative agreement 99129
authorized by section 307.672 of the Revised Code by all parties 99130
to that agreement. The tax shall remain in effect at the rate at 99131
which it is imposed for the period of time determined by the 99132
legislative authority of the county. That period of time shall not 99133
exceed fifteen years, except that the legislative authority of a 99134
county with a population of less than two hundred fifty thousand 99135
according to the most recent federal decennial census, by 99136
resolution adopted by a majority of its members before the 99137
original tax expires, may extend the duration of the tax for an 99138
additional period of time. The additional period of time by which 99139
a legislative authority extends a tax levied under this division 99140
shall not exceed fifteen years. 99141

(F) The legislative authority of a county that has levied a 99142
tax under division (E) of this section may, by resolution adopted 99143

within one hundred eighty days after January 4, 2001, by a 99144
majority of the members of the legislative authority, amend the 99145
resolution levying a tax under that division to provide for the 99146
use of the proceeds of that tax, to the extent that it is no 99147
longer needed for its original purpose as determined by the 99148
parties to a cooperative agreement amendment pursuant to division 99149
(D) of section 307.672 of the Revised Code, to pay costs of 99150
acquiring, constructing, renovating, rehabilitating, equipping, 99151
and improving a port authority educational and cultural performing 99152
arts facility, including debt service charges on bonds provided 99153
for in division (B) of section 307.674 of the Revised Code, and to 99154
pay all obligations under any guaranty agreements, reimbursement 99155
agreements, or other credit enhancement agreements described in 99156
division (C) of section 307.674 of the Revised Code. The 99157
resolution may also provide for the extension of the tax at the 99158
same rate for the longer of the period of time determined by the 99159
legislative authority of the county, but not to exceed an 99160
additional twenty-five years, or the period of time required to 99161
pay all debt service charges on bonds provided for in division (B) 99162
of section 307.672 of the Revised Code and on port authority 99163
revenue bonds provided for in division (B) of section 307.674 of 99164
the Revised Code. All revenues arising from the amendment and 99165
extension of the tax shall be expended in accordance with section 99166
307.674 of the Revised Code, this division, and division (E) of 99167
this section. 99168

(G) For purposes of a tax levied by a county, township, or 99169
municipal corporation under this section or section 5739.08 of the 99170
Revised Code, a board of county commissioners, board of township 99171
trustees, or the legislative authority of a municipal corporation 99172
may adopt a resolution or ordinance at any time specifying that 99173
"hotel," as otherwise defined in section 5739.01 of the Revised 99174
Code, includes the following: 99175

(1) Establishments in which fewer than five rooms are used 99176
for the accommodation of guests. 99177

(2) Establishments at which rooms are used for the 99178
accommodation of guests regardless of whether each room is 99179
accessible through its own keyed entry or several rooms are 99180
accessible through the same keyed entry; and, in determining the 99181
number of rooms, all rooms are included regardless of the number 99182
of structures in which the rooms are situated or the number of 99183
parcels of land on which the structures are located if the 99184
structures are under the same ownership and the structures are not 99185
identified in advertisements of the accommodations as distinct 99186
establishments. For the purposes of division (G)(2) of this 99187
section, two or more structures are under the same ownership if 99188
they are owned by the same person, or if they are owned by two or 99189
more persons the majority of the ownership interests of which are 99190
owned by the same person. 99191

The resolution or ordinance may apply to a tax imposed 99192
pursuant to this section prior to the adoption of the resolution 99193
or ordinance if the resolution or ordinance so states, but the tax 99194
shall not apply to transactions by which lodging by such an 99195
establishment is provided to transient guests prior to the 99196
adoption of the resolution or ordinance. 99197

(H)(1) As used in this division: 99198

(a) "Convention facilities authority" has the same meaning as 99199
in section 351.01 of the Revised Code. 99200

(b) "Convention center" has the same meaning as in section 99201
307.695 of the Revised Code. 99202

(2) Notwithstanding any contrary provision of division (D) of 99203
this section, the legislative authority of a county with a 99204
population of one million or more according to the most recent 99205
federal decennial census that has levied a tax under division (D) 99206

of this section may, by resolution adopted by a majority of the 99207
members of the legislative authority, provide for the extension of 99208
such levy and may provide that the proceeds of that tax, to the 99209
extent that they are no longer needed for their original purpose 99210
as defined by a cooperative agreement entered into under section 99211
307.671 of the Revised Code, shall be deposited into the county 99212
general revenue fund. The resolution shall provide for the 99213
extension of the tax at a rate not to exceed the rate specified in 99214
division (D) of this section for a period of time determined by 99215
the legislative authority of the county, but not to exceed an 99216
additional forty years. 99217

(3) The legislative authority of a county with a population 99218
of one million or more that has levied a tax under division (A)(1) 99219
of this section may, by resolution adopted by a majority of the 99220
members of the legislative authority, increase the rate of the tax 99221
levied by such county under division (A)(1) of this section to a 99222
rate not to exceed five per cent on transactions by which lodging 99223
by a hotel is or is to be furnished to transient guests. 99224
Notwithstanding any contrary provision of division (A)(1) of this 99225
section, the resolution may provide that all collections resulting 99226
from the rate levied in excess of three per cent, after deducting 99227
the real and actual costs of administering the tax, shall be 99228
deposited in the county general fund. 99229

(4) The legislative authority of a county with a population 99230
of one million or more that has levied a tax under division (A)(1) 99231
of this section may, by resolution adopted on or before August 30, 99232
2004, by a majority of the members of the legislative authority, 99233
provide that all or a portion of the proceeds of the tax levied 99234
under division (A)(1) of this section, after deducting the real 99235
and actual costs of administering the tax and the amounts required 99236
to be returned to townships and municipal corporations with 99237
respect to the first three per cent levied under division (A)(1) 99238

of this section, shall be deposited in the county general fund, 99239
provided that such proceeds shall be used to satisfy any pledges 99240
made in connection with an agreement entered into under section 99241
307.695 of the Revised Code. 99242

(5) No amount collected from a tax levied, extended, or 99243
required to be deposited in the county general fund under division 99244
(H) of this section shall be contributed to a convention 99245
facilities authority, corporation, or other entity created after 99246
July 1, 2003, for the principal purpose of constructing, 99247
improving, expanding, equipping, financing, or operating a 99248
convention center unless the mayor of the municipal corporation in 99249
which the convention center is to be operated by that convention 99250
facilities authority, corporation, or other entity has consented 99251
to the creation of that convention facilities authority, 99252
corporation, or entity. Notwithstanding any contrary provision of 99253
section 351.04 of the Revised Code, if a tax is levied by a county 99254
under division (H) of this section, the board of county 99255
commissioners of that county may determine the manner of 99256
selection, the qualifications, the number, and terms of office of 99257
the members of the board of directors of any convention facilities 99258
authority, corporation, or other entity described in division 99259
(H)(5) of this section. 99260

(6)(a) No amount collected from a tax levied, extended, or 99261
required to be deposited in the county general fund under division 99262
(H) of this section may be used for any purpose other than paying 99263
the direct and indirect costs of constructing, improving, 99264
expanding, equipping, financing, or operating a convention center 99265
and for the real and actual costs of administering the tax, 99266
unless, prior to the adoption of the resolution of the legislative 99267
authority of the county authorizing the levy, extension, increase, 99268
or deposit, the county and the mayor of the most populous 99269
municipal corporation in that county have entered into an 99270

agreement as to the use of such amounts, provided that such 99271
agreement has been approved by a majority of the mayors of the 99272
other municipal corporations in that county. The agreement shall 99273
provide that the amounts to be used for purposes other than paying 99274
the convention center or administrative costs described in 99275
division (H)(6)(a) of this section be used only for the direct and 99276
indirect costs of capital improvements, including the financing of 99277
capital improvements. 99278

(b) If the county in which the tax is levied has an 99279
association of mayors and city managers, the approval of that 99280
association of an agreement described in division (H)(6)(a) of 99281
this section shall be considered to be the approval of the 99282
majority of the mayors of the other municipal corporations for 99283
purposes of that division. 99284

(7) Each year, the auditor of state shall conduct an audit of 99285
the uses of any amounts collected from taxes levied, extended, or 99286
deposited under division (H) of this section and shall prepare a 99287
report of the auditor of state's findings. The auditor of state 99288
shall submit the report to the legislative authority of the county 99289
that has levied, extended, or deposited the tax, the speaker of 99290
the house of representatives, the president of the senate, and the 99291
leaders of the minority parties of the house of representatives 99292
and the senate. 99293

(I)(1) As used in this division: 99294

(a) "Convention facilities authority" has the same meaning as 99295
in section 351.01 of the Revised Code. 99296

(b) "Convention center" has the same meaning as in section 99297
307.695 of the Revised Code. 99298

(2) Notwithstanding any contrary provision of division (D) of 99299
this section, the legislative authority of a county with a 99300
population of one million two hundred thousand or more according 99301

to the most recent federal decennial census or the most recent 99302
annual population estimate published or released by the United 99303
States census bureau at the time the resolution is adopted placing 99304
the levy on the ballot, that has levied a tax under division (D) 99305
of this section may, by resolution adopted by a majority of the 99306
members of the legislative authority, provide for the extension of 99307
such levy and may provide that the proceeds of that tax, to the 99308
extent that the proceeds are no longer needed for their original 99309
purpose as defined by a cooperative agreement entered into under 99310
section 307.671 of the Revised Code and after deducting the real 99311
and actual costs of administering the tax, shall be used for 99312
paying the direct and indirect costs of constructing, improving, 99313
expanding, equipping, financing, or operating a convention center. 99314
The resolution shall provide for the extension of the tax at a 99315
rate not to exceed the rate specified in division (D) of this 99316
section for a period of time determined by the legislative 99317
authority of the county, but not to exceed an additional forty 99318
years. 99319

(3) The legislative authority of a county with a population 99320
of one million two hundred thousand or more that has levied a tax 99321
under division (A)(1) of this section may, by resolution adopted 99322
by a majority of the members of the legislative authority, 99323
increase the rate of the tax levied by such county under division 99324
(A)(1) of this section to a rate not to exceed five per cent on 99325
transactions by which lodging by a hotel is or is to be furnished 99326
to transient guests. Notwithstanding any contrary provision of 99327
division (A)(1) of this section, the resolution shall provide that 99328
all collections resulting from the rate levied in excess of three 99329
per cent, after deducting the real and actual costs of 99330
administering the tax, shall be used for paying the direct and 99331
indirect costs of constructing, improving, expanding, equipping, 99332
financing, or operating a convention center. 99333

(4) The legislative authority of a county with a population 99334
of one million two hundred thousand or more that has levied a tax 99335
under division (A)(1) of this section may, by resolution adopted 99336
on or before July 1, 2008, by a majority of the members of the 99337
legislative authority, provide that all or a portion of the 99338
proceeds of the tax levied under division (A)(1) of this section, 99339
after deducting the real and actual costs of administering the tax 99340
and the amounts required to be returned to townships and municipal 99341
corporations with respect to the first three per cent levied under 99342
division (A)(1) of this section, shall be used to satisfy any 99343
pledges made in connection with an agreement entered into under 99344
section 307.695 of the Revised Code or shall otherwise be used for 99345
paying the direct and indirect costs of constructing, improving, 99346
expanding, equipping, financing, or operating a convention center. 99347

(5) Any amount collected from a tax levied or extended under 99348
division (I) of this section may be contributed to a convention 99349
facilities authority created before July 1, 2005, but no amount 99350
collected from a tax levied or extended under division (I) of this 99351
section may be contributed to a convention facilities authority, 99352
corporation, or other entity created after July 1, 2005, unless 99353
the mayor of the municipal corporation in which the convention 99354
center is to be operated by that convention facilities authority, 99355
corporation, or other entity has consented to the creation of that 99356
convention facilities authority, corporation, or entity. 99357

(J)(1) Except as provided in division (J)(2) of this section, 99358
money collected by a county and distributed under this section to 99359
a convention and visitors' bureau in existence as of June 30, 99360
2013, the effective date of H.B. 59 of the 130th general assembly, 99361
except for any such money pledged, as of that effective date, to 99362
the payment of debt service charges on bonds, notes, securities, 99363
or lease agreements, shall be used solely for tourism sales, 99364
marketing and promotion, and their associated costs, including, 99365

but not limited to, operational and administrative costs of the 99366
bureau, sales and marketing, and maintenance of the physical 99367
bureau structure. 99368

(2) A convention and visitors' bureau that has entered into 99369
an agreement under section 307.678 of the Revised Code may use 99370
revenue it receives from a tax levied under division (A)(1) of 99371
this section as described in division ~~(D)~~(E) of section 307.678 of 99372
the Revised Code. 99373

(K) The board of county commissioners of a county with a 99374
population between one hundred three thousand and one hundred 99375
seven thousand according to the most recent federal decennial 99376
census, by resolution adopted by a majority of the members of the 99377
board within six months after September 15, 2014, the effective 99378
date of H.B. 483 of the 130th general assembly, may levy a tax not 99379
to exceed three per cent on transactions by which a hotel is or is 99380
to be furnished to transient guests. The purpose of the tax shall 99381
be to pay the costs of expanding, maintaining, or operating a 99382
soldiers' memorial and the costs of administering the tax. All 99383
revenue arising from the tax shall be credited to one or more 99384
special funds in the county treasury and shall be spent solely for 99385
the purposes of paying those costs. The board of county 99386
commissioners shall adopt all rules necessary to provide for the 99387
administration of the tax subject to the same limitations on 99388
imposing penalty or interest under division (A)(1) of this 99389
section. 99390

As used in this division "soldiers' memorial" means a 99391
memorial constructed and funded under Chapter 345. of the Revised 99392
Code. 99393

(L) A board of county commissioners of an eligible county, by 99394
resolution adopted by a majority of the members of the board, may 99395
levy an excise tax at the rate of up to three per cent on 99396
transactions by which lodging by a hotel is or is to be furnished 99397

to transient guests for the purpose of paying the costs of 99398
permanent improvements at sites at which one or more agricultural 99399
societies conduct fairs or exhibits, paying the costs of 99400
maintaining or operating such permanent improvements, and paying 99401
the costs of administering the tax. A resolution adopted under 99402
this division shall direct the board of elections to submit the 99403
question of the proposed lodging tax to the electors of the county 99404
at a special election held on the date specified by the board in 99405
the resolution, provided that the election occurs not less than 99406
ninety days after a certified copy of the resolution is 99407
transmitted to the board of elections. A resolution submitted to 99408
the electors under this division shall not go into effect unless 99409
it is approved by a majority of those voting upon it. The 99410
resolution takes effect on the date the board of county 99411
commissioners receives notification from the board of elections of 99412
an affirmative vote. 99413

The tax shall remain in effect for the period specified in 99414
the resolution, not to exceed five years. All revenue arising from 99415
the tax shall be credited to one or more special funds in the 99416
county treasury and shall be spent solely for the purposes of 99417
paying the costs of such permanent improvements and maintaining or 99418
operating the improvements. Revenue allocated for the use of a 99419
county agricultural society may be credited to the county 99420
agricultural society fund created in section 1711.16 of the 99421
Revised Code upon appropriation by the board. If revenue is 99422
credited to that fund, it shall be expended only as provided in 99423
that section. 99424

The board of county commissioners shall adopt all rules 99425
necessary to provide for the administration of the tax. The rules 99426
may prescribe the time for payment of the tax, and may provide for 99427
the imposition or penalty or interest, or both, for late payments, 99428
provided that the penalty does not exceed ten per cent of the 99429

amount of tax due, and the rate at which interest accrues does not 99430
exceed the rate per annum prescribed in section 5703.47 of the 99431
Revised Code. 99432

As used in this division, "eligible county" means a county in 99433
which a county agricultural society or independent agricultural 99434
society is organized under section 1711.01 or 1711.02 of the 99435
Revised Code, provided the agricultural society owns a facility or 99436
site in the county at which an annual harness horse race is 99437
conducted where one-day attendance equals at least forty thousand 99438
attendees. 99439

(M) As used in this division, "eligible county" means a 99440
county in which a tax is levied under division (A) of this section 99441
at a rate of three per cent and whose territory includes a part of 99442
Lake Erie the shoreline of which represents at least fifty per 99443
cent of the linear length of the county's border with other 99444
counties of this state. 99445

The board of county commissioners of an eligible county that 99446
has entered into an agreement with a port authority in the county 99447
under section 4582.56 of the Revised Code may levy an additional 99448
lodging tax on transactions by which lodging by a hotel is or is 99449
to be furnished to transient guests for the purpose of financing 99450
lakeshore improvement projects constructed or financed by the port 99451
authority under that section. The resolution levying the tax shall 99452
specify the purpose of the tax, the rate of the tax, which shall 99453
not exceed two per cent, and the number of years the tax will be 99454
levied or that it will be levied for a continuing period of time. 99455
The tax shall be administered pursuant to the regulations adopted 99456
by the board under division (A) of this section, except that all 99457
the proceeds of the tax levied under this division shall be 99458
pledged to the payment of the costs, including debt charges, of 99459
lakeshore improvements undertaken by a port authority pursuant to 99460
the agreement under section 4582.56 of the Revised Code. No 99461

revenue from the tax may be used to pay the current expenses of 99462
the port authority. 99463

A resolution levying a tax under this division is subject to 99464
referendum under sections 305.31 to 305.41 and 305.99 of the 99465
Revised Code. 99466

(N)(1) Notwithstanding division (A) of this section, the 99467
board of county commissioners, board of township trustees, or 99468
legislative authority of any county, township, or municipal 99469
corporation that levies a lodging tax on the effective date of the 99470
amendment of this section and in which any part of a tourism 99471
development district is located on or after that date shall amend 99472
the ordinance or resolution levying the tax to require either of 99473
the following: 99474

(a) In the case of a tax levied by a county, that all tourism 99475
development district lodging tax proceeds from that tax be used 99476
exclusively to foster and develop tourism in the tourism 99477
development district; 99478

(b) In the case of a tax levied by a township or municipal 99479
corporation, that all tourism development district lodging tax 99480
proceeds from that tax be used exclusively to foster and develop 99481
tourism in the tourism development district. 99482

(2) Notwithstanding division (A) of this section, any 99483
ordinance or resolution levying a lodging tax adopted on or after 99484
the effective date of the amendment of this section by a county, 99485
township, or municipal corporation in which any part of a tourism 99486
development district is located on or after that date shall 99487
require that all tourism development district lodging tax proceeds 99488
from that tax be used exclusively to foster and develop tourism in 99489
the tourism development district. 99490

(3) A county shall not use any of the proceeds described in 99491
division (N)(1)(a) of this section unless the convention and 99492

visitors' bureau operating within the county approves the manner 99493
in which such proceeds are used to foster and develop tourism in 99494
the tourism development district. Upon obtaining such approval, 99495
the county may pay such proceeds to the bureau to use for the 99496
agreed-upon purpose. 99497

A municipal corporation or township shall not use any of the 99498
proceeds described in division (N)(1)(b) of this section unless 99499
the convention and visitors' bureau operating within the municipal 99500
corporation or township approves the manner in which such proceeds 99501
are used to foster and develop tourism in the tourism development 99502
district. Upon obtaining such approval, the municipal corporation 99503
or township may pay such proceeds to the bureau to use for the 99504
agreed-upon purpose. 99505

(4) As used in division (N) of this section: 99506

(a) "Tourism development district" means a district 99507
designated by a municipal corporation under section 715.014 of the 99508
Revised Code or by a township under section 503.56 of the Revised 99509
Code. 99510

(b) "Lodging tax" means a tax levied pursuant to this section 99511
or section 5739.08 of the Revised Code. 99512

(c) "Tourism development district lodging tax proceeds" means 99513
all proceeds of a lodging tax derived from transactions by which 99514
lodging by a hotel located in a tourism development district is or 99515
is to be provided to transient guests. 99516

Sec. 5739.12. (A)(1) Each person who has or is required to 99517
have a vendor's license, on or before the twenty-third day of each 99518
month, shall make and file a return for the preceding month in the 99519
form prescribed by the tax commissioner, and shall pay the tax 99520
shown on the return to be due. The return shall be filed 99521
electronically using the Ohio business gateway, as defined in 99522

section 718.01 of the Revised Code, the Ohio telefile system, or 99523
any other electronic means prescribed by the commissioner. Payment 99524
of the tax shown on the return to be due shall be made 99525
electronically in a manner approved by the commissioner. The 99526
commissioner may require a vendor that operates from multiple 99527
locations or has multiple vendor's licenses to report all tax 99528
liabilities on one consolidated return. The return shall show the 99529
amount of tax due from the vendor to the state for the period 99530
covered by the return and such other information as the 99531
commissioner deems necessary for the proper administration of this 99532
chapter. The commissioner may extend the time for making and 99533
filing returns and paying the tax, and may require that the return 99534
for the last month of any annual or semiannual period, as 99535
determined by the commissioner, be a reconciliation return 99536
detailing the vendor's sales activity for the preceding annual or 99537
semiannual period. The reconciliation return shall be filed by the 99538
last day of the month following the last month of the annual or 99539
semiannual period. The commissioner may remit all or any part of 99540
amounts or penalties that may become due under this chapter and 99541
may adopt rules relating thereto. Such return shall be filed 99542
electronically as directed by the tax commissioner, and payment of 99543
the amount of tax shown to be due thereon, after deduction of any 99544
discount provided for under this section, shall be made 99545
electronically in a manner approved by the tax commissioner. 99546

(2) Any person required to file returns and make payments 99547
electronically under division (A)(1) of this section may apply to 99548
the tax commissioner on a form prescribed by the commissioner to 99549
be excused from that requirement. For good cause shown, the 99550
commissioner may excuse the person from that requirement and may 99551
permit the person to file the returns and make the payments 99552
required by this section by nonelectronic means. 99553

(B)(1) If the return is filed and the amount of tax shown 99554

thereon to be due is paid on or before the date such return is 99555
required to be filed, the vendor shall be entitled to a discount 99556
of three-fourths of one per cent of the amount shown to be due on 99557
the return. 99558

(2) A vendor that has selected a certified service provider 99559
as its agent shall not be entitled to the discount if the 99560
certified service provider receives a monetary allowance pursuant 99561
to section 5739.06 of the Revised Code for performing the vendor's 99562
sales and use tax functions in this state. Amounts paid to the 99563
clerk of courts pursuant to section 4505.06 of the Revised Code 99564
shall be subject to the applicable discount. The discount shall be 99565
in consideration for prompt payment to the clerk of courts and for 99566
other services performed by the vendor in the collection of the 99567
tax. 99568

(C)(1) Upon application to the tax commissioner, a vendor who 99569
is required to file monthly returns may be relieved of the 99570
requirement to report and pay the actual tax due, provided that 99571
the vendor agrees to remit to the commissioner payment of not less 99572
than an amount determined by the commissioner to be the average 99573
monthly tax liability of the vendor, based upon a review of the 99574
returns or other information pertaining to such vendor for a 99575
period of not less than six months nor more than two years 99576
immediately preceding the filing of the application. Vendors who 99577
agree to the above conditions shall make and file an annual or 99578
semiannual reconciliation return, as prescribed by the 99579
commissioner. The reconciliation return shall be filed 99580
electronically as directed by the tax commissioner, and payment of 99581
the amount of tax shown to be due thereon, after deduction of any 99582
discount provided in this section, shall be made electronically in 99583
a manner approved by the commissioner. Failure of a vendor to 99584
comply with any of the above conditions may result in immediate 99585
reinstatement of the requirement of reporting and paying the 99586

actual tax liability on each monthly return, and the commissioner 99587
may at the commissioner's discretion deny the vendor the right to 99588
report and pay based upon the average monthly liability for a 99589
period not to exceed two years. The amount ascertained by the 99590
commissioner to be the average monthly tax liability of a vendor 99591
may be adjusted, based upon a review of the returns or other 99592
information pertaining to the vendor for a period of not less than 99593
six months nor more than two years preceding such adjustment. 99594

(2) The commissioner may authorize vendors whose tax 99595
liability is not such as to merit monthly returns, as ascertained 99596
by the commissioner upon the basis of administrative costs to the 99597
state, to make and file returns at less frequent intervals. When 99598
returns are filed at less frequent intervals in accordance with 99599
such authorization, the vendor shall be allowed the discount 99600
provided in this section in consideration for prompt payment with 99601
the return, provided the return is filed and payment is made of 99602
the amount of tax shown to be due thereon, at the time specified 99603
by the commissioner, but a vendor that has selected a certified 99604
service provider as its agent shall not be entitled to the 99605
discount. 99606

(D) Any vendor who fails to file a return or to pay the full 99607
amount of the tax shown on the return to be due in the manner 99608
prescribed under this section and the rules of the commissioner 99609
may, for each such return, be required to forfeit and pay into the 99610
state treasury an additional charge not exceeding fifty dollars or 99611
ten per cent of the tax required to be paid for the reporting 99612
period, whichever is greater, as revenue arising from the tax 99613
imposed by this chapter, and such sum may be collected by 99614
assessment in the manner provided in section 5739.13 of the 99615
Revised Code. The commissioner may remit all or a portion of the 99616
additional charge and may adopt rules relating to the imposition 99617
and remission of the additional charge. 99618

(E) If the amount required to be collected by a vendor from consumers is in excess of the applicable percentage of the vendor's receipts from sales that are taxable under section 5739.02 of the Revised Code, or in the case of sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, in excess of the percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code, such excess shall be remitted along with the remittance of the amount of tax due under section 5739.10 of the Revised Code.

(F) The commissioner, if the commissioner deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than monthly periods.

(G) Any vendor required to file a return and pay the tax under this section whose total payment for a year equals or exceeds the amount shown in division (A) of section 5739.122 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section. For a vendor that operates from multiple locations or has multiple vendor's licenses, in determining whether the vendor's total payment equals or exceeds the amount shown in division (A) of that section, the vendor's total payment amount shall be the amount of the vendor's total tax liability for the previous calendar year for all of the vendor's locations or licenses.

(H) The tax commissioner shall consolidate the returns required by this section and section 5741.12 of the Revised Code so that persons with a tax liability under both this chapter and Chapter 5741. of the Revised Code may report those tax liabilities on a single return.

Sec. 5739.132. (A) If a tax ~~payment originally, fee, or~~

charge due under this chapter or Chapter 128. or 5741. of the 99650
Revised Code ~~on or after January 1, 1998,~~ is not paid on or before 99651
the day the ~~tax~~ payment is required to be paid, interest shall 99652
accrue on the unpaid tax, fee, or charge at the rate per annum 99653
prescribed by section 5703.47 of the Revised Code from the day the 99654
tax, fee, or charge was required to be paid until the tax, fee, or 99655
charge is paid or until the day an assessment is issued under 99656
section 5739.13 or 5739.15 of the Revised Code, whichever occurs 99657
first. Interest shall be paid in the same manner as the tax, fee, 99658
or charge, and may be collected by assessment. 99659

~~(B) For tax payments due prior to January 1, 1998, interest~~ 99660
~~shall be allowed and paid upon any refund granted in respect to~~ 99661
~~the payment of an illegal or erroneous assessment issued by the~~ 99662
~~department for the tax imposed under this chapter or Chapter 5741.~~ 99663
~~of the Revised Code from the date of the overpayment. For tax~~ 99664
~~payments due on or after January 1, 1998, interest~~ Interest shall 99665
be allowed and paid on any refund granted pursuant to section 99666
128.47, 5739.07, or 5741.10 of the Revised Code from the date of 99667
the overpayment. The interest shall be computed at the rate per 99668
annum prescribed by section 5703.47 of the Revised Code. 99669

Sec. 5739.18. The tax commissioner shall provide and maintain 99670
a system that will allow county auditors to issue vendor's 99671
licenses. County auditors shall use that system to issue vendor's 99672
licenses. 99673

The commissioner shall publish lists of the following 99674
information on the department of taxation's web site: 99675

(A) The name, account number, and business address of each 99676
holder of a vendor's license issued under section 5739.17 of the 99677
Revised Code, and information regarding the active or inactive 99678
status of the license; 99679

(B) The name, account number, and business address of each 99680

holder of a direct payment permit issued under section 5739.031 of 99681
the Revised Code and information regarding the active or inactive 99682
status of the permit; 99683

(C) The name, account number, and business address of each 99684
seller that has registered with the commissioner under section 99685
5741.17 of the Revised Code and information regarding the active 99686
or inactive status of the registration. 99687

Sec. 5739.30. (A) No person, including any officer, employee, 99688
or trustee of a corporation or business trust, shall fail to file 99689
any return or report required to be filed by this chapter, or file 99690
or cause to be filed any incomplete, false or fraudulent return, 99691
report, or statement, or aid or abet another in the filing of any 99692
false or fraudulent return, report, or statement. 99693

(B) If any vendor required to file monthly returns under 99695
section 5739.12 of the Revised Code fails, on two consecutive 99696
months or on three or more months within a twelve-month period, to 99697
file such returns when due or to pay the tax thereon, or if any 99698
vendor authorized by the tax commissioner to file semiannual 99699
returns fails on two or more occasions within a twenty-four month 99700
period, to file such returns when due or to pay the tax due 99701
thereon, the commissioner may do any of the following: 99702

(1) Require the vendor to furnish security in an amount equal 99703
to the average tax liability of the vendor for a period of one 99704
year, as determined by the commissioner from a review of returns 99705
or other information pertaining to the vendor, which amount shall 99706
in no event be less than one thousand dollars. The security may be 99707
in the form of a corporate surety bond, satisfactory to the 99708
commissioner, conditioned upon payment of the tax due with the 99709
returns from the vendor. The security shall be filed within ten 99710
days following the vendor's receipt of the notice from the 99711

commissioner of its requirements. 99712

(2) Suspend the license issued to the vendor pursuant to 99713
section 5739.17 of the Revised Code. The suspension shall be 99714
effective ten days after service of written notice to the vendor 99715
of the commissioner's intention to do so. The notice shall be 99716
served upon the vendor personally, by certified mail, or by an 99717
alternative delivery service as authorized under section 5703.37 99718
of the Revised Code. On the first day of the suspension, the 99719
commissioner shall cause to be posted, at every public entrance of 99720
the vendor's premises, a notice identifying the vendor and the 99721
location and informing the public that the vendor's license is 99722
under suspension and that no retail sales may be transacted at 99723
that location. No person, other than the commissioner or the 99724
commissioner's agent or employee, shall remove, cover, or deface 99725
the posted notice. No license which has been suspended under this 99726
section shall be reinstated, and no posted notice shall be 99727
removed, until the vendor has filed complete and correct returns 99728
under this chapter and section 5747.07 of the Revised Code for all 99729
periods in which no return had been filed and has paid the full 99730
amount of the tax, penalties, ~~and or~~ other charges due ~~on those~~ 99731
~~returns~~. 99732

A corporate surety bond filed under this section shall be 99733
returned to the vendor if, for a period of twelve consecutive 99734
months following the date the bond was filed, the vendor has filed 99735
all returns and remitted payment with them within the time 99736
prescribed in section 5739.12 of the Revised Code. 99737

(C) The tax commissioner may suspend a license issued to a 99738
vendor pursuant to section 5739.17 of the Revised Code if the 99739
vendor is required, as an employer, to file returns or make 99740
payments under section 5747.07 of the Revised Code and the vendor 99741
fails to do either of the following: 99742

(1) File such returns when due on two consecutive occasions 99743

or on three or more occasions within a twelve-month period; 99744

(2) Pay the undeposited taxes when due on two consecutive 99745
occasions or on three or more occasions within a twelve-month 99746
period. 99747

Any such suspension shall comply with the provisions of 99748
division (B)(2) of this section. 99749

(D) If a vendor whose license has been suspended under 99750
division (B)(2) of this section fails to file returns or make 99751
payments under section 5747.07 of the Revised Code during such 99752
suspension, the license may not be reinstated, and the notice 99753
required by that division shall not be removed, until the vendor 99754
files complete and correct returns and pays the amounts due, plus 99755
any penalties and other related charges, under section 5747.07 of 99756
the Revised Code for all periods for which the vendor failed to 99757
file such returns and make such payments. 99758

Sec. 5741.01. As used in this chapter: 99759

(A) "Person" includes individuals, receivers, assignees, 99760
trustees in bankruptcy, estates, firms, partnerships, 99761
associations, joint-stock companies, joint ventures, clubs, 99762
societies, corporations, business trusts, governments, and 99763
combinations of individuals of any form. 99764

(B) "Storage" means and includes any keeping or retention in 99765
this state for use or other consumption in this state. 99766

(C) "Use" means and includes the exercise of any right or 99767
power incidental to the ownership of the thing used. A thing is 99768
also "used" in this state if its consumer gives or otherwise 99769
distributes it, without charge, to recipients in this state. 99770

(D) "Purchase" means acquired or received for a 99771
consideration, whether such acquisition or receipt was effected by 99772
a transfer of title, or of possession, or of both, or a license to 99773

use or consume; whether such transfer was absolute or conditional, 99774
and by whatever means the transfer was effected; and whether the 99775
consideration was money, credit, barter, or exchange. Purchase 99776
includes production, even though the article produced was used, 99777
stored, or consumed by the producer. The transfer of copyrighted 99778
motion picture films for exhibition purposes is not a purchase, 99779
except such films as are used solely for advertising purposes. 99780

(E) "Seller" means the person from whom a purchase is made, 99781
and includes every person engaged in this state or elsewhere in 99782
the business of selling tangible personal property or providing a 99783
service for storage, use, or other consumption or benefit in this 99784
state; and when, in the opinion of the tax commissioner, it is 99785
necessary for the efficient administration of this chapter, to 99786
regard any salesperson, representative, peddler, or canvasser as 99787
the agent of a dealer, distributor, supervisor, or employer under 99788
whom the person operates, or from whom the person obtains tangible 99789
personal property, sold by the person for storage, use, or other 99790
consumption in this state, irrespective of whether or not the 99791
person is making such sales on the person's own behalf, or on 99792
behalf of such dealer, distributor, supervisor, or employer, the 99793
commissioner may regard the person as such agent, and may regard 99794
such dealer, distributor, supervisor, or employer as the seller. 99795
"Seller" does not include any person to the extent the person 99796
provides a communications medium, such as, but not limited to, 99797
newspapers, magazines, radio, television, or cable television, by 99798
means of which sellers solicit purchases of their goods or 99799
services. 99800

(F) "Consumer" means any person who has purchased tangible 99801
personal property or has been provided a service for storage, use, 99802
or other consumption or benefit in this state. "Consumer" does not 99803
include a person who receives, without charge, tangible personal 99804
property or a service. 99805

A person who performs a facility management or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of section 5739.01 of the Revised Code.

(G)(1) "Price," except as provided in divisions (G)(2) to (6) of this section, has the same meaning as in division (H)(1) of section 5739.01 of the Revised Code.

(2) In the case of watercraft, outboard motors, or new motor vehicles, "price" has the same meaning as in divisions (H)(2) and (3) of section 5739.01 of the Revised Code.

(3) In the case of a nonresident business consumer that purchases and uses tangible personal property outside this state and subsequently temporarily stores, uses, or otherwise consumes such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as inventory for sale or lease, and that is temporarily stored, used, or otherwise consumed in a taxable manner, the price is the value of the temporary use. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(5) In the case of tangible personal property originally purchased and used by the consumer outside this state, and that becomes permanently stored, used, or otherwise consumed in this

state more than six months after its acquisition by the consumer, 99837
the consumer or the commissioner may determine the price based on 99838
the current value of such tangible personal property, in lieu of 99839
determining the price pursuant to division (G)(1) of this section. 99840
A price determination made by the consumer is subject to review 99841
and redetermination by the commissioner. 99842

(6) If a consumer produces tangible personal property for 99843
sale and removes that property from inventory for the consumer's 99844
own use, the price is the produced cost of that tangible personal 99845
property. 99846

(H) "Nexus with this state" means that the seller engages in 99847
continuous and widespread solicitation of purchases from residents 99848
of this state or otherwise purposefully directs its business 99849
activities at residents of this state. 99850

(I)(1) "Substantial nexus with this state" means that the 99851
seller has sufficient contact with this state, in accordance with 99852
Section 8 of Article I of the Constitution of the United States, 99853
to allow the state to require the seller to collect and remit use 99854
tax on sales of tangible personal property or services made to 99855
consumers in this state. 99856

(2) "Substantial nexus with this state" is presumed to exist 99857
when the seller does any of the following: 99858

(a) Uses an office, distribution facility, warehouse, storage 99859
facility, or similar place of business within this state, whether 99860
operated by the seller or any other person, other than a common 99861
carrier acting in its capacity as a common carrier. 99862

(b) Regularly uses employees, agents, representatives, 99863
solicitors, installers, repairers, salespersons, or other persons 99864
in this state for the purpose of conducting the business of the 99865
seller or either to engage in a business with the same or a 99866
similar industry classification as the seller selling a similar 99867

product or line of products as the seller, or to use trademarks, 99868
service marks, or trade names in this state that are the same or 99869
substantially similar to those used by the seller. 99870

(c) Uses any person, other than a common carrier acting in 99871
its capacity as a common carrier, in this state for any of the 99872
following purposes: 99873

(i) Receiving or processing orders of the seller's goods or 99874
services; 99875

(ii) Using that person's employees or facilities in this 99876
state to advertise, promote, or facilitate sales by the seller to 99877
customers; 99878

(iii) Delivering, installing, assembling, or performing 99879
maintenance services for the seller's customers; 99880

(iv) Facilitating the seller's delivery of tangible personal 99881
property to customers in this state by allowing the seller's 99882
customers to pick up property sold by the seller at an office, 99883
distribution facility, warehouse, storage facility, or similar 99884
place of business. 99885

(d) Makes regular deliveries of tangible personal property 99886
into this state by means other than common carrier. 99887

(e) Has an affiliated person that has substantial nexus with 99888
this state. 99889

(f) Owns tangible personal property that is rented or leased 99890
to a consumer in this state, or offers tangible personal property, 99891
on approval, to consumers in this state. 99892

(g) Enters into an agreement with one or more residents of 99893
this state under which the resident, for a commission or other 99894
consideration, directly or indirectly refers potential customers 99895
to the seller, whether by a link on a web site, an in-person oral 99896
presentation, telemarketing, or otherwise, provided the cumulative 99897

gross receipts from sales to consumers referred to the seller by 99898
all such residents exceeded ten thousand dollars during the 99899
preceding twelve months. 99900

(3) A seller presumed to have substantial nexus with this 99901
state under divisions (I)(2)(a) to (f) of this section may rebut 99902
that presumption by demonstrating that activities described in any 99903
of those divisions that are conducted by a person in this state on 99904
the seller's behalf are not significantly associated with the 99905
seller's ability to establish or maintain a market in this state 99906
for the seller's sales. 99907

(4) A seller presumed to have substantial nexus with this 99908
state under division (I)(2)(g) of this section may rebut that 99909
presumption by submitting proof that each resident engaged by the 99910
seller as described in that division did not engage in any 99911
activity within this state during the preceding twelve months that 99912
was significantly associated with the seller's ability to 99913
establish or maintain the seller's market in this state during the 99914
preceding twelve months. Such proof may consist of sworn written 99915
statements from all the residents with whom the seller has an 99916
agreement stating that the resident did not engage in any 99917
solicitation in this state on behalf of the seller during the 99918
preceding twelve months if such statements are provided and 99919
obtained in good faith. 99920

(5) A seller that does not have substantial nexus with this 99921
state, and any affiliated person of the seller, before selling or 99922
leasing tangible personal property or services to a state agency, 99923
shall register with the tax commissioner in the same manner as a 99924
seller described in division (A)(1) of section 5741.17 of the 99925
Revised Code. 99926

(6) As used in division (I) of this section: 99927

(a) "Affiliated person" means any person that is a member of 99928

the same controlled group of corporations as the seller or any 99929
other person that, notwithstanding the form of organization, bears 99930
the same ownership relationship to the seller as a corporation 99931
that is a member of the same controlled group of corporations. 99932

(b) "Controlled group of corporations" has the same meaning 99933
as in section 1563(a) of the Internal Revenue Code. 99934

(c) "State agency" has the same meaning as in section 1.60 of 99935
the Revised Code. 99936

(J) "Fiscal officer" means, with respect to a regional 99937
transit authority, the secretary-treasurer thereof, and with 99938
respect to a county which is a transit authority, the fiscal 99939
officer of the county transit board appointed pursuant to section 99940
306.03 of the Revised Code or, if the board of county 99941
commissioners operates the county transit system, the county 99942
auditor. 99943

(K) "Territory of the transit authority" means all of the 99944
area included within the territorial boundaries of a transit 99945
authority as they from time to time exist. Such territorial 99946
boundaries must at all times include all the area of a single 99947
county or all the area of the most populous county which is a part 99948
of such transit authority. County population shall be measured by 99949
the most recent census taken by the United States census bureau. 99950

(L) "Transit authority" means a regional transit authority 99951
created pursuant to section 306.31 of the Revised Code or a county 99952
in which a county transit system is created pursuant to section 99953
306.01 of the Revised Code. For the purposes of this chapter, a 99954
transit authority must extend to at least the entire area of a 99955
single county. A transit authority which includes territory in 99956
more than one county must include all the area of the most 99957
populous county which is a part of such transit authority. County 99958
population shall be measured by the most recent census taken by 99959

the United States census bureau. 99960

(M) "Providing a service" has the same meaning as in section 99961
5739.01 of the Revised Code. 99962

(N) "Other consumption" includes receiving the benefits of a 99963
service. 99964

(O) "Lease" or "rental" has the same meaning as in section 99965
5739.01 of the Revised Code. 99966

(P) "Certified service provider" has the same meaning as in 99967
section 5740.01 of the Revised Code. 99968

(Q) "Remote sale" means a sale for which the seller could not 99969
be legally required to pay, collect, or remit a tax imposed under 99970
this chapter or Chapter 5739. of the Revised Code, unless 99971
otherwise provided by the laws of the United States. 99972

(R) "Remote seller" means a seller that lacks substantial 99973
nexus with this state but is required to register with the tax 99974
commissioner under division (A) of section 5741.17 of the Revised 99975
Code pursuant to federal law authorizing states to require such 99976
sellers to register, collect, and remit use tax. A seller that is 99977
not required to register with the commissioner under that division 99978
~~(A) of section 5741.17 of the Revised Code~~ but registers 99979
voluntarily under division ~~(B)~~(C) of that section is not a "remote 99980
seller." A seller required to register with the commissioner under 99981
division (B) of that section is not a "remote seller." A seller 99982
that registers with the commissioner under section 5741.17 of the 99983
Revised Code after the effective date of any federal law that 99984
authorizes states to require sellers that lack substantial nexus 99985
with the state to register, collect, and remit use tax is presumed 99986
to be a "remote seller." The seller or the commissioner may rebut 99987
this presumption with evidence that the seller has substantial 99988
nexus with this state. 99989

(S) "Remote small seller" means a remote seller that has 99990

gross annual receipts from remote sales in the United States not 99991
exceeding one million dollars for the preceding calendar year. For 99992
the purposes of determining whether a person is a remote small 99993
~~remote~~ seller, the sales of all persons related within the meaning 99994
of subsection (b) or (c) of section 267 or section 707(b)(1) of 99995
the Internal Revenue Code shall be aggregated, and persons with 99996
one or more ownership relationships shall be aggregated if those 99997
relationships were designed with the principal purpose to qualify 99998
as a remote small seller. 99999

Sec. 5741.021. (A) For the purpose of providing additional 100000
general revenues for the county ~~or~~, supporting criminal and 100001
administrative justice services in the county, funding a regional 100002
transportation improvement project under section 5595.06 of the 100003
Revised Code, or both any combination of the foregoing, and to pay 100004
the expenses of administering such levy, any county which levies a 100005
tax pursuant to section 5739.021 of the Revised Code shall levy a 100006
tax at the same rate levied pursuant to section 5739.021 of the 100007
Revised Code on the storage, use, or other consumption in the 100008
county of the following: 100009

(1) Motor vehicles, and watercraft and outboard motors 100010
required to be titled in the county pursuant to Chapter 1548. of 100011
the Revised Code and acquired by a transaction subject to the tax 100012
imposed by section 5739.02 of the Revised Code; 100013

(2) In addition to the tax imposed by section 5741.02 of the 100014
Revised Code, tangible personal property and services subject to 100015
the tax levied by this state as provided in section 5741.02 of the 100016
Revised Code, and tangible personal property and services 100017
purchased in another county within this state by a transaction 100018
subject to the tax imposed by section 5739.02 of the Revised Code. 100019

The tax shall be levied pursuant to a resolution of the board 100020
of county commissioners which shall be adopted after publication 100021

of notice and hearing in the same manner as provided in section 100022
5739.021 of the Revised Code. Such resolution shall be adopted and 100023
shall become effective on the same day as the resolution adopted 100024
by the board of county commissioners levying a sales tax pursuant 100025
to section 5739.021 of the Revised Code and shall remain in effect 100026
until such sales tax is repealed. 100027

(B) The tax levied pursuant to this section on the storage, 100028
use, or other consumption of tangible personal property and on the 100029
benefit of a service realized shall be in addition to the tax 100030
levied by section 5741.02 of the Revised Code and, except as 100031
provided in division (D) of this section, any tax levied pursuant 100032
to sections 5741.022 and 5741.023 of the Revised Code. 100033

(C) The additional tax levied by the county shall be 100034
collected pursuant to section 5739.025 of the Revised Code. If the 100035
additional tax or some portion thereof is levied for the purpose 100036
of criminal and administrative justice services, the revenue from 100037
the tax, or the amount or rate apportioned to that purpose, shall 100038
be credited to a special fund created in the county treasury for 100039
receipt of that revenue. 100040

(D) The tax levied pursuant to this section shall not be 100041
applicable to any benefit of a service realized or to any storage, 100042
use, or consumption of property not within the taxing power of a 100043
county under the constitution of the United States or the 100044
constitution of this state, or to property or services on which a 100045
tax levied by a county or transit authority pursuant to this 100046
section or section 5739.021, 5739.023, 5739.026, 5741.022, or 100047
5741.023 of the Revised Code has been paid, if the sum of the 100048
taxes paid pursuant to those sections is equal to or greater than 100049
the sum of the taxes due under this section and sections 5741.022 100050
and 5741.023 of the Revised Code. If the sum of the taxes paid is 100051
less than the sum of the taxes due under this section and sections 100052
5741.022 and 5741.023 of the Revised Code, the amount of tax paid 100053

shall be credited against the amount of tax due. 100054

(E) As used in this section, "criminal and administrative 100055
justice services" has the same meaning as in section 5739.021 of 100056
the Revised Code. 100057

Sec. 5741.022. (A) For the purpose of providing additional 100058
general revenues for the transit authority or funding a regional 100059
transportation improvement project under section 5595.06 of the 100060
Revised Code, or both, and ~~paying~~ to pay the expenses of 100061
administering such levy, any transit authority as defined in 100062
section 5741.01 of the Revised Code that levies a tax pursuant to 100063
section 5739.023 of the Revised Code shall levy a tax at the same 100064
rate levied pursuant to such section on the storage, use, or other 100065
consumption in the territory of the transit authority of the 100066
following: 100067

(1) Motor vehicles, and watercraft and outboard motors 100068
required to be titled in the county pursuant to Chapter 1548. of 100069
the Revised Code and acquired by a transaction subject to the tax 100070
imposed by section 5739.02 of the Revised Code; 100071

(2) In addition to the tax imposed by section 5741.02 of the 100072
Revised Code, tangible personal property and services subject to 100073
the tax levied by this state as provided in section 5741.02 of the 100074
Revised Code, and tangible personal property and services 100075
purchased in another county within this state by a transaction 100076
subject to the tax imposed by section 5739.02 of the Revised Code. 100077

The tax shall be in effect at the same time and at the same 100078
rate and shall be levied pursuant to the resolution of the 100079
legislative authority of the transit authority levying a sales tax 100080
pursuant to section 5739.023 of the Revised Code. 100081

(B) The tax levied pursuant to this section on the storage, 100082
use, or other consumption of tangible personal property and on the 100083

benefit of a service realized shall be in addition to the tax 100084
levied by section 5741.02 of the Revised Code and, except as 100085
provided in division (D) of this section, any tax levied pursuant 100086
to sections 5741.021 and 5741.023 of the Revised Code. 100087

(C) The additional tax levied by the authority shall be 100088
collected pursuant to section 5739.025 of the Revised Code. 100089

(D) The tax levied pursuant to this section shall not be 100090
applicable to any benefit of a service realized or to any storage, 100091
use, or consumption of property not within the taxing power of a 100092
transit authority under the constitution of the United States or 100093
the constitution of this state, or to property or services on 100094
which a tax levied by a county or transit authority pursuant to 100095
this section or section 5739.021, 5739.023, 5739.026, 5741.021, or 100096
5741.023 of the Revised Code has been paid, if the sum of the 100097
taxes paid pursuant to those sections is equal to or greater than 100098
the sum of the taxes due under this section and sections 5741.021 100099
and 5741.023 of the Revised Code. If the sum of the taxes paid is 100100
less than the sum of the taxes due under this section and sections 100101
5741.021 and 5741.023 of the Revised Code, the amount of tax paid 100102
shall be credited against the amount of tax due. 100103

(E) The rate of a tax levied under this section is subject to 100104
reduction under section 5739.028 of the Revised Code if a ballot 100105
question is approved by voters pursuant to that section. 100106

Sec. 5741.17. (A)(1) Except as otherwise provided in 100107
divisions (A)(2), (3), and (4) of this section, every seller of 100108
tangible personal property or services who has substantial nexus 100109
with this state shall register with the tax commissioner and 100110
supply any information concerning the seller's contacts with this 100111
state that may be required by the commissioner. 100112

(2) A seller who is licensed as a vendor pursuant to section 100113
5739.17 of the Revised Code shall not be required to register with 100114

the commissioner pursuant to this section if all sales to consumers in this state are made under the authority of the seller's vendor's license.

(3) ~~Unless~~ Except as otherwise required under division (B) of this section, and unless the seller has substantial nexus with this state pursuant to division (I)(2)(g) of section 5741.01 of the Revised Code, a seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) ~~A~~ Except as otherwise required under division (B) of this section, a seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller shall register with the tax commissioner if the seller is not required to register under division (A) of this section and either of the following applies to the seller:

(1) The seller has gross receipts in excess of one hundred thousand dollars in either the preceding or current calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state.

(2) The seller engages, in either the preceding or current calendar year, in two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or providing services the benefit of

which is realized in this state. 100146

(C) A seller who does not have substantial nexus with this 100147
state and is not required to register under division (B) of this 100148
section may voluntarily register with the commissioner. A seller 100149
who voluntarily registers with the commissioner under this section 100150
is entitled to the same benefits and is subject to the same duties 100151
and requirements as a seller required to be registered with the 100152
commissioner under this chapter. 100153

(D) The commissioner shall maintain an alphabetical index of 100154
all sellers registered under this chapter and records of the use 100155
tax reported and paid. Upon request, this information shall be 100156
made available to the treasurer of state. 100157

~~(C)~~(E) A remote small seller is not required to register 100158
under division (A) of this section. 100159

Sec. 5743.03. (A) Except as provided in section 5743.04 of 100160
the Revised Code, the taxes imposed under sections 5743.02, 100161
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 100162
by the purchase of tax stamps. A tax stamp shall be affixed to 100163
each package of an aggregate denomination not less than the amount 100164
of the tax upon the contents thereof. The tax stamp, so affixed, 100165
shall be prima-facie evidence of payment of the tax. 100166

Except as is provided in the rules prescribed by the tax 100167
commissioner under authority of sections 5743.01 to 5743.20 of the 100168
Revised Code, and unless tax stamps have been previously affixed, 100169
they shall be so affixed by each wholesale dealer, and canceled by 100170
writing or stamping across the face thereof the number assigned to 100171
such wholesale dealer by the tax commissioner for that purpose, 100172
prior to the delivery of any cigarettes to any person in this 100173
state, or in the case of a tax levied pursuant to section 100174
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 100175
delivery of cigarettes to any person in the county in which the 100176

tax is levied. 100177

(B) Except as provided in the rules prescribed by the 100178
commissioner under authority of sections 5743.01 to 5743.20 of the 100179
Revised Code, each retail dealer, within twenty-four hours after 100180
the receipt of any cigarettes at the retail dealer's place of 100181
business, shall inspect the cigarettes to ensure that tax stamps 100182
are affixed. The inspection shall be completed before the 100183
cigarettes are delivered to any person in this state, or, in the 100184
case of a tax levied pursuant to section 5743.021, 5743.024, or 100185
5743.026 of the Revised Code, before the cigarettes are delivered 100186
to any person in the county in which the tax is levied. 100187

(C) Whenever any cigarettes are found in the place of 100188
business of any retail dealer without proper tax stamps affixed 100189
thereto and canceled, it is presumed that such cigarettes are kept 100190
therein in violation of sections 5743.01 to 5743.20 of the Revised 100191
Code. 100192

(D) Each wholesale dealer who purchases cigarettes without 100193
proper tax stamps affixed thereto shall, on or before the 100194
~~thirty first last~~ day of the ~~each~~ month following the close of 100195
~~each semiannual period, which period shall end on the thirtieth~~ 100196
~~day of June and the thirty first day of December of each year,~~ 100197
make and file a return ~~of~~ for the preceding ~~semiannual period~~ 100198
calendar month, on such form as is prescribed by the tax 100199
commissioner, showing the dealer's entire purchases and sales of 100200
cigarettes and stamps for such ~~semiannual period~~ month and 100201
accurate inventories as of the beginning and end of each 100202
~~semiannual period~~ month of cigarettes, stamped or unstamped; 100203
cigarette tax stamps affixed or unaffixed; and such other 100204
information as the commissioner finds necessary to the proper 100205
administration of sections 5743.01 to 5743.20 of the Revised Code. 100206
The commissioner may extend the time for making and filing returns 100207
and may remit all or any part of amounts of penalties that may 100208

become due under sections 5743.01 to 5743.20 of the Revised Code. 100209
The wholesale dealer shall deliver the return together with a 100210
remittance of the tax deficiency reported thereon to the 100211
commissioner. 100212

(E) Any wholesale dealer who fails to file a return under 100213
this section and the rules of the commissioner, other than a 100214
report required pursuant to division (F) of this section, may be 100215
required, for each day the dealer so fails, to forfeit and pay 100216
into the state treasury the sum of one dollar as revenue arising 100217
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 100218
Code and such sum may be collected by assessment in the manner 100219
provided in section 5743.081 of the Revised Code. If the 100220
commissioner finds it necessary in order to insure the payment of 100221
the tax imposed by sections 5743.01 to 5743.20 of the Revised 100222
Code, the commissioner may require returns and payments to be made 100223
other than ~~semiannually~~ monthly. The returns shall be signed by 100224
the wholesale dealer or an authorized agent thereof. 100225

(F) Each person required to file a tax return under section 100226
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 100227
the commissioner the quantity of all cigarettes and roll-your-own 100228
cigarette tobacco sold in Ohio for each brand not covered by the 100229
tobacco master settlement agreement for which the person is liable 100230
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 100231
the Revised Code. 100232

As used in this division, "tobacco master settlement 100233
agreement" has the same meaning as in section 183.01 of the 100234
Revised Code. 100235

(G) The report required by division (F) of this section shall 100236
be made on a form prescribed by the commissioner and shall be 100237
filed not later than the last day of each month for the previous 100238
month, except that if the commissioner determines that the 100239
quantity reported by a person does not warrant monthly reporting, 100240

the commissioner may authorize reporting at less frequent 100241
intervals. The commissioner may assess a penalty of not more than 100242
two hundred fifty dollars for each month or portion thereof that a 100243
person fails to timely file a required report, and such sum may be 100244
collected by assessment in the manner provided in section 5743.081 100245
of the Revised Code. All money collected under this division shall 100246
be considered as revenue arising from the taxes imposed by 100247
sections 5743.01 to 5743.20 of the Revised Code. 100248

(H) The commissioner may sell tax stamps only to a licensed 100249
wholesale dealer, except as otherwise authorized by the 100250
commissioner. The commissioner may charge the costs associated 100251
with the shipment of tax stamps to the licensed wholesale dealer. 100252
Amounts collected from such charges shall be credited to the 100253
cigarette tax enforcement fund created under section 5743.15 of 100254
the Revised Code. 100255

Sec. 5743.081. (A) If any wholesale dealer or retail dealer 100256
fails to pay the tax levied under section 5743.02, 5743.021, 100257
5743.024, or 5743.026 of the Revised Code as required by sections 100258
5743.01 to 5743.20 of the Revised Code, and by the rules of the 100259
tax commissioner, or fails to collect the tax from the purchaser 100260
or consumer, the commissioner may make an assessment against the 100261
wholesale or retail dealer based upon any information in the 100262
commissioner's possession. 100263

The commissioner may make an assessment against any wholesale 100264
or retail dealer who fails to file a return required by section 100265
5743.03 or 5743.025 of the Revised Code. 100266

No assessment shall be made against any wholesale or retail 100267
dealer for any taxes imposed under section 5743.02, 5743.021, 100268
5743.024, or 5743.026 of the Revised Code more than three years 100269
after the last day of the calendar month that immediately follows 100270
the ~~semiannual~~ monthly period prescribed in section 5743.03 of the 100271

Revised Code in which the sale was made, or more than three years 100272
after the ~~semiannual~~ return for ~~such period~~ the month in which the 100273
sale was made is filed, whichever is later. This section does not 100274
bar an assessment against any wholesale or retail dealer who fails 100275
to file a return as required by section 5743.025 or 5743.03 of the 100276
Revised Code, or who files a fraudulent return. 100277

A penalty of up to thirty per cent may be added to the amount 100278
of every assessment made under this section. The commissioner may 100279
adopt rules providing for the imposition and remission of 100280
penalties added to assessments made under this section. 100281

The commissioner shall give the party assessed written notice 100282
of the assessment in the manner provided in section 5703.37 of the 100283
Revised Code. The notice shall specify separately any portion of 100284
the assessment that represents a county tax. With the notice, the 100285
commissioner shall provide instructions on how to petition for 100286
reassessment and request a hearing on the petition. 100287

(B) Unless the party assessed files with the tax commissioner 100288
within sixty days after service of the notice of assessment, 100289
either personally or by certified mail, a written petition for 100290
reassessment signed by the party assessed or that party's 100291
authorized agent having knowledge of the facts, the assessment 100292
becomes final and the amount of the assessment is due and payable 100293
from the party assessed to the treasurer of state. The petition 100294
shall indicate the objections of the party assessed, but 100295
additional objections may be raised in writing if received by the 100296
commissioner prior to the date shown on the final determination. 100297
If the petition has been properly filed, the commissioner shall 100298
proceed under section 5703.60 of the Revised Code. 100299

(C) After an assessment becomes final, if any portion of the 100300
assessment remains unpaid, including accrued interest, a certified 100301
copy of the tax commissioner's entry making the assessment final 100302
may be filed in the office of the clerk of the court of common 100303

pleas in the county in which the wholesale or retail dealer's 100304
place of business is located or the county in which the party 100305
assessed resides. If the party assessed maintains no place of 100306
business in this state and is not a resident of this state, the 100307
certified copy of the entry may be filed in the office of the 100308
clerk of the court of common pleas of Franklin county. 100309

Immediately upon the filing of the commissioner's entry, the 100310
clerk shall enter a judgment for the state against the party 100311
assessed in the amount shown on the entry. The judgment may be 100312
filed by the clerk in a loose-leaf book entitled "special 100313
judgments for state cigarette sales tax," and shall have the same 100314
effect as other judgments. Execution shall issue upon the judgment 100315
upon the request of the tax commissioner, and all laws applicable 100316
to sales on execution shall apply to sales made under the 100317
judgment, except as otherwise provided in sections 5743.01 to 100318
5743.20 of the Revised Code. 100319

If the assessment is not paid in its entirety within sixty 100320
days after the assessment was issued, the portion of the 100321
assessment consisting of tax due shall bear interest at the rate 100322
per annum prescribed by section 5703.47 of the Revised Code from 100323
the day the commissioner issues the assessment until it is paid or 100324
until it is certified to the attorney general for collection under 100325
section 131.02 of the Revised Code, whichever comes first. If the 100326
unpaid portion of the assessment is certified to the attorney 100327
general for collection, the entire unpaid portion of the 100328
assessment shall bear interest at the rate per annum prescribed by 100329
section 5703.47 of the Revised Code from the date of certification 100330
until the date it is paid in its entirety. Interest shall be paid 100331
in the same manner as the tax and may be collected by the issuance 100332
of an assessment under this section. 100333

(D) All money collected by the tax commissioner under this 100334
section shall be paid to the treasurer of state, and when paid 100335

shall be considered as revenue arising from the taxes imposed by 100336
sections 5743.01 to 5743.20 of the Revised Code. 100337

Sec. 5743.15. (A) Except as otherwise provided in this 100338
division, no person shall engage in this state in the wholesale or 100339
retail business of trafficking in cigarettes or in the business of 100340
a manufacturer or importer of cigarettes without having a license 100341
to conduct each such activity issued by a county auditor under 100342
division (B) of this section or the tax commissioner under 100343
divisions (C) and (F) of this section. On dissolution of a 100344
partnership by death, the surviving partner may operate under the 100345
license of the partnership until expiration of the license, and 100346
the heirs or legal representatives of deceased persons, and 100347
receivers and trustees in bankruptcy appointed by any competent 100348
authority, may operate under the license of the person succeeded 100349
in possession by such heir, representative, receiver, or trustee 100350
in bankruptcy if the partner or successor notifies the issuer of 100351
the license of the dissolution or succession within thirty days 100352
after the dissolution or succession. 100353

(B)(1) Each applicant for a license to engage in the retail 100354
business of trafficking in cigarettes under this section, 100355
annually, on or before the fourth Monday of May, shall make and 100356
deliver to the county auditor of the county in which the applicant 100357
desires to engage in the retail business of trafficking in 100358
cigarettes, upon a blank form furnished by such auditor for that 100359
purpose, a statement showing the name of the applicant, each 100360
physical place in the county where the applicant's business is 100361
conducted, the nature of the business, and any other information 100362
the tax commissioner requires in the form of statement prescribed 100363
by the commissioner. If the applicant is a firm, partnership, or 100364
association other than a corporation, the application shall state 100365
the name and address of each of its members. If the applicant is a 100366
corporation, the application shall state the name and address of 100367

each of its officers. At the time of making the application 100368
required by this section, every person desiring to engage in the 100369
retail business of trafficking in cigarettes shall pay an 100370
application fee in the sum of one hundred twenty-five dollars for 100371
each physical place where the person proposes to carry on such 100372
business. Each place of business shall be deemed such space, under 100373
lease or license to, or under the control of, or under the 100374
supervision of the applicant, as is contained in one or more 100375
contiguous, adjacent, or adjoining buildings constituting an 100376
industrial plant or a place of business operated by, or under the 100377
control of, one person, or under one roof and connected by doors, 100378
halls, stairways, or elevators, which space may contain any number 100379
of points at which cigarettes are offered for sale, provided that 100380
each additional point at which cigarettes are offered for sale 100381
shall be listed in the application. 100382

(2) Upon receipt of the application and exhibition of the 100383
county treasurer's receipt showing the payment of the application 100384
fee, the county auditor shall issue to the applicant a license for 100385
each place of business designated in the application, authorizing 100386
the applicant to engage in such business at such place for one 100387
year commencing on the fourth Monday of May. The form of the 100388
license shall be prescribed by the commissioner. A duplicate 100389
license may be obtained from the county auditor upon payment of a 100390
five-dollar fee if the original license is lost, destroyed, or 100391
defaced. When an application is filed after the fourth Monday of 100392
May, the application fee required to be paid shall be proportioned 100393
in amount to the remainder of the license year, except that it 100394
shall not be less than twenty-five dollars in any one year. 100395

(3) The holder of a retail dealer's cigarette license may 100396
transfer the license to a place of business within the same county 100397
other than that designated on the license on condition that the 100398
licensee's ownership interest and business structure remain 100399

unchanged, and that the licensee applies to the county auditor 100400
therefor, upon forms approved by the commissioner and the payment 100401
of a fee of five dollars into the county treasury. 100402

(C)(1) Each applicant for a license to engage in the 100403
wholesale business of trafficking in cigarettes under this 100404
section, annually, on or before the fourth Monday in May, shall 100405
make and deliver to the tax commissioner, upon a blank form 100406
furnished by the commissioner for that purpose, a statement 100407
showing the name of the applicant, physical street address where 100408
the applicant's business is conducted, the nature of the business, 100409
and any other information required by the commissioner. If the 100410
applicant is a firm, partnership, or association other than a 100411
corporation, the applicant shall state the name and address of 100412
each of its members. If the applicant is a corporation, the 100413
applicant shall state the name and address of each of its 100414
officers. At the time of making the application required by this 100415
section, every person desiring to engage in the wholesale business 100416
of trafficking in cigarettes shall pay an application fee of one 100417
thousand dollars for each physical place where the person proposes 100418
to carry on such business. Each place of business shall be deemed 100419
such space, under lease or license to, or under the control of, or 100420
under the supervision of the applicant, as is contained in one or 100421
more contiguous, adjacent, or adjoining buildings constituting an 100422
industrial plant or a place of business operated by, or under the 100423
control of, one person, or under one roof and connected by doors, 100424
halls, stairways, or elevators. A duplicate license may be 100425
obtained from the commissioner upon payment of a 100426
twenty-five-dollar fee if the original license is lost, destroyed, 100427
or defaced. 100428

(2) Upon receipt of the application and payment of any 100429
application fee required by this section, the commissioner shall 100430
verify that the applicant is not in violation of any provision of 100431

Chapter 1346. or Title LVII of the Revised Code. The commissioner 100432
shall also verify that the applicant has filed any returns, 100433
submitted any information, and paid any outstanding taxes, 100434
charges, or fees as required for any tax, charge, or fee 100435
administered by the commissioner, to the extent that the 100436
commissioner is aware of the returns, information, ~~taxes,~~ or ~~fees~~ 100437
payments at the time of the application. Upon approval, the 100438
commissioner shall issue to the applicant a license for each 100439
physical place of business designated in the application 100440
authorizing the applicant to engage in business at that location 100441
for one year commencing on the fourth Monday in May. For licenses 100442
issued after the fourth Monday in May, the application fee shall 100443
be reduced proportionately by the remainder of the twelve-month 100444
period for which the license is issued, except that the 100445
application fee required to be paid under this section shall be 100446
not less than two hundred dollars in any one year. 100447

(3) The holder of a wholesale dealer cigarette license may 100448
transfer the license to a place of business other than that 100449
designated on the license on condition that the licensee's 100450
ownership or business structure remains unchanged, and that the 100451
licensee applies to the commissioner for such a transfer upon a 100452
form promulgated by the commissioner and pays a fee of twenty-five 100453
dollars, which shall be deposited into the cigarette tax 100454
enforcement fund created in division (E) of this section. 100455

(D)(1) The wholesale cigarette license application fees 100456
collected under this section shall be paid into the cigarette tax 100457
enforcement fund. 100458

(2) The retail cigarette license application fees collected 100459
under this section shall be distributed as follows: 100460

(a) Thirty per cent shall be paid upon the warrant of the 100461
county auditor into the treasury of the municipal corporation or 100462
township in which the places of business for which the tax revenue 100463

was received are located; 100464

(b) Ten per cent shall be credited to the general fund of the 100465
county; 100466

(c) Sixty per cent shall be paid into the cigarette tax 100467
enforcement fund. 100468

(3) The remainder of the revenues and fines collected under 100469
this section and the penal laws relating to cigarettes shall be 100470
distributed as follows: 100471

(a) Three-fourths shall be paid upon the warrant of the 100472
county auditor into the treasury of the municipal corporation or 100473
township in which the place of business, on account of which the 100474
revenues and fines were received, is located; 100475

(b) One-fourth shall be credited to the general fund of the 100476
county. 100477

(E) There is hereby created within the state treasury the 100478
cigarette tax enforcement fund for the purpose of providing funds 100479
to assist in paying the costs of enforcing sections 1333.11 to 100480
1333.21 and Chapter 5743. of the Revised Code. 100481

The portion of cigarette license application fees received by 100482
a county auditor during the annual application period that ends on 100483
the fourth Monday in May and that is required to be deposited in 100484
the cigarette tax enforcement fund shall be sent to the treasurer 100485
of state by the thirtieth day of June each year accompanied by the 100486
form prescribed by the tax commissioner. The portion of cigarette 100487
license application fees received by each county auditor after the 100488
fourth Monday in May and that is required to be deposited in the 100489
cigarette tax enforcement fund shall be sent to the treasurer of 100490
state by the last day of the month following the month in which 100491
such fees were collected. 100492

(F)(1) Every person who desires to engage in the business of 100493

a manufacturer or importer of cigarettes shall, annually, on or before the fourth Monday of May, make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, the nature of the applicant's business, and any other information required by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the applicant shall state the name and address of each of its members. If the applicant is a corporation, the applicant shall state the name and address of each of its officers.

(2) Upon receipt of the application required under this section, the commissioner shall verify that the applicant is not in violation of any provision of Chapter 1346. ~~or Title LVIII~~ of the Revised Code. The commissioner shall also verify that the applicant has filed any returns, submitted any information, and paid any outstanding taxes, charges, or fees as required for any tax, charge, or fee administered by the commissioner, to the extent that the commissioner is aware of the returns, information, taxes, charges, or fees at the time of the application. Upon approval, the commissioner shall issue to the applicant a license authorizing the applicant to engage in the business of manufacturer or importer, whichever the case may be, for one year commencing on the fourth Monday of May.

(3) The issuing of a license under division (F)(1) of this section to a manufacturer does not excuse a manufacturer from the certification process required under section 1346.05 of the Revised Code. A manufacturer who is issued a license under division (F)(1) of this section and who is not listed on the directory required under section 1346.05 of the Revised Code shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner

evidencing that the cigarettes are legal for sale in another state. 100526
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(G) The tax commissioner may adopt rules necessary to administer this section. 100528
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Sec. 5743.61. (A) Except as otherwise provided in this division, no distributor shall engage in the business of distributing tobacco products within this state without having a license issued by the department of taxation to engage in that business. On the dissolution of a partnership by death, the surviving partner may operate under the license of the partnership until the expiration of the license, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by the heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the department of taxation of the dissolution or succession within thirty days after the dissolution or succession. 100530
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(B)(1) Each applicant for a license to engage in the business of distributing tobacco products, annually, on or before the first day of February, shall make and deliver to the tax commissioner, upon a form furnished by the commissioner for that purpose, a statement showing the name of the applicant, each physical place from which the applicant distributes to distributors, retail dealers, or wholesale dealers, and any other information the commissioner considers necessary for the administration of sections 5743.51 to 5743.66 of the Revised Code. 100544
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(2) At the time of making the license application, the applicant shall pay an application fee of one thousand dollars for each place listed on the application where the applicant proposes to carry on that business. The fee charged for the application 100553
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shall accompany the application and shall be made payable to the treasurer of state for deposit into the cigarette tax enforcement fund. 100557
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(3) Upon receipt of the application and payment of any licensing fee required by this section, the commissioner shall verify that the applicant has filed all returns, submitted all information, and paid all outstanding taxes, charges, or fees as required for any taxes, charges, or fees administered by the commissioner, to the extent the commissioner is aware of the returns, information, taxes, charges, or fees at the time of the application. Upon approval, the commissioner shall issue to the applicant a license for each place of distribution designated in the application authorizing the applicant to engage in business at that location for one year commencing on the first day of February. For licenses issued after the first day of February, the license application fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that the application fee required to be paid under this section shall be not less than two hundred dollars. If the original license is lost, destroyed, or defaced, a duplicate license may be obtained from the commissioner upon payment of a license replacement fee of twenty-five dollars. 100560
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(C) The holder of a tobacco products license may transfer the license to a place of business on condition that the licensee's ownership and business structure remains unchanged and the licensee applies to the commissioner for the transfer on a form issued by the commissioner, and pays a transfer fee of twenty-five dollars. 100579
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(D) If a distributor fails to file forms as required under Chapter 1346. or section 5743.52 of the Revised Code or pay the tax due for two consecutive periods or three periods during any twelve-month period, the commissioner may suspend the license 100585
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issued to the distributor under this section. The suspension is 100589
effective ten days after the commissioner notifies the distributor 100590
of the suspension in writing personally or by certified mail. The 100591
commissioner shall lift the suspension when the distributor files 100592
the delinquent forms and pays the tax due, including any 100593
penalties, interest, and additional charges. The commissioner may 100594
refuse to issue the annual renewal of the license required by this 100595
section and may refuse to issue a new license for ~~the same a~~ 100596
location of the distributor until all delinquent forms are filed 100597
and outstanding taxes are paid. This division does not apply to 100598
any unpaid or underpaid tax liability that is the subject of a 100599
petition or appeal filed pursuant to section 5743.56, 5717.02, or 100600
5717.04 of the Revised Code. 100601

(E)(1) The tax commissioner may impose a penalty of up to one 100602
thousand dollars on any person found to be engaging in the 100603
business of distributing tobacco products without a license as 100604
required by this section. 100605

(2) Any person engaging in the business of distributing 100606
tobacco products without a license as required by this section 100607
shall comply with divisions (B)(1) and (2) of this section within 100608
ten days after being notified of the requirement to do so. Failure 100609
to comply with division (E)(2) of this section subjects a person 100610
to penalties imposed under section 5743.99 of the Revised Code. 100611

Sec. 5747.02. (A) For the purpose of providing revenue for 100612
the support of schools and local government functions, to provide 100613
relief to property taxpayers, to provide revenue for the general 100614
revenue fund, and to meet the expenses of administering the tax 100615
levied by this chapter, there is hereby levied on every 100616
individual, trust, and estate residing in or earning or receiving 100617
income in this state, on every individual, trust, and estate 100618
earning or receiving lottery winnings, prizes, or awards pursuant 100619

to Chapter 3770. of the Revised Code, on every individual, trust, 100620
and estate earning or receiving winnings on casino gaming, and on 100621
every individual, trust, and estate otherwise having nexus with or 100622
in this state under the Constitution of the United States, an 100623
annual tax measured as prescribed in divisions (A)(1) to (4) of 100624
this section. 100625

(1) In the case of trusts, the tax imposed by this section 100626
shall be measured by modified Ohio taxable income under division 100627
(D) of this section and levied at the same rates prescribed in 100628
division (A)(3) of this section for individuals. 100629

(2) In the case of estates, the tax imposed by this section 100630
shall be measured by Ohio taxable income and levied at the same 100631
rates prescribed in division (A)(3) of this section for 100632
individuals. 100633

(3) In the case of individuals, for taxable years beginning 100634
in ~~2015~~ 2017 or thereafter, the tax imposed by this section on 100635
income other than taxable business income shall be measured by 100636
Ohio adjusted gross income, less taxable business income and less 100637
an exemption for the taxpayer, the taxpayer's spouse, and each 100638
dependent as provided in section 5747.025 of the Revised Code. ~~The~~ 100639
~~tax imposed on the balance thus obtained~~ If the balance thus 100640
obtained is equal to or less than ten thousand dollars, no tax 100641
shall be imposed on that balance. If the balance thus obtained is 100642
greater than ten thousand dollars, the tax is hereby levied as 100643
follows: 100644

OHIO ADJUSTED GROSS INCOME LESS 100645
TAXABLE BUSINESS INCOME AND
EXEMPTIONS (INDIVIDUALS)
OR 100646
MODIFIED OHIO 100647
TAXABLE INCOME (TRUSTS) 100648

	OR	100649
OHIO TAXABLE INCOME (ESTATES)	TAX	100650
\$5,000 or less	.495%	100651
More than \$5,000 but not more than \$10,000	\$24.75 plus .990% of the amount in excess of \$5,000	100652
More than \$10,000 but not more than \$15,000	\$74.25 plus 1.980% of the amount in excess of \$10,000	100653
More than \$15,000 but not more than \$20,000	\$173.25 plus 2.476% of the amount in excess of \$15,000	100654
More than \$20,000 but not more than \$40,000	\$297.05 plus 2.969% of the amount in excess of \$20,000	100655
More than \$40,000 but not more than \$80,000	\$890.85 plus 3.465% of the amount in excess of \$40,000	100656
More than \$80,000 but not more than \$100,000	\$2,276.85 plus 3.960% of the amount in excess of \$80,000	100657
More than \$100,000 but not more than \$200,000	\$3,068.85 plus 4.597% of the amount in excess of \$100,000	100658
More than \$200,000	\$7,665.85 plus 4.997% of the amount in excess of \$200,000	100659
(4)(a) In the case of individuals, for taxable years beginning in 2015, the tax imposed by this section on taxable business income shall be measured by taxable business income less any amount allowed under division (A)(4)(c) of this section. The tax imposed on the balance thus obtained is hereby levied as follows:		100660
TAXABLE BUSINESS INCOME		100661
LESS ALLOWED EXEMPTION AMOUNT	TAX	100662
\$5,000 or less	.495%	100663
More than \$5,000 but not more than \$10,000	\$24.75 plus .990% of the amount in excess of \$5,000	100664
More than \$10,000 but not more than \$15,000	\$74.25 plus 1.980% of the amount in excess of \$10,000	100665
More than \$15,000 but not more	\$173.25 plus 2.476% of the	100666
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than \$20,000	amount in excess of \$15,000	
More than \$20,000 but not more	\$297.05 plus 2.969% of the	100672
than \$40,000	amount in excess of \$20,000	
More than \$40,000	\$890.85 plus 3% of the amount in	100673
	excess of \$40,000	

~~(b)~~ In the case of individuals, for taxable years beginning 100674
in 2016 or thereafter, the tax imposed by this section on taxable 100675
business income shall equal three per cent of the result obtained 100676
by subtracting any amount allowed under division (A)(4)~~(e)~~(b) of 100677
this section from the individual's taxable business income. 100678

~~(e)~~(b) If the exemptions allowed to an individual under 100679
division (A)(3) of this section exceed the taxpayer's Ohio 100680
adjusted gross income less taxable business income, the excess 100681
shall be deducted from taxable business income before computing 100682
the tax under division (A)(4)(a) ~~or (b)~~ of this section. 100683

Except as otherwise provided in this division, in August of 100684
each year, the tax commissioner shall make a new adjustment to the 100685
income amounts prescribed in division (A)(3) of this section by 100686
multiplying the percentage increase in the gross domestic product 100687
deflator computed that year under section 5747.025 of the Revised 100688
Code by each of the income amounts resulting from the adjustment 100689
under this division in the preceding year, adding the resulting 100690
product to the corresponding income amount resulting from the 100691
adjustment in the preceding year, and rounding the resulting sum 100692
to the nearest multiple of fifty dollars. The tax commissioner 100693
also shall recompute each of the tax dollar amounts to the extent 100694
necessary to reflect the new adjustment of the income amounts. The 100695
rates of taxation shall not be adjusted. 100696

The adjusted amounts apply to taxable years beginning in the 100697
calendar year in which the adjustments are made and to taxable 100698
years beginning in each ensuing calendar year until a calendar 100699
year in which a new adjustment is made pursuant to this division. 100700

The tax commissioner shall not make a new adjustment in any year 100701
in which the amount resulting from the adjustment would be less 100702
than the amount resulting from the adjustment in the preceding 100703
year. The commissioner shall not make a new adjustment for taxable 100704
years beginning in ~~2013, 2014, or 2015~~ 2017 or 2018. 100705

(B) If the director of budget and management makes a 100706
certification to the tax commissioner under division (B) of 100707
section 131.44 of the Revised Code, the amount of tax as 100708
determined under divisions (A)(1) to (3) of this section shall be 100709
reduced by the percentage prescribed in that certification for 100710
taxable years beginning in the calendar year in which that 100711
certification is made. 100712

(C) The levy of this tax on income does not prevent a 100713
municipal corporation, a joint economic development zone created 100714
under section 715.691, or a joint economic development district 100715
created under section 715.70, 715.71, or 715.72 of the Revised 100716
Code from levying a tax on income. 100717

(D) This division applies only to taxable years of a trust 100718
beginning in 2002 or thereafter. 100719

(1) The tax imposed by this section on a trust shall be 100720
computed by multiplying the Ohio modified taxable income of the 100721
trust by the rates prescribed by division (A) of this section. 100722

(2) A resident trust may claim a credit against the tax 100723
computed under division (D) of this section equal to the lesser of 100724
~~(1)(a)~~ (a) the tax paid to another state or the District of Columbia 100725
on the resident trust's modified nonbusiness income, other than 100726
the portion of the resident trust's nonbusiness income that is 100727
qualifying investment income as defined in section 5747.012 of the 100728
Revised Code, or ~~(2)(b)~~ (b) the effective tax rate, based on modified 100729
Ohio taxable income, multiplied by the resident trust's modified 100730
nonbusiness income other than the portion of the resident trust's 100731

nonbusiness income that is qualifying investment income. The 100732
credit applies before any other applicable credits. 100733

(3) The credits enumerated in divisions (A)(1) to ~~(10)(9)~~ and 100734
(A)~~(19)(18)~~ to ~~(21)(20)~~ of section 5747.98 of the Revised Code do 100735
not apply to a trust subject to division (D) of this section. Any 100736
credits enumerated in other divisions of section 5747.98 of the 100737
Revised Code apply to a trust subject to division (D) of this 100738
section. To the extent that the trust distributes income for the 100739
taxable year for which a credit is available to the trust, the 100740
credit shall be shared by the trust and its beneficiaries. The tax 100741
commissioner and the trust shall be guided by applicable 100742
regulations of the United States treasury regarding the sharing of 100743
credits. 100744

(E) For the purposes of this section, "trust" means any trust 100745
described in Subchapter J of Chapter 1 of the Internal Revenue 100746
Code, excluding trusts that are not irrevocable as defined in 100747
division (I)(3)(b) of section 5747.01 of the Revised Code and that 100748
have no modified Ohio taxable income for the taxable year, 100749
charitable remainder trusts, qualified funeral trusts and preneed 100750
funeral contract trusts established pursuant to sections 4717.31 100751
to 4717.38 of the Revised Code that are not qualified funeral 100752
trusts, endowment and perpetual care trusts, qualified settlement 100753
trusts and funds, designated settlement trusts and funds, and 100754
trusts exempted from taxation under section 501(a) of the Internal 100755
Revenue Code. 100756

(F) Nothing in division (A)(3) of this section shall prohibit 100757
an individual with an Ohio adjusted gross income, less taxable 100758
business income and exemptions, of ten thousand dollars or less 100759
from filing a return under this chapter to receive a refund of 100760
taxes withheld or to claim any refundable credit allowed under 100761
this chapter. 100762

Sec. 5747.031. For annual returns filed for taxable years 100763
beginning on or after January 1, 2017, the department of taxation 100764
shall determine and provide to the office of budget and management 100765
a report of the amount of revenue from the tax levied under 100766
section 5747.02 of the Revised Code that arises from taxable 100767
business income and the amount of revenue that arises from income, 100768
other than taxable business income, as measured and taxed under 100769
divisions (A)(1), (2), or (3) of that section. 100770

In providing actual and estimates of revenue pursuant to 100771
Chapter 126. of the Revised Code, the office of budget and 100772
management shall separately list the revenue from the tax levied 100773
under section 5747.02 of the Revised Code that arises from taxable 100774
business income and the revenue that arises from income, other 100775
than taxable business income, as measured and taxed under 100776
divisions (A)(1), (2), or (3) of that section. 100777

Sec. 5747.06. (A) Except as provided in division (E)(3) of 100778
this section, every employer, including the state and its 100779
political subdivisions, maintaining an office or transacting 100780
business within this state and making payment of any compensation 100781
to an employee who is a taxpayer shall deduct and withhold from 100782
such compensation for each payroll period a tax computed in such 100783
manner as to result, as far as practicable, in withholding from 100784
the employee's compensation during each calendar year an amount 100785
substantially equivalent to the tax reasonably estimated to be due 100786
from the employee under this chapter and Chapter 5748. of the 100787
Revised Code with respect to the amount of such compensation 100788
included in the employee's adjusted gross income during the 100789
calendar year. The employer shall deduct and withhold the tax on 100790
the date that the employer directly, indirectly, or constructively 100791
pays the compensation to, or credits the compensation to the 100792
benefit of, the employee. ~~The~~ 100793

The method of determining the amount to be withheld shall be prescribed by rule of the tax commissioner. Notwithstanding section 5747.02 of the Revised Code, the rule prescribed by the commissioner shall require that taxes are withheld on the first ten thousand dollars of a taxpayer's compensation at rates sufficient to ensure payment of the appropriate amount of tax reasonably estimated to be due.

In addition to any other exclusions from withholding permitted under this section, no tax shall be withheld by an employer from the compensation of an employee when such compensation is paid for:

(1) Agricultural labor as defined in division G of section 3121 of Title 26 of the United States Code;

(2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(3) Service performed in any calendar quarter by an employee unless the cash remuneration paid for such service is three hundred dollars or more and such service is performed by an individual who is regularly employed by such employer to perform such service;

(4) Services performed for a foreign government or an international organization;

(5) Services performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, or when performed by such individual under the age of eighteen under an arrangement where newspapers or magazines are to be sold by the individual at a fixed price, the individual's compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to the individual;

(6) Services not in the course of the employer's trade or 100825
business to the extent paid in any medium other than cash. 100826

(B) Every employer required to deduct and withhold tax from 100827
the compensation of an employee under this chapter shall furnish 100828
to each employee, with respect to the compensation paid by such 100829
employer to such employee during the calendar year, on or before 100830
the thirty-first day of January of the succeeding year, or, if the 100831
employee's employment is terminated before the close of such 100832
calendar year, within thirty days from the date on which the last 100833
payment of compensation was made, a written statement as 100834
prescribed by the tax commissioner showing the amount of 100835
compensation paid by the employer to the employee, the amount 100836
deducted and withheld as state income tax, any amount deducted and 100837
withheld as school district income tax for each applicable school 100838
district, and any other information as the commissioner 100839
prescribes. 100840

(C) The failure of an employer to withhold tax as required by 100841
this section does not relieve an employee from the liability for 100842
the tax. The failure of an employer to remit the tax as required 100843
by law does not relieve an employee from liability for the tax if 100844
the tax commissioner ascertains that the employee colluded with 100845
the employer with respect to the failure to remit the tax. 100846

(D) If an employer fails to deduct and withhold any tax as 100847
required, and thereafter the tax is paid, the tax so required to 100848
be deducted and withheld shall not be collected from the employer, 100849
but the employer is not relieved from liability for penalties and 100850
interest otherwise applicable in respect to the failure to deduct 100851
and withhold the tax. 100852

(E) To ensure that taxes imposed pursuant to Chapter 5748. of 100853
the Revised Code are deducted and withheld as provided in this 100854
section: 100855

(1) An employer shall request that each employee furnish the name of the employee's school district of residence; 100856
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(2) Each employee shall furnish the employer with sufficient and correct information to enable the employer to withhold the taxes imposed under Chapter 5748. of the Revised Code. The employee shall provide additional or corrected information whenever information previously provided to the employer becomes insufficient or incorrect. 100858
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(3) If the employer complies with the requirements of division (E)(1) of this section and if the employee fails to comply with the requirements of division (E)(2) of this section, the employer is not required to withhold and pay the taxes imposed under Chapter 5748. of the Revised Code and is not subject to any penalties and interest otherwise applicable for failing to deduct and withhold such taxes. 100864
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Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code. 100871
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(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent. 100882
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(B) If an individual is unable to make a return or notice 100886

required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of

the trust is a person subject to the tax imposed under section 100919
5733.06 of the Revised Code. 100920

(ii) A pass-through entity shall not include in such a single 100921
return any investor that is itself a pass-through entity to the 100922
extent that any direct or indirect investor in the second 100923
pass-through entity is a person subject to the tax imposed under 100924
section 5733.06 of the Revised Code. 100925

(c) Nothing in division (D) of this section precludes the tax 100926
commissioner from requiring such investors to file the return and 100927
make the payment of taxes and related interest, penalty, and 100928
interest penalty required by this section or section 5747.02, 100929
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 100930
of this section precludes such an investor from filing the annual 100931
return under this section, utilizing the refundable credit equal 100932
to the investor's proportionate share of the tax paid by the 100933
pass-through entity on behalf of the investor under division (I) 100934
of this section, and making the payment of taxes imposed under 100935
section 5747.02 of the Revised Code. Nothing in division (D) of 100936
this section shall be construed to provide to such an investor or 100937
pass-through entity any additional deduction or credit, other than 100938
the credit provided by division (I) of this section, solely on 100939
account of the entity's filing a return in accordance with this 100940
section. Such a pass-through entity also shall make the filing and 100941
payment of estimated taxes on behalf of the pass-through entity 100942
investors other than an investor that is a person subject to the 100943
tax imposed under section 5733.06 of the Revised Code. 100944

(2) For the purposes of this section, "business credits" 100945
means the credits listed in section 5747.98 of the Revised Code 100946
excluding the following credits: 100947

(a) The retirement income credit under division (B) of 100948
section 5747.055 of the Revised Code; 100949

(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;	100950 100951
(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;	100952 100953
(d) The dependent care credit under section 5747.054 of the Revised Code;	100954 100955
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	100956 100957
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	100958 100959
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	100960 100961
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	100962 100963
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	100964 100965
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	100966 100967
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	100968 100969
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	100970 100971
(m) The low income credit under section 5747.056 of the Revised Code;	100972 100973
(n) The earned income tax credit under section 5747.71 of the Revised Code.	100974 100975
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner	100976 100977 100978

provides otherwise, this election, once made, is binding and 100979
irrevocable for the taxable year for which the election is made. 100980
Nothing in this division shall be construed to provide for any 100981
deduction or credit that would not be allowable if a nonresident 100982
pass-through entity investor were to file an annual return. 100983

(4) If a pass-through entity makes the election provided for 100984
under division (D) of this section, the pass-through entity shall 100985
be liable for any additional taxes, interest, interest penalty, or 100986
penalties imposed by this chapter if the tax commissioner finds 100987
that the single return does not reflect the correct tax due by the 100988
pass-through entity investors covered by that return. Nothing in 100989
this division shall be construed to limit or alter the liability, 100990
if any, imposed on pass-through entity investors for unpaid or 100991
underpaid taxes, interest, interest penalty, or penalties as a 100992
result of the pass-through entity's making the election provided 100993
for under division (D) of this section. For the purposes of 100994
division (D) of this section, "correct tax due" means the tax that 100995
would have been paid by the pass-through entity had the single 100996
return been filed in a manner reflecting the commissioner's 100997
findings. Nothing in division (D) of this section shall be 100998
construed to make or hold a pass-through entity liable for tax 100999
attributable to a pass-through entity investor's income from a 101000
source other than the pass-through entity electing to file the 101001
single return. 101002

(E) If a husband and wife file a joint federal income tax 101003
return for a taxable year, they shall file a joint return under 101004
this section for that taxable year, and their liabilities are 101005
joint and several, but, if the federal income tax liability of 101006
either spouse is determined on a separate federal income tax 101007
return, they shall file separate returns under this section. 101008

If either spouse is not required to file a federal income tax 101009
return and either or both are required to file a return pursuant 101010

to this chapter, they may elect to file separate or joint returns, 101011
and, pursuant to that election, their liabilities are separate or 101012
joint and several. If a husband and wife file separate returns 101013
pursuant to this chapter, each must claim the taxpayer's own 101014
exemption, but not both, as authorized under section 5747.02 of 101015
the Revised Code on the taxpayer's own return. 101016

(F) Each return or notice required to be filed under this 101017
section shall contain the signature of the taxpayer or the 101018
taxpayer's duly authorized agent and of the person who prepared 101019
the return for the taxpayer, and shall include the taxpayer's 101020
social security number. Each return shall be verified by a 101021
declaration under the penalties of perjury. The tax commissioner 101022
shall prescribe the form that the signature and declaration shall 101023
take. 101024

(G) Each return or notice required to be filed under this 101025
section shall be made and filed as required by section 5747.04 of 101026
the Revised Code, on or before the fifteenth day of April of each 101027
year, on forms that the tax commissioner shall prescribe, together 101028
with remittance made payable to the treasurer of state in the 101029
combined amount of the state and all school district income taxes 101030
shown to be due on the form. 101031

Upon good cause shown, the commissioner may extend the period 101032
for filing any notice or return required to be filed under this 101033
section and may adopt rules relating to extensions. If the 101034
extension results in an extension of time for the payment of any 101035
state or school district income tax liability with respect to 101036
which the return is filed, the taxpayer shall pay at the time the 101037
tax liability is paid an amount of interest computed at the rate 101038
per annum prescribed by section 5703.47 of the Revised Code on 101039
that liability from the time that payment is due without extension 101040
to the time of actual payment. Except as provided in section 101041
5747.132 of the Revised Code, in addition to all other interest 101042

charges and penalties, all taxes imposed under this chapter or 101043
Chapter 5748. of the Revised Code and remaining unpaid after they 101044
become due, except combined amounts due of one dollar or less, 101045
bear interest at the rate per annum prescribed by section 5703.47 101046
of the Revised Code until paid or until the day an assessment is 101047
issued under section 5747.13 of the Revised Code, whichever occurs 101048
first. 101049

If the commissioner considers it necessary in order to ensure 101050
the payment of the tax imposed by section 5747.02 of the Revised 101051
Code or any tax imposed under Chapter 5748. of the Revised Code, 101052
the commissioner may require returns and payments to be made 101053
otherwise than as provided in this section. 101054

To the extent that any provision in this division conflicts 101055
with any provision in section 5747.026 of the Revised Code, the 101056
provision in that section prevails. 101057

(H) The amounts withheld by an employer pursuant to section 101058
5747.06 of the Revised Code, a casino operator pursuant to section 101059
5747.063 of the Revised Code, or a lottery sales agent pursuant to 101060
section 5747.064 of the Revised Code shall be allowed to the 101061
recipient of the compensation casino winnings, or lottery prize 101062
award as credits against payment of the appropriate taxes imposed 101063
on the recipient by section 5747.02 and under Chapter 5748. of the 101064
Revised Code. 101065

(I) If a pass-through entity elects to file a single return 101066
under division (D) of this section and if any investor is required 101067
to file the annual return and make the payment of taxes required 101068
by this chapter on account of the investor's other income that is 101069
not included in a single return filed by a pass-through entity or 101070
any other investor elects to file the annual return, the investor 101071
is entitled to a refundable credit equal to the investor's 101072
proportionate share of the tax paid by the pass-through entity on 101073
behalf of the investor. The investor shall claim the credit for 101074

the investor's taxable year in which or with which ends the 101075
taxable year of the pass-through entity. Nothing in this chapter 101076
shall be construed to allow any credit provided in this chapter to 101077
be claimed more than once. For the purpose of computing any 101078
interest, penalty, or interest penalty, the investor shall be 101079
deemed to have paid the refundable credit provided by this 101080
division on the day that the pass-through entity paid the 101081
estimated tax or the tax giving rise to the credit. 101082

(J) The tax commissioner shall ensure that each return 101083
required to be filed under this section includes a box that the 101084
taxpayer may check to authorize a paid tax preparer who prepared 101085
the return to communicate with the department of taxation about 101086
matters pertaining to the return. The return or instructions 101087
accompanying the return shall indicate that by checking the box 101088
the taxpayer authorizes the department of taxation to contact the 101089
preparer concerning questions that arise during the processing of 101090
the return and authorizes the preparer only to provide the 101091
department with information that is missing from the return, to 101092
contact the department for information about the processing of the 101093
return or the status of the taxpayer's refund or payments, and to 101094
respond to notices about mathematical errors, offsets, or return 101095
preparation that the taxpayer has received from the department and 101096
has shown to the preparer. 101097

(K) The tax commissioner shall permit individual taxpayers to 101098
instruct the department of taxation to cause any refund of 101099
overpaid taxes to be deposited directly into a checking account, 101100
savings account, or an individual retirement account or individual 101101
retirement annuity, or preexisting college savings plan or program 101102
account offered by the Ohio tuition trust authority under Chapter 101103
3334. of the Revised Code, as designated by the taxpayer, when the 101104
taxpayer files the annual return required by this section 101105
electronically. 101106

(L) The tax commissioner may adopt rules to administer this section. 101107
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Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5902.05 of the Revised Code, the Ohio history fund created in section 149.308 of the Revised Code, the breast and cervical cancer project income tax contribution fund created in section 3701.601 of the Revised Code, the wishes for sick children income tax contribution fund created in section 3701.602 of the Revised Code, or all of those funds may designate on the taxpayer's income tax return the amount that the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found due the taxpayer upon the initial processing of the taxpayer's return, after any deductions including those required by section 5747.12 of the Revised Code, is greater than or equal to the designated contribution. If the refund due as initially determined is less than the designated contribution, the contribution shall be made in the full amount of the refund. The tax commissioner shall subtract the amount of the contribution from the amount of the refund initially found due the taxpayer and shall certify the difference to the director of budget and management and treasurer of state for payment to the taxpayer in accordance with section 5747.11 of the Revised Code. For the purpose of any subsequent determination of the taxpayer's net tax payment, the contribution shall be considered a part of the refund paid to the taxpayer. 101109
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(B) The tax commissioner shall provide a space on the income 101138

tax return form in which a taxpayer may indicate that the taxpayer 101139
wishes to make a donation in accordance with this section. The tax 101140
commissioner shall also print in the instructions accompanying the 101141
income tax return form a description of the purposes for which the 101142
natural areas and preserves fund, the nongame and endangered 101143
wildlife fund, the military injury relief fund, the Ohio history 101144
fund, the breast and cervical cancer project income tax 101145
contribution fund, and the wishes for sick children income tax 101146
contribution fund were created and the use of moneys from the 101147
income tax refund contribution system established in this section. 101148
No person shall designate on the person's income tax return any 101149
part of a refund claimed under section 5747.11 of the Revised Code 101150
as a contribution to any fund other than the natural areas and 101151
preserves fund, the nongame and endangered wildlife fund, the 101152
military injury relief fund, the Ohio history fund, the breast and 101153
cervical cancer project income tax contribution fund, or the 101154
wishes for sick children income tax contribution fund. 101155

(C) The money collected under the income tax refund 101156
contribution system established in this section shall be deposited 101157
by the tax commissioner into the natural areas and preserves fund, 101158
the nongame and endangered wildlife fund, the military injury 101159
relief fund, the Ohio history fund, the breast and cervical cancer 101160
project income tax contribution fund, and the wishes for sick 101161
children income tax contribution fund in the amounts designated on 101162
the tax returns. 101163

~~(D) No later than the thirtieth day of September each year, 101164
the tax commissioner shall determine the total amount contributed 101165
to each fund under this section during the preceding eight months, 101166
any adjustments to prior months, and the cost to the department of 101167
taxation of administering the income tax refund contribution 101168
system during that eight month period. The commissioner shall make 101169
an additional determination no later than the thirty first day of 101170~~

~~January of each year of the total amount contributed to each fund 101171
under this section during the preceding four calendar months, any 101172
adjustments to prior years made during that four month period, and 101173
the cost to the department of taxation of administering the income 101174
tax contribution system during that period. The cost of 101175
administering the income tax contribution system shall be 101176
certified by the tax commissioner to the director of budget and 101177
management, who shall transfer an amount equal to one sixth of 101178
such administrative costs from each of the six funds to the income 101179
tax contribution fund, which is hereby created, provided that the 101180
moneys that the department receives to pay the cost of 101181
administering the income tax refund contribution system in any 101182
year shall not exceed two and one half per cent of the total 101183
amount contributed under that system during that year. 101184~~

~~(E) If the total amount contributed to a fund under this 101185
section in each of five consecutive calendar years, as annually 101186
determined by the tax commissioner, is less than fifty thousand 101187
dollars in each of five consecutive calendar years, no person may 101188
designate a contribution to that fund for any taxable year ending 101189
after the last day of that five-year period. In such a case, the 101190
~~tax~~ commissioner shall remove the space dedicated to the fund on 101191
the income tax return and the description of the fund in the 101192
instructions accompanying the income tax return. 101193~~

~~(F)(E) The general assembly may authorize taxpayer refund 101194
contributions to no more than six funds under the income tax 101195
refund contribution system established in this section. If the 101196
general assembly authorizes income tax refund contributions to a 101197
fund other than the natural areas and preserves fund, the nongame 101198
and endangered wildlife fund, the military injury relief fund, the 101199
Ohio history fund, the breast and cervical cancer project income 101200
tax contribution fund, or the wishes for sick children income tax 101201
contribution fund, such contributions may be authorized only for a 101202~~

period of two calendar years. 101203

With the exception of the Ohio history fund, the general 101204
assembly may authorize income tax refund contributions to a fund 101205
only if all the money in the fund will be expended or distributed 101206
by a state agency as defined in section 1.60 of the Revised Code. 101207

~~(G)~~(F)(1) The director of natural resources, in January of 101208
every odd-numbered year, shall report to the general assembly on 101209
the effectiveness of the income tax refund contribution system as 101210
it pertains to the natural areas and preserves fund and the 101211
nongame and endangered wildlife fund. The report shall include the 101212
amount of money contributed to each fund in each of the previous 101213
five years, the amount of money contributed directly to each fund 101214
in addition to or independently of the income tax refund 101215
contribution system in each of the previous five years, and the 101216
purposes for which the money was expended. 101217

(2) The director of veterans services, the director of the 101218
Ohio history connection, and the director of health, in January of 101219
every odd-numbered year, each shall report to the general assembly 101220
on the effectiveness of the income tax refund contribution system 101221
as it pertains to the military injury relief fund, the Ohio 101222
history fund, the breast and cervical cancer project income tax 101223
contribution fund, and the wishes for sick children income tax 101224
contribution fund respectively. The report shall include the 101225
amount of money contributed to the fund in each of the previous 101226
five years, the amount of money contributed directly to the fund 101227
in addition to or independently of the income tax refund 101228
contribution system in each of the previous five years, and the 101229
purposes for which the money was expended. 101230

Sec. 5747.122. (A) The tax commissioner, in accordance with 101231
section 5101.184 of the Revised Code, shall cooperate with the 101232
director of job and family services to collect overpayments of 101233

assistance under Chapter 5107. ~~or~~, former Chapter 5115., former 101234
Chapter 5113., or section 5101.54 of the Revised Code from refunds 101235
of state income taxes for taxable year 1992 and thereafter that 101236
are payable to the recipients of such overpayments. 101237

(B) At the request of the department of job and family 101238
services in connection with the collection of an overpayment of 101239
assistance from a refund of state income taxes pursuant to this 101240
section and section 5101.184 of the Revised Code, the tax 101241
commissioner shall release to the department the home address and 101242
social security number of any recipient of assistance whose 101243
overpayment may be collected from a refund of state income taxes 101244
under those sections. 101245

(C) In the case of a joint income tax return for two people 101246
who were not married to each other at the time one of them 101247
received an overpayment of assistance, only the portion of a 101248
refund that is due to the recipient of the overpayment shall be 101249
available for collection of the overpayment under this section and 101250
section 5101.184 of the Revised Code. The tax commissioner shall 101251
determine such portion. A recipient's spouse who objects to the 101252
portion as determined by the commissioner may file a complaint 101253
with the commissioner within twenty-one days after receiving 101254
notice of the collection, and the commissioner shall afford the 101255
spouse an opportunity to be heard on the complaint. The 101256
commissioner shall waive or extend the twenty-one-day period if 101257
the recipient's spouse establishes that such action is necessary 101258
to avoid unjust, unfair, or unreasonable results. After the 101259
hearing, the commissioner shall make a final determination of the 101260
portion of the refund available for collection of the overpayment. 101261

(D) The welfare overpayment intercept fund is hereby created 101262
in the state treasury. The tax commissioner shall deposit amounts 101263
collected from income tax refunds under this section to the credit 101264
of the welfare overpayment intercept fund. The director of job and 101265

family services shall distribute money in the fund in accordance 101266
with appropriate federal or state laws and procedures regarding 101267
collection of welfare overpayments. 101268

Sec. 5747.50. (A) As used in this section: 101269

(1) "County's proportionate share of the calendar year 2007 101270
LGF and LGRAF distributions" means the percentage computed for the 101271
county under division (B)(1)(a) of section 5747.501 of the Revised 101272
Code. 101273

(2) "County's proportionate share of the total amount of the 101274
local government fund additional revenue formula" means each 101275
county's proportionate share of the state's population as 101276
determined for and certified to the county for distributions to be 101277
made during the current calendar year under division (B)(2)(a) of 101278
section 5747.501 of the Revised Code. If prior to the first day of 101279
January of the current calendar year the federal government has 101280
issued a revision to the population figures reflected in the 101281
estimate produced pursuant to division (B)(2)(a) of section 101282
5747.501 of the Revised Code, such revised population figures 101283
shall be used for making the distributions during the current 101284
calendar year. 101285

(3) "2007 LGF and LGRAF county distribution base available in 101286
that month" means the lesser of the amounts described in division 101287
(A)(3)(a) and (b) of this section, provided that the amount shall 101288
not be less than zero: 101289

(a) The total amount available for distribution to counties 101290
from the local government fund during the current month. 101291

(b) The total amount distributed to counties from the local 101292
government fund and the local government revenue assistance fund 101293
to counties in calendar year 2007 less the total amount 101294
distributed to counties under division (B)(1) of this section 101295

during previous months of the current calendar year. 101296

(4) "Local government fund additional revenue distribution 101297
base available during that month" means the total amount available 101298
for distribution to counties during the month from the local 101299
government fund, less any amounts to be distributed in that month 101300
from the local government fund under division (B)(1) of this 101301
section, provided that the local government fund additional 101302
revenue distribution base available during that month shall not be 101303
less than zero. 101304

(5) "Total amount available for distribution to counties" 101305
means the total amount available for distribution from the local 101306
government fund during the current month less the total amount 101307
available for distribution to municipal corporations during the 101308
current month under division (C) of this section. 101309

(B) On or before the tenth day of each month, the tax 101310
commissioner shall provide for payment to each county an amount 101311
equal to the sum of: 101312

(1) The county's proportionate share of the calendar year 101313
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 101314
LGRAF county distribution base available in that month, provided 101315
that if the 2007 LGF and LGRAF county distribution base available 101316
in that month is zero, no payment shall be made under division 101317
(B)(1) of this section for the month or the remainder of the 101318
calendar year; and 101319

(2) The county's proportionate share of the total amount of 101320
the local government fund additional revenue formula multiplied by 101321
the local government fund additional revenue distribution base 101322
available during that month. 101323

Money received into the treasury of a county under this 101324
division shall be credited to the undivided local government fund 101325
in the treasury of the county on or before the fifteenth day of 101326

each month. On or before the twentieth day of each month, the county auditor shall issue warrants against all of the undivided local government fund in the county treasury in the respective amounts allowed as provided in section 5747.51 of the Revised Code, and the treasurer shall distribute and pay such sums to the subdivision therein.

(C)(1) As used in division (C) of this section:

(a) "Total amount available for distribution to municipalities during the current month" means the difference obtained by subtracting one million dollars from the product obtained by multiplying the total amount available for distribution from the local government fund during the current month by the aggregate municipal share.

(b) "Aggregate municipal share" means the quotient obtained by dividing the total amount distributed directly from the local government fund to municipal corporations during calendar year 2007 by the total distributions from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) On or before the tenth day of each month, the tax commissioner shall provide for payment from the local government fund to each municipal corporation an amount equal to the product derived by multiplying the municipal corporation's percentage of the total amount distributed to all such municipal corporations under this division during calendar year 2007 by the total amount available for distribution to municipal corporations during the current month.

(3) Payments received by a municipal corporation under this division shall be paid into its general fund and may be used for any lawful purpose.

(4) The amount distributed to municipal corporations under

this division during any calendar year shall not exceed the amount 101358
distributed directly from the local government fund to municipal 101359
corporations during calendar year 2007. If that maximum amount is 101360
reached during any month, distributions to municipal corporations 101361
in that month shall be as provided in divisions (C)(1) and (2) of 101362
this section, but no further distributions shall be made to 101363
municipal corporations under division (C) of this section during 101364
the remainder of the calendar year. 101365

(5) Upon being informed of a municipal corporation's 101366
dissolution, the tax commissioner shall cease providing for 101367
payments to that municipal corporation under division (C) of this 101368
section. The proportionate shares of the total amount available 101369
for distribution to each of the remaining municipal corporations 101370
under this division shall be increased on a pro rata basis. 101371

The tax commissioner shall reduce payments under division (C) 101372
of this section to municipal corporations for which reduced 101373
payments are required under section 5747.502 of the Revised Code. 101374

(D) Each municipal corporation which has in effect a tax 101375
imposed under Chapter 718. of the Revised Code shall, no later 101376
than the thirty-first day of August of each year, certify to the 101377
tax commissioner, on a form prescribed by the commissioner, the 101378
amount of income tax revenue collected and refunded by such 101379
municipal corporation pursuant to such chapter during the 101380
preceding calendar year, arranged, when possible, by the type of 101381
income from which the revenue was collected or the refund was 101382
issued. The municipal corporation shall also report the amount of 101383
income tax revenue collected and refunded on behalf of a joint 101384
economic development district or a joint economic development zone 101385
that levies an income tax administered by the municipal 101386
corporation and the amount of such revenue distributed to 101387
contracting parties during the preceding calendar year. The tax 101388
commissioner may withhold payment of local government fund moneys 101389

pursuant to division (C) of this section from any municipal corporation for failure to comply with this reporting requirement.

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Sec. 5747.502. (A) As used in this section: 101392

(1) "Delinquent subdivision" means a municipal corporation, township, or county that has not filed a report or signed statement under section 4511.0915 of the Revised Code, as required under that section.

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(2) "Noncompliant subdivision" means a municipal corporation, township, or county that files a report under division (A)(1) of section 4511.0915 of the Revised Code for the most recent calendar quarter.

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(B)(1)(a) Upon receiving notification of a delinquent subdivision under division (C)(2) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

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(i) If the delinquent subdivision is a municipal corporation or township, cease providing for payments to the municipal corporation or township under section 5747.503 and division (C) of section 5747.50 of the Revised Code, beginning with the next required payment;

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(ii) Immediately notify the county auditor and county treasurer required to provide for payments to the delinquent subdivision from a county undivided local government fund that such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (B)(3)(a)(ii) of this section.

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(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment.

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(2)(a) Upon receiving notification that a county, township,

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or municipal corporation is no longer a delinquent subdivision 101420
under division (C)(3) of section 4511.0915 of the Revised Code, 101421
the tax commissioner shall do both of the following: 101422

(i) If the formerly delinquent subdivision is a municipal 101423
corporation or township, begin providing for payments to the 101424
municipal corporation or township as required under section 101425
5747.503 and division (C) of section 5747.50 of the Revised Code, 101426
beginning with the next required payment. 101427

(ii) Immediately notify the county auditor and county 101428
treasurer who ceased payments to the formerly delinquent 101429
subdivision under division (B)(1)(b) of this section that the 101430
treasurer shall begin providing for payment from a county 101431
undivided local government fund to the formerly delinquent 101432
subdivision under section 5747.51 or 5747.53 of the Revised Code. 101433

(b) A county treasurer receiving notice under division 101434
(B)(2)(a)(ii) of this section shall provide for payments to the 101435
formerly delinquent subdivision from a county undivided local 101436
government fund, beginning with the next required payment. 101437

(C)(1) Upon receiving notification of a noncompliant 101438
subdivision under division (C)(1) of section 4511.0915 of the 101439
Revised Code, the tax commissioner shall do both of the following: 101440

(a) If the ~~delinquent~~ noncompliant subdivision is a municipal 101441
corporation or township, reduce the amount of each of the next 101442
three local government fund payments the noncompliant subdivision 101443
would otherwise receive under section 5747.503 and division (C) of 101444
section 5747.50 of the Revised Code in an amount equal to 101445
one-third of the gross amount of fines reported by the 101446
noncompliant subdivision on the report filed for the calendar 101447
quarter. 101448

(b) If the reduction described in division (C)(1)(a) of this 101449
section exceeds the amount of money the noncompliant subdivision 101450

would otherwise receive under section 5747.503 and division (C) of 101451
section 5747.50 of the Revised Code, immediately notify the county 101452
auditor and county treasurer required to provide for payments to 101453
the noncompliant subdivision from a county undivided local 101454
government fund that each of the next three such payments are to 101455
be reduced to that subdivision in an amount equal to one-third of 101456
that excess. 101457

(2) A county treasurer receiving notice under division 101458
(C)(1)(b) of this section shall reduce the payments to the 101459
noncompliant subdivision from a county undivided local government 101460
fund as required by the notice. 101461

(D)(1) The tax commissioner shall provide for payment of an 101462
amount equal to amounts withheld from municipal corporations and 101463
townships under divisions (B)(1)(a)(i) and (C)(1)(a) of this 101464
section to the undivided local government fund of the county from 101465
which the municipal corporation receives payments under section 101466
5747.51 or 5747.53 of the Revised Code. The county treasurer shall 101467
distribute that money among subdivisions that are not delinquent 101468
or noncompliant subdivisions and that are entitled to receive 101469
distributions under those sections by increasing each such 101470
subdivision's distribution on a pro rata basis. 101471

(2) A county treasurer shall distribute any amount withheld 101472
from a delinquent or noncompliant subdivision under division 101473
(B)(1)(b) or (C)(2) of this section among other subdivisions that 101474
are not delinquent or noncompliant subdivisions by increasing each 101475
such subdivision's distribution from the county's undivided local 101476
government fund on a pro rata basis. 101477

(E) A county, township, or municipal corporation receiving an 101478
increased distribution under division ~~(B) or (C)~~ (D) of this 101479
section shall use such money for the current operating expenses of 101480
the subdivision. 101481

Sec. 5747.503. (A) On or before the tenth day of each month, 101482
the tax commissioner shall provide for payment to each county 101483
undivided local government fund of a supplement for townships. The 101484
commissioner shall determine the amounts paid to each fund as 101485
follows: 101486

(1) Four hundred sixteen thousand six hundred sixty-six 101487
dollars and sixty-seven cents shall be divided among every county 101488
fund so that each township in the state receives an equal amount. 101489

(2) Four hundred sixteen thousand six hundred sixty-six 101490
dollars and sixty-six cents shall be divided among every county 101491
fund so that each township receives a proportionate share based on 101492
the proportion that the total township road miles in the township 101493
is of the total township road miles in all townships in the state. 101494

(B)(1) As used in this division, "qualifying village" means a 101495
village with a population of less than one thousand according to 101496
the most recent federal decennial census. 101497

(2) On or before the tenth day of each month, the tax 101498
commissioner shall provide for payment to each county undivided 101499
local government fund of a supplement for qualifying villages. The 101500
commissioner shall determine the amounts paid to each fund as 101501
follows: 101502

(a) Eighty-three thousand three hundred thirty-three dollars 101503
and thirty-four cents shall be divided among every county fund so 101504
that each qualifying village in the state receives an equal 101505
amount. 101506

(b) Eighty-three thousand three hundred thirty-three dollars 101507
and thirty-three cents shall be divided among every county fund so 101508
that each qualifying village receives a proportionate share based 101509
on the proportion that the total village road miles in the 101510
qualifying village is of the total village road miles in all 101511

qualifying villages in the state. 101512

(C) The tax commissioner shall separately identify to the 101513
county treasurer the amounts to be allocated to each township 101514
under divisions (A)(1) and (2) of this section and to each 101515
qualifying village under divisions (B)(2)(a) and (b) of this 101516
section. The treasurer shall transfer those amounts to townships 101517
and qualifying villages from the undivided local government fund. 101518

(D) The tax commissioner shall update the road mile 101519
information used to determine payments under divisions (A) and (B) 101520
of this section at least once every five years, and may update 101521
such information more often at the commissioner's discretion. 101522

Sec. 5747.504. (A) As used in this section: 101523

(1) "Noncompliant municipal corporation" means a qualifying 101524
municipal corporation that does either of the following: 101525

(a) Both fails to publish the plan as required under division 101526
(B) of this section by the deadline required under that division 101527
and charges rates for water and sewerage services to any 101528
nonresident different than those charged to its residents; 101529

(b) On or after January 1, 2022, charges rates for water and 101530
sewerage services to any nonresident different than those charged 101531
to its residents. 101532

(2) "Predatory municipal corporation" means a qualifying 101533
municipal corporation that does any of the following: 101534

(a) Requires, as a condition of providing water or sewerage 101535
services to territory outside of the municipal corporation, that 101536
such territory be annexed to the municipal corporation; 101537

(b) Requires, as a condition of providing water or sewerage 101538
services to territory outside of the municipal corporation, that a 101539
township or municipal corporation in which that territory is 101540
located provides direct payments in excess of those reasonably 101541

related to the cost of providing water or sewerage services in 101542
that territory to the municipal corporation that operates the 101543
water or sewerage system; 101544

(c) Requires a township or another municipal corporation to 101545
comply with any requirement not reasonably related to the cost of 101546
providing water or sewerage services in the territory of the 101547
township or other municipal corporation as a condition of 101548
providing water or sewerage services in such territory; 101549

(d) Withdraws water or sewerage service or threatens to 101550
withdraw such service from any territory of a township or another 101551
municipal corporation for failure of that township or municipal 101552
corporation to comply with any condition or make any direct 101553
payment not reasonably related to the cost of providing water or 101554
sewerage services in that territory. 101555

(3) "Affected subdivision" means a township or municipal 101556
corporation that is either: 101557

(a) Subject to any of the conditions described in divisions 101558
(A)(2)(a) to (d) of this section imposed by a predatory municipal 101559
corporation; 101560

(b) Has a resident whose water or sewerage rates are 101561
different than those charged to residents of the noncompliant 101562
municipal corporation that provides such services to that 101563
resident. 101564

(4) "Annexation" means any form of annexation proceeding or 101565
merger pursuant to Chapter 709. of the Revised Code. 101566

(5) "Qualifying municipal corporation" means a municipal 101567
corporation having a population of more than seven hundred 101568
thousand as determined by the most recent federal decennial census 101569
that operates a municipal water or sewerage system serving 101570
nonresidents and residents of the municipal corporation. 101571

(B) A qualifying municipal corporation shall do both of the following within two years after the effective date of the enactment of this section:

(1) Develop a plan to equalize, beginning January 1, 2022, the rate for water and sewerage services the municipal corporation charges to nonresidents with the rate charged to its residents;

(2) Publish the plan in a newspaper of general circulation within the county in which the municipal corporation is located once a week for three consecutive weeks.

(C)(1) A noncompliant municipal corporation shall notify the tax commissioner that the municipal corporation is a noncompliant municipal corporation within ten days after the date on which the municipal corporation becomes a noncompliant municipal corporation.

(2) The tax commissioner, upon receipt of a notice described in division (C)(1) of this section or upon discovery, on the basis of information in the commissioner's possession, that a municipal corporation is a noncompliant municipal corporation, shall do both of the following:

(a) Reduce by twenty per cent each payment the noncompliant municipal corporation would otherwise receive under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment, and reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code equal to twenty per cent of the amount of such payments the municipal corporation would otherwise receive under section 5747.51 or 5747.53 of the Revised Code, beginning with the next required payment;

(b) Immediately notify the county auditor and county treasurer that such payments are to be reduced by twenty per cent until the tax commissioner notifies the auditor and treasurer

under division (C)(3)(b) of this section that the reduction shall 101603
terminate. 101604

The county treasurer shall reduce the amount of such payments 101605
to the noncompliant municipal corporation from the undivided local 101606
government fund beginning with the payment specified by the tax 101607
commissioner. 101608

(3) A municipal corporation subject to the reductions 101609
required under division (C)(2) of this section may notify the tax 101610
commissioner that the municipal corporation is no longer a 101611
noncompliant municipal corporation. Upon receiving that notice, 101612
the commissioner shall do both of the following if the 101613
commissioner determines that the municipal corporation is no 101614
longer a noncompliant municipal corporation: 101615

(a) Terminate the reduction, under division (C)(2)(a) of this 101616
section, in the amount of payments to the county's undivided local 101617
government fund and in the amount of payments to the municipal 101618
corporation under division (C) of section 5747.50 of the Revised 101619
Code beginning with the next required payments; 101620

(b) Immediately notify the county auditor and county 101621
treasurer that the treasurer shall terminate the reduction in the 101622
amount of payments from the undivided local government fund to the 101623
municipal corporation under section 5747.51 or 5747.53 of the 101624
Revised Code. 101625

The county treasurer shall provide for payments to the 101626
formerly noncompliant municipal corporation from the undivided 101627
local government fund, beginning with the payment specified by the 101628
tax commissioner. 101629

(D)(1) A predatory municipal corporation shall notify the tax 101630
commissioner that the municipal corporation is a predatory 101631
municipal corporation within ten days after the effective date of 101632
the enactment of this section or, if the municipal corporation 101633

becomes a predatory municipal corporation after that date, within 101634
ten days after the date on which the municipal corporation becomes 101635
a predatory municipal corporation. 101636

(2) The tax commissioner, upon receipt of a notice described 101637
in division (D)(1) of this section or upon discovery, on the basis 101638
of information in the commissioner's possession, that a municipal 101639
corporation is a predatory municipal corporation, shall do all of 101640
the following: 101641

(a) Cease providing for payments to the municipal corporation 101642
under division (C) of section 5747.50 of the Revised Code, 101643
beginning with the next required payment, and reduce payments to 101644
the appropriate county undivided local government fund under 101645
division (B) of section 5747.50 of the Revised Code equal to the 101646
amount of such payments the municipal corporation would otherwise 101647
receive under section 5747.51 or 5747.53 of the Revised Code, 101648
beginning with the next required payment; 101649

(b) Immediately notify the county auditor and county 101650
treasurer that such payments are to cease until the tax 101651
commissioner notifies the auditor and treasurer under division 101652
(D)(3)(b) of this section that the payments are to resume. 101653

The county treasurer shall cease providing for payments to 101654
the predatory municipal corporation from the undivided local 101655
government fund beginning with the payment specified by the tax 101656
commissioner. 101657

(c) The tax commissioner shall notify the director of 101658
environmental protection of the identities of the predatory 101659
subdivision and any affected subdivisions and instruct the 101660
director to proceed under division (G) of this section. 101661

(3) A municipal corporation subject to the reductions 101662
required under division (D)(2) of this section may notify the tax 101663
commissioner that the municipal corporation is no longer a 101664

predatory municipal corporation. Upon receiving that notice, the 101665
commissioner shall do both of the following if the commissioner 101666
determines that the municipal corporation is no longer a predatory 101667
municipal corporation: 101668

(a) Resume payments to the municipal corporation as required 101669
under division (C) of section 5747.50 of the Revised Code, and 101670
resume payments to the county's undivided local government fund to 101671
the extent such payments were reduced under division (D)(2)(a) of 101672
this section, beginning with the next required payment; 101673

(b) Immediately notify the county auditor and county 101674
treasurer that the treasurer shall resume payments from the 101675
undivided local government fund to the municipal corporation under 101676
section 5747.51 or 5747.53 of the Revised Code. 101677

The county treasurer shall resume payments to the municipal 101678
corporation from the undivided local government fund beginning 101679
with the payment specified by the tax commissioner. 101680

(E) The tax commissioner shall provide for payment of an 101681
amount equal to amounts withheld from a noncompliant or predatory 101682
municipal corporation under divisions (C)(2)(a) and (D)(2)(a) of 101683
this section, respectively, to each affected subdivision affected 101684
by, or with a resident affected by, that municipal corporation 101685
under division (A)(3)(a) or (b) of this section. The payment to 101686
each such subdivision shall be in the proportion that the 101687
population of that subdivision bears to the total population of 101688
all such affected subdivisions, as determined by the most recent 101689
federal decennial census. 101690

(F) An affected subdivision shall use money received under 101691
division (E) of this section for the current operating expenses of 101692
the subdivision. 101693

(G) The director of environmental protection shall send a 101694
letter to each affected subdivision identified in a notice 101695

received by the director under division (D)(2)(c) of this section 101696
explaining the procedures for political subdivisions to form a 101697
regional water and sewer district under Chapter 6119. of the 101698
Revised Code. 101699

Sec. 5747.51. (A) On or before the twenty-fifth day of July 101700
of each year, the tax commissioner shall make and certify to the 101701
county auditor of each county an estimate of the amount of the 101702
local government fund to be allocated to the undivided local 101703
government fund of each county for the ensuing calendar year, 101704
adjusting the total as required to account for subdivisions 101705
receiving local government funds under section 5747.502 of the 101706
Revised Code. 101707

(B) At each annual regular session of the county budget 101708
commission convened pursuant to section 5705.27 of the Revised 101709
Code, each auditor shall present to the commission the certificate 101710
of the commissioner, the annual tax budget and estimates, and the 101711
records showing the action of the commission in its last preceding 101712
regular session. The commission, after extending to the 101713
representatives of each subdivision an opportunity to be heard, 101714
under oath administered by any member of the commission, and 101715
considering all the facts and information presented to it by the 101716
auditor, shall determine the amount of the undivided local 101717
government fund needed by and to be apportioned to each 101718
subdivision for current operating expenses, as shown in the tax 101719
budget of the subdivision. This determination shall be made 101720
pursuant to divisions (C) to (I) of this section, unless the 101721
commission has provided for a formula pursuant to section 5747.53 101722
of the Revised Code. The ~~commissioner~~ commission shall ~~reduce or~~ 101723
~~increase~~ adjust the amount of funds from the undivided local 101724
government fund to a subdivision as required ~~to receive reduced or~~ 101725
~~increased funds under~~ by section 5747.502 or 5747.504 of the 101726
Revised Code. 101727

Nothing in this section prevents the budget commission, for 101728
the purpose of apportioning the undivided local government fund, 101729
from inquiring into the claimed needs of any subdivision as stated 101730
in its tax budget, or from adjusting claimed needs to reflect 101731
actual needs. For the purposes of this section, "current operating 101732
expenses" means the lawful expenditures of a subdivision, except 101733
those for permanent improvements and except payments for interest, 101734
sinking fund, and retirement of bonds, notes, and certificates of 101735
indebtedness of the subdivision. 101736

(C) The commission shall determine the combined total of the 101737
estimated expenditures, including transfers, from the general fund 101738
and any special funds other than special funds established for 101739
road and bridge; street construction, maintenance, and repair; 101740
state highway improvement; and gas, water, sewer, and electric 101741
public utilities operated by a subdivision, as shown in the 101742
subdivision's tax budget for the ensuing calendar year. 101743

(D) From the combined total of expenditures calculated 101744
pursuant to division (C) of this section, the commission shall 101745
deduct the following expenditures, if included in these funds in 101746
the tax budget: 101747

(1) Expenditures for permanent improvements as defined in 101748
division (E) of section 5705.01 of the Revised Code; 101749

(2) In the case of counties and townships, transfers to the 101750
road and bridge fund, and in the case of municipalities, transfers 101751
to the street construction, maintenance, and repair fund and the 101752
state highway improvement fund; 101753

(3) Expenditures for the payment of debt charges; 101754

(4) Expenditures for the payment of judgments. 101755

(E) In addition to the deductions made pursuant to division 101756
(D) of this section, revenues accruing to the general fund and any 101757
special fund considered under division (C) of this section from 101758

the following sources shall be deducted from the combined total of 101759
expenditures calculated pursuant to division (C) of this section: 101760

(1) Taxes levied within the ten-mill limitation, as defined 101761
in section 5705.02 of the Revised Code; 101762

(2) The budget commission allocation of estimated county 101763
public library fund revenues to be distributed pursuant to section 101764
5747.48 of the Revised Code; 101765

(3) Estimated unencumbered balances as shown on the tax 101766
budget as of the thirty-first day of December of the current year 101767
in the general fund, but not any estimated balance in any special 101768
fund considered in division (C) of this section; 101769

(4) Revenue, including transfers, shown in the general fund 101770
and any special funds other than special funds established for 101771
road and bridge; street construction, maintenance, and repair; 101772
state highway improvement; and gas, water, sewer, and electric 101773
public utilities, from all other sources except those that a 101774
subdivision receives from an additional tax or service charge 101775
voted by its electorate or receives from special assessment or 101776
revenue bond collection. For the purposes of this division, where 101777
the charter of a municipal corporation prohibits the levy of an 101778
income tax, an income tax levied by the legislative authority of 101779
such municipal corporation pursuant to an amendment of the charter 101780
of that municipal corporation to authorize such a levy represents 101781
an additional tax voted by the electorate of that municipal 101782
corporation. For the purposes of this division, any measure 101783
adopted by a board of county commissioners pursuant to section 101784
322.02, 4504.02, or 5739.021 of the Revised Code, including those 101785
measures upheld by the electorate in a referendum conducted 101786
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 101787
Code, shall not be considered an additional tax voted by the 101788
electorate. 101789

Subject to division (G) of section 5705.29 of the Revised Code, money in a reserve balance account established by a county, township, or municipal corporation under section 5705.13 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Money in a reserve balance account established by a township under section 5705.132 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section.

If a county, township, or municipal corporation has created and maintains a nonexpendable trust fund under section 5705.131 of the Revised Code, the principal of the fund, and any additions to the principal arising from sources other than the reinvestment of investment earnings arising from such a fund, shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Only investment earnings arising from investment of the principal or investment of such additions to principal may be considered an unencumbered balance or revenue under those divisions.

(F) The total expenditures calculated pursuant to division (C) of this section, less the deductions authorized in divisions (D) and (E) of this section, shall be known as the "relative need" of the subdivision, for the purposes of this section.

(G) The budget commission shall total the relative need of all participating subdivisions in the county, and shall compute a relative need factor by dividing the total estimate of the undivided local government fund by the total relative need of all participating subdivisions.

(H) The relative need of each subdivision shall be multiplied by the relative need factor to determine the proportionate share of the subdivision in the undivided local government fund of the county; provided, that the maximum proportionate share of a county

shall not exceed the following maximum percentages of the total 101822
estimate of the undivided local government fund governed by the 101823
relationship of the percentage of the population of the county 101824
that resides within municipal corporations within the county to 101825
the total population of the county as reported in the reports on 101826
population in Ohio by the department of development as of the 101827
twentieth day of July of the year in which the tax budget is filed 101828
with the budget commission: 101829

Percentage of municipal 101830	Percentage share of the county 101830
population within the county:	shall not exceed:
	101831
Less than forty-one per cent	Sixty per cent 101832
Forty-one per cent or more but 101833	Fifty per cent
less than eighty-one per cent	
Eighty-one per cent or more	Thirty per cent 101834

Where the proportionate share of the county exceeds the 101835
limitations established in this division, the budget commission 101836
shall adjust the proportionate shares determined pursuant to this 101837
division so that the proportionate share of the county does not 101838
exceed these limitations, and it shall increase the proportionate 101839
shares of all other subdivisions on a pro rata basis. In counties 101840
having a population of less than one hundred thousand, not less 101841
than ten per cent shall be distributed to the townships therein. 101842

(I) The proportionate share of each subdivision in the 101843
undivided local government fund determined pursuant to division 101844
(H) of this section for any calendar year shall not be less than 101845
the product of the average of the percentages of the undivided 101846
local government fund of the county as apportioned to that 101847
subdivision for the calendar years 1968, 1969, and 1970, 101848
multiplied by the total amount of the undivided local government 101849
fund of the county apportioned pursuant to former section 5735.23 101850
of the Revised Code for the calendar year 1970. For the purposes 101851

of this division, the total apportioned amount for the calendar 101852
year 1970 shall be the amount actually allocated to the county in 101853
1970 from the state collected intangible tax as levied by section 101854
5707.03 of the Revised Code and distributed pursuant to section 101855
5725.24 of the Revised Code, plus the amount received by the 101856
county in the calendar year 1970 pursuant to division (B)(1) of 101857
former section 5739.21 of the Revised Code, and distributed 101858
pursuant to former section 5739.22 of the Revised Code. If the 101859
total amount of the undivided local government fund for any 101860
calendar year is less than the amount of the undivided local 101861
government fund apportioned pursuant to former section 5739.23 of 101862
the Revised Code for the calendar year 1970, the minimum amount 101863
guaranteed to each subdivision for that calendar year pursuant to 101864
this division shall be reduced on a basis proportionate to the 101865
amount by which the amount of the undivided local government fund 101866
for that calendar year is less than the amount of the undivided 101867
local government fund apportioned for the calendar year 1970. 101868

(J) On the basis of such apportionment, the county auditor 101869
shall compute the percentage share of each such subdivision in the 101870
undivided local government fund and shall at the same time certify 101871
to the tax commissioner the percentage share of the county as a 101872
subdivision. No payment shall be made from the undivided local 101873
government fund, except in accordance with such percentage shares. 101874

Within ten days after the budget commission has made its 101875
apportionment, whether conducted pursuant to section 5747.51 or 101876
5747.53 of the Revised Code, the auditor shall publish a list of 101877
the subdivisions and the amount each is to receive from the 101878
undivided local government fund and the percentage share of each 101879
subdivision, in a newspaper or newspapers of countywide 101880
circulation, and send a copy of such allocation to the tax 101881
commissioner. 101882

The county auditor shall also send a copy of such allocation 101883

by ordinary or electronic mail to the fiscal officer of each 101884
subdivision entitled to participate in the allocation of the 101885
undivided local government fund of the county. This copy shall 101886
constitute the official notice of the commission action referred 101887
to in section 5705.37 of the Revised Code. 101888

All money received into the treasury of a subdivision from 101889
the undivided local government fund in a county treasury shall be 101890
paid into the general fund and used for the current operating 101891
expenses of the subdivision. 101892

If a municipal corporation maintains a municipal university, 101893
such municipal university, when the board of trustees so requests 101894
the legislative authority of the municipal corporation, shall 101895
participate in the money apportioned to such municipal corporation 101896
from the total local government fund, however created and 101897
constituted, in such amount as requested by the board of trustees, 101898
provided such sum does not exceed nine per cent of the total 101899
amount paid to the municipal corporation. 101900

If any public official fails to maintain the records required 101901
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 101902
issued by the tax commissioner, the auditor of state, or the 101903
treasurer of state pursuant to such sections, or fails to comply 101904
with any law relating to the enforcement of such sections, the 101905
local government fund money allocated to the county may be 101906
withheld until such time as the public official has complied with 101907
such sections or such law or the rules issued pursuant thereto. 101908

Sec. 5747.53. (A) As used in this section: 101909

(1) "City, located wholly or partially in the county, with 101910
the greatest population" means the city, located wholly or 101911
partially in the county, with the greatest population residing in 101912
the county; however, if the county budget commission on or before 101913
January 1, 1998, adopted an alternative method of apportionment 101914

that was approved by the legislative authority of the city, 101915
located partially in the county, with the greatest population but 101916
not the greatest population residing in the county, "city, located 101917
wholly or partially in the county, with the greatest population" 101918
means the city, located wholly or partially in the county, with 101919
the greatest population whether residing in the county or not, if 101920
this alternative meaning is adopted by action of the board of 101921
county commissioners and a majority of the boards of township 101922
trustees and legislative authorities of municipal corporations 101923
located wholly or partially in the county. 101924

(2) "Participating political subdivision" means a municipal 101925
corporation or township that satisfies all of the following: 101926

(a) It is located wholly or partially in the county. 101927

(b) It is not the city, located wholly or partially in the 101928
county, with the greatest population. 101929

(c) Undivided local government fund moneys are apportioned to 101930
it under the county's alternative method or formula of 101931
apportionment in the current calendar year. 101932

(B) In lieu of the method of apportionment of the undivided 101933
local government fund of the county provided by section 5747.51 of 101934
the Revised Code, the county budget commission may provide for the 101935
apportionment of the fund under an alternative method or on a 101936
formula basis as authorized by this section. The ~~commissioner~~ 101937
commission shall ~~reduce or increase~~ adjust the amount of funds 101938
from the undivided local government fund to a subdivision as 101939
required ~~to receive reduced or increased funds under~~ by section 101940
5747.502 or 5747.504 of the Revised Code. 101941

Except as otherwise provided in division (C) of this section, 101942
the alternative method of apportionment shall have first been 101943
approved by all of the following governmental units: the board of 101944
county commissioners; the legislative authority of the city, 101945

located wholly or partially in the county, with the greatest 101946
population; and a majority of the boards of township trustees and 101947
legislative authorities of municipal corporations, located wholly 101948
or partially in the county, excluding the legislative authority of 101949
the city, located wholly or partially in the county, with the 101950
greatest population. In granting or denying approval for an 101951
alternative method of apportionment, the board of county 101952
commissioners, boards of township trustees, and legislative 101953
authorities of municipal corporations shall act by motion. A 101954
motion to approve shall be passed upon a majority vote of the 101955
members of a board of county commissioners, board of township 101956
trustees, or legislative authority of a municipal corporation, 101957
shall take effect immediately, and need not be published. 101958

Any alternative method of apportionment adopted and approved 101959
under this division may be revised, amended, or repealed in the 101960
same manner as it may be adopted and approved. If an alternative 101961
method of apportionment adopted and approved under this division 101962
is repealed, the undivided local government fund of the county 101963
shall be apportioned among the subdivisions eligible to 101964
participate in the fund, commencing in the ensuing calendar year, 101965
under the apportionment provided in section 5747.52 of the Revised 101966
Code, unless the repeal occurs by operation of division (C) of 101967
this section or a new method for apportionment of the fund is 101968
provided in the action of repeal. 101969

(C) This division applies only in counties in which the city, 101970
located wholly or partially in the county, with the greatest 101971
population has a population of twenty thousand or less and a 101972
population that is less than fifteen per cent of the total 101973
population of the county. In such a county, the legislative 101974
authorities or boards of township trustees of two or more 101975
participating political subdivisions, which together have a 101976
population residing in the county that is a majority of the total 101977

population of the county, each may adopt a resolution to exclude 101978
the approval otherwise required of the legislative authority of 101979
the city, located wholly or partially in the county, with the 101980
greatest population. All of the resolutions to exclude that 101981
approval shall be adopted not later than the first Monday of 101982
August of the year preceding the calendar year in which 101983
distributions are to be made under an alternative method of 101984
apportionment. 101985

A motion granting or denying approval of an alternative 101986
method of apportionment under this division shall be adopted by a 101987
majority vote of the members of the board of county commissioners 101988
and by a majority vote of a majority of the boards of township 101989
trustees and legislative authorities of the municipal corporations 101990
located wholly or partially in the county, other than the city, 101991
located wholly or partially in the county, with the greatest 101992
population, shall take effect immediately, and need not be 101993
published. The alternative method of apportionment under this 101994
division shall be adopted and approved annually, not later than 101995
the first Monday of August of the year preceding the calendar year 101996
in which distributions are to be made under it. A motion granting 101997
approval of an alternative method of apportionment under this 101998
division repeals any existing alternative method of apportionment, 101999
effective with distributions to be made from the fund in the 102000
ensuing calendar year. An alternative method of apportionment 102001
under this division shall not be revised or amended after the 102002
first Monday of August of the year preceding the calendar year in 102003
which distributions are to be made under it. 102004

(D) In determining an alternative method of apportionment 102005
authorized by this section, the county budget commission may 102006
include in the method any factor considered to be appropriate and 102007
reliable, in the sole discretion of the county budget commission. 102008

(E) The limitations set forth in section 5747.51 of the 102009

Revised Code, stating the maximum amount that the county may receive from the undivided local government fund and the minimum amount the townships in counties having a population of less than one hundred thousand may receive from the fund, are applicable to any alternative method of apportionment authorized under this section.

(F) On the basis of any alternative method of apportionment adopted and approved as authorized by this section, as certified by the auditor to the county treasurer, the county treasurer shall make distribution of the money in the undivided local government fund to each subdivision eligible to participate in the fund, and the auditor, when the amount of those shares is in the custody of the treasurer in the amounts so computed to be due the respective subdivisions, shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision. If a municipal corporation maintains a municipal university, the university, when the board of trustees so requests the legislative authority of the municipal corporation, shall participate in the money apportioned to the municipal corporation from the total local government fund, however created and constituted, in the amount requested by the board of trustees, provided that amount does not exceed nine per cent of the total amount paid to the municipal corporation.

(G) The actions of the county budget commission taken pursuant to this section are final and may not be appealed to the board of tax appeals, except on the issues of abuse of discretion and failure to comply with the formula.

Sec. 5747.98. (A) To provide a uniform procedure for

calculating a taxpayer's aggregate tax liability under section 102041
5747.02 of the Revised Code, a taxpayer shall claim any credits to 102042
which the taxpayer is entitled in the following order: 102043

(1) Either the retirement income credit under division (B) of 102044
section 5747.055 of the Revised Code or the lump sum retirement 102045
income credits under divisions (C), (D), and (E) of that section; 102046

(2) Either the senior citizen credit under division (F) of 102047
section 5747.055 of the Revised Code or the lump sum distribution 102048
credit under division (G) of that section; 102049

(3) The dependent care credit under section 5747.054 of the 102050
Revised Code; 102051

~~(4) The low income credit under section 5747.056 of the 102052
Revised Code;~~ 102053

~~(5)~~ The credit for displaced workers who pay for job training 102054
under section 5747.27 of the Revised Code; 102055

~~(6)~~(5) The campaign contribution credit under section 5747.29 102056
of the Revised Code; 102057

~~(7)~~(6) The twenty-dollar personal exemption credit under 102058
section 5747.022 of the Revised Code; 102059

~~(8)~~(7) The joint filing credit under division (G) of section 102060
5747.05 of the Revised Code; 102061

~~(9)~~(8) The earned income credit under section 5747.71 of the 102062
Revised Code; 102063

~~(10)~~(9) The credit for adoption of a minor child under 102064
section 5747.37 of the Revised Code; 102065

~~(11)~~(10) The nonrefundable job retention credit under 102066
division (B) of section 5747.058 of the Revised Code; 102067

~~(12)~~(11) The enterprise zone credit under section 5709.66 of 102068
the Revised Code; 102069

(13) <u>(12)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	102070 102071
(14) <u>(13)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	102072 102073
(15) <u>(14)</u> The small business investment credit under section 5747.81 of the Revised Code;	102074 102075
(16) <u>(15)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	102076 102077
(17) <u>(16)</u> The research and development credit under section 5747.331 of the Revised Code;	102078 102079
(18) <u>(17)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	102080 102081
(19) <u>(18)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;	102082 102083
(20) <u>(19)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	102084 102085
(21) <u>(20)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;	102086 102087
(22) <u>(21)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	102088 102089
(23) <u>(22)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	102090 102091
(24) <u>(23)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	102092 102093 102094
(25) <u>(24)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	102095 102096 102097
(26) <u>(25)</u> The refundable credit for rehabilitating a historic	102098

building under section 5747.76 of the Revised Code; 102099

~~(27)~~(26) The refundable credit for financial institution 102100
taxes paid by a pass-through entity granted under section 5747.65 102101
of the Revised Code. 102102

(B) For any credit, except the refundable credits enumerated 102103
in this section and the credit granted under division (H) of 102104
section 5747.08 of the Revised Code, the amount of the credit for 102105
a taxable year shall not exceed the taxpayer's aggregate amount of 102106
tax due under section 5747.02 of the Revised Code, after allowing 102107
for any other credit that precedes it in the order required under 102108
this section. Any excess amount of a particular credit may be 102109
carried forward if authorized under the section creating that 102110
credit. Nothing in this chapter shall be construed to allow a 102111
taxpayer to claim, directly or indirectly, a credit more than once 102112
for a taxable year. 102113

Sec. 5748.10. (A) As used in this section: 102114

(1) "School district consolidation" means a consolidation of 102115
some or all of the territories of two or more school districts by 102116
transfer, merger, joinder, or creation pursuant to any of such 102117
procedures under Chapter 3311. of the Revised Code. 102118

(2) "Surviving school district" means a school district into 102119
which territory of another school district will be consolidated 102120
pursuant to a school district consolidation. 102121

(3) "Identification number" means the number designated by 102122
the tax commissioner for the purpose of enabling a taxpayer to 102123
identify the taxpayer's school district of residence pursuant to 102124
rules adopted by the commissioner in accordance with section 102125
5747.04 of the Revised Code. 102126

(B) On or before ninety days before the effective date of a 102127
school district consolidation, the board of education of a 102128

surviving school district that levies a school district income tax 102129
pursuant to a resolution that will be in effect on and after that 102130
effective date shall notify the tax commissioner in writing of all 102131
of the following: 102132

(1) The name and identification number of each of the school 102133
districts involved in the consolidation, designating which is the 102134
surviving school district; 102135

(2) The effective date of the consolidation; 102136

(3) The rate of school district income tax levied by the 102137
surviving school district and, if applicable, any of the other 102138
school districts, pursuant to a resolution levying such a tax that 102139
will be in effect on and after the effective date of the 102140
consolidation. 102141

(C) School district income tax shall be levied on the school 102142
district income of residents of a school district resulting from a 102143
school district consolidation pursuant to a resolution, if any, 102144
levying such a tax on such income of the surviving school 102145
district's residents adopted by the board of education of that 102146
district and in effect on and after that effective date. Nothing 102147
in this division prohibits the board of education of a school 102148
district from amending or adopting a resolution to levy a school 102149
district income tax in accordance with this chapter after a school 102150
district consolidation. 102151

Sec. 5749.01. As used in this chapter: 102152

(A) "Ton" shall mean two thousand pounds as measured at the 102153
point and time of severance, after the removal of any impurities, 102154
under such rules and regulations as the tax commissioner may 102155
prescribe. 102156

(B) "Taxpayer" means any person required to pay the tax 102157
levied by Chapter 5749. of the Revised Code. 102158

(C) "Natural resource" means all forms of coal, salt, limestone, dolomite, sand, gravel, natural gas, and oil.	102159 102160
(D) "Owner" has and " <u>exempt domestic well</u> " have the same meaning <u>meanings</u> as in section 1509.01 of the Revised Code.	102161 102162
(E) "Person" means any individual, firm, partnership, association, joint stock company, corporation, or estate, or combination thereof.	102163 102164 102165
(F) "Return" means any report or statement required to be filed pursuant to Chapter 5749. of the Revised Code used to determine the tax due.	102166 102167 102168
(G) "Severance" means the extraction or other removal of a natural resource from the soil or water of this state.	102169 102170
(H) "Severed" means the point at which the natural resource has been separated from the soil or water in this state.	102171 102172
(I) "Severer" means any person who actually removes the natural resources from the soil or water in this state.	102173 102174
Sec. 5749.02. (A) For the purpose of providing revenue to administer the state's coal mining and reclamation regulatory program, to meet the environmental and resource management needs of this state, and to reclaim land affected by mining, an excise tax is hereby levied on the privilege of engaging in the severance of natural resources from the soil or water of this state. The tax shall be imposed upon the severer at the rates prescribed by divisions (A)(1) to (9) of this section:	102175 102176 102177 102178 102179 102180 102181 102182
(1) Ten cents per ton of coal;	102183
(2) Four cents per ton of salt;	102184
(3) Two cents per ton of limestone or dolomite;	102185
(4) Two cents per ton of sand and gravel;	102186
(5) Ten cents per barrel of oil;	102187

(6) Two and one-half cents per thousand cubic feet of natural gas;	102188 102189
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;	102190 102191
(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of the close of the fiscal biennium. Any necessary adjustment of the rate levied shall take effect on the first day of the following January and shall remain in effect during the calendar biennium that begins on that date.	102192 102193 102194 102195 102196 102197 102198 102199 102200 102201 102202 102203 102204 102205 102206 102207 102208 102209 102210 102211 102212 102213 102214 102215
(9) An additional one and two-tenths cents per ton of coal mined by surface mining methods.	102216 102217
(B) After the director of budget and management transfers money from the severance tax receipts fund as required in division	102218 102219

(H) of section 5749.06 of the Revised Code, money remaining in the 102220
severance tax receipts fund, except for money in the fund from the 102221
amounts due under section 1509.50 of the Revised Code, shall be 102222
credited as follows: 102223

(1) ~~Of All of~~ the moneys in the fund from the tax levied in 102224
division (A)(1) of this section, ~~four and seventy six hundredths~~ 102225
~~per cent shall be credited to the geological mapping fund created~~ 102226
~~in section 1505.09 of the Revised Code, eighty and~~ 102227
~~ninety five hundredths per cent shall be credited to the coal~~ 102228
~~mining administration and reclamation reserve fund created in~~ 102229
~~section 1513.181 of the Revised Code, and fourteen and~~ 102230
~~twenty nine hundredths per cent shall be credited to the~~ 102231
~~unreclaimed lands mining regulation and safety fund created in~~ 102232
section 1513.30 of the Revised Code. 102233

(2) The money in the fund from the tax levied in division 102234
(A)(2) of this section shall be credited to the ~~geological mapping~~ 102235
mining regulation and safety fund. 102236

(3) Of the moneys in the fund from the tax levied in 102237
divisions (A)(3) and (4) of this section, seven and five-tenths 102238
per cent shall be credited to the geological mapping fund, 102239
~~forty two and five tenths per cent shall be credited to the~~ 102240
~~unreclaimed lands fund,~~ and the remainder shall be credited to the 102241
~~surface~~ mining regulation and safety fund created in section 102242
~~1514.06~~ 1513.30 of the Revised Code. 102243

(4) Of the moneys in the fund from the tax levied in 102244
divisions (A)(5) and (6) of this section, ninety per cent shall be 102245
credited to the oil and gas well fund ~~created in section 1509.02~~ 102246
~~of the Revised Code~~ and ten per cent shall be credited to the 102247
geological mapping fund. ~~All~~ 102248

(5) All of the moneys in the fund from the tax levied in 102249
division (A)(7) of this section shall be credited to the ~~surface~~ 102250

mining regulation and safety fund. 102251

~~(5)~~(6) All of the moneys in the fund from the tax levied in 102252
division (A)(8) of this section shall be credited to the 102253
reclamation forfeiture fund. 102254

~~(6)~~(7) All of the moneys in the fund from the tax levied in 102255
division (A)(9) of this section shall be credited to the 102256
~~unreclaimed lands~~ mining regulation and safety fund. 102257

(C) When, at the close of any fiscal year, the chief finds 102258
that the balance of the reclamation forfeiture fund, ~~plus~~ 102259
~~estimated transfers to it from the coal mining administration and~~ 102260
~~reclamation reserve fund under section 1513.181 of the Revised~~ 102261
Code, plus the estimated revenues from the tax levied by division 102262
(A)(8) of this section for the remainder of the calendar year that 102263
includes the close of the fiscal year, are sufficient to complete 102264
the reclamation of all lands for which the performance security 102265
has been provided under division (C)(2) of section 1513.08 of the 102266
Revised Code, the purposes for which the tax under division (A)(8) 102267
of this section is levied shall be deemed accomplished at the end 102268
of that calendar year. The chief, within thirty days after the 102269
close of the fiscal year, shall certify those findings to the tax 102270
commissioner, and the tax levied under division (A)(8) of this 102271
section shall cease to be imposed for the subsequent calendar year 102272
after the last day of that calendar year on coal produced under a 102273
coal mining and reclamation permit issued under Chapter 1513. of 102274
the Revised Code if the permittee has made tax payments under 102275
division (A)(8) of this section during each of the preceding five 102276
full calendar years. Not later than thirty days after the close of 102277
a fiscal year, the chief shall certify to the tax commissioner the 102278
identity of any permittees who accordingly no longer are required 102279
to pay the tax levied under division (A)(8) of this section for 102280
the subsequent calendar year. 102281

~~Sec. 5749.03. The following Natural resources severed from an exempt domestic well shall be exempt from the tax imposed by section 5749.02 of the Revised Code ~~and the amount due under section 1509.50 of the Revised Code:~~~~ 102282
102283
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~~The severance of natural resources from land or water in this state owned legally or beneficially by the severer, which natural resources will be used on the land from which they are taken by the severer as part of the improvement of or use in the severer's homestead and which have a yearly cumulative market value of not greater than one thousand dollars. When severed natural resources so used exceed a cumulative market value of one thousand dollars during any year, the further severance of natural resources shall be subject to the tax imposed by section 5749.02 of the Revised Code.~~ 102286
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~~Sec. 5749.04. No severer shall sever or sell a natural resource in this state without first having obtained a license or permit therefor from or having registered with the department of natural resources.~~ 102296
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~~Unless the severer has obtained a license or permit from another department of this state, the license or permit shall be issued by the tax commissioner upon receipt of a completed application on a form which he shall prescribe. The license or permit shall become effective on the date the application is accepted by the commissioner, who shall notify the applicant in writing of the acceptance, and shall remain in effect until such time as the commissioner revokes the license or permit. The commissioner may request that the department of natural resources revoke the license or permit or registration of a severer or owner if he the commissioner finds that the applicant severer or owner has failed to fully and truthfully complete the application or has failed to pay the tax required by comply with section 1509.50 or~~ 102300
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Chapter 5749. of the Revised Code. 102313

~~The fee charged for the license or permit shall be fifty
dollars. The remittance for such fee shall accompany the
application and shall be made payable to the treasurer of state
for deposit in the general revenue fund Upon receipt of such a
request, that officer may revoke the permit or registration.~~ 102314
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Except as provided in section 5749.03 of the Revised Code,
before severing a natural resource each severer shall file an
application with the commissioner on a form prescribed by the
commissioner to establish a severance tax account. The application
may require the severer to disclose any information the
commissioner considers necessary to establish that account. 102319
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Sec. 5749.06. (A)(1) Each severer liable for the tax imposed 102325
by section 5749.02 of the Revised Code and each severer or owner 102326
liable for the amounts due under section 1509.50 of the Revised 102327
Code, except for any amount due under division (B)(2) of that 102328
section, shall make and file returns with the tax commissioner in 102329
the prescribed form and ~~as of~~ at the prescribed times, computing 102330
and reflecting therein the tax as required by this chapter and 102331
amounts due under section 1509.50 of the Revised Code. 102332

(2) The returns shall be filed for every ~~quarterly period,~~ 102333
~~which periods shall end on the thirty first day of March, the~~ 102334
~~thirtieth day of June, the thirtieth day of September, and the~~ 102335
~~thirty first day of December of each year~~ calendar quarter, as 102336
required by this section, unless a different return period is 102337
prescribed for a taxpayer by the commissioner. 102338

(B)(1) A separate return shall be filed for each calendar 102339
~~quarterly period~~ quarter, or other period, or any part thereof, 102340
during which the severer holds a ~~license~~ permit or has registered 102341
as provided by section 5749.04 of the Revised Code, or is required 102342
to hold the ~~license~~ permit or registration, or during which an 102343

owner is required to file a return. The return shall be filed 102344
~~within forty five days after the last~~ on or before the fifteenth 102345
~~day of each such calendar month, or other period, or any part~~ 102346
~~thereof, for which the return is required~~ the second month 102347
following the end of each return period. The tax due is payable 102348
along with the return. All such returns shall contain such 102349
information as the commissioner may require to fairly administer 102350
the tax. 102351

(2) All returns shall be signed by the severer or owner, as 102352
applicable, shall contain the full and complete information 102353
requested, and shall be made under penalty of perjury. 102354

(C) If the commissioner believes that quarterly payments of 102355
tax would result in a delay that might jeopardize the collection 102356
of such tax payments, the commissioner may order that such 102357
payments be made weekly, or more frequently if necessary, such 102358
payments to be made not later than seven days following the close 102359
of the period for which the jeopardy payment is required. Such an 102360
order shall be delivered to the taxpayer personally or by 102361
certified mail and shall remain in effect until the commissioner 102362
notifies the taxpayer to the contrary. 102363

(D) Upon good cause the commissioner may extend for thirty 102364
days the period for filing any notice or return required to be 102365
filed under this section, and may remit all or a part of penalties 102366
that may become due under this chapter. 102367

(E) Any tax and any amount due under section 1509.50 of the 102368
Revised Code not paid by the day the tax or amount is due shall 102369
bear interest computed at the rate per annum prescribed by section 102370
5703.47 of the Revised Code on that amount due from the day that 102371
the amount was originally required to be paid to the day of actual 102372
payment or to the day an assessment was issued under section 102373
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 102374

(F) A severer or owner, as applicable, that fails to file a complete return or pay the full amount due under this chapter within the time prescribed, including any extensions of time granted by the commissioner, shall be subject to a penalty not to exceed the greater of fifty dollars or ten per cent of the amount due for the period.

(G)(1) A severer or owner, as applicable, shall remit payments electronically and, if required by the commissioner, file each return electronically. The commissioner may require that the severer or owner use the Ohio business gateway, as defined in section 718.01 of the Revised Code, or another electronic means to file returns and remit payments electronically.

(2) A severer or owner that is required to remit payments electronically under this section may apply to the commissioner, in the manner prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse a severer or owner from the requirements of division (G) of this section for good cause.

(3) If a severer or owner that is required to remit payments or file returns electronically under this section fails to do so, the commissioner may impose a penalty on the severer or owner not to exceed the following:

(a) For the first or second payment or return the severer or owner fails to remit or file electronically, the greater of five per cent of the amount of the payment that was required to be remitted or twenty-five dollars;

(b) For every payment or return after the second that the severer or owner fails to remit or file electronically, the greater of ten per cent of the amount of the payment that was required to be remitted or fifty dollars.

(H)(1) All amounts that the commissioner receives under this

section shall be deemed to be revenue from taxes imposed under 102406
this chapter or from the amount due under section 1509.50 of the 102407
Revised Code, as applicable, and shall be deposited in the 102408
severance tax receipts fund, which is hereby created in the state 102409
treasury. 102410

(2) The director of budget and management shall transfer from 102411
the severance tax receipts fund, as necessary, to the tax refund 102412
fund amounts equal to the refunds certified by the commissioner 102413
under section 5749.08 of the Revised Code. Any amount transferred 102414
under division (H)(2) of this section shall be derived from 102415
receipts of the same tax or other amount from which the refund 102416
arose. 102417

(3) After the director of budget and management makes any 102418
transfer required by division (H)(2) of this section, but not 102419
later than the ~~fifteenth~~ twenty-fifth day of ~~the~~ each month 102420
~~following the end of each calendar quarter~~, the commissioner shall 102421
certify to the director the total amount remaining in the 102422
severance tax receipts fund organized according to the amount 102423
attributable to each natural resource and according to the amount 102424
attributable to a tax imposed by this chapter and the amounts due 102425
under section 1509.50 of the Revised Code, and shall provide for 102426
payment to the funds specified in division (B) of section 5749.02 102427
of the Revised Code. 102428

(I) Penalties imposed under this section are in addition to 102429
any other penalty imposed under this chapter and shall be 102430
considered as revenue arising from the tax levied under this 102431
chapter or the amount due under section 1509.50 of the Revised 102432
Code, as applicable. The commissioner may collect any penalty or 102433
interest imposed under this section in the same manner as provided 102434
for the making of an assessment in section 5749.07 of the Revised 102435
Code. The commissioner may abate all or a portion of such interest 102436
or penalties and may adopt rules governing such abatements. 102437

~~Sec. 5749.17. Except for purposes of enforcing Chapter 1509.~~ 102438
~~of the Revised Code, any~~ Any information provided to the 102439
department of natural resources by the department of taxation in 102440
accordance with division (C)(12) of section 5703.21 of the Revised 102441
Code shall not be disclosed publicly by the department of natural 102442
resources. However the department of natural resources may provide 102443
such information to the attorney general for purposes of 102444
enforcement of Chapter 1509. of the Revised Code. 102445

Sec. 5751.02. (A) For the purpose of funding the needs of 102446
this state and its local governments, there is hereby levied a 102447
commercial activity tax on each person with taxable gross receipts 102448
for the privilege of doing business in this state. For the 102449
purposes of this chapter, "doing business" means engaging in any 102450
activity, whether legal or illegal, that is conducted for, or 102451
results in, gain, profit, or income, at any time during a calendar 102452
year. Persons on which the commercial activity tax is levied 102453
include, but are not limited to, persons with substantial nexus 102454
with this state. The tax imposed under this section is not a 102455
transactional tax and is not subject to Public Law No. 86-272, 73 102456
Stat. 555. The tax imposed under this section is in addition to 102457
any other taxes or fees imposed under the Revised Code. The tax 102458
levied under this section is imposed on the person receiving the 102459
gross receipts and is not a tax imposed directly on a purchaser. 102460
The tax imposed by this section is an annual privilege tax for the 102461
calendar year that, in the case of calendar year taxpayers, is the 102462
annual tax period and, in the case of calendar quarter taxpayers, 102463
contains all quarterly tax periods in the calendar year. A 102464
taxpayer is subject to the annual privilege tax for doing business 102465
during any portion of such calendar year. 102466

(B) The tax imposed by this section is a tax on the taxpayer 102467
and shall not be billed or invoiced to another person. Even if the 102468

tax or any portion thereof is billed or invoiced and separately 102469
stated, such amounts remain part of the price for purposes of the 102470
sales and use taxes levied under Chapters 5739. and 5741. of the 102471
Revised Code. Nothing in division (B) of this section prohibits: 102472

(1) A person from including in the price charged for a good 102473
or service an amount sufficient to recover the tax imposed by this 102474
section; or 102475

(2) A lessor from including an amount sufficient to recover 102476
the tax imposed by this section in a lease payment charged, or 102477
from including such an amount on a billing or invoice pursuant to 102478
the terms of a written lease agreement providing for the recovery 102479
of the lessor's tax costs. The recovery of such costs shall be 102480
based on an estimate of the total tax cost of the lessor during 102481
the tax period, as the tax liability of the lessor cannot be 102482
calculated until the end of that period. 102483

(C)(1) The commercial activities tax receipts fund is hereby 102484
created in the state treasury and shall consist of money arising 102485
from the tax imposed under this chapter. ~~Eighty-five~~ Seventy-five 102486
one-hundredths of one per cent of the money credited to that fund 102487
shall be credited to the revenue enhancement fund and shall be 102488
used to defray the costs incurred by the department of taxation in 102489
administering the tax imposed by this chapter and in implementing 102490
tax reform measures. The remainder of the money in the commercial 102491
activities tax receipts fund shall first be credited to the 102492
commercial activity tax motor fuel receipts fund, pursuant to 102493
division (C)(2) of this section, second to the nuclear safety and 102494
protection fund pursuant to section 5751.021 of the Revised Code, 102495
and the remainder shall be credited in the following percentages 102496
each fiscal year to the general revenue fund, to the school 102497
district tangible property tax replacement fund, which is hereby 102498
created in the state treasury for the purpose of making the 102499
payments described in section 5709.92 of the Revised Code, and to 102500

the local government tangible property tax replacement fund, which 102501
 is hereby created in the state treasury for the purpose of making 102502
 the payments described in section 5709.93 of the Revised Code, in 102503
 the following percentages: 102504

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	102506
2016 and <u>2017</u>	75.0%	20.0%	5.0%	102507
<u>2018 and</u> thereafter	<u>85.0%</u>	<u>13.0%</u>	<u>2.0%</u>	102508

(2) Not later than the twentieth day of February, May, 102509
 August, and November of each year, the commissioner shall provide 102510
 for payment from the commercial activities tax receipts fund to 102511
 the commercial activity tax motor fuel receipts fund an amount 102512
 that bears the same ratio to the balance in the commercial 102513
 activities tax receipts fund that (a) the taxable gross receipts 102514
 attributed to motor fuel used for propelling vehicles on public 102515
 highways as indicated by returns filed by the tenth day of that 102516
 month for a liability that is due and payable on or after July 1, 102517
 2013, for a tax period ending before July 1, 2014, bears to (b) 102518
 all taxable gross receipts as indicated by those returns for such 102519
 liabilities. 102520

(D)(1) If the total amount in the school district tangible 102521
 property tax replacement fund is insufficient to make all payments 102522
 under section 5709.92 of the Revised Code at the times the 102523
 payments are to be made, the director of budget and management 102524
 shall transfer from the general revenue fund to the school 102525
 district tangible property tax replacement fund the difference 102526
 between the total amount to be paid and the amount in the school 102527
 district tangible property tax replacement fund. 102528

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government tangible property tax replacement fund the difference between the total amount to be paid and the amount in the local government tangible property tax replacement fund.

(E)(1) On or after the first day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.

(2) On or after the first day of June of each year, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund.

(F)(1) There is hereby created in the state treasury the commercial activity tax motor fuel receipts fund.

(2) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under

which the bonds were originally issued. 102561

(3) On or before the thirtieth day of June of each fiscal 102562
year beginning with fiscal year 2015, the director of budget and 102563
management shall determine an amount up to but not exceeding the 102564
amount certified under division (F)(2) of this section and shall 102565
reserve that amount from the cash balance in the petroleum 102566
activity tax public highways fund or the commercial activity tax 102567
motor fuel receipts fund for transfer to the general revenue fund 102568
at times and in amounts to be determined by the director. The 102569
director shall transfer the cash balance in the petroleum activity 102570
tax public highways fund or the commercial activity tax motor fuel 102571
receipts fund in excess of the amount so reserved to the highway 102572
operating fund on or before the thirtieth day of June of the 102573
current fiscal year. 102574

Sec. 5751.021. (A) As used in this section: 102575

(1) "Qualifying joint fire district" means a joint fire 102576
district within whose territory a nuclear power plant is located 102577
on January 1, 2017. 102578

(2) "Base amount" means the amount a qualifying joint fire 102579
district receives from fund number 7081 for fiscal year 2017. 102580

(3) "Adjusted base amount" means, for any fiscal year, the 102581
base amount reduced by three per cent of that amount multiplied by 102582
the number of years that have elapsed between the current fiscal 102583
year and fiscal year 2017, including fiscal year 2017. 102584

(4) "Fund number 7081" means the treasury fund corresponding 102585
to fund number 7081 in Section 387.10 of H.B. 49 of the 132nd 102586
General Assembly. 102587

(B) Not later than the twentieth day of July and of January 102588
of each fiscal year, beginning in fiscal year 2018, the tax 102589
commissioner shall provide for payment from the commercial 102590

activities tax receipts fund to the nuclear safety and protection 102591
fund, which is hereby created in the state treasury, an amount 102592
equal to one-half of the difference, if any, of the adjusted base 102593
amount for that fiscal year minus the amount a qualifying joint 102594
fire district will receive from fund number 7081 for that fiscal 102595
year. No payment shall be made under this division for fiscal year 102596
2047 or any fiscal year thereafter. 102597

(C) Not later than the first day of August and of February of 102598
each year, the director of budget and management shall pay to each 102599
qualifying joint fire district an amount from the nuclear safety 102600
and protection fund equal to the balance of that fund as of that 102601
date. Revenue received by a qualifying joint fire district under 102602
this division shall be credited to the general fund of the joint 102603
fire district. 102604

Sec. 5902.09. The department of veterans services shall 102605
create, publish, and maintain a web site for labor exchange and 102606
job placement activity specifically for veterans. 102607

Sec. 5902.20. The veteran peer counseling network is 102608
established. The purpose of the network is to offer veterans in 102609
this state the opportunity to work with other veterans in order to 102610
assist with overcoming the issues unique to veterans in this 102611
state. The director of veterans services shall adopt rules, in 102612
accordance with Chapter 119. of the Revised Code, to administer 102613
the network. 102614

Sec. 5903.11. (A) Any federally funded employment and 102615
training program administered by any state agency including, but 102616
not limited to, the "Workforce Investment Act of 1998," 112 Stat. 102617
936, codified in scattered sections of 29 U.S.C., as amended 102618
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 102619
seq., shall include a veteran priority system to provide maximum 102620

employment and training opportunities to veterans and eligible persons within each targeted group as established by federal law and state and federal policy in the service area. Disabled veterans, veterans of the Vietnam era, other veterans, and eligible persons shall receive preference over nonveterans within each targeted group in the provision of employment and training services available through these programs as required by this section.

(B) Each state agency shall refer qualified applicants to job openings and training opportunities in programs described in division (A) of this section in the following order of priority:

- (1) Special disabled veterans;
- (2) Veterans of the Vietnam era;
- (3) Disabled veterans;
- (4) All other veterans;
- (5) Other eligible persons;
- (6) Nonveterans.

(C) Each state agency providing employment and training services to veterans and eligible persons under programs described in division (A) of this section shall submit an annual written report to the speaker of the house of representatives and the president of the senate on the services that it provides to veterans and eligible persons. Each such agency shall report separately on all entitlement programs, employment or training programs, and any other programs that it provides to each class of persons described in divisions (B)(1) to (6) of this section. Each such agency shall also report on action taken to ensure compliance with statutory requirements. Compliance and reporting procedures shall be in accordance with the reporting procedures then in effect for all employment and training programs described in

division (A) of this section, with the addition of veterans as a separate reporting module.

(D) All state agencies that administer federally funded employment and training programs described in division (A) of this section for veterans and eligible persons shall do all of the following:

(1) Ensure that veterans are treated with courtesy and respect at all state governmental facilities;

(2) Give priority in referral to jobs to qualified veterans and other eligible persons;

(3) Give priority in referral to and enrollment in training programs to qualified veterans and other eligible persons;

(4) Give preferential treatment to special disabled veterans in the provision of all needed state services;

(5) Provide information and effective referral assistance to veterans and other eligible persons regarding needed benefits and services that may be obtained through other agencies.

(E) As used in this section:

(1) "Special disabled veteran" means a veteran who is entitled to, or who but for the receipt of military pay would be entitled to, compensation under any law administered by the department of veterans affairs for a disability rated at thirty per cent or more or a person who was discharged or released from active duty because of a service-connected disability.

(2) "Veteran of the Vietnam era" means an eligible veteran who served on active duty for a period of more than one hundred eighty days, any part of which occurred from August 5, 1964, through May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge or a person who was discharged or released from active duty for a service-connected disability if

any part of the active duty was performed from August 5, 1964, 102681
through May 7, 1975. 102682

(3) "Disabled veteran" means a veteran who is entitled to, or 102683
who but for the receipt of military retirement pay would be 102684
entitled to compensation, under any law administered by the 102685
department of veterans affairs and who is not a special disabled 102686
veteran. 102687

(4) "Eligible veteran" means a person who served on active 102688
duty for more than one hundred eighty days and was discharged or 102689
released from active duty with other than a dishonorable discharge 102690
or a person who was discharged or released from active duty 102691
because of a service-connected disability. 102692

(5) "Other eligible person" means one of the following: 102693

(a) The spouse of any person who died of a service-connected 102694
disability; 102695

(b) The spouse of any member of the armed forces serving on 102696
active duty who at the time of the spouse's application for 102697
assistance under any program described in division (A) of this 102698
section is listed pursuant to the "Act of September 6, 1966," 80 102699
Stat. 629, 37 U.S.C.A. 556, and the regulations issued pursuant 102700
thereto, as having been in one or more of the following categories 102701
for a total of ninety or more days: 102702

(i) Missing in action; 102703

(ii) Captured in line of duty by a hostile force; 102704

(iii) Forcibly detained or interned in line of duty by a 102705
foreign government or power. 102706

(c) The spouse of any person who has a total disability 102707
permanent in nature resulting from a service-connected disability 102708
or the spouse of a veteran who died while such a disability was in 102709
existence. 102710

(6) "Veteran" means a veteran as defined in section 5903.01 of the Revised Code who was a member of the armed forces of the United States for a period of one hundred eighty days or more; a person who was discharged or released from active duty because of a service-connected disability; or a person who served as a member of the United States merchant marine and to whom either of the following applies:

(a) The person has an honorable report of separation from active duty military service, form DD214 or DD215; or

(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(7) "Employment program" means a program which provides referral of individuals to employer job openings in the federal, state, or private sector.

(8) "Training program" means any program that upgrades the employability of qualified applicants.

(9) "Entitlement program" means any program that enlists specific criteria in determining eligibility, including but not limited to the existence in special segments of the general population of specific financial needs.

(10) "Targeted group" means a group of persons designated by federal law or regulations or by state law to receive special assistance under an employment and training program described in division (A) of this section.

Sec. 5907.17. (A) As used in this section, "physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) The department of veterans services may establish a physician recruitment program under which the department agrees to repay all or part of the principal and interest of a governmental or other educational loan incurred by a physician who agrees to provide services to institutions under the department's administration. 102741
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(C) A physician is eligible to participate in the recruitment program if the physician attended a medical or osteopathic medical school that was, at the time of attendance, either located in the United States and accredited by the liaison committee on medical education or the American osteopathic association or located outside the United States and acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction. 102747
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(D) The department and each physician it recruits shall enter into a contract that includes all of the following terms: 102755
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(1) The physician agrees to provide a specified scope of medical or osteopathic medical services for a specified number of hours per week and for a specified number of years to patients of one or more specified institutions administered by the department. 102757
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(2) The department agrees to repay all or a specified portion of the principal and interest of a governmental or other educational loan taken by the physician for the following expenses if the physician meets the service obligation agreed to and the expenses were incurred while the physician was enrolled in, for up to a maximum of four years, a school that qualifies the physician to participate in the program: 102761
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(a) Tuition; 102768

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under 102769
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<u>division (E) of this section;</u>	102772
<u>(c) Room and board, in an amount determined to be reasonable</u>	102773
<u>in accordance with rules adopted under division (E) of this</u>	102774
<u>section.</u>	102775
<u>(3) The physician agrees to pay the department a specified</u>	102776
<u>amount, which shall be not less than the amount already paid by</u>	102777
<u>the department pursuant to its agreement, as damages if the</u>	102778
<u>physician fails to complete the service obligation agreed to or</u>	102779
<u>fails to comply with other specified terms of the contract. The</u>	102780
<u>contract may vary the amount of damages based on the portion of</u>	102781
<u>the physician's service obligation that remains uncompleted as</u>	102782
<u>determined by the department.</u>	102783
<u>(4) Other terms agreed upon by the parties.</u>	102784
<u>(E) The department shall adopt rules under Chapter 119. of</u>	102785
<u>the Revised Code that establish all of the following:</u>	102786
<u>(1) Criteria for designating institutions for which</u>	102787
<u>physicians will be recruited;</u>	102788
<u>(2) Criteria for selecting physicians for participation in</u>	102789
<u>the program;</u>	102790
<u>(3) Criteria for determining the portion of a physician's</u>	102791
<u>loan that the department will agree to repay;</u>	102792
<u>(4) Criteria for determining reasonable amounts of the</u>	102793
<u>expenses described in divisions (D)(2)(b) and (c) of this section;</u>	102794
<u>(5) Procedures for monitoring compliance by physicians with</u>	102795
<u>the terms of their contracts; and</u>	102796
<u>(6) Any other criteria or procedures necessary to implement</u>	102797
<u>the program.</u>	102798
Sec. 5919.34. (A) As used in this section:	102799
<u>(1) "Academic term" means any one of the following:</u>	102800

(a) Fall term, which consists of fall semester or fall quarter, as appropriate;	102801 102802
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	102803 102804
(c) Spring term, which consists of spring quarter;	102805
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	102806 102807
(2) "Eligible applicant" means any individual to whom all of the following apply:	102808 102809
(a) The individual does not possess a baccalaureate degree.	102810
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	102811 102812 102813
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing.	102814 102815 102816 102817 102818 102819 102820
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	102821 102822
(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.	102823 102824 102825 102826 102827 102828 102829 102830

(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code.

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program.

(C)(1) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.

(2) The adjutant general shall develop and provide a written explanation that informs all eligible scholarship recipients that the recipient may become ineligible and liable for repayment for an amount of scholarship payments received in accordance with division (G) of this section. The written explanation shall be reviewed by the scholarship recipient before acceptance of the scholarship and before acceptance of an enlistment, warrant, commission, or appointment for a term not less than the recipient's remaining term in the national guard or in the active duty component of the United States armed forces.

(D)(1) Except as provided in divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is eligible for a scholarship under division (F)(1) of this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts:

(a) If the institution is a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges;

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) The adjutant general and the chancellor of higher education may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military

service. If such rules are adopted, the rules shall require that 102893
financial assistance received by a scholarship recipient under 102894
those programs be applied to all eligible expenses prior to the 102895
use of scholarship funds awarded under this section. Scholarship 102896
funds awarded under this section shall then be applied to the 102897
recipient's remaining eligible expenses. 102898

(3) An eligible applicant's scholarship shall not be reduced 102899
by the amount of that applicant's benefits under "the Montgomery 102900
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 102901

(E) A scholarship recipient under this section shall be 102902
entitled to receive scholarships under this section for the number 102903
of quarters or semesters it takes the recipient to accumulate 102904
ninety-six eligibility units as determined under divisions (E)(1) 102905
to (3) of this section. 102906

(1) To determine the maximum number of semesters or quarters 102907
for which a recipient is entitled to a scholarship under this 102908
section, the adjutant general shall convert a recipient's credit 102909
hours of enrollment for each academic term into eligibility units 102910
in accordance with the following table: 102911

		The			102912
Number of		following	The following		102913
		number of	number of	number of	102914
of enrollment		eligibility	eligibility	eligibility	102915
in an academic		units if a	units if a	units if a	102916
term	equals	semester	or	quarter	102917
					102918
12 or more hours		12 units		8 units	102919
9 but less than 12		9 units		6 units	102920
6 but less than 9		6 units		4 units	102921
3 but less than 6		3 units		2 units	102922

(2) A scholarship recipient under this section may continue 102923
to apply for scholarships under this section until the recipient 102924

has accumulated ninety-six eligibility units. 102925

(3) If a scholarship recipient withdraws from courses prior 102926
to the end of an academic term so that the recipient's enrollment 102927
for that academic term is less than three credit hours, no 102928
scholarship shall be paid on behalf of that person for that 102929
academic term. Except as provided in division (F)(3) of this 102930
section, if a scholarship has already been paid on behalf of the 102931
person for that academic term, the adjutant general shall add to 102932
that person's accumulated eligibility units the number of 102933
eligibility units for which the scholarship was paid. 102934

(F) This division applies to any eligible applicant called 102935
into active duty on or after September 11, 2001. As used in this 102936
division, "active duty" means active duty pursuant to an executive 102937
order of the president of the United States, an act of the 102938
congress of the United States, or section 5919.29 or 5923.21 of 102939
the Revised Code. 102940

(1) For a period of up to five years from when an 102941
individual's enlistment obligation in the Ohio national guard 102942
ends, an individual to whom this division applies is eligible for 102943
scholarships under this section for those academic terms that were 102944
missed or could have been missed as a result of the individual's 102945
call into active duty. Scholarships shall not be paid for the 102946
academic term in which an eligible applicant's enlistment 102947
obligation ends unless an applicant is eligible under this 102948
division for a scholarship for such academic term due to previous 102949
active duty. 102950

(2) When an individual to whom this division applies 102951
withdraws or otherwise fails to complete courses, for which 102952
scholarships have been awarded under this section, because the 102953
individual was called into active duty, the institution of higher 102954
education shall grant the individual a leave of absence from the 102955
individual's education program and shall not impose any academic 102956

penalty for such withdrawal or failure to complete courses. 102957
Division (F)(2) of this section applies regardless of whether or 102958
not the scholarship amount was paid to the institution of higher 102959
education. 102960

(3) If an individual to whom this division applies withdraws 102961
or otherwise fails to complete courses because the individual was 102962
called into active duty, and if scholarships for those courses 102963
have already been paid, either: 102964

(a) The adjutant general shall not add to that person's 102965
accumulated eligibility units calculated under division (E) of 102966
this section the number of eligibility units for the academic 102967
courses or term for which the scholarship was paid and the 102968
institution of higher education shall repay the scholarship amount 102969
to the state. 102970

(b) The adjutant general shall add to that individual's 102971
accumulated eligibility units calculated under division (E) of 102972
this section the number of eligibility units for the academic 102973
courses or term for which the scholarship was paid if the 102974
institution of higher education agrees to permit the individual to 102975
complete the remainder of the academic courses in which the 102976
individual was enrolled at the time the individual was called into 102977
active duty. 102978

(4) No individual who is discharged from the Ohio national 102979
guard under other than honorable conditions shall be eligible for 102980
scholarships under this division. 102981

(G) A scholarship recipient under this section who fails to 102982
complete the term of enlistment, re-enlistment, or extension of 102983
current enlistment the recipient was serving at the time a 102984
scholarship was paid on behalf of the recipient under this section 102985
is liable to the state for repayment of a percentage of all Ohio 102986
national guard scholarships paid on behalf of the recipient under 102987

this section, plus interest at the rate of ten per cent per annum 102988
calculated from the dates the scholarships were paid. This 102989
percentage shall equal the percentage of the current term of 102990
enlistment, re-enlistment, or extension of enlistment a recipient 102991
has not completed as of the date the recipient is discharged from 102992
the Ohio national guard. 102993

The attorney general may commence a civil action on behalf of 102994
the chancellor ~~of the Ohio board of regents~~ to recover the amount 102995
of the scholarships and the interest provided for in this division 102996
and the expenses incurred in prosecuting the action, including 102997
court costs and reasonable attorney's fees. A scholarship 102998
recipient is not liable under this division if the recipient's 102999
failure to complete the term of enlistment being served at the 103000
time a scholarship was paid on behalf of the recipient under this 103001
section is due to the recipient's death or discharge from the 103002
national guard due to disability or the recipient's enlistment, 103003
warrant, commission, or appointment for a term not less than the 103004
recipient's remaining term in the national guard or in the active 103005
duty component of the United States armed forces. 103006

(H) On or before the first day of each academic term, the 103007
adjutant general shall provide an eligibility roster to the 103008
chancellor and to each institution of higher education at which 103009
one or more scholarship recipients have applied for enrollment. 103010
The institution shall use the roster to certify the actual 103011
full-time or part-time enrollment of each scholarship recipient 103012
listed as enrolled at the institution and return the roster to the 103013
adjutant general and the chancellor. Except as provided in 103014
division (J) of this section, the chancellor shall provide for 103015
payment of the appropriate number and amount of scholarships to 103016
each institution of higher education pursuant to division (D) of 103017
this section. If an institution of higher education fails to 103018
certify the actual enrollment of a scholarship recipient listed as 103019

enrolled at the institution within thirty days of the end of an 103020
academic term, the institution shall not be eligible to receive 103021
payment from the Ohio national guard scholarship program or from 103022
the individual enrollee. The adjutant general shall report on a 103023
semiannual basis to the director of budget and management, the 103024
speaker of the house of representatives, the president of the 103025
senate, and the chancellor the number of Ohio national guard 103026
scholarship recipients, the size of the scholarship-eligible 103027
population, and a projection of the cost of the program for the 103028
remainder of the biennium. 103029

(I) The chancellor and the adjutant general may adopt rules 103030
pursuant to Chapter 119. of the Revised Code governing the 103031
administration and fiscal management of the Ohio national guard 103032
scholarship program and the procedure by which the chancellor and 103033
the department of the adjutant general may modify the amount of 103034
scholarships a member receives based on the amount of other state 103035
financial aid a member receives. 103036

(J) The adjutant general, the chancellor, and the director, 103037
or their designees, shall jointly estimate the costs of the Ohio 103038
national guard scholarship program for each upcoming fiscal 103039
biennium, and shall report that estimate prior to the beginning of 103040
the fiscal biennium to the chairpersons of the finance committees 103041
in the general assembly. During each fiscal year of the biennium, 103042
the adjutant general, the chancellor, and the director, or their 103043
designees, shall meet regularly to monitor the actual costs of the 103044
Ohio national guard scholarship program and update cost 103045
projections for the remainder of the biennium as necessary. If the 103046
amounts appropriated for the Ohio national guard scholarship 103047
program and any funds in the Ohio national guard scholarship 103048
reserve fund and the Ohio national guard scholarship donation fund 103049
are not adequate to provide scholarships in the amounts specified 103050
in division (D)(1) of this section for all eligible applicants, 103051

the chancellor shall do all of the following: 103052

(1) Notify each private institution of higher education, 103053
where a scholarship recipient is enrolled, that, by accepting the 103054
Ohio national guard scholarship program as payment for all or part 103055
of the institution's tuition, the institution agrees that if the 103056
chancellor reduces the amount of each scholarship, the institution 103057
shall provide each scholarship recipient a grant or tuition waiver 103058
in an amount equal to the amount the recipient's scholarship was 103059
reduced by the chancellor. 103060

(2) Reduce the amount of each scholarship under division 103061
(D)(1)(a) of this section proportionally based on the amount of 103062
remaining available funds. Each state institution of higher 103063
education shall provide each scholarship recipient under division 103064
(D)(1)(a) of this section a grant or tuition waiver in an amount 103065
equal to the amount the recipient's scholarship was reduced by the 103066
chancellor. 103067

(K) Notwithstanding division (A) of section 127.14 of the 103068
Revised Code, the controlling board shall not transfer all or part 103069
of any appropriation for the Ohio national guard scholarship 103070
program. 103071

(L) The chancellor and the adjutant general may apply for, 103072
and may receive and accept grants, and may receive and accept 103073
gifts, bequests, and contributions, from public and private 103074
sources, including agencies and instrumentalities of the United 103075
States and this state, and shall deposit the grants, gifts, 103076
bequests, or contributions into the national guard scholarship 103077
donation fund. 103078

Sec. 5923.05. (A)(1) Permanent public employees who are 103079
members of the Ohio organized militia or members of other reserve 103080
components of the armed forces of the United States, including the 103081
Ohio national guard, are entitled to a leave of absence from their 103082

respective positions without loss of pay for the time they are 103083
performing service in the uniformed services, for periods of up to 103084
one month, for each ~~calendar~~ federal fiscal year in which they are 103085
performing service in the uniformed services. 103086

(2) As used in this section: 103087

(a) "~~Calendar~~ Federal fiscal year" means the year beginning 103088
on the first day of ~~January~~ October and ending on the ~~last~~ 103089
thirtieth day of ~~December~~ September. 103090

(b) "Month" means twenty-two eight-hour work days or one 103091
hundred seventy-six hours, or for a public safety employee, 103092
seventeen twenty-four-hour days or four hundred eight hours, 103093
within one ~~calendar~~ federal fiscal year. 103094

(c) "Permanent public employee" means any person holding a 103095
position in public employment that requires working a regular 103096
schedule of twenty-six consecutive biweekly pay periods, or any 103097
other regular schedule of comparable consecutive pay periods, 103098
which is not limited to a specific season or duration. "Permanent 103099
public employee" does not include student help; intermittent, 103100
seasonal, or external interim employees; or individuals covered by 103101
personal services contracts. 103102

(d) "State agency" means any department, bureau, board, 103103
commission, office, or other organized body established by the 103104
constitution or laws of this state for the exercise of any 103105
function of state government, the general assembly, all 103106
legislative agencies, the supreme court, the court of claims, and 103107
the state-supported institutions of higher education. 103108

(e) "Service in the uniformed services" means the performance 103109
of duty, on a voluntary or involuntary basis, in a uniformed 103110
service, under competent authority, and includes active duty, 103111
active duty for training, initial active duty for training, 103112
inactive duty for training, full-time national guard duty, and 103113

performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(f) "Uniformed services" means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

(g) "Public safety employee" means a permanent public employee who is employed as a fire fighter or emergency medical technician.

(B) Except as otherwise provided in division (D) of this section, any permanent public employee who is employed by a political subdivision, who is entitled to the leave provided under division (A) of this section, and who is called or ordered to the uniformed services for longer than a month, for each ~~calendar~~ federal fiscal year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

(1) The difference between the permanent public employee's gross monthly wage or salary as a permanent public employee and the sum of the permanent public employee's gross uniformed pay and allowances received that month;

(2) Five hundred dollars. 103146

(C) Except as otherwise provided in division (D) of this 103147
section, any permanent public employee who is employed by a state 103148
agency, who is entitled to the leave provided under division (A) 103149
of this section, and who is called or ordered to the uniformed 103150
services for longer than a month, for each ~~calendar~~ federal fiscal 103151
year in which the employee performed service in the uniformed 103152
services, because of an executive order issued by the president of 103153
the United States, because of an act of congress, or because of an 103154
order to perform duty issued by the governor pursuant to section 103155
5919.29 or 5923.21 of the Revised Code is entitled, during the 103156
period designated in the order or act, to a leave of absence and 103157
to be paid, during each monthly pay period of that leave of 103158
absence, the difference between the permanent public employee's 103159
gross monthly wage or salary as a permanent public employee and 103160
the sum of the permanent public employee's gross uniformed pay and 103161
allowances received that month. 103162

(D) No permanent public employee shall receive payments under 103163
division (B) or (C) of this section if the sum of the permanent 103164
public employee's gross uniformed pay and allowances received in a 103165
pay period exceeds the employee's gross wage or salary as a 103166
permanent public employee for that period or if the permanent 103167
public employee is receiving pay under division (A) of this 103168
section. 103169

(E) Any political subdivision of the state, as defined in 103170
section 2744.01 of the Revised Code, may elect to pay any of its 103171
permanent public employees who are entitled to the leave provided 103172
under division (A) of this section and who are called or ordered 103173
to the uniformed services for longer than one month, for each 103174
~~calendar~~ federal fiscal year in which the employee performed 103175
service in the uniformed services, because of an executive order 103176
issued by the president or an act of congress, such payments, in 103177

addition to those payments required by division (B) of this 103178
section, as may be authorized by the legislative authority of the 103179
political subdivision. 103180

(F) Each permanent public employee who is entitled to leave 103181
provided under division (A) of this section shall submit to the 103182
permanent public employee's appointing authority the published 103183
order authorizing the call or order to the uniformed services or a 103184
written statement from the appropriate military commander 103185
authorizing that service, prior to being credited with that leave. 103186

(G) Any permanent public employee of a political subdivision 103187
whose employment is governed by a collective bargaining agreement 103188
with provision for the performance of service in the uniformed 103189
services shall abide by the terms of that collective bargaining 103190
agreement with respect to the performance of that service, except 103191
that no collective bargaining agreement may afford fewer rights 103192
and benefits than are conferred under this section. 103193

Sec. 6111.03. The director of environmental protection may do 103194
any of the following: 103195

(A) Develop plans and programs for the prevention, control, 103196
and abatement of new or existing pollution of the waters of the 103197
state; 103198

(B) Advise, consult, and cooperate with other agencies of the 103199
state, the federal government, other states, and interstate 103200
agencies and with affected groups, political subdivisions, and 103201
industries in furtherance of the purposes of this chapter. Before 103202
adopting, amending, or rescinding a standard or rule pursuant to 103203
division (G) of this section or section 6111.041 or 6111.042 of 103204
the Revised Code, the director shall do all of the following: 103205

(1) Mail notice to each statewide organization that the 103206
director determines represents persons who would be affected by 103207

the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.

(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;

(D) Administer state grants for the construction of sewage and waste collection and treatment works;

(E) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution, and the causes, prevention, control, and abatement thereof, that are advisable and necessary for the discharge of the director's duties under this chapter;

(F) Collect and disseminate information relating to water pollution and prevention, control, and abatement thereof;

(G) Adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code governing the procedure for

hearings, the filing of reports, the issuance of permits, the 103238
issuance of industrial water pollution control certificates, and 103239
all other matters relating to procedure; 103240

(H) Issue, modify, or revoke orders to prevent, control, or 103241
abate water pollution by such means as the following: 103242

(1) Prohibiting or abating discharges of sewage, industrial 103243
waste, or other wastes into the waters of the state; 103244

(2) Requiring the construction of new disposal systems or any 103245
parts thereof, or the modification, extension, or alteration of 103246
existing disposal systems or any parts thereof; 103247

(3) Prohibiting additional connections to or extensions of a 103248
sewerage system when the connections or extensions would result in 103249
an increase in the polluting properties of the effluent from the 103250
system when discharged into any waters of the state; 103251

(4) Requiring compliance with any standard or rule adopted 103252
under sections 6111.01 to 6111.05 of the Revised Code or term or 103253
condition of a permit. 103254

In the making of those orders, wherever compliance with a 103255
rule adopted under section 6111.042 of the Revised Code is not 103256
involved, consistent with the Federal Water Pollution Control Act, 103257
the director shall give consideration to, and base the 103258
determination on, evidence relating to the technical feasibility 103259
and economic reasonableness of complying with those orders and to 103260
evidence relating to conditions calculated to result from 103261
compliance with those orders, and their relation to benefits to 103262
the people of the state to be derived from such compliance in 103263
accomplishing the purposes of this chapter. 103264

(I) Review plans, specifications, or other data relative to 103265
disposal systems or any part thereof in connection with the 103266
issuance of orders, permits, and industrial water pollution 103267
control certificates under this chapter; 103268

(J)(1) Issue, revoke, modify, or deny sludge management 103269
permits and permits for the discharge of sewage, industrial waste, 103270
or other wastes into the waters of the state, and for the 103271
installation or modification of disposal systems or any parts 103272
thereof in compliance with all requirements of the Federal Water 103273
Pollution Control Act and mandatory regulations adopted 103274
thereunder, including regulations adopted under section 405 of the 103275
Federal Water Pollution Control Act, and set terms and conditions 103276
of permits, including schedules of compliance, where necessary. In 103277
issuing permits for sludge management, the director shall not 103278
allow the placement of sewage sludge on frozen ground in conflict 103279
with rules adopted under this chapter. Any person who discharges, 103280
transports, or handles storm water from an animal feeding 103281
facility, as defined in section 903.01 of the Revised Code, or 103282
pollutants from a concentrated animal feeding operation, as both 103283
terms are defined in that section, is not required to obtain a 103284
permit under division (J)(1) of this section for the installation 103285
or modification of a disposal system involving pollutants or storm 103286
water or any parts of such a system on and after the date on which 103287
the director of agriculture has finalized the program required 103288
under division (A)(1) of section 903.02 of the Revised Code. In 103289
addition, any person who discharges, transports, or handles storm 103290
water from an animal feeding facility, as defined in section 103291
903.01 of the Revised Code, or pollutants from a concentrated 103292
animal feeding operation, as both terms are defined in that 103293
section, is not required to obtain a permit under division (J)(1) 103294
of this section for the discharge of storm water from an animal 103295
feeding facility or pollutants from a concentrated animal feeding 103296
operation on and after the date on which the United States 103297
environmental protection agency approves the NPDES program 103298
submitted by the director of agriculture under section 903.08 of 103299
the Revised Code. 103300

Any permit terms and conditions set by the director shall be 103301

designed to achieve and maintain full compliance with the national 103302
effluent limitations, national standards of performance for new 103303
sources, and national toxic and pretreatment effluent standards 103304
set under that act, and any other mandatory requirements of that 103305
act that are imposed by regulation of the administrator of the 103306
United States environmental protection agency. If an applicant for 103307
a sludge management permit also applies for a related permit for 103308
the discharge of sewage, industrial waste, or other wastes into 103309
the waters of the state, the director may combine the two permits 103310
and issue one permit to the applicant. 103311

A sludge management permit is not required for an entity that 103312
treats or transports sewage sludge or for a sanitary landfill when 103313
all of the following apply: 103314

(a) The entity or sanitary landfill does not generate the 103315
sewage sludge. 103316

(b) Prior to receipt at the sanitary landfill, the entity has 103317
ensured that the sewage sludge meets the requirements established 103318
in rules adopted by the director under section 3734.02 of the 103319
Revised Code concerning disposal of municipal solid waste in a 103320
sanitary landfill. 103321

(c) Disposal of the sewage sludge occurs at a sanitary 103322
landfill that complies with rules adopted by the director under 103323
section 3734.02 of the Revised Code. 103324

As used in division (J)(1) of this section, "sanitary 103325
landfill" means a sanitary landfill facility, as defined in rules 103326
adopted under section 3734.02 of the Revised Code, that is 103327
licensed as a solid waste facility under section 3734.05 of the 103328
Revised Code. 103329

(2) An application for a permit or renewal thereof shall be 103330
denied if any of the following applies: 103331

(a) The secretary of the army determines in writing that 103332

anchorage or navigation would be substantially impaired thereby; 103333

(b) The director determines that the proposed discharge or 103334
source would conflict with an areawide waste treatment management 103335
plan adopted in accordance with section 208 of the Federal Water 103336
Pollution Control Act; 103337

(c) The administrator of the United States environmental 103338
protection agency objects in writing to the issuance or renewal of 103339
the permit in accordance with section 402 (d) of the Federal Water 103340
Pollution Control Act; 103341

(d) The application is for the discharge of any radiological, 103342
chemical, or biological warfare agent or high-level radioactive 103343
waste into the waters of the United States. 103344

(3) To achieve and maintain applicable standards of quality 103345
for the waters of the state adopted pursuant to section 6111.041 103346
of the Revised Code, the director shall impose, where necessary 103347
and appropriate, as conditions of each permit, water quality 103348
related effluent limitations in accordance with sections 301, 302, 103349
306, 307, and 405 of the Federal Water Pollution Control Act and, 103350
to the extent consistent with that act, shall give consideration 103351
to, and base the determination on, evidence relating to the 103352
technical feasibility and economic reasonableness of removing the 103353
polluting properties from those wastes and to evidence relating to 103354
conditions calculated to result from that action and their 103355
relation to benefits to the people of the state and to 103356
accomplishment of the purposes of this chapter. 103357

(4) Where a discharge having a thermal component from a 103358
source that is constructed or modified on or after October 18, 103359
1972, meets national or state effluent limitations or more 103360
stringent permit conditions designed to achieve and maintain 103361
compliance with applicable standards of quality for the waters of 103362
the state, which limitations or conditions will ensure protection 103363

and propagation of a balanced, indigenous population of shellfish, 103364
fish, and wildlife in or on the body of water into which the 103365
discharge is made, taking into account the interaction of the 103366
thermal component with sewage, industrial waste, or other wastes, 103367
the director shall not impose any more stringent limitation on the 103368
thermal component of the discharge, as a condition of a permit or 103369
renewal thereof for the discharge, during a ten-year period 103370
beginning on the date of completion of the construction or 103371
modification of the source, or during the period of depreciation 103372
or amortization of the source for the purpose of section 167 or 103373
169 of the Internal Revenue Code of 1954, whichever period ends 103374
first. 103375

(5) The director shall specify in permits for the discharge 103376
of sewage, industrial waste, and other wastes, the net volume, net 103377
weight, duration, frequency, and, where necessary, concentration 103378
of the sewage, industrial waste, and other wastes that may be 103379
discharged into the waters of the state. The director shall 103380
specify in those permits and in sludge management permits that the 103381
permit is conditioned upon payment of applicable fees as required 103382
by section 3745.11 of the Revised Code and upon the right of the 103383
director's authorized representatives to enter upon the premises 103384
of the person to whom the permit has been issued for the purpose 103385
of determining compliance with this chapter, rules adopted 103386
thereunder, or the terms and conditions of a permit, order, or 103387
other determination. The director shall issue or deny an 103388
application for a sludge management permit or a permit for a new 103389
discharge, for the installation or modification of a disposal 103390
system, or for the renewal of a permit, within one hundred eighty 103391
days of the date on which a complete application with all plans, 103392
specifications, construction schedules, and other pertinent 103393
information required by the director is received. 103394

(6) The director may condition permits upon the installation 103395

of discharge or water quality monitoring equipment or devices and 103396
the filing of periodic reports on the amounts and contents of 103397
discharges and the quality of receiving waters that the director 103398
prescribes. The director shall condition each permit for a 103399
government-owned disposal system or any other "treatment works" as 103400
defined in the Federal Water Pollution Control Act upon the 103401
reporting of new introductions of industrial waste or other wastes 103402
and substantial changes in volume or character thereof being 103403
introduced into those systems or works from "industrial users" as 103404
defined in section 502 of that act, as necessary to comply with 103405
section 402(b)(8) of that act; upon the identification of the 103406
character and volume of pollutants subject to pretreatment 103407
standards being introduced into the system or works; and upon the 103408
existence of a program to ensure compliance with pretreatment 103409
standards by "industrial users" of the system or works. In 103410
requiring monitoring devices and reports, the director, to the 103411
extent consistent with the Federal Water Pollution Control Act, 103412
shall give consideration to technical feasibility and economic 103413
reasonableness and shall allow reasonable time for compliance. 103414

(7) A permit may be issued for a period not to exceed five 103415
years and may be renewed upon application for renewal. In renewing 103416
a permit, the director shall consider the compliance history of 103417
the permit holder and may deny the renewal if the director 103418
determines that the permit holder has not complied with the terms 103419
and conditions of the existing permit. A permit may be modified, 103420
suspended, or revoked for cause, including, but not limited to, 103421
violation of any condition of the permit, obtaining a permit by 103422
misrepresentation or failure to disclose fully all relevant facts 103423
of the permitted discharge or of the sludge use, storage, 103424
treatment, or disposal practice, or changes in any condition that 103425
requires either a temporary or permanent reduction or elimination 103426
of the permitted activity. No application shall be denied or 103427
permit revoked or modified without a written order stating the 103428

findings upon which the denial, revocation, or modification is 103429
based. A copy of the order shall be sent to the applicant or 103430
permit holder by certified mail. 103431

(K) Institute or cause to be instituted in any court of 103432
competent jurisdiction proceedings to compel compliance with this 103433
chapter or with the orders of the director issued under this 103434
chapter, or to ensure compliance with sections 204(b), 307, 308, 103435
and 405 of the Federal Water Pollution Control Act; 103436

~~(L) Issue, deny, revoke, or modify industrial water pollution 103437
control certificates; 103438~~

~~(M)~~ Certify to the government of the United States or any 103439
agency thereof that an industrial water pollution control facility 103440
is in conformity with the state program or requirements for the 103441
control of water pollution whenever the certification may be 103442
required for a taxpayer under the Internal Revenue Code of the 103443
United States, as amended; 103444

~~(N)~~(M) Issue, modify, and revoke orders requiring any 103445
"industrial user" of any publicly owned "treatment works" as 103446
defined in sections 212(2) and 502(18) of the Federal Water 103447
Pollution Control Act to comply with pretreatment standards; 103448
establish and maintain records; make reports; install, use, and 103449
maintain monitoring equipment or methods, including, where 103450
appropriate, biological monitoring methods; sample discharges in 103451
accordance with methods, at locations, at intervals, and in a 103452
manner that the director determines; and provide other information 103453
that is necessary to ascertain whether or not there is compliance 103454
with toxic and pretreatment effluent standards. In issuing, 103455
modifying, and revoking those orders, the director, to the extent 103456
consistent with the Federal Water Pollution Control Act, shall 103457
give consideration to technical feasibility and economic 103458
reasonableness and shall allow reasonable time for compliance. 103459

~~(O)~~(N) Exercise all incidental powers necessary to carry out the purposes of this chapter; 103460
103461

~~(P)~~(O) Certify or deny certification to any applicant for a federal license or permit to conduct any activity that may result in any discharge into the waters of the state that the discharge will comply with the Federal Water Pollution Control Act; 103462
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~~(Q)~~(P) Administer and enforce the publicly owned treatment works pretreatment program in accordance with the Federal Water Pollution Control Act. In the administration of that program, the director may do any of the following: 103466
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(1) Apply and enforce pretreatment standards; 103470

(2) Approve and deny requests for approval of publicly owned treatment works pretreatment programs, oversee those programs, and implement, in whole or in part, those programs under any of the following conditions: 103471
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(a) The director has denied a request for approval of the publicly owned treatment works pretreatment program; 103475
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(b) The director has revoked the publicly owned treatment works pretreatment program; 103477
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(c) There is no pretreatment program currently being implemented by the publicly owned treatment works; 103479
103480

(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program. 103481
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(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards; 103484
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(4) Approve and deny requests for authority to modify 103490
categorical pretreatment standards to reflect removal of 103491
pollutants achieved by publicly owned treatment works; 103492

(5) Deny and recommend approval of requests for fundamentally 103493
different factors variances submitted by industrial users; 103494

(6) Make determinations on categorization of industrial 103495
users; 103496

(7) Adopt, amend, or rescind rules and issue, modify, or 103497
revoke orders necessary for the administration and enforcement of 103498
the publicly owned treatment works pretreatment program. 103499

Any approval of a publicly owned treatment works pretreatment 103500
program may contain any terms and conditions, including schedules 103501
of compliance, that are necessary to achieve compliance with this 103502
chapter. 103503

~~(R)~~(O) Except as otherwise provided in this division, adopt 103504
rules in accordance with Chapter 119. of the Revised Code 103505
establishing procedures, methods, and equipment and other 103506
requirements for equipment to prevent and contain discharges of 103507
oil and hazardous substances into the waters of the state. The 103508
rules shall be consistent with and equivalent in scope, content, 103509
and coverage to section 311(j)(1)(c) of the Federal Water 103510
Pollution Control Act and regulations adopted under it. The 103511
director shall not adopt rules under this division relating to 103512
discharges of oil from oil production facilities and oil drilling 103513
and workover facilities as those terms are defined in that act and 103514
regulations adopted under it. 103515

~~(S)~~(R)(1) Administer and enforce a program for the regulation 103516
of sludge management in this state. In administering the program, 103517
the director, in addition to exercising the authority provided in 103518
any other applicable sections of this chapter, may do any of the 103519
following: 103520

(a) Develop plans and programs for the disposal and utilization of sludge and sludge materials; 103521
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(b) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state; 103523
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(c) Collect and disseminate information relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state; 103528
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(d) Issue, modify, or revoke orders to prevent, control, or abate the use and disposal of sludge and sludge materials or the effects of the use of sludge and sludge materials on land located in the state and on the air and waters of the state; 103532
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(e) Adopt and enforce, modify, or rescind rules necessary for the implementation of division ~~(S)~~(R) of this section. The rules reasonably shall protect public health and the environment, encourage the beneficial reuse of sludge and sludge materials, and minimize the creation of nuisance odors. 103536
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The director may specify in sludge management permits the net volume, net weight, quality, and pollutant concentration of the sludge or sludge materials that may be used, stored, treated, or disposed of, and the manner and frequency of the use, storage, treatment, or disposal, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other terms and conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and rules adopted under it and, in doing so, shall consider whether the terms and conditions are consistent with the goal of encouraging the 103541
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beneficial reuse of sludge and sludge materials. 103552

The director may condition permits on the implementation of 103553
treatment, storage, disposal, distribution, or application 103554
management methods and the filing of periodic reports on the 103555
amounts, composition, and quality of sludge and sludge materials 103556
that are disposed of, used, treated, or stored. 103557

An approval of a treatment works sludge disposal program may 103558
contain any terms and conditions, including schedules of 103559
compliance, necessary to achieve compliance with this chapter and 103560
rules adopted under it. 103561

(2) As a part of the program established under division 103562
~~(S)~~(R)(1) of this section, the director has exclusive authority to 103563
regulate sewage sludge management in this state. For purposes of 103564
division ~~(S)~~(R)(2) of this section, that program shall be 103565
consistent with section 405 of the Federal Water Pollution Control 103566
Act and regulations adopted under it and with this section, except 103567
that the director may adopt rules under division ~~(S)~~(R) of this 103568
section that establish requirements that are more stringent than 103569
section 405 of the Federal Water Pollution Control Act and 103570
regulations adopted under it with regard to monitoring sewage 103571
sludge and sewage sludge materials and establishing acceptable 103572
sewage sludge management practices and pollutant levels in sewage 103573
sludge and sewage sludge materials. 103574

This chapter authorizes the state to participate in any 103575
national sludge management program and the national pollutant 103576
discharge elimination system, to administer and enforce the 103577
publicly owned treatment works pretreatment program, and to issue 103578
permits for the discharge of dredged or fill materials, in 103579
accordance with the Federal Water Pollution Control Act. This 103580
chapter shall be administered, consistent with the laws of this 103581
state and federal law, in the same manner that the Federal Water 103582
Pollution Control Act is required to be administered. 103583

~~(T)~~(S) Develop technical guidance and offer technical 103584
assistance, upon request, for the purpose of minimizing wind or 103585
water erosion of soil, and assist in compliance with permits for 103586
storm water management issued under this chapter and rules adopted 103587
under it. 103588

~~(U)~~(T) Study, examine, and calculate nutrient loading from 103589
point and nonpoint sources in order to determine comparative 103590
contributions by those sources and to utilize the information 103591
derived from those calculations to determine the most 103592
environmentally beneficial and cost-effective mechanisms to reduce 103593
nutrient loading to watersheds in the Lake Erie basin and the Ohio 103594
river basin. In order to evaluate nutrient loading contributions, 103595
the director or the director's designee shall conduct a study of 103596
the nutrient mass balance for both point and nonpoint sources in 103597
watersheds in the Lake Erie basin and the Ohio river basin using 103598
available data, including both of the following: 103599

(1) Data on water quality and stream flow; 103600

(2) Data on point source discharges into those watersheds. 103601

The director or the director's designee shall report and 103602
update the results of the study to coincide with the release of 103603
the Ohio integrated water quality monitoring and assessment report 103604
prepared by the director. 103605

(U) For each impaired water of the state, or segment thereof, 103606
establish total maximum daily loads (TMDL) and submit the TMDL to 103607
the United States environmental protection agency for approval. 103608

This section does not apply to residual farm products and 103609
manure disposal systems and related management and conservation 103610
practices subject to rules adopted pursuant to division (E)(1) of 103611
section 939.02 of the Revised Code. For purposes of this 103612
exclusion, "residual farm products" and "manure" have the same 103613
meanings as in section 939.01 of the Revised Code. However, until 103614

the date on which the United States environmental protection 103615
agency approves the NPDES program submitted by the director of 103616
agriculture under section 903.08 of the Revised Code, this 103617
exclusion does not apply to animal waste treatment works having a 103618
controlled direct discharge to the waters of the state or any 103619
concentrated animal feeding operation, as defined in 40 C.F.R. 103620
122.23(b)(2). On and after the date on which the United States 103621
environmental protection agency approves the NPDES program 103622
submitted by the director of agriculture under section 903.08 of 103623
the Revised Code, this section does not apply to storm water from 103624
an animal feeding facility, as defined in section 903.01 of the 103625
Revised Code, or to pollutants discharged from a concentrated 103626
animal feeding operation, as both terms are defined in that 103627
section. Neither of these exclusions applies to the discharge of 103628
animal waste into a publicly owned treatment works. 103629

Not later than December 1, 2016, a publicly owned treatment 103630
works with a design flow of one million gallons per day or more, 103631
or designated as a major discharger by the director, shall be 103632
required to begin monthly monitoring of total and dissolved 103633
reactive phosphorus pursuant to a new NPDES permit, an NPDES 103634
permit renewal, or a director-initiated modification. The director 103635
shall include in each applicable new NPDES permit, NPDES permit 103636
renewal, or director-initiated modification a requirement that 103637
such monitoring be conducted. A director-initiated modification 103638
for that purpose shall be considered and processed as a minor 103639
modification pursuant to Ohio Administrative Code 3745-33-04. In 103640
addition, not later than December 1, 2017, a publicly owned 103641
treatment works with a design flow of one million gallons per day 103642
or more that, on July 3, 2015, is not subject to a phosphorus 103643
limit shall complete and submit to the director a study that 103644
evaluates the technical and financial capability of the existing 103645
treatment facility to reduce the final effluent discharge of 103646
phosphorus to one milligram per liter using possible source 103647

reduction measures, operational procedures, and unit process configurations. 103648
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Sec. 6111.036. (A) There is hereby created the water 103650
pollution control loan fund to provide financial, technical, and 103651
administrative assistance as follows: 103652

(1) For the construction of publicly owned wastewater 103653
treatment works, as "construction" and "treatment works" are 103654
defined in section 212 of the Federal Water Pollution Control Act, 103655
by municipal corporations, other political subdivisions, state 103656
agencies, and interstate agencies having territory in this state; 103657

(2) For the implementation of a nonpoint source pollution 103658
management program under section 319 of that act; 103659

(3) For the development and implementation of estuary 103660
conservation and management programs under section 320 of that 103661
act; 103662

(4) For the construction, repair, or replacement of 103663
decentralized wastewater treatment systems that treat municipal 103664
wastewater or domestic sewage; 103665

(5) For measures to manage, reduce, treat, or recapture 103666
stormwater or subsurface drainage water; 103667

(6) For measures to reduce the demand for publicly owned 103668
wastewater treatment works capacity through water conservation, 103669
efficiency, or reuse by any municipal corporation, other political 103670
subdivision, state agency, or interstate agency having territory 103671
in this state; 103672

(7) For the development and implementation of watershed 103673
projects meeting the criteria established in section 122 of that 103674
act; 103675

(8) For measures to reduce the energy consumption needs of 103676
publicly owned wastewater treatment works by any municipal 103677

corporation, other political subdivision, state agency, or 103678
interstate agency having territory in this state; 103679

(9) For reusing or recycling wastewater, stormwater, or 103680
subsurface drainage water; 103681

(10) For measures to increase the security of publicly owned 103682
wastewater treatment works; 103683

(11) To any qualified nonprofit entity, as determined by the 103684
director of environmental protection, to provide assistance to 103685
owners and operators of small and medium publicly owned wastewater 103686
treatment works for either of the following: 103687

(a) To plan, develop, and obtain financing for eligible 103688
projects under this division, including planning, design, and 103689
associated preconstruction activities; 103690

(b) To assist such treatment works in achieving compliance 103691
with the Federal Water Pollution Control Act. 103692

To the extent they are otherwise allowable as determined by 103693
the director, the purposes identified under division (A) of this 103694
section are intended to include activities benefiting the waters 103695
of the state that are authorized under Chapter 3746. of the 103696
Revised Code. 103697

The fund shall be administered by the director consistent 103698
with the Federal Water Pollution Control Act; regulations adopted 103699
under it, including, without limitation, regulations establishing 103700
public participation requirements applicable to the providing of 103701
financial assistance; this section; and rules adopted under 103702
division (O) of this section. 103703

Moneys in the water pollution control loan fund shall be 103704
separate and apart from and not a part of the state treasury or of 103705
the other funds of the Ohio water development authority. Subject 103706
to the terms of the agreements provided for in divisions (B), (C), 103707

(D), and (F) of this section, moneys in the fund shall be held in trust by the Ohio water development authority for the purposes of this section, shall be kept in the same manner that funds of the authority are kept under section 6121.11 of the Revised Code, and may be invested in the same manner that funds of the authority are invested under section 6121.12 of the Revised Code. No withdrawals or disbursements shall be made from the water pollution control loan fund without the written authorization of the director or the director's designated representative. The manner of authorization for any withdrawals or disbursements from the fund to be made by the authority shall be established in the agreements authorized under division (C) of this section.

(B) The director may enter into agreements to receive and assign moneys credited or to be credited to the water pollution control loan fund. The director may reserve capitalization grant moneys allotted to the state under sections 601 and 604(c)(2) of the Federal Water Pollution Control Act for the other purposes authorized for the use of capitalization grant moneys under sections 603(d)(7) and 604(b) of that act.

(C) The director shall ensure that fiscal controls are established for prudent administration of the water pollution control loan fund. For that purpose, the director and the Ohio water development authority shall enter into any necessary and appropriate agreements under which the authority may perform or provide any of the following:

(1) Fiscal controls and accounting procedures governing fund balances, receipts, and disbursements;

(2) Administration of loan accounts;

(3) Maintaining, managing, and investing moneys in the fund.

Any agreement entered into under this division shall provide for the payment of reasonable fees to the Ohio water development

authority for any services it performs under the agreement and may 103739
provide for reasonable fees for the assistance of financial or 103740
accounting advisors. Payments of any such fees to the authority 103741
may be made from the water pollution control loan fund to the 103742
extent authorized by division (H)(7) of this section or from the 103743
water pollution control loan administrative fund created in 103744
division (E) of this section. The authority may enter into loan 103745
agreements with the director and recipients of financial 103746
assistance from the fund as provided in this section. 103747

(D) The water pollution control loan fund shall consist of 103748
the moneys credited to it from all capitalization grants received 103749
under sections 601 and 604(c)(2) of the Federal Water Pollution 103750
Control Act, all moneys received as capitalization grants under 103751
section 205(m) of that act, all matching moneys credited to the 103752
fund arising from nonfederal sources, all payments of principal 103753
and interest for loans made from the fund, and all investment 103754
earnings on moneys held in the fund. On or before the date on 103755
which a quarterly capitalization grant payment will be received 103756
under that act, matching moneys equal to at least twenty per cent 103757
of the quarterly capitalization grant payment shall be credited to 103758
the fund. The Ohio water development authority may make moneys 103759
available to the director for the purpose of providing the 103760
matching moneys required by this division, subject to such terms 103761
as the director and the authority consider appropriate, and may 103762
pledge moneys that are held by the authority to secure the payment 103763
of bonds or notes issued by the authority to provide those 103764
matching moneys. The authority may make moneys available to the 103765
director for that purpose from any funds now or hereafter 103766
available to the authority from any source, including, without 103767
limitation, the proceeds of bonds or notes heretofore or hereafter 103768
issued by the authority under Chapter 6121. of the Revised Code. 103769
Matching moneys made available to the director by the authority 103770
from the proceeds of any such bonds or notes shall be made 103771

available subject to the terms of the trust agreements relating to 103772
the bonds or notes. Any such matching moneys shall be made 103773
available to the director pursuant to a written agreement between 103774
the director and the authority that contains such terms as the 103775
director and the authority consider appropriate, including, 103776
without limitation, a provision providing for repayment to the 103777
authority of those matching moneys from moneys deposited in the 103778
water pollution control loan fund, including, without limitation, 103779
the proceeds of bonds or notes issued by the authority for the 103780
benefit of the fund and payments of principal and interest on 103781
loans made from the fund, or from any other sources now or 103782
hereafter available to the director for the repayment of those 103783
matching moneys. 103784

(E) All moneys credited to the water pollution control loan 103785
fund, all interest earned on moneys in the fund, and all payments 103786
of principal and interest for loans made from the fund shall be 103787
dedicated in perpetuity and used and reused solely for the 103788
purposes set forth in division (A) of this section, except as 103789
otherwise provided in division (D) or (F) of this section. The 103790
director may establish and collect fees to be paid by recipients 103791
of financial assistance under this section, and all moneys arising 103792
from the fees shall be credited to the water pollution control 103793
loan administrative fund, which is hereby created in the state 103794
treasury, and shall be used to defray the costs of administering 103795
this section or other water quality related programs administered 103796
by the environmental protection agency. 103797

(F) The director and the Ohio water development authority 103798
shall enter into trust agreements to enable the authority to issue 103799
and refund bonds or notes for the sole benefit of the water 103800
pollution control loan fund, including, without limitation, the 103801
raising of the matching moneys required by division (D) of this 103802
section. These agreements may authorize the pledge of moneys 103803

accruing to the fund from payments of principal and interest on 103804
loans made from the fund adequate to secure bonds or notes, the 103805
proceeds of which bonds or notes shall be for the sole benefit of 103806
the water pollution control loan fund. The agreements may contain 103807
such terms as the director and the authority consider reasonable 103808
and proper for the security of the bondholders or noteholders. 103809

(G) The director shall enter into binding commitments to 103810
provide financial assistance from the water pollution control loan 103811
fund in an amount equal to one hundred twenty per cent of the 103812
amount of each capitalization grant payment received, within one 103813
year after receiving each such grant payment. The director shall 103814
provide the financial assistance in compliance with this section 103815
and rules adopted under division (O) of this section. The director 103816
shall ensure that all moneys credited to the fund are disbursed in 103817
an expeditious and timely manner. During the second year of 103818
operation of the water pollution control loan program, the 103819
director also shall ensure that not less than twenty-five per cent 103820
of the financial assistance provided under this section during 103821
that year is provided for the purpose of division (H)(2) of this 103822
section for the purchase or refinancing of debt obligations 103823
incurred after March 7, 1985, but not later than July 1, 1988, 103824
except that if the amount of money reserved during the second year 103825
of operation of the program for the purchase or refinancing of 103826
those debt obligations exceeds the amount required for the 103827
projects that are eligible to receive financial assistance for 103828
that purpose, the director shall distribute the excess moneys in 103829
accordance with the current priority system and list prepared 103830
under division (I) of this section to provide financial assistance 103831
for projects that otherwise would not receive assistance in that 103832
year. 103833

(H) Moneys credited to the water pollution control loan fund 103834
shall be used only for the following purposes: 103835

(1) To make loans, subject to all of the following conditions: 103836
103837

(a) The loans are made at or below market rates of interest, including, without limitation, interest free loans. 103838
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(b) Periodic payments of principal and interest, on the dates and in the amounts approved by the director, shall commence not later than one year after completion of the project, and all loans shall be fully amortized not later than thirty years after project completion. 103840
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(c) Each recipient of a loan shall establish a dedicated source of revenue for repayment of the loan. 103845
103846

(d) All payments of principal and interest on the loans shall be credited to the fund, except as otherwise provided in division (D) or (F) of this section. 103847
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(2) To purchase or refinance at or below market rates of interest debt obligations incurred after March 7, 1985, by municipal corporations, other political subdivisions, and interstate agencies having territory in the state. If, and to the extent allowed under the Federal Water Pollution Control Act, debt obligations are purchased or refinanced under this section to provide financial assistance for any of the purposes allowed under division (A) of this section, the repayment period may extend up to forty-five years. However, the repayment period shall not exceed the expected useful life of any facilities that are financed by the obligations. 103850
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(3) To guarantee or purchase insurance for debt obligations of municipal corporations, other political subdivisions, and interstate agencies having territory within the state when the guarantee or insurance would improve the borrower's access to credit markets or would reduce the interest rate paid on those obligations; 103861
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(4) As a source of revenue or security for the payment of principal and interest on general obligation or revenue bonds or notes issued by this state if the proceeds of the sale of the bonds or notes will be deposited in the fund;

(5) To provide loan guarantees for revolving loan funds established by municipal corporations and other political subdivisions that are similar to the water pollution control loan fund;

(6) To earn interest on moneys credited to the fund;

(7) For the payment of the reasonable costs of administering the fund and conducting activities under this section, except that those amounts shall not exceed four per cent of the total amount of the capitalization grants received, four hundred thousand dollars per year, or one-fifth of one per cent per year of the current valuation of the fund, whichever amount is greater, plus the amount of any fees collected by the state for that purpose regardless of the source;

(8) To provide assistance in any manner or for any purpose that is consistent with Title VI of the Federal Water Pollution Control Act or with any other federal law related to the use of federal funds administered under Title VI of the Federal Water Pollution Control Act, including, without limitation, the awarding of principal forgiveness assistance under that act.

(I) The director periodically shall prepare in accordance with rules adopted under division (O) of this section a state priority system and list ranking assistance proposals principally on the basis of their relative water quality and public health benefits and the financial need of the applicants for assistance. Assistance for proposed activities from the water pollution control loan fund shall be limited to those activities appearing on that priority list and shall be awarded based upon their

priority sequence on the list and the applicants' readiness to 103898
proceed with their proposed activities. The director annually 103899
shall prepare and circulate for public review and comment a plan 103900
that defines the goals and intended uses of the fund, as required 103901
by section 606(c) of the "Federal Water Pollution Control Act." 103902

(J) Financial assistance from the water pollution control 103903
loan fund first shall be used to ensure maintenance of progress, 103904
as determined by the governor, toward compliance with enforceable 103905
deadlines, goals, and requirements under the "Federal Water 103906
Pollution Control Act" that are pertinent to the purposes of the 103907
fund set forth in divisions (A)(1) to (3) of this section, 103908
including, without limitation, the municipal compliance deadline 103909
under that act. 103910

(K) The director may provide financial assistance from the 103911
water pollution control loan fund for a publicly owned treatment 103912
works project only after determining that: 103913

(1) The applicant for financial assistance has the legal, 103914
institutional, managerial, and financial capability to construct, 103915
operate, and maintain its publicly owned treatment works. 103916

(2) The applicant will implement a financial management plan 103917
that includes, without limitation, provisions for satisfactory 103918
repayment of the financial assistance, a user charge system to pay 103919
the operation, maintenance, and replacement expenses of the 103920
project, and, if appropriate in the director's judgment, an 103921
adequate capital improvements fund. 103922

(3) The proposed disposal system of which the project is a 103923
part is economically and nonmonetarily cost-effective, based upon 103924
an evaluation of feasible alternatives that meet the waste water 103925
treatment needs of the planning area in which the proposed project 103926
is located. 103927

(4) Based upon the environmental review conducted by the 103928

director under division (L) of this section, there are no 103929
significant adverse environmental effects resulting from the 103930
proposed disposal system and the system has been selected from 103931
among environmentally sound alternatives. 103932

(5) Public participation has occurred during the process of 103933
planning the project in compliance with applicable requirements 103934
under the Federal Water Pollution Control Act. 103935

(6) The applicant has submitted a facilities plan for the 103936
project that meets the applicable program requirements and that 103937
has been approved by the director. 103938

(7) The application meets the requirements of this section 103939
and rules adopted under division (O) of this section and is 103940
consistent with the intent of Title VI of the Federal Water 103941
Pollution Control Act and regulations adopted under it. 103942

(8) The application meets such other requirements as the 103943
director considers necessary or appropriate to protect the 103944
environment or ensure the financial integrity of the fund while 103945
implementing this section. 103946

(L) The director shall perform and document for public review 103947
an independent, comprehensive environmental review of the 103948
assistance proposal for each activity receiving financial 103949
assistance under this section. The review shall serve as the basis 103950
for the determinations to be made under division (K)(4) or (Q)(4) 103951
of this section, as applicable, and may include, without 103952
limitation, an environmental assessment, any necessary 103953
supplemental studies, and an enforceable mitigation plan. The 103954
director may establish environmental impact mitigation terms or 103955
conditions for the implementation of an assistance proposal, 103956
including, without limitation, the installation or modification of 103957
a disposal system, in the director's approval of the plans for the 103958
installation or modification as authorized by section 6111.44 of 103959

the Revised Code or through other legally enforceable means. The 103960
review shall be conducted in accordance with applicable rules 103961
adopted under division (O) of this section. 103962

(M) The director, consistent with this section and applicable 103963
rules adopted under division (O) of this section, may enter into 103964
any agreement with an applicant that is necessary or appropriate 103965
to provide assistance from the water pollution control loan fund. 103966
Based upon the director's review of an assistance proposal, 103967
including, without limitation, approval for the project under 103968
section 6111.44 of the Revised Code, the environmental review 103969
conducted under division (L) of this section, and the other 103970
requirements of this section and rules adopted under it, the 103971
director may establish in the agreement terms and conditions of 103972
the assistance to be offered to an applicant. In addition to any 103973
other available remedies, the director may terminate, suspend, or 103974
require immediate repayment of financial assistance provided under 103975
this section to, or take any other enforcement action available 103976
under this chapter against, a recipient of financial assistance 103977
under this section who defaults on any payment required in the 103978
agreement for financial assistance or otherwise violates a term or 103979
condition of the agreement or of the plan approval for the project 103980
under section 6111.44 of the Revised Code. 103981

(N) Based upon the director's judgment as to the financial 103982
need of the applicant and as to what constitutes the most 103983
effective allocation of funds to achieve statewide water pollution 103984
control objectives, the director may establish the terms, 103985
conditions, and amount of financial assistance to be offered to an 103986
applicant from the water pollution control loan fund. The 103987
director, to the extent consistent with the water quality 103988
improvement priorities reflected in the current priority system 103989
and list prepared under division (I) of this section and with the 103990
long-term financial integrity of the fund, shall ensure each year 103991

that financial assistance in an amount equal to the cost of the 103992
assistance proposals of applicants having a high level of economic 103993
need that are on the current priority list and for which funding 103994
is available in that year is made available from the fund to those 103995
applicants at an interest rate that is lower than that offered to 103996
other applicants for financial assistance from the fund for 103997
assistance proposals that are on the current priority list and for 103998
which funding is available in that year. 103999

The director shall determine the economic need of applicants 104000
for financial assistance in accordance with uniform criteria 104001
established in rules adopted under division (O) of this section. 104002

(O) The director may adopt rules in accordance with Chapter 104003
119. of the Revised Code for the implementation and administration 104004
of this section and section 6111.037 of the Revised Code. Any such 104005
rules governing the planning, design, and construction of water 104006
pollution control projects, establishing an environmental review 104007
process, establishing requirements for the preparation of 104008
environmental impact reports and mitigation plans, governing the 104009
establishment of priority systems for providing financial 104010
assistance under this section and section 6111.037 of the Revised 104011
Code, and governing the terms and conditions of assistance, shall 104012
be consistent with the intent of Titles II and VI and sections 319 104013
and 320 of the Federal Water Pollution Control Act. The rules 104014
governing the establishment of priority systems for financial 104015
assistance and governing terms and conditions of assistance shall 104016
provide for the most effective allocation of moneys from the water 104017
pollution control loan fund to achieve water quality and public 104018
health objectives throughout the state as determined by the 104019
director. 104020

(P)(1) For the purpose of this section, appealable actions of 104021
the director pursuant to section 3745.04 of the Revised Code are 104022
limited to the following: 104023

(a) Approval of draft priority systems, draft priority lists, and draft written program administration policies;	104024 104025
(b) Approval or disapproval of project facility plans under division (K)(6) of this section;	104026 104027
(c) Approval or disapproval of plans and specifications for a project under section 6111.44 of the Revised Code and issuance of a permit to install in connection with a project pursuant to rules adopted under section 6111.03 of the Revised Code;	104028 104029 104030 104031
(d) Approval or disapproval of an application for assistance.	104032
(2) Notwithstanding section 119.06 of the Revised Code, the director may take final action described in division (P)(1)(a), (b), (c), or (d) of this section without holding an adjudication hearing in connection with the action and without first issuing a proposed action under section 3745.07 of the Revised Code.	104033 104034 104035 104036 104037
(3) Each action described in divisions (P)(1)(a), (b), (c), and (d) of this section is a separate and discrete action of the director. Appeals of any such action are limited to the issues concerning the specific action appealed, and the appeal shall not include issues determined under the scope of any prior action.	104038 104039 104040 104041 104042
(Q) The director may provide financial assistance for the implementation of a nonpoint source management program activity only after determining all of the following:	104043 104044 104045
(1) The activity is consistent with the state's nonpoint source management program.	104046 104047
(2) The applicant has the legal, institutional, managerial, and financial capability to implement, operate, and maintain the activity.	104048 104049 104050
(3) The cost of the activity is reasonable considering monetary and nonmonetary factors.	104051 104052
(4) Based on the environmental review conducted by the	104053

director under division (L) of this section, the activity will not 104054
result in significant adverse environmental impacts. 104055

(5) The application meets the requirements of this section 104056
and rules adopted under division (O) of this section and is 104057
consistent with the intent of Title VI of the Federal Water 104058
Pollution Control Act and regulations adopted under it. 104059

(6) The applicant will implement a financial management plan, 104060
including, without limitation, provisions for satisfactory 104061
repayment of the financial assistance. 104062

(7) The application meets such other requirements as the 104063
director considers necessary or appropriate to protect the 104064
environment and ensure the financial integrity of the fund while 104065
implementing this section. 104066

(R) As used in this section, "Federal Water Pollution Control 104067
Act" means the "Federal Water Pollution Control Act Amendments of 104068
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 104069
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 104070
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 104071
Wastewater Treatment Construction Grant Amendments of 1981," 95 104072
Stat. 1623, 33 U.S.C.A. 1281, the "Water Quality Act of 1987," 101 104073
Stat. 7, 33 U.S.C.A. 1251, and applicable portions of the 104074
"American Recovery and Reinvestment Act of 2009," Pub. L. 111-5, 104075
123 Stat. 115, and the "Water Resources Reform and Development Act 104076
of 2014," 128 Stat. 1227, 33 U.S.C. 2223. 104077

Sec. 6111.04. (A) Both of the following apply except as 104078
otherwise provided in division (A) or (F) of this section: 104079

(1) No person shall cause pollution or place or cause to be 104080
placed any sewage, sludge, sludge materials, industrial waste, or 104081
other wastes in a location where they cause pollution of any 104082
waters of the state. 104083

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance. 104084
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Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending. 104086
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(B) If the director of environmental protection administers a sludge management program pursuant to division ~~(S)~~(R) of section 6111.03 of the Revised Code, both of the following apply except as otherwise provided in division (B) or (F) of this section: 104093
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(1) No person, in the course of sludge management, shall place on land located in the state or release into the air of the state any sludge or sludge materials. 104097
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(2) An action prohibited under division (B)(1) of this section is hereby declared to be a public nuisance. 104100
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Divisions (B)(1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending. 104102
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(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so. 104108
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(D) No person to whom a sludge management permit has been 104114

issued shall place on the land or release into the air of the 104115
state any sludge or sludge materials in excess of the permissive 104116
amounts specified under the existing sludge management permit 104117
without first receiving a modification of the existing sludge 104118
management permit or a new sludge management permit to do so from 104119
the director. 104120

(E) The director may require the submission of plans, 104121
specifications, and other information that the director considers 104122
relevant in connection with the issuance of permits. 104123

(F) This section does not apply to any of the following: 104124

(1) Waters used in washing sand, gravel, other aggregates, or 104125
mineral products when the washing and the ultimate disposal of the 104126
water used in the washing, including any sewage, industrial waste, 104127
or other wastes contained in the waters, are entirely confined to 104128
the land under the control of the person engaged in the recovery 104129
and processing of the sand, gravel, other aggregates, or mineral 104130
products and do not result in the pollution of waters of the 104131
state; 104132

(2) Water, gas, or other material injected into a well to 104133
facilitate, or that is incidental to, the production of oil, gas, 104134
artificial brine, or water derived in association with oil or gas 104135
production and disposed of in a well, in compliance with a permit 104136
issued under Chapter 1509. of the Revised Code, or sewage, 104137
industrial waste, or other wastes injected into a well in 104138
compliance with an injection well operating permit. Division 104139

(F)(2) of this section does not authorize, without a permit, any 104140
discharge that is prohibited by, or for which a permit is required 104141
by, regulation of the United States environmental protection 104142
agency. 104143

(3) Application of any materials to land for agricultural 104144
purposes or runoff of the materials from that application or 104145

pollution by residual farm products, manure, or soil sediment, 104146
including attached substances, resulting from farming, 104147
silvicultural, or earthmoving activities regulated by Chapter 307. 104148
or 939. of the Revised Code. Division (F)(3) of this section does 104149
not authorize, without a permit, any discharge that is prohibited 104150
by, or for which a permit is required by, the Federal Water 104151
Pollution Control Act or regulations adopted under it. As used in 104152
division (F)(3) of this section, "residual farm products" and 104153
"manure" have the same meanings as in section 939.01 of the 104154
Revised Code. 104155

(4) The excrement of domestic and farm animals defecated on 104156
land or runoff therefrom into any waters of the state. Division 104157
(F)(4) of this section does not authorize, without a permit, any 104158
discharge that is prohibited by, or for which a permit is required 104159
by, the Federal Water Pollution Control Act or regulations adopted 104160
under it. 104161

(5) On and after the date on which the United States 104162
environmental protection agency approves the NPDES program 104163
submitted by the director of agriculture under section 903.08 of 104164
the Revised Code, any discharge that is within the scope of the 104165
approved NPDES program submitted by the director of agriculture; 104166

(6) The discharge of sewage, industrial waste, or other 104167
wastes into a sewerage system tributary to a treatment works. 104168
Division (F)(6) of this section does not authorize any discharge 104169
into a publicly owned treatment works in violation of a 104170
pretreatment program applicable to the publicly owned treatment 104171
works. 104172

(7) A household sewage treatment system or a small flow 104173
on-site sewage treatment system, as applicable, as defined in 104174
section 3718.01 of the Revised Code that is installed in 104175
compliance with Chapter 3718. of the Revised Code and rules 104176
adopted under it. Division (F)(7) of this section does not 104177

authorize, without a permit, any discharge that is prohibited by, 104178
or for which a permit is required by, regulation of the United 104179
States environmental protection agency. 104180

(8) Exceptional quality sludge generated outside of this 104181
state and contained in bags or other containers not greater than 104182
one hundred pounds in capacity. As used in division (F)(8) of this 104183
section, "exceptional quality sludge" has the same meaning as in 104184
division (Y) of section 3745.11 of the Revised Code. 104185

(G) The holder of a permit issued under section 402 (a) of 104186
the Federal Water Pollution Control Act need not obtain a permit 104187
for a discharge authorized by the permit until its expiration 104188
date. Except as otherwise provided in this division, the director 104189
of environmental protection shall administer and enforce those 104190
permits within this state and may modify their terms and 104191
conditions in accordance with division (J) of section 6111.03 of 104192
the Revised Code. On and after the date on which the United States 104193
environmental protection agency approves the NPDES program 104194
submitted by the director of agriculture under section 903.08 of 104195
the Revised Code, the director of agriculture shall administer and 104196
enforce those permits within this state that are issued for any 104197
discharge that is within the scope of the approved NPDES program 104198
submitted by the director of agriculture. 104199

Sec. 6111.046. (A) Each person who is issued an injection 104200
well operating permit or a renewal of an injection well operating 104201
permit for a class I injection well shall pay an annual permit fee 104202
of twelve thousand five hundred dollars, except that a person who 104203
is issued such a permit or renewal of such a permit for a class I 104204
injection well that disposes of any hazardous waste identified or 104205
listed in rules adopted under section 3734.12 of the Revised Code 104206
and that is located on the premises where the hazardous waste 104207
injected into the well is generated shall pay an annual permit fee 104208

of thirty thousand dollars. The appropriate permit fee shall be 104209
paid to the director of environmental protection within thirty 104210
days after the issuance of the injection well operating permit or 104211
renewal of such a permit. Annually thereafter during the term of 104212
the permit or renewal, the appropriate annual permit fee shall be 104213
paid to the director on or before the anniversary of the date of 104214
issuance of the injection well operating permit or renewal of such 104215
a permit. The director, by rules adopted in accordance with 104216
Chapter 119. of the Revised Code, shall prescribe the procedures 104217
for collecting the annual permit fees established in this section 104218
and may prescribe other requirements necessary to carry out this 104219
section. 104220

No person shall fail to comply with this division. 104221

(B) All moneys received by the director under division (A) of 104222
this section shall be credited to the underground injection 104223
control fund, which is hereby created in the state treasury. 104224
Beginning July 1, 1992, and annually thereafter, the director 104225
shall request the office of budget and management to, and the 104226
office shall, transfer fifteen per cent of the moneys in the fund 104227
to the ~~injection well review~~ geological mapping fund created in 104228
section ~~1501.022~~ 1505.09 of the Revised Code for the purpose of 104229
paying the expenses of the department of natural resources 104230
incurred in executing its duties under sections 6111.043 to 104231
6111.047 of the Revised Code. The director shall use the remainder 104232
of the moneys credited to the underground injection control fund 104233
solely to administer and enforce the requirements of sections 104234
6111.043 to 6111.047 of the Revised Code and rules adopted under 104235
them pertaining to class I injection wells. 104236

Sec. 6111.14. The director of environmental protection may 104237
enter into an agreement with a political subdivision or 104238
investor-owned public utility that owns or operates a disposal 104239

system and that intends to extend the sewerage lines of its 104240
disposal system or to increase the number of service connections 104241
to its sewerage system, which agreement authorizes a qualified 104242
official or employee of the political subdivision or 104243
investor-owned public utility, as determined by the director, to 104244
review plans for the extension of the sewerage system or increase 104245
in the number of service connections for compliance with this 104246
chapter and the rules adopted under it and to certify to the 104247
director whether the plans comply with this chapter and the rules 104248
adopted under it. If, pursuant to such an agreement, the official 104249
or employee of the political subdivision or investor-owned public 104250
utility designated in the agreement certifies to the director that 104251
the plans comply with this chapter and the rules adopted under it 104252
and if the plans and certification are accompanied by an 104253
administrative service fee calculated in accordance with division 104254
(L)~~(4)~~(2) of section 3745.11 of the Revised Code, the director, by 104255
final action, shall approve the plans without further review. The 104256
director or the director's authorized representative may inspect 104257
the construction or installation of an extension of a sewerage 104258
system or additional service connections for which plans have been 104259
approved under this section. 104260

The approval of plans by the director pursuant to this 104261
section constitutes the approval of the plans for the purposes of 104262
any rules adopted under division (E) of section 6111.03 of the 104263
Revised Code that require the approval of plans for extensions of 104264
sewerage systems or increases in the number of service connections 104265
to sewerage systems. 104266

As used in this section, "investor-owned public utility" 104267
means a person, other than an individual, that is a sewage 104268
disposal system company, as defined in section 4905.03 of the 104269
Revised Code, and that is not owned or operated by a municipal 104270
corporation or operated not-for-profit. 104271

Sec. 6111.30. (A) Applications for a section 401 water 104272
quality certification required under division ~~(P)~~(O) of section 104273
6111.03 of the Revised Code shall be submitted on forms provided 104274
by the director of environmental protection and shall include all 104275
information required on those forms as well as all of the 104276
following: 104277

(1) A copy of a letter from the United States army corps of 104278
engineers documenting its jurisdiction over the wetlands, streams, 104279
or other waters of the state that are the subject of the section 104280
401 water quality certification application; 104281

(2) If the project involves impacts to a wetland, a wetland 104282
characterization analysis consistent with the Ohio rapid 104283
assessment method; 104284

(3) If the project involves a stream for which a specific 104285
aquatic life use designation has not been made, data sufficient to 104286
determine the existing aquatic life use; 104287

(4) A specific and detailed mitigation proposal, including 104288
the location and proposed real estate instrument or other 104289
available mechanism for protecting the property long term; 104290

(5) Applicable fees; 104291

(6) Site photographs; 104292

(7) Adequate documentation confirming that the applicant has 104293
requested comments from the department of natural resources and 104294
the United States fish and wildlife service regarding threatened 104295
and endangered species, including the presence or absence of 104296
critical habitat; 104297

(8) Descriptions, schematics, and appropriate economic 104298
information concerning the applicant's preferred alternative, 104299
nondegradation alternatives, and minimum degradation alternatives 104300
for the design and operation of the project; 104301

(9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;

(10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.

(B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty days after the director's receipt of the application, the director may return the incomplete application to the applicant and take no further action on the application. If the application is returned to the applicant because it is incomplete, the director shall return the review fee levied under division (A)(1), (2), or (3) of section 3745.114 of the Revised Code to the applicant, but shall retain the application fee levied under that section.

(C) Not later than twenty-one days after a determination that an application is complete under division (B) of this section, the applicant shall publish public notice of the director's receipt of the complete application in a newspaper of general circulation in the county in which the project that is the subject of the application is located. The public notice shall be in a form acceptable to the director. The applicant shall promptly provide

the director with proof of publication. The applicant may choose, 104334
subject to review by and approval of the director, to include in 104335
the public notice an advertisement for an antidegradation public 104336
hearing on the application pursuant to section 6111.12 of the 104337
Revised Code. There shall be a public comment period of thirty 104338
days following the publication of the public notice. 104339

(D) If the director determines that there is significant 104340
public interest in a public hearing as evidenced by the public 104341
comments received concerning the application and by other requests 104342
for a public hearing on the application, the director or the 104343
director's representative shall conduct a public hearing 104344
concerning the application. Notice of the public hearing shall be 104345
published by the applicant, subject to review and approval by the 104346
director, at least thirty days prior to the date of the hearing in 104347
a newspaper of general circulation in the county in which the 104348
project that is the subject of the application is to take place. 104349
If a public hearing is requested concerning an application, the 104350
director shall accept comments concerning the application until 104351
five business days after the public hearing. A public hearing 104352
conducted under this division shall take place not later than one 104353
hundred days after the application is determined to be complete. 104354

(E) The director shall forward all public comments concerning 104355
an application submitted under this section that are received 104356
through the public involvement process required by rules adopted 104357
under this chapter to the applicant not later than five business 104358
days after receipt of the comments by the director. 104359

(F) The applicant shall respond in writing to written 104360
comments or to deficiencies identified by the director during the 104361
course of reviewing the application not later than fifteen days 104362
after receiving or being notified of them. 104363

(G) The director shall issue or deny a section 401 water 104364
quality certification not later than one hundred eighty days after 104365

the complete application for the certification is received. The 104366
director shall provide an applicant for a section 401 water 104367
quality certification with an opportunity to review the 104368
certification prior to its issuance. 104369

(H) The director shall maintain an accessible database that 104370
includes environmentally beneficial water restoration and 104371
protection projects that may serve as potential mitigation 104372
projects for projects in the state for which a section 401 water 104373
quality certification is required. A project's inclusion in the 104374
database does not constitute an approval of the project. 104375

(I) Mitigation required by a section 401 water quality 104376
certification may be accomplished by any of the following: 104377

(1) Purchasing credits at a mitigation bank approved in 104378
accordance with 33 C.F.R. 332.8; 104379

(2) Participating in an in-lieu fee mitigation program 104380
approved in accordance with 33 C.F.R. 332.8; 104381

(3) Constructing individual mitigation projects. 104382

Notwithstanding the mitigation hierarchy specified in section 104383
3745-1-54 of the Administrative Code, mitigation projects shall be 104384
approved in accordance with the hierarchy specified in 33 C.F.R. 104385
332.3 unless the director determines that the size or quality of 104386
the impacted resource necessitates reasonably identifiable, 104387
available, and practicable mitigation conducted by the applicant. 104388
The director shall adopt rules in accordance with Chapter 119. of 104389
the Revised Code consistent with the mitigation hierarchy 104390
specified in 33 C.F.R. 332.3. 104391

(J) The director may establish a program and adopt rules in 104392
accordance with Chapter 119. of the Revised Code for the purpose 104393
of certifying water quality professionals to assess streams to 104394
determine existing aquatic life use and to categorize wetlands in 104395
support of applications for section 401 water quality 104396

certification under divisions (A)(2) and (3) of this section and 104397
isolated wetland permits under sections 6111.022 to 6111.024 of 104398
the Revised Code. The director shall use information submitted by 104399
certified water quality professionals in the review of those 104400
applications. 104401

Rules adopted under this division shall do all of the 104402
following: 104403

(1) Provide for the certification of water quality 104404
professionals to conduct activities in support of applications for 104405
section 401 water quality certification and isolated wetland 104406
permits, including work necessary to determine existing aquatic 104407
life use of streams and categorize wetlands. Rules adopted under 104408
division (J)(1) of this section shall do at least all of the 104409
following: 104410

(a) Authorize the director to require an applicant for water 104411
quality professional certification to submit information 104412
considered necessary by the director to assess a water quality 104413
professional's experience in conducting stream assessments and 104414
wetlands categorizations; 104415

(b) Authorize the director to establish experience 104416
requirements and to use tests to determine the competency of 104417
applicants for water quality professional certification; 104418

(c) Authorize the director to approve applicants for water 104419
quality professional certification who comply with the 104420
requirements established in rules and deny applicants that do not 104421
comply with those requirements; 104422

(d) Require the director to revoke the certification of a 104423
water quality professional if the director finds that the 104424
professional falsified any information on the professional's 104425
application for certification regarding the professional's 104426
credentials; 104427

(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal.	104428 104429 104430
(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications;	104431 104432 104433 104434 104435 104436
(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section;	104437 104438 104439 104440 104441 104442
(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;	104443 104444 104445 104446
(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director;	104447 104448 104449 104450
(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;	104451 104452 104453 104454
(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations.	104455 104456 104457
(K) As used in this section and section 6111.31 of the	104458

Revised Code, "section 401 water quality certification" means 104459
certification pursuant to section 401 of the Federal Water 104460
Pollution Control Act and this chapter and rules adopted under it 104461
that any discharge, as set forth in section 401, will comply with 104462
sections 301, 302, 303, 306, and 307 of the Federal Water 104463
Pollution Control Act. 104464

Sec. 6111.561. (A) The director of environmental protection 104465
shall establish the total maximum daily load (TMDL) for pollutants 104466
for each impaired water of the state or segment thereof identified 104467
and listed under section 1313(d) of the Federal Water Pollution 104468
Control Act. The director shall establish each TMDL pursuant to a 104469
priority ranking established by the director. Further, the 104470
director shall establish a TMDL only for pollutants that the 104471
administrator of the United States environmental protection agency 104472
has identified under section 1314(a)(2) of that act as suitable. 104473

The director shall establish each TMDL at a level necessary 104474
to implement applicable water quality standards that accounts for 104475
seasonal variations, a margin of safety, and lack of knowledge 104476
concerning the relationship between effluent limitations and water 104477
quality. 104478

(B) A TMDL submitted to and approved by the United States 104479
environmental protection agency prior to March 24, 2015, is valid 104480
and remains in full force and effect as approved, but may be 104481
revised in accordance with this section. 104482

(C) The holder of a national pollutant discharge elimination 104483
system (NPDES) permit containing water quality based effluent 104484
limitations derived from a TMDL subject to division (B) of this 104485
section may appeal the lawfulness and reasonableness of those 104486
limitations by doing one of the following: 104487

(1) Filing an appeal with the environmental review appeals 104488
commission not later than thirty days after the first eligible 104489

NPDES permit renewal date subsequent to the effective date of this section; 104490
104491

(2) Seeking a modification of the water quality based effluent limitations contained in the NPDES permit from the director. If the director denies the request for modification, the permit holder may appeal that denial to the environmental review appeals commission not later than thirty days after the denial. 104492
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(D) The development, establishment, amendment, or modification of a TMDL after March 24, 2015, is not subject to Chapters 106., 119., or 121. of the Revised Code. 104497
104498
104499

(E) The director shall provide opportunities for interested parties to provide input during the development of a TMDL. The opportunities to provide input may include comment on and meeting with interested parties on any of the following aspects of the TMDL process: 104500
104501
104502
104503
104504

(1) The project assessment plan development process, including the process for determining the cause and source of water quality impairments or threats; 104505
104506
104507

(2) The technical support document that identifies and analyzes water quality data and habitat assessments that will assist in determining TMDL target conditions; 104508
104509
104510

(3) The preliminary draft TMDL that shall include development of modeling, management choices, restoration targets, load allocations, waste load allocations, and associated TMDL-derived permit limits necessary to establish and select a TMDL restoration scenario; 104511
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104513
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(4) The proposed TMDL implementation plan, under which specific actions, schedules, and monitoring necessary to implement a TMDL are established. 104516
104517
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The proposed TMDL implementation plan also may include 104519

considerations of the cost and cost effectiveness of pollutant controls supplied by interested parties, sources of funding necessary to address pollutant load reductions, and the environmental benefit of incremental reductions in pollutant levels. 104520
104521
104522
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(F) Before establishing a final TMDL under this section, the director shall prepare an official draft TMDL. The official draft TMDL shall include, at a minimum, all of the following: 104525
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104527

(1) An estimate of the total amount of each pollutant that causes the water quality impairment from all sources; 104528
104529

(2) An estimate of the total amount of pollutants that may be added to the water of the state or segment thereof while still achieving and maintaining applicable water quality standards; 104530
104531
104532

(3) Draft allocations among point and nonpoint sources contributing to the impairment sufficient to meet applicable water quality standards. 104533
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The official draft TMDL implementation plan also may include, as the director determines appropriate, interim water quality target values and principles of adaptive management necessary to achieve applicable water quality standards. 104536
104537
104538
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(G)(1) The director shall provide all of the following: 104540

(a) Public notice of the official draft TMDL; 104541

(b) An opportunity for comment on the draft TMDL; 104542

(c) An opportunity for a public hearing regarding the draft TMDL if there is significant public interest, as determined by the director. 104543
104544
104545

(2) The director shall specify both of the following in the public notice: 104546
104547

(a) The water of the state or segment thereof to which the draft TMDL relates; 104548
104549

(b) The time, date, and place of the hearing, if applicable. 104550

At a minimum, the director shall send the public notice to 104551
all interested parties that participated in the public input 104552
activities described in division (E) of this section. 104553

(3) After the opportunity for public comment expires, the 104554
director shall prepare and make available a written responsiveness 104555
summary of the comments. 104556

(H) After concluding the public comment process and 104557
completion of the responsiveness summary under division (G) of 104558
this section, the director may establish a final TMDL. The final 104559
TMDL is appealable to the environmental review appeals commission 104560
in accordance with division (B) of section 3745.04 of the Revised 104561
Code. However, submission of the final TMDL to the United States 104562
environmental protection agency under section 1313(d) of the 104563
Federal Water Pollution Control Act is a ministerial act and is 104564
not appealable under section 3745.04 of the Revised Code. Further, 104565
such submission is not affected by any appeal of the establishment 104566
of the final TMDL under this division. 104567

(I) The director may revise an established TMDL to 104568
accommodate new information. 104569

(J) Not later than December 31, 2018, the director shall 104570
adopt rules in accordance with Chapter 119. of the Revised Code 104571
that do all of the following: 104572

(1) Allocate pollutant load between and among nonpoint 104573
sources and point sources in a TMDL report; 104574

(2) Establish procedures and requirements for developing and 104575
issuing a new TMDL; 104576

(3) Establish procedures and requirements for revising and 104577
updating a TMDL; 104578

(4) Establish procedures and requirements for validation of 104579

existing TMDLs following implementation and additional assessment. 104580

Sec. 6111.61. (A) Not later than ninety days after the 104581
effective date of this section, the governor, pursuant to 33 104582
U.S.C. 1288, shall designate an areawide waste treatment 104583
management organization for central Ohio called clean water 104584
central Ohio, which is hereby created. After such designation, 104585
clean water central Ohio shall be responsible for waste treatment 104586
planning under 33 U.S.C. 1288 for Franklin county, and for those 104587
portions of Delaware, Licking, Fairfield, Pickaway, and Union 104588
counties that are served by the Columbus municipal water and 104589
sewerage system. 104590

(B)(1) Not later than ninety days after the designation of 104591
clean water central Ohio, the governor shall appoint an initial 104592
governing board for it consisting of nine members. As determined 104593
by the most recent federal decennial census, three of the initial 104594
members shall represent the most populous municipal corporation 104595
within clean water central Ohio's jurisdiction. The remaining 104596
initial members shall represent the next six most populous 104597
municipal corporations within such jurisdiction. 104598

(2) Each of the initial nine members of the governing board 104599
shall serve a two-year term. Before the expiration of the initial 104600
terms, the governing board shall adopt a resolution specifying the 104601
manner by which subsequent members of the governing board are 104602
selected and the term of office for those members. The resolution 104603
may establish additional procedures necessary for the operation of 104604
the board. A resolution adopted under division (B)(2) of this 104605
section may be subsequently amended. However, in all cases, the 104606
resolution shall require three members of the board to represent 104607
the most populous municipal corporation within clean water central 104608
Ohio's jurisdiction and the remaining six members to equitably 104609
represent all other municipal corporations within that 104610

jurisdiction. 104611

(C) Clean water central Ohio shall coordinate with the 104612
director of environmental protection to amend any existing plan 104613
established under 33 U.S.C. 1288 that is applicable to the area 104614
within the jurisdiction of clean water central Ohio, or create a 104615
new plan for that area. 104616

(D) In executing its duties, clean water central Ohio shall 104617
comply with the requirements of 33 U.S.C. 1288 and all other 104618
applicable requirements of the "Federal Water Pollution Control 104619
Act" and regulations promulgated under it. 104620

Sec. 6111.62. (A) Not later than one year after the effective 104621
date of this section, an entity responsible for waste treatment 104622
management planning under 33 U.S.C. 1288, including the 104623
environmental protection agency, shall do both of the following 104624
with regard to each waste treatment management plan over which the 104625
entity has authority: 104626

(1) Determine if any element of each plan conflicts with or 104627
supersedes any of the authorizations or requirements established 104628
under section 6117.38 of the Revised Code, including the authority 104629
of a county sewer district to enter into a contract under that 104630
section; 104631

(2) If any element of a plan does conflict with or supersede 104632
any such authorizations or requirements, amend the plan to 104633
eliminate the conflicting or superseding element. 104634

(B) An entity required to amend a plan under division (A) of 104635
this section shall take all actions necessary to amend the plan, 104636
including complying with 33 U.S.C. 1288 and any other applicable 104637
provision of the "Federal Water Pollution Control Act" and 104638
regulations promulgated under it. 104639

(C) On and after the effective date of this section, no 104640

entity responsible for waste treatment management planning under 104641
33 U.S.C. 1288, including the environmental protection agency, 104642
shall do either of the following: 104643

(1) Adopt a plan under 33 U.S.C. 1288 that conflicts with or 104644
supersedes any of the authorizations or requirements established 104645
under section 6117.38 of the Revised Code, including the authority 104646
of a county sewer district to enter into a contract under that 104647
section; 104648

(2) Amend a plan under 33 U.S.C. 1288 so that the plan 104649
includes an element that conflicts with or supersedes any of the 104650
authorizations or requirements established under section 6117.38 104651
of the Revised Code, including the authority of a county sewer 104652
district to enter into a contract under that section. 104653

Sec. 6117.38. (A) ~~At any time after~~ (1) After the formation 104654
of any county sewer district, the board of county commissioners,
when it considers it appropriate, ~~on application by a person or~~ 104655
~~public agency for the provision of sewerage or drainage to~~ 104656
~~properties of the person or public agency located outside of the~~ 104657
~~district,~~ may contract with the a person, political subdivision, 104658
unincorporated area, or public agency located outside of the 104659
district for depositing any of the following: 104660
104661

(a) Depositing sewage or drainage from ~~these properties~~ 104662
outside of the district in facilities acquired or constructed or 104663
to be acquired or constructed by the county to serve the district 104664
~~and for the;~~ 104665

(b) The treatment, disposal, and disposition of the sewage or 104666
drainage, on terms that the board considers equitable; 104667

(c) The provision of water supply services. The 104668

(2) A person, political subdivision, unincorporated area, or 104669
public agency located outside of a county sewer district may apply 104670

to the board of county commissioners for the provision of the 104671
services specified in division (A)(1)(a), (b), or (c) of this 104672
section. 104673

(3) The amount to be paid by the person, political 104674
subdivision, unincorporated area, or public agency to reimburse 104675
the county for costs of acquiring or constructing those facilities 104676
shall not be less than the original or comparable assessment for 104677
similar property within the district or, in the absence of an 104678
original or comparable assessment, an amount that is found by the 104679
board to be reasonable and fairly reflective of that portion of 104680
the cost of those facilities attributable to the properties to be 104681
served. The board shall appropriate any moneys received for that 104682
service to and for the use and benefit of the district. The board 104683
may collect the amount to be paid by the person, political 104684
subdivision, unincorporated area, or public agency in full, in 104685
cash or in installments as a part of a connection charge to be 104686
collected in accordance with division (B) or (D) of section 104687
6117.02 of the Revised Code, or if the properties to be served are 104688
located within the county, the same amount may be assessed against 104689
those properties, and, in that event, the manner of making the 104690
assessment, together with the notice of it, shall be as provided 104691
in this chapter. 104692

(B) Whenever sanitary or drainage facilities or prevention or 104693
replacement facilities have been acquired or constructed by, and 104694
at the expense of, a person, political subdivision, unincorporated 104695
area, or public agency and the board considers it appropriate to 104696
acquire the facilities or any part of them for the purpose of 104697
providing sewerage or drainage service to territory within a sewer 104698
district, the county sanitary engineer, at the direction of the 104699
board, shall examine the facilities. If the county sanitary 104700
engineer finds the facilities properly designed and constructed, 104701
the county sanitary engineer shall certify that fact to the board. 104702

The board may determine to purchase the facilities or any part of 104703
them at a cost that, after consultation with the county sanitary 104704
engineer, it finds to be reasonable. 104705

Subject to and in accordance with this division and division 104706
(B) or divisions (C), (D), and (E) of section 6117.06 of the 104707
Revised Code, the board may purchase the facilities or any part of 104708
them by negotiation. For the purpose of paying the cost of their 104709
acquisition, the board may issue or incur public obligations and 104710
assess the entire cost, or a lesser designated part of the cost, 104711
of their acquisition against the benefited properties in the 104712
manner provided in this chapter for the construction of original 104713
or comparable facilities. 104714

(C) As used in this section, "located outside of the 104715
district" includes an area located in a different county than the 104716
county in which the county sewer district is located. 104717

Sec. 6301.01. As used in this chapter: 104718

(A) "Local area" means ~~any of the following:~~ 104719

~~(1) A municipal corporation that is authorized to administer 104720
and enforce the "Workforce Investment Act of 1998," 112 Stat. 936,
29 U.S.C.A. 2801, as amended, under this chapter and is not 104721
joining in partnership with any other political subdivisions in 104722
order to do so; 104723
order to do so; 104724~~

~~(2) A single county; 104725~~

~~(3) A consortium of any of the following political 104726
subdivisions: 104727~~

~~(a) A group of two or more counties in the state; 104728~~

~~(b) One or more counties and one municipal corporation in the 104729
state; 104730~~

~~(c) One or more counties with or without one municipal 104731~~

~~corporation in the state and one or more counties with or without
one municipal corporation in another state, on the condition that
those in another state share a labor market area with those in the
state.~~

~~"Local area" does not mean a region for purposes of
determinations concerning administrative incentives.~~

~~(B) "Municipal corporation" means a municipal corporation
that is eligible for automatic or temporary designation as a local
workforce investment area pursuant to section 116(a)(2) or (3) of
the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.
2831(a)(2) or (3), but that does not request that the governor
grant such automatic or temporary designation, and that instead
elects to administer and enforce workforce development activities
pursuant to this chapter.~~

~~(C) "County" means a county that is eligible to be designated
as a local workforce investment area pursuant to the "Workforce
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as
amended, but that does not request such designation, and instead
elects to administer and enforce workforce development activities
pursuant to this chapter.~~

~~(D) "Workforce development agency" means the entity given
responsibility for workforce development activities that is
designated by the board of county commissioners in accordance with
section 330.04 of the Revised Code, the chief elected official of
a municipal corporation in accordance with section 763.05 of the
Revised Code, or the chief elected officials of a local area
defined in division (A)(3) of this section a local workforce
development area designated under section 106 of the Workforce
Innovation and Opportunity Act, 29 U.S.C. 3121, pursuant to this
chapter.~~

~~(E)(B) "Workforce development activity" means a program,~~

~~grant, or other function, the primary goal of which is to do one or more of the following:~~ 104763
104764

~~(1) Help individuals maximize their employment opportunities;~~ 104765

~~(2) Help employers gain access to skilled workers;~~ 104766

~~(3) Help employers retain skilled workers;~~ 104767

~~(4) Help develop or enhance the skills of incumbent workers;~~ 104768

~~(5) Improve the quality of the state's workforce;~~ 104769

~~(6) Enhance the productivity and competitiveness of the state's economy an activity carried out through a workforce development system.~~ 104770
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104772

~~(F)(C) "Chief elected official or officials," when used in reference to a local area, means the board of county commissioners of the county or of each county in the local area or, if the county has adopted a charter under Section 3 of Article X, Ohio Constitution, the chief governing body of that county, and the chief elected official of the municipal corporation, if the local area includes a municipal corporation, except that when the local area is the type defined in division (A)(1) of this section, "chief elected officials" means the chief elected official of the municipal corporation chief elected executive officer of a unit of general local government in the local area or, in the case of a local area that includes more than one unit of general local government, the individual or individuals designated under an agreement described in section 107 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122.~~ 104773
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~~(G)(D) "State board" means the governor's executive workforce board established by required under section 101 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3111, and established pursuant to section 6301.04 of the Revised Code.~~ 104788
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~~(H)(E) "Local board" means a local workforce investment~~ 104792

~~development board established in each local area of the state and~~ 104793
~~certified by the governor to set policy for the portion of the~~ 104794
~~statewide workforce investment system within the local area and~~ 104795
~~implement the "Workforce Investment Act of 1998," 112 Stat. 936,~~ 104796
~~29 U.S.C. 2801 under section 107 of the Workforce Innovation and~~ 104797
~~Opportunity Act, 29 U.S.C. 3122.~~ 104798

~~(F)~~ (F) "OhioMeansJobs web site" means the statewide 104799
electronic system for labor exchange and job placement activity 104800
operated by the state. 104801

(G) "OhioMeansJobs center" means a physical one-stop center 104802
described in section 121(e)(2) of the Workforce Innovation and 104803
Opportunity Act, 29 U.S.C. 3151(e)(2). 104804

(H) "OhioMeansJobs center operator" means an entity or a 104805
consortium of entities designated or certified through a 104806
competitive process to operate a one-stop center under section 104807
121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 104808
3151(d). 104809

(I) "Planning region" means an area consisting of two or more 104810
local areas that are collectively aligned to engage in the 104811
regional planning process outlined in section 106(c)(1) of the 104812
Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1). 104813

(J) "Workforce Innovation and Opportunity Act" means the 104814
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 104815
seq., or other citation as specifically provided. 104816

Sec. 6301.02. The director of job and family services shall 104817
administer the Workforce Innovation and Opportunity Act, the 104818
former "Workforce Investment Act of 1998," 112 Stat. 936, 29 104819
U.S.C.A. 2801 Pub. L. No. 105-220, as amended, and the 104820
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 104821
amended, and the funds received pursuant to those acts. In 104822

administering those acts and funds received pursuant to those 104823
acts, the director shall assist the state board in establishing 104824
and administering a workforce development system that is designed 104825
to provide leadership, support, and oversight to locally designed 104826
workforce development systems. The director shall conduct 104827
investigations and hold hearings as necessary for the 104828
administration of this chapter. 104829

To the extent permitted by state and federal law, the 104830
director may adopt rules pursuant to Chapter 119. of the Revised 104831
Code to establish any program or pilot program for the purposes of 104832
providing workforce development activities or ~~family services to~~ 104833
~~individuals who do not meet eligibility criteria for those~~ 104834
~~activities or services~~ under applicable federal law. Prior to the 104835
initiation of any program of that nature, the director of budget 104836
and management shall certify to the governor that sufficient funds 104837
are available to administer a program of that nature. The director 104838
of job and family services shall advise the state board ~~shall have~~ 104839
~~final approval~~ of any such program. 104840

Unless otherwise prohibited by state or federal law, every 104841
state agency, board, or commission shall provide to the state 104842
board and the director all information and assistance requested by 104843
the state board and the director in furtherance of workforce 104844
development activities. 104845

Sec. 6301.03. (A) In administering the Workforce Innovation 104846
and Opportunity Act, the former "Workforce Investment Act of 104847
1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as 104848
amended, and the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 104849
U.S.C.A. 49, as amended, the funds received pursuant to those 104850
acts, and the workforce development system, the director of job 104851
and family services may, ~~at the direction of~~ in consultation with 104852
the state board, make allocations and payment of funds for the 104853

local administration of the workforce development activities 104854
established under this chapter. 104855

(B) The director shall allocate to local areas all funds 104856
required to be allocated to local areas pursuant to the Workforce 104857
Innovation and Opportunity Act, and the former "Workforce 104858
Investment Act of 1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. 104859
No. 105-220, as amended. The director shall make allocations only 104860
with funds available. Local areas, as defined by either section 104861
101 of the former "Workforce Investment Act of 1998," 112 Stat. 104862
936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as amended, or section 104863
6301.01 of the Revised Code, and subrecipients of a local area 104864
shall establish a workforce development fund and the entity 104865
receiving funds shall deposit all funds received under this 104866
section into the workforce development fund. All expenditures for 104867
activities funded under this section shall be made from the 104868
workforce development fund, including reimbursements to a county 104869
public assistance fund for expenditures made for activities funded 104870
under this section. 104871

(C) The use of funds, reporting requirements, and other 104872
administrative and operational requirements governing the use of 104873
funds received by the director pursuant to this section shall be 104874
governed by internal management rules adopted by ~~and approved by~~ 104875
the ~~state board~~ director pursuant to section 111.15 of the Revised 104876
Code. 104877

(1) A local area described in division (B) of this section 104878
shall use the OhioMeansJobs web site as the labor exchange and job 104879
placement system for the area. 104880

(2) No additional federal or state workforce funds shall be 104881
used to build or maintain any labor exchange and job placement 104882
system that is duplicative to the OhioMeansJobs web site. 104883

(3) The OhioMeansJobs web site shall include a link to the 104884

labor exchange and job placement activity web site for veterans 104885
established by the department of veterans services under section 104886
5902.09 of the Revised Code. The OhioMeansJobs web site shall not 104887
include a veterans' labor exchange and job placement function 104888
independent of the web site established and maintained under that 104889
section. 104890

(D) To the extent permitted by state or federal law, the 104891
director, and local areas, counties, and municipal corporations 104892
authorized to administer workforce development activities may 104893
assess a fee for specialized services requested by an employer. 104894
The director shall adopt rules pursuant to Chapter 119. of the 104895
Revised Code governing the nature and amount of those types of 104896
fees. 104897

Sec. 6301.04. (A) The governor shall establish a state board 104898
and. The state board shall consist of the following members: 104899

(1) The governor; 104900

(2) Two members of the house of representatives, appointed by 104901
the speaker of the house of representatives; 104902

(3) Two members of the senate, appointed by the president of 104903
the senate; 104904

(4) Members required under section 101(b)(1)(C) of the 104905
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C); 104906

(5) Any additional members appointed by the governor. 104907

(B) The governor shall appoint members to the board, who 104908
serve at the governor's pleasure, to perform duties under the 104909
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 104910
2801, as amended Workforce Innovation and Opportunity Act, as 104911
authorized by the governor. ~~The~~ 104912

(C) The board is not subject to sections 101.82 to 101.87 of 104913
the Revised Code. All 104914

(D) All state agencies engaged in workforce development activities shall assist the board in the performance of its duties. 104915
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(E) The board shall have the power and authority to do all of the following: 104918
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~~(A) Provide oversight and policy direction to ensure that the state workforce development activities are aligned and serving the needs of the state's employers, incumbent workers, and job seekers;~~ 104920
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~~(B) Adopt rules necessary to administer state workforce development activities;~~ 104924
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~~(C) Adopt rules necessary for the auditing and monitoring of subrecipients of the workforce development system grant funds;~~ 104926
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~~(D) Designate local workforce investment areas in accordance with 29 U.S.C. 2831;~~ 104928
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~~(E) Develop a unified budget for all state and federal workforce funds;~~ 104930
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~~(F) Establish a statewide employment and data collection system;~~ 104932
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~~(G) Develop statewide performance measures for workforce development and investment;~~ 104934
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~~(H)(1) Develop a, implement, and modify the state workforce development plan;~~ 104936
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~~(I) Prepare the annual report to the United States secretary of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;~~ 104938
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~~(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor~~ (2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development 104941
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programs to support a comprehensive and streamlined workforce development system; 104945
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(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures; 104947
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(4) Continue to identify and disseminate information on promising practices in the area of workforce development; 104951
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(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor. 104953
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Sec. 6301.05. The chief elected official of a local area shall enter into a written grant agreement with the director of job and family services in accordance with section 5101.20 of the Revised Code. 104956
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A grant agreement entered into pursuant to this section shall include the responsibility of ~~municipal corporations and the board of county commissioners~~ the chief elected official or officials to be accountable to the department of job and family services for the use of funds provided through the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended~~ Workforce Innovation and Opportunity Act, including regulations issued by the United States department of labor pursuant to that act. 104960
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Sec. 6301.06. (A) The chief elected official or officials of a local area shall create a local board, ~~which shall consist of the following individuals:~~ 104968
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~~(1) The chief elected official from the municipal corporation with the largest population in the local area, except that if the municipal corporation is a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, the chief elected~~ 104971
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~~official of that municipal corporation may determine whether to be 104975
a member of the board. Notwithstanding division (B) of section 104976
6301.01 of the Revised Code, as used in division (A)(1) of this 104977
section, "municipal corporation" means any municipal corporation. 104978~~

~~(2) The following individuals appointed to the board by the 104979
chief elected officials of the local area, who shall make those 104980
appointments according to all of the following specifications: 104981~~

~~(a) At least five members of the board shall be 104982
representatives of private sector businesses in the general labor 104983
market area that includes that local area, and shall be appointed 104984
from among individuals nominated by local business organizations 104985
and business trade associations. Among these members, at least one 104986
shall represent small businesses, at least one shall represent 104987
medium sized businesses, and at least one shall represent large 104988
businesses. When determining what constitutes small, medium sized, 104989
and large businesses for purposes of this division, the chief 104990
elected officials of the local area shall define those sizes as 104991
those sizes are generally understood within the labor market area 104992
that includes that local area. A majority of the members of the 104993
board shall be representatives of private sector businesses. 104994~~

~~(b) At least two members of the board shall represent 104995
organized labor and shall be appointed from nominations submitted 104996
by local federations of labor representing workers employed in the 104997
local area. 104998~~

~~(c) At least two members of the board shall be 104999
representatives of local educational entities. For purposes of 105000
this division, "local educational entities" includes local 105001
educational agencies, school district boards of education, 105002
entities providing educational and literacy activities, and 105003
post secondary educational institutions. 105004~~

~~(d) At least one member of the board shall be a 105005~~

~~representative of consumers of workforce development activities.~~ 105006

~~(e) Any other individuals the chief elected officials of the local area determine are necessary to carry out the functions described in section 107(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or officials shall appoint members of the local board in accordance with the requirements of section 107(b)(2) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2).~~ 105007
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(B) Members of the local board serve at the pleasure of the chief elected official or officials of the local area. Members shall not be compensated but may be reimbursed for actual, reasonable, and necessary expenses incurred in the performance of their duties as board members. Those expenses shall be paid from funds allocated pursuant to section 6301.03 of the Revised Code. 105014
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The chief elected official or officials of a local area may provide office space, staff, or other administrative support as needed to the board. For purposes of section 102.02 of the Revised Code, members of the board are not public officials or employees. 105020
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(C) The chief elected official or officials of a local area ~~other than a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, shall coordinate the workforce development activities of the county family services planning committees and the local boards in the local area in any manner that is efficient and effective to meet the needs of the local area. The chief elected officials of the local area may, but are not required to, consolidate all boards and committees as they determine appropriate into a single board for purposes of workforce development activities. A majority of the members of that consolidated board shall represent private sector businesses. The membership of that consolidated board shall include a representative from each group granted representation as described in division (A) of this section and also a member who represents~~ 105024
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~~consumers of family services and a member who represents the~~ 105038
~~county department of job and family services. The membership of~~ 105039
~~that consolidated board may include a representative of one or~~ 105040
~~more groups and entities that may be represented on a county~~ 105041
~~family services planning committee, as specified in section 329.06~~ 105042
~~of the Revised Code shall adopt a process for appointing members~~ 105043
~~to the local board for the local area.~~ 105044

(D)(1) The requirement in division (C) of section 121.22 of 105045
the Revised Code that a member of a public body be present in 105046
person at a meeting open to the public to be part of a quorum or 105047
to vote does not apply to the local board if the board holds the 105048
meeting by interactive video conference or by teleconference in 105049
the following manner: 105050

(a) The board establishes a primary meeting location that is 105051
open and accessible to the public; 105052

(b) Meeting-related materials that are available before the 105053
meeting are sent via electronic mail, facsimile, hand-delivery, or 105054
United States postal service to each board member; 105055

(c) In the case of an interactive video conference, the board 105056
causes a clear video and audio connection to be established that 105057
enables all meeting participants at the primary meeting location 105058
to see and hear each board member; 105059

(d) In the case of a teleconference, the board causes a clear 105060
audio connection to be established that enables all meeting 105061
participants at the primary meeting location to hear each board 105062
member; 105063

(e) All board members have the capability to receive 105064
meeting-related materials that are distributed during a board 105065
meeting; 105066

(f) A roll call voice vote is recorded for each vote taken; 105067
and 105068

(g) The minutes of the board meeting identify which board members remotely attended the meeting by interactive video conference or teleconference. 105069
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If the board proceeds under this division, use of an interactive video conference is preferred, but nothing in this section prohibits the board from conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting. 105072
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(2) The board shall adopt rules necessary to implement division (D)(1) of this section. At a minimum, the board shall do all of the following in the rules: 105077
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(a) Authorize board members to remotely attend a board meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person; 105080
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(b) Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference; 105083
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(c) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location; 105087
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(d) Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference; 105090
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(e) Establish a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by interactive video conference or teleconference; 105092
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(f) Establish a method for verifying the identity of a board member who remotely attends a meeting by teleconference. 105097
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(E) The chief elected official or officials of a local area 105099
may contract with the local board. The parties shall specify in 105100
the contract the workforce development activities that the local 105101
board is to administer and shall establish in the contract 105102
standards, including performance standards, for the local board's 105103
operation. The contract may include any other provisions that the 105104
chief elected official or officials consider necessary. 105105

(F) The chief elected official or officials may contract with 105106
any government or private entity to enhance the administration of 105107
local workforce development activities for which the local board 105108
is responsible. The entity with which the chief elected official 105109
or officials contract is not required to be located in the local 105110
area in which the chief elected official or officials serve as 105111
chief elected executive officer. 105112

(G)(1) As used in this division, "public library" means a 105113
library that is open to the public and that is one of the 105114
following: 105115

(a) A library that is maintained and regulated under section 105116
715.13 of the Revised Code; 105117

(b) A library that is created, maintained, and regulated 105118
under Chapter 3375. of the Revised Code; 105119

(c) A library that is created and maintained by a public or 105120
private school, college, university, or other educational 105121
institution; 105122

(d) A library that is created and maintained by a historical 105123
or charitable organization, institution, association, or society. 105124

(2) Not later than September 1, 2018, and every two years 105125
thereafter, an OhioMeansJobs center operator shall enter into a 105126
memorandum of understanding with one or more public libraries to 105127
facilitate collaboration and coordination of workforce programs 105128
and education and job training resources. 105129

Sec. 6301.061. A board of county commissioners may appoint an advisory committee on workforce development. A committee appointed under this section may do both of the following:

(A) Work to further cooperation between the county and other workforce development and economic development related entities including the state, local area ~~one-stop~~ workforce development systems, and private businesses;

(B) Advise the board and other interested parties on ways to maintain and improve the workforce development system of the local area in which the county is a part.

Sec. 6301.07. (A) For purposes of this section, "performance character" means the career-essential relational attributes that build trust with others, including respect, honesty, integrity, task-excellence, responsibility, and resilience.

(B) Every local board, ~~under the direction and approval of the state board and with the agreement of~~ in partnership with the chief elected official or officials of the local area, ~~and after holding public hearings that allow public comment and testimony,~~ shall ~~prepare a workforce development~~ develop and submit to the governor a comprehensive four-year local plan. The local plan shall accomplish support the strategy described in the state plan and shall contain descriptions of the activities of the local board as outlined in section 108 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3123, including all of the following:

(1) ~~Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills and performance character necessary to obtain and succeed in those opportunities;~~ Identification of strategic planning elements, including all of the following:

(a) The strategic vision of the local board;

<u>(b) Goals for preparing an educated and skilled workforce;</u>	105160
<u>(c) The knowledge and skills, including performance</u>	105161
<u>character, needed to meet the employment needs of employers in the</u>	105162
<u>planning region, including in-demand industry sectors and</u>	105163
<u>occupations.</u>	105164
<u>(2) Identify A description of the workforce development</u>	105165
<u>system in the local area and how the local board, working with</u>	105166
<u>education programs and the entities that carry out core programs,</u>	105167
<u>will coordinate activities to expand access to employment,</u>	105168
<u>training, education, and supportive services to eligible</u>	105169
<u>individuals with barriers to employment to improve service</u>	105170
<u>delivery and to avoid duplication;</u>	105171
<u>(3) A determination of the local area's workforce development</u>	105172
<u>needs for youth, dislocated workers, adults, displaced homemakers,</u>	105173
<u>incumbent workers, and any other group of workers identified by</u>	105174
<u>the local board adult and dislocated worker employment training</u>	105175
<u>activities, including the type and availability of activities</u>	105176
<u>needed;</u>	105177
(3) Determine the distribution of workforce development	105178
resources and funding to be distributed for each workforce	105179
development activity to meet the identified needs, utilizing the	105180
funds allocated pursuant to the "Workforce Investment Act of	105181
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended;	105182
(4) Give priority to An assessment of the type and	105183
availability of youth workforce development activities carried out	105184
in the local area, including activities for youth with	105185
disabilities and youth receiving independent living services	105186
pursuant to sections 2151.81 to 2151.84 of the Revised Code when	105187
determining distribution of workforce development resources and	105188
workforce development activity funding;	105189
(5) Review the minimum curriculum required by the state board	105190

~~for certifying training providers and identify any additional curriculum requirements to include in contracts between the training providers and the chief elected officials of the local area;~~ 105191
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~~(6) Establish performance standards for service providers that reflect local workforce development needs;~~ 105195
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~~(7) Describe A description of any other information the chief elected official or officials of the local area require;~~ 105197
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(6) A description of any other information the governor requires. 105199
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(C)(1) The local boards of the local areas within a planning region and the chief elected officials of those local areas shall prepare, submit to, and obtain approval from the state for a single regional plan that includes a description of the activities described in section 106(c)(1) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1), and that incorporates local plans described in division (B) of this section for each local area in that region. 105201
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(2) The state shall identify regions within the state, and designate each region it identifies as one of the following types: 105209
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(a) A region consisting of one local area; 105211

(b) A planning region; 105212

(c) An interstate planning region that is contained within two or more states and consists of labor market areas, economic development areas, or other appropriate contiguous subareas of those states. 105213
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(D) Before the date on which a local board submits a regional or local plan for approval, the local board shall make copies of the proposed plan available to the public through electronic and other means and allow members of the public to submit comments on 105217
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the proposed plan to the local board. For purposes of this 105221
division, public hearings and presentation to local news media are 105222
examples of other means by which a local board may make a proposed 105223
plan available. 105224

(E) A local board may provide policy guidance and 105225
recommendations to the chief elected official or officials of a 105226
local area for any workforce development activities. 105227

~~(D) Nothing in this section prohibits the chief elected~~ 105228
~~officials of a local area from assigning, through a partnership~~ 105229
~~agreement, any duties in addition to the duties under this section~~ 105230
~~to a local board, except that a local board cannot contract with~~ 105231
~~itself for the direct provision of services in its local area. A~~ 105232
~~local board may consult with the chief elected officials of its~~ 105233
~~local area and make recommendations regarding the workforce~~ 105234
~~development activities provided in its local area at any time.~~ 105235

Sec. 6301.08. Every local area shall ~~participate in a~~ 105236
~~one-stop~~ establish and administer a local workforce development 105237
system for workforce development activities. ~~Each board of county~~ 105238
~~commissioners and the~~ The chief elected official or officials of a 105239
~~municipal corporation~~ local area shall ensure that at least one 105240
~~delivery method~~ comprehensive OhioMeansJobs center is available in 105241
the local area, ~~either through a physical location, or.~~ An 105242
OhioMeansJobs center may be supported by electronic means approved 105243
by the ~~state board,~~ director of job and family services for the 105244
provision of workforce development activities. 105245

~~Within six months after the effective date of this amendment,~~ 105246
~~every local area described in division (B) of section 6301.03 of~~ 105247
~~the Revised Code~~ Every OhioMeansJobs center shall name its 105248
~~one-stop system as~~ be named "OhioMeansJobs (name of county)" 105249
County." 105250

~~A one-stop system may~~ Every OhioMeansJobs center shall be 105251

operated by a ~~private entity or a public agency, including a~~ 105252
~~workforce development agency, any existing facility or~~ 105253
~~organization that is established to administer workforce~~ 105254
~~development activities in the local area, and a county family~~ 105255
~~services agency~~ an OhioMeansJobs center operator. 105256

~~A one stop~~ The local workforce development system shall 105257
include representatives of all the partners required under the 105258
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 105259
~~2801, as amended. In addition, a one stop system shall include at~~ 105260
~~least one representative from a county department of job and~~ 105261
~~family services~~ Workforce Innovation and Opportunity Act. 105262

Sec. 6301.09. The provision under division (g) of section ~~111~~ 105263
~~of the "Workforce Investment Act of 1998," 112 Stat. 936, 29~~ 105264
~~U.S.C.A. 2801, as amended~~ 101 of the Workforce Innovation and 105265
Opportunity Act, 29 U.S.C. 3111, applies to the state board 105266
~~created under section 6301.04 of the Revised Code~~ this chapter. 105267
The provision under division (e) of section ~~117 of the "Workforce~~ 105268
~~Investment Act of 1998"~~ 107 of the Workforce Innovation and 105269
Opportunity Act, 29 U.S.C. 3122 applies to the local boards 105270
established pursuant to ~~section 6301.06 of the Revised Code~~ this 105271
chapter. 105272

Sec. 6301.11. (A) As used in this section, "public or private 105273
institution" has the same meaning as in section 3333.93 of the 105274
Revised Code. 105275

(B) The state board, in connection with the department of job 105276
and family services and public or private institutions, shall 105277
develop a methodology for identifying jobs that are in demand by 105278
employers operating in this state. The methodology for identifying 105279
in-demand jobs shall include an analysis of ~~jobs~~ both of the 105280
following: 105281

(1) Jobs that are in demand in each region of the state. The, 105282
as determined by the director of job and family services shall 105283
determine the regions; 105284

(2) Jobs that pay a wage rate that is equal to or greater 105285
than one hundred twenty-five per cent of the wage rate established 105286
under section 6 of the "Fair Labor Standards Act of 1938," 52 105287
Stat. 1060, 29 U.S.C. 206, as amended, or its successor law. 105288

(C) The department and the public or private institutions, in 105289
consultation with the state board, shall use the methodology to 105290
create a list of such in-demand jobs in the state and a list of 105291
such in-demand jobs in each region of the state. The department 105292
shall publish the lists on the web site of the department. The 105293
department and public or private institutions shall periodically 105294
update the lists to reflect evolving workforce demands in this 105295
state and its regions. 105296

(D) Local boards, workforce development agencies, and other 105297
providers of workforce training shall use the lists of in-demand 105298
jobs to cultivate and prioritize workforce development activities 105299
that correspond to the employment needs of employers operating in 105300
this state and in each of its regions and to assist individuals in 105301
maximizing their employment opportunities. 105302

Sec. 6301.111. The governor's office of workforce 105303
transformation, in conjunction with the department of job and 105304
family services, shall conduct an electronic survey of employers 105305
in this state to identify jobs that are in demand by those 105306
employers. The office, in conjunction with the department, shall 105307
use the survey results to update the list of in-demand jobs 105308
required under section 6301.11 of the Revised Code, 105309
notwithstanding the requirement in that section that the 105310
department and public or private institutions, as defined in that 105311
section, periodically update that list. The office shall complete 105312

the initial survey and make the update required under this section 105313
not later than December 31, 2018. The office shall complete a 105314
subsequent survey and update not later than the last day of 105315
December every two years thereafter. 105316

Sec. 6301.112. (A) The governor's office of workforce 105317
transformation, in collaboration with the departments of higher 105318
education and job and family services, shall create and publish on 105319
the OhioMeansJobs web site a workforce supply tool that uses 105320
real-time demand and supply data. The office shall provide all of 105321
the following through the tool: 105322

(1) Businesses with historical information on graduates from 105323
high demand fields; 105324

(2) Businesses with projections on future graduates; 105325

(3) The number of skilled workers available for work in 105326
occupations included in the list of in-demand jobs created under 105327
section 6301.11 of the Revised Code. 105328

(B) Not later than January 1, 2018, the governor's office of 105329
workforce transformation, in collaboration with the departments of 105330
higher education and job and family services, shall include in the 105331
workforce supply tool created under division (A) of this section 105332
all in-demand jobs included in the list of in-demand jobs created 105333
under section 6301.11 of the Revised Code. 105334

(C) Not later than December 31, 2018, the governor's office 105335
of workforce transformation, in collaboration with the departments 105336
of higher education and education shall establish design teams. 105337
The design teams shall do both of the following: 105338

(1) Identify emerging skill needs based on predictive 105339
analytics and analysis of the data from the workforce supply tool 105340
created under division (A) of this section; 105341

(2) Periodically recommend innovations for responding to 105342
emerging in-demand jobs and skills. 105343

Sec. 6301.12. (A) The office of workforce development within 105344
the department of job and family services shall comprehensively 105345
review the direct and indirect economic impact of businesses 105346
engaged in the production of horizontal wells in this state and, 105347
based on its findings, prepare an annual Ohio workforce report. 105348
The office shall prepare the report by the thirtieth day of July 105349
of each year. The report shall include at least all of the 105350
following with respect to the industry: 105351

(1) The total number of jobs created or retained during the 105352
previous year; 105353

(2) The total number of Ohio-based contractors that employ 105354
skilled construction trades; 105355

(3) The number of employees who are residents of this state; 105356

(4) The total economic impact; 105357

(5) A review of the state's regional workforce development 105358
plans required by the ~~"Workforce Investment Act of 1998," 112~~ 105359
~~Stat. 936, 29 U.S.C.A. 2801, as amended,~~ Workforce Innovation and 105360
Opportunity Act that outline workforce development efforts 105361
including goals and benchmarks toward maximizing job training, 105362
education, and job creation opportunities in the state. 105363

(B) Upon the completion of the office's annual Ohio workforce 105364
report, the office shall provide an electronic copy of the report 105365
to the president and minority leader of the senate and the speaker 105366
and minority leader of the house of representatives and post it on 105367
the office's internet web site. 105368

Sec. 6301.18. (A) ~~Beginning January 1, 2016, each~~ Each 105369
participant in an adult training or education program funded under 105370

the "Workforce Innovation and Opportunity Act," ~~29 U.S.C. 3101,~~ 105371
shall create an account with the OhioMeansJobs web site at the 105372
time of enrollment in the program. 105373

(B) Division (A) of this section does not apply to any 105374
individual who is legally prohibited from using a computer, has a 105375
physical or visual impairment that makes the individual unable to 105376
use a computer, or has a limited ability to read, write, speak, or 105377
understand a language in which the OhioMeansJobs web site is 105378
available. 105379

Sec. 6301.20. Not later than September 30, 2017, the 105380
governor's office of workforce transformation, in consultation 105381
with the departments of job and family services, higher education, 105382
and aging and the opportunities for Ohioans with disabilities 105383
agency, shall develop and maintain a uniform electronic 105384
application for adult training programs funded under the 105385
"Workforce Innovation and Opportunity Act," 128 Stat. 1425, 29 105386
U.S.C. 3101 et seq., as amended. The application shall be 105387
available for use not later than July 1, 2018. 105388

Sec. 6301.21. (A) Not later than December 31, 2017, the 105389
governor's office of workforce transformation, the department of 105390
education, and the chancellor of higher education, in consultation 105391
with business and economic development stakeholder groups, shall 105392
develop a regional workforce collaboration model. The model shall 105393
provide guidance on how the JobsOhio regional network, local 105394
chambers of commerce, economic development organizations, 105395
business, business associations, secondary and post-secondary 105396
education organizations, and Ohio college tech prep regional 105397
centers, that are jointly managed by the department of education 105398
and the chancellor, shall collaborate to form a partnership that 105399
provides career services to students. 105400

Career services to students may include, but are not limited to, job shadowing, internships, co-ops, apprenticeships, career exploration activities, and problem-based curriculum developed in alignment with in-demand jobs. 105401
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(B) The governor's office of workforce transformation shall oversee the creation of regional workforce collaboration partnerships based on the model created under division (A) of this section. The partnerships shall be located in each of the six different regions of the state, as determined by JobsOhio. 105405
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(C) As used in this section, "JobsOhio" has the same meaning as in section 187.01 of the Revised Code. 105410
105411

Section 101.02. That existing sections 101.27, 101.34, 105412
102.01, 102.02, 102.022, 102.03, 102.05, 102.06, 102.09, 102.99, 105413
103.41, 103.42, 103.45, 103.47, 105.41, 107.031, 107.35, 109.572, 105414
109.5721, 109.803, 117.04, 120.08, 120.18, 120.28, 120.33, 120.34, 105415
120.35, 120.36, 121.22, 121.48, 122.01, 122.071, 122.08, 122.081, 105416
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133.061, 135.143, 135.182, 135.45, 135.63, 135.71, 147.08, 105421
147.541, 149.43, 151.03, 152.08, 153.01, 153.02, 154.11, 166.08, 105422
166.11, 167.03, 173.01, 173.14, 173.15, 173.17, 173.19, 173.20, 105423
173.21, 173.22, 173.24, 173.27, 173.28, 173.38, 173.381, 173.42, 105424
173.424, 173.48, 173.51, 173.55, 173.99, 174.02, 183.51, 191.04, 105425
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1155.07, 1155.10, 1163.09, 1163.13, 1181.06, 1349.21, 1503.05, 105434
1503.141, 1505.09, 1506.23, 1509.02, 1509.071, 1509.28, 1509.71, 105435
1513.18, 1513.20, 1513.25, 1513.27, 1513.28, 1513.30, 1513.31, 105436
1513.32, 1513.33, 1513.37, 1514.03, 1514.051, 1514.06, 1514.071, 105437
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1533.12, 1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 105439
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5741.022, 5741.17, 5743.03, 5743.081, 5743.15, 5743.61, 5747.02, 105560
5747.06, 5747.08, 5747.113, 5747.122, 5747.50, 5747.502, 5747.51, 105561
5747.53, 5747.98, 5749.01, 5749.02, 5749.03, 5749.04, 5749.06, 105562
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6111.04, 6111.046, 6111.14, 6111.30, 6117.38, 6301.01, 6301.02, 105564
6301.03, 6301.04, 6301.05, 6301.06, 6301.061, 6301.07, 6301.08, 105565
6301.09, 6301.11, 6301.12, and 6301.18 of the Revised Code are 105566
hereby repealed. 105567

Section 105.01. That sections 123.27, 152.01, 152.02, 152.04, 105568
152.05, 152.06, 152.07, 152.09, 152.091, 152.10, 152.11, 152.12, 105569
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5115.07, 5115.20, 5115.22, 5115.23, 5162.54, 5164.88, 5164.881, 105584
5166.13, 5739.18, 5747.056, 6111.033, and 6111.40 of the Revised 105585
Code are hereby repealed. 105586
105587

Section 105.20. The version of section 118.023 of the Revised 105588
Code that is scheduled to take effect September 29, 2017, is 105589

hereby repealed. It is not the intent of this repeal to affect the 105590
continued operation of the version of section 118.023 of the 105591
Revised Code that is currently in effect. 105592

Section 110.10. That the version of section 102.01 of the 105593
Revised Code that is scheduled to take effect January 1, 2018, be 105594
amended to read as follows: 105595

Sec. 102.01. As used in this chapter: 105596

(A) "Compensation" means money, thing of value, or financial 105597
benefit. "Compensation" does not include reimbursement for actual 105598
and necessary expenses incurred in the performance of official 105599
duties. 105600

(B) "Public official or employee" means any person who is 105601
elected or appointed to an office or is an employee of any public 105602
agency. "Public official or employee" does not include a person 105603
elected or appointed to the office of precinct, ward, or district 105604
committee member under section 3517.03 of the Revised Code, any 105605
presidential elector, or any delegate to a national convention. 105606
"Public official or employee" does not include a person who is a 105607
teacher, instructor, professor, or other kind of educator whose 105608
position does not involve the performance of, or authority to 105609
perform, administrative or supervisory functions. 105610

(C) "Public agency" means the general assembly, all courts, 105611
any department, division, institution, board, commission, 105612
authority, bureau or other instrumentality of the state, a county, 105613
city, village, or township, the five state retirement systems, or 105614
any other governmental entity. "Public agency" does not include a 105615
department, division, institution, board, commission, authority, 105616
or other instrumentality of the state or a county, municipal 105617
corporation, township, or other governmental entity that functions 105618
exclusively for cultural, educational, historical, humanitarian, 105619

advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated. "Public agency" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(D) "Immediate family" means a spouse residing in the person's household and any dependent child.

(E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.

(F) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, "appropriate ethics commission" means:

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, and candidates for the office of member of the general assembly, the joint legislative ethics committee;

(2) For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the supreme court;

(3) For matters relating to all other persons, the Ohio ethics commission.

(G)(1) "Anything of value" has the same meaning as provided in section 1.03 of the Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Revised Code.

(2)(a) Except as otherwise provided in division (G)(2)(b) of

this section, "anything of value" does not include payment of 105650
event registration fees, actual travel and lodging expenses, or 105651
meals, food, and beverages provided to a public official or 105652
employee by a national, state, or regional organization to which a 105653
state agency or political subdivision, including any state 105654
legislative agency or state institution of higher education, as 105655
defined in section 3345.011 of the Revised Code, pays membership 105656
dues, at a meeting or convention of that organization. 105657

(b)(i) "Anything of value" includes payment of actual travel 105658
expenses, including expenses incurred with the travel for lodging, 105659
meals, food, and beverages, to a person who is a member of the 105660
board of a state retirement system, a state retirement system 105661
investment officer, or an employee of a state retirement system 105662
whose position involves substantial and material exercise of 105663
discretion in the investment of retirement system funds, as 105664
described in division (H)(2) of section 102.03 of the Revised 105665
Code. 105666

(ii) "Anything of value" includes payment of event 105667
registration fees, actual travel and lodging expenses, or meals, 105668
food, and beverages provided to a member of the Ohio casino 105669
control commission, the executive director of the commission, or 105670
an employee of the commission by a casino operator, management 105671
company, or other person subject to the jurisdiction of the 105672
commission or by an officer, attorney, agent, or employee of a 105673
casino operator, management company, or other person subject to 105674
the jurisdiction of the commission, as described in division 105675
(M)(1) of section 102.03 of the Revised Code. 105676

(H) "Honorarium" means any payment made in consideration for 105677
any speech given, article published, or attendance at any public 105678
or private conference, convention, meeting, social event, meal, or 105679
similar gathering. "Honorarium" does not include ceremonial gifts 105680
or awards that have insignificant monetary value; unsolicited 105681

gifts of nominal value or trivial items of informational value; or 105682
earned income from any person, other than a legislative agent, for 105683
personal services that are customarily provided in connection with 105684
the practice of a bona fide business, if that business initially 105685
began before the public official or employee conducting that 105686
business was elected or appointed to the public official's or 105687
employee's office or position of employment. 105688

(I) "Employer" means any person who, directly or indirectly, 105689
engages an executive agency lobbyist or legislative agent. 105690

(J) "Executive agency decision," "executive agency lobbyist," 105691
and "executive agency lobbying activity" have the same meanings as 105692
in section 121.60 of the Revised Code. 105693

(K) "Legislation," "legislative agent," "financial 105694
transaction," and "actively advocate" have the same meanings as in 105695
section 101.70 of the Revised Code. 105696

(L) "Expenditure" has the same meaning as in section 101.70 105697
of the Revised Code when used in relation to activities of a 105698
legislative agent, and the same meaning as in section 121.60 of 105699
the Revised Code when used in relation to activities of an 105700
executive agency lobbyist. 105701

Section 110.11. That the existing version of section 102.01 105702
of the Revised Code that was scheduled to take effect January 1, 105703
2018, is hereby repealed. 105704

Section 110.12. Sections 110.10 and 110.11 of this act shall 105705
take effect January 1, 2018. 105706

Section 120.10. That sections 4713.10 and 4713.56 of the 105707
Revised Code be amended to read as follows: 105708

Sec. 4713.10. (A) The state ~~board of~~ cosmetology and barber 105709

<u>board</u> shall charge and collect the following fees:	105710
(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, seven dollars and fifty cents;	105711 105712
(2) For initial application to take an examination under section 4713.24 of the Revised Code, thirty-one dollars and fifty cents;	105713 105714 105715
(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, forty dollars;	105716 105717 105718 105719
(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, thirty-one dollars and fifty cents;	105720 105721 105722 105723
(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, forty-five dollars;	105724 105725
(6) For the issuance of a license under section 4713.34 of the Revised Code, seventy dollars;	105726 105727
(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five dollars;	105728 105729 105730
(8) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	105731 105732
(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, seventy-five dollars;	105733 105734 105735
(10) For the renewal of a salon license under section 4713.41 of the Revised Code, sixty dollars;	105736 105737
(11) For the restoration of an expired license that may be	105738

restored pursuant to section 4713.63 of the Revised Code, an 105739
amount equal to the sum of the current license renewal fee and a 105740
lapsed renewal fee of forty-five dollars per license renewal 105741
period that has elapsed since the license was last issued or 105742
renewed; 105743

(12) For the issuance of a duplicate of any license, twenty 105744
dollars; 105745

(13) For the preparation and mailing of a licensee's records 105746
to another state for a reciprocity license, fifty dollars; 105747

(14) For the processing of any fees related to a check from a 105748
licensee returned to the board for insufficient funds, an 105749
additional thirty dollars. 105750

(B) The board may establish an installment plan for the 105751
payment of fines and fees and may reduce fees as considered 105752
appropriate by the board. 105753

(C) At the request of a person who is temporarily unable to 105754
pay a fee imposed under division (A) of this section, or on its 105755
own motion, the board may extend the date payment is due by up to 105756
ninety days. If the fee remains unpaid after the date payment is 105757
due, the amount of the fee shall be certified to the attorney 105758
general for collection in the form and manner prescribed by the 105759
attorney general. The attorney general may assess the collection 105760
cost to the amount certified in such a manner and amount as 105761
prescribed by the attorney general. 105762

Sec. 4713.56. Every holder of a practicing license, 105763
instructor license, independent contractor license, or boutique 105764
service registration issued by the state ~~board of~~ cosmetology and 105765
barber board shall maintain the board-issued, wallet-sized license 105766
or electronically generated license certification or registration 105767
and a current government-issued photo identification that can be 105768

produced upon inspection or request. 105769

Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon. 105770
105771
105772

Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and conspicuous place in the school. 105773
105774
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Every individual who provides cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code shall maintain the individual's professional license or certificate and a state of Ohio issued photo identification that can be produced upon inspection or request. 105776
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Section 120.11. That existing sections 4713.10 and 4713.56 of the Revised Code are hereby repealed. 105782
105783

Section 120.12. Sections 120.10 and 120.11 take effect on January 21, 2018. 105784
105785

Section 120.20. That sections 329.04 and 2329.66 of the Revised Code be amended to read as follows: 105786
105787

Sec. 329.04. (A) The county department of job and family services shall have, exercise, and perform the following powers and duties: 105788
105789
105790

(1) Perform any duties assigned by the state department of job and family services or department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life: 105791
105792
105793
105794
105795

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;	105796 105797
(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;	105798 105799 105800
(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.	105801 105802 105803 105804 105805 105806 105807 105808
(d) Duties assigned under section 5162.031 of the Revised Code.	105809 105810
(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;	105811 105812 105813
(3) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;	105814 105815 105816
(4) <u>(3)</u> Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;	105817 105818 105819
(5) <u>(4)</u> Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services and department of medicaid at the close of each fiscal year;	105820 105821 105822 105823
(6) <u>(5)</u> Exercise any powers and duties relating to family services duties or workforce development activities imposed upon	105824 105825

the county department of job and family services by law, by 105826
resolution of the board of county commissioners, or by order of 105827
the governor, when authorized by law, to meet emergencies during 105828
war or peace; 105829

~~(7)~~(6) Enter into a plan of cooperation with the board of 105830
county commissioners under section 307.983, consult with the board 105831
in the development of the transportation work plan developed under 105832
section 307.985, establish with the board procedures under section 105833
307.986 for providing services to children whose families relocate 105834
frequently, and comply with the contracts the board enters into 105835
under sections 307.981 and 307.982 of the Revised Code that affect 105836
the county department; 105837

~~(8)~~(7) For the purpose of complying with a grant agreement 105838
the board of county commissioners enters into under sections 105839
307.98 and 5101.21 of the Revised Code, exercise the powers and 105840
perform the duties the grant agreement assigns to the county 105841
department; 105842

~~(9)~~(8) If the county department is designated as the 105843
workforce development agency, provide the workforce development 105844
activities specified in the contract required by section 330.05 of 105845
the Revised Code. 105846

(B) The powers and duties of a county department of job and 105847
family services are, and shall be exercised and performed, under 105848
the control and direction of the board of county commissioners. 105849
The board may assign to the county department any power or duty of 105850
the board regarding family services duties and workforce 105851
development activities. If the new power or duty necessitates the 105852
state department of job and family services or department of 105853
medicaid changing its federal cost allocation plan, the county 105854
department may not implement the power or duty unless the United 105855
States department of health and human services approves the 105856

changes. 105857

Sec. 2329.66. (A) Every person who is domiciled in this state 105858
may hold property exempt from execution, garnishment, attachment, 105859
or sale to satisfy a judgment or order, as follows: 105860

(1)(a) In the case of a judgment or order regarding money 105861
owed for health care services rendered or health care supplies 105862
provided to the person or a dependent of the person, one parcel or 105863
item of real or personal property that the person or a dependent 105864
of the person uses as a residence. Division (A)(1)(a) of this 105865
section does not preclude, affect, or invalidate the creation 105866
under this chapter of a judgment lien upon the exempted property 105867
but only delays the enforcement of the lien until the property is 105868
sold or otherwise transferred by the owner or in accordance with 105869
other applicable laws to a person or entity other than the 105870
surviving spouse or surviving minor children of the judgment 105871
debtor. Every person who is domiciled in this state may hold 105872
exempt from a judgment lien created pursuant to division (A)(1)(a) 105873
of this section the person's interest, not to exceed one hundred 105874
twenty-five thousand dollars, in the exempted property. 105875

(b) In the case of all other judgments and orders, the 105876
person's interest, not to exceed one hundred twenty-five thousand 105877
dollars, in one parcel or item of real or personal property that 105878
the person or a dependent of the person uses as a residence. 105879

(c) For purposes of divisions (A)(1)(a) and (b) of this 105880
section, "parcel" means a tract of real property as identified on 105881
the records of the auditor of the county in which the real 105882
property is located. 105883

(2) The person's interest, not to exceed three thousand two 105884
hundred twenty-five dollars, in one motor vehicle; 105885

(3) The person's interest, not to exceed four hundred 105886

dollars, in cash on hand, money due and payable, money to become 105887
due within ninety days, tax refunds, and money on deposit with a 105888
bank, savings and loan association, credit union, public utility, 105889
landlord, or other person, other than personal earnings. 105890

(4)(a) The person's interest, not to exceed five hundred 105891
twenty-five dollars in any particular item or ten thousand seven 105892
hundred seventy-five dollars in aggregate value, in household 105893
furnishings, household goods, wearing apparel, appliances, books, 105894
animals, crops, musical instruments, firearms, and hunting and 105895
fishing equipment that are held primarily for the personal, 105896
family, or household use of the person; 105897

(b) The person's aggregate interest in one or more items of 105898
jewelry, not to exceed one thousand three hundred fifty dollars, 105899
held primarily for the personal, family, or household use of the 105900
person or any of the person's dependents. 105901

(5) The person's interest, not to exceed an aggregate of two 105902
thousand twenty-five dollars, in all implements, professional 105903
books, or tools of the person's profession, trade, or business, 105904
including agriculture; 105905

(6)(a) The person's interest in a beneficiary fund set apart, 105906
appropriated, or paid by a benevolent association or society, as 105907
exempted by section 2329.63 of the Revised Code; 105908

(b) The person's interest in contracts of life or endowment 105909
insurance or annuities, as exempted by section 3911.10 of the 105910
Revised Code; 105911

(c) The person's interest in a policy of group insurance or 105912
the proceeds of a policy of group insurance, as exempted by 105913
section 3917.05 of the Revised Code; 105914

(d) The person's interest in money, benefits, charity, 105915
relief, or aid to be paid, provided, or rendered by a fraternal 105916
benefit society, as exempted by section 3921.18 of the Revised 105917

Code;	105918
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	105919 105920 105921 105922
(7) The person's professionally prescribed or medically necessary health aids;	105923 105924
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	105925 105926 105927
(9) The person's interest in the following:	105928
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	105929 105930
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	105931 105932
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	105933 105934
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	105935 105936
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	105937 105938 105939
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	105940 105941
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	105942 105943
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from	105944 105945 105946

payments was issued under division (C)(2)(b) of that section, in 105947
cases in which an order for withholding was issued under section 105948
2907.15 of the Revised Code, in cases in which an order for 105949
forfeiture was issued under division (A) or (B) of section 105950
2929.192 of the Revised Code, and in cases in which an order was 105951
issued under section 2929.193 or 2929.194 of the Revised Code, and 105952
only to the extent provided in the order, and except as provided 105953
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 105954
and 3123.06 of the Revised Code, the person's rights to or 105955
interests in a pension, benefit, annuity, retirement allowance, or 105956
accumulated contributions, the person's rights to or interests in 105957
a participant account in any deferred compensation program offered 105958
by the Ohio public employees deferred compensation board, a 105959
government unit, or a municipal corporation, or the person's other 105960
accrued or accruing rights or interests, as exempted by section 105961
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 105962
5505.22 of the Revised Code, and the person's rights to or 105963
interests in benefits from the Ohio public safety officers death 105964
benefit fund; 105965

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 105966
3121.03, and 3123.06 of the Revised Code, the person's rights to 105967
receive or interests in receiving a payment or other benefits 105968
under any pension, annuity, or similar plan or contract, not 105969
including a payment or benefit from a stock bonus or 105970
profit-sharing plan or a payment included in division (A)(6)(b) or 105971
(10)(a) of this section, on account of illness, disability, death, 105972
age, or length of service, to the extent reasonably necessary for 105973
the support of the person and any of the person's dependents, 105974
except if all the following apply: 105975

(i) The plan or contract was established by or under the 105976
auspices of an insider that employed the person at the time the 105977
person's rights or interests under the plan or contract arose. 105978

(ii) The payment is on account of age or length of service. 105979

(iii) The plan or contract is not qualified under the 105980
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 105981
amended. 105982

(c) Except for any portion of the assets that were deposited 105983
for the purpose of evading the payment of any debt and except as 105984
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 105985
3123.06 of the Revised Code, the person's rights or interests in 105986
the assets held in, or to directly or indirectly receive any 105987
payment or benefit under, any individual retirement account, 105988
individual retirement annuity, "Roth IRA," account opened pursuant 105989
to a program administered by a state under section 529 or 529A of 105990
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 105991
as amended, or education individual retirement account that 105992
provides payments or benefits by reason of illness, disability, 105993
death, retirement, or age or provides payments or benefits for 105994
purposes of education or qualified disability expenses, to the 105995
extent that the assets, payments, or benefits described in 105996
division (A)(10)(c) of this section are attributable to or derived 105997
from any of the following or from any earnings, dividends, 105998
interest, appreciation, or gains on any of the following: 105999

(i) Contributions of the person that were less than or equal 106000
to the applicable limits on deductible contributions to an 106001
individual retirement account or individual retirement annuity in 106002
the year that the contributions were made, whether or not the 106003
person was eligible to deduct the contributions on the person's 106004
federal tax return for the year in which the contributions were 106005
made; 106006

(ii) Contributions of the person that were less than or equal 106007
to the applicable limits on contributions to a Roth IRA or 106008
education individual retirement account in the year that the 106009
contributions were made; 106010

(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended;

(iv) Contributions by any person into any plan, fund, or account that is formed, created, or administered pursuant to, or is otherwise subject to, section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to receive any payment under, any Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, retirement, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.

(e) The person's rights to or interests in any assets held in, or to directly or indirectly receive any payment or benefit under, any individual retirement account, individual retirement annuity, "Roth IRA," account opened pursuant to a program administered by a state under section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or education individual retirement account that a decedent, upon or by reason of the decedent's death, directly or indirectly left to or for the benefit of the person, either outright or in trust or otherwise, including, but not limited to, any of those rights or interests in assets or to receive payments or benefits that were transferred, conveyed, or otherwise transmitted by the decedent by means of a will, trust, exercise of a power of appointment, beneficiary designation, transfer or payment on death designation,

or any other method or procedure. 106043

(f) The exemptions under divisions (A)(10)(a) to (e) of this 106044
section also shall apply or otherwise be available to an alternate 106045
payee under a qualified domestic relations order (QDRO) or other 106046
similar court order. 106047

(g) A person's interest in any plan, program, instrument, or 106048
device described in divisions (A)(10)(a) to (e) of this section 106049
shall be considered an exempt interest even if the plan, program, 106050
instrument, or device in question, due to an error made in good 106051
faith, failed to satisfy any criteria applicable to that plan, 106052
program, instrument, or device under the "Internal Revenue Code of 106053
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 106054

(11) The person's right to receive spousal support, child 106055
support, an allowance, or other maintenance to the extent 106056
reasonably necessary for the support of the person and any of the 106057
person's dependents; 106058

(12) The person's right to receive, or moneys received during 106059
the preceding twelve calendar months from, any of the following: 106060

(a) An award of reparations under sections 2743.51 to 2743.72 106061
of the Revised Code, to the extent exempted by division (D) of 106062
section 2743.66 of the Revised Code; 106063

(b) A payment on account of the wrongful death of an 106064
individual of whom the person was a dependent on the date of the 106065
individual's death, to the extent reasonably necessary for the 106066
support of the person and any of the person's dependents; 106067

(c) Except in cases in which the person who receives the 106068
payment is an inmate, as defined in section 2969.21 of the Revised 106069
Code, and in which the payment resulted from a civil action or 106070
appeal against a government entity or employee, as defined in 106071
section 2969.21 of the Revised Code, a payment, not to exceed 106072
twenty thousand two hundred dollars, on account of personal bodily 106073

injury, not including pain and suffering or compensation for 106074
actual pecuniary loss, of the person or an individual for whom the 106075
person is a dependent; 106076

(d) A payment in compensation for loss of future earnings of 106077
the person or an individual of whom the person is or was a 106078
dependent, to the extent reasonably necessary for the support of 106079
the debtor and any of the debtor's dependents. 106080

(13) Except as provided in sections 3119.80, 3119.81, 106081
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 106082
earnings of the person owed to the person for services in an 106083
amount equal to the greater of the following amounts: 106084

(a) If paid weekly, thirty times the current federal minimum 106085
hourly wage; if paid biweekly, sixty times the current federal 106086
minimum hourly wage; if paid semimonthly, sixty-five times the 106087
current federal minimum hourly wage; or if paid monthly, one 106088
hundred thirty times the current federal minimum hourly wage that 106089
is in effect at the time the earnings are payable, as prescribed 106090
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 106091
U.S.C. 206(a)(1), as amended; 106092

(b) Seventy-five per cent of the disposable earnings owed to 106093
the person. 106094

(14) The person's right in specific partnership property, as 106095
exempted by the person's rights in a partnership pursuant to 106096
section 1776.50 of the Revised Code, except as otherwise set forth 106097
in section 1776.50 of the Revised Code; 106098

(15) A seal and official register of a notary public, as 106099
exempted by section 147.04 of the Revised Code; 106100

(16) The person's interest in a tuition unit or a payment 106101
under section 3334.09 of the Revised Code pursuant to a tuition 106102
payment contract, as exempted by section 3334.15 of the Revised 106103
Code; 106104

(17) Any other property that is specifically exempted from 106105
execution, attachment, garnishment, or sale by federal statutes 106106
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 106107
U.S.C.A. 101, as amended; 106108

(18) The person's aggregate interest in any property, not to 106109
exceed one thousand seventy-five dollars, except that division 106110
(A)(18) of this section applies only in bankruptcy proceedings. 106111

(B) On April 1, 2010, and on the first day of April in each 106112
third calendar year after 2010, the Ohio judicial conference shall 106113
adjust each dollar amount set forth in this section to reflect any 106114
increase in the consumer price index for all urban consumers, as 106115
published by the United States department of labor, or, if that 106116
index is no longer published, a generally available comparable 106117
index, for the three-year period ending on the thirty-first day of 106118
December of the preceding year. Any adjustments required by this 106119
division shall be rounded to the nearest twenty-five dollars. 106120

The Ohio judicial conference shall prepare a memorandum 106121
specifying the adjusted dollar amounts. The judicial conference 106122
shall transmit the memorandum to the director of the legislative 106123
service commission, and the director shall publish the memorandum 106124
in the register of Ohio. (Publication of the memorandum in the 106125
register of Ohio shall continue until the next memorandum 106126
specifying an adjustment is so published.) The judicial conference 106127
also may publish the memorandum in any other manner it concludes 106128
will be reasonably likely to inform persons who are affected by 106129
its adjustment of the dollar amounts. 106130

(C) As used in this section: 106131

(1) "Disposable earnings" means net earnings after the 106132
garnishee has made deductions required by law, excluding the 106133
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 106134
3121.03, or 3123.06 of the Revised Code. 106135

(2) "Insider" means:	106136
(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;	106137 106138 106139 106140 106141
(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;	106142 106143 106144 106145 106146 106147
(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;	106148 106149 106150 106151 106152
(d) An entity or person to which or whom any of the following applies:	106153 106154
(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.	106155 106156 106157 106158 106159 106160 106161
(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.	106162 106163 106164 106165 106166

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Section 120.21. That existing sections 329.04 and 2329.66 of the Revised Code are hereby repealed.

Section 120.22. Sections 120.20 and 120.21 take effect on 106196
December 31, 2017. 106197

Section 125.10. That section 5166.35 of the Revised Code is 106198
hereby repealed on January 1, 2019. 106199

Section 130.11. That sections 109.572, 2305.113, 3313.608, 106200
3701.83, 4725.01, 4725.02, 4725.04, 4725.05, 4725.06, 4725.07, 106201
4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 4725.12, 106202
4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 4725.18, 106203
4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 4725.26, 106204
4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 4725.40, 106205
4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 4725.501, 106206
4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 4725.57, 106207
4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 4731.224, 4731.24, 106208
4731.25, 4743.05, 4745.02, 4745.04, 4747.04, 4747.05, 4747.06, 106209
4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 106210
4747.16, 4747.17, 4752.01, 4752.02, 4752.03, 4752.04, 4752.05, 106211
4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 106212
4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 4753.06, 106213
4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.091, 106214
4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 4759.02, 106215
4759.05, 4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 106216
4759.11, 4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 4761.051, 106217
4761.06, 4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 106218
4761.13, 4761.14, 4761.18, 4776.01, 5120.55, and 5123.46 be 106219
amended and new section 4725.03 and sections 4725.031, 4725.63, 106220
4725.64, 4725.65, 4725.66, 4725.67, 4729.021, 4744.02, 4744.07, 106221
4744.10, 4744.12, 4744.14, 4744.16, 4744.18, 4744.20, 4744.24, 106222
4744.28, 4744.30, 4744.36, 4744.40, 4744.48, 4744.50, 4744.54, 106223
4745.021, 4747.051, 4752.22, 4752.24, 4753.061, 4759.011, 106224
4759.051, 4761.011, and 4761.032 of the Revised Code be enacted to 106225

read as follows: 106226

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 106227
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 106228
a completed form prescribed pursuant to division (C)(1) of this 106229
section, and a set of fingerprint impressions obtained in the 106230
manner described in division (C)(2) of this section, the 106231
superintendent of the bureau of criminal identification and 106232
investigation shall conduct a criminal records check in the manner 106233
described in division (B) of this section to determine whether any 106234
information exists that indicates that the person who is the 106235
subject of the request previously has been convicted of or pleaded 106236
guilty to any of the following: 106237

(a) A violation of section 2903.01, 2903.02, 2903.03, 106238
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106239
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 106240
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 106241
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 106242
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 106243
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 106244
2925.06, or 3716.11 of the Revised Code, felonious sexual 106245
penetration in violation of former section 2907.12 of the Revised 106246
Code, a violation of section 2905.04 of the Revised Code as it 106247
existed prior to July 1, 1996, a violation of section 2919.23 of 106248
the Revised Code that would have been a violation of section 106249
2905.04 of the Revised Code as it existed prior to July 1, 1996, 106250
had the violation been committed prior to that date, or a 106251
violation of section 2925.11 of the Revised Code that is not a 106252
minor drug possession offense; 106253

(b) A violation of an existing or former law of this state, 106254
any other state, or the United States that is substantially 106255
equivalent to any of the offenses listed in division (A)(1)(a) of 106256

this section; 106257

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code. 106258
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(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 106261
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 106274
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(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section. 106283
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(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 106286
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or 5123.169 of the Revised Code, a completed form prescribed 106288
pursuant to division (C)(1) of this section, and a set of 106289
fingerprint impressions obtained in the manner described in 106290
division (C)(2) of this section, the superintendent of the bureau 106291
of criminal identification and investigation shall conduct a 106292
criminal records check of the person for whom the request is made. 106293
The superintendent shall conduct the criminal records check in the 106294
manner described in division (B) of this section to determine 106295
whether any information exists that indicates that the person who 106296
is the subject of the request previously has been convicted of, 106297
has pleaded guilty to, or (except in the case of a request 106298
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 106299
Code) has been found eligible for intervention in lieu of 106300
conviction for any of the following, regardless of the date of the 106301
conviction, the date of entry of the guilty plea, or (except in 106302
the case of a request pursuant to section 5164.34, 5164.341, or 106303
5164.342 of the Revised Code) the date the person was found 106304
eligible for intervention in lieu of conviction: 106305

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 106306
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 106307
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 106308
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 106309
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 106310
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 106311
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 106312
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 106313
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 106314
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 106315
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 106316
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 106317
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 106318
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 106319
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 106320

2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 106321
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 106322
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 106323
2927.12, or 3716.11 of the Revised Code; 106324

(b) Felonious sexual penetration in violation of former 106325
section 2907.12 of the Revised Code; 106326

(c) A violation of section 2905.04 of the Revised Code as it 106327
existed prior to July 1, 1996; 106328

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 106329
the Revised Code when the underlying offense that is the object of 106330
the conspiracy, attempt, or complicity is one of the offenses 106331
listed in divisions (A)(3)(a) to (c) of this section; 106332

(e) A violation of an existing or former municipal ordinance 106333
or law of this state, any other state, or the United States that 106334
is substantially equivalent to any of the offenses listed in 106335
divisions (A)(3)(a) to (d) of this section. 106336

(4) On receipt of a request pursuant to section 2151.86 of 106337
the Revised Code, a completed form prescribed pursuant to division 106338
(C)(1) of this section, and a set of fingerprint impressions 106339
obtained in the manner described in division (C)(2) of this 106340
section, the superintendent of the bureau of criminal 106341
identification and investigation shall conduct a criminal records 106342
check in the manner described in division (B) of this section to 106343
determine whether any information exists that indicates that the 106344
person who is the subject of the request previously has been 106345
convicted of or pleaded guilty to any of the following: 106346

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 106347
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 106348
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 106349
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 106350
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 106351

2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 106352
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 106353
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 106354
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 106355
of the Revised Code, a violation of section 2905.04 of the Revised 106356
Code as it existed prior to July 1, 1996, a violation of section 106357
2919.23 of the Revised Code that would have been a violation of 106358
section 2905.04 of the Revised Code as it existed prior to July 1, 106359
1996, had the violation been committed prior to that date, a 106360
violation of section 2925.11 of the Revised Code that is not a 106361
minor drug possession offense, two or more OVI or OVUAC violations 106362
committed within the three years immediately preceding the 106363
submission of the application or petition that is the basis of the 106364
request, or felonious sexual penetration in violation of former 106365
section 2907.12 of the Revised Code; 106366

(b) A violation of an existing or former law of this state, 106367
any other state, or the United States that is substantially 106368
equivalent to any of the offenses listed in division (A)(4)(a) of 106369
this section. 106370

(5) Upon receipt of a request pursuant to section 5104.013 of 106371
the Revised Code, a completed form prescribed pursuant to division 106372
(C)(1) of this section, and a set of fingerprint impressions 106373
obtained in the manner described in division (C)(2) of this 106374
section, the superintendent of the bureau of criminal 106375
identification and investigation shall conduct a criminal records 106376
check in the manner described in division (B) of this section to 106377
determine whether any information exists that indicates that the 106378
person who is the subject of the request has been convicted of or 106379
pleaded guilty to any of the following: 106380

(a) A violation of section 2151.421, 2903.01, 2903.02, 106381
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 106382
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 106383

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 106384
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 106385
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 106386
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 106387
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 106388
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 106389
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 106390
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 106391
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 106392
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 106393
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 106394
Revised Code, felonious sexual penetration in violation of former 106395
section 2907.12 of the Revised Code, a violation of section 106396
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 106397
violation of section 2919.23 of the Revised Code that would have 106398
been a violation of section 2905.04 of the Revised Code as it 106399
existed prior to July 1, 1996, had the violation been committed 106400
prior to that date, a violation of section 2925.11 of the Revised 106401
Code that is not a minor drug possession offense, a violation of 106402
section 2923.02 or 2923.03 of the Revised Code that relates to a 106403
crime specified in this division, or a second violation of section 106404
4511.19 of the Revised Code within five years of the date of 106405
application for licensure or certification. 106406

(b) A violation of an existing or former law of this state, 106407
any other state, or the United States that is substantially 106408
equivalent to any of the offenses or violations described in 106409
division (A)(5)(a) of this section. 106410

(6) Upon receipt of a request pursuant to section 5153.111 of 106411
the Revised Code, a completed form prescribed pursuant to division 106412
(C)(1) of this section, and a set of fingerprint impressions 106413
obtained in the manner described in division (C)(2) of this 106414
section, the superintendent of the bureau of criminal 106415

identification and investigation shall conduct a criminal records 106416
check in the manner described in division (B) of this section to 106417
determine whether any information exists that indicates that the 106418
person who is the subject of the request previously has been 106419
convicted of or pleaded guilty to any of the following: 106420

(a) A violation of section 2903.01, 2903.02, 2903.03, 106421
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106422
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 106423
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 106424
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 106425
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 106426
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 106427
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 106428
felonious sexual penetration in violation of former section 106429
2907.12 of the Revised Code, a violation of section 2905.04 of the 106430
Revised Code as it existed prior to July 1, 1996, a violation of 106431
section 2919.23 of the Revised Code that would have been a 106432
violation of section 2905.04 of the Revised Code as it existed 106433
prior to July 1, 1996, had the violation been committed prior to 106434
that date, or a violation of section 2925.11 of the Revised Code 106435
that is not a minor drug possession offense; 106436

(b) A violation of an existing or former law of this state, 106437
any other state, or the United States that is substantially 106438
equivalent to any of the offenses listed in division (A)(6)(a) of 106439
this section. 106440

(7) On receipt of a request for a criminal records check from 106441
an individual pursuant to section 4749.03 or 4749.06 of the 106442
Revised Code, accompanied by a completed copy of the form 106443
prescribed in division (C)(1) of this section and a set of 106444
fingerprint impressions obtained in a manner described in division 106445
(C)(2) of this section, the superintendent of the bureau of 106446
criminal identification and investigation shall conduct a criminal 106447

records check in the manner described in division (B) of this 106448
section to determine whether any information exists indicating 106449
that the person who is the subject of the request has been 106450
convicted of or pleaded guilty to a felony in this state or in any 106451
other state. If the individual indicates that a firearm will be 106452
carried in the course of business, the superintendent shall 106453
require information from the federal bureau of investigation as 106454
described in division (B)(2) of this section. Subject to division 106455
(F) of this section, the superintendent shall report the findings 106456
of the criminal records check and any information the federal 106457
bureau of investigation provides to the director of public safety. 106458

(8) On receipt of a request pursuant to section 1321.37, 106459
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 106460
Code, a completed form prescribed pursuant to division (C)(1) of 106461
this section, and a set of fingerprint impressions obtained in the 106462
manner described in division (C)(2) of this section, the 106463
superintendent of the bureau of criminal identification and 106464
investigation shall conduct a criminal records check with respect 106465
to any person who has applied for a license, permit, or 106466
certification from the department of commerce or a division in the 106467
department. The superintendent shall conduct the criminal records 106468
check in the manner described in division (B) of this section to 106469
determine whether any information exists that indicates that the 106470
person who is the subject of the request previously has been 106471
convicted of or pleaded guilty to any of the following: a 106472
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 106473
2925.03 of the Revised Code; any other criminal offense involving 106474
theft, receiving stolen property, embezzlement, forgery, fraud, 106475
passing bad checks, money laundering, or drug trafficking, or any 106476
criminal offense involving money or securities, as set forth in 106477
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 106478
the Revised Code; or any existing or former law of this state, any 106479
other state, or the United States that is substantially equivalent 106480

to those offenses. 106481

(9) On receipt of a request for a criminal records check from 106482
the treasurer of state under section 113.041 of the Revised Code 106483
or from an individual under section 4701.08, 4715.101, 4717.061, 106484
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 106485
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 106486
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 106487
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 106488
4761.051, 4762.031, 4762.06, 4776.021, ~~4779.091~~, or 4783.04 of the 106489
Revised Code, accompanied by a completed form prescribed under 106490
division (C)(1) of this section and a set of fingerprint 106491
impressions obtained in the manner described in division (C)(2) of 106492
this section, the superintendent of the bureau of criminal 106493
identification and investigation shall conduct a criminal records 106494
check in the manner described in division (B) of this section to 106495
determine whether any information exists that indicates that the 106496
person who is the subject of the request has been convicted of or 106497
pleaded guilty to any criminal offense in this state or any other 106498
state. Subject to division (F) of this section, the superintendent 106499
shall send the results of a check requested under section 113.041 106500
of the Revised Code to the treasurer of state and shall send the 106501
results of a check requested under any of the other listed 106502
sections to the licensing board specified by the individual in the 106503
request. 106504

(10) On receipt of a request pursuant to section 1121.23, 106505
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 106506
Code, a completed form prescribed pursuant to division (C)(1) of 106507
this section, and a set of fingerprint impressions obtained in the 106508
manner described in division (C)(2) of this section, the 106509
superintendent of the bureau of criminal identification and 106510
investigation shall conduct a criminal records check in the manner 106511
described in division (B) of this section to determine whether any 106512

information exists that indicates that the person who is the 106513
subject of the request previously has been convicted of or pleaded 106514
guilty to any criminal offense under any existing or former law of 106515
this state, any other state, or the United States. 106516

(11) On receipt of a request for a criminal records check 106517
from an appointing or licensing authority under section 3772.07 of 106518
the Revised Code, a completed form prescribed under division 106519
(C)(1) of this section, and a set of fingerprint impressions 106520
obtained in the manner prescribed in division (C)(2) of this 106521
section, the superintendent of the bureau of criminal 106522
identification and investigation shall conduct a criminal records 106523
check in the manner described in division (B) of this section to 106524
determine whether any information exists that indicates that the 106525
person who is the subject of the request previously has been 106526
convicted of or pleaded guilty or no contest to any offense under 106527
any existing or former law of this state, any other state, or the 106528
United States that is a disqualifying offense as defined in 106529
section 3772.07 of the Revised Code or substantially equivalent to 106530
such an offense. 106531

(12) On receipt of a request pursuant to section 2151.33 or 106532
2151.412 of the Revised Code, a completed form prescribed pursuant 106533
to division (C)(1) of this section, and a set of fingerprint 106534
impressions obtained in the manner described in division (C)(2) of 106535
this section, the superintendent of the bureau of criminal 106536
identification and investigation shall conduct a criminal records 106537
check with respect to any person for whom a criminal records check 106538
is required under that section. The superintendent shall conduct 106539
the criminal records check in the manner described in division (B) 106540
of this section to determine whether any information exists that 106541
indicates that the person who is the subject of the request 106542
previously has been convicted of or pleaded guilty to any of the 106543
following: 106544

(a) A violation of section 2903.01, 2903.02, 2903.03, 106545
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106546
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 106547
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 106548
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 106549
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 106550
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 106551
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 106552
2925.22, 2925.23, or 3716.11 of the Revised Code; 106553

(b) An existing or former law of this state, any other state, 106554
or the United States that is substantially equivalent to any of 106555
the offenses listed in division (A)(12)(a) of this section. 106556

(13) On receipt of a request pursuant to section 3796.12 of 106557
the Revised Code, a completed form prescribed pursuant to division 106558
(C)(1) of this section, and a set of fingerprint impressions 106559
obtained in a manner described in division (C)(2) of this section, 106560
the superintendent of the bureau of criminal identification and 106561
investigation shall conduct a criminal records check in the manner 106562
described in division (B) of this section to determine whether any 106563
information exists that indicates that the person who is the 106564
subject of the request previously has been convicted of or pleaded 106565
guilty to the following: 106566

(a) A disqualifying offense as specified in rules adopted 106567
under division (B)(2)(b) of section 3796.03 of the Revised Code if 106568
the person who is the subject of the request is an administrator 106569
or other person responsible for the daily operation of, or an 106570
owner or prospective owner, officer or prospective officer, or 106571
board member or prospective board member of, an entity seeking a 106572
license from the department of commerce under Chapter 3796. of the 106573
Revised Code; 106574

(b) A disqualifying offense as specified in rules adopted 106575
under division (B)(2)(b) of section 3796.04 of the Revised Code if 106576

the person who is the subject of the request is an administrator 106577
or other person responsible for the daily operation of, or an 106578
owner or prospective owner, officer or prospective officer, or 106579
board member or prospective board member of, an entity seeking a 106580
license from the state board of pharmacy under Chapter 3796. of 106581
the Revised Code. 106582

(14) On receipt of a request required by section 3796.13 of 106583
the Revised Code, a completed form prescribed pursuant to division 106584
(C)(1) of this section, and a set of fingerprint impressions 106585
obtained in a manner described in division (C)(2) of this section, 106586
the superintendent of the bureau of criminal identification and 106587
investigation shall conduct a criminal records check in the manner 106588
described in division (B) of this section to determine whether any 106589
information exists that indicates that the person who is the 106590
subject of the request previously has been convicted of or pleaded 106591
guilty to the following: 106592

(a) A disqualifying offense as specified in rules adopted 106593
under division (B)(8)(a) of section 3796.03 of the Revised Code if 106594
the person who is the subject of the request is seeking employment 106595
with an entity licensed by the department of commerce under 106596
Chapter 3796. of the Revised Code; 106597

(b) A disqualifying offense as specified in rules adopted 106598
under division (B)(14)(a) of section 3796.04 of the Revised Code 106599
if the person who is the subject of the request is seeking 106600
employment with an entity licensed by the state board of pharmacy 106601
under Chapter 3796. of the Revised Code. 106602

(B) Subject to division (F) of this section, the 106603
superintendent shall conduct any criminal records check to be 106604
conducted under this section as follows: 106605

(1) The superintendent shall review or cause to be reviewed 106606
any relevant information gathered and compiled by the bureau under 106607

division (A) of section 109.57 of the Revised Code that relates to 106608
the person who is the subject of the criminal records check, 106609
including, if the criminal records check was requested under 106610
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 106611
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 106612
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 106613
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 106614
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 106615
5123.169, or 5153.111 of the Revised Code, any relevant 106616
information contained in records that have been sealed under 106617
section 2953.32 of the Revised Code; 106618

(2) If the request received by the superintendent asks for 106619
information from the federal bureau of investigation, the 106620
superintendent shall request from the federal bureau of 106621
investigation any information it has with respect to the person 106622
who is the subject of the criminal records check, including 106623
fingerprint-based checks of national crime information databases 106624
as described in 42 U.S.C. 671 if the request is made pursuant to 106625
section 2151.86 or 5104.013 of the Revised Code or if any other 106626
Revised Code section requires fingerprint-based checks of that 106627
nature, and shall review or cause to be reviewed any information 106628
the superintendent receives from that bureau. If a request under 106629
section 3319.39 of the Revised Code asks only for information from 106630
the federal bureau of investigation, the superintendent shall not 106631
conduct the review prescribed by division (B)(1) of this section. 106632

(3) The superintendent or the superintendent's designee may 106633
request criminal history records from other states or the federal 106634
government pursuant to the national crime prevention and privacy 106635
compact set forth in section 109.571 of the Revised Code. 106636

(4) The superintendent shall include in the results of the 106637
criminal records check a list or description of the offenses 106638
listed or described in division (A)(1), (2), (3), (4), (5), (6), 106639

(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 106640
whichever division requires the superintendent to conduct the 106641
criminal records check. The superintendent shall exclude from the 106642
results any information the dissemination of which is prohibited 106643
by federal law. 106644

(5) The superintendent shall send the results of the criminal 106645
records check to the person to whom it is to be sent not later 106646
than the following number of days after the date the 106647
superintendent receives the request for the criminal records 106648
check, the completed form prescribed under division (C)(1) of this 106649
section, and the set of fingerprint impressions obtained in the 106650
manner described in division (C)(2) of this section: 106651

(a) If the superintendent is required by division (A) of this 106652
section (other than division (A)(3) of this section) to conduct 106653
the criminal records check, thirty; 106654

(b) If the superintendent is required by division (A)(3) of 106655
this section to conduct the criminal records check, sixty. 106656

(C)(1) The superintendent shall prescribe a form to obtain 106657
the information necessary to conduct a criminal records check from 106658
any person for whom a criminal records check is to be conducted 106659
under this section. The form that the superintendent prescribes 106660
pursuant to this division may be in a tangible format, in an 106661
electronic format, or in both tangible and electronic formats. 106662

(2) The superintendent shall prescribe standard impression 106663
sheets to obtain the fingerprint impressions of any person for 106664
whom a criminal records check is to be conducted under this 106665
section. Any person for whom a records check is to be conducted 106666
under this section shall obtain the fingerprint impressions at a 106667
county sheriff's office, municipal police department, or any other 106668
entity with the ability to make fingerprint impressions on the 106669
standard impression sheets prescribed by the superintendent. The 106670

office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

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

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

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

(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school

district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher.

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

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

(G) As used in this section:

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

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

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

Code. 106734

(4) "Registered private provider" means a nonpublic school or 106735
entity registered with the superintendent of public instruction 106736
under section 3310.41 of the Revised Code to participate in the 106737
autism scholarship program or section 3310.58 of the Revised Code 106738
to participate in the Jon Peterson special needs scholarship 106739
program. 106740

Sec. 2305.113. (A) Except as otherwise provided in this 106741
section, an action upon a medical, dental, optometric, or 106742
chiropractic claim shall be commenced within one year after the 106743
cause of action accrued. 106744

(B)(1) If prior to the expiration of the one-year period 106745
specified in division (A) of this section, a claimant who 106746
allegedly possesses a medical, dental, optometric, or chiropractic 106747
claim gives to the person who is the subject of that claim written 106748
notice that the claimant is considering bringing an action upon 106749
that claim, that action may be commenced against the person 106750
notified at any time within one hundred eighty days after the 106751
notice is so given. 106752

(2) An insurance company shall not consider the existence or 106753
nonexistence of a written notice described in division (B)(1) of 106754
this section in setting the liability insurance premium rates that 106755
the company may charge the company's insured person who is 106756
notified by that written notice. 106757

(C) Except as to persons within the age of minority or of 106758
unsound mind as provided by section 2305.16 of the Revised Code, 106759
and except as provided in division (D) of this section, both of 106760
the following apply: 106761

(1) No action upon a medical, dental, optometric, or 106762
chiropractic claim shall be commenced more than four years after 106763

the occurrence of the act or omission constituting the alleged 106764
basis of the medical, dental, optometric, or chiropractic claim. 106765

(2) If an action upon a medical, dental, optometric, or 106766
chiropractic claim is not commenced within four years after the 106767
occurrence of the act or omission constituting the alleged basis 106768
of the medical, dental, optometric, or chiropractic claim, then, 106769
any action upon that claim is barred. 106770

(D)(1) If a person making a medical claim, dental claim, 106771
optometric claim, or chiropractic claim, in the exercise of 106772
reasonable care and diligence, could not have discovered the 106773
injury resulting from the act or omission constituting the alleged 106774
basis of the claim within three years after the occurrence of the 106775
act or omission, but, in the exercise of reasonable care and 106776
diligence, discovers the injury resulting from that act or 106777
omission before the expiration of the four-year period specified 106778
in division (C)(1) of this section, the person may commence an 106779
action upon the claim not later than one year after the person 106780
discovers the injury resulting from that act or omission. 106781

(2) If the alleged basis of a medical claim, dental claim, 106782
optometric claim, or chiropractic claim is the occurrence of an 106783
act or omission that involves a foreign object that is left in the 106784
body of the person making the claim, the person may commence an 106785
action upon the claim not later than one year after the person 106786
discovered the foreign object or not later than one year after the 106787
person, with reasonable care and diligence, should have discovered 106788
the foreign object. 106789

(3) A person who commences an action upon a medical claim, 106790
dental claim, optometric claim, or chiropractic claim under the 106791
circumstances described in division (D)(1) or (2) of this section 106792
has the affirmative burden of proving, by clear and convincing 106793
evidence, that the person, with reasonable care and diligence, 106794
could not have discovered the injury resulting from the act or 106795

omission constituting the alleged basis of the claim within the 106796
three-year period described in division (D)(1) of this section or 106797
within the one-year period described in division (D)(2) of this 106798
section, whichever is applicable. 106799

(E) As used in this section: 106800

(1) "Hospital" includes any person, corporation, association, 106801
board, or authority that is responsible for the operation of any 106802
hospital licensed or registered in the state, including, but not 106803
limited to, those that are owned or operated by the state, 106804
political subdivisions, any person, any corporation, or any 106805
combination of the state, political subdivisions, persons, and 106806
corporations. "Hospital" also includes any person, corporation, 106807
association, board, entity, or authority that is responsible for 106808
the operation of any clinic that employs a full-time staff of 106809
physicians practicing in more than one recognized medical 106810
specialty and rendering advice, diagnosis, care, and treatment to 106811
individuals. "Hospital" does not include any hospital operated by 106812
the government of the United States or any of its branches. 106813

(2) "Physician" means a person who is licensed to practice 106814
medicine and surgery or osteopathic medicine and surgery by the 106815
state medical board or a person who otherwise is authorized to 106816
practice medicine and surgery or osteopathic medicine and surgery 106817
in this state. 106818

(3) "Medical claim" means any claim that is asserted in any 106819
civil action against a physician, podiatrist, hospital, home, or 106820
residential facility, against any employee or agent of a 106821
physician, podiatrist, hospital, home, or residential facility, or 106822
against a licensed practical nurse, registered nurse, advanced 106823
practice registered nurse, physical therapist, physician 106824
assistant, emergency medical technician-basic, emergency medical 106825
technician-intermediate, or emergency medical 106826
technician-paramedic, and that arises out of the medical 106827

diagnosis, care, or treatment of any person. "Medical claim"	106828
includes the following:	106829
(a) Derivative claims for relief that arise from the plan of care, medical diagnosis, or treatment of a person;	106830 106831
(b) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and to which either of the following applies:	106832 106833 106834
(i) The claim results from acts or omissions in providing medical care.	106835 106836
(ii) The claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment.	106837 106838 106839
(c) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and that are brought under section 3721.17 of the Revised Code;	106840 106841 106842
(d) Claims that arise out of skilled nursing care or personal care services provided in a home pursuant to the plan of care, medical diagnosis, or treatment.	106843 106844 106845
(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.	106846 106847
(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.	106848 106849
(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person.	106850 106851 106852 106853 106854 106855
(7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of	106856 106857

an individual who was the subject of any medical diagnosis, care, 106858
or treatment, dental diagnosis, care, or treatment, dental 106859
operation, optometric diagnosis, care, or treatment, or 106860
chiropractic diagnosis, care, or treatment, that arise from that 106861
diagnosis, care, treatment, or operation, and that seek the 106862
recovery of damages for any of the following: 106863

(a) Loss of society, consortium, companionship, care, 106864
assistance, attention, protection, advice, guidance, counsel, 106865
instruction, training, or education, or any other intangible loss 106866
that was sustained by the parent, guardian, custodian, or spouse; 106867

(b) Expenditures of the parent, guardian, custodian, or 106868
spouse for medical, dental, optometric, or chiropractic care or 106869
treatment, for rehabilitation services, or for other care, 106870
treatment, services, products, or accommodations provided to the 106871
individual who was the subject of the medical diagnosis, care, or 106872
treatment, the dental diagnosis, care, or treatment, the dental 106873
operation, the optometric diagnosis, care, or treatment, or the 106874
chiropractic diagnosis, care, or treatment. 106875

(8) "Registered nurse" means any person who is licensed to 106876
practice nursing as a registered nurse by the board of nursing. 106877

(9) "Chiropractic claim" means any claim that is asserted in 106878
any civil action against a chiropractor, or against any employee 106879
or agent of a chiropractor, and that arises out of the 106880
chiropractic diagnosis, care, or treatment of any person. 106881
"Chiropractic claim" includes derivative claims for relief that 106882
arise from the chiropractic diagnosis, care, or treatment of a 106883
person. 106884

(10) "Chiropractor" means any person who is licensed to 106885
practice chiropractic by the state chiropractic board. 106886

(11) "Optometric claim" means any claim that is asserted in 106887
any civil action against an optometrist, or against any employee 106888

or agent of an optometrist, and that arises out of the optometric 106889
diagnosis, care, or treatment of any person. "Optometric claim" 106890
includes derivative claims for relief that arise from the 106891
optometric diagnosis, care, or treatment of a person. 106892

(12) "Optometrist" means any person licensed to practice 106893
optometry by the state ~~board of optometry~~ vision professionals
board. 106894
106895

(13) "Physical therapist" means any person who is licensed to 106896
practice physical therapy under Chapter 4755. of the Revised Code. 106897

(14) "Home" has the same meaning as in section 3721.10 of the 106898
Revised Code. 106899

(15) "Residential facility" means a facility licensed under 106900
section 5123.19 of the Revised Code. 106901

(16) "Advanced practice registered nurse" has the same 106902
meaning as in section 4723.01 of the Revised Code. 106903

(17) "Licensed practical nurse" means any person who is 106904
licensed to practice nursing as a licensed practical nurse by the 106905
board of nursing pursuant to Chapter 4723. of the Revised Code. 106906

(18) "Physician assistant" means any person who is licensed 106907
as a physician assistant under Chapter 4730. of the Revised Code. 106908

(19) "Emergency medical technician-basic," "emergency medical 106909
technician-intermediate," and "emergency medical 106910
technician-paramedic" means any person who is certified under 106911
Chapter 4765. of the Revised Code as an emergency medical 106912
technician-basic, emergency medical technician-intermediate, or 106913
emergency medical technician-paramedic, whichever is applicable. 106914

(20) "Skilled nursing care" and "personal care services" have 106915
the same meanings as in section 3721.01 of the Revised Code. 106916

Sec. 3313.608. (A)(1) Beginning with students who enter third 106917

grade in the school year that starts July 1, 2009, and until June 106918
30, 2013, unless the student is excused under division (C) of 106919
section 3301.0711 of the Revised Code from taking the assessment 106920
described in this section, for any student who does not attain at 106921
least the equivalent level of achievement designated under 106922
division (A)(3) of section 3301.0710 of the Revised Code on the 106923
assessment prescribed under that section to measure skill in 106924
English language arts expected at the end of third grade, each 106925
school district, in accordance with the policy adopted under 106926
section 3313.609 of the Revised Code, shall do one of the 106927
following: 106928

(a) Promote the student to fourth grade if the student's 106929
principal and reading teacher agree that other evaluations of the 106930
student's skill in reading demonstrate that the student is 106931
academically prepared to be promoted to fourth grade; 106932

(b) Promote the student to fourth grade but provide the 106933
student with intensive intervention services in fourth grade; 106934

(c) Retain the student in third grade. 106935

(2) Beginning with students who enter third grade in the 106936
2013-2014 school year, unless the student is excused under 106937
division (C) of section 3301.0711 of the Revised Code from taking 106938
the assessment described in this section, no school district shall 106939
promote to fourth grade any student who does not attain at least 106940
the equivalent level of achievement designated under division 106941
(A)(3) of section 3301.0710 of the Revised Code on the assessment 106942
prescribed under that section to measure skill in English language 106943
arts expected at the end of third grade, unless one of the 106944
following applies: 106945

(a) The student is a limited English proficient student who 106946
has been enrolled in United States schools for less than three 106947
full school years and has had less than three years of instruction 106948

in an English as a second language program. 106949

(b) The student is a child with a disability entitled to 106950
special education and related services under Chapter 3323. of the 106951
Revised Code and the student's individualized education program 106952
exempts the student from retention under this division. 106953

(c) The student demonstrates an acceptable level of 106954
performance on an alternative standardized reading assessment as 106955
determined by the department of education. 106956

(d) All of the following apply: 106957

(i) The student is a child with a disability entitled to 106958
special education and related services under Chapter 3323. of the 106959
Revised Code. 106960

(ii) The student has taken the third grade English language 106961
arts achievement assessment prescribed under section 3301.0710 of 106962
the Revised Code. 106963

(iii) The student's individualized education program or plan 106964
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 106965
355, 29 U.S.C. 794, as amended, shows that the student has 106966
received intensive remediation in reading for two school years but 106967
still demonstrates a deficiency in reading. 106968

(iv) The student previously was retained in any of grades 106969
kindergarten to three. 106970

(e)(i) The student received intensive remediation for reading 106971
for two school years but still demonstrates a deficiency in 106972
reading and was previously retained in any of grades kindergarten 106973
to three. 106974

(ii) A student who is promoted under division (A)(2)(e)(i) of 106975
this section shall continue to receive intensive reading 106976
instruction in grade four. The instruction shall include an 106977
altered instructional day that includes specialized diagnostic 106978

information and specific research-based reading strategies for the 106979
student that have been successful in improving reading among 106980
low-performing readers. 106981

(B)(1) Beginning in the 2012-2013 school year, to assist 106982
students in meeting the third grade guarantee established by this 106983
section, each school district board of education shall adopt 106984
policies and procedures with which it annually shall assess the 106985
reading skills of each student, except those students with 106986
significant cognitive disabilities or other disabilities as 106987
authorized by the department on a case-by-case basis, enrolled in 106988
kindergarten to third grade and shall identify students who are 106989
reading below their grade level. The reading skills assessment 106990
shall be completed by the thirtieth day of September for students 106991
in grades one to three, and by the first day of November for 106992
students in kindergarten. Each district shall use the diagnostic 106993
assessment to measure reading ability for the appropriate grade 106994
level adopted under section 3301.079 of the Revised Code, or a 106995
comparable tool approved by the department of education, to 106996
identify such students. The policies and procedures shall require 106997
the students' classroom teachers to be involved in the assessment 106998
and the identification of students reading below grade level. The 106999
assessment may be administered electronically using live, two-way 107000
video and audio connections whereby the teacher administering the 107001
assessment may be in a separate location from the student. 107002

(2) For each student identified by the diagnostic assessment 107003
prescribed under this section as having reading skills below grade 107004
level, the district shall do both of the following: 107005

(a) Provide to the student's parent or guardian, in writing, 107006
all of the following: 107007

(i) Notification that the student has been identified as 107008
having a substantial deficiency in reading; 107009

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas

of deficiencies identified under this section including, but not 107041
limited to, not less than ninety minutes of reading instruction 107042
per day, and may include any of the following: 107043

- (i) Small group instruction; 107044
- (ii) Reduced teacher-student ratios; 107045
- (iii) More frequent progress monitoring; 107046
- (iv) Tutoring or mentoring; 107047
- (v) Transition classes containing third and fourth grade 107048
students; 107049
- (vi) Extended school day, week, or year; 107050
- (vii) Summer reading camps. 107051

(b) Establish a policy for the mid-year promotion of a 107052
student retained under division (A) of this section who 107053
demonstrates that the student is reading at or above grade level; 107054

(c) Provide each student with a teacher who satisfies one or 107055
more of the criteria set forth in division (H) of this section. 107056

The district shall offer the option for students to receive 107057
applicable services from one or more providers other than the 107058
district. Providers shall be screened and approved by the district 107059
or the department of education. If the student participates in the 107060
remediation services and demonstrates reading proficiency in 107061
accordance with standards adopted by the department prior to the 107062
start of fourth grade, the district shall promote the student to 107063
that grade. 107064

(4) For each student retained under division (A) of this 107065
section who has demonstrated proficiency in a specific academic 107066
ability field, each district shall provide instruction 107067
commensurate with student achievement levels in that specific 107068
academic ability field. 107069

As used in this division, "specific academic ability field" 107070
has the same meaning as in section 3324.01 of the Revised Code. 107071

(C) For each student required to be provided intervention 107072
services under this section, the district shall develop a reading 107073
improvement and monitoring plan within sixty days after receiving 107074
the student's results on the diagnostic assessment or comparable 107075
tool administered under division (B)(1) of this section. The 107076
district shall involve the student's parent or guardian and 107077
classroom teacher in developing the plan. The plan shall include 107078
all of the following: 107079

(1) Identification of the student's specific reading 107080
deficiencies; 107081

(2) A description of the additional instructional services 107082
and support that will be provided to the student to remediate the 107083
identified reading deficiencies; 107084

(3) Opportunities for the student's parent or guardian to be 107085
involved in the instructional services and support described in 107086
division (C)(2) of this section; 107087

(4) A process for monitoring the extent to which the student 107088
receives the instructional services and support described in 107089
division (C)(2) of this section; 107090

(5) A reading curriculum during regular school hours that 107091
does all of the following: 107092

(a) Assists students to read at grade level; 107093

(b) Provides scientifically based and reliable assessment; 107094

(c) Provides initial and ongoing analysis of each student's 107095
reading progress. 107096

(6) A statement that if the student does not attain at least 107097
the equivalent level of achievement designated under division 107098
(A)(3) of section 3301.0710 of the Revised Code on the assessment 107099

prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A)(1)(a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring

results of the remediation services. 107131

(3) The parents of participating students are involved in 107132
programming decisions. 107133

(F) Any intervention or remediation services required by this 107134
section shall include intensive, explicit, and systematic 107135
instruction. 107136

(G) This section does not create a new cause of action or a 107137
substantive legal right for any person. 107138

(H)(1) Except as provided under divisions (H)(2), (3), and 107139
(4) of this section, each student described in division (B)(3) or 107140
(C) of this section who enters third grade for the first time on 107141
or after July 1, 2013, shall be assigned a teacher who has at 107142
least one year of teaching experience and who satisfies one or 107143
more of the following criteria: 107144

(a) The teacher holds a reading endorsement on the teacher's 107145
license and has attained a passing score on the corresponding 107146
assessment for that endorsement, as applicable. 107147

(b) The teacher has completed a master's degree program with 107148
a major in reading. 107149

(c) The teacher was rated "most effective" for reading 107150
instruction consecutively for the most recent two years based on 107151
assessments of student growth measures developed by a vendor and 107152
that is on the list of student assessments approved by the state 107153
board under division (B)(2) of section 3319.112 of the Revised 107154
Code. 107155

(d) The teacher was rated "above expected value added," in 107156
reading instruction, as determined by criteria established by the 107157
department, for the most recent, consecutive two years. 107158

(e) The teacher has earned a passing score on a rigorous test 107159
of principles of scientifically research-based reading instruction 107160

as approved by the state board. 107161

(f) The teacher holds an educator license for teaching grades 107162
pre-kindergarten through three or four through nine issued on or 107163
after July 1, 2017. 107164

(2) Notwithstanding division (H)(1) of this section, a 107165
student described in division (B)(3) or (C) of this section who 107166
enters third grade for the first time on or after July 1, 2013, 107167
may be assigned to a teacher with less than one year of teaching 107168
experience provided that the teacher meets one or more of the 107169
criteria described in divisions (H)(1)(a) to (f) of this section 107170
and that teacher is assigned a teacher mentor who meets the 107171
qualifications of division (H)(1) of this section. 107172

(3) Notwithstanding division (H)(1) of this section, a 107173
student described in division (B)(3) or (C) of this section who 107174
enters third grade for the first time on or after July 1, 2013, 107175
but prior to July 1, 2016, may be assigned to a teacher who holds 107176
an alternative credential approved by the department or who has 107177
successfully completed training that is based on principles of 107178
scientifically research-based reading instruction that has been 107179
approved by the department. Beginning on July 1, 2014, the 107180
alternative credentials and training described in division (H)(3) 107181
of this section shall be aligned with the reading competencies 107182
adopted by the state board of education under section 3301.077 of 107183
the Revised Code. 107184

(4) Notwithstanding division (H)(1) of this section, a 107185
student described in division (B)(3) or (C) of this section who 107186
enters third grade for the first time on or after July 1, 2013, 107187
may receive reading intervention or remediation services under 107188
this section from an individual employed as a speech-language 107189
pathologist who holds a license issued by the state speech and 107190
hearing professionals board of ~~speech language pathology and~~ 107191
~~audiology~~ under Chapter 4753. of the Revised Code and a 107192

professional pupil services license as a school speech-language 107193
pathologist issued by the state board of education. 107194

(5) A teacher, other than a student's teacher of record, may 107195
provide any services required under this section, so long as that 107196
other teacher meets the requirements of division (H) of this 107197
section and the teacher of record and the school principal agree 107198
to the assignment. Any such assignment shall be documented in the 107199
student's reading improvement and monitoring plan. 107200

As used in this division, "teacher of record" means the 107201
classroom teacher to whom a student is assigned. 107202

(I) Notwithstanding division (H) of this section, a teacher 107203
may teach reading to any student who is an English language 107204
learner, and has been in the United States for three years or 107205
less, or to a student who has an individualized education program 107206
developed under Chapter 3323. of the Revised Code if that teacher 107207
holds an alternative credential approved by the department or has 107208
successfully completed training that is based on principles of 107209
scientifically research-based reading instruction that has been 107210
approved by the department. Beginning on July 1, 2014, the 107211
alternative credentials and training described in this division 107212
shall be aligned with the reading competencies adopted by the 107213
state board of education under section 3301.077 of the Revised 107214
Code. 107215

(J) If, on or after June 4, 2013, a school district or 107216
community school cannot furnish the number of teachers needed who 107217
satisfy one or more of the criteria set forth in division (H) of 107218
this section for the 2013-2014 school year, the school district or 107219
community school shall develop and submit a staffing plan by June 107220
30, 2013. The staffing plan shall include criteria that will be 107221
used to assign a student described in division (B)(3) or (C) of 107222
this section to a teacher, credentials or training held by 107223
teachers currently teaching at the school, and how the school 107224

district or community school will meet the requirements of this 107225
section. The school district or community school shall post the 107226
staffing plan on its web site for the applicable school year. 107227

Not later than March 1, 2014, and on the first day of March 107228
in each year thereafter, a school district or community school 107229
that has submitted a plan under this division shall submit to the 107230
department a detailed report of the progress the district or 107231
school has made in meeting the requirements under this section. 107232

A school district or community school may request an 107233
extension of a staffing plan beyond the 2013-2014 school year. 107234
Extension requests must be submitted to the department not later 107235
than the thirtieth day of April prior to the start of the 107236
applicable school year. The department may grant extensions valid 107237
through the 2015-2016 school year. 107238

Until June 30, 2015, the department annually shall review all 107239
staffing plans and report to the state board not later than the 107240
thirtieth day of June of each year the progress of school 107241
districts and community schools in meeting the requirements of 107242
this section. 107243

(K) The department of education shall designate one or more 107244
staff members to provide guidance and assistance to school 107245
districts and community schools in implementing the third grade 107246
guarantee established by this section, including any standards or 107247
requirements adopted to implement the guarantee and to provide 107248
information and support for reading instruction and achievement. 107249

Sec. 3701.83. There is hereby created in the state treasury 107250
the general operations fund. Moneys in the fund shall be used for 107251
the purposes specified in sections 3701.04, 3701.344, 3702.20, 107252
3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 107253
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 107254
3749.07, ~~4747.04~~, and 4769.09 of the Revised Code. 107255

Sec. 4725.01. As used in this chapter: 107256

(A)(1) The "practice of optometry" means the application of 107257
optical principles, through technical methods and devices, in the 107258
examination of human eyes for the purpose of ascertaining 107259
departures from the normal, measuring their functional powers, 107260
adapting optical accessories for the aid thereof, and detecting 107261
ocular abnormalities that may be evidence of disease, pathology, 107262
or injury. 107263

(2) In the case of a licensed optometrist who holds a topical 107264
ocular pharmaceutical agents certificate, the "practice of 107265
optometry" has the same meaning as in division (A)(1) of this 107266
section, except that it also includes administering topical ocular 107267
pharmaceutical agents. 107268

(3) In the case of a licensed optometrist who holds a 107269
therapeutic pharmaceutical agents certificate, the "practice of 107270
optometry" has the same meaning as in division (A)(1) of this 107271
section, except that it also includes all of the following: 107272

(a) Employing, applying, administering, and prescribing 107273
instruments, devices, and procedures, other than invasive 107274
procedures, for purpose of examination, investigation, diagnosis, 107275
treatment, or prevention of any disease, injury, or other abnormal 107276
condition of the visual system; 107277

(b) Employing, applying, administering, and prescribing 107278
topical ocular pharmaceutical agents; 107279

(c) Employing, applying, administering, and prescribing 107280
therapeutic pharmaceutical agents; 107281

(d) Assisting an individual in determining the individual's 107282
blood glucose level by using a commercially available 107283
glucose-monitoring device. Nothing in this section precludes a 107284
licensed optometrist who holds a therapeutic pharmaceutical agents 107285

certificate from using any particular type of commercially available glucose-monitoring device. 107286
107287

(B) "Topical ocular pharmaceutical agent" means a drug or dangerous drug that is a topical drug and used in the practice of optometry as follows: 107288
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107290

(1) In the case of a licensed optometrist who holds a topical ocular pharmaceutical agents certificate, for evaluative purposes in the practice of optometry as set forth in division (A)(1) of this section; 107291
107292
107293
107294

(2) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, for purposes of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system. 107295
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(C) "Therapeutic pharmaceutical agent" means a drug or dangerous drug that is used for examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system in the practice of optometry by a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, and is any of the following: 107300
107301
107302
107303
107304
107305

(1) An oral drug or dangerous drug in one of the following classifications: 107306
107307

(a) Anti-infectives, including antibiotics, antivirals, antimicrobials, and antifungals; 107308
107309

(b) Anti-allergy agents; 107310

(c) Antiglaucoma agents; 107311

(d) Analgesics, including only analgesic drugs that are available without a prescription, analgesic drugs or dangerous drugs that require a prescription but are not controlled substances, and, to the extent authorized by the state ~~board of~~ 107312
107313
107314
107315

~~optometry~~ vision professionals board in rules adopted under 107316
section 4725.091 of the Revised Code, analgesic controlled 107317
substances; 107318

(e) Anti-inflammatories, excluding all drugs or dangerous 107319
drugs classified as oral steroids other than methylpredisolone, 107320
except that methylpredisolone may be used under a therapeutic 107321
pharmaceutical agents certificate only if it is prescribed under 107322
all of the following conditions: 107323

(i) For use in allergy cases; 107324

(ii) For use by an individual who is eighteen years of age or 107325
older; 107326

(iii) On the basis of an individual's particular episode of 107327
illness; 107328

(iv) In an amount that does not exceed the amount packaged 107329
for a single course of therapy. 107330

(2) Epinephrine administered by injection to individuals in 107331
emergency situations to counteract anaphylaxis or anaphylactic 107332
shock. Notwithstanding any provision of this section to the 107333
contrary, administration of epinephrine in this manner does not 107334
constitute performance of an invasive procedure. 107335

(3) An oral drug or dangerous drug that is not included under 107336
division (C)(1) of this section, if the drug or dangerous drug is 107337
approved, exempt from approval, certified, or exempt from 107338
certification by the federal food and drug administration for 107339
ophthalmic purposes and the drug or dangerous drug is specified in 107340
rules adopted by the ~~state board of optometry~~ under section 107341
4725.09 of the Revised Code. 107342

(D) "Controlled substance" has the same meaning as in section 107343
3719.01 of the Revised Code. 107344

(E) "Drug" and "dangerous drug" have the same meanings as in 107345

section 4729.01 of the Revised Code. 107346

(F) "Invasive procedure" means any procedure that involves 107347
cutting or otherwise infiltrating human tissue by mechanical means 107348
including surgery, laser surgery, ionizing radiation, therapeutic 107349
ultrasound, administering medication by injection, or the removal 107350
of intraocular foreign bodies. 107351

(G) "Visual system" means the human eye and its accessory or 107352
subordinate anatomical parts. 107353

(H) "Certificate of licensure" means a certificate issued by 107354
the ~~state board of optometry~~ under section 4725.13 of the Revised 107355
Code authorizing the holder to practice optometry as provided in 107356
division (A)(1) of this section. 107357

(I) "Topical ocular pharmaceutical agents certificate" means 107358
a certificate issued by the ~~state board of optometry~~ under section 107359
4725.13 of the Revised Code authorizing the holder to practice 107360
optometry as provided in division (A)(2) of this section. 107361

(J) "Therapeutic pharmaceutical agents certificate" means a 107362
certificate issued by the ~~state board of optometry~~ under division 107363
(A)(3) or (4) of section 4725.13 of the Revised Code authorizing 107364
the holder to practice optometry as provided in division (A)(3) of 107365
this section. 107366

Sec. 4725.02. (A) Except as provided in section 4725.26 of 107367
the Revised Code, no person shall engage in the practice of 107368
optometry, including the determination of the kind of procedure, 107369
treatment, or optical accessories needed by a person or the 107370
examination of the eyes of any person for the purpose of fitting 107371
the same with optical accessories, unless the person holds a 107372
current, valid certificate of licensure from the state ~~board of~~ 107373
~~optometry~~ vision professionals board. No person shall claim to be 107374
the lawful holder of a certificate of licensure when in fact the 107375

person is not such lawful holder, or impersonate any licensed 107376
optometrist. 107377

(B) No optometrist shall administer topical ocular 107378
pharmaceutical agents unless the optometrist holds a valid topical 107379
ocular pharmaceutical agents certificate or therapeutic 107380
pharmaceutical agents certificate and fulfills the other 107381
requirements of this chapter. 107382

(C) No optometrist shall practice optometry as described in 107383
division (A)(3) of section 4725.01 of the Revised Code unless the 107384
optometrist holds a valid therapeutic pharmaceutical agents 107385
certificate. 107386

(D) No optometrist shall personally furnish a therapeutic 107387
pharmaceutical agent to any person, except that a licensed 107388
optometrist who holds a therapeutic pharmaceutical agents 107389
certificate may personally furnish a therapeutic pharmaceutical 107390
agent to a patient if no charge is imposed for the agent or for 107391
furnishing it and the amount furnished does not exceed a 107392
seventy-two hour supply, except that if the minimum available 107393
quantity of the agent is greater than a seventy-two hour supply, 107394
the optometrist may furnish the minimum available quantity. 107395

Sec. 4725.03. (A) There is hereby created the state vision 107396
professionals board consisting of the following members, appointed 107397
by the governor with the advice and consent of the senate: 107398

(1) Four individuals licensed as optometrists under this 107399
chapter; 107400

(2) Two individuals licensed as licensed dispensing opticians 107401
under this chapter; 107402

(3) One individual representing the general public. 107403

(B) Not later than ninety days after the effective date of 107404
this section, the governor shall make initial appointments to the 107405

board. Of the initial appointments, three members shall serve 107406
terms ending March 22, 2019, two members shall serve terms ending 107407
March 22, 2020, and two members shall serve terms ending March 22, 107408
2021. 107409

Thereafter, terms of office are three years, with each term 107410
commencing on the twenty-third day of March and ending on the 107411
twenty-second day of March. Each member shall hold office from the 107412
date of appointment until the end of the term for which the member 107413
was appointed, except that a member shall continue in office after 107414
the expiration date of the member's term until the member's 107415
successor takes office. No member shall serve more than three 107416
consecutive terms. 107417

Vacancies shall be filled in the same manner as original 107418
appointments. Any member appointed to fill a vacancy occurring 107419
before the expiration of the term for which the member's 107420
predecessor was appointed shall hold office for the remainder of 107421
that term. 107422

(C) When the term of a member of the board expires or a 107423
vacancy occurs on the board, a professional association 107424
representing the interests of the occupation of the board position 107425
to be filled may recommend to the governor individuals to fill the 107426
position. The governor shall consider the recommendation in making 107427
appointments to the board. 107428

(D) No individual may be appointed to the board who has been 107429
convicted of or pleaded guilty to a felony under the laws of this 107430
state, another state, or the United States. 107431

The governor may remove a member of the board for 107432
malfeasance, misfeasance, or nonfeasance after a hearing in 107433
accordance with Chapter 119. of the Revised Code. The governor 107434
shall remove, after a hearing in accordance with Chapter 119. of 107435
the Revised Code, any member who has been convicted of or pleaded 107436

guilty to a felony under the laws of this state, another state, or 107437
the United States. 107438

Sec. 4725.031. Whenever the term "state board of optometry" 107439
or "Ohio optical dispensers board" is used in any statute, rule, 107440
contract, or other document, the use shall be construed to mean 107441
the "state vision professionals board." 107442

Whenever "executive director of the state board of optometry" 107443
or "executive secretary-treasurer of the Ohio optical dispensers 107444
board" is used in a statute, rule, contract, or other document, 107445
the use shall be construed to mean the executive director of the 107446
state vision professionals board. 107447

Sec. 4725.04. The state vision professionals board of 107448
optometry shall organize by the election of a president and a 107449
secretary from its members, who shall hold their respective 107450
offices for one year. 107451

The board shall hold meetings to perform its regular duties 107452
at least four times each year. At least one of the board's regular 107453
meetings shall be held in ~~Columbus~~ Franklin county. The board may 107454
hold additional meetings as it considers necessary. The time and 107455
place of any regular or other meeting shall be fixed and published 107456
by the board at least thirty days prior to the date that it is to 107457
be held, except when the meeting to be held is an emergency or 107458
special meeting, in which case the board shall give twenty-four 107459
hours' notice or as much notice as possible under the 107460
circumstances. 107461

A majority of the board constitutes a quorum, ~~but a lesser~~ 107462
~~number may adjourn from time to time.~~ 107463

Sec. 4725.05. The state vision professionals board of 107464
optometry shall ~~employ~~ hire an executive director. Before entering 107465

upon the discharge of official duties of office, the executive 107466
director shall give a bond, to be approved by the board, in the 107467
sum of two thousand dollars conditioned for the faithful discharge 107468
of the duties of the office. The premium for such bond shall be 107469
paid as are other expenditures of the board. The bond, with the 107470
approval of the board and oath of office indorsed thereon, shall 107471
be deposited with the secretary of state and kept in the secretary 107472
of state's office. 107473

The executive director of the board, in consultation with the 107474
director of administrative services, may employ such assistants, 107475
inspectors, investigators, and ~~clerical help~~ other employees as 107476
are necessary to administer ~~and enforce sections 4725.01 to~~ 107477
~~4725.34 of the Revised Code~~ this chapter, the expenses thereof to 107478
be charged and paid as other expenditures of the board. 107479

Sec. 4725.06. Each member of the state vision professionals 107480
board ~~of optometry~~ shall receive an amount fixed pursuant to 107481
division (J) of section 124.15 of the Revised Code for each day 107482
~~actually employed in the discharge of the~~ member is performing the 107483
member's official duties ~~of the member,~~ and be reimbursed for the 107484
actual and necessary expenses of the member incurred in performing 107485
such duties. 107486

The board, in consultation with the director of 107487
administrative services, shall set the compensation of its 107488
executive director and of any employees of the board. The 107489
executive director of the board shall receive reimbursement for 107490
necessary expenses incurred in the discharge of the executive 107491
director's official duties. 107492

All vouchers of the board shall be approved by the board 107493
president or executive director, or both, as authorized by the 107494
board. 107495

Sec. 4725.07. The state vision professionals board of 107496
~~optometry~~ shall adopt a seal and certificate of suitable design 107497
and shall keep a record of its proceedings, a register of ~~persons~~ 107498
~~who have received certificates of licensure, a register of~~ 107499
~~licensed optometrists who have received topical ocular~~ 107500
~~pharmaceutical agents certificates, a register of licensed~~ 107501
~~optometrists who have received therapeutic pharmaceutical agents~~ 107502
~~certificates~~ every individual holding a certificate, license, 107503
registration, or endorsement issued under this chapter, and a 107504
register of ~~persons who have been subject to the board's~~ 107505
~~revocation of any of those certificates~~ every individual whose 107506
certificate, license, registration, or endorsement has been 107507
revoked under this chapter. 107508

The board shall have an office in ~~Columbus~~ Franklin county, 107509
where all its permanent records shall be kept. ~~The~~ On request of 107510
the board ~~may make requisition upon the proper state officials~~ 107511
~~for,~~ the director of administrative services shall supply the 107512
board with office ~~rooms~~ space and supplies, including stationery 107513
and furniture. All printing and binding necessary for the work of 107514
the board shall be done upon an order issued by the board through 107515
its president and executive director to the department of 107516
administrative services. 107517

Except as provided in ~~division (C) of section 4725.22 and~~ 107518
~~division (C) of section 4725.23 of the Revised Code~~ this chapter, 107519
the records of the board, including its registers, shall be open 107520
to public inspection at all reasonable times. A copy of an entry 107521
in such records, certified by the executive director under the 107522
seal of the board, shall be prima-facie evidence of the facts 107523
therein stated. 107524

The board annually, on or before the first day of February, 107525
shall make a report to the governor of all its official acts 107526

during the preceding year, its receipts and disbursements, and a complete report of the conditions of optometry and optical dispensing in this state. The board shall submit its first report to the governor not later than February 1, 2019. The board shall submit its reports to the governor electronically.

Sec. 4725.08. In the absence of fraud or bad faith, the state vision professionals board of optometry, a current or former board member, an agent of the board, a person formally requested by the board to be the board's representative, or an employee of the board shall not be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to ~~sections 4725.01 to 4725.34 of the Revised Code~~ this chapter. If any such person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the person's defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay any part of a claim or judgment that is for punitive or exemplary damages.

Sec. 4725.09. (A) The state ~~board of optometry~~ vision professionals board shall adopt rules as it considers necessary to govern the practice of optometry and to administer and enforce sections 4725.01 to 4725.34 of the Revised Code. All rules adopted under those sections shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The board, in consultation with the state board of pharmacy, shall adopt rules specifying any oral drugs or dangerous drugs that are therapeutic pharmaceutical agents under division

(C)(3) of section 4725.01 of the Revised Code. 107558

(C) The board shall adopt rules that establish standards to 107559
be met and procedures to be followed with respect to the 107560
delegation by an optometrist of the performance of an optometric 107561
task to a person who is not licensed or otherwise specifically 107562
authorized by the Revised Code to perform the task. The rules 107563
shall permit an optometrist who holds a topical ocular 107564
pharmaceutical agents certificate or therapeutic pharmaceutical 107565
agents certificate to delegate the administration of drugs 107566
included in the optometrist's scope of practice. 107567

The rules adopted under this division shall provide for all 107568
of the following: 107569

(1) On-site supervision when the delegation occurs in an 107570
institution or other facility that is used primarily for the 107571
purpose of providing health care, unless the board established a 107572
specific exception to the on-site supervision requirement with 107573
respect to routine administration of a topical drug; 107574

(2) Evaluation of whether delegation is appropriate according 107575
to the acuity of the patient involved; 107576

(3) Training and competency requirements that must be met by 107577
the person administering the drugs; 107578

(4) Other standards and procedures the board considers 107579
relevant. 107580

(D) The ~~state board of optometry~~ shall adopt rules 107581
establishing criminal records checks requirements for applicants 107582
under section 4776.03 of the Revised Code. 107583

Sec. 4725.091. (A) The state ~~board of optometry~~ vision 107584
professionals board shall adopt rules governing the authority of 107585
licensed optometrists practicing under therapeutic pharmaceutical 107586
agents certificates to employ, apply, administer, and prescribe 107587

analgesic controlled substances. The rules shall be adopted in 107588
accordance with Chapter 119. of the Revised Code and in 107589
consultation with the state board of pharmacy. 107590

(B) All of the following apply to the state vision 107591
professionals board ~~of optometry~~ in the adoption of rules under 107592
this section: 107593

(1) The board shall not permit an optometrist to employ, 107594
apply, administer, or prescribe an analgesic controlled substance 107595
other than a drug product that is used for the treatment of pain 107596
and meets one of the following conditions: 107597

(a) The product is a preparation that contains an amount of 107598
codeine per dosage unit, as specified by the board, and also 107599
contains other active, nonnarcotic ingredients, such as 107600
acetaminophen or aspirin, in a therapeutic amount. 107601

(b) The product is a preparation that contains an amount of 107602
hydrocodone per dosage unit, as specified by the board, and also 107603
contains other active, nonnarcotic ingredients, such as 107604
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 107605

(c) The product contains or consists of a drug or dangerous 107606
drug that was an analgesic included in the practice of optometry 107607
under a therapeutic pharmaceutical agents certificate immediately 107608
prior to ~~the effective date of this amendment~~ March 23, 2015, was 107609
not a controlled substance at that time, and subsequently becomes 107610
a schedule II, III, IV, or V controlled substance. 107611

(2) The board shall limit the analgesic controlled substances 107612
that optometrists may employ, apply, administer, or prescribe to 107613
the drugs that the board determines are appropriate for use in the 107614
practice of optometry under a therapeutic pharmaceutical agents 107615
certificate. 107616

(3) With regard to the prescribing of analgesic controlled 107617
substances, the board shall establish prescribing standards to be 107618

followed by optometrists who hold therapeutic pharmaceutical 107619
agents certificates. The board shall take into account the 107620
prescribing standards that exist within the health care 107621
marketplace. 107622

(4) The board shall establish standards and procedures for 107623
employing, applying, administering, and prescribing analgesic 107624
controlled substances under a therapeutic pharmaceutical agents 107625
certificate by taking into consideration and examining issues that 107626
include the appropriate length of drug therapy, appropriate 107627
standards for drug treatment, necessary monitoring systems, and 107628
any other factors the board considers relevant. 107629

Sec. 4725.092. (A) As used in this section, "drug database" 107630
means the database established and maintained by the state board 107631
of pharmacy pursuant to section 4729.75 of the Revised Code. 107632

(B) The state ~~board of optometry~~ vision professionals board 107633
shall adopt rules that establish standards and procedures to be 107634
followed by an optometrist who holds a therapeutic pharmaceutical 107635
agents certificate regarding the review of patient information 107636
available through the drug database under division (A)(5) of 107637
section 4729.80 of the Revised Code. The rules shall be adopted in 107638
accordance with Chapter 119. of the Revised Code. 107639

(C) This section and the rules adopted under it do not apply 107640
if the state board of pharmacy no longer maintains the drug 107641
database. 107642

Sec. 4725.10. (A) The state ~~board of optometry~~ vision 107643
professionals board shall evaluate schools of optometry and grant 107644
its approval to schools that adequately prepare their graduates 107645
for the practice of optometry in this state. Approval shall be 107646
granted only by an affirmative vote of a majority of the members 107647
of the board. 107648

(B) To be approved by the board, a school of optometry shall meet at least the following conditions:

(1) Be accredited by a professional optometric accrediting agency recognized by the board;

(2) Require as a prerequisite to admission to the school's courses in optometry at least two academic years of study with credits of at least sixty semester hours or ninety quarter hours in a college of arts and sciences accredited by a post-secondary education accrediting organization recognized by the board;

(3) Require a course of study of at least four academic years with credits of at least one hundred thirty-four semester hours or two hundred quarter hours.

(C) The board may establish standards for the approval of schools of optometry that are higher than the standards specified in division (B) of this section.

Sec. 4725.11. (A) The state ~~board of optometry~~ vision professionals board shall accept as the examination that must be passed to receive a license to practice optometry in this state the examination prepared, administered, and graded by the national board of examiners in optometry or an examination prepared, administered, and graded by another professional testing organization recognized by the board as being qualified to examine applicants for licenses to practice optometry in this state. The board shall periodically review its acceptance of a licensing examination under this section to determine if the examination and the organization offering it continue to meet standards the board considers appropriate.

(B) The licensing examination accepted by the board under this section may be divided into parts and offered as follows:

(1) Part one: Tests in basic science, human biology, ocular

and visual biology, theoretical ophthalmic, physiological optics, 107679
and physiological psychology; 107680

(2) Part two: Tests in clinical science, systemic conditions, 107681
the treatment and management of ocular disease, refractive 107682
oculomotor, sensory integrative conditions, perceptual conditions, 107683
public health, the legal issues regarding the clinical practice of 107684
optometry, and pharmacology; 107685

(3) Part three: Tests in patient care and management, 107686
clinical skills, and the visual recognition and interpretation of 107687
clinical signs. 107688

(C) The licensing examination accepted by the board may be 107689
offered in a manner other than the manner specified in division 107690
(B) of this section, but if offered in another manner, the 107691
examination must test the person sitting for the examination in 107692
the areas specified in division (B) of this section and may test 107693
the person in other areas. 107694

The board may require as a condition of its acceptance of an 107695
examination that the examination cover subject matters in addition 107696
to those specified in division (B) of this section, if the schools 107697
of optometry it approves under section 4725.10 of the Revised Code 107698
include the additional subject matters in their prescribed 107699
curriculum. 107700

(D) The board shall accept direct delivery of the results of 107701
the licensing examination from the testing organization 107702
administering the examination. The results shall be kept as a 107703
permanent part of the board's records maintained pursuant to 107704
section 4725.07 of the Revised Code. 107705

(E) On request of any person seeking to practice optometry in 107706
this state, the board shall provide information on the licensing 107707
examination accepted by the board, including requirements that 107708
must be met to be eligible to sit for the examination and the 107709

dates the examination is offered. 107710

Sec. 4725.12. (A) Each person who desires to commence the 107711
practice of optometry in the state shall file with the executive 107712
director of the state ~~board of optometry a written~~ vision 107713
professionals board an application for a certificate of licensure 107714
and a therapeutic pharmaceutical agents certificate. The 107715
application shall be accompanied by the fees specified under 107716
section 4725.34 of the Revised Code and shall contain all 107717
information the board considers necessary to determine whether an 107718
applicant is qualified to receive the certificates. The 107719
application shall be made upon the form prescribed by the board 107720
and shall be verified by the oath of the applicant. 107721

(B) To receive a certificate of licensure and a therapeutic 107722
pharmaceutical agents certificate, an applicant must meet all of 107723
the following conditions: 107724

(1) Be at least eighteen years of age; 107725

(2) Be of good moral character; 107726

(3) Complete satisfactorily a course of study of at least six 107727
college years; 107728

(4) Graduate from a school of optometry approved by the board 107729
under section 4725.10 of the Revised Code; 107730

(5) Pass the licensing examination accepted by the board 107731
under section 4725.11 of the Revised Code. 107732

Sec. 4725.121. (A) As used in this section, "license" and 107733
"applicant for an initial license" have the same meanings as in 107734
section 4776.01 of the Revised Code, except that "license" as used 107735
in both of those terms refers to the types of authorizations 107736
otherwise issued or conferred under this chapter. 107737

(B) In addition to any other eligibility requirement set 107738

forth in this chapter, each applicant for an initial license shall 107739
comply with sections 4776.01 to 4776.04 of the Revised Code. The 107740
state ~~board of optometry~~ vision professionals board shall not 107741
grant a license to an applicant for an initial license unless the 107742
applicant complies with sections 4776.01 to 4776.04 of the Revised 107743
Code and the board, in its discretion, decides that the results of 107744
the criminal records check do not make the applicant ineligible 107745
for a license issued pursuant to section 4725.13 or 4725.18 of the 107746
Revised Code. 107747

Sec. 4725.13. (A) The state ~~board of optometry~~ vision 107748
professionals board, by an affirmative vote of a majority of its 107749
members, shall issue certificates under its seal as follows: 107750

(1) Every applicant who, prior to May 19, 1992, passed the 107751
licensing examination then in effect, and who otherwise complies 107752
with sections 4725.01 to 4725.34 of the Revised Code shall receive 107753
from the board a certificate of licensure authorizing the holder 107754
to engage in the practice of optometry as provided in division 107755
(A)(1) of section 4725.01 of the Revised Code. 107756

(2) Every applicant who, prior to May 19, 1992, passed the 107757
general and ocular pharmacology examination then in effect, and 107758
who otherwise complies with sections 4725.01 to 4725.34 of the 107759
Revised Code, shall receive from the board a separate topical 107760
ocular pharmaceutical agents certificate authorizing the holder to 107761
administer topical ocular pharmaceutical agents as provided in 107762
division (A)(2) of section 4725.01 of the Revised Code and in 107763
accordance with sections 4725.01 to 4725.34 of the Revised Code. 107764

(3) Every applicant who holds a valid certificate of 107765
licensure issued prior to May 19, 1992, and meets the requirements 107766
of section 4725.14 of the Revised Code shall receive from the 107767
board a separate therapeutic pharmaceutical agents certificate 107768
authorizing the holder to engage in the practice of optometry as 107769

provided in division (A)(3) of section 4725.01 of the Revised Code. 107770
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(4) Every applicant who, on or after May 19, 1992, passes all 107772
parts of the licensing examination accepted by the board under 107773
section 4725.11 of the Revised Code and otherwise complies with 107774
the requirements of sections 4725.01 to 4725.34 of the Revised 107775
Code shall receive from the board a certificate of licensure 107776
authorizing the holder to engage in the practice of optometry as 107777
provided in division (A)(1) of section 4725.01 of the Revised Code 107778
and a separate therapeutic pharmaceutical agents certificate 107779
authorizing the holder to engage in the practice of optometry as 107780
provided in division (A)(3) of that section. 107781

(B) Each person to whom a certificate is issued pursuant to 107782
this section by the board shall keep the certificate displayed in 107783
a conspicuous place in the location at which that person practices 107784
optometry and shall whenever required exhibit the certificate to 107785
any member or agent of the board. If an optometrist practices 107786
outside of or away from the location at which the optometrist's 107787
certificate of licensure is displayed, the optometrist shall 107788
deliver to each person examined or fitted with optical accessories 107789
by the optometrist, a receipt signed by the optometrist in which 107790
the optometrist shall set forth the amounts charged, the 107791
optometrist's post-office address, and the number assigned to the 107792
optometrist's certificate of licensure. The information may be 107793
provided as part of a prescription given to the person. 107794

(C) A person who, on May 19, 1992, holds a valid certificate 107795
of licensure or topical ocular pharmaceutical agents certificate 107796
issued by the board may continue to engage in the practice of 107797
optometry as provided by the certificate of licensure or topical 107798
ocular pharmaceutical agents certificate if the person continues 107799
to comply with sections 4725.01 to 4725.34 of the Revised Code as 107800
required by the certificate of licensure or topical ocular 107801

pharmaceutical agents certificate. 107802

Sec. 4725.15. If the state ~~board of optometry~~ vision 107803
professionals board receives notice under division (D) of section 107804
4725.11 of the Revised Code that an applicant has failed four 107805
times the licensing examination or part of the examination that 107806
must be passed pursuant to section 4725.12 or 4725.14 of the 107807
Revised Code, the board shall not give further consideration to 107808
the application until the applicant completes thirty hours of 107809
remedial training approved by the board in the specific subject 107810
area or areas covered by the examination or part of the 107811
examination that was failed. 107812

Sec. 4725.16. (A)(1) Each certificate of licensure for the 107813
practice of optometry, topical ocular pharmaceutical agents 107814
certificate, and therapeutic pharmaceutical agents certificate 107815
issued by the state ~~board of optometry~~ vision professionals board 107816
shall expire annually on the last day of December, and may be 107817
renewed in accordance with this section and the standard renewal 107818
procedure established under Chapter 4745. of the Revised Code. 107819

(2) An optometrist seeking to continue to practice optometry 107820
shall file with the board an application for license renewal. The 107821
application shall be in such form and require such pertinent 107822
professional biographical data as the board may require. 107823

(3)(a) Except as provided in division (A)(3)(b) of this 107824
section, in the case of an optometrist seeking renewal who holds a 107825
therapeutic pharmaceutical agents certificate and who prescribes 107826
or personally furnishes analgesic controlled substances authorized 107827
pursuant to section 4725.091 of the Revised Code that are opioid 107828
analgesics, as defined in section 3719.01 of the Revised Code, the 107829
optometrist shall certify to the board whether the optometrist has 107830
been granted access to the drug database established and 107831

maintained by the state board of pharmacy pursuant to section 107832
4729.75 of the Revised Code. 107833

(b) The requirement in division (A)(3)(a) of this section 107834
does not apply if any of the following is the case: 107835

(i) The state board of pharmacy notifies the state ~~board of~~ 107836
~~optometry~~ vision professionals board pursuant to section 4729.861 107837
of the Revised Code that the certificate holder has been 107838
restricted from obtaining further information from the drug 107839
database. 107840

(ii) The state board of pharmacy no longer maintains the drug 107841
database. 107842

(iii) The certificate holder does not practice optometry in 107843
this state. 107844

(c) If an optometrist certifies to the state ~~board of~~ 107845
~~optometry~~ vision professionals board that the optometrist has been 107846
granted access to the drug database and the board finds through an 107847
audit or other means that the optometrist has not been granted 107848
access, the board may take action under section 4725.19 of the 107849
Revised Code. 107850

(B) All licensed optometrists shall annually complete 107851
continuing education in subjects relating to the practice of 107852
optometry, to the end that the utilization and application of new 107853
techniques, scientific and clinical advances, and the achievements 107854
of research will assure comprehensive care to the public. The 107855
board shall prescribe by rule the continuing optometric education 107856
that licensed optometrists must complete. The length of study 107857
shall be twenty-five clock hours each year, including ten clock 107858
hours of instruction in pharmacology to be completed by all 107859
licensed optometrists. 107860

Unless the continuing education required under this division 107861
is waived or deferred under division (D) of this section, the 107862

continuing education must be completed during the twelve-month 107863
period beginning on the first day of October and ending on the 107864
last day of September. If the board receives notice from a 107865
continuing education program indicating that an optometrist 107866
completed the program after the last day of September, and the 107867
optometrist wants to use the continuing education completed after 107868
that day to renew the license that expires on the last day of 107869
December of that year, the optometrist shall pay the penalty 107870
specified under section 4725.34 of the Revised Code for late 107871
completion of continuing education. 107872

At least once annually, the board shall post on its web site 107873
and shall mail, or send by electronic mail, to each licensed 107874
optometrist a list of courses approved in accordance with 107875
standards prescribed by board rule. Upon the request of a licensed 107876
optometrist, the executive director of the board shall supply a 107877
list of additional courses that the board has approved subsequent 107878
to the most recent web site posting, electronic mail transmission, 107879
or mailing of the list of approved courses. 107880

(C)(1) Annually, not later than the first day of November, 107881
the board shall mail or send by electronic mail a notice regarding 107882
license renewal to each licensed optometrist who may be eligible 107883
for renewal. The notice shall be sent to the optometrist's most 107884
recent electronic mail or mailing address shown in the board's 107885
records. If the board knows that the optometrist has completed the 107886
required continuing optometric education for the year, the board 107887
may include with the notice an application for license renewal. 107888

(2) Filing a license renewal application with the board shall 107889
serve as notice by the optometrist that the continuing optometric 107890
education requirement has been successfully completed. If the 107891
board finds that an optometrist has not completed the required 107892
continuing optometric education, the board shall disapprove the 107893
optometrist's application. The board's disapproval of renewal is 107894

effective without a hearing, unless a hearing is requested 107895
pursuant to Chapter 119. of the Revised Code. 107896

(3) The board shall refuse to accept an application for 107897
renewal from any applicant whose license is not in good standing 107898
or who is under disciplinary review pursuant to section 4725.19 of 107899
the Revised Code. 107900

(4) Notice of an applicant's failure to qualify for renewal 107901
shall be served upon the applicant by mail. The notice shall be 107902
sent not later than the fifteenth day of November to the 107903
applicant's last address shown in the board's records. 107904

(D) In cases of certified illness or undue hardship, the 107905
board may waive or defer for up to twelve months the requirement 107906
of continuing optometric education, except that in such cases the 107907
board may not waive or defer the continuing education in 107908
pharmacology required to be completed by optometrists who hold 107909
topical ocular pharmaceutical agents certificates or therapeutic 107910
pharmaceutical agents certificates. The board shall waive the 107911
requirement of continuing optometric education for any optometrist 107912
who is serving on active duty in the armed forces of the United 107913
States or a reserve component of the armed forces of the United 107914
States, including the Ohio national guard or the national guard of 107915
any other state or who has received an initial certificate of 107916
licensure during the nine-month period which ended on the last day 107917
of September. 107918

(E) An optometrist whose renewal application has been 107919
approved may renew each certificate held by paying to the 107920
treasurer of state the fees for renewal specified under section 107921
4725.34 of the Revised Code. On payment of all applicable fees, 107922
the board shall issue a renewal of the optometrist's certificate 107923
of licensure, topical ocular pharmaceutical agents certificate, 107924
and therapeutic pharmaceutical agents certificate, as appropriate. 107925

(F) Not later than the fifteenth day of December, the board shall mail or send by electronic mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C)(1) of this section. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior to any action under division (I) of this section to classify the optometrist's certificates as delinquent.

(G) The failure of an optometrist to apply for license renewal or the failure to pay the applicable annual renewal fees on or before the date of expiration, shall automatically work a forfeiture of the optometrist's authority to practice optometry in this state.

(H) The board shall accept renewal applications and renewal fees that are submitted from the first day of January to the last day of April of the year next succeeding the date of expiration. An individual who submits such a late renewal application or fee shall pay the late renewal fee specified in section 4725.34 of the Revised Code.

(I)(1) If the certificates issued by the board to an individual have expired and the individual has not filed a complete application during the late renewal period, the individual's certificates shall be classified in the board's records as delinquent.

(2) Any optometrist subject to delinquent classification may submit ~~a written~~ an application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(a) Submit to the board evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance; 107957
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(b) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(8) of section 4725.34 of the Revised Code; 107960
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(c) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved; 107963
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(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing. 107967
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(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs. 107971
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Sec. 4725.17. (A) An optometrist who intends not to continue practicing optometry in this state due to retirement or a decision to practice in another state or country may apply to the state ~~board of optometry~~ vision professionals board to have the certificates issued to the optometrist placed on inactive status. Application for inactive status shall consist of a written notice to the board of the optometrist's intention to no longer practice in this state. The board may not accept an application submitted after the applicant's certificate of licensure and any other certificates have expired. The board may approve an application for placement on inactive status only if the applicant's certificates are in good standing and the applicant is not under 107976
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disciplinary review pursuant to section 4725.19 of the Revised Code. 107988
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(B) An individual whose certificates have been placed on inactive status may submit ~~a written~~ an application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions: 107990
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(1) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(9) of section 4725.34 of the Revised Code; 107994
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(2) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate, if the board considers examination necessary to determine whether the application for reinstatement should be approved; 107997
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(3) If the applicant has been practicing optometry in another state or country, submit evidence of being in the active practice of optometry in the other state or country and evidence that the applicant's license to practice in the other state or country is in good standing. 108002
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(C) The board shall approve an application for reinstatement if the conditions specified in division (B) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under section 4725.16 of the Revised Code for the year in which reinstatement occurs. 108007
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Sec. 4725.171. (A) An optometrist who discontinued practicing optometry in this state due to retirement or a decision to practice in another state or country before the state ~~board of optometry~~ vision professionals board accepted applications for placement of certificates to practice on inactive status pursuant to section 4725.17 of the Revised Code may apply to the board to 108012
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have the optometrist's certificates reinstated. The board may 108018
accept an application for reinstatement only if, at the time the 108019
optometrist's certificates expired, the certificates were in good 108020
standing and the optometrist was not under disciplinary review by 108021
the board. 108022

(B) For reinstatement to occur, the applicant must meet all 108023
of the following conditions: 108024

(1) Pay the renewal fees for the year in which application 108025
for reinstatement is made and the reinstatement fee specified 108026
under division (A)(10) of section 4725.34 of the Revised Code; 108027

(2) Pass all or part of the licensing examination accepted by 108028
the board under section 4725.11 of the Revised Code as the board 108029
considers appropriate, if the board considers examination 108030
necessary to determine whether the application for reinstatement 108031
should be approved; 108032

(3) If the applicant has been practicing optometry in another 108033
state or country, submit evidence of being in the active practice 108034
of optometry in the other state or country and evidence that the 108035
applicant's license to practice in the other state or country is 108036
in good standing. 108037

(C) The board shall approve an application for reinstatement 108038
if the conditions specified in division (B) of this section are 108039
met. An optometrist who receives reinstatement is subject to the 108040
continuing education requirements specified under section 4725.16 108041
of the Revised Code for the year in which reinstatement occurs. 108042

Sec. 4725.18. (A) The state ~~board of optometry~~ vision 108043
professionals board may issue a certificate of licensure and 108044
therapeutic pharmaceutical agents certificate by endorsement to an 108045
individual licensed as an optometrist by another state or a 108046
Canadian province if the board determines that the other state or 108047

province has standards for the practice of optometry that are at 108048
least as stringent as the standards established under sections 108049
4725.01 to 4725.34 of the Revised Code and the individual meets 108050
the conditions specified in division (B) of this section. The 108051
certificates may be issued only by an affirmative vote of a 108052
majority of the board's members. 108053

(B) An individual seeking a certificate of licensure and 108054
therapeutic pharmaceutical agents certificate pursuant to this 108055
section shall submit an application to the board. To receive the 108056
certificates, an applicant must meet all of the following 108057
conditions: 108058

(1) Meet the same qualifications that an individual must meet 108059
under divisions (B)(1) to (4) of section 4725.12 of the Revised 108060
Code to receive a certificate of licensure and therapeutic 108061
pharmaceutical agents certificate under that section; 108062

(2) Be licensed to practice optometry by a state or province 108063
that requires passage of a written, entry-level examination at the 108064
time of initial licensure; 108065

(3) Be licensed in good standing by the optometry licensing 108066
agency of the other state or province, evidenced by submission of 108067
a letter from the licensing agency of the other state or province 108068
attesting to the applicant's good standing; 108069

(4) Provide the board with certified reports from the 108070
optometry licensing agencies of all states and provinces in which 108071
the applicant is licensed or has been licensed to practice 108072
optometry describing all past and pending actions taken by those 108073
agencies with respect to the applicant's authority to practice 108074
optometry in those jurisdictions, including such actions as 108075
investigations, entering into consent agreements, suspensions, 108076
revocations, and refusals to issue or renew a license; 108077

(5) Have been actively engaged in the practice of optometry, 108078

including the use of therapeutic pharmaceutical agents, for at 108079
least three years immediately preceding making application under 108080
this section; 108081

(6) Pay the nonrefundable application fees established under 108082
section 4725.34 of the Revised Code for a certificate of licensure 108083
and therapeutic pharmaceutical agents certificate; 108084

(7) Submit all transcripts, reports, or other information the 108085
board requires; 108086

(8) Participate in a two-hour instruction session provided by 108087
the board on the optometry statutes and rules of this state or 108088
pass an Ohio optometry jurisprudence test administered by the 108089
board; 108090

(9) Pass all or part of the licensing examination accepted by 108091
the board under section 4725.11 of the Revised Code, if the board 108092
determines that testing is necessary to determine whether the 108093
applicant's qualifications are sufficient for issuance of a 108094
certificate of licensure and therapeutic pharmaceutical agents 108095
certificate under this section; 108096

(10) Not have been previously denied issuance of a 108097
certificate by the board. 108098

Sec. 4725.19. (A) In accordance with Chapter 119. of the 108099
Revised Code and by an affirmative vote of a majority of its 108100
members, the state ~~board of optometry~~ vision professionals board, 108101
for any of the reasons specified in division (B) of this section, 108102
shall refuse to grant a certificate of licensure to practice 108103
optometry to an applicant and may, with respect to a licensed 108104
optometrist, do one or more of the following: 108105

(1) Suspend the operation of any certificate of licensure, 108106
topical ocular pharmaceutical agents certificate, or therapeutic 108107
pharmaceutical agents certificate, or all certificates granted by 108108

it to the optometrist;	108109
(2) Permanently revoke any or all of the certificates;	108110
(3) Limit or otherwise place restrictions on any or all of the certificates;	108111 108112
(4) Reprimand the optometrist;	108113
(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.	108114 108115 108116 108117 108118 108119
(6) Require the optometrist to take corrective action courses.	108120 108121
The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.	108122 108123 108124
(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:	108125 108126
(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;	108127 108128 108129
(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;	108130 108131
(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;	108132 108133
(4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;	108134 108135
(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which	108136 108137

the act was committed;	108138
(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;	108139 108140 108141
(7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;	108142 108143 108144 108145 108146
(8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;	108147 108148 108149 108150
(9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;	108151 108152 108153 108154 108155
(10) Failing to maintain comprehensive patient records;	108156
(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;	108157 108158 108159
(12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry;	108160 108161 108162 108163 108164
(13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner	108165 108166 108167

inconsistent with the authority granted; 108168

(14) Failing to make a report to the board as required by 108169
division (A) of section 4725.21 or section 4725.31 of the Revised 108170
Code; 108171

(15) Soliciting patients from door to door or establishing 108172
temporary offices, in which case the board shall suspend all 108173
certificates held by the optometrist; 108174

(16) Except as provided in division (D) of this section: 108175

(a) Waiving the payment of all or any part of a deductible or 108176
copayment that a patient, pursuant to a health insurance or health 108177
care policy, contract, or plan that covers optometric services, 108178
would otherwise be required to pay if the waiver is used as an 108179
enticement to a patient or group of patients to receive health 108180
care services from that optometrist. 108181

(b) Advertising that the optometrist will waive the payment 108182
of all or any part of a deductible or copayment that a patient, 108183
pursuant to a health insurance or health care policy, contract, or 108184
plan that covers optometric services, would otherwise be required 108185
to pay. 108186

(17) Failing to comply with the requirements in section 108187
3719.061 of the Revised Code before issuing for a minor a 108188
prescription for an analgesic controlled substance authorized 108189
pursuant to section 4725.091 of the Revised Code that is an opioid 108190
analgesic, as defined in section 3719.01 of the Revised Code; 108191

(18) Violating the rules adopted under section 4725.66 of the 108192
Revised Code. 108193

(C) Any person who is the holder of a certificate of 108194
licensure, or who is an applicant for a certificate of licensure 108195
against whom is preferred any charges, shall be furnished by the 108196
board with a copy of the complaint and shall have a hearing before 108197

the board in accordance with Chapter 119. of the Revised Code. 108198

(D) Sanctions shall not be imposed under division (B)(17) of 108199
this section against any optometrist who waives deductibles and 108200
copayments: 108201

(1) In compliance with the health benefit plan that expressly 108202
allows such a practice. Waiver of the deductibles or copayments 108203
shall be made only with the full knowledge and consent of the plan 108204
purchaser, payer, and third-party administrator. Documentation of 108205
the consent shall be made available to the board upon request. 108206

(2) For professional services rendered to any other 108207
optometrist licensed by the board, to the extent allowed by 108208
sections 4725.01 to 4725.34 of the Revised Code and the rules of 108209
the board. 108210

Sec. 4725.20. On receipt of a notice pursuant to section 108211
3123.43 of the Revised Code, the state ~~board of optometry~~ vision 108212
professionals board shall comply with sections 3123.41 to 3123.50 108213
of the Revised Code and any applicable rules adopted under section 108214
3123.63 of the Revised Code with respect to a license or 108215
certificate issued by the board under this chapter. 108216

Sec. 4725.21. (A) If an optometrist licensed by the state 108217
~~board of optometry~~ vision professionals board has reason to 108218
believe that another optometrist licensed currently or previously 108219
by the board has engaged in any course of treatment or other 108220
services to a patient that constitutes unprofessional conduct 108221
under section 4725.19 of the Revised Code, or has an addiction 108222
subject to board action under section 4725.19 of the Revised Code, 108223
the optometrist shall make a report to the board. 108224

(B) Any person may report to the board in a signed writing 108225
any information that the person may have that appears to show a 108226
violation of any provision of sections 4725.01 to 4725.34 of the 108227

Revised Code or the rules adopted under those sections. 108228

(C) Each complaint or allegation of a violation received by 108229
the board shall be assigned a case number and shall be recorded by 108230
the board. 108231

(D) In the absence of fraud or bad faith, no person who 108232
reports to the board under this section or testifies in any 108233
adjudication conducted under Chapter 119. of the Revised Code 108234
shall be liable to any person for damages in a civil action as a 108235
result of the report or testimony. 108236

Sec. 4725.22. (A) Each insurer providing professional 108237
liability insurance to an optometrist licensed under this chapter, 108238
or any other entity that seeks to indemnify the professional 108239
liability of an optometrist licensed under this chapter, shall 108240
notify the state ~~board of optometry~~ vision professionals board 108241
within thirty days after the final disposition of a claim for 108242
damages. The notice shall contain the following information: 108243

(1) The name and address of the person submitting the 108244
notification; 108245

(2) The name and address of the insured who is the subject of 108246
the claim; 108247

(3) The name of the person filing the written claim; 108248

(4) The date of final disposition; 108249

(5) If applicable, the identity of the court in which the 108250
final disposition of the claim took place. 108251

(B) Each optometrist licensed under this chapter shall notify 108252
the board within thirty days of receipt of the final disposition 108253
of a claim for damages or any action involving malpractice. The 108254
optometrist shall notify the board by registered mail and shall 108255
provide all reports and other information required by the board. 108256

(C) Information received under this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be released except as otherwise required by law or a court of competent jurisdiction.

Sec. 4725.23. (A) The state ~~board of optometry~~ vision professionals board shall investigate evidence that appears to show that a person has violated any provision of sections 4725.01 to 4725.34 of the Revised Code or any rule adopted under those sections. Investigations of alleged violations shall be supervised by the member of the board appointed by the board to act as the supervising member of investigations. The supervising member shall not participate in the final vote that occurs in an adjudication of the case.

(B) In investigating a possible violation, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony. A subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board and the board's supervising member of investigations. Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of sections 4725.01 to 4725.34 of the Revised Code or any rule adopted under those sections and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the

board may move for an order compelling the production of persons 108288
or records pursuant to the Rules of Civil Procedure. 108289

A subpoena issued by the board may be served by a sheriff, 108290
the sheriff's deputy, or a board employee designated by the board. 108291
Service of a subpoena issued by the board may be made by 108292
delivering a copy of the subpoena to the person named therein, 108293
reading it to the person, or leaving it at the person's usual 108294
place of residence. When the person being served is an optometrist 108295
licensed under this chapter, service of the subpoena may be made 108296
by certified mail, restricted delivery, return receipt requested, 108297
and the subpoena shall be deemed served on the date delivery is 108298
made or the date the optometrist refuses to accept delivery. 108299

Each witness who appears before the board in obedience to a 108300
subpoena shall receive the fees and mileage provided for under 108301
section 119.094 of the Revised Code. 108302

(C) Information received by the board pursuant to an 108303
investigation is confidential and not subject to discovery in any 108304
civil action. 108305

The board shall conduct all investigations and proceedings in 108306
a manner that protects the confidentiality of patients and persons 108307
who file complaints with the board. The board shall not make 108308
public the names or any other identifying information about 108309
patients or complainants unless proper consent is given. 108310

The board may share any information it receives pursuant to 108311
an investigation, including patient records and patient record 108312
information, with other licensing boards and governmental agencies 108313
that are investigating alleged professional misconduct and with 108314
law enforcement agencies and other governmental agencies that are 108315
investigating or prosecuting alleged criminal offenses. A board or 108316
agency that receives the information shall comply with the same 108317
requirements regarding confidentiality as those with which the 108318

state ~~board of optometry~~ vision professionals board must comply, 108319
notwithstanding any conflicting provision of the Revised Code or 108320
procedure of the board or agency that applies when the board or 108321
agency is dealing with other information in its possession. The 108322
information may be admitted into evidence in a criminal trial in 108323
accordance with the Rules of Evidence, but the court shall require 108324
that appropriate measures are taken to ensure that confidentiality 108325
is maintained with respect to any part of the information that 108326
contains names or other identifying information about persons 108327
whose confidentiality was protected by the state ~~board of~~ 108328
~~optometry~~ vision professionals board when the information was in 108329
the board's possession. Measures to ensure confidentiality that 108330
may be taken by the court include sealing its records or deleting 108331
specific information from its records. 108332

Sec. 4725.24. If the secretary of the state ~~board of~~ 108333
~~optometry~~ vision professionals board and the board's supervising 108334
member of investigations determine that there is clear and 108335
convincing evidence that an optometrist has violated division (B) 108336
of section 4725.19 of the Revised Code and that the optometrist's 108337
continued practice presents a danger of immediate and serious harm 108338
to the public, they may recommend that the board suspend without a 108339
prior hearing the optometrist's certificate of licensure and any 108340
other certificates held by the optometrist. Written allegations 108341
shall be prepared for consideration by the full board. 108342

The board, upon review of those allegations and by an 108343
affirmative vote of three members other than the secretary and 108344
supervising member may order the suspension without a prior 108345
hearing. A telephone conference call may be utilized for reviewing 108346
the allegations and taking the vote on the summary suspension. 108347

The board shall issue a written order of suspension by 108348
certified mail or in person in accordance with section 119.07 of 108349

the Revised Code. The order shall not be subject to suspension by 108350
the court during pendency of any appeal filed under section 119.12 108351
of the Revised Code. If the individual subject to the summary 108352
suspension requests an adjudicatory hearing by the board, the date 108353
set for the hearing shall be within fifteen days, but not earlier 108354
than seven days, after the individual requests the hearing, unless 108355
otherwise agreed to by both the board and the individual. 108356

Any summary suspension imposed under this division shall 108357
remain in effect, unless reversed on appeal, until a final 108358
adjudicative order issued by the board pursuant to section 4725.19 108359
of the Revised Code and Chapter 119. of the Revised Code becomes 108360
effective. The board shall issue its final adjudicative order 108361
within sixty days after completion of its hearing. A failure to 108362
issue the order within sixty days shall result in dissolution of 108363
the summary suspension order but shall not invalidate any 108364
subsequent, final adjudicative order. 108365

Sec. 4725.26. Division (A) of section 4725.02 of the Revised 108366
Code does not apply to the following: 108367

(A) Physicians authorized to practice medicine and surgery or 108368
osteopathic medicine and surgery under Chapter 4731. of the 108369
Revised Code; 108370

(B) Persons who sell optical accessories but do not assume to 108371
adapt them to the eye, and neither practice nor profess to 108372
practice optometry; 108373

(C) An instructor in a school of optometry that is located in 108374
this state and approved by the state ~~board of optometry~~ vision 108375
professionals board under section 4725.10 of the Revised Code who 108376
holds a valid current license to practice optometry from a 108377
licensing body in another jurisdiction and limits the practice of 108378
optometry to the instruction of students enrolled in the school. 108379

(D) A student enrolled in a school of optometry, located in 108380
this or another state and approved by the board under section 108381
4725.10 of the Revised Code, while the student is participating in 108382
this state in an optometry training program provided or sponsored 108383
by the school, if the student acts under the direct, personal 108384
supervision and control of an optometrist licensed by the board or 108385
authorized to practice pursuant to division (C) of this section. 108386

(E) An individual who is licensed or otherwise specifically 108387
authorized by the Revised Code to engage in an activity that is 108388
included in the practice of optometry. 108389

(F) An individual who is not licensed or otherwise 108390
specifically authorized by the Revised Code to engage in an 108391
activity that is included in the practice of optometry, but is 108392
acting pursuant to the rules for delegation of optometric tasks 108393
adopted under section 4725.09 of the Revised Code. 108394

Sec. 4725.27. The testimony and reports of an optometrist 108395
licensed by the state ~~board of optometry~~ vision professionals 108396
board under this chapter shall be received by any state, county, 108397
municipal, school district, or other public board, body, agency, 108398
institution, or official and by any private educational or other 108399
institution receiving public funds as competent evidence with 108400
respect to any matter within the scope of the practice of 108401
optometry. No such board, body, agency, official, or institution 108402
shall interfere with any individual's right to a free choice of 108403
receiving services from either an optometrist or a physician. No 108404
such board, body, agency, official, or institution shall 108405
discriminate against an optometrist performing procedures that are 108406
included in the practice of optometry as provided in division 108407
(A)(2) or (3) of section 4725.01 of the Revised Code if the 108408
optometrist is licensed under this chapter to perform those 108409
procedures. 108410

Sec. 4725.28. (A) As used in this section, "supplier" means 108411
any person who prepares or sells optical accessories or other 108412
vision correcting items, devices, or procedures. 108413

(B) A licensed optometrist, on completion of a vision 108414
examination and diagnosis, shall give each patient for whom the 108415
optometrist prescribes any vision correcting item, device, or 108416
procedure, one copy of the prescription, without additional charge 108417
to the patient. The prescription shall include the following: 108418

(1) The date of its issuance; 108419

(2) Sufficient information to enable the patient to obtain 108420
from the supplier of the patient's choice, the optical accessory 108421
or other vision correcting item, device, or procedure that has 108422
been prescribed; 108423

(3) In the case of contact lenses, all information specified 108424
as part of a contact lens prescription, as defined in the 108425
"Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 108426
15 U.S.C. 7610. 108427

(C) Any supplier who fills a prescription for contact lenses 108428
furnished by an optometrist shall furnish the patient with written 108429
recommendations to return to the prescribing optometrist for 108430
evaluation of the contact lens fitting. 108431

(D) Any supplier, including an optometrist who is a supplier, 108432
may advertise to inform the general public of the price that the 108433
supplier charges for any vision correcting item, device, or 108434
procedure. Any such advertisement shall specify the following: 108435

(1) Whether the advertised item includes an eye examination; 108436

(2) In the case of lenses, whether the price applies to 108437
single-vision or multifocal lenses; 108438

(3) In the case of contact lenses, whether the price applies 108439
to rigid or soft lenses and whether there is an additional charge 108440

related to the fitting and determination of the type of contact 108441
lenses to be worn that is not included in the price of the eye 108442
examination. 108443

(E) The state ~~board of optometry~~ vision professionals board 108444
shall not adopt any rule that restricts the right to advertise as 108445
permitted by division (D) of this section. 108446

(F) Any municipal corporation code, ordinance, or regulation 108447
or any township resolution that conflicts with a supplier's right 108448
to advertise as permitted by division (D) of this section is 108449
superseded by division (D) of this section and is invalid. A 108450
municipal corporation code, ordinance, or regulation or a township 108451
resolution conflicts with division (D) of this section if it 108452
restricts a supplier's right to advertise as permitted by division 108453
(D) of this section. 108454

Sec. 4725.29. (A) As used in this section: 108455

(1) "Regional advertisement" means an advertisement published 108456
in more than one metropolitan statistical area in this state or 108457
broadcast by radio or television stations in more than one 108458
metropolitan statistical area in this state. 108459

(2) "National advertisement" means an advertisement published 108460
in one or more periodicals or broadcast by one or more radio or 108461
television stations in this state and also published in one or 108462
more periodicals or broadcast by one or more radio or television 108463
stations in another state. 108464

(B) The state ~~board of optometry~~ vision professionals board 108465
shall not require any person who sells optical accessories at more 108466
than one location to list in any regional or national 108467
advertisement the name of the licensed optometrist practicing at a 108468
particular location, provided that in addition to the requirement 108469
in division (B) of section 4725.13 of the Revised Code, the name 108470

of the optometrist is prominently displayed at the location. 108471

Sec. 4725.31. An optometrist licensed by the state ~~board of~~ 108472
~~optometry~~ vision professionals board shall promptly report to the 108473
board any instance of a clinically significant drug-induced side 108474
effect in a patient due to the optometrist's administering, 108475
employing, applying, or prescribing a topical ocular or 108476
therapeutic pharmaceutical agent to or for the patient. The board, 108477
by rule adopted in accordance with Chapter 119. of the Revised 108478
Code, shall establish reporting procedures and specify the types 108479
of side effects to be reported. The information provided to the 108480
board shall not include the name of or any identifying information 108481
about the patient. 108482

Sec. 4725.33. (A) An individual whom the state ~~board of~~ 108483
~~optometry~~ vision professionals board licenses to engage in the 108484
practice of optometry may render the professional services of an 108485
optometrist within this state through a corporation formed under 108486
division (B) of section 1701.03 of the Revised Code, a limited 108487
liability company formed under Chapter 1705. of the Revised Code, 108488
a partnership, or a professional association formed under Chapter 108489
1785. of the Revised Code. This division does not preclude an 108490
optometrist from rendering professional services as an optometrist 108491
through another form of business entity, including, but not 108492
limited to, a nonprofit corporation or foundation, or in another 108493
manner that is authorized by or in accordance with this chapter, 108494
another chapter of the Revised Code, or rules of the state ~~board~~ 108495
~~of optometry~~ vision professionals board adopted pursuant to this 108496
chapter. 108497

(B) A corporation, limited liability company, partnership, or 108498
professional association described in division (A) of this section 108499
may be formed for the purpose of providing a combination of the 108500
professional services of the following individuals who are 108501

licensed, certificated, or otherwise legally authorized to	108502
practice their respective professions:	108503
(1) Optometrists who are authorized to practice optometry	108504
under Chapter 4725. of the Revised Code;	108505
(2) Chiropractors who are authorized to practice chiropractic	108506
or acupuncture under Chapter 4734. of the Revised Code;	108507
(3) Psychologists who are authorized to practice psychology	108508
under Chapter 4732. of the Revised Code;	108509
(4) Registered or licensed practical nurses who are	108510
authorized to practice nursing as registered nurses or as licensed	108511
practical nurses under Chapter 4723. of the Revised Code;	108512
(5) Pharmacists who are authorized to practice pharmacy under	108513
Chapter 4729. of the Revised Code;	108514
(6) Physical therapists who are authorized to practice	108515
physical therapy under sections 4755.40 to 4755.56 of the Revised	108516
Code;	108517
(7) Occupational therapists who are authorized to practice	108518
occupational therapy under sections 4755.04 to 4755.13 of the	108519
Revised Code;	108520
(8) Mechanotherapists who are authorized to practice	108521
mechanotherapy under section 4731.151 of the Revised Code;	108522
(9) Doctors of medicine and surgery, osteopathic medicine and	108523
surgery, or podiatric medicine and surgery who are authorized for	108524
their respective practices under Chapter 4731. of the Revised	108525
Code;	108526
(10) Licensed professional clinical counselors, licensed	108527
professional counselors, independent social workers, social	108528
workers, independent marriage and family therapists, or marriage	108529
and family therapists who are authorized for their respective	108530
practices under Chapter 4757. of the Revised Code.	108531

This division shall apply notwithstanding a provision of a 108532
code of ethics applicable to an optometrist that prohibits an 108533
optometrist from engaging in the practice of optometry in 108534
combination with a person who is licensed, certificated, or 108535
otherwise legally authorized to practice chiropractic, acupuncture 108536
through the state chiropractic board, psychology, nursing, 108537
pharmacy, physical therapy, occupational therapy, mechanotherapy, 108538
medicine and surgery, osteopathic medicine and surgery, podiatric 108539
medicine and surgery, professional counseling, social work, or 108540
marriage and family therapy, but who is not also licensed, 108541
certificated, or otherwise legally authorized to engage in the 108542
practice of optometry. 108543

Sec. 4725.34. (A) The state ~~board of optometry~~ vision 108544
professionals board shall charge the following nonrefundable fees: 108545

(1) One hundred thirty dollars for application for a 108546
certificate of licensure to practice optometry; 108547

(2) Forty-five dollars for application for a therapeutic 108548
pharmaceutical agents certificate, except when the certificate is 108549
to be issued pursuant to division (A)(3) of section 4725.13 of the 108550
Revised Code, in which case the fee shall be thirty-five dollars; 108551

(3) One hundred thirty dollars for renewal of a certificate 108552
of licensure to practice optometry; 108553

(4) Forty-five dollars for renewal of a topical ocular 108554
pharmaceutical agents certificate; 108555

(5) Forty-five dollars for renewal of a therapeutic 108556
pharmaceutical agents certificate; 108557

(6) One hundred twenty-five dollars for late completion or 108558
submission, or both, of continuing optometric education; 108559

(7) One hundred twenty-five dollars for late renewal of one 108560
or more certificates that have expired; 108561

(8) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent;

(9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;

(10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;

(11) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management.

(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in division (A) of this section if the fees do not exceed the amounts specified by more than fifty per cent.

(C) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.

Sec. 4725.40. As used in sections 4725.40 to 4725.59 of the Revised Code:

(A) "Optical aid" means both of the following:

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a

physician or optometrist licensed by any state; 108592

(2) Contact lenses, regardless of whether they address visual 108593
function, if they are designed to fit over the cornea of the eye 108594
or are otherwise designed for use in or on the eye or orbit. 108595

All contact lenses shall be dispensed only in accordance with 108596
a valid written prescription designated for contact lenses, 108597
including the following: 108598

(a) Zero-powered plano contact lenses; 108599

(b) Cosmetic contact lenses; 108600

(c) Performance-enhancing contact lenses; 108601

(d) Any other contact devices determined by the ~~Ohio optical~~ 108602
~~dispensers~~ state vision professionals board to be contact lenses. 108603

(B) "Optical dispensing" means interpreting but not altering 108604
a prescription of a licensed physician or optometrist and 108605
designing, adapting, fitting, or replacing the prescribed optical 108606
aids, pursuant to such prescription, to or for the intended 108607
wearer; duplicating lenses, other than contact lenses, accurately 108608
as to power without a prescription; and duplicating 108609
nonprescription eyewear and parts of eyewear. "Optical dispensing" 108610
does not include selecting frames, placing an order for the 108611
delivery of an optical aid, transacting a sale, transferring an 108612
optical aid to the wearer after an optician has completed fitting 108613
it, or providing instruction in the general care and use of an 108614
optical aid, including placement, removal, hygiene, or cleaning. 108615

(C) "Licensed dispensing optician" means a person holding a 108616
current, valid license issued under sections ~~4725.47~~ 4725.48 to 108617
4725.51 of the Revised Code that authorizes the person to engage 108618
in optical dispensing. Nothing in this chapter shall be construed 108619
to permit a licensed dispensing optician to alter the 108620
specifications of a prescription. 108621

(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section 4725.411 of the Revised Code.

(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

(F) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.

(J) "Licensed ocularist" means a person holding a current, valid license issued under sections 4725.48 to 4725.51 of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Sec. 4725.41. ~~Beginning one year after March 22, 1979, no~~ No person shall engage in optical dispensing or hold ~~himself~~ self out as being engaged in optical dispensing, ~~except as authorized under section 4725.47 of the Revised Code,~~ unless ~~he~~ the person has fulfilled the requirements of sections 4725.48 to 4725.51 of the Revised Code and has been certified as a licensed dispensing optician by the ~~Ohio optical dispensers~~ state vision professionals

board. 108652

No person shall engage in the designing, fabricating, and 108653
fitting of an artificial eye or of prostheses associated with the 108654
appearance or function of the human eye unless ~~he~~ the person is 108655
licensed as an ocularist under ~~to~~ sections 4725.48 to 4725.51 of 108656
the Revised Code. 108657

Sec. 4725.411. (A) Each licensed spectacle dispensing 108658
optician shall complete two hours of study in prepackaged soft 108659
contact lens dispensing approved by the ~~Ohio optical dispensers~~ 108660
state vision professionals board under section 4725.51 of the 108661
Revised Code. The two hours of study shall be completed as 108662
follows: 108663

(1) Each licensed spectacle dispensing optician who holds the 108664
license on ~~the effective date of this amendment~~ September 29, 108665
2015, shall complete the two hours of study not later than 108666
December 31, 2015. 108667

(2) Each licensed spectacle dispensing optician who receives 108668
the license after ~~the effective date of this amendment~~ September 108669
29, 2015, shall complete the two hours of study not later than the 108670
thirty-first day of December of the year the license is issued. 108671

(B) Beginning January 1, 2016, a licensed spectacle 108672
dispensing optician may dispense prepackaged soft contact lenses 108673
if both of the following are the case: 108674

(1) The licensed spectacle dispensing optician has completed 108675
two hours of study in prepackaged soft contact lens dispensing in 108676
accordance with division (A) of this section. 108677

(2) The only action necessary is to match the description of 108678
the contact lenses that is on the packaging to a written 108679
prescription. 108680

Sec. 4725.44. (A) The ~~Ohio optical dispensers~~ state vision 108681
professionals board shall be responsible for the administration of 108682
sections 4725.40 to 4725.59 of the Revised Code and, in 108683
particular, shall process applications for licensure as licensed 108684
dispensing opticians and ocularists; schedule, administer, and 108685
supervise the qualifying examinations for licensure or contract 108686
with a testing service to schedule, administer, and supervise the 108687
qualifying examination for licensure; issue licenses to qualified 108688
individuals; and revoke and suspend licenses; ~~and maintain~~ 108689
~~adequate records with respect to its operations and~~ 108690
~~responsibilities.~~ 108691

(B) The board shall adopt, amend, or rescind rules, pursuant 108692
to Chapter 119. of the Revised Code, for the licensure of 108693
dispensing opticians and ocularists, and such other rules as are 108694
required by or necessary to carry out the responsibilities imposed 108695
by sections 4725.40 to 4725.59 of the Revised Code, including 108696
rules establishing criminal records check requirements under 108697
section 4776.03 of the Revised Code and rules establishing 108698
disqualifying offenses for licensure as a dispensing optician or 108699
certification as an apprentice dispensing optician pursuant to 108700
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 108701
Code. 108702

(C) The board shall have no authority to adopt rules 108703
governing the employment of dispensing opticians, the location or 108704
number of optical stores, advertising of optical products or 108705
services, or the manner in which optical products can be 108706
displayed. 108707

Sec. 4725.48. (A) Any person who desires to engage in optical 108708
dispensing, ~~except as provided in section 4725.47 of the Revised~~ 108709
~~Code,~~ shall file a properly completed ~~written~~ application for an 108710
examination with the ~~Ohio optical dispensers~~ state vision 108711

professionals board or with the testing service the board has 108712
contracted with pursuant to section 4725.49 of the Revised Code. 108713
The application for examination shall be made on a form provided 108714
by the board or testing service and shall be accompanied by an 108715
examination fee the board shall establish by rule. Applicants must 108716
return the application to the board or testing service at least 108717
sixty days prior to the date the examination is scheduled to be 108718
administered. 108719

(B) ~~Except as provided in section 4725.47 of the Revised~~ 108720
~~Code, any~~ Any person who desires to engage in optical dispensing 108721
shall file a properly completed ~~written~~ application for a license 108722
with the board with a licensure application fee of fifty dollars. 108723

No person shall be eligible to apply for a license under this 108724
division, unless the person is at least eighteen years of age, is 108725
free of contagious or infectious disease, has received a passing 108726
score, as determined by the board, on the examination administered 108727
under division (A) of this section, is a graduate of an accredited 108728
high school of any state, or has received an equivalent education 108729
and has successfully completed either of the following: 108730

(1) Two years of supervised experience under a licensed 108731
dispensing optician, optometrist, or physician engaged in the 108732
practice of ophthalmology, up to one year of which may be 108733
continuous experience of not less than thirty hours a week in an 108734
optical laboratory; 108735

(2) A two-year college level program in optical dispensing 108736
that has been approved by the board and that includes, but is not 108737
limited to, courses of study in mathematics, science, English, 108738
anatomy and physiology of the eye, applied optics, ophthalmic 108739
optics, measurement and inspection of lenses, lens grinding and 108740
edging, ophthalmic lens design, keratometry, and the fitting and 108741
adjusting of spectacle lenses and frames and contact lenses, 108742
including methods of fitting contact lenses and post-fitting care. 108743

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed ~~written~~ application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

(D)(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the

board, prior to ~~the effective date of this amendment~~ September 28, 108776
2012, was required or authorized to deny the application based on 108777
that offense. 108778

In all other circumstances, the board shall follow the 108779
procedures it adopts by rule that conform to division (D)(1) of 108780
this section. 108781

(3) In considering a renewal of an individual's license, the 108782
board shall not consider any conviction or plea of guilty prior to 108783
the initial licensing. However, the board may consider a 108784
conviction or plea of guilty if it occurred after the individual 108785
was initially licensed, or after the most recent license renewal. 108786

(4) The board may grant an individual a conditional license 108787
that lasts for one year. After the one-year period has expired, 108788
the license is no longer considered conditional, and the 108789
individual shall be considered fully licensed. 108790

(E) The board, subject to the approval of the controlling 108791
board, may establish examination fees in excess of the amount 108792
established by rule pursuant to this section, provided that such 108793
fees do not exceed those amounts established in rule by more than 108794
fifty per cent. 108795

Sec. 4725.49. (A) ~~The Ohio optical dispensers~~ state vision 108796
professionals board may provide for the examination of applicants 108797
by designing, preparing, and administering the qualifying 108798
examinations or by contracting with a testing service that is 108799
nationally recognized as being capable of determining competence 108800
to dispense optical aids as a licensed spectacle dispensing 108801
optician, a licensed contact lens dispensing optician, or a 108802
licensed spectacle-contact lens dispensing optician. Any 108803
examination used shall be designed to measure specific performance 108804
requirements, be professionally constructed and validated, and be 108805
independently and objectively administered and scored in order to 108806

determine the applicant's competence to dispense optical aids. 108807

(B) The board shall ensure that it, or the testing service it 108808
contracts with, does all of the following: 108809

(1) Provides public notice as to the date, time, and place 108810
for each examination at least ninety days prior to the 108811
examination; 108812

(2) Offers each qualifying examination at least twice each 108813
year in Columbus, except as provided in division (C) of this 108814
section; 108815

(3) Provides to each applicant all forms necessary to apply 108816
for examination; 108817

(4) Provides all materials and equipment necessary for the 108818
applicant to take the examination. 108819

(C) If the number of applicants for any qualifying 108820
examination is less than ten, the examination may be postponed. 108821
The board or testing service shall provide the applicant with 108822
written notification of the postponement and of the next date the 108823
examination is scheduled to be administered. 108824

(D) No limitation shall be placed upon the number of times 108825
that an applicant may repeat any qualifying examination, except 108826
that, if an applicant fails an examination for a third time, the 108827
board may require that the applicant, prior to retaking the 108828
examination, undergo additional study in the areas of the 108829
examination in which the applicant experienced difficulty. 108830

Sec. 4725.50. (A) Except for a person who qualifies for 108831
licensure as an ocularist, each person who qualifies for licensure 108832
under sections 4725.40 to 4725.59 of the Revised Code shall 108833
receive from the ~~Ohio optical dispensers~~ state vision 108834
professionals board, under its seal, a certificate of licensure 108835
entitling the person to practice as a licensed spectacle 108836

dispensing optician, licensed contact lens dispensing optician, or 108837
a licensed spectacle-contact lens dispensing optician. The 108838
appropriate certificate of licensure shall be issued by the board 108839
no later than sixty days after it has notified the applicant of 108840
the applicant's approval for licensure. 108841

(B) Each licensed dispensing optician shall display the 108842
licensed dispensing optician's certificate of licensure in a 108843
conspicuous place in the licensed dispensing optician's office or 108844
place of business. If a licensed dispensing optician maintains 108845
more than one office or place of business, the licensed dispensing 108846
optician shall display a duplicate copy of such certificate at 108847
each location. The board shall issue duplicate copies of the 108848
appropriate certificate of licensure for this purpose upon the 108849
filing of an application form therefor and the payment of a 108850
five-dollar fee for each duplicate copy. 108851

Sec. 4725.501. (A) As used in this section, "license" and 108852
"applicant for an initial license" have the same meanings as in 108853
section 4776.01 of the Revised Code, except that "license" as used 108854
in both of those terms refers to the types of authorizations 108855
otherwise issued or conferred under this chapter. 108856

(B) In addition to any other eligibility requirement set 108857
forth in this chapter, each applicant for an initial license shall 108858
comply with sections 4776.01 to 4776.04 of the Revised Code. The 108859
~~Ohio optical dispensers~~ state vision professionals board shall not 108860
grant a license to an applicant for an initial license unless the 108861
applicant complies with sections 4776.01 to 4776.04 of the Revised 108862
Code and the board, in its discretion, decides that the results of 108863
the criminal records check do not make the applicant ineligible 108864
for a license issued pursuant to section 4725.50 or 4725.57 of the 108865
Revised Code. 108866

Sec. 4725.51. (A)(1) Each license issued under sections 108867
4725.40 to 4725.59 of the Revised Code shall expire on the first 108868
day of January in the year after it was issued. Each person 108869
holding a valid, current license may apply to the ~~Ohio optical~~ 108870
~~dispensers~~ state vision professionals board for the extension of 108871
the license under the standard renewal procedures of Chapter 4745. 108872
of the Revised Code. Each application for renewal shall be 108873
accompanied by a renewal fee the board shall establish by rule. In 108874
addition, except as provided in division (A)(2) of this section, 108875
the application shall contain evidence that the applicant has 108876
completed continuing education within the immediately preceding 108877
one-year period as follows: 108878

(a) Licensed spectacle dispensing opticians shall have 108879
pursued both of the following, approved by the board: 108880

(i) Four hours of study in spectacle dispensing; 108881

(ii) Two hours of study in contact lens dispensing. 108882

(b) Licensed contact lens dispensing opticians shall have 108883
pursued eight hours of study in contact lens dispensing, approved 108884
by the board. 108885

(c) Licensed spectacle-contact lens dispensing opticians 108886
shall have pursued both of the following, approved by the board: 108887

(i) Four hours of study in spectacle dispensing; 108888

(ii) Eight hours of study in contact lens dispensing. 108889

(d) Licensed ocularists shall have pursued courses of study 108890
as prescribed by rule of the board. 108891

(2) An application for the initial renewal of a license 108892
issued under sections 4725.40 to 4725.55 of the Revised Code is 108893
not required to contain evidence that the applicant has completed 108894
the continuing education requirements of division (A)(1) of this 108895
section. 108896

(B) No person who fails to renew the person's license under 108897
division (A) of this section shall be required to take a 108898
qualifying examination under section 4725.48 of the Revised Code 108899
as a condition of renewal, provided that the application for 108900
renewal and proof of the requisite continuing education hours are 108901
submitted within ninety days from the date the license expired and 108902
the applicant pays the annual renewal fee and a penalty of 108903
seventy-five dollars. The board may provide, by rule, for an 108904
extension of the grace period for licensed dispensing opticians 108905
who are serving in the armed forces of the United States or a 108906
reserve component of the armed forces of the United States, 108907
including the Ohio national guard or the national guard of any 108908
other state and for waiver of the continuing education 108909
requirements or the penalty in cases of hardship or illness. 108910

(C) The board shall approve continuing education programs and 108911
shall adopt rules as necessary for approving the programs. The 108912
rules shall permit programs to be conducted either in person or 108913
through electronic or other self-study means. Approved programs 108914
shall be scheduled, sponsored, and conducted in accordance with 108915
the board's rules. 108916

(D) Any license given a grandfathered issuance or renewal 108917
between March 22, 1979, and March 22, 1980, shall be renewed in 108918
accordance with this section. 108919

Sec. 4725.52. Any licensed dispensing optician may supervise 108920
a maximum of three apprentices who shall be permitted to engage in 108921
optical dispensing only under the supervision of the licensed 108922
dispensing optician. 108923

To serve as an apprentice, a person shall register with the 108924
~~Ohio optical dispensers~~ state vision professionals board either on 108925
a form provided by the board or in the form of a statement giving 108926
the name and address of the supervising licensed dispensing 108927

optician, the location at which the apprentice will be employed, 108928
and any other information required by the board. For the duration 108929
of the apprenticeship, the apprentice shall register annually on 108930
the form provided by the board or in the form of a statement. 108931

Each apprentice shall pay an initial registration fee of 108932
twenty dollars. For each registration renewal thereafter, each 108933
apprentice shall pay a registration renewal fee of twenty dollars. 108934

The board shall not deny registration as an apprentice under 108935
this section to any individual based on the individual's past 108936
criminal history or an interpretation of moral character unless 108937
the individual has committed a disqualifying offense or crime of 108938
moral turpitude as those terms are defined in section 4776.10 of 108939
the Revised Code. Except as otherwise provided in this division, 108940
if an individual applying for a registration has been convicted of 108941
or pleaded guilty to a misdemeanor that is not a crime of moral 108942
turpitude or a disqualifying offense less than one year prior to 108943
making the application, the board may use its discretion in 108944
granting or denying the individual a registration. Except as 108945
otherwise provided in this division, if an individual applying for 108946
a registration has been convicted of or pleaded guilty to a felony 108947
that is not a crime of moral turpitude or a disqualifying offense 108948
less than three years prior to making the application, the board 108949
may use its discretion in granting or denying the individual a 108950
registration. The provisions in this paragraph do not apply with 108951
respect to any offense unless the board, prior to ~~the effective~~ 108952
~~date of this amendment~~ September 28, 2012, was required or 108953
authorized to deny the registration based on that offense. 108954

In all other circumstances, the board shall follow the 108955
procedures it adopts by rule that conform to this section. In 108956
considering a renewal of an individual's registration, the board 108957
shall not consider any conviction or plea of guilty prior to the 108958
initial registration. However, the board may consider a conviction 108959

or plea of guilty if it occurred after the individual was 108960
initially registered, or after the most recent registration 108961
renewal. If the board denies an individual for a registration or 108962
registration renewal, the reasons for such denial shall be put in 108963
writing. Additionally, the board may grant an individual a 108964
conditional registration that lasts for one year. After the 108965
one-year period has expired, the registration is no longer 108966
considered conditional, and the individual shall be considered 108967
fully registered. 108968

A person who is gaining experience under the supervision of a 108969
licensed optometrist or ophthalmologist that would qualify the 108970
person under division (B)(1) of section 4725.48 of the Revised 108971
Code to take the examination for optical dispensing is not 108972
required to register with the board. 108973

Sec. 4725.53. (A) The ~~Ohio optical dispensers~~ state vision 108974
professionals board, by a majority vote of its members, may refuse 108975
to grant a license and, in accordance with Chapter 119. of the 108976
Revised Code, may suspend or revoke the license of a licensed 108977
dispensing optician or impose a fine or order restitution pursuant 108978
to division (B) of this section on any of the following grounds: 108979

(1) Conviction of a crime involving moral turpitude or a 108980
disqualifying offense as those terms are defined in section 108981
4776.10 of the Revised Code; 108982

(2) Obtaining or attempting to obtain a license by fraud or 108983
deception; 108984

(3) Obtaining any fee or making any sale of an optical aid by 108985
means of fraud or misrepresentation; 108986

(4) Habitual indulgence in the use of controlled substances 108987
or other habit-forming drugs, or in the use of alcoholic liquors 108988
to an extent that affects professional competency; 108989

(5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;	108990 108991 108992
(6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;	108993 108994
(7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;	108995 108996 108997
(8) Permitting another person to use the licensee's license;	108998
(9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;	108999 109000 109001 109002 109003 109004
(10) Violation of sections 4725.40 to 4725.59 of the Revised Code;	109005 109006
(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider-;	109007 109008 109009 109010 109011 109012
(12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay;	109013 109014 109015 109016 109017
<u>(13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.</u>	109018 109019

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections 4725.40 to 4725.59 of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Sec. 4725.531. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~Ohio optical dispensers~~ state vision professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued by the board pursuant to this chapter.

Sec. 4725.54. (A) Any person having knowledge of a violation of sections 4725.40 to 4725.59 of the Revised Code by a licensed dispensing optician or an apprentice, or of any other ground specified in section 4725.53 of the Revised Code for denying, suspending, or revoking a license, may submit a written complaint, specifying the precise violations or grounds, to the ~~Ohio optical~~

~~dispensers~~ state vision professionals board. If the board 109050
determines, in accordance with the procedures of Chapter 119. of 109051
the Revised Code, that the charges are sustained by the evidence 109052
presented, it may suspend or revoke the license of the person 109053
against whom the charges were preferred. 109054

(B) If the board discovers or is informed that any person is 109055
or has been engaged in optical dispensing without having received 109056
a license under sections 4725.40 to 4725.59 of the Revised Code, 109057
it shall inform the prosecuting attorney for the county in which 109058
the alleged unlicensed activity took place. The prosecuting 109059
attorney shall take all legal action necessary to terminate such 109060
illegal practice of optical dispensing and to prosecute the 109061
offender under section 4725.41 of the Revised Code. 109062

(C) In addition to other remedies provided in this chapter, 109063
the board may request the attorney general or the prosecuting 109064
attorney of a county in which a violation of sections 4725.40 to 109065
4725.59 of the Revised Code occurs to apply to the court of common 109066
pleas of the county for an injunction to restrain the activity 109067
that constitutes a violation. 109068

Sec. 4725.55. No person shall do any of the following: 109069

(A) Sell or barter, or offer to sell or barter, a certificate 109070
of licensure as a dispensing optician issued under sections 109071
4725.40 to 4725.59 of the Revised Code; 109072

(B) Use, or attempt to use, a license which is illegally 109073
purchased or acquired under division (A) of this section, obtained 109074
by fraud or deception, counterfeited, materially altered or 109075
otherwise modified without prior approval of the ~~Ohio optical~~ 109076
~~dispensers~~ state vision professionals board, or suspended or 109077
revoked under section 4725.53 or 4725.54 of the Revised Code; 109078

(C) Materially alter or otherwise modify a license in any 109079

manner, unless authorized by the ~~Ohio optical dispensers~~ state vision professionals board; 109080
109081

(D) Willfully and knowingly make any false statement in an 109082
application required under sections 4725.40 to 4725.59 of the 109083
Revised Code. 109084

Sec. 4725.57. An applicant for licensure as a licensed 109085
dispensing optician who is licensed or registered in another state 109086
shall be accorded the full privileges of practice within this 109087
state, upon the payment of a fifty-dollar fee and the submission 109088
of a certified copy of the license or certificate issued by such 109089
other state, without the necessity of examination, if the state 109090
vision professionals board determines that the applicant meets the 109091
remaining requirements of division (B) of section 4725.48 of the 109092
Revised Code. The board may require that the applicant have 109093
received a passing score, as determined by the board, on an 109094
examination that is substantially the same as the examination 109095
described in division (A) of section 4725.48 of the Revised Code. 109096

Sec. 4725.61. The state ~~board of optometry and the Ohio~~ 109097
~~optical dispensers~~ vision professionals board shall comply with 109098
section 4776.20 of the Revised Code. 109099

Sec. 4725.63. The state vision professionals board may 109100
appoint committees or other groups to assist in fulfilling its 109101
duties. A committee or group may consist of board members, other 109102
individuals with appropriate backgrounds, or both board members 109103
and other individuals with appropriate backgrounds. Any appointed 109104
committee or group shall act under the board's direction and shall 109105
perform its functions within the limits established by the board. 109106

Except as otherwise provided in the Revised Code, a committee 109107
or group organized under this section is advisory in nature and 109108
may not act independently of the board or act on the board's 109109

behalf. 109110

Members of a committee or group may be reimbursed by the 109111
board for any expenses incurred in the performance of their 109112
duties, in accordance with section 126.31 of the Revised Code and 109113
with approval from the director of administrative services. 109114

Sec. 4725.64. The state vision professionals board may enter 109115
into contracts with any person or government entity to implement 109116
this chapter, the rules adopted under this chapter, any other 109117
applicable statutes or rules, and any applicable federal statutes 109118
or regulations. 109119

Sec. 4725.65. The state vision professionals board may become 109120
a member of a national licensing organization for optometrists and 109121
dispensing opticians. The board may participate in any of the 109122
organization's activities, including reporting actions the board 109123
takes against an applicant or license holder to any data bank 109124
established by the organization. 109125

Sec. 4725.66. The state vision professionals board shall 109126
establish a code of ethical practice for individuals licensed, 109127
certified, or registered by the board in accordance with rules 109128
adopted under Chapter 119. of the Revised Code. In establishing 109129
the codes of ethical practice, the board shall define 109130
unprofessional conduct in the rules, which shall include engaging 109131
in a dual relationship with a client or former client, committing 109132
an act of sexual abuse, misconduct, or exploitation of a client or 109133
former client, and, except as permitted by law, violating client 109134
confidentiality. 109135

The codes of ethical practice may be based on any codes of 109136
ethical practice developed by national organizations representing 109137
the interests of optometrists and dispensing opticians. The board 109138
may establish standards in its codes of ethical practice that are 109139

more stringent than those established by national organizations. 109140

The board may take disciplinary action against an applicant 109141

or license holder for violating any code of ethical practice 109142

established under this section. 109143

Sec. 4725.67. The state vision professionals board and any 109144

committees established by the board shall not discriminate against 109145

an applicant or holder of a certificate, license, registration, or 109146

endorsement issued under this chapter because of the person's 109147

race, color, religion, sex, national origin, disability as defined 109148

in section 4112.01 of the Revised Code, or age. A person who files 109149

with the board or committee a statement alleging discrimination 109150

based on any of those reasons may request a hearing with the board 109151

or committee, as appropriate. 109152

Sec. 4729.021. The state board of pharmacy shall license and 109153

register home medical equipment services providers under Chapter 109154

4752. of the Revised Code and shall administer and enforce that 109155

chapter. 109156

Sec. 4729.85. If the state board of pharmacy establishes and 109157

maintains a drug database pursuant to section 4729.75 of the 109158

Revised Code, the board shall prepare reports regarding the 109159

database and present or submit them in accordance with both of the 109160

following: 109161

(A) The board shall present a biennial report to the standing 109162

committees of the house of representatives and the senate that are 109163

primarily responsible for considering health and human services 109164

issues. Each report shall include all of the following: 109165

(1) The cost to the state of establishing and maintaining the 109166

database; 109167

(2) Information from the board, terminal distributors of 109168

dangerous drugs, prescribers, and retail dispensaries licensed 109169
under Chapter 3796. of the Revised Code regarding the board's 109170
effectiveness in providing information from the database; 109171

(3) The board's timeliness in transmitting information from 109172
the database. 109173

(B) The board shall submit a semiannual report to the 109174
governor, the president of the senate, the speaker of the house of 109175
representatives, the attorney general, the chairpersons of the 109176
standing committees of the house of representatives and the senate 109177
that are primarily responsible for considering health and human 109178
services issues, the department of public safety, the state dental 109179
board, the board of nursing, the state ~~board of optometry~~ vision 109180
professionals board, the state medical board, and the state 109181
veterinary medical licensing board. The state board of pharmacy 109182
shall make the report available to the public on its internet web 109183
site. Each report submitted shall include all of the following for 109184
the period covered by the report: 109185

(1) An aggregate of the information submitted to the board 109186
under section 4729.77 of the Revised Code regarding prescriptions 109187
for controlled substances containing opioids, including all of the 109188
following: 109189

(a) The number of prescribers who issued the prescriptions; 109190

(b) The number of patients to whom the controlled substances 109191
were dispensed; 109192

(c) The average quantity of the controlled substances 109193
dispensed per prescription; 109194

(d) The average daily morphine equivalent dose of the 109195
controlled substances dispensed per prescription. 109196

(2) An aggregate of the information submitted to the board 109197
under section 4729.79 of the Revised Code regarding controlled 109198

substances containing opioids that have been personally furnished 109199
to a patient by a prescriber, other than a prescriber who is a 109200
veterinarian, including all of the following: 109201

(a) The number of prescribers who personally furnished the 109202
controlled substances; 109203

(b) The number of patients to whom the controlled substances 109204
were personally furnished; 109205

(c) The average quantity of the controlled substances that 109206
were furnished at one time; 109207

(d) The average daily morphine equivalent dose of the 109208
controlled substances that were furnished at one time. 109209

(3) An aggregate of the information submitted to the board 109210
under section 4729.771 of the Revised Code regarding medical 109211
marijuana. 109212

Sec. 4731.051. The state medical board shall adopt rules in 109213
accordance with Chapter 119. of the Revised Code establishing 109214
universal blood and body fluid precautions that shall be used by 109215
each person who performs exposure prone invasive procedures and is 109216
authorized to practice by this chapter or Chapter 4730., 4759., 109217
4760., 4761., 4762., or 4774. of the Revised Code. The rules shall 109218
define and establish requirements for universal blood and body 109219
fluid precautions that include the following: 109220

(A) Appropriate use of hand washing; 109221

(B) Disinfection and sterilization of equipment; 109222

(C) Handling and disposal of needles and other sharp 109223
instruments; 109224

(D) Wearing and disposal of gloves and other protective 109225
garments and devices. 109226

Sec. 4731.07. (A) The state medical board shall keep a record 109227
of its proceedings. The minutes of a meeting of the board shall, 109228
on approval by the board, constitute an official record of its 109229
proceedings. 109230

(B) The board shall keep a register of applicants for 109231
certificates to practice issued under this chapter and Chapters 109232
4760., 4762., and 4774. of the Revised Code and licenses issued 109233
under Chapters 4730., 4759., 4761., and 4778. of the Revised Code. 109234
The register shall show the name of the applicant and whether the 109235
applicant was granted or refused a certificate or license. With 109236
respect to applicants to practice medicine and surgery or 109237
osteopathic medicine and surgery, the register shall show the name 109238
of the institution that granted the applicant the degree of doctor 109239
of medicine or osteopathic medicine. With respect to applicants to 109240
practice respiratory care, the register shall show the addresses 109241
of the person's last known place of business and residence, the 109242
effective date and identification number of the license, the name 109243
and location of the institution that granted the person's degree 109244
or certificate of completion of respiratory care educational 109245
requirements, and the date the degree or certificate was issued. 109246
The books and records of the board shall be prima-facie evidence 109247
of matters therein contained. 109248

Sec. 4731.071. The state medical board shall develop and 109249
publish on its internet web site a directory containing the names 109250
of, and contact information for, all persons who hold current, 109251
valid certificates or licenses issued by the board under this 109252
chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 109253
4778. of the Revised Code. Except as provided in section 4731.10 109254
of the Revised Code, the directory shall be the sole source for 109255
verifying that a person holds a current, valid certificate or 109256
license issued by the board. 109257

Sec. 4731.224. (A) Within sixty days after the imposition of 109258
any formal disciplinary action taken by any health care facility, 109259
including a hospital, health care facility operated by a health 109260
insuring corporation, ambulatory surgical center, or similar 109261
facility, against any individual holding a valid certificate to 109262
practice issued pursuant to this chapter, the chief administrator 109263
or executive officer of the facility shall report to the state 109264
medical board the name of the individual, the action taken by the 109265
facility, and a summary of the underlying facts leading to the 109266
action taken. Upon request, the board shall be provided certified 109267
copies of the patient records that were the basis for the 109268
facility's action. Prior to release to the board, the summary 109269
shall be approved by the peer review committee that reviewed the 109270
case or by the governing board of the facility. As used in this 109271
division, "formal disciplinary action" means any action resulting 109272
in the revocation, restriction, reduction, or termination of 109273
clinical privileges for violations of professional ethics, or for 109274
reasons of medical incompetence, medical malpractice, or drug or 109275
alcohol abuse. "Formal disciplinary action" includes a summary 109276
action, an action that takes effect notwithstanding any appeal 109277
rights that may exist, and an action that results in an individual 109278
surrendering clinical privileges while under investigation and 109279
during proceedings regarding the action being taken or in return 109280
for not being investigated or having proceedings held. "Formal 109281
disciplinary action" does not include any action taken for the 109282
sole reason of failure to maintain records on a timely basis or 109283
failure to attend staff or section meetings. 109284

The filing or nonfiling of a report with the board, 109285
investigation by the board, or any disciplinary action taken by 109286
the board, shall not preclude any action by a health care facility 109287
to suspend, restrict, or revoke the individual's clinical 109288
privileges. 109289

In the absence of fraud or bad faith, no individual or entity 109290
that provides patient records to the board shall be liable in 109291
damages to any person as a result of providing the records. 109292

(B) If any individual authorized to practice under this 109293
chapter or any professional association or society of such 109294
individuals believes that a violation of any provision of this 109295
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 109296
4778. of the Revised Code, or any rule of the board has occurred, 109297
the individual, association, or society shall report to the board 109298
the information upon which the belief is based. This division does 109299
not require any treatment provider approved by the board under 109300
section 4731.25 of the Revised Code or any employee, agent, or 109301
representative of such a provider to make reports with respect to 109302
an impaired practitioner participating in treatment or aftercare 109303
for substance abuse as long as the practitioner maintains 109304
participation in accordance with the requirements of section 109305
4731.25 of the Revised Code, and as long as the treatment provider 109306
or employee, agent, or representative of the provider has no 109307
reason to believe that the practitioner has violated any provision 109308
of this chapter or any rule adopted under it, other than the 109309
provisions of division (B)(26) of section 4731.22 of the Revised 109310
Code. This division does not require reporting by any member of an 109311
impaired practitioner committee established by a health care 109312
facility or by any representative or agent of a committee or 109313
program sponsored by a professional association or society of 109314
individuals authorized to practice under this chapter to provide 109315
peer assistance to practitioners with substance abuse problems 109316
with respect to a practitioner who has been referred for 109317
examination to a treatment program approved by the board under 109318
section 4731.25 of the Revised Code if the practitioner cooperates 109319
with the referral for examination and with any determination that 109320
the practitioner should enter treatment and as long as the 109321
committee member, representative, or agent has no reason to 109322

believe that the practitioner has ceased to participate in the 109323
treatment program in accordance with section 4731.25 of the 109324
Revised Code or has violated any provision of this chapter or any 109325
rule adopted under it, other than the provisions of division 109326
(B)(26) of section 4731.22 of the Revised Code. 109327

(C) Any professional association or society composed 109328
primarily of doctors of medicine and surgery, doctors of 109329
osteopathic medicine and surgery, doctors of podiatric medicine 109330
and surgery, or practitioners of limited branches of medicine that 109331
suspends or revokes an individual's membership for violations of 109332
professional ethics, or for reasons of professional incompetence 109333
or professional malpractice, within sixty days after a final 109334
decision shall report to the board, on forms prescribed and 109335
provided by the board, the name of the individual, the action 109336
taken by the professional organization, and a summary of the 109337
underlying facts leading to the action taken. 109338

The filing of a report with the board or decision not to file 109339
a report, investigation by the board, or any disciplinary action 109340
taken by the board, does not preclude a professional organization 109341
from taking disciplinary action against an individual. 109342

(D) Any insurer providing professional liability insurance to 109343
an individual authorized to practice under this chapter, or any 109344
other entity that seeks to indemnify the professional liability of 109345
such an individual, shall notify the board within thirty days 109346
after the final disposition of any written claim for damages where 109347
such disposition results in a payment exceeding twenty-five 109348
thousand dollars. The notice shall contain the following 109349
information: 109350

(1) The name and address of the person submitting the 109351
notification; 109352

(2) The name and address of the insured who is the subject of 109353

the claim; 109354

(3) The name of the person filing the written claim; 109355

(4) The date of final disposition; 109356

(5) If applicable, the identity of the court in which the 109357
final disposition of the claim took place. 109358

(E) The board may investigate possible violations of this 109359
chapter or the rules adopted under it that are brought to its 109360
attention as a result of the reporting requirements of this 109361
section, except that the board shall conduct an investigation if a 109362
possible violation involves repeated malpractice. As used in this 109363
division, "repeated malpractice" means three or more claims for 109364
medical malpractice within the previous five-year period, each 109365
resulting in a judgment or settlement in excess of twenty-five 109366
thousand dollars in favor of the claimant, and each involving 109367
negligent conduct by the practicing individual. 109368

(F) All summaries, reports, and records received and 109369
maintained by the board pursuant to this section shall be held in 109370
confidence and shall not be subject to discovery or introduction 109371
in evidence in any federal or state civil action involving a 109372
health care professional or facility arising out of matters that 109373
are the subject of the reporting required by this section. The 109374
board may use the information obtained only as the basis for an 109375
investigation, as evidence in a disciplinary hearing against an 109376
individual whose practice is regulated under this chapter, or in 109377
any subsequent trial or appeal of a board action or order. 109378

The board may disclose the summaries and reports it receives 109379
under this section only to health care facility committees within 109380
or outside this state that are involved in credentialing or 109381
recredentialing the individual or in reviewing the individual's 109382
clinical privileges. The board shall indicate whether or not the 109383
information has been verified. Information transmitted by the 109384

board shall be subject to the same confidentiality provisions as 109385
when maintained by the board. 109386

(G) Except for reports filed by an individual pursuant to 109387
division (B) of this section, the board shall send a copy of any 109388
reports or summaries it receives pursuant to this section to the 109389
individual who is the subject of the reports or summaries. The 109390
individual shall have the right to file a statement with the board 109391
concerning the correctness or relevance of the information. The 109392
statement shall at all times accompany that part of the record in 109393
contention. 109394

(H) An individual or entity that, pursuant to this section, 109395
reports to the board or refers an impaired practitioner to a 109396
treatment provider approved by the board under section 4731.25 of 109397
the Revised Code shall not be subject to suit for civil damages as 109398
a result of the report, referral, or provision of the information. 109399

(I) In the absence of fraud or bad faith, no professional 109400
association or society of individuals authorized to practice under 109401
this chapter that sponsors a committee or program to provide peer 109402
assistance to practitioners with substance abuse problems, no 109403
representative or agent of such a committee or program, and no 109404
member of the state medical board shall be held liable in damages 109405
to any person by reason of actions taken to refer a practitioner 109406
to a treatment provider approved under section 4731.25 of the 109407
Revised Code for examination or treatment. 109408

Sec. 4731.24. Except as provided in sections 4731.281 and 109409
4731.40 of the Revised Code, all receipts of the state medical 109410
board, from any source, shall be deposited in the state treasury. 109411
The funds shall be deposited to the credit of the state medical 109412
board operating fund, which is hereby created. Except as provided 109413
in sections 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 109414
4774.133, and 4778.141 of the Revised Code, all funds deposited 109415

into the state treasury under this section shall be used solely 109416
for the administration and enforcement of this chapter and 109417
Chapters 4730., 4759., 4760., 4761., 4762., 4774., and 4778. of 109418
the Revised Code by the board. 109419

Sec. 4731.25. The state medical board, in accordance with 109420
Chapter 119. of the Revised Code, shall adopt and may amend and 109421
rescind rules establishing standards for approval of physicians 109422
and facilities as treatment providers for impaired practitioners 109423
who are regulated under this chapter or Chapter 4730., 4759., 109424
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 109425
rules shall include standards for both inpatient and outpatient 109426
treatment. The rules shall provide that in order to be approved, a 109427
treatment provider must have the capability of making an initial 109428
examination to determine what type of treatment an impaired 109429
practitioner requires. Subject to the rules, the board shall 109430
review and approve treatment providers on a regular basis. The 109431
board, at its discretion, may withdraw or deny approval subject to 109432
the rules. 109433

An approved impaired practitioner treatment provider shall: 109434

(A) Report to the board the name of any practitioner 109435
suffering or showing evidence of suffering impairment as described 109436
in division (B)(5) of section 4730.25 of the Revised Code, 109437
division (B)(26) of section 4731.22 of the Revised Code, division 109438
(A)(4) of section 4759.07 of the Revised Code, division (B)(6) of 109439
section 4760.13 of the Revised Code, division (B)(6) of section 109440
4762.13 of the Revised Code, division (B)(6) of section 4774.13 of 109441
the Revised Code, or division (B)(6) of section 4778.14 of the 109442
Revised Code who fails to comply within one week with a referral 109443
for examination; 109444

(B) Report to the board the name of any impaired practitioner 109445
who fails to enter treatment within forty-eight hours following 109446

the provider's determination that the practitioner needs treatment; 109447
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(C) Require every practitioner who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare; 109449
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(D) Require a practitioner to suspend practice upon entry into any required inpatient treatment; 109453
109454

(E) Report to the board any failure by an impaired practitioner to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare; 109455
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(F) Report to the board the resumption of practice of any impaired practitioner before the treatment provider has made a clear determination that the practitioner is capable of practicing according to acceptable and prevailing standards of care; 109458
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109461

(G) Require a practitioner who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers; 109462
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(H) Report the identity of any practitioner practicing under the terms of an aftercare contract to hospital administrators, medical chiefs of staff, and chairpersons of impaired practitioner committees of all health care institutions at which the practitioner holds clinical privileges or otherwise practices. If the practitioner does not hold clinical privileges at any health care institution, the treatment provider shall report the practitioner's identity to the impaired practitioner committee of the county medical society, osteopathic academy, or podiatric medical association in every county in which the practitioner practices. If there are no impaired practitioner committees in the county, the treatment provider shall report the practitioner's 109466
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identity to the president or other designated member of the county 109478
medical society, osteopathic academy, or podiatric medical 109479
association. 109480

(I) Report to the board the identity of any practitioner who 109481
suffers a relapse at any time during or following aftercare. 109482

Any individual authorized to practice under this chapter who 109483
enters into treatment by an approved treatment provider shall be 109484
deemed to have waived any confidentiality requirements that would 109485
otherwise prevent the treatment provider from making reports 109486
required under this section. 109487

In the absence of fraud or bad faith, no person or 109488
organization that conducts an approved impaired practitioner 109489
treatment program, no member of such an organization, and no 109490
employee, representative, or agent of the treatment provider shall 109491
be held liable in damages to any person by reason of actions taken 109492
or recommendations made by the treatment provider or its 109493
employees, representatives, or agents. 109494

Sec. 4743.05. Except as otherwise provided in sections 109495
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 109496
Revised Code, all money collected under Chapters 3773., 4701., 109497
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 109498
4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757., 109499
4758., ~~4759., 4761.,~~ 4771., 4775., ~~4779.,~~ and 4781. of the Revised 109500
Code shall be paid into the state treasury to the credit of the 109501
occupational licensing and regulatory fund, which is hereby 109502
created for use in administering such chapters. 109503

At the end of each quarter, the director of budget and 109504
management shall transfer from the occupational licensing and 109505
regulatory fund to the nurse education assistance fund created in 109506
section 3333.28 of the Revised Code the amount certified to the 109507
director under division (B) of section 4723.08 of the Revised 109508

Code. 109509

At the end of each quarter, the director shall transfer from 109510
the occupational licensing and regulatory fund to the certified 109511
public accountant education assistance fund created in section 109512
4701.26 of the Revised Code the amount certified to the director 109513
under division (H)(2) of section 4701.10 of the Revised Code. 109514

Sec. 4744.02. (A) There is hereby created the state speech 109515
and hearing professionals board consisting of the following 109516
members, appointed by the governor with the advice and consent of 109517
the senate: 109518

(1) Two individuals licensed as speech-language pathologists 109519
under Chapter 4753. of the Revised Code; 109520

(2) Three individuals licensed as audiologists under Chapter 109521
4753. of the Revised Code; 109522

(3) Two individuals licensed as hearing aid fitters under 109523
Chapter 4747. of the Revised Code; 109524

(4) Two individuals representing the general public. 109525

(B) Not later than ninety days after the effective date of 109526
this section, the governor shall make initial appointments to the 109527
board. Of the initial appointments, four members shall serve terms 109528
ending March 22, 2019, three members shall serve terms ending 109529
March 22, 2020, and two members shall serve terms ending March 22, 109530
2021. 109531

Thereafter, terms of office are three years, with each term 109532
commencing on the twenty-third day of March and ending on the 109533
twenty-second day of March. Each member shall hold office from the 109534
date of appointment until the end of the term for which the member 109535
was appointed, except that a member shall continue in office after 109536
the expiration date of the member's term until the member's 109537
successor takes office. No member shall serve more than three 109538

consecutive terms. 109539

Vacancies shall be filled in the same manner as original 109540
appointments. Any member appointed to fill a vacancy occurring 109541
before the expiration of the term for which the member's 109542
predecessor was appointed shall hold office for the remainder of 109543
that term. 109544

(C) No individual may be appointed to the board who has been 109545
convicted of or pleaded guilty to a felony under the laws of this 109546
state, another state, or the United States. 109547

The governor may remove a member of the board for 109548
malfeasance, misfeasance, or nonfeasance after a hearing in 109549
accordance with Chapter 119. of the Revised Code. The governor 109550
shall remove, after a hearing in accordance with Chapter 119. of 109551
the Revised Code, any member who has been convicted of or pleaded 109552
guilty to a felony under the laws of this state, another state, or 109553
the United States. 109554

Sec. 4744.07. When the term of a member of the state speech 109555
and hearing professionals board expires or a vacancy occurs on the 109556
board, a professional association representing the interests of 109557
the occupation of the board position to be filled may recommend to 109558
the governor individuals to fill the position. The governor shall 109559
consider the recommendation in making appointments to the board. 109560

Sec. 4744.10. Whenever the term "hearing aid dealers and 109561
fitters licensing board" or "board of speech-language pathology 109562
and audiology" is used in any statute, rule, contract, or other 109563
document, the use shall be construed to mean the "state speech and 109564
hearing professionals board." 109565

Whenever "secretary of the hearing aid dealers and fitters 109566
licensing board" or "executive director of the board of 109567
speech-language pathology and audiology" is used in a statute, 109568

rule, contract, or other document, the use shall be construed to 109569
mean the executive director of the state speech and hearing 109570
professionals board. 109571

Sec. 4744.12. (A) The state speech and hearing professionals 109572
board shall annually elect from among its members a president and 109573
secretary. The board shall hold at least four regular meetings 109574
each year and may hold additional meetings as it considers 109575
necessary. At least one of the board's regular meetings shall be 109576
held in Franklin county. The board shall publish the time and 109577
place of any meetings at least thirty days before the date on 109578
which the meeting is to be held, except that in the case of an 109579
emergency or special meeting, the board shall give 109580
twenty-four-hours' notice or as much notice as possible. 109581

A majority of board members constitutes a quorum. 109582

(B) The board shall do all of the following: 109583

(1) Adopt a seal and certificate of suitable design; 109584

(2) Maintain a record of its proceedings; 109585

(3) Maintain a register of every individual holding a 109586
certificate, license, or permit issued under Chapters 4747. and 109587
4753. of the Revised Code and every individual whose certificate, 109588
license, or permit has been revoked under those chapters. 109589

(C) Except as otherwise provided in the Revised Code, the 109590
books and records of the board, including its registers, shall be 109591
open to public inspection at all reasonable times. A copy of an 109592
entry in those books and records, certified by the executive 109593
director under the board's seal, is prima facie evidence of the 109594
facts therein stated. 109595

Sec. 4744.14. The state speech and hearing professionals 109596
board shall hire an executive director. Before discharging the 109597

executive director's duties, each executive director shall give a 109598
bond, to be approved by the board, in the amount of two thousand 109599
dollars to ensure the faithful performance of the executive 109600
director's duties. The board shall pay the premium of the bond in 109601
the same manner as it pays other expenditures of the board. The 109602
bond shall be deposited with the secretary of state and kept in 109603
the secretary of state's office. 109604

The executive director of the board, in consultation with the 109605
director of administrative services, may employ inspectors, 109606
investigators, assistants, and other employees as necessary to 109607
administer and enforce Chapters 4747. and 4753. of the Revised 109608
Code. 109609

Sec. 4744.16. Each member of the state speech and hearing 109610
professionals board shall receive an amount fixed under division 109611
(J) of section 124.15 of the Revised Code for each day the member 109612
is performing their official duties and be reimbursed for actual 109613
and necessary expenses incurred in performing such duties. 109614

The board, in consultation with the director of 109615
administrative services, shall set the compensation of its 109616
executive director and of any employees of the board. The 109617
executive director of the board shall be reimbursed for necessary 109618
expenses in accordance with section 126.31 of the Revised Code. 109619

All vouchers of the board shall be approved by the board's 109620
president or executive director, or both, as authorized by the 109621
board. 109622

Sec. 4744.18. The state speech and hearing professionals 109623
board shall have an office in Franklin county, where all of the 109624
board's permanent records shall be kept. On request of the board, 109625
the director of administrative services shall supply the board 109626
with office space and supplies. The board's president and 109627

executive director shall submit an order to the director of 109628
administrative services for all printing and binding necessary for 109629
the board's work. 109630

Sec. 4744.20. All expenses of the state speech and hearing 109631
professionals board shall be paid from, and all receipts of the 109632
board shall be deposited in, the state treasury to the credit of 109633
the occupational licensing and regulatory fund created in section 109634
4743.05 of the Revised Code. 109635

Sec. 4744.24. The state speech and hearing professionals 109636
board shall annually, on or before the first day of February, 109637
submit a report to the governor of all its official acts during 109638
the preceding year, its receipts and disbursements, and a complete 109639
report of the conditions of the professions regulated by the 109640
board. The board shall submit its first report to the governor not 109641
later than February 1, 2019. The board shall submit the reports to 109642
the governor electronically. 109643

Sec. 4744.28. The state speech and hearing professionals 109644
board may adopt rules as necessary for the transaction of its 109645
business. 109646

Sec. 4744.30. In the absence of fraud or bad faith, the state 109647
speech and hearing professionals board, current or former board 109648
members, agents of the board, persons formally requested by the 109649
board to be the board's representative, or employees of the board 109650
shall not be held liable in damages to any person as the result of 109651
any act, omission, proceeding, conduct, or decision related to 109652
official duties undertaken or performed pursuant to Chapters 4747. 109653
and 4753. of the Revised Code. 109654

If such a person asks to be defended by the state against any 109655

claim or action arising out of any act, omission, proceeding, 109656
conduct, or decision related to the person's official duties, and 109657
if the request is made in writing at a reasonable time before 109658
trial and the person requesting defense cooperates in good faith 109659
in the defense of the claim or action, the state shall provide and 109660
pay for the person's defense and shall pay any resulting judgment, 109661
compromise, or settlement. At no time shall the state pay any part 109662
of a claim or judgment that is for punitive or exemplary damages. 109663

Sec. 4744.36. The state speech and hearing professionals 109664
board may appoint committees or other groups to assist in 109665
fulfilling its duties. A committee or group may consist of board 109666
members, other individuals with appropriate backgrounds, or both 109667
board members and other individuals with appropriate backgrounds. 109668
Any appointed committee or group shall act under the board's 109669
direction and shall perform its functions within the limits 109670
established by the board. 109671

Except as otherwise provided in the Revised Code, a committee 109672
or group organized under this section is advisory in nature and 109673
may not act independently of the board or act on the board's 109674
behalf. 109675

Members of a committee or group may be reimbursed by the 109676
board for any expenses incurred in the performance of their 109677
duties, in accordance with section 126.31 of the Revised Code and 109678
with approval from the director of administrative services. 109679

Sec. 4744.40. The state speech and hearing professionals 109680
board may enter into contracts with any person or government 109681
entity to implement this chapter and Chapters 4747. and 4753. of 109682
the Revised Code, the rules adopted under those chapters, any 109683
other applicable statutes or rules, and any applicable federal 109684
statutes or regulations. 109685

Sec. 4744.48. The state speech and hearing professionals 109686
board may become a member of a national licensing organization for 109687
the professions regulated by the board. The board may participate 109688
in any of the organization's activities, including reporting 109689
actions the board takes against an applicant or license holder to 109690
any data bank established by the organization. 109691

Sec. 4744.50. The state speech and hearing professionals 109692
board shall establish a code of ethical practice for individuals 109693
licensed, certified, or registered by the board in accordance with 109694
rules adopted under Chapter 119. of the Revised Code. In 109695
establishing the codes of ethical practice, the board shall define 109696
unprofessional conduct in the rules, which shall include engaging 109697
in a dual relationship with a client or former client, committing 109698
an act of sexual abuse, misconduct, or exploitation of a client or 109699
former client, and, except as permitted by law, violating client 109700
confidentiality. 109701

The codes of ethical practice may be based on any codes of 109702
ethical practice developed by national organizations representing 109703
the interests of those professions regulated by the board. The 109704
board may establish standards in its codes of ethical practice 109705
that are more stringent than those established by national 109706
organizations. 109707

The board may take disciplinary action against an applicant 109708
or license holder for violating any code of ethical practice 109709
established under this section. 109710

Sec. 4744.54. The state speech and hearing professionals 109711
board or any committees established by the board shall not 109712
discriminate against an applicant or license holder because of the 109713
person's race, color, religion, sex, national origin, disability 109714
as defined in section 4112.01 of the Revised Code, or age. A 109715

person who files with the board or committee a statement alleging 109716
discrimination based on any of those reasons may request a hearing 109717
with the board or committee, as appropriate. 109718

Sec. 4745.02. On or before the thirtieth day prior to the 109719
expiration of any license, each licensing agency shall ~~cause to be~~ 109720
~~mailed~~ provide a notice ~~and application~~ for renewal to every 109721
licensee for whom a license was issued or renewed during the 109722
current license year or other specified period and who has been 109723
approved for renewal by the specific licensing agency. 109724

The licensee shall complete the applicable renewal 109725
application and ~~return it to~~ pay the applicable renewal fee. 109726
Renewal fees paid pursuant to this section shall be deposited with 109727
the treasurer of state ~~with a renewal fee in the amount specified~~ 109728
~~on the renewal application.~~ 109729

Upon receipt of the correct fee by the treasurer and 109730
acceptance of the renewal application by the licensing agency, the 109731
applicant shall be entered as currently renewed on the records of 109732
the particular licensing agency, and notice of the entry shall be 109733
~~mailed~~ provided to each licensee as soon as practicable, but not 109734
later than thirty days after receipt ~~by the treasurer~~ of the 109735
application and renewal fee. A certification by the respective 109736
licensing agency, with its seal affixed, of those records shall be 109737
prima-facie evidence of renewal in all courts in the trial of any 109738
case. 109739

Sec. 4745.021. Notwithstanding any provision of the Revised 109740
Code pertaining to the timing of a license renewal to the 109741
contrary, if a failure in any electronic license renewal system 109742
occurs, a licensing agency may extend the date by which licenses 109743
must be renewed. The licensing agency may extend a renewal period 109744
for a reasonable time period after the resolution of the system 109745

failure. However, a licensing agency must obtain approval from the 109746
director of administrative services for an extension in excess of 109747
fourteen days beyond the resolution of the system failure. 109748

Sec. 4745.04. (A) As used in this section: 109749

(1) "Indigent and uninsured person" and "volunteer" have the 109750
same meanings as in section 2305.234 of the Revised Code. 109751

(2) "Licensing agency that licenses health care 109752
professionals" means all of the following: 109753

(a) The state dental board established under Chapter 4715. of 109754
the Revised Code; 109755

(b) The board of nursing established under Chapter 4723. of 109756
the Revised Code; 109757

(c) The state vision professionals board ~~of optometry~~ 109758
established under Chapter 4725. of the Revised Code; 109759

(d) ~~The Ohio optical dispensers board established under~~ 109760
~~Chapter 4725. of the Revised Code;~~ 109761

~~(e)~~ The state board of pharmacy established under Chapter 109762
4729. of the Revised Code; 109763

~~(f)~~(e) The state medical board established under Chapter 109764
4731. of the Revised Code; 109765

~~(g)~~(f) The state board of psychology established under 109766
Chapter 4732. of the Revised Code; 109767

~~(h)~~(g) The state chiropractic board established under Chapter 109768
4734. of the Revised Code; 109769

~~(i)~~ ~~The hearing aid dealers and fitters licensing board~~ 109770
~~established under Chapter 4747. of the Revised Code;~~ 109771

~~(j)~~ ~~The board of speech language pathology and audiology~~ 109772
~~established under Chapter 4753. of the Revised Code;~~ 109773

~~(k)~~(h) The Ohio occupational therapy, physical therapy, and athletic trainers board established under Chapter 4755. of the Revised Code; 109774
109775
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~~(l)~~(i) The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised ~~ode~~ Code; 109777
109778
109779

~~(m)~~(j) The chemical dependency professionals board established under Chapter 4758. of the Revised Code; 109780
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~~(n)~~ The Ohio board of dietetics established under Chapter 4759. of the Revised Code; 109782
109783

~~(o)~~ The Ohio respiratory care board established under Chapter 4761. of the Revised Code; 109784
109785

~~(p)~~(k) The state board of emergency medical services established under Chapter 4765. of the Revised Code; 109786
109787

~~(q)~~ The state board of orthotics, prosthetics, and pedorthics established under Chapter 4779. of the Revised Code; 109788
109789

~~(r)~~(l) The state speech and hearing professionals board established under Chapter 4744. of the Revised Code; 109790
109791

(m) Any other licensing agency that considers its licensees to be health care professionals. 109792
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(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply: 109794
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(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency. 109799
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(2) The licensee provides the health care services to an indigent and uninsured person. 109802
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(3) The licensee provides the health care services as a volunteer. 109804
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(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section. 109806
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(5) The health care services provided are within the scope of authority of the licensee renewing the license. 109809
109810

(C) A licensing agency that licenses health care professionals shall permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing health care services as a volunteer. A licensing agency that licenses health care professionals shall permit a licensee to earn continuing education credits at the rate of one credit hour for each sixty minutes spent providing health care services as a volunteer. 109811
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(D) A licensing agency that licenses health care professionals shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 109819
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(E) Continuing education credit received under this section for providing health care services is not compensation or any other form of remuneration for purposes of section 2305.234 of the Revised Code and does not make the provider of those services ineligible for the immunity from liability granted under that section. 109823
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Sec. 4747.04. ~~The state speech and hearing aid dealers and fitters licensing board shall meet annually to elect a chairperson and a vice chairperson, who shall act as chairperson in the absence of the chairperson. A majority of the board constitutes a quorum. The board shall meet when called by the chairperson. The~~ 109829
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professionals board shall: 109834

(A) ~~Adopt rules for the transaction of its business;~~ 109835

~~(B)~~ Design and prepare qualifying examinations for licensing 109836
of hearing aid dealers, fitters, and trainees; 109837

~~(C)~~(B) Determine whether persons holding similar valid 109838
licenses from other states or jurisdictions shall be required to 109839
take and successfully pass the appropriate qualifying examination 109840
as a condition for licensing in this state; 109841

~~(D)~~(C) Determine whether charges made against any licensee 109842
warrant a hearing before the board; 109843

~~(E)~~(D) Hold hearings to determine the truth and circumstances 109844
of all charges filed in writing with the board against any 109845
licensee and determine whether any license held by any person 109846
shall be revoked, suspended, or reissued; 109847

~~(F)~~(E) Determine and specify the length of time each license 109848
that is suspended or revoked shall remain suspended or revoked; 109849

~~(G)~~(F) Advise and assist the department of health in all 109850
matters relating to this chapter; 109851

~~(H)~~(G) Deposit all payments collected under this chapter into 109852
the ~~general operations~~ state treasury to the credit of the 109853
occupational licensing and regulatory fund created ~~under in~~ 109854
section ~~3701.83~~ 4743.05 of the Revised Code ~~to be used in~~ 109855
~~administering and enforcing this chapter;~~ 109856

~~(I)~~(H) Establish a list of disqualifying offenses for 109857
licensure as a hearing aid dealer or fitter, or for a hearing aid 109858
dealer or fitter trainee permit, pursuant to sections 4747.05, 109859
4747.10, 4747.12, and 4776.10 of the Revised Code. 109860

Nothing in this section shall be interpreted as granting to 109861
the ~~hearing aid dealers and fitters licensing~~ board the right to 109862
restrict advertising which is not false or misleading, or to 109863

prohibit or in any way restrict a hearing aid dealer or fitter 109864
from renting or leasing space from any person, firm or corporation 109865
in a mercantile establishment for the purpose of using such space 109866
for the lawful sale of hearing aids or to prohibit a mercantile 109867
establishment from selling hearing aids if the sale would be 109868
otherwise lawful under this chapter. 109869

Sec. 4747.05. (A) The state speech and hearing aid dealers 109870
~~and fitters licensing~~ professionals board shall issue to each 109871
applicant, within sixty days of receipt of a properly completed 109872
application and payment of two hundred sixty-two dollars, a 109873
hearing aid dealer's or fitter's license if the applicant, ~~if an~~ 109874
individual: 109875

(1) ~~Is~~ In the case of an individual, the individual is at 109876
least eighteen years of age. 109877

~~(2) Has,~~ has not committed a disqualifying offense or a crime 109878
of moral turpitude, as those terms are defined in section 4776.10 109879
of the Revised Code. 109880

~~(3) Is,~~ is free of contagious or infectious disease. 109881

~~(4) Has,~~ and has successfully passed a qualifying examination 109882
specified and administered by the board. 109883

~~(B) If the applicant is~~ (2) In the case of a firm, 109884
partnership, association, or corporation, the application, in 109885
addition to such information as the board requires, ~~shall be~~ is 109886
accompanied by an application for a license for each person, 109887
whether owner or employee, of the firm, partnership, association, 109888
or corporation, who engages in dealing in or fitting of hearing 109889
aids, or ~~shall contain~~ contains a statement that such applications 109890
are submitted separately. No firm, partnership, association, or 109891
corporation licensed pursuant to this chapter shall permit any 109892
unlicensed person to sell or fit hearing aids. 109893

~~(C)~~(B)(1) Subject to divisions ~~(C)~~(B)(2), (3), and (4) of 109894
this section, the board shall not adopt, maintain, renew, or 109895
enforce any rule that precludes an individual from receiving or 109896
renewing a license issued under this chapter due to any past 109897
criminal activity or interpretation of moral character, unless the 109898
individual has committed a crime of moral turpitude or a 109899
disqualifying offense as those terms are defined in section 109900
4776.10 of the Revised Code. If the board denies an individual a 109901
license or license renewal, the reasons for such denial shall be 109902
put in writing. 109903

(2) Except as otherwise provided in this division, if an 109904
individual applying for a license has been convicted of or pleaded 109905
guilty to a misdemeanor that is not a crime of moral turpitude or 109906
a disqualifying offense less than one year prior to making the 109907
application, the board may use the board's discretion in granting 109908
or denying the individual a license. Except as otherwise provided 109909
in this division, if an individual applying for a license has been 109910
convicted of or pleaded guilty to a felony that is not a crime of 109911
moral turpitude or a disqualifying offense less than three years 109912
prior to making the application, the board may use the board's 109913
discretion in granting or denying the individual a license. The 109914
provisions in this paragraph do not apply with respect to any 109915
offense unless the board, prior to ~~the effective date of this~~ 109916
~~amendment~~ September 28, 2012, was required or authorized to deny 109917
the application based on that offense. 109918

In all other circumstances, the board shall follow the 109919
procedures it adopts by rule that conform to division ~~(C)~~(B)(1) of 109920
this section. 109921

(3) In considering a renewal of an individual's license, the 109922
board shall not consider any conviction or plea of guilty prior to 109923
the initial licensing. However, the board may consider a 109924
conviction or plea of guilty if it occurred after the individual 109925

was initially licensed, or after the most recent license renewal. 109926

(4) The board may grant an individual a conditional license 109927
that lasts for one year. After the one-year period has expired, 109928
the license is no longer considered conditional, and the 109929
individual shall be considered fully licensed. 109930

~~(D)~~(C) Each license issued expires on the thirtieth day of 109931
January of the year following that in which it was issued. 109932

Sec. 4747.051. (A) As used in this section, "license" and 109933
"applicant for an initial license" have the same meanings as in 109934
section 4776.01 of the Revised Code, except that "license" as used 109935
in both of those terms refers to the types of authorizations 109936
otherwise issued or conferred under this chapter. 109937

(B) In addition to any other eligibility requirement set 109938
forth in this chapter, each applicant for an initial license shall 109939
comply with sections 4776.01 to 4776.04 of the Revised Code. The 109940
state speech and hearing professionals board shall not grant a 109941
license to an applicant for an initial license unless the 109942
applicant complies with sections 4776.01 to 4776.04 of the Revised 109943
Code and the board, in its discretion, decides that the results of 109944
the criminal records check do not make the applicant ineligible 109945
for a license issued pursuant to section 4747.05 or 4747.10 of the 109946
Revised Code. 109947

Sec. 4747.06. (A) Each person engaged in the practice of 109948
dealing in or fitting of hearing aids who holds a valid hearing 109949
aid dealer's or fitter's license shall apply annually to the state 109950
speech and hearing aid dealers and fitters licensing professionals 109951
board for renewal of such license under the standard renewal 109952
procedure specified in Chapter 4745. of the Revised Code. The 109953
board shall issue to each applicant, on proof of completion of the 109954
continuing education required by division (B) of this section and 109955

payment of one hundred fifty-seven dollars on or before the first 109956
day of February, one hundred eighty-three dollars on or before the 109957
first day of March, or two hundred ten dollars thereafter, a 109958
renewed hearing aid dealer's or fitter's license. No person who 109959
applies for renewal of a hearing aid dealer's or fitter's license 109960
that has expired shall be required to take any examination as a 109961
condition of renewal provided application for renewal is made 109962
within two years of the date such license expired. 109963

(B) Each person engaged in the practice of dealing in or 109964
fitting of hearing aids who holds a valid hearing aid dealer's or 109965
fitter's license shall complete each year not less than ten hours 109966
of continuing professional education approved by the board. On a 109967
form provided by the board, the person shall certify to the board, 109968
at the time of license renewal pursuant to division (A) of this 109969
section, that in the preceding year the person has completed 109970
continuing education in compliance with this division and shall 109971
submit any additional information required by rule of the board 109972
regarding the continuing education. The board shall adopt rules in 109973
accordance with Chapter 119. of the Revised Code establishing the 109974
standards continuing education programs must meet to obtain board 109975
approval and continuing education reporting requirements. 109976

Continuing education may be applied to meet the requirement 109977
of this division if it is provided or certified by any of the 109978
following: 109979

(1) The national institute of hearing instruments studies 109980
committee of the international hearing society; 109981

(2) The American speech-language hearing association; 109982

(3) The American academy of audiology. 109983

The board may excuse persons licensed under this chapter, as 109984
a group or as individuals, from all or any part of the 109985
requirements of this division because of an unusual circumstance, 109986

emergency, or special hardship. 109987

Sec. 4747.07. Each person who holds a hearing aid dealer's or 109988
fitter's license and engages in the practice of dealing in and 109989
fitting of hearing aids shall display such license in a 109990
conspicuous place in the person's office or place of business at 109991
all times. Each person who maintains more than one office or place 109992
of business shall post a duplicate copy of the license at each 109993
location. The ~~state speech and hearing aid dealers and fitters~~ 109994
~~licensing~~ professionals board shall issue duplicate copies of a 109995
license upon receipt of a properly completed application and 109996
payment of sixteen dollars for each copy requested. 109997

Sec. 4747.08. After July 1, 1970, no person shall be issued a 109998
hearing aid dealer's or fitter's license unless such person has 109999
successfully taken and passed a qualifying examination. The 110000
qualifying examination shall be a thorough testing of knowledge 110001
required for the proper selecting, fitting, and sale of hearing 110002
aids, but shall not be such that a medical or surgical education 110003
is required for successful completion. It shall consist of written 110004
and practical portions which shall include, but not be limited to, 110005
the following areas: 110006

(A) Basic physics of sound; 110007

(B) The anatomy and physiology of the human ear; 110008

(C) The function and purpose of hearing aids; 110009

(D) Pure tone audiometry, including air conduction and bone 110010
conduction testing; 110011

(E) Live voice or recorded voice speech audiometry, including 110012
speech reception threshold testing and speech discrimination 110013
testing; 110014

(F) Masking techniques; 110015

(G) Recording and evaluation of audiograms and speech 110016
audiometry to determine proper selection and adaptation of hearing 110017
aids; 110018

(H) Earmold impression techniques. 110019

The ~~state speech and hearing aid dealers and fitters~~ 110020
~~licensing professionals~~ board shall design, prepare, and revise 110021
such qualifying examinations as are determined necessary by the 110022
board pursuant to this chapter. It shall administer all such 110023
qualifying examinations and shall designate the time, place, and 110024
date the examinations are held. The board shall also furnish all 110025
materials and equipment necessary for the conducting of all 110026
qualifying examinations. 110027

Sec. 4747.10. Each person currently engaged in training to 110028
become a licensed hearing aid dealer or fitter shall apply to the 110029
~~state speech and hearing aid dealers and fitters licensing~~ 110030
~~professionals~~ board for a hearing aid dealer's and fitter's 110031
trainee permit. The board shall issue to each applicant within 110032
thirty days of receipt of a properly completed application and 110033
payment of one hundred fifty dollars, a trainee permit if such 110034
applicant meets all of the following criteria: 110035

(A) Is at least eighteen years of age; 110036

(B) Is the holder of a diploma from an accredited high school 110037
or a certificate of high school equivalence issued by the 110038
department of education; 110039

(C) Has not committed a disqualifying offense or a crime of 110040
moral turpitude, as those terms are defined in section 4776.10 of 110041
the Revised Code; 110042

(D) Is free of contagious or infectious disease. 110043

Subject to the next paragraph, the board shall not deny a 110044
trainee permit issued under this section to any individual based 110045

on the individual's past criminal history or an interpretation of 110046
moral character unless the individual has committed a 110047
disqualifying offense or crime of moral turpitude as those terms 110048
are defined in section 4776.10 of the Revised Code. Except as 110049
otherwise provided in this paragraph, if an individual applying 110050
for a trainee permit has been convicted of or pleaded guilty to a 110051
misdemeanor that is not a crime of moral turpitude or a 110052
disqualifying offense less than one year prior to making the 110053
application, the board may use the board's discretion in granting 110054
or denying the individual a trainee permit. Except as otherwise 110055
provided in this paragraph, if an individual applying for a 110056
trainee permit has been convicted of or pleaded guilty to a felony 110057
that is not a crime of moral turpitude or a disqualifying offense 110058
less than three years prior to making the application, the board 110059
may use the board's discretion in granting or denying the 110060
individual a trainee permit. The provisions in this paragraph do 110061
not apply with respect to any offense unless the board, prior to 110062
September 28, 2012, was required or authorized to deny the 110063
application based on that offense. 110064

In all other circumstances not described in the preceding 110065
paragraph, the board shall follow the procedures it adopts by rule 110066
that conform to this section. 110067

In considering a renewal of an individual's trainee permit, 110068
the board shall not consider any conviction or plea of guilty 110069
prior to the issuance of the initial trainee permit. However, the 110070
board may consider a conviction or plea of guilty if it occurred 110071
after the individual was initially granted the trainee permit, or 110072
after the most recent trainee permit renewal. If the board denies 110073
an individual for a trainee permit or renewal, the reasons for 110074
such denial shall be put in writing. Additionally, the board may 110075
grant an individual a conditional trainee permit that lasts for 110076
one year. After the one-year period has expired, the permit is no 110077

longer considered conditional, and the individual shall be 110078
considered to be granted a full trainee permit. 110079

Each trainee permit issued by the board expires one year from 110080
the date it was first issued, and may be renewed once if the 110081
trainee has not successfully completed the qualifying requirements 110082
for licensing as a hearing aid dealer or fitter before the 110083
expiration date of such permit. The board shall issue a renewed 110084
permit to each applicant upon receipt of a properly completed 110085
application and payment of one hundred five dollars. No person 110086
holding a trainee permit shall engage in the practice of dealing 110087
in or fitting of hearing aids except while under supervision by a 110088
licensed hearing aid dealer or fitter. 110089

Sec. 4747.11. Each person who holds a hearing aid dealer's or 110090
fitter's license or trainee permit shall notify the state speech 110091
and hearing aid dealers and fitters licensing professionals board 110092
in writing of the place or places where ~~he~~ the person engages or 110093
intends to engage in the practice of dealing in and fitting of 110094
hearing aids, and shall immediately notify the board in writing of 110095
any change in such address or addresses. The board shall keep a 110096
record of the past and current place of business of each person 110097
who holds a license or permit. 110098

Any notice that is required to be given by the board to a 110099
person holding a license or permit pursuant to the provisions of 110100
this chapter shall be mailed to such person by certified mail to 110101
the address of ~~his~~ the person's current or most recent place of 110102
business as revealed in the records of the board. 110103

Sec. 4747.12. The state speech and hearing aid dealers and 110104
fitters licensing professionals board may revoke or suspend a 110105
license or permit if the person who holds such license or permit: 110106

(A) Is convicted of a disqualifying offense or a crime of 110107

moral turpitude as those terms are defined in section 4776.10 of 110108
the Revised Code. The record of conviction, or a copy thereof 110109
certified by the clerk of the court or by the judge in whose court 110110
the conviction occurs, is conclusive evidence of such conviction; 110111

(B) Procured a license or permit by fraud or deceit practiced 110112
upon the board; 110113

(C) Obtained any fee or made any sale of a hearing aid by 110114
fraud or misrepresentation; 110115

(D) Knowingly employed any person without a license or a 110116
person whose license was suspended or revoked to engage in the 110117
fitting or sale of hearing aids; 110118

(E) Used or caused or promoted the use of any advertising 110119
matter, promotional literature, testimonial, guarantee, warranty, 110120
label, brand, insignia, or any other representation, however 110121
disseminated or published, which is misleading, deceptive, or 110122
untruthful; 110123

(F) Advertised a particular model or type of hearing aid for 110124
sale when purchasers or prospective purchasers responding to the 110125
advertisement cannot purchase the specified model or type of 110126
hearing aid; 110127

(G) Represented or advertised that the service or advice of a 110128
person licensed to practice medicine will be used or made 110129
available in the selection, fitting, adjustment, maintenance, or 110130
repair of hearing aids when such is not true, or using the words 110131
"doctor," "clinic," or similar words, abbreviations, or symbols 110132
which connote the medical profession when such use is not 110133
accurate; 110134

(H) Is found by the board to be a person of habitual 110135
intemperance or gross immorality; 110136

(I) Advertised a manufacturer's product or used a 110137

manufacturer's name or trademark in a manner which suggested the 110138
existence of a relationship with the manufacturer which did not or 110139
does not exist; 110140

(J) Fitted or sold, or attempted to fit or sell, a hearing 110141
aid to a person without first utilizing the appropriate procedures 110142
and instruments required for proper fitting of hearing aids; 110143

(K) Engaged in the fitting and sale of hearing aids under a 110144
false name or an alias; 110145

(L) Engaged in the practice of dealing in or fitting of 110146
hearing aids while suffering from a contagious or infectious 110147
disease; 110148

(M) Was found by the board to be guilty of gross incompetence 110149
or negligence in the fitting or sale of hearing aids; 110150

(N) Permitted another person to use the licensee's license; 110151

(O) Violate the code of ethical practice adopted under 110152
section 4744.50 of the Revised Code. 110153

Sec. 4747.13. (A) Any person who wishes to make a complaint 110154
against any person, firm, partnership, association, or corporation 110155
licensed pursuant to this chapter shall submit such complaint in 110156
writing to the state speech and hearing aid dealers and fitters 110157
~~licensing~~ professionals board within one year from the date of the 110158
action or event upon which the complaint is based. The ~~hearing aid~~ 110159
~~dealers and fitters~~ board shall determine whether the charges in 110160
the complaint are of a sufficiently serious nature to warrant a 110161
hearing before the board to determine whether the license or 110162
permit held by the person complained against shall be revoked or 110163
suspended. If the board determines that a hearing is warranted, 110164
then it shall fix the time and place of such hearing and deliver 110165
or cause to have delivered, either in person or by registered 110166
mail, at least twenty days before the date of such hearing, an 110167

order instructing the licensee complained against of the date, 110168
time, and place where the licensee shall appear before the board. 110169
Such order shall include a copy of the complaint against the 110170
licensee. 110171

The board, and the licensee after receipt of the order and a 110172
copy of the complaint made against the licensee, may take 110173
depositions in advance of the hearing, provided that each party 110174
taking depositions shall give at least five days notice to the 110175
other party of the time, date, and place where such depositions 110176
shall be taken. Each party shall have the right to attend with 110177
counsel the taking of such depositions and may cross-examine the 110178
deponent or deponents. Each licensee appearing before the board 110179
may be represented by counsel. No person shall have the person's 110180
license or permit revoked or suspended without an opportunity to 110181
present the person's case at a hearing before the board, and the 110182
board shall grant a continuance or adjournment of a hearing date 110183
for good cause. Each person whose license or permit is suspended 110184
or revoked by the board may appeal such action to the court of 110185
common pleas. 110186

(B) The board shall petition the court of common pleas of the 110187
county in which a person, firm, partnership, or corporation 110188
engages in the sale, practice of dealing in or fitting of hearing 110189
aids, advertises or assumes such practice, or engages in training 110190
to become a licensed hearing aid dealer or fitter without first 110191
being licensed, for an order enjoining any such acts or practices. 110192
The court may grant such injunctive relief upon a showing that the 110193
respondent named in the petition is engaging in such acts or 110194
practices without being licensed under this chapter. 110195

Sec. 4747.14. No person, firm, partnership, association, or 110196
corporation shall: 110197

(A) Sell or barter or offer to sell or barter a hearing aid 110198

dealers or fitters license or trainee permit issued by the state 110199
speech and hearing aid dealers and fitters licensing professionals 110200
board pursuant to sections 4747.05, 4747.06, and 4747.10 of the 110201
Revised Code; 110202

(B) Purchase or procure or attempt to purchase or procure a 110203
hearing aid dealers or fitters license or trainee permit with 110204
intent to use such license or permit as evidence of the holder's 110205
qualification to engage in the practice of dealing in or fitting 110206
of hearing aids; 110207

(C) Use or attempt to use as a valid license or permit a 110208
license or permit which has been purchased, fraudulently obtained, 110209
counterfeited, materially altered, or suspended or revoked; 110210

(D) Alter a license or permit in any way, shape, or form, 110211
except as may be specified by the board; 110212

(E) Willfully and knowingly make a false statement in an 110213
application for issuance or renewal of a license or permit. 110214

Sec. 4747.16. On receipt of a notice pursuant to section 110215
3123.43 of the Revised Code, the state speech and hearing aid 110216
~~dealers and fitters licensing professionals~~ board shall comply 110217
with sections 3123.41 to 3123.50 of the Revised Code and any 110218
applicable rules adopted under section 3123.63 of the Revised Code 110219
with respect to a license issued pursuant to this chapter. 110220

Sec. 4747.17. The state speech and hearing aid ~~dealers and~~ 110221
~~fitters licensing professionals~~ board shall comply with section 110222
4776.20 of the Revised Code. 110223

Sec. 4752.01. As used in this chapter: 110224

(A) "Authorized health care professional" means a person 110225
authorized under Chapter 4731. of the Revised Code to practice 110226
medicine and surgery or osteopathic medicine and surgery or 110227

otherwise authorized under Ohio law to prescribe the use of home 110228
medical equipment by a patient. 110229

(B) "Home medical equipment" means equipment that can stand 110230
repeated use, is primarily and customarily used to serve a medical 110231
purpose, is not useful to a person in the absence of illness or 110232
injury, is appropriate for use in the home, and is one or more of 110233
the following: 110234

(1) Life-sustaining equipment prescribed by an authorized 110235
health care professional that mechanically sustains, restores, or 110236
supplants a vital bodily function, such as breathing; 110237

(2) Technologically sophisticated medical equipment 110238
prescribed by an authorized health care professional that requires 110239
individualized adjustment or regular maintenance by a home medical 110240
equipment services provider to maintain a patient's health care 110241
condition or the effectiveness of the equipment; 110242

(3) An item specified by the ~~Ohio respiratory care board~~ 110243
state board of pharmacy in rules adopted under division (B) of 110244
section 4752.17 of the Revised Code. 110245

(C) "Home medical equipment services" means the sale, 110246
delivery, installation, maintenance, replacement, or demonstration 110247
of home medical equipment. 110248

(D) "Home medical equipment services provider" means a person 110249
engaged in offering home medical equipment services to the public. 110250

(E) "Hospital" has the same meaning as in section 3727.01 of 110251
the Revised Code. 110252

(F) "Sell or rent" means to transfer ownership or the right 110253
to use property, whether in person or through an agent, employee, 110254
or other person, in return for compensation. 110255

Sec. 4752.02. (A) Except as provided in division (B) of this 110256
section, no person shall provide home medical equipment services 110257

or claim to the public to be a home medical equipment services provider unless either of the following is the case:

(1) The person holds a valid license issued under this chapter;

(2) The person holds a valid certificate of registration issued under this chapter.

(B) Division (A) of this section does not apply to any of the following:

(1) A health care practitioner, as defined in section 4769.01 of the Revised Code, who does not sell or rent home medical equipment;

(2) A hospital that provides home medical equipment services only as an integral part of patient care and does not provide the services through a separate entity that has its own medicare or medicaid provider number;

(3) A manufacturer or wholesale distributor of home medical equipment that does not sell directly to the public;

(4) A hospice care program or pediatric respite care program, as defined by section 3712.01 of the Revised Code, that does not sell or rent home medical equipment;

(5) A home, as defined by section 3721.01 of the Revised Code;

(6) A home health agency that is certified under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as a provider of home health services and does not sell or rent home medical equipment;

(7) An individual who holds a current, valid license issued under Chapter 4741. of the Revised Code to practice veterinary medicine;

(8) ~~An individual who holds a current, valid license issued under Chapter 4779. of the Revised Code to practice orthotics, prosthetics, or pedorthics;~~ 110287
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~~(9)~~ A pharmacy licensed under Chapter 4729. of the Revised Code that either does not sell or rent home medical equipment or receives total payments of less than ten thousand dollars per year from selling or renting home medical equipment; 110290
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~~(10)~~(9) A home dialysis equipment provider regulated by federal law. 110294
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Sec. 4752.03. (A) A person seeking to comply with division (A) of section 4752.02 of the Revised Code shall do either of the following: 110296
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(1) Apply for a license issued under this chapter; 110299

(2) Apply for a certificate of registration issued under this chapter on the basis of being accredited by the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the ~~Ohio respiratory care board~~ state board of pharmacy, as specified in rules adopted under section 4752.17 of the Revised Code. 110300
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(B) A person intending to provide home medical equipment services from more than one facility shall apply for a separate license or certificate of registration for each facility. 110306
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Sec. 4752.04. A person seeking a license to provide home medical equipment services shall apply to the ~~Ohio respiratory care board~~ state board of pharmacy on a form the board shall prescribe and provide. The application must be accompanied by the license application fee established in rules adopted under section 4752.17 of the Revised Code, except that the board may waive all or part of the fee if the board determines that an applicant's license will be issued in the last six months of the biennial 110309
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licensing period established under section 4752.05 of the Revised Code. 110317
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In the application, the applicant shall specify the name and location of the facility from which services will be provided. 110319
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Sec. 4752.05. (A) ~~The Ohio respiratory care board~~ state board of pharmacy shall issue a license to provide home medical equipment services to each applicant under section 4752.04 of the Revised Code that meets either of the following requirements: 110321
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(1) Meets the standards established by the board in rules adopted under section 4752.17 of the Revised Code; 110325
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(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand dollars or more per year from selling or renting home medical equipment. 110327
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(B) During the period ending one year after September 16, 2004, an applicant that does not meet either of the requirements of division (A) of this section shall be granted a provisional license if for at least twelve months prior to September 16, 2004, the applicant was engaged in the business of providing home medical equipment services. The provisional license expires one year following the date on which it is issued and is not subject to renewal under section 4752.06 of the Revised Code. 110330
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(C) The board may conduct a personal interview of an applicant, or an applicant's representative, to determine the applicant's qualifications for licensure. 110338
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(D) A license issued under division (A) of this section expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the 110341
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thirtieth day of June of the next succeeding even-numbered year. 110347

(E) Any license issued under this section is valid only for 110348
the facility named in the application. 110349

Sec. 4752.06. Except for a provisional license issued under 110350
section 4752.05 of the Revised Code, a license issued under this 110351
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 110352
board of pharmacy if the license holder is in compliance with the 110353
applicable requirements of this chapter. 110354

An application for license renewal shall be accompanied by 110355
the renewal fee established in rules adopted under section 4752.17 110356
of the Revised Code and, except as provided in division (B) of 110357
section 4752.07 of the Revised Code, by documentation satisfactory 110358
to the board that the continuing education requirements of section 110359
4752.07 of the Revised Code have been met. Renewals shall be made 110360
in accordance with the standard renewal procedure established 110361
under Chapter 4745. of the Revised Code and the renewal procedures 110362
established in rules adopted under section 4752.17 of the Revised 110363
Code. 110364

Sec. 4752.08. (A) The ~~Ohio respiratory care board~~ state board 110365
of pharmacy may inspect the operations and facility, subpoena the 110366
records, and compel testimony of employees of any home medical 110367
equipment services provider licensed under this chapter. 110368
Inspections shall be conducted as provided in rules adopted by the 110369
board under section 4752.17 of the Revised Code. 110370

(B) The board shall employ investigators who shall, under the 110371
direction of the executive director of the board, investigate 110372
complaints and conduct inspections. Pursuant to an investigation 110373
or inspection, investigators may review and audit records during 110374
normal business hours at the place of business of the person being 110375
investigated. The board and its employees shall not disclose 110376

confidential information obtained during an investigation, except 110377
pursuant to a court order. 110378

(C) The board shall send the provider a report of the results 110379
of an inspection. If the board determines that the provider is not 110380
in compliance with any requirement of this chapter applicable to 110381
providers licensed under this chapter, the board may direct the 110382
provider to attain compliance. Failure of the provider to comply 110383
with the directive is grounds for action by the board under 110384
division (A)(1) of section 4752.09 of the Revised Code. 110385

(D) A provider that disputes the results of an inspection may 110386
file an appeal with the board not later than ninety days after 110387
receiving the inspection report. The board shall review the 110388
inspection report and, at the request of the provider, conduct a 110389
new inspection. 110390

Sec. 4752.09. (A) ~~The Ohio respiratory care board~~ state board 110391
of pharmacy may, in accordance with Chapter 119. of the Revised 110392
Code, suspend or revoke a license issued under this chapter or 110393
discipline a license holder by imposing a fine of not more than 110394
five thousand dollars or taking other disciplinary action on any 110395
of the following grounds: 110396

(1) Violation of any provision of this chapter or an order or 110397
rule of the board, as those provisions, orders, or rules are 110398
applicable to persons licensed under this chapter; 110399

(2) A plea of guilty to or a judicial finding of guilt of a 110400
felony or a misdemeanor that involves dishonesty or is directly 110401
related to the provision of home medical equipment services; 110402

(3) Making a material misstatement in furnishing information 110403
to the board; 110404

(4) Professional incompetence; 110405

(5) Being guilty of negligence or gross misconduct in 110406

providing home medical equipment services; 110407

(6) Aiding, assisting, or willfully permitting another person 110408
to violate any provision of this chapter or an order or rule of 110409
the board, as those provisions, orders, or rules are applicable to 110410
persons licensed under this chapter; 110411

(7) Failing, within sixty days, to provide information in 110412
response to a written request by the board; 110413

(8) Engaging in conduct likely to deceive, defraud, or harm 110414
the public; 110415

(9) Denial, revocation, suspension, or restriction of a 110416
license to provide home medical equipment services, for any reason 110417
other than failure to renew, in another state or jurisdiction; 110418

(10) Directly or indirectly giving to or receiving from any 110419
person a fee, commission, rebate, or other form of compensation 110420
for services not rendered; 110421

(11) Knowingly making or filing false records, reports, or 110422
billings in the course of providing home medical equipment 110423
services, including false records, reports, or billings prepared 110424
for or submitted to state and federal agencies or departments; 110425

(12) Failing to comply with federal rules issued pursuant to 110426
the medicare program established under Title XVIII of the "Social 110427
Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, 110428
relating to operations, financial transactions, and general 110429
business practices of home medical services providers. 110430

(B) The ~~respiratory care board~~ state board of pharmacy 110431
immediately may suspend a license without a hearing if it 110432
determines that there is evidence that the license holder is 110433
subject to actions under this section and that there is clear and 110434
convincing evidence that continued operation by the license holder 110435
presents an immediate and serious harm to the public. The 110436

president and executive director of the board shall make a 110437
preliminary determination and describe, by telephone conference or 110438
any other method of communication, the evidence on which they made 110439
their determination to the other members of the board. The board 110440
may by resolution designate another board member to act in place 110441
of the president of the board or another employee to act in the 110442
place of the executive director, in the event that the board 110443
president or executive director is unavailable or unable to act. 110444
On review of the evidence, the board may by a vote of not less 110445
than seven of its members, suspend a license without a prior 110446
hearing. The board may vote on the suspension by way of a 110447
telephone conference call. 110448

Immediately following the decision to suspend a license under 110449
this division, the board shall issue a written order of suspension 110450
and cause it to be delivered in accordance with section 119.07 of 110451
the Revised Code. The order shall not be subject to suspension by 110452
the court during the pendency of any appeal filed under section 110453
119.12 of the Revised Code. If the license holder requests an 110454
adjudication hearing, the date set for the hearing shall be within 110455
fifteen days but not earlier than seven days after the license 110456
holder requests the hearing, unless another date is agreed to by 110457
the license holder and the board. The suspension shall remain in 110458
effect, unless reversed by the board, until a final adjudication 110459
order issued by the board pursuant to this section and Chapter 110460
119. of the Revised Code becomes effective. The board shall issue 110461
its final adjudication order not later than ninety days after 110462
completion of the hearing. The board's failure to issue the order 110463
by that day shall cause the summary suspension to end, but shall 110464
not affect the validity of any subsequent final adjudication 110465
order. 110466

Sec. 4752.11. (A) A person seeking a certificate of 110467
registration to provide home medical equipment services shall 110468

apply to the ~~Ohio respiratory care board~~ state board of pharmacy 110469
on a form the board shall prescribe and provide. The application 110470
must be accompanied by the registration fee established in rules 110471
adopted under section 4752.17 of the Revised Code, except that the 110472
board may waive all or part of the fee if the board determines 110473
that an applicant's certificate of registration will be issued in 110474
the last six months of the biennial registration period 110475
established under section 4752.12 of the Revised Code. 110476

(B) The applicant shall specify in the application all of the 110477
following: 110478

(1) The name of the facility from which services will be 110479
provided; 110480

(2) The facility's address; 110481

(3) The facility's telephone number; 110482

(4) A person who may be contacted with regard to the 110483
facility; 110484

(5) The name of the national accrediting body that issued the 110485
accreditation on which the application is based; 110486

(6) The applicant's accreditation number and the expiration 110487
date of the accreditation; 110488

(7) A telephone number that may be used twenty-four hours a 110489
day, seven days a week, to obtain information related to the 110490
facility's provision of home medical equipment services. 110491

Sec. 4752.12. (A) The ~~Ohio respiratory care board~~ state board 110492
of pharmacy shall issue a certificate of registration to provide 110493
home medical equipment services to each applicant who submits a 110494
complete application under section 4752.11 of the Revised Code. 110495
For purposes of this division, an application is complete only if 110496
the board finds that the applicant holds accreditation from the 110497

joint commission on accreditation of healthcare organizations or 110498
another national accrediting body recognized by the board, as 110499
specified in rules adopted under section 4752.17 of the Revised 110500
Code. 110501

(B) A certificate of registration issued under this section 110502
expires at the end of the registration period for which it is 110503
issued and may be renewed in accordance with section 4752.13 of 110504
the Revised Code. For purposes of renewing certificates of 110505
registration, the board shall use a biennial registration period 110506
that begins on the first day of July of each even-numbered year 110507
and ends on the thirtieth day of June of the next succeeding 110508
even-numbered year. 110509

(C) A certificate of registration issued under this section 110510
is valid only for the facility named in the application. 110511

Sec. 4752.13. A certificate of registration issued under this 110512
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 110513
board of pharmacy if the certificate holder is accredited by the 110514
joint commission on accreditation of healthcare organizations or 110515
another national accrediting body recognized by the board, as 110516
specified in rules adopted under section 4752.17 of the Revised 110517
Code. 110518

An application for renewal of a certificate of registration 110519
shall be accompanied by the renewal fee established in rules 110520
adopted under section 4752.17 of the Revised Code. Renewals shall 110521
be made in accordance with the standard renewal procedure 110522
established under Chapter 4745. of the Revised Code and the 110523
renewal procedures established in rules adopted under section 110524
4752.17 of the Revised Code. 110525

Sec. 4752.14. The ~~Ohio respiratory care board~~ state board of 110526
pharmacy shall enter into a cooperative agreement with each of the 110527

national accrediting bodies it recognizes in rules adopted under 110528
section 4752.17 of the Revised Code for purposes of issuing 110529
certificates of registration under this chapter. The board shall 110530
ensure that each cooperative agreement establishes or specifies 110531
standards or procedures regarding a complaint process, patient 110532
safety and care, and any other matter the board considers 110533
appropriate for home medical equipment services providers that 110534
receive certificates of registration under this chapter. 110535

Sec. 4752.15. (A) ~~The Ohio respiratory care board~~ state board 110536
of pharmacy shall, in accordance with Chapter 119. of the Revised 110537
Code, suspend or revoke a certificate of registration issued under 110538
this chapter if it learns from any source that the accreditation 110539
on which the certificate of registration was issued has been 110540
revoked or suspended or is otherwise no longer valid. 110541

(B) If the status of the accreditation on which a certificate 110542
of registration is issued under this chapter changes for any 110543
reason, the holder of the certificate shall notify the board. On 110544
receipt of the notice, the board shall take action under division 110545
(A) of this section, if appropriate. 110546

Sec. 4752.17. (A) ~~The Ohio respiratory care board~~ state board 110547
of pharmacy shall adopt rules to implement and administer this 110548
chapter. The rules shall do all of the following: 110549

(1) Specify items considered to be home medical equipment for 110550
purposes of divisions (B)(1) and (2) of section 4752.01 of the 110551
Revised Code; 110552

(2) Establish procedures for issuance and renewal of licenses 110553
and certificates of registration under this chapter, including the 110554
duties that may be fulfilled by the board's executive director and 110555
other board employees; 110556

- (3) Specify the national accrediting bodies the board recognizes for purposes of issuing certificates of registration under this chapter; 110557
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- (4) Establish standards an applicant must meet to be eligible to be granted a license under section 4752.05 of the Revised Code; 110560
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- (5) Establish standards for personnel policies, equipment storage, equipment maintenance, and record keeping to be followed by home medical equipment services providers licensed under this chapter; 110562
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- (6) Establish standards for continuing education programs in home medical equipment services for individuals who provide home medical equipment services while employed by or under the control of a home medical equipment services provider licensed under this chapter; 110566
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- (7) Establish standards and procedures for inspection of home medical equipment providers licensed under this chapter and the facilities from which their home medical equipment services are provided and for appeal of inspection results; 110571
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- (8) Establish fees for issuing and renewing licenses under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the licensing program; 110575
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- (9) Establish fees for conducting inspections of home medical equipment services providers licensed under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the inspection program; 110578
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- (10) Establish fees for issuing and renewing certificates of registration under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the registration program; 110582
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- (11) Establish any other standards, requirements, or 110586

procedures the board considers necessary for the implementation or 110587
administration of this chapter. 110588

(B) The board may adopt rules specifying items that are 110589
considered home medical equipment for purposes of division (B)(3) 110590
of section 4752.01 of the Revised Code. 110591

(C) Rules shall be adopted under this chapter in accordance 110592
with Chapter 119. of the Revised Code. Prior to adopting any rule, 110593
the board shall consult with representatives of any association of 110594
home medical equipment services providers that do business in this 110595
state. 110596

Sec. 4752.18. All moneys the ~~Ohio respiratory care board~~ 110597
state board of pharmacy receives under this chapter, from any 110598
source, shall be deposited into the state treasury to the credit 110599
of the occupational licensing and regulatory fund created under 110600
section 4743.05 of the Revised Code. 110601

Sec. 4752.19. (A) At the request of the ~~Ohio respiratory care~~ 110602
~~board~~ state board of pharmacy, the attorney general may bring a 110603
civil action for appropriate relief, including a temporary 110604
restraining order, preliminary or permanent injunction, and civil 110605
penalties, in the court of common pleas of the county in which a 110606
violation has occurred, is occurring, or is threatening to occur 110607
against any person who has violated, is violating, or threatens to 110608
violate section 4752.02 of the Revised Code. In accordance with 110609
the Rules of Civil Procedure, the court of common pleas in which 110610
an action for injunction is filed has jurisdiction to grant, and 110611
shall grant, a temporary restraining order and preliminary and 110612
permanent injunctive relief upon a showing that the person against 110613
whom the action is brought has violated, is violating, or 110614
threatens to violate section 4752.02 of the Revised Code. In an 110615
action for a civil penalty, the court may impose upon a person 110616

found to have violated section 4752.02 of the Revised Code a civil 110617
penalty of not less than five hundred and not more than two 110618
thousand five hundred dollars for each day of violation. Moneys 110619
resulting from civil penalties imposed under this section shall be 110620
deposited into the state treasury to the credit of the 110621
occupational licensing and regulatory fund created under section 110622
4743.05 of the Revised Code. 110623

(B) The remedies provided in this section are in addition to 110624
remedies otherwise available under any federal or state law or 110625
ordinance of a municipal corporation. 110626

Sec. 4752.20. ~~The Ohio respiratory care board~~ state pharmacy 110627
board shall comply with section 4776.20 of the Revised Code. 110628

Sec. 4752.22. Whenever the term "Ohio respiratory care board" 110629
is used in any statute, rule, contract, or other document, the use 110630
shall be construed to mean the "state board of pharmacy," with 110631
respect to implementing Chapter 4752. of the Revised Code. 110632

Whenever the executive director of the Ohio respiratory care 110633
board is used in any statute, rule, contract, or other document, 110634
the use shall be construed to mean the executive director of the 110635
state board of pharmacy, with respect to implementing Chapter 110636
4752. of the Revised Code. 110637

Sec. 4752.24. The state board of pharmacy shall appoint a 110638
home medical equipment services advisory council for the purpose 110639
of advising the board on issues relating to providing home medical 110640
equipment services. The advisory council shall consist of not more 110641
than seven individuals knowledgeable in the provision of home 110642
medical equipment services. 110643

Not later than ninety days after the effective date of this 110644
section, the board shall make initial appointments to the council. 110645

Members shall serve three-year staggered terms of office in 110646
accordance with rules adopted by the board. 110647

With approval from the director of administrative services, 110648
members may receive an amount fixed under division (J) of section 110649
124.15 of the Revised Code for each day the member is performing 110650
the member's official duties and be reimbursed for actual and 110651
necessary expenses incurred in performing those duties. 110652

Sec. 4753.05. (A) The state speech and hearing professionals 110653
board of speech language pathology and audiology may make 110654
reasonable rules necessary for the administration of this chapter. 110655
~~The board shall adopt rules to ensure ethical standards of~~ 110656
~~practice by speech language pathologists and audiologists licensed~~ 110657
~~or permitted pursuant to this chapter.~~ All rules adopted under 110658
this chapter shall be adopted in accordance with Chapter 119. of 110659
the Revised Code. 110660

(B) The board shall determine the nature and scope of 110661
examinations to be administered to applicants for licensure 110662
pursuant to this chapter in the practices of speech-language 110663
pathology and audiology, and shall evaluate the qualifications of 110664
all applicants. Written examinations may be supplemented by such 110665
practical and oral examinations as the board shall determine by 110666
rule. The board shall determine by rule the minimum examination 110667
score for licensure. Licensure shall be granted independently in 110668
speech-language pathology and audiology. ~~The board shall maintain~~ 110669
~~a current public record of all persons licensed, to be made~~ 110670
~~available upon request.~~ 110671

(C) The board shall publish and make available, upon request, 110672
the licensure and permit standards prescribed by this chapter and 110673
rules adopted pursuant thereto. 110674

(D) ~~The board shall submit to the governor each year a report~~ 110675
~~of all its official actions during the preceding year together~~ 110676

~~with any recommendations and findings with regard to the~~ 110677
~~improvement of the professions of audiology and speech language~~ 110678
~~pathology.~~ 110679

~~(E)~~ The board shall investigate all alleged irregularities in 110680
the practices of speech-language pathology and audiology by 110681
persons licensed or permitted pursuant to this chapter and any 110682
violations of this chapter or rules adopted by the board. The 110683
board shall not investigate the practice of any person 110684
specifically exempted from licensure under this chapter by section 110685
4753.12 of the Revised Code, as long as the person is practicing 110686
within the scope of the person's license or is carrying out 110687
responsibilities as described in division (G) or (H) of section 110688
4753.12 of the Revised Code and does not claim to be a 110689
speech-language pathologist or audiologist. 110690

In conducting investigations under this division, the board 110691
may administer oaths, order the taking of depositions, issue 110692
subpoenas, and compel the attendance of witnesses and the 110693
production of books, accounts, papers, records, documents, and 110694
testimony. In any case of disobedience or neglect of any subpoena 110695
served on any person or the refusal of any witness to testify to 110696
any matter regarding which the witness may lawfully be 110697
interrogated, the court of common pleas of any county where such 110698
disobedience, neglect, or refusal occurs or any judge thereof, on 110699
application by the board, shall compel obedience by attachment 110700
proceedings for contempt, as in the case of disobedience of the 110701
requirements of a subpoena issued from such court, or a refusal to 110702
testify therein. 110703

~~(F)~~(E) The board shall conduct such hearings ~~and keep such~~ 110704
~~records and minutes~~ as are necessary to carry out this chapter. 110705

~~(G)~~ The board shall adopt a seal by which it shall 110706
authenticate its proceedings. ~~Copies of the proceedings, records,~~ 110707
~~and acts signed by the chairperson or executive director and~~ 110708

~~authenticated by such seal shall be prima facie evidence thereof~~ 110709
~~in all courts of this state.~~ 110710

Sec. 4753.06. No person is eligible for licensure as a 110711
speech-language pathologist or audiologist unless: 110712

(A) The person has obtained a broad general education to 110713
serve as a background for the person's specialized academic 110714
training and preparatory professional experience. Such background 110715
may include study from among the areas of human psychology, 110716
sociology, psychological and physical development, the physical 110717
sciences, especially those that pertain to acoustic and biological 110718
phenomena, and human anatomy and physiology, including 110719
neuroanatomy and neurophysiology. 110720

(B) If the person seeks licensure as a speech-language 110721
pathologist, the person submits to the state speech and hearing 110722
professionals board ~~of speech language pathology and audiology~~ an 110723
official transcript demonstrating that the person has at least a 110724
master's degree in speech-language pathology or the equivalent as 110725
determined by the board. The person's academic credit must include 110726
course work accumulated in the completion of a well-integrated 110727
course of study approved by the board and delineated by rule 110728
dealing with the normal aspects of human communication, 110729
development and disorders thereof, and clinical techniques for the 110730
evaluation and the improvement or eradication of such disorders. 110731
The course work must have been completed at colleges or 110732
universities accredited by regional or national accrediting 110733
organizations recognized by the board. 110734

(C) Except as provided in division (F)(1)(b) of this section, 110735
if the person seeks licensure as an audiologist, the person 110736
submits to the board an official transcript demonstrating that the 110737
person has at least a doctor of audiology degree or the equivalent 110738
as determined by the board. The person's academic credit must 110739

include course work accumulated in the completion of a 110740
well-integrated course of study approved by the board and 110741
delineated by rules dealing with the normal aspects of human 110742
hearing, balance, and related development and clinical evaluation, 110743
audiologic diagnosis, and treatment of disorders of human hearing, 110744
balance, and related development. The course work must have been 110745
completed in an audiology program that is accredited by an 110746
organization recognized by the United States department of 110747
education and operated by a college or university accredited by a 110748
regional or national accrediting organization recognized by the 110749
board. 110750

(D) The person submits to the board evidence of the 110751
completion of appropriate, supervised clinical experience in the 110752
professional area, speech-language pathology or audiology, for 110753
which licensure is requested, dealing with a variety of 110754
communication disorders. The appropriateness of the experience 110755
shall be determined under rules of the board. This experience 110756
shall have been obtained in an accredited college or university, 110757
in a cooperating program of an accredited college or university, 110758
or in another program approved by the board. 110759

(E) The person submits to the board evidence that the person 110760
has passed the examination for licensure to practice 110761
speech-language pathology or audiology pursuant to division (B) of 110762
section 4753.05 of the Revised Code. 110763

(F)(1) In the case of either of the following, the person 110764
presents to the board written evidence that the person has 110765
obtained professional experience: 110766

(a) The person seeks licensure as a speech-language 110767
pathologist; 110768

(b) The person seeks licensure as an audiologist and does not 110769
meet the requirements of division (C) of this section regarding a 110770

doctor of audiology degree, but before January 1, 2006, the person 110771
met the requirements of division (B) of this section regarding a 110772
master's degree in audiology as that division existed on December 110773
31, 2005. 110774

(2) The professional experience shall be appropriately 110775
supervised as determined by board rule. The amount of professional 110776
experience shall be determined by board rule and shall be bona 110777
fide clinical work that has been accomplished in the major 110778
professional area, speech-language pathology or audiology, in 110779
which licensure is being sought. If the person seeks licensure as 110780
a speech-language pathologist, this experience shall not begin 110781
until the requirements of divisions (B), (D), and (E) of this 110782
section have been completed unless approved by the board. If the 110783
person seeks licensure as an audiologist, this experience shall 110784
not begin until the requirements of division (B) of this section, 110785
as that division existed on December 31, 2005, and divisions (D) 110786
and (E) of this section have been completed unless approved by the 110787
board. Before beginning the supervised professional experience 110788
pursuant to this section, the applicant for licensure to practice 110789
speech-language pathology or audiology shall obtain a conditional 110790
license pursuant to section 4753.071 of the Revised Code. 110791

Sec. 4753.061. (A) As used in this section, "license" and 110792
"applicant for an initial license" have the same meanings as in 110793
section 4776.01 of the Revised Code, except that "license" as used 110794
in both of those terms refers to the types of authorizations 110795
otherwise issued or conferred under this chapter. 110796

(B) In addition to any other eligibility requirement set 110797
forth in this chapter, each applicant for an initial license shall 110798
comply with sections 4776.01 to 4776.04 of the Revised Code. The 110799
state speech and hearing professionals board shall not grant a 110800
license to an applicant for an initial license unless the 110801

applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4753.06 or 4753.07 of the Revised Code. 110802
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Sec. 4753.07. The state speech and hearing professionals board of ~~speech language pathology and audiology~~ shall issue under its seal a license or conditional license to every applicant who has passed the appropriate examinations designated by the board and who otherwise complies with the licensure requirements of this chapter. The license or conditional license entitles the holder to practice speech-language pathology or audiology. Each licensee shall display the license or conditional license or an official duplicate in a conspicuous place where the licensee practices speech-language pathology or audiology or both. 110807
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Sec. 4753.071. A person who is required to meet the supervised professional experience requirement of division (F) of section 4753.06 of the Revised Code shall submit to the state speech and hearing professionals board of ~~speech language pathology and audiology~~ an application for a conditional license. The application shall include a plan for the content of the supervised professional experience on a form the board shall prescribe. The board shall issue the conditional license to the applicant if the applicant meets the requirements of section 4753.06 of the Revised Code, other than the requirement to have obtained the supervised professional experience, and pays to the board the appropriate fee for a conditional license. An applicant may not begin employment until the conditional license has been issued. 110817
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A conditional license authorizes an individual to practice speech-language pathology or audiology while completing the 110831
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supervised professional experience as required by division (F) of 110833
section 4753.06 of the Revised Code. A person holding a 110834
conditional license may practice speech-language pathology or 110835
audiology while working under the supervision of a person fully 110836
licensed in accordance with this chapter. A conditional license is 110837
valid for eighteen months unless suspended or revoked pursuant to 110838
section 3123.47 or 4753.10 of the Revised Code. 110839

A person holding a conditional license may perform services 110840
for which payment will be sought under the medicare program or the 110841
medicaid program but all requests for payment for such services 110842
shall be made by the person who supervises the person performing 110843
the services. 110844

Sec. 4753.072. The state speech and hearing professionals 110845
~~board of speech language pathology and audiology~~ shall establish 110846
by rule pursuant to Chapter 119. of the Revised Code the 110847
qualifications for persons seeking licensure as a speech-language 110848
pathology aide or an audiology aide. The qualifications shall be 110849
less than the standards for licensure as a speech-language 110850
pathologist or audiologist. An aide shall not act independently 110851
and shall work under the direction and supervision of a 110852
speech-language pathologist or audiologist licensed by the board. 110853
An aide shall not dispense hearing aids. An applicant shall not 110854
begin employment until the license has been approved. 110855

Sec. 4753.073. (A)~~(1)~~ The state speech and hearing 110856
professionals ~~board of speech language pathology and audiology~~ 110857
shall issue under its seal a speech-language pathology student 110858
permit to any applicant who submits a plan that has been approved 110859
by the applicant's university graduate program in speech-language 110860
pathology and that conforms to requirements determined by the 110861
board by rule and who meets all of the following requirements: 110862

~~(a)~~(1) Is enrolled in a graduate program at an educational institution located in this state that is accredited by the council on academic accreditation in audiology and speech-language pathology of the American speech-language-hearing association;

~~(b)~~(2) Has completed at least one year of postgraduate training in speech-language pathology, or equivalent coursework as determined by the board, and any student clinical experience the board may require by rule.

~~(2)~~(B) The speech-language pathology student permit authorizes the holder to practice speech-language pathology within limits determined by the board by rule, which shall include the following:

~~(a)~~(1) The permit holder's caseload shall be limited in a manner to be determined by the board by rule.

~~(b)~~(2) The permit holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. The rule shall consider the coursework and clinical experience that has been completed by the permit holder and the recommendation of the applicant's university graduate program in speech-language pathology.

~~(e)~~(3) The permit holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board and acting under the approval and direction of the applicant's university graduate program in speech-language pathology. The board shall determine by rule the manner of supervision.

~~(3)~~(C) A permit issued under this section shall expire two years after the date of issuance. Student permits may be renewed in a manner to be determined by the board by rule.

~~(4)~~(D) Each permit holder shall display the permit or an official duplicate in a conspicuous place where the permit holder

practices speech-language pathology. 110894

Sec. 4753.08. The state speech and hearing professionals 110895
~~board of speech language pathology and audiology~~ shall waive the 110896
examination, educational, and professional experience requirements 110897
for any applicant who meets any of the following requirements: 110898

(A) On September 26, 1975, ~~has had~~ had at least a bachelor's 110899
degree with a major in speech-language pathology or audiology from 110900
an accredited college or university, or ~~who has been~~ was employed 110901
as a speech-language pathologist or audiologist for at least nine 110902
months at any time within the three years prior to September 26, 110903
1975, if an application providing bona fide proof of such degree 110904
or employment ~~is~~ was filed with the former board of 110905
speech-language pathology and audiology within one year after 110906
~~September 26, 1975~~ that date, and ~~is~~ was accompanied by the 110907
application fee as prescribed in division (A) of section 4753.11 110908
of the Revised Code; 110909

(B) Presents proof to the state speech and hearing 110910
professionals board of current certification or licensure in good 110911
standing in the area in which licensure is sought in a state that 110912
has standards at least equal to the standards for licensure that 110913
are in effect in this state at the time the applicant applies for 110914
the license; 110915

(C) Presents proof to the state speech and hearing 110916
professionals board of both of the following: 110917

(1) Having current certification or licensure in good 110918
standing in audiology in a state that has standards at least equal 110919
to the standards for licensure as an audiologist that were in 110920
effect in this state on December 31, 2005; 110921

(2) Having first obtained that certification or licensure not 110922
later than December 31, 2007. 110923

(D) Presents proof to the state speech and hearing professionals board of a current certificate of clinical competence in speech-language pathology or audiology that is in good standing and received from the American speech-language-hearing association in the area in which licensure is sought.

Sec. 4753.09. Except as provided in this section and in section 4753.10 of the Revised Code, a license issued by the state speech and hearing professionals board ~~of speech language pathology and audiology~~ shall be renewed biennially in accordance with the standard renewal procedure contained in Chapter 4745. of the Revised Code. If the application for renewal is made one year or longer after the renewal application is due, the person shall apply for licensure as provided in section 4753.06 or division (B), (C), or (D) of section 4753.08 of the Revised Code. The board shall not renew a conditional license; however, the board may grant an applicant a second conditional license.

The board shall establish by rule adopted pursuant to Chapter 119. of the Revised Code the qualifications for license renewal. Applicants shall demonstrate continued competence, which may include continuing education, examination, self-evaluation, peer review, performance appraisal, or practical simulation. The board may establish other requirements as a condition for license renewal as considered appropriate by the board.

The board may renew a license which expires while the license is suspended, but the renewal shall not affect the suspension. The board shall not renew a license which has been revoked. If a revoked license is reinstated under section 4753.10 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in the amount equal to the renewal fee in effect on the last preceding regular renewal

date on which it is reinstated, plus any delinquent fees accrued 110955
from the time of the revocation, if such a fee is prescribed by 110956
the board by rule. 110957

Sec. 4753.091. (A) A person licensed under this chapter may 110958
apply to the state speech and hearing professionals board of 110959
~~speech-language pathology and audiology~~ to have the person's 110960
license classified as inactive. If a fee is charged under division 110961
(B) of this section, the person shall include the fee with the 110962
application. 110963

If the person's license is in good standing, the person is 110964
not the subject of any complaint, the person is not the subject of 110965
an investigation or disciplinary action by the board, and the 110966
person meets any other requirements established by the board in 110967
rules adopted under this section, the board shall classify the 110968
license as inactive. The inactive classification shall become 110969
effective on the date immediately following the date that the 110970
person's license is scheduled to expire. 110971

(B) The board may charge a fee for classifying a license as 110972
inactive. 110973

(C) During the period that a license is classified as 110974
inactive, the person may not engage in the practice of 110975
speech-language pathology or the practice of audiology, as 110976
applicable, in this state or make any representation to the public 110977
indicating that the person is actively licensed under this 110978
chapter. 110979

(D) A person whose license has been classified as inactive 110980
may apply to the board to have the license reactivated. The board 110981
shall reactivate the license if the person meets the requirements 110982
established by the board in rules adopted under this section. 110983

(E) The board's jurisdiction to take disciplinary action 110984

under this chapter is not removed or limited when a person's 110985
license is classified as inactive under this section. 110986

(F) The board shall adopt rules as necessary for classifying 110987
a license as inactive and reactivating an inactive license. The 110988
rules shall be adopted in accordance with Chapter 119. of the 110989
Revised Code. 110990

Sec. 4753.10. In accordance with Chapter 119. of the Revised 110991
Code, the state speech and hearing professionals board ~~of~~ 110992
~~speech language pathology and audiology~~ may reprimand or place on 110993
probation a speech-language pathologist or audiologist or suspend, 110994
revoke, or refuse to issue or renew the license of a 110995
speech-language pathologist or audiologist. Disciplinary actions 110996
may be taken by the board for conduct that may result from but not 110997
necessarily be limited to: 110998

(A) Fraud, deception, or misrepresentation in obtaining or 110999
attempting to obtain a license; 111000

(B) Fraud, deception, or misrepresentation in using a 111001
license; 111002

(C) Altering a license; 111003

(D) Aiding or abetting unlicensed practice; 111004

(E) Committing fraud, deception, or misrepresentation in the 111005
practice of speech-language pathology or audiology including: 111006

(1) Making or filing a false report or record in the practice 111007
of speech-language pathology or audiology; 111008

(2) Submitting a false statement to collect a fee; 111009

(3) Obtaining a fee through fraud, deception, or 111010
misrepresentation, or accepting commissions or rebates or other 111011
forms of remuneration for referring persons to others. 111012

(F) Using or promoting or causing the use of any misleading, 111013

deceiving, improbable, or untruthful advertising matter,	111014
promotional literature, testimonial, guarantee, warranty, label,	111015
brand, insignia, or any other representation;	111016
(G) Falsely representing the use or availability of services	111017
or advice of a physician;	111018
(H) Misrepresenting the applicant, licensee, or holder by	111019
using the word "doctor" or any similar word, abbreviation, or	111020
symbol if the use is not accurate or if the degree was not	111021
obtained from an accredited institution;	111022
(I) Committing any act of dishonorable, immoral, or	111023
unprofessional conduct while engaging in the practice of	111024
speech-language pathology or audiology;	111025
(J) Engaging in illegal, incompetent, or habitually negligent	111026
practice;	111027
(K) Providing professional services while:	111028
(1) Mentally incompetent;	111029
(2) Under the influence of alcohol;	111030
(3) Using any narcotic or controlled substance or other drug	111031
that is in excess of therapeutic amounts or without valid medical	111032
indication.	111033
(L) Providing services or promoting the sale of devices,	111034
appliances, or products to a person who cannot reasonably be	111035
expected to benefit from such services, devices, appliances, or	111036
products in accordance with results obtained utilizing appropriate	111037
assessment procedures and instruments;	111038
(M) Violating this chapter or any lawful order given or rule	111039
adopted by the board;	111040
(N) Being convicted of or pleading guilty or nolo contendere	111041
to a felony or to a crime involving moral turpitude, whether or	111042
not any appeal or other proceeding is pending to have the	111043

conviction or plea set aside; 111044

(O) Being disciplined by a licensing or disciplinary 111045
authority of this or any other state or country or convicted or 111046
disciplined by a court of this or any other state or country for 111047
an act that would be grounds for disciplinary action under this 111048
section. 111049

After revocation of a license under this section, application 111050
may be made to the board for reinstatement. The board, in 111051
accordance with an order of revocation as issued under Chapter 111052
119. of the Revised Code, may require an examination for ~~such~~ 111053
reinstatement. 111054

If any person has engaged in any practice which constitutes 111055
an offense under the provisions of this chapter or rules 111056
promulgated thereunder by the board, the board may apply to the 111057
court of common pleas of the county for an injunction or other 111058
appropriate order restraining such conduct, and the court may 111059
issue such order. 111060

Any person who wishes to make a complaint against any person 111061
licensed pursuant to this chapter shall submit the complaint in 111062
writing to the board within one year from the date of the action 111063
or event upon which the complaint is based. The board shall 111064
determine whether the allegations in the complaint are of a 111065
sufficiently serious nature to warrant formal disciplinary charges 111066
against the licensee pursuant to this section. If the board 111067
determines that formal disciplinary charges are warranted, it 111068
shall proceed in accordance with the procedures established in 111069
Chapter 119. of the Revised Code. 111070

Sec. 4753.101. The state speech and hearing professionals 111071
~~board of speech language pathology and audiology~~, in accordance 111072
with Chapter 119. of the Revised Code, may establish rules to 111073
govern any disciplinary action to be taken against a student 111074

issued a permit under section 4753.073 of the Revised Code. The 111075
rules established by the board are not subject to the adjudication 111076
procedure requirements of sections 119.06 to 119.13 of the Revised 111077
Code. 111078

Sec. 4753.11. (A) For all types of licenses and permits, the 111079
state speech and hearing professionals board ~~of speech language~~ 111080
~~pathology and audiology~~ shall charge a nonrefundable licensure or 111081
permit fee, to be determined by board rule, which shall be paid at 111082
the time the application is filed with the board. 111083

(B) On or before the thirty-first day of January of every 111084
other year, the board shall charge a biennial licensure renewal 111085
fee which shall be determined by board rule and used to defray 111086
costs of the board. 111087

(C) The board may, by rule, provide for the waiver of all or 111088
part of such fees when the license is issued less than one hundred 111089
days before the date on which it will expire. 111090

(D) After the last day of the month designated by the board 111091
for renewal, the board shall charge a late fee to be determined by 111092
board rule in addition to the biennial licensure renewal fee. 111093

(E) No municipal corporation shall levy an occupational or 111094
similar excise tax on any person licensed under this chapter. 111095

(F) All fees collected under this section and section 4753.09 111096
of the Revised Code shall be paid into the state treasury to the 111097
credit of the occupational licensing and regulatory fund created 111098
in section 4743.05 of the Revised Code. 111099

Sec. 4753.12. Nothing in this chapter shall be construed to: 111100

(A) Prohibit a person other than an individual from engaging 111101
in the business of speech-language pathology or audiology without 111102
licensure if it employs a licensed individual in the direct 111103

practice of speech-language pathology and audiology. Such entity 111104
shall file a statement with the state speech and hearing 111105
professionals board, on a form approved by the board for this 111106
purpose, swearing that it submits itself to the rules of the board 111107
and the provisions of this chapter which the board determines 111108
applicable. 111109

(B) Prevent or restrict the practice of a person employed as 111110
a speech-language pathologist or audiologist by any agency of the 111111
federal government. 111112

(C) Restrict the activities and services of a student or 111113
intern in speech-language pathology or audiology from pursuing a 111114
course of study leading to a degree in these areas at a college or 111115
university accredited by a recognized regional or national 111116
accrediting body or in one of its cooperating clinical training 111117
facilities, if these activities and services are supervised by a 111118
person licensed in the area of study or certified by the American 111119
speech-language-hearing association in the area of study and if 111120
the student is designated by a title such as "speech-language 111121
pathology intern," "audiology intern," "trainee," or other such 111122
title clearly indicating the training status. 111123

(D) Prevent a person from performing speech-language 111124
pathology or audiology services when performing these services in 111125
pursuit of the required supervised professional experience as 111126
prescribed in section 4753.06 of the Revised Code and that person 111127
has been issued a conditional license pursuant to section 4753.071 111128
of the Revised Code. 111129

(E) Restrict a speech-language pathologist or audiologist who 111130
holds the certification of the American speech-language-hearing 111131
association, or who is licensed as a speech-language pathologist 111132
or audiologist in another state and who has made application to 111133
the board for a license in this state from practicing 111134
speech-language pathology or audiology without a valid license 111135

pending the disposition of the application. 111136

(F) Restrict a person not a resident of this state from 111137
offering speech-language pathology or audiology services in this 111138
state if such services are performed for not more than one period 111139
of thirty consecutive calendar days in any year, if the person is 111140
licensed in the state of the person's residence or certified by 111141
the American speech-language-hearing association and files a 111142
statement as prescribed by the board in advance of providing these 111143
services. Such person shall be subject to the rules of the board 111144
and the provisions of this chapter. 111145

(G) Restrict a person licensed under Chapter 4747. of the 111146
Revised Code from engaging in the duties as defined in that 111147
chapter related to measuring, testing, and counseling for the 111148
purpose of identifying or modifying hearing conditions in 111149
connection with the fitting, dispensing, or servicing of a hearing 111150
aid, or affect the authority of hearing aid dealers to deal in 111151
hearing aids or advertise the practice of dealing in hearing aids 111152
in accordance with Chapter 4747. of the Revised Code. 111153

(H) Restrict a physician from engaging in the practice of 111154
medicine and surgery or osteopathic medicine and surgery or 111155
prevent any individual from carrying out any properly delegated 111156
responsibilities within the normal practice of medicine and 111157
surgery or osteopathic medicine and surgery. 111158

(I) Restrict a person registered or licensed under Chapter 111159
4723. of the Revised Code from performing those acts and utilizing 111160
those procedures that are within the scope of the practice of 111161
professional or practical nursing as defined in Chapter 4723. of 111162
the Revised Code and the ethics of the nursing profession, 111163
provided such a person does not claim to the public to be a 111164
speech-language pathologist or audiologist. 111165

(J) Restrict an individual licensed as an audiologist under 111166

this chapter from fitting, selling, or dispensing hearing aids. 111167

(K) Authorize the practice of medicine and surgery or entitle 111168
a person licensed pursuant to this chapter to engage in the 111169
practice of medicine or surgery or any of its branches. 111170

(L) Restrict a person licensed pursuant to Chapter 4755. of 111171
the Revised Code from performing those acts and utilizing those 111172
procedures that are within the scope of the practice of 111173
occupational therapy or occupational therapy assistant as defined 111174
in Chapter 4755. of the Revised Code, provided the person does not 111175
claim to the public to be a speech-language pathologist or 111176
audiologist. 111177

Sec. 4753.15. On receipt of a notice pursuant to section 111178
3123.43 of the Revised Code, the state speech and hearing 111179
professionals board of ~~speech language pathology and audiology~~ 111180
shall comply with sections 3123.41 to 3123.50 of the Revised Code 111181
and any applicable rules adopted under section 3123.63 of the 111182
Revised Code with respect to a license issued pursuant to this 111183
chapter. 111184

Sec. 4753.16. The state speech and hearing professionals 111185
board of ~~speech language pathology and audiology~~ shall comply with 111186
section 4776.20 of the Revised Code. 111187

Sec. 4759.011. Whenever the term "Ohio board of dietetics" is 111188
used in any statute, rule, contract, or other document, the use 111189
shall be construed to mean the "state medical board," with respect 111190
to implementing Chapter 4759. of the Revised Code. 111191

Whenever the executive secretary of the Ohio board of 111192
dietetics is used in any statute, rule, contract, or other 111193
document, the use shall be construed to mean the executive 111194
director of the state medical board, with respect to implementing 111195

Chapter 4759. of the Revised Code. 111196

Sec. 4759.02. (A) Except as otherwise provided in this 111197
section or in section 4759.10 of the Revised Code, no person shall 111198
practice, offer to practice, or hold ~~himself~~ self forth to 111199
practice dietetics unless ~~he~~ the person has been licensed under 111200
section 4759.06 of the Revised Code. 111201

(B) Except for a licensed dietitian holding an inactive 111202
license who does not practice or offer to practice dietetics, or a 111203
person licensed under section 4759.06 of the Revised Code, or as 111204
otherwise provided in this section or in section 4759.10 of the 111205
Revised Code: 111206

(1) No person shall use the title "dietitian"; and 111207

(2) No person except for a person licensed under Chapters 111208
4701. to 4755. of the Revised Code, when acting within the scope 111209
of their practice, shall use any other title, designation, words, 111210
letters, abbreviation, or insignia or combination of any title, 111211
designation, words, letters, abbreviation, or insignia tending to 111212
indicate that the person is practicing dietetics. 111213

(C) Notwithstanding division (B) of this section, a person 111214
who is a dietitian registered by the commission on dietetic 111215
registration and who does not violate division (A) of this section 111216
may use the designation "registered dietitian" and the 111217
abbreviation "R.D." 111218

(D) Division (A) of this section does not apply to: 111219

(1) A student enrolled in an academic program that is in 111220
compliance with division (A)(5) of section 4759.06 of the Revised 111221
Code who is engaging in the practice of dietetics under the 111222
supervision of a dietitian licensed under section 4759.06 of the 111223
Revised Code or a dietitian registered by the commission on 111224
dietetic registration, as part of the academic program; 111225

(2) A person participating in the pre-professional experience required by division (A)(6) of section 4759.06 of the Revised Code; 111226
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(3) A person holding a limited permit under division (F) of section 4759.06 of the Revised Code. 111229
111230

(E) Divisions (A) and (B) of this section do not apply to a person who performs no more than fifteen days of dietetic practice in the state and who meets at least one of the following requirements: 111231
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111234

(1) The ~~Ohio state medical board of dietetics~~ determines that ~~he~~ the person is licensed in another state with licensure requirements equivalent to or more stringent than those set forth in this chapter; 111235
111236
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(2) ~~He~~ The person is a dietitian registered by the commission on dietetic registration and resides in another state that either has no dietitian licensure requirements or has licensure requirements less stringent than those set forth in this chapter. 111239
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Sec. 4759.05. The ~~Ohio state medical board of dietetics~~ shall: 111243
111244

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules governing the following: 111245
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111247

(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination; 111248
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(2) The examination of applicants for licensure as a dietitian, to be held at least twice annually, as required under division (A) of section 4759.06 of the Revised Code; 111251
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111253

(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least 111254
111255

equivalent to the requirements adopted by the commission on	111256
dietetic registration;	111257
(4) Requirements for a person holding a limited permit under	111258
division (F) of section 4759.06 of the Revised Code, including the	111259
duration of validity of a limited permit;	111260
(5) Requirements for a licensed dietitian who places a	111261
license in inactive status under division (G) of section 4759.06	111262
of the Revised Code, including a procedure for changing inactive	111263
status to active status;	111264
(6) Continuing education requirements for renewal of a	111265
license, except that the board may adopt rules to waive the	111266
requirements for a person who is unable to meet the requirements	111267
due to illness or other reasons. Rules adopted under this division	111268
shall be consistent with the continuing education requirements	111269
adopted by the commission on dietetic registration.	111270
(7) Any additional education requirements the board considers	111271
necessary, for applicants who have not practiced dietetics within	111272
five years of the initial date of application for licensure;	111273
(8) Standards of professional responsibility and practice for	111274
persons licensed under this chapter that are consistent with those	111275
standards of professional responsibility and practice adopted by	111276
the academy of nutrition and dietetics;	111277
(9) Formulation of a written <u>an</u> application form for	111278
licensure or license renewal that includes the statement that any	111279
applicant who knowingly makes a false statement on the application	111280
is guilty of a misdemeanor of the first degree under section	111281
2921.13 of the Revised Code;	111282
(10) Procedures for license renewal;	111283
(11) Establishing a time period after the notification of a	111284
violation of section 4759.02 of the Revised Code, by which the	111285

person notified must request a hearing by the board under section 111286
4759.09 of the Revised Code; 111287

(12) Requirements for criminal records checks of applicants 111288
under section 4776.03 of the Revised Code. 111289

(B) Investigate alleged violations of sections 4759.02 to 111290
4759.10 of the Revised Code. In making its investigations, the 111291
board may issue subpoenas, examine witnesses, and administer 111292
oaths. 111293

(C) ~~Adopt a seal;~~ 111294

~~(D)~~ Conduct meetings and keep records as are necessary to 111295
carry out the provisions of this chapter; 111296

~~(E)~~(D) Publish, and make available to the public, upon 111297
request and for a fee not to exceed the actual cost of printing 111298
and mailing, the board's rules and requirements for licensure 111299
adopted under division (A) of this section ~~and a record of all~~ 111300
~~persons licensed under section 4759.06 of the Revised Code.~~ 111301

Sec. 4759.051. The state medical board shall appoint a 111302
dietetics advisory council for the purpose of advising the board 111303
on issues relating to the practice of dietetics. The advisory 111304
council shall consist of not more than seven individuals 111305
knowledgeable in the area of dietetics. 111306

Not later than ninety days after the effective date of this 111307
section, the board shall make initial appointments to the council. 111308
Members shall serve three-year staggered terms of office in 111309
accordance with rules adopted by the board. 111310

With approval from the director of administrative services, 111311
members may receive an amount fixed under division (J) of section 111312
124.15 of the Revised Code for each day the member is performing 111313
the member's official duties and be reimbursed for actual and 111314
necessary expenses incurred in performing those duties. 111315

Sec. 4759.06. (A) The Ohio state medical board ~~of dietetics~~ 111316
shall issue or renew a license to practice dietetics to an 111317
applicant who: 111318

(1) Has satisfactorily completed an application for licensure 111319
in accordance with division (A) of section 4759.05 of the Revised 111320
Code; 111321

(2) Has paid the fee required under division (A) of section 111322
4759.08 of the Revised Code; 111323

(3) Is a resident of the state or performs or plans to 111324
perform dietetic services within the state; 111325

(4) Is of good moral character; 111326

(5) Has received a baccalaureate or higher degree from an 111327
institution of higher education that is approved by the board or a 111328
regional accreditation agency that is recognized by the council on 111329
postsecondary accreditation, and has completed a program 111330
consistent with the academic standards for dietitians established 111331
by the academy of nutrition and dietetics; 111332

(6) Has successfully completed a pre-professional dietetic 111333
experience approved by the academy of nutrition and dietetics, or 111334
experience approved by the board under division (A)(3) of section 111335
4759.05 of the Revised Code; 111336

(7) Has passed the examination approved by the board under 111337
division (A)(1) of section 4759.05 of the Revised Code; 111338

(8) Is an applicant for renewal of a license, and has 111339
fulfilled the continuing education requirements adopted under 111340
division (A)(6) of section 4759.05 of the Revised Code. 111341

(B) The board shall waive the requirements of divisions 111342
(A)(5), (6), and (7) of this section and any rules adopted under 111343
division (A)(7) of section 4759.05 of the Revised Code if the 111344
applicant presents satisfactory evidence to the board of current 111345

registration as a registered dietitian with the commission on 111346
dietetic registration. 111347

(C) The board shall waive the requirements of division (A)(7) 111348
of this section if the application for renewal is made within two 111349
years after the date of license expiration. 111350

(D) The board may waive the requirements of division (A)(5), 111351
(6), or (7) of this section or any rules adopted under division 111352
(A)(7) of section 4759.05 of the Revised Code, if the applicant 111353
presents satisfactory evidence of education, experience, or 111354
passing an examination in another state or a foreign country, that 111355
the board considers the equivalent of the requirements stated in 111356
those divisions or rules. 111357

(E) The board shall issue an initial license to practice 111358
dietetics to an applicant who meets the requirements of division 111359
(A) of this section. An initial license shall be valid from the 111360
date of issuance through the thirtieth day of June following 111361
issuance of the license. Each subsequent license shall be valid 111362
from the first day of July through the thirtieth day of June. The 111363
board shall renew the license of an applicant who is licensed to 111364
practice dietetics and who meets the continuing education 111365
requirements of division (A)(6) of section 4759.05 of the Revised 111366
Code. The renewal shall be pursuant to the standard renewal 111367
procedure of sections 4745.01 to 4745.03 of the Revised Code. 111368

(F) The board may grant a limited permit to a person who has 111369
completed the education and pre-professional requirements of 111370
divisions (A)(5) and (6) of this section and who presents evidence 111371
to the board of having applied to take the examination approved by 111372
the board under division (A)(1) of section 4759.05 of the Revised 111373
Code. A person holding a limited permit who has failed the 111374
examination shall practice only under the direct supervision of a 111375
licensed dietitian. 111376

(G) A licensed dietitian may place the license in inactive status. 111377
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Sec. 4759.061. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter. 111379
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(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The ~~Ohio state medical board of dietetics~~ shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4759.06 of the Revised Code. 111384
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Sec. 4759.07. (A) The ~~Ohio state medical board of dietetics~~ may, in accordance with Chapter 119. of the Revised Code, refuse to issue, review, or renew, or may suspend, revoke, or impose probationary conditions upon any license or permit to practice dietetics, if the applicant has: 111393
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(1) Violated sections 4759.02 to 4759.10 of the Revised Code or rules adopted under those sections; 111398
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(2) Knowingly made a false statement in ~~his~~ an application for licensure or license renewal; 111400
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(3) Been convicted of any crime constituting a felony in this or any other state; 111402
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(4) Been impaired in ~~his~~ ability to perform as a licensed dietitian due to the use of a controlled substance or alcoholic beverage; 111404
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(5) Been convicted of a misdemeanor committed in the course of ~~his~~ work as a dietitian in this or any other state;

(6) A record of incompetent or negligent conduct in ~~his~~ the practice of dietetics.

(B) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice dietetics, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

For purposes of division (A)(4) of this section, if the board has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the dietitian shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following: 111438
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(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment; 111443
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(2) Evidence of continuing full compliance with an aftercare contract or consent agreement; 111446
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(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 111448
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The board may reinstate a license or permit suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 111454
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When the impaired dietitian resumes practice, the board shall require continued monitoring of the dietitian. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the dietitian has maintained sobriety. 111457
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(C) One year or more after the date of suspension or revocation of a license or permit under division (A)(1), (2), (3), (5), or (6) of this section, an application for reinstatement of 111466
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the license or permit may be made to the board. The board shall 111469
grant or deny reinstatement with a hearing, at the request of the 111470
applicant, in accordance with Chapter 119. of the Revised Code and 111471
may impose conditions upon the reinstatement, including the 111472
requirement of passing an examination approved by the board. 111473

Sec. 4759.08. (A) The ~~Ohio state medical board of dietetics~~ 111474
shall charge and collect fees as described in this section for 111475
issuing the following: 111476

(1) An application for an initial dietitian license, or an 111477
application for reactivation of an inactive license, one hundred 111478
twenty-five dollars, and for reinstatement of a lapsed, revoked, 111479
or suspended license, one hundred eighty dollars; 111480

(2) License renewal, ninety-five dollars; 111481

(3) A limited permit, and renewal of the permit, sixty-five 111482
dollars; 111483

(4) A duplicate license or permit, twenty dollars; 111484

(5) For processing a late application for renewal of any 111485
license or permit, an additional fee equal to fifty per cent of 111486
the fee for the renewal. 111487

(B) The board shall not require a licensed dietitian holding 111488
an inactive license to pay the renewal fee. 111489

(C) Subject to the approval of the controlling board, the 111490
~~Ohio state medical board of dietetics~~ may establish fees in excess 111491
of the amounts provided in division (A) of this section, provided 111492
that the fees do not exceed the amounts by greater than fifty per 111493
cent. 111494

(D) The board may adopt rules pursuant to Chapter 119. of the 111495
Revised Code to waive all or part of the fee for an initial 111496
license if the license is issued within one hundred days of the 111497
date of expiration of the license. 111498

(E) All receipts of the board shall be deposited in the state treasury to the credit of the ~~occupational licensing and regulatory fund~~. All vouchers of the board shall be approved by the chairperson or secretary of the board, or both, as authorized by the board state medical board operating fund in accordance with section 4731.24 of the Revised Code.

Sec. 4759.09. The ~~Ohio~~ state medical board of ~~dietetics~~ shall notify in writing any person determined by the board to be in violation of section 4759.02 of the Revised Code. The notification shall state that the person may request a hearing by the board within the amount of time specified by the board pursuant to division (A) of section 4759.05 of the Revised Code. If the person fails to request the hearing, or if the board determines from the hearing that the person is in violation of section 4759.02 of the Revised Code, the board may apply to the court of common pleas of the county in which the violation is occurring for an injunction or other appropriate restraining order to prohibit the continued violation of section 4759.02 of the Revised Code.

Sec. 4759.10. Sections 4759.01 to 4759.09 of the Revised Code do not apply to any of the following:

(A) A person licensed under Chapters 4701. to 4755. of the Revised Code who is acting within the scope of the person's profession, provided that the person complies with division (B) of section 4759.02 of the Revised Code;

(B) A person who is a graduate of an associate degree program approved by the academy of nutrition and dietetics or the ~~Ohio~~ state medical board of ~~dietetics~~ who is working as a dietetic technician under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or registered by the

commission on dietetic registration, except that the person is 111529
subject to division (B) of section 4759.02 of the Revised Code if 111530
the person uses a title other than "dietetic technician"; 111531

(C) A person who practices dietetics related to employment in 111532
the armed forces, veteran's administration, or the public health 111533
service of the United States; 111534

(D) Persons employed by a nonprofit agency approved by the 111535
board or by a federal, state, municipal or county government, or 111536
by any other political subdivision, elementary or secondary 111537
school, or an institution of higher education approved by the 111538
board or by a regional agency recognized by the council on 111539
postsecondary accreditation, who performs only nutritional 111540
education activities and such other nutritional activities as the 111541
state medical board of dietetics, by rule, permits, provided the 111542
person does not violate division (B) of section 4759.02 of the 111543
Revised Code; 111544

(E) A person who has completed a program meeting the academic 111545
standards set for dietitians by the academy of nutrition and 111546
dietetics, received a baccalaureate or higher degree from a 111547
school, college, or university approved by a regional 111548
accreditation agency recognized by the council on postsecondary 111549
accreditation, works under the supervision of a licensed dietitian 111550
or registered dietitian, and does not violate division (B) of 111551
section 4759.02 of the Revised Code; 111552

(F) A person when acting, under the direction and supervision 111553
of a person licensed under Chapters 4701. to 4755. of the Revised 111554
Code, in the execution of a plan of treatment authorized by the 111555
licensed person, provided the person complies with division (B) of 111556
section 4759.02 of the Revised Code; 111557

(G) The free dissemination of literature in the state; 111558

(H) Provided that the persons involved in the sale, 111559

promotion, or explanation of the sale of food, food materials, or 111560
dietary supplements do not violate division (B) of section 4759.02 111561
of the Revised Code, the sale of food, food materials, or dietary 111562
supplements and the marketing and distribution of food, food 111563
materials, or dietary supplements and the promotion or explanation 111564
of the use of food, food materials, or dietary supplements 111565
provided that the promotion or explanation does not violate 111566
Chapter 1345. of the Revised Code; 111567

(I) A person who offers dietary supplements for sale and who 111568
makes the following statements about the product if the statements 111569
are consistent with the dietary supplement's label or labeling: 111570

(1) Claim a benefit related to a classical nutrient 111571
deficiency disease and disclose the prevalence of the disease in 111572
the United States; 111573

(2) Describe the role of a nutrient or dietary ingredient 111574
intended to affect the structure or function of the human body; 111575

(3) Characterize the documented mechanism by which a nutrient 111576
or dietary ingredient acts to maintain the structure or function 111577
of the human body; 111578

(4) Describe general well-being from the consumption of a 111579
nutrient or dietary ingredient. 111580

(J) Provided that the persons involved in presenting a 111581
general program of instruction for weight control do not violate 111582
division (B) of section 4759.02 of the Revised Code, a general 111583
program of instruction for weight control approved in writing by a 111584
licensed dietitian, a physician licensed under Chapter 4731. of 111585
the Revised Code to practice medicine or surgery or osteopathic 111586
medicine or surgery, a person licensed in another state that the 111587
board considers to have substantially equivalent licensure 111588
requirements as this state, or a registered dietitian; 111589

(K) The continued practice of dietetics at a hospital by a 111590

person employed at that same hospital to practice dietetics for 111591
the twenty years immediately prior to July 1, 1987, so long as the 111592
person works under the supervision of a dietitian licensed under 111593
section 4759.06 of the Revised Code and does not violate division 111594
(B) of section 4759.02 of the Revised Code. This division does not 111595
apply to any person who has held a license issued under this 111596
chapter to practice dietetics. As used in this division, 111597
"hospital" has the same meaning as in section 3727.01 of the 111598
Revised Code. 111599

Sec. 4759.11. On receipt of a notice pursuant to section 111600
3123.43 of the Revised Code, the state medical board ~~of dietetics~~ 111601
shall comply with sections 3123.41 to 3123.50 of the Revised Code 111602
and any applicable rules adopted under section 3123.63 of the 111603
Revised Code with respect to a license issued pursuant to this 111604
chapter. 111605

Sec. 4759.12. The ~~Ohio~~ state medical board ~~of dietetics~~ shall 111606
comply with section 4776.20 of the Revised Code. 111607

Sec. 4761.011. Whenever the term "Ohio respiratory care 111608
board" is used in any statute, rule, contract, or other document, 111609
the use shall be construed to mean the "state medical board," with 111610
respect to implementing Chapter 4761. of the Revised Code. 111611

Whenever the executive director of the Ohio respiratory care 111612
board is used in any statute, rule, contract, or other document, 111613
the use shall be construed to mean the executive director of the 111614
state medical board, with respect to implementing Chapter 4761. of 111615
the Revised Code. 111616

Sec. 4761.03. The ~~Ohio respiratory care board~~ state medical 111617
board shall regulate the practice of respiratory care in this 111618
state and the persons to whom the board issues licenses and 111619

limited permits under this chapter ~~and shall license and register~~ 111620
~~home medical equipment services providers under Chapter 4752. of~~ 111621
~~the Revised Code.~~ Rules adopted under this chapter that deal with 111622
the provision of respiratory care in a hospital, other than rules 111623
regulating the issuance of licenses or limited permits, shall be 111624
consistent with the conditions for participation under medicare, 111625
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 111626
U.S.C.A. 1395, as amended, and with the respiratory care 111627
accreditation standards of the joint commission on accreditation 111628
of healthcare organizations or the American osteopathic 111629
association. 111630

The board shall: 111631

(A) Adopt, and may rescind or amend, rules in accordance with 111632
Chapter 119. of the Revised Code to carry out the purposes of this 111633
chapter, including rules prescribing: 111634

(1) The form and manner for filing applications for licensure 111635
and renewal, limited permits, and limited permit extensions under 111636
sections 4761.05 and 4761.06 of the Revised Code; 111637

(2) The form, scoring, and scheduling of examinations and 111638
reexaminations for licensure and license renewal; 111639

(3) Standards for the approval of educational programs 111640
required to qualify for licensure and continuing education 111641
programs required for license renewal; 111642

(4) Continuing education courses and the number of hour 111643
requirements necessary for license renewal, in accordance with 111644
section 4761.06 of the Revised Code; 111645

(5) Procedures for the issuance and renewal of licenses and 111646
limited permits, including the duties that may be fulfilled by the 111647
board's executive director and other board employees; 111648

(6) Procedures for the denial, suspension, permanent 111649

revocation, refusal to renew, and reinstatement of licenses and 111650
limited permits, the conduct of hearings, and the imposition of 111651
fines for engaging in conduct that is grounds for such action and 111652
hearings under section 4761.09 of the Revised Code; 111653

(7) Standards of ethical conduct for the practice of 111654
respiratory care; 111655

(8) Conditions under which the license renewal fee and 111656
continuing education requirements may be waived at the request of 111657
a licensee who is not in active practice; 111658

(9) The respiratory care tasks that may be performed by an 111659
individual practicing as a polysomnographic technologist pursuant 111660
to division (B)(3) of section 4761.10 of the Revised Code; 111661

(10) Procedures for registering out-of-state respiratory care 111662
providers authorized to practice in this state under division 111663
(A)(4) of section 4761.11 of the Revised Code; 111664

(11) Requirements for criminal records checks of applicants 111665
under section 4776.03 of the Revised Code; 111666

(12) Procedures for accepting and storing copies of 111667
hyperbaric technologist certifications filed with the board 111668
pursuant to division (A)(11) of section 4761.11 of the Revised 111669
Code. 111670

(B) Determine the sufficiency of an applicant's 111671
qualifications for admission to the licensing examination or a 111672
reexamination, and for the issuance or renewal of a license or 111673
limited permit; 111674

(C) Determine the respiratory care educational programs that 111675
are acceptable for fulfilling the requirements of division (A) of 111676
section 4761.04 of the Revised Code; 111677

(D) Schedule, administer, and score the licensing examination 111678
or any reexamination for license renewal or reinstatement. The 111679

board shall administer the licensing examinations at least twice a year and notify applicants of the time and place of the examinations.

(E) Investigate complaints concerning alleged violations of section 4761.10 of the Revised Code or grounds for the suspension, permanent revocation, or refusal to issue licenses or limited permits under section 3123.47 or 4761.09 of the Revised Code. The board shall employ investigators who shall, under the direction of the executive director of the board, investigate complaints and make inspections and other inquiries as, in the judgment of the board, are appropriate to enforce sections 3123.41 to 3123.50, 4761.09, and 4761.10 of the Revised Code. Pursuant to an investigation and inspection, the investigators may review and audit records during normal business hours at the place of business of a licensee or person who is the subject of a complaint filed with the board or at any place where the records are kept.

Except when required by court order, the board and its employees shall not disclose confidential information obtained during an investigation or identifying information about any person who files a complaint with the board.

The board may hear testimony in matters relating to the duties imposed upon it and issue subpoenas pursuant to an investigation. The president and secretary of the board may administer oaths.

(F) Conduct hearings, keep records of its proceedings, and do other things as are necessary and proper to carry out and enforce the provisions of this chapter;

(G) Maintain, publish, and make available upon request, for a fee not to exceed the actual cost of printing and mailing:

(1) The requirements for the issuance of licenses and limited permits under this chapter and rules adopted by the board;

(2) ~~A current register of every person licensed to practice respiratory care in this state, to include the addresses of the person's last known place of business and residence, the effective date and identification number of the license, the name and location of the institution that granted the person's degree or certificate of completion of respiratory care educational requirements, and the date the degree or certificate was issued;~~

~~(3)~~ A list of the names and locations of the institutions that each year granted degrees or certificates of completion in respiratory care;

~~(4)~~(3) After the administration of each examination, a list of persons who passed the examination.

(H) Submit to the governor and to the general assembly each year a report of all of its official actions during the preceding year, together with any findings and recommendations with regard to the improvement of the profession of respiratory care;

~~(I) Administer and enforce Chapter 4752. of the Revised Code.~~

Sec. 4761.031. The ~~Ohio respiratory care board~~ state medical board may share any information it receives pursuant to an investigation conducted under division (E) of section 4761.03 of the Revised Code, including patient records and patient record information, with other licensing boards and governmental agencies that are investigating alleged professional misconduct and with law enforcement agencies and other governmental agencies that are investigating or prosecuting alleged criminal offenses. A board or agency that receives the information shall comply with the same requirements regarding confidentiality as those with which the ~~Ohio respiratory care board~~ state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the board or agency that applies when the board or agency is dealing with other information in its possession. The

information may be admitted into evidence in a criminal trial in 111742
accordance with the Rules of Evidence, but the court shall require 111743
that appropriate measures are taken to ensure that confidentiality 111744
is maintained with respect to any part of the information that 111745
contains names or other identifying information about persons 111746
whose confidentiality was protected by the ~~Ohio respiratory care~~ 111747
~~board~~ state medical board when the information was in the board's 111748
possession. Measures to ensure confidentiality that may be taken 111749
by the court include sealing its records or deleting specific 111750
information from its records. 111751

Sec. 4761.032. The state medical board shall appoint a 111752
respiratory care advisory council for the purpose of advising the 111753
board on issues relating to the practice of respiratory care. The 111754
advisory council shall consist of not more than seven individuals 111755
knowledgeable in the area of respiratory care. 111756

Not later than ninety days after the effective date of this 111757
section, the board shall make initial appointments to the council. 111758
Members shall serve three-year staggered terms of office in 111759
accordance with rules adopted by the board. 111760

With approval from the director of administrative services, 111761
members may receive an amount fixed under division (J) of section 111762
124.15 of the Revised Code for each day the member is performing 111763
the member's official duties and be reimbursed for actual and 111764
necessary expenses incurred in performing those duties. 111765

Sec. 4761.04. (A) Except as provided in division (B) of this 111766
section, no person is eligible for licensure as a respiratory care 111767
professional unless the person has shown, to the satisfaction of 111768
the ~~Ohio respiratory care board~~ state medical board, all of the 111769
following: 111770

(1) That the person is of good moral character; 111771

(2) That the person has successfully completed the requirements of an educational program approved by the board that includes instruction in the biological and physical sciences, pharmacology, respiratory care theory, procedures, and clinical practice, and cardiopulmonary rehabilitation techniques;

(3) That the person has passed an examination administered by the board that tests the applicant's knowledge of the basic and clinical sciences relating to respiratory care theory and practice, professional skills and judgment in the utilization of respiratory care techniques, and such other subjects as the board considers useful in determining fitness to practice.

(B) The board may waive the requirements of division (A) of this section with respect to any applicant who presents proof of current licensure in another state whose standards for licensure are at least equal to those in effect in this state on the date of application. The board may waive the requirements of divisions (A)(2) and (3) of this section with respect to any applicant who presents proof of having successfully completed any examination recognized by the board as meeting the requirements of division (A)(3) of this section.

Sec. 4761.05. (A) The ~~Ohio respiratory care board~~ state medical board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care. The licensee shall display the license in a conspicuous place at the licensee's principal place of business.

(B)(1) The board shall issue a limited permit to any applicant who meets the requirements of division (A)(1) of section 4761.04 of the Revised Code, files the prescribed application

form, pays the fee required under section 4761.07 of the Revised Code, and meets either of the following requirements:

(a) Is enrolled in and is in good standing in a respiratory care educational program approved by the board that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code leading to a degree or certificate of completion or is a graduate of the program;

(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989.

(2) The limited permit authorizes the holder to provide respiratory care under the supervision of a respiratory care professional. A person issued a limited permit under division (B)(1)(a) of this section may practice respiratory care under the limited permit for not more than the earliest of the following:

(a) Three years after the date the limited permit is issued;

(b) One year following the date of receipt of a certificate of completion from a board-approved respiratory care education program;

(c) Until the holder discontinues participation in the educational program.

The board may extend the term of a limited permit in cases of unusual hardship. The holder seeking an extension shall petition the board in the form and manner prescribed by the board in rules adopted under section 4761.03 of the Revised Code. This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a limited permit to perform any duties that are part of the required course of study.

(3) A person issued a limited permit under division (B)(1)(b)

of this section may practice under a limited permit for not more 111833
than three years, except that this restriction does not apply to a 111834
permit holder who, on March 14, 1989, has been employed as a 111835
provider of respiratory care for an average of not less than 111836
twenty-five hours per week for a period of not less than five 111837
years by a hospital. 111838

(C) All holders of licenses and limited permits issued under 111839
this section shall display, in a conspicuous place on their 111840
persons, information that identifies the type of authorization 111841
under which they practice. 111842

Sec. 4761.051. (A) As used in this section, "license" and 111843
"applicant for an initial license" have the same meanings as in 111844
section 4776.01 of the Revised Code, except that "license" as used 111845
in both of those terms refers to the types of authorizations 111846
otherwise issued or conferred under this chapter. 111847

(B) In addition to any other eligibility requirement set 111848
forth in this chapter, each applicant for an initial license shall 111849
comply with sections 4776.01 to 4776.04 of the Revised Code. The 111850
~~Ohio respiratory care board~~ state medical board shall not grant a 111851
license to an applicant for an initial license unless the 111852
applicant complies with sections 4776.01 to 4776.04 of the Revised 111853
Code and the board, in its discretion, decides that the results of 111854
the criminal records check do not make the applicant ineligible 111855
for a license issued pursuant to section 4761.05 of the Revised 111856
Code. 111857

Sec. 4761.06. (A) Each license to practice respiratory care 111858
shall be renewed biennially. Each limited permit to practice 111859
respiratory care shall be renewed annually. Each person holding a 111860
license or limited permit to practice respiratory care shall apply 111861
to the ~~Ohio respiratory care board~~ state medical board on the form 111862

and according to the schedule prescribed by the board for renewal 111863
of the license or limited permit. Licenses and limited permits 111864
shall be renewed in accordance with the standard renewal procedure 111865
of Chapter 4745. of the Revised Code. The board shall renew a 111866
license upon the payment of the license renewal fee prescribed 111867
under section 4761.07 of the Revised Code and proof of 111868
satisfactory completion of the continuing education or 111869
reexamination requirements of division (B) of this section. The 111870
board shall renew a limited permit upon payment of the limited 111871
permit renewal fee prescribed under section 4761.07 of the Revised 111872
Code and submission of one of the following: 111873

(1) If the limited permit was issued on the basis of division 111874
(B)(1)(a) of section 4761.05 of the Revised Code, proof acceptable 111875
to the board of enrollment and good standing in an educational 111876
program that meets the requirements of division (A)(2) of section 111877
4761.04 of the Revised Code or of graduation from such a program; 111878

(2) If the limited permit was issued on the basis of division 111879
(B)(1)(b) of section 4761.05 of the Revised Code, proof acceptable 111880
to the board of employment as a provider of respiratory care. 111881

(B) On and after March 14, 1991, and every year thereafter, 111882
on or before the annual renewal date, the holder of a limited 111883
permit issued under division (B)(1)(b) of section 4761.05 of the 111884
Revised Code shall submit proof to the board that the holder has 111885
satisfactorily completed the number of hours of continuing 111886
education required by the board, which shall not be less than 111887
three nor more than ten hours of continuing education acceptable 111888
to the board. 111889

On or before the biennial renewal date, a license holder 111890
shall submit proof to the board that the license holder has 111891
satisfactorily completed the number of hours of continuing 111892
education required by the board, which shall be not less than six 111893
nor more than twenty hours of continuing education acceptable to 111894

the board, or has passed a reexamination in accordance with the 111895
board's renewal requirements. The board may waive all or part of 111896
the continuing education requirement for a license holder who has 111897
held the license for less than two years. 111898

Sec. 4761.07. (A) The ~~Ohio respiratory care board~~ state 111899
medical board shall charge any license applicant or holder who is 111900
to take an examination required under division (A)(3) of section 111901
4761.04 or a reexamination required under division (B) of section 111902
4761.06 of the Revised Code for license renewal or under section 111903
4761.09 of the Revised Code for license reinstatement, a 111904
nonrefundable examination fee, not to exceed the amount necessary 111905
to cover the expense of administering the examination. The license 111906
applicant or holder shall pay the fee at the time of application 111907
for licensure or renewal. 111908

(B) The board shall establish the following additional 111909
nonrefundable fees and penalty: 111910

(1) An initial license fee, not to exceed seventy-five 111911
dollars; 111912

(2) A biennial license renewal fee, not to exceed one hundred 111913
dollars; 111914

(3) A limited permit fee, not to exceed twenty dollars; 111915

(4) A limited permit renewal fee, not to exceed ten dollars; 111916

(5) A late renewal penalty, not to exceed fifty per cent of 111917
the renewal fee; 111918

(6) A fee for accepting and storing hyperbaric technologist 111919
certifications filed with the board under division (A)(11) of 111920
section 4761.11 of the Revised Code, not to exceed twenty dollars. 111921

(C) Notwithstanding division (B)(4) of this section, after 111922
the third renewal of a limited permit that meets the exception in 111923
division (B)(3) of section 4761.05 of the Revised Code, the 111924

limited permit renewal fee shall be one-half the amount of the 111925
biennial license renewal fee established under division (B)(2) of 111926
this section and section 4761.08 of the Revised Code. 111927

(D) The board shall adjust the fees biennially and within the 111928
limits established by division (B) of this section to provide 111929
sufficient revenues to meet its expenses. 111930

(E) The board may, by rule, provide for the waiver of all or 111931
part of a license fee when the license is issued less than 111932
eighteen months before its expiration date. 111933

(F) All fees received by the board shall be deposited into 111934
the state treasury to the credit of the ~~occupational licensing and~~ 111935
~~regulatory fund~~ state medical board operating fund pursuant to 111936
section 4731.24 of the Revised Code. 111937

Sec. 4761.08. The ~~Ohio respiratory care board~~ state medical 111938
board, subject to the approval of the controlling board, may 111939
establish fees, except fees established at amounts adequate to 111940
cover designated expenses, in excess of the amounts provided in 111941
this chapter. The fees shall not exceed the amounts specified by 111942
more than fifty per cent. 111943

Sec. 4761.09. (A) The ~~Ohio respiratory care board~~ state 111944
medical board may refuse to issue or renew a license or a limited 111945
permit, may issue a reprimand, may suspend or permanently revoke a 111946
license or limited permit, or may place a license or limited 111947
permit holder on probation, on any of the following grounds: 111948

(1) A plea of guilty to, a judicial finding of guilt of, or a 111949
judicial finding of eligibility for intervention in lieu of 111950
conviction for an offense involving moral turpitude or of a 111951
felony, in which case a certified copy of the court record shall 111952
be conclusive evidence of the matter; 111953

(2) Violating any provision of this chapter or an order or 111954

rule of the board;	111955
(3) Assisting another person in that person's violation of any provision of this chapter or an order or rule of the board;	111956 111957
(4) Obtaining a license or limited permit by means of fraud, false or misleading representation, or concealment of material facts or making any other material misrepresentation to the board;	111958 111959 111960
(5) Being guilty of negligence or gross misconduct in the practice of respiratory care;	111961 111962
(6) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;	111963 111964
(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;	111965 111966 111967
(8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency;	111968 111969 111970 111971
(9) Practicing respiratory care while mentally incompetent;	111972
(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals;	111973 111974
(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;	111975 111976 111977
(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;	111978 111979 111980
(13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;	111981 111982 111983

(14) Assisting suicide as defined in section 3795.01 of the Revised Code. 111984
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Before the board may take any action under this section, 111986
other than issuance of a summary suspension order under division 111987
(C) of this section, the executive director of the board shall 111988
prepare and file written charges with the board. Disciplinary 111989
actions taken by the board under this section shall be taken 111990
pursuant to an adjudication under Chapter 119. of the Revised 111991
Code, except that in lieu of an adjudication, the board may enter 111992
into a consent agreement to resolve an allegation of a violation 111993
of this chapter or any rule adopted under it. A consent agreement, 111994
when ratified by the board, shall constitute the findings and 111995
order of the board with respect to the matter addressed in the 111996
agreement. If the board refuses to ratify a consent agreement, the 111997
admissions and findings contained in the consent agreement shall 111998
be of no effect. 111999

(B) If the board orders a license or limited permit holder 112000
placed on probation, the order shall be accompanied by a written 112001
statement of the conditions under which the person may be restored 112002
to practice. 112003

The person may reapply to the board for original issuance of 112004
a license after one year following the date the license was 112005
denied. 112006

A Except as otherwise provided in division (D) of this 112007
section, a person may apply to the board for the reinstatement of 112008
a license or limited permit after one year following the date of 112009
suspension or refusal to renew. The board may accept or refuse the 112010
application for reinstatement and may require that the applicant 112011
pass a reexamination as a condition of eligibility for 112012
reinstatement. 112013

(C) If the president and secretary of the board determine 112014

that there is clear and convincing evidence that a license or 112015
limited permit holder has committed an act that is grounds for 112016
board action under division (A) of this section and that continued 112017
practice by the license or permit holder presents a danger of 112018
immediate and serious harm to the public, the president and 112019
secretary may recommend that the board suspend the license or 112020
limited permit without a prior hearing. The president and 112021
secretary shall submit in writing to the board the allegations 112022
causing them to recommend the suspension. 112023

On review of the allegations, the board, by a vote of not 112024
less than seven of its members, may suspend a license or limited 112025
permit without a prior hearing. The board may review the 112026
allegations and vote on the suspension by a telephone conference 112027
call. 112028

If the board votes to suspend a license or limited permit 112029
under this division, the board shall issue a written order of 112030
summary suspension to the license or limited permit holder in 112031
accordance with section 119.07 of the Revised Code. If the license 112032
or limited permit holder requests a hearing by the board, the 112033
board shall conduct the hearing in accordance with Chapter 119. of 112034
the Revised Code. Notwithstanding section 119.12 of the Revised 112035
Code, a court of common pleas shall not grant a suspension of the 112036
board's order of summary suspension pending determination of an 112037
appeal filed under that section. 112038

Any order of summary suspension issued under this division 112039
shall remain in effect until a final adjudication order issued by 112040
the board pursuant to division (A) of this section becomes 112041
effective. The board shall issue its final adjudication order 112042
regarding an order of summary suspension issued under this 112043
division not later than sixty days after completion of its 112044
hearing. Failure to issue the order within sixty days shall result 112045
in immediate dissolution of the suspension order, but shall not 112046

invalidate any subsequent, final adjudication order. 112047

(D) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice respiratory care, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication. 112048
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For purposes of division (A)(8) of this section, if the board has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board. 112055
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Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment. 112065
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Before being eligible to apply for reinstatement of a license or permit suspended under this division, the respiratory care professional shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of 112075
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care. The demonstration shall include the following: 112079

(1) Certification from a treatment provider approved under 112080
section 4731.25 of the Revised Code that the individual has 112081
successfully completed any required inpatient treatment; 112082

(2) Evidence of continuing full compliance with an aftercare 112083
contract or consent agreement; 112084

(3) Two written reports indicating that the individual's 112085
ability to practice has been assessed and that the individual has 112086
been found capable of practicing according to acceptable and 112087
prevailing standards of care. The reports shall be made by 112088
individuals or providers approved by the board for making such 112089
assessments and shall describe the basis for their determination. 112090

The board may reinstate a license or permit suspended under 112091
this division after such demonstration and after the individual 112092
has entered into a written consent agreement. 112093

When the impaired respiratory care professional resumes 112094
practice, the board shall require continued monitoring of the 112095
respiratory care professional. The monitoring shall include 112096
compliance with the written consent agreement entered into before 112097
reinstatement or with conditions imposed by board order after a 112098
hearing, and, upon termination of the consent agreement, 112099
submission to the board for at least two years of annual written 112100
progress reports made under penalty of falsification stating 112101
whether the respiratory care professional has maintained sobriety. 112102

Sec. 4761.10. (A) No person shall offer or render respiratory 112103
care services, or represent that the person is a respiratory care 112104
professional, respiratory therapist, respiratory technologist, 112105
respiratory care technician, respiratory practitioner, inhalation 112106
therapist, inhalation technologist, or inhalation therapy 112107
technician, or to have any similar title or to provide these 112108

services under a similar description, unless the person holds a license or limited permit issued under this chapter. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing respiratory care unless an individual holding a license or limited permit issued under this chapter is employed by or under contract with the partnership, association, or corporation and will be performing the respiratory care services to which reference is made.

(B) Notwithstanding the provisions of division (A) of this section, all of the following apply:

(1) In the case of a hospital or nursing facility, some limited aspects of respiratory care services such as measuring blood pressure and taking blood samples may be performed by persons demonstrating current competence in such procedures, as long as the person acts under the direction of a physician or the delegation of a registered nurse and the person does not represent that the person is engaged in the practice of respiratory care. The above limited aspects of respiratory care do not include any of the following: the administration of aerosol medication, the maintenance of patients on mechanical ventilators, aspiration, and the application and maintenance of artificial airways.

(2) In the case of a facility, institution, or other setting that exists for a purpose substantially other than the provision of health care, if nursing tasks are delegated by a registered nurse as provided in Chapter 4723. of the Revised Code and the rules adopted under it, respiratory care tasks may be performed under that delegation by persons demonstrating current competence in performing the tasks, as long as the person does not represent that the person is engaged in the practice of respiratory care.

(3) A polysomnographic technologist credentialed by an organization the ~~Ohio respiratory care board~~ state medical board

recognizes, a trainee under the direct supervision of a 112141
polysomnographic technologist credentialed by an organization the 112142
board recognizes, or a person the board recognizes as being 112143
eligible to be credentialed as a polysomnographic technologist may 112144
perform the respiratory care tasks specified in rules adopted 112145
under section 4761.03 of the Revised Code, as long as both of the 112146
following apply: 112147

(a) The tasks are performed in the diagnosis and therapeutic 112148
intervention of sleep-related breathing disorders and under the 112149
general supervision of a physician. 112150

(b) The person performing the tasks does not represent that 112151
the person is engaged in the practice of respiratory care. 112152

(c) If the ~~Ohio respiratory care board~~ state medical board 112153
finds that any person, including any partnership, association, or 112154
corporation, has engaged or is engaging in any activity or conduct 112155
that is prohibited under division (A) of this section or rules of 112156
the board, or that is grounds for the denial, suspension, or 112157
permanent revocation of a person's license under section 4761.09 112158
of the Revised Code, it may apply to the court of common pleas in 112159
the county in which the violation occurred for an order 112160
restraining the unlawful activity or conduct, including the 112161
continued practice of respiratory care. Upon a showing that the 112162
law or rule has been violated, or the person has engaged in 112163
conduct constituting such grounds, the court may issue an 112164
injunction or other appropriate restraining order. 112165

Sec. 4761.11. (A) Nothing in this chapter shall be construed 112166
to prevent or restrict the practice, services, or activities of 112167
any person who: 112168

(1) Is a health care professional licensed by this state 112169
providing respiratory care services included in the scope of 112170
practice established by the license held, as long as the person 112171

does not represent that the person is engaged in the practice of respiratory care;

(2) Is employed as a respiratory care professional by an agency of the United States government and provides respiratory care solely under the direction or control of the employing agency;

(3) Is a student enrolled in ~~an Ohio respiratory care board approved~~ a respiratory care education program approved by the state medical board leading to a certificate of completion in respiratory care and is performing duties that are part of a supervised course of study;

(4) Is a nonresident of this state practicing or offering to practice respiratory care, if the respiratory care services are offered for not more than thirty days in a year, services are provided under the supervision of a respiratory care professional licensed under this chapter, and the nonresident registers with the board in accordance with rules adopted by the board under section 4761.03 of the Revised Code and meets either of the following requirements:

(a) Qualifies for licensure under this chapter, except for passage of the examination required under division (A)(3) of section 4761.04 of the Revised Code;

(b) Holds a valid license issued by a state that has licensure requirements considered by the board to be comparable to those of this state and has not been issued a license in another state that has been revoked or is currently under suspension or on probation.

(5) Provides respiratory care only to relatives or in medical emergencies;

(6) Provides gratuitous care to friends or personal family members;

(7) Provides only self care; 112203

(8) Is employed in the office of a physician and renders 112204
medical assistance under the physician's direct supervision 112205
without representing that the person is engaged in the practice of 112206
respiratory care; 112207

(9) Is employed in a clinical chemistry or arterial blood gas 112208
laboratory and is supervised by a physician without representing 112209
that the person is engaged in the practice of respiratory care; 112210

(10) Is engaged in the practice of respiratory care as an 112211
employee of a person or governmental entity located in another 112212
state and provides respiratory care services for less than 112213
seventy-two hours to patients being transported into, out of, or 112214
through this state; 112215

(11) Is employed as a certified hyperbaric technologist, has 112216
filed with the board a copy of the person's current certification 112217
as a hyperbaric technologist in accordance with the rules adopted 112218
by the board under section 4761.03 of the Revised Code, has paid 112219
the fee established pursuant to section 4761.07 of the Revised 112220
Code, and administers hyperbaric oxygen therapy under the direct 112221
supervision of a physician, a podiatrist acting in compliance with 112222
section 4731.511 of the Revised Code, a physician assistant, or an 112223
advanced practice registered nurse and without representing that 112224
the person is engaged in the practice of respiratory care. 112225

(B) Nothing in this chapter shall be construed to prevent any 112226
person from advertising, describing, or offering to provide 112227
respiratory care or billing for respiratory care when the 112228
respiratory care services are provided by a health care 112229
professional licensed by this state practicing within the scope of 112230
practice established by the license held. Nothing in this chapter 112231
shall be construed to prevent a hospital or nursing facility from 112232
advertising, describing, or offering to provide respiratory care, 112233

or billing for respiratory care rendered by a person licensed 112234
under this chapter or persons who may provide limited aspects of 112235
respiratory care or respiratory care tasks pursuant to division 112236
(B) of section 4761.10 of the Revised Code. 112237

(C) Notwithstanding division (A) of section 4761.10 of the 112238
Revised Code, in a life-threatening situation, in the absence of 112239
licensed personnel, unlicensed persons shall not be prohibited 112240
from taking life-saving measures. 112241

(D) Nothing in this chapter shall be construed as authorizing 112242
a respiratory care professional to practice medicine and surgery 112243
or osteopathic medicine and surgery. This division does not 112244
prohibit a respiratory care professional from administering 112245
topical or intradermal medications for the purpose of producing 112246
localized decreased sensation as part of a procedure or task that 112247
is within the scope of practice of a respiratory care 112248
professional. 112249

Sec. 4761.12. On receipt of a notice pursuant to section 112250
3123.43 of the Revised Code, the ~~respiratory care board~~ state 112251
medical board shall comply with sections 3123.41 to 3123.50 of the 112252
Revised Code and any applicable rules adopted under section 112253
3123.63 of the Revised Code with respect to a license or permit 112254
issued pursuant to this chapter. 112255

Sec. 4761.13. (A) As used in this section, "prosecutor" has 112256
the same meaning as in section 2935.01 of the Revised Code. 112257

(B) The prosecutor in any case against any respiratory care 112258
professional or an individual holding a limited permit issued 112259
under this chapter shall promptly notify the ~~Ohio respiratory care~~ 112260
~~board~~ state medical board of any of the following: 112261

(1) A plea of guilty to, or a finding of guilt by a jury or 112262
court of, a felony, or a case in which the trial court issues an 112263

order of dismissal upon technical or procedural grounds of a 112264
felony charge; 112265

(2) A plea of guilty to, or a finding of guilt by a jury or 112266
court of, a misdemeanor committed in the course of practice, or a 112267
case in which the trial court issues an order of dismissal upon 112268
technical or procedural grounds of a charge of a misdemeanor, if 112269
the alleged act was committed in the course of practice; 112270

(3) A plea of guilty to, or a finding of guilt by a jury or 112271
court of, a misdemeanor involving moral turpitude, or a case in 112272
which the trial court issues an order of dismissal upon technical 112273
or procedural grounds of a charge of a misdemeanor involving moral 112274
turpitude. 112275

(C) The report shall include the name and address of the 112276
respiratory care professional or person holding a limited permit, 112277
the nature of the offense for which the action was taken, and the 112278
certified court documents recording the action. The board may 112279
prescribe and provide forms for prosecutors to make reports under 112280
this section. The form may be the same as the form required to be 112281
provided under section 2929.42 of the Revised Code. 112282

Sec. 4761.14. An employer that disciplines or terminates the 112283
employment of a respiratory care professional or individual 112284
holding a limited permit issued under this chapter because of 112285
conduct that would be grounds for disciplinary action under 112286
section 4761.09 of the Revised Code shall report the action to the 112287
~~Ohio respiratory care board~~ state medical board. The report shall 112288
state the name of the respiratory care professional or individual 112289
holding the limited permit and the reason the employer took the 112290
action. If an employer fails to report to the board, the board may 112291
seek an order from a court of competent jurisdiction compelling 112292
submission of the report. 112293

Sec. 4761.18. The ~~Ohio respiratory care board~~ state medical 112294
board shall comply with section 4776.20 of the Revised Code. 112295

Sec. 4776.01. As used in this chapter: 112296

(A) "License" means an authorization evidenced by a license, 112297
certificate, registration, permit, card, or other authority that 112298
is issued or conferred by a licensing agency to a licensee or to 112299
an applicant for an initial license by which the licensee or 112300
initial license applicant has or claims the privilege to engage in 112301
a profession, occupation, or occupational activity, or, except in 112302
the case of the state dental board, to have control of and operate 112303
certain specific equipment, machinery, or premises, over which the 112304
licensing agency has jurisdiction. 112305

(B) Except as provided in section 4776.20 of the Revised 112306
Code, "licensee" means the person to whom the license is issued by 112307
a licensing agency. 112308

(C) Except as provided in section 4776.20 of the Revised 112309
Code, "licensing agency" means any of the following: 112310

(1) The board authorized by Chapters 4701., 4717., 4725., 112311
4729., 4730., 4731., 4732., 4734., 4740., 4741., ~~4747.~~, 4753., 112312
4755., 4757., 4759., 4760., 4761., 4762., ~~4779.~~, and 4783. of the 112313
Revised Code to issue a license to engage in a specific 112314
profession, occupation, or occupational activity, or to have 112315
charge of and operate certain specified equipment, machinery, or 112316
premises. 112317

(2) The state dental board, relative to its authority to 112318
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 112319
4715.27 of the Revised Code. 112320

(D) "Applicant for an initial license" includes persons 112321
seeking a license for the first time and persons seeking a license 112322
by reciprocity, endorsement, or similar manner of a license issued 112323

in another state. 112324

(E) "Applicant for a restored license" includes persons 112325
seeking restoration of a certificate under section 4730.14, 112326
4731.281, 4760.06, or 4762.06 of the Revised Code. 112327

(F) "Criminal records check" has the same meaning as in 112328
section 109.572 of the Revised Code. 112329

Sec. 5120.55. (A) As used in this section, "licensed health 112330
professional" means any or all of the following: 112331

(1) A dentist who holds a current, valid license issued under 112332
Chapter 4715. of the Revised Code to practice dentistry; 112333

(2) A licensed practical nurse who holds a current, valid 112334
license issued under Chapter 4723. of the Revised Code that 112335
authorizes the practice of nursing as a licensed practical nurse; 112336

(3) An optometrist who holds a current, valid certificate of 112337
licensure issued under Chapter 4725. of the Revised Code that 112338
authorizes the holder to engage in the practice of optometry; 112339

(4) A physician who is authorized under Chapter 4731. of the 112340
Revised Code to practice medicine and surgery, osteopathic 112341
medicine and surgery, or podiatric medicine and surgery; 112342

(5) A psychologist who holds a current, valid license issued 112343
under Chapter 4732. of the Revised Code that authorizes the 112344
practice of psychology as a licensed psychologist; 112345

(6) A registered nurse who holds a current, valid license 112346
issued under Chapter 4723. of the Revised Code that authorizes the 112347
practice of nursing as a registered nurse, including such a nurse 112348
who is also licensed to practice as an advanced practice 112349
registered nurse as defined in section 4723.01 of the Revised 112350
Code. 112351

(B)(1) The department of rehabilitation and correction may 112352

establish a recruitment program under which the department, by 112353
means of a contract entered into under division (C) of this 112354
section, agrees to repay all or part of the principal and interest 112355
of a government or other educational loan incurred by a licensed 112356
health professional who agrees to provide services to inmates of 112357
correctional institutions under the department's administration. 112358

(2)(a) For a physician to be eligible to participate in the 112359
program, the physician must have attended a school that was, 112360
during the time of attendance, a medical school or osteopathic 112361
medical school in this country accredited by the liaison committee 112362
on medical education or the American osteopathic association, a 112363
college of podiatry in this country recognized as being in good 112364
standing under section 4731.53 of the Revised Code, or a medical 112365
school, osteopathic medical school, or college of podiatry located 112366
outside this country that was acknowledged by the world health 112367
organization and verified by a member state of that organization 112368
as operating within that state's jurisdiction. 112369

(b) For a nurse to be eligible to participate in the program, 112370
the nurse must have attended a school that was, during the time of 112371
attendance, a nursing school in this country accredited by the 112372
commission on collegiate nursing education or the national league 112373
for nursing accrediting commission or a nursing school located 112374
outside this country that was acknowledged by the world health 112375
organization and verified by a member state of that organization 112376
as operating within that state's jurisdiction. 112377

(c) For a dentist to be eligible to participate in the 112378
program, the dentist must have attended a school that was, during 112379
the time of attendance, a dental college that enabled the dentist 112380
to meet the requirements specified in section 4715.10 of the 112381
Revised Code to be granted a license to practice dentistry. 112382

(d) For an optometrist to be eligible to participate in the 112383
program, the optometrist must have attended a school of optometry 112384

that was, during the time of attendance, approved by the state 112385
~~board of optometry~~ vision professionals board. 112386

(e) For a psychologist to be eligible to participate in the 112387
program, the psychologist must have attended an educational 112388
institution that, during the time of attendance, maintained a 112389
specific degree program recognized by the state board of 112390
psychology as acceptable for fulfilling the requirement of 112391
division (B)(3) of section 4732.10 of the Revised Code. 112392

(C) The department shall enter into a contract with each 112393
licensed health professional it recruits under this section. Each 112394
contract shall include at least the following terms: 112395

(1) The licensed health professional agrees to provide a 112396
specified scope of medical, osteopathic medical, podiatric, 112397
optometric, psychological, nursing, or dental services to inmates 112398
of one or more specified state correctional institutions for a 112399
specified number of hours per week for a specified number of 112400
years. 112401

(2) The department agrees to repay all or a specified portion 112402
of the principal and interest of a government or other educational 112403
loan taken by the licensed health professional for the following 112404
expenses to attend, for up to a maximum of four years, a school 112405
that qualifies the licensed health professional to participate in 112406
the program: 112407

(a) Tuition; 112408

(b) Other educational expenses for specific purposes, 112409
including fees, books, and laboratory expenses, in amounts 112410
determined to be reasonable in accordance with rules adopted under 112411
division (D) of this section; 112412

(c) Room and board, in an amount determined to be reasonable 112413
in accordance with rules adopted under division (D) of this 112414
section. 112415

(3) The licensed health professional agrees to pay the department a specified amount, which shall be no less than the amount already paid by the department pursuant to its agreement, as damages if the licensed health professional fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the service obligation that remains uncompleted.

(4) Other terms agreed upon by the parties.

The licensed health professional's lending institution or the ~~Ohio board~~ department of regents, higher education may be a party to the contract. The contract may include an assignment to the department of rehabilitation and correction of the licensed health professional's duty to repay the principal and interest of the loan.

(D) If the department of rehabilitation and correction elects to implement the recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which licensed health professionals will be recruited;

(2) Criteria for selecting licensed health professionals for participation in the program;

(3) Criteria for determining the portion of a loan which the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;

(6) Any other criteria or procedures necessary to implement the program. 112446
112447

Sec. 5123.46. All rules adopted under sections 5123.41 to 112448
5123.45 and section 5123.452 of the Revised Code shall be adopted 112449
in consultation with the board of nursing, the Ohio nurses 112450
association, the ~~Ohio respiratory care~~ state medical board, and 112451
the Ohio society for respiratory care. The rules shall be adopted 112452
in accordance with Chapter 119. of the Revised Code. 112453

Section 130.12. That existing sections 109.572, 2305.113, 112454
3313.608, 3701.83, 4725.01, 4725.02, 4725.04, 4725.05, 4725.06, 112455
4725.07, 4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 112456
4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 112457
4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 112458
4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 112459
4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 112460
4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 112461
4725.57, 4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 4731.224, 112462
4731.24, 4731.25, 4743.05, 4745.02, 4745.04, 4747.04, 4747.05, 112463
4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 112464
4747.14, 4747.16, 4747.17, 4752.01, 4752.02, 4752.03, 4752.04, 112465
4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 112466
4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 112467
4753.06, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 112468
4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 112469
4759.02, 4759.05, 4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 112470
4759.10, 4759.11, 4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 112471
4761.051, 4761.06, 4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 112472
4761.12, 4761.13, 4761.14, 4761.18, 4776.01, 5120.55, and 5123.46 112473
of the Revised Code are hereby repealed. 112474

Section 130.13. That sections 4725.03, 4725.42, 4725.43, 112475

4725.45, 4725.46, 4725.47, 4747.03, 4753.03, 4753.04, 4759.03, 112476
4759.04, 4761.02, 4761.15, 4761.16, 4779.01, 4779.02, 4779.03, 112477
4779.04, 4779.05, 4779.06, 4779.07, 4779.08, 4779.09, 4779.091, 112478
4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.16, 4779.17, 112479
4779.18, 4779.19, 4779.20, 4779.21, 4779.22, 4779.23, 4779.24, 112480
4779.25, 4779.26, 4779.27, 4779.28, 4779.29, 4779.30, 4779.31, 112481
4779.32, 4779.33, 4779.34, and 4779.99 of the Revised Code are 112482
hereby repealed. 112483

Section 130.14. Sections 109.572, 2305.113, 3313.608, 112484
3701.83, 4725.01, 4725.02, 4725.09, 4725.091, 4725.092, 4725.10, 112485
4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 112486
4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 112487
4725.24, 4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 112488
4725.34, 4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 112489
4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 112490
4725.55, 4725.57, 4725.61, 4729.021, 4729.85, 4731.051, 4731.07, 112491
4731.071, 4731.224, 4731.24, 4731.25, 4743.05, 4745.02, 4745.021, 112492
4745.04, 4747.04, 4747.05, 4747.051, 4747.06, 4747.07, 4747.08, 112493
4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 4747.16, 4747.17, 112494
4752.01, 4752.02, 4752.03, 4752.04, 4752.05, 4752.06, 4752.08, 112495
4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 4752.15, 4752.17, 112496
4752.18, 4752.19, 4752.20, 4752.22, 4752.24, 4753.05, 4753.06, 112497
4753.061, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 112498
4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 112499
4759.011, 4759.02, 4759.05, 4759.051, 4759.06, 4759.061, 4759.07, 112500
4759.08, 4759.09, 4759.10, 4759.11, 4759.12, 4761.011, 4761.03, 112501
4761.031, 4761.032, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 112502
4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 4761.13, 4761.14, 112503
4761.18, 4776.01, 5120.55, and 5123.46 of the Revised Code as 112504
amended or enacted by Section 130.11 of this act and the repeal of 112505
sections 4725.42, 4725.43, 4725.45, 4725.46, 4725.47, 4747.03, 112506

4753.03, 4753.04, 4759.03, 4759.04, 4761.02, 4761.15, 4761.16, 112507
4779.01, 4779.02, 4779.03, 4779.04, 4779.05, 4779.06, 4779.07, 112508
4779.08, 4779.09, 4779.091, 4779.10, 4779.11, 4779.12, 4779.13, 112509
4779.15, 4779.16, 4779.17, 4779.18, 4779.19, 4779.20, 4779.21, 112510
4779.22, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.28, 112511
4779.29, 4779.30, 4779.31, 4779.32, 4779.33, 4779.34, and 4779.99 112512
of the Revised Code by Section 130.13 of this act take effect on 112513
January 21, 2018. 112514

Section 130.21. That sections 102.02, 109.572, 111.15, 112515
119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 135.321, 112516
135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 755.141, 112517
902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 1101.03, 112518
1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 1103.07, 112519
1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 1103.16, 112520
1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 1105.03, 112521
1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 1107.07, 112522
1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 1109.03, 112523
1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 1109.22, 112524
1109.23, 1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 1109.33, 112525
1109.34, 1109.35, 1109.36, 1109.39, 1109.40, 1109.43, 1109.44, 112526
1109.45, 1109.47, 1109.48, 1109.49, 1109.53, 1109.54, 1109.55, 112527
1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 1109.69, 1111.01, 112528
1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 1111.09, 112529
1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 1115.01, 112530
1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 1115.15, 112531
1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 112532
1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 1121.05, 112533
1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 1121.17, 112534
1121.18, 1121.21, 1121.23, 1121.24, 1121.26, 1121.30, 1121.33, 112535
1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 1121.48, 112536
1121.50, 1121.56, 1123.01, 1123.02, 1123.03, 1125.01, 1125.03, 112537

1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 112538
1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 112539
1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 1125.28, 112540
1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 112541
1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 1181.25, 112542
1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 1901.31, 112543
2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 be amended; 112544
sections 1103.01 (1113.01), 1103.06 (1113.04), 1103.08 (1113.12), 112545
1103.09 (1113.13), 1103.11 (1113.11), 1103.13 (1113.14), 1103.14 112546
(1113.15), 1103.15 (1113.16), 1103.16 (1113.17), 1103.21 112547
(1117.07), and 1113.01 (1113.02) be amended for the purpose of 112548
adopting new section numbers as shown in parentheses; and new 112549
section 1121.52 and sections 1101.05, 1103.99, 1109.021, 1109.04, 112550
1109.151, 1109.441, 1109.62, 1114.01, 1114.02, 1114.03, 1114.04, 112551
1114.05, 1114.06, 1114.07, 1114.08, 1114.09, 1114.10, 1114.11, 112552
1114.12, 1114.16, 1115.02, 1115.03, 1115.24, 1116.01, 1116.02, 112553
1116.05, 1116.06, 1116.07, 1116.08, 1116.09, 1116.10, 1116.11, 112554
1116.12, 1116.13, 1116.16, 1116.18, 1116.19, 1116.20, 1116.21, 112555
1121.19, and 1121.29 of the Revised Code be enacted to read as 112556
follows: 112557

Sec. 102.02. (A)(1) Except as otherwise provided in division 112558
(H) of this section, all of the following shall file with the 112559
appropriate ethics commission the disclosure statement described 112560
in this division on a form prescribed by the appropriate 112561
commission: every person who is elected to or is a candidate for a 112562
state, county, or city office and every person who is appointed to 112563
fill a vacancy for an unexpired term in such an elective office; 112564
all members of the state board of education; the director, 112565
assistant directors, deputy directors, division chiefs, or persons 112566
of equivalent rank of any administrative department of the state; 112567
the president or other chief administrative officer of every state 112568
institution of higher education as defined in section 3345.011 of 112569

the Revised Code; the executive director and the members of the 112570
capitol square review and advisory board appointed or employed 112571
pursuant to section 105.41 of the Revised Code; all members of the 112572
Ohio casino control commission, the executive director of the 112573
commission, all professional employees of the commission, and all 112574
technical employees of the commission who perform an internal 112575
audit function; the individuals set forth in division (B)(2) of 112576
section 187.03 of the Revised Code; the chief executive officer 112577
and the members of the board of each state retirement system; each 112578
employee of a state retirement board who is a state retirement 112579
system investment officer licensed pursuant to section 1707.163 of 112580
the Revised Code; the members of the Ohio retirement study council 112581
appointed pursuant to division (C) of section 171.01 of the 112582
Revised Code; employees of the Ohio retirement study council, 112583
other than employees who perform purely administrative or clerical 112584
functions; the administrator of workers' compensation and each 112585
member of the bureau of workers' compensation board of directors; 112586
the bureau of workers' compensation director of investments; the 112587
chief investment officer of the bureau of workers' compensation; 112588
all members of the board of commissioners on grievances and 112589
discipline of the supreme court and the ethics commission created 112590
under section 102.05 of the Revised Code; every business manager, 112591
treasurer, or superintendent of a city, local, exempted village, 112592
joint vocational, or cooperative education school district or an 112593
educational service center; every person who is elected to or is a 112594
candidate for the office of member of a board of education of a 112595
city, local, exempted village, joint vocational, or cooperative 112596
education school district or of a governing board of an 112597
educational service center that has a total student count of 112598
twelve thousand or more as most recently determined by the 112599
department of education pursuant to section 3317.03 of the Revised 112600
Code; every person who is appointed to the board of education of a 112601
municipal school district pursuant to division (B) or (F) of 112602

section 3311.71 of the Revised Code; all members of the board of 112603
directors of a sanitary district that is established under Chapter 112604
6115. of the Revised Code and organized wholly for the purpose of 112605
providing a water supply for domestic, municipal, and public use, 112606
and that includes two municipal corporations in two counties; 112607
every public official or employee who is paid a salary or wage in 112608
accordance with schedule C of section 124.15 or schedule E-2 of 112609
section 124.152 of the Revised Code; members of the board of 112610
trustees and the executive director of the southern Ohio 112611
agricultural and community development foundation; all members 112612
appointed to the Ohio livestock care standards board under section 112613
904.02 of the Revised Code; all entrepreneurs in residence 112614
assigned by the LeanOhio office in the department of 112615
administrative services under section 125.65 of the Revised Code 112616
and every other public official or employee who is designated by 112617
the appropriate ethics commission pursuant to division (B) of this 112618
section. 112619

(2) The disclosure statement shall include all of the 112620
following: 112621

(a) The name of the person filing the statement and each 112622
member of the person's immediate family and all names under which 112623
the person or members of the person's immediate family do 112624
business; 112625

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 112626
section and except as otherwise provided in section 102.022 of the 112627
Revised Code, identification of every source of income, other than 112628
income from a legislative agent identified in division 112629
(A)(2)(b)(ii) of this section, received during the preceding 112630
calendar year, in the person's own name or by any other person for 112631
the person's use or benefit, by the person filing the statement, 112632
and a brief description of the nature of the services for which 112633
the income was received. If the person filing the statement is a 112634

member of the general assembly, the statement shall identify the 112635
amount of every source of income received in accordance with the 112636
following ranges of amounts: zero or more, but less than one 112637
thousand dollars; one thousand dollars or more, but less than ten 112638
thousand dollars; ten thousand dollars or more, but less than 112639
twenty-five thousand dollars; twenty-five thousand dollars or 112640
more, but less than fifty thousand dollars; fifty thousand dollars 112641
or more, but less than one hundred thousand dollars; and one 112642
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 112643
section shall not be construed to require a person filing the 112644
statement who derives income from a business or profession to 112645
disclose the individual items of income that constitute the gross 112646
income of that business or profession, except for those individual 112647
items of income that are attributable to the person's or, if the 112648
income is shared with the person, the partner's, solicitation of 112649
services or goods or performance, arrangement, or facilitation of 112650
services or provision of goods on behalf of the business or 112651
profession of clients, including corporate clients, who are 112652
legislative agents. A person who files the statement under this 112653
section shall disclose the identity of and the amount of income 112654
received from a person who the public official or employee knows 112655
or has reason to know is doing or seeking to do business of any 112656
kind with the public official's or employee's agency. 112657

(ii) If the person filing the statement is a member of the 112658
general assembly, the statement shall identify every source of 112659
income and the amount of that income that was received from a 112660
legislative agent during the preceding calendar year, in the 112661
person's own name or by any other person for the person's use or 112662
benefit, by the person filing the statement, and a brief 112663
description of the nature of the services for which the income was 112664
received. Division (A)(2)(b)(ii) of this section requires the 112665
disclosure of clients of attorneys or persons licensed under 112666
section 4732.12 of the Revised Code, or patients of persons 112667

certified under section 4731.14 of the Revised Code, if those 112668
clients or patients are legislative agents. Division (A)(2)(b)(ii) 112669
of this section requires a person filing the statement who derives 112670
income from a business or profession to disclose those individual 112671
items of income that constitute the gross income of that business 112672
or profession that are received from legislative agents. 112673

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 112674
of this section, division (A)(2)(b)(i) of this section applies to 112675
attorneys, physicians, and other persons who engage in the 112676
practice of a profession and who, pursuant to a section of the 112677
Revised Code, the common law of this state, a code of ethics 112678
applicable to the profession, or otherwise, generally are required 112679
not to reveal, disclose, or use confidences of clients, patients, 112680
or other recipients of professional services except under 112681
specified circumstances or generally are required to maintain 112682
those types of confidences as privileged communications except 112683
under specified circumstances. Division (A)(2)(b)(i) of this 112684
section does not require an attorney, physician, or other 112685
professional subject to a confidentiality requirement as described 112686
in division (A)(2)(b)(iii) of this section to disclose the name, 112687
other identity, or address of a client, patient, or other 112688
recipient of professional services if the disclosure would 112689
threaten the client, patient, or other recipient of professional 112690
services, would reveal details of the subject matter for which 112691
legal, medical, or professional advice or other services were 112692
sought, or would reveal an otherwise privileged communication 112693
involving the client, patient, or other recipient of professional 112694
services. Division (A)(2)(b)(i) of this section does not require 112695
an attorney, physician, or other professional subject to a 112696
confidentiality requirement as described in division 112697
(A)(2)(b)(iii) of this section to disclose in the brief 112698
description of the nature of services required by division 112699
(A)(2)(b)(i) of this section any information pertaining to 112700

specific professional services rendered for a client, patient, or 112701
other recipient of professional services that would reveal details 112702
of the subject matter for which legal, medical, or professional 112703
advice was sought or would reveal an otherwise privileged 112704
communication involving the client, patient, or other recipient of 112705
professional services. 112706

(c) The name of every corporation on file with the secretary 112707
of state that is incorporated in this state or holds a certificate 112708
of compliance authorizing it to do business in this state, trust, 112709
business trust, partnership, or association that transacts 112710
business in this state in which the person filing the statement or 112711
any other person for the person's use and benefit had during the 112712
preceding calendar year an investment of over one thousand dollars 112713
at fair market value as of the thirty-first day of December of the 112714
preceding calendar year, or the date of disposition, whichever is 112715
earlier, or in which the person holds any office or has a 112716
fiduciary relationship, and a description of the nature of the 112717
investment, office, or relationship. Division (A)(2)(c) of this 112718
section does not require disclosure of the name of any bank, 112719
savings and loan association, credit union, or building and loan 112720
association with which the person filing the statement has a 112721
deposit or a withdrawable share account. 112722

(d) All fee simple and leasehold interests to which the 112723
person filing the statement holds legal title to or a beneficial 112724
interest in real property located within the state, excluding the 112725
person's residence and property used primarily for personal 112726
recreation; 112727

(e) The names of all persons residing or transacting business 112728
in the state to whom the person filing the statement owes, in the 112729
person's own name or in the name of any other person, more than 112730
one thousand dollars. Division (A)(2)(e) of this section shall not 112731
be construed to require the disclosure of debts owed by the person 112732

resulting from the ordinary conduct of a business or profession or 112733
debts on the person's residence or real property used primarily 112734
for personal recreation, except that the superintendent of 112735
financial institutions ~~shall disclose the names of all~~ 112736
~~state chartered savings and loan associations and of all service~~ 112737
~~corporations subject to regulation under division (E)(2) of~~ 112738
~~section 1151.34 of the Revised Code to whom the superintendent in~~ 112739
~~the superintendent's own name or in the name of any other person~~ 112740
~~owes any money, and that the superintendent and any deputy~~ 112741
superintendent of banks shall disclose the names of all 112742
state-chartered banks and all bank subsidiary corporations subject 112743
to regulation under section 1109.44 of the Revised Code to whom 112744
the superintendent or deputy superintendent owes any money. 112745

(f) The names of all persons residing or transacting business 112746
in the state, other than a depository excluded under division 112747
(A)(2)(c) of this section, who owe more than one thousand dollars 112748
to the person filing the statement, either in the person's own 112749
name or to any person for the person's use or benefit. Division 112750
(A)(2)(f) of this section shall not be construed to require the 112751
disclosure of clients of attorneys or persons licensed under 112752
section 4732.12 of the Revised Code, or patients of persons 112753
certified under section 4731.14 of the Revised Code, nor the 112754
disclosure of debts owed to the person resulting from the ordinary 112755
conduct of a business or profession. 112756

(g) Except as otherwise provided in section 102.022 of the 112757
Revised Code, the source of each gift of over seventy-five 112758
dollars, or of each gift of over twenty-five dollars received by a 112759
member of the general assembly from a legislative agent, received 112760
by the person in the person's own name or by any other person for 112761
the person's use or benefit during the preceding calendar year, 112762
except gifts received by will or by virtue of section 2105.06 of 112763
the Revised Code, or received from spouses, parents, grandparents, 112764

children, grandchildren, siblings, nephews, nieces, uncles, aunts, 112765
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 112766
fathers-in-law, mothers-in-law, or any person to whom the person 112767
filing the statement stands in loco parentis, or received by way 112768
of distribution from any inter vivos or testamentary trust 112769
established by a spouse or by an ancestor; 112770

(h) Except as otherwise provided in section 102.022 of the 112771
Revised Code, identification of the source and amount of every 112772
payment of expenses incurred for travel to destinations inside or 112773
outside this state that is received by the person in the person's 112774
own name or by any other person for the person's use or benefit 112775
and that is incurred in connection with the person's official 112776
duties, except for expenses for travel to meetings or conventions 112777
of a national or state organization to which any state agency, 112778
including, but not limited to, any legislative agency or state 112779
institution of higher education as defined in section 3345.011 of 112780
the Revised Code, pays membership dues, or any political 112781
subdivision or any office or agency of a political subdivision 112782
pays membership dues; 112783

(i) Except as otherwise provided in section 102.022 of the 112784
Revised Code, identification of the source of payment of expenses 112785
for meals and other food and beverages, other than for meals and 112786
other food and beverages provided at a meeting at which the person 112787
participated in a panel, seminar, or speaking engagement or at a 112788
meeting or convention of a national or state organization to which 112789
any state agency, including, but not limited to, any legislative 112790
agency or state institution of higher education as defined in 112791
section 3345.011 of the Revised Code, pays membership dues, or any 112792
political subdivision or any office or agency of a political 112793
subdivision pays membership dues, that are incurred in connection 112794
with the person's official duties and that exceed one hundred 112795
dollars aggregated per calendar year; 112796

(j) If the disclosure statement is filed by a public official 112797
or employee described in division (B)(2) of section 101.73 of the 112798
Revised Code or division (B)(2) of section 121.63 of the Revised 112799
Code who receives a statement from a legislative agent, executive 112800
agency lobbyist, or employer that contains the information 112801
described in division (F)(2) of section 101.73 of the Revised Code 112802
or division (G)(2) of section 121.63 of the Revised Code, all of 112803
the nondisputed information contained in the statement delivered 112804
to that public official or employee by the legislative agent, 112805
executive agency lobbyist, or employer under division (F)(2) of 112806
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 112807

(3) A person may file a statement required by this section in 112808
person, by mail, or by electronic means. 112809

(4) A person who is required to file a statement under this 112810
section shall file that statement according to the following 112811
deadlines, as applicable: 112812

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 112813
and (d) of this section, the person shall file the statement not 112814
later than the fifteenth day of May of each year. 112815

(b) A person who is a candidate for elective office shall 112816
file the statement no later than the thirtieth day before the 112817
primary, special, or general election at which the candidacy is to 112818
be voted on, whichever election occurs soonest, except that a 112819
person who is a write-in candidate shall file the statement no 112820
later than the twentieth day before the earliest election at which 112821
the person's candidacy is to be voted on. 112822

(c) A person who is appointed to fill a vacancy for an 112823
unexpired term in an elective office shall file the statement 112824
within fifteen days after the person qualifies for office. 112825

(d) A person who is appointed or employed after the fifteenth 112826
day of May, other than a person described in division (A)(4)(c) of 112827

this section, shall file an annual statement within ninety days 112828
after appointment or employment. 112829

(5) No person shall be required to file with the appropriate 112830
ethics commission more than one statement or pay more than one 112831
filing fee for any one calendar year. 112832

(6) The appropriate ethics commission, for good cause, may 112833
extend for a reasonable time the deadline for filing a statement 112834
under this section. 112835

(7) A statement filed under this section is subject to public 112836
inspection at locations designated by the appropriate ethics 112837
commission except as otherwise provided in this section. 112838

(B) The Ohio ethics commission, the joint legislative ethics 112839
committee, and the board of commissioners on grievances and 112840
discipline of the supreme court, using the rule-making procedures 112841
of Chapter 119. of the Revised Code, may require any class of 112842
public officials or employees under its jurisdiction and not 112843
specifically excluded by this section whose positions involve a 112844
substantial and material exercise of administrative discretion in 112845
the formulation of public policy, expenditure of public funds, 112846
enforcement of laws and rules of the state or a county or city, or 112847
the execution of other public trusts, to file an annual statement 112848
under division (A) of this section. The appropriate ethics 112849
commission shall send the public officials or employees written 112850
notice of the requirement not less than thirty days before the 112851
applicable filing deadline unless the public official or employee 112852
is appointed after that date, in which case the notice shall be 112853
sent within thirty days after appointment, and the filing shall be 112854
made not later than ninety days after appointment. 112855

Disclosure statements filed under this division with the Ohio 112856
ethics commission by members of boards, commissions, or bureaus of 112857
the state for which no compensation is received other than 112858

reasonable and necessary expenses shall be kept confidential. 112859
Disclosure statements filed with the Ohio ethics commission under 112860
division (A) of this section by business managers, treasurers, and 112861
superintendents of city, local, exempted village, joint 112862
vocational, or cooperative education school districts or 112863
educational service centers shall be kept confidential, except 112864
that any person conducting an audit of any such school district or 112865
educational service center pursuant to section 115.56 or Chapter 112866
117. of the Revised Code may examine the disclosure statement of 112867
any business manager, treasurer, or superintendent of that school 112868
district or educational service center. Disclosure statements 112869
filed with the Ohio ethics commission under division (A) of this 112870
section by the individuals set forth in division (B)(2) of section 112871
187.03 of the Revised Code shall be kept confidential. The Ohio 112872
ethics commission shall examine each disclosure statement required 112873
to be kept confidential to determine whether a potential conflict 112874
of interest exists for the person who filed the disclosure 112875
statement. A potential conflict of interest exists if the private 112876
interests of the person, as indicated by the person's disclosure 112877
statement, might interfere with the public interests the person is 112878
required to serve in the exercise of the person's authority and 112879
duties in the person's office or position of employment. If the 112880
commission determines that a potential conflict of interest 112881
exists, it shall notify the person who filed the disclosure 112882
statement and shall make the portions of the disclosure statement 112883
that indicate a potential conflict of interest subject to public 112884
inspection in the same manner as is provided for other disclosure 112885
statements. Any portion of the disclosure statement that the 112886
commission determines does not indicate a potential conflict of 112887
interest shall be kept confidential by the commission and shall 112888
not be made subject to public inspection, except as is necessary 112889
for the enforcement of Chapters 102. and 2921. of the Revised Code 112890
and except as otherwise provided in this division. 112891

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

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

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

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

For state office, except member of the		112904
state board of education	\$95	112905
For office of member of general assembly	\$40	112906
For county office	\$60	112907
For city office	\$35	112908
For office of member of the state board		112909
of education	\$35	112910
For office of member of a city, local,		112911
exempted village, or cooperative		112912
education board of		112913
education or educational service		112914
center governing board	\$30	112915
For position of business manager,		112916
treasurer, or superintendent of a		112917
city, local, exempted village, joint		112918
vocational, or cooperative education		112919
school district or		112920
educational service center	\$30	112921

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of

record, shall be required to pay the fee required under division 112924
(E)(1) or (2) or (F) of this section. 112925

(4) For any public official who is appointed to a nonelective 112926
office of the state and for any employee who holds a nonelective 112927
position in a public agency of the state, the state agency that is 112928
the primary employer of the state official or employee shall pay 112929
the fee required under division (E)(1) or (F) of this section. 112930

(F) If a statement required to be filed under this section is 112931
not filed by the date on which it is required to be filed, the 112932
appropriate ethics commission shall assess the person required to 112933
file the statement a late filing fee of ten dollars for each day 112934
the statement is not filed, except that the total amount of the 112935
late filing fee shall not exceed two hundred fifty dollars. 112936

(G)(1) The appropriate ethics commission other than the Ohio 112937
ethics commission and the joint legislative ethics committee shall 112938
deposit all fees it receives under divisions (E) and (F) of this 112939
section into the general revenue fund of the state. 112940

(2) The Ohio ethics commission shall deposit all receipts, 112941
including, but not limited to, fees it receives under divisions 112942
(E) and (F) of this section, investigative or other fees, costs, 112943
or other funds it receives as a result of court orders, and all 112944
moneys it receives from settlements under division (G) of section 112945
102.06 of the Revised Code, into the Ohio ethics commission fund, 112946
which is hereby created in the state treasury. All moneys credited 112947
to the fund shall be used solely for expenses related to the 112948
operation and statutory functions of the commission. 112949

(3) The joint legislative ethics committee shall deposit all 112950
receipts it receives from the payment of financial disclosure 112951
statement filing fees under divisions (E) and (F) of this section 112952
into the joint legislative ethics committee investigative fund. 112953

(H) Division (A) of this section does not apply to a person 112954

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of

the Revised Code that would have been a violation of section 112987
2905.04 of the Revised Code as it existed prior to July 1, 1996, 112988
had the violation been committed prior to that date, or a 112989
violation of section 2925.11 of the Revised Code that is not a 112990
minor drug possession offense; 112991

(b) A violation of an existing or former law of this state, 112992
any other state, or the United States that is substantially 112993
equivalent to any of the offenses listed in division (A)(1)(a) of 112994
this section; 112995

(c) If the request is made pursuant to section 3319.39 of the 112996
Revised Code for an applicant who is a teacher, any offense 112997
specified in section 3319.31 of the Revised Code. 112998

(2) On receipt of a request pursuant to section 3712.09 or 112999
3721.121 of the Revised Code, a completed form prescribed pursuant 113000
to division (C)(1) of this section, and a set of fingerprint 113001
impressions obtained in the manner described in division (C)(2) of 113002
this section, the superintendent of the bureau of criminal 113003
identification and investigation shall conduct a criminal records 113004
check with respect to any person who has applied for employment in 113005
a position for which a criminal records check is required by those 113006
sections. The superintendent shall conduct the criminal records 113007
check in the manner described in division (B) of this section to 113008
determine whether any information exists that indicates that the 113009
person who is the subject of the request previously has been 113010
convicted of or pleaded guilty to any of the following: 113011

(a) A violation of section 2903.01, 2903.02, 2903.03, 113012
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113013
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 113014
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 113015
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 113016
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 113017
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 113018

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 113019
2925.22, 2925.23, or 3716.11 of the Revised Code; 113020

(b) An existing or former law of this state, any other state, 113021
or the United States that is substantially equivalent to any of 113022
the offenses listed in division (A)(2)(a) of this section. 113023

(3) On receipt of a request pursuant to section 173.27, 113024
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 113025
or 5123.169 of the Revised Code, a completed form prescribed 113026
pursuant to division (C)(1) of this section, and a set of 113027
fingerprint impressions obtained in the manner described in 113028
division (C)(2) of this section, the superintendent of the bureau 113029
of criminal identification and investigation shall conduct a 113030
criminal records check of the person for whom the request is made. 113031
The superintendent shall conduct the criminal records check in the 113032
manner described in division (B) of this section to determine 113033
whether any information exists that indicates that the person who 113034
is the subject of the request previously has been convicted of, 113035
has pleaded guilty to, or (except in the case of a request 113036
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 113037
Code) has been found eligible for intervention in lieu of 113038
conviction for any of the following, regardless of the date of the 113039
conviction, the date of entry of the guilty plea, or (except in 113040
the case of a request pursuant to section 5164.34, 5164.341, or 113041
5164.342 of the Revised Code) the date the person was found 113042
eligible for intervention in lieu of conviction: 113043

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 113044
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 113045
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 113046
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 113047
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 113048
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 113049
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 113050

2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 113051
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 113052
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 113053
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 113054
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 113055
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 113056
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 113057
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 113058
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 113059
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 113060
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 113061
2927.12, or 3716.11 of the Revised Code; 113062

(b) Felonious sexual penetration in violation of former 113063
section 2907.12 of the Revised Code; 113064

(c) A violation of section 2905.04 of the Revised Code as it 113065
existed prior to July 1, 1996; 113066

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 113067
the Revised Code when the underlying offense that is the object of 113068
the conspiracy, attempt, or complicity is one of the offenses 113069
listed in divisions (A)(3)(a) to (c) of this section; 113070

(e) A violation of an existing or former municipal ordinance 113071
or law of this state, any other state, or the United States that 113072
is substantially equivalent to any of the offenses listed in 113073
divisions (A)(3)(a) to (d) of this section. 113074

(4) On receipt of a request pursuant to section 2151.86 of 113075
the Revised Code, a completed form prescribed pursuant to division 113076
(C)(1) of this section, and a set of fingerprint impressions 113077
obtained in the manner described in division (C)(2) of this 113078
section, the superintendent of the bureau of criminal 113079
identification and investigation shall conduct a criminal records 113080
check in the manner described in division (B) of this section to 113081

determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal

identification and investigation shall conduct a criminal records 113114
check in the manner described in division (B) of this section to 113115
determine whether any information exists that indicates that the 113116
person who is the subject of the request has been convicted of or 113117
pleaded guilty to any of the following: 113118

(a) A violation of section 2151.421, 2903.01, 2903.02, 113119
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 113120
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 113121
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 113122
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 113123
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 113124
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 113125
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 113126
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 113127
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 113128
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 113129
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 113130
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 113131
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 113132
Revised Code, felonious sexual penetration in violation of former 113133
section 2907.12 of the Revised Code, a violation of section 113134
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 113135
violation of section 2919.23 of the Revised Code that would have 113136
been a violation of section 2905.04 of the Revised Code as it 113137
existed prior to July 1, 1996, had the violation been committed 113138
prior to that date, a violation of section 2925.11 of the Revised 113139
Code that is not a minor drug possession offense, a violation of 113140
section 2923.02 or 2923.03 of the Revised Code that relates to a 113141
crime specified in this division, or a second violation of section 113142
4511.19 of the Revised Code within five years of the date of 113143
application for licensure or certification. 113144

(b) A violation of an existing or former law of this state, 113145

any other state, or the United States that is substantially 113146
equivalent to any of the offenses or violations described in 113147
division (A)(5)(a) of this section. 113148

(6) Upon receipt of a request pursuant to section 5153.111 of 113149
the Revised Code, a completed form prescribed pursuant to division 113150
(C)(1) of this section, and a set of fingerprint impressions 113151
obtained in the manner described in division (C)(2) of this 113152
section, the superintendent of the bureau of criminal 113153
identification and investigation shall conduct a criminal records 113154
check in the manner described in division (B) of this section to 113155
determine whether any information exists that indicates that the 113156
person who is the subject of the request previously has been 113157
convicted of or pleaded guilty to any of the following: 113158

(a) A violation of section 2903.01, 2903.02, 2903.03, 113159
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113160
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 113161
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 113162
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 113163
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 113164
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 113165
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 113166
felonious sexual penetration in violation of former section 113167
2907.12 of the Revised Code, a violation of section 2905.04 of the 113168
Revised Code as it existed prior to July 1, 1996, a violation of 113169
section 2919.23 of the Revised Code that would have been a 113170
violation of section 2905.04 of the Revised Code as it existed 113171
prior to July 1, 1996, had the violation been committed prior to 113172
that date, or a violation of section 2925.11 of the Revised Code 113173
that is not a minor drug possession offense; 113174

(b) A violation of an existing or former law of this state, 113175
any other state, or the United States that is substantially 113176
equivalent to any of the offenses listed in division (A)(6)(a) of 113177

this section. 113178

(7) On receipt of a request for a criminal records check from 113179
an individual pursuant to section 4749.03 or 4749.06 of the 113180
Revised Code, accompanied by a completed copy of the form 113181
prescribed in division (C)(1) of this section and a set of 113182
fingerprint impressions obtained in a manner described in division 113183
(C)(2) of this section, the superintendent of the bureau of 113184
criminal identification and investigation shall conduct a criminal 113185
records check in the manner described in division (B) of this 113186
section to determine whether any information exists indicating 113187
that the person who is the subject of the request has been 113188
convicted of or pleaded guilty to a felony in this state or in any 113189
other state. If the individual indicates that a firearm will be 113190
carried in the course of business, the superintendent shall 113191
require information from the federal bureau of investigation as 113192
described in division (B)(2) of this section. Subject to division 113193
(F) of this section, the superintendent shall report the findings 113194
of the criminal records check and any information the federal 113195
bureau of investigation provides to the director of public safety. 113196

(8) On receipt of a request pursuant to section 1321.37, 113197
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 113198
Code, a completed form prescribed pursuant to division (C)(1) of 113199
this section, and a set of fingerprint impressions obtained in the 113200
manner described in division (C)(2) of this section, the 113201
superintendent of the bureau of criminal identification and 113202
investigation shall conduct a criminal records check with respect 113203
to any person who has applied for a license, permit, or 113204
certification from the department of commerce or a division in the 113205
department. The superintendent shall conduct the criminal records 113206
check in the manner described in division (B) of this section to 113207
determine whether any information exists that indicates that the 113208
person who is the subject of the request previously has been 113209

convicted of or pleaded guilty to any of the following: a 113210
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 113211
2925.03 of the Revised Code; any other criminal offense involving 113212
theft, receiving stolen property, embezzlement, forgery, fraud, 113213
passing bad checks, money laundering, or drug trafficking, or any 113214
criminal offense involving money or securities, as set forth in 113215
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 113216
the Revised Code; or any existing or former law of this state, any 113217
other state, or the United States that is substantially equivalent 113218
to those offenses. 113219

(9) On receipt of a request for a criminal records check from 113220
the treasurer of state under section 113.041 of the Revised Code 113221
or from an individual under section 4701.08, 4715.101, 4717.061, 113222
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 113223
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 113224
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 113225
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 113226
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 113227
accompanied by a completed form prescribed under division (C)(1) 113228
of this section and a set of fingerprint impressions obtained in 113229
the manner described in division (C)(2) of this section, the 113230
superintendent of the bureau of criminal identification and 113231
investigation shall conduct a criminal records check in the manner 113232
described in division (B) of this section to determine whether any 113233
information exists that indicates that the person who is the 113234
subject of the request has been convicted of or pleaded guilty to 113235
any criminal offense in this state or any other state. Subject to 113236
division (F) of this section, the superintendent shall send the 113237
results of a check requested under section 113.041 of the Revised 113238
Code to the treasurer of state and shall send the results of a 113239
check requested under any of the other listed sections to the 113240
licensing board specified by the individual in the request. 113241

(10) On receipt of a request pursuant to section 1121.23, 113242
~~1155.03, 1163.05,~~ 1315.141, 1733.47, or 1761.26 of the Revised 113243
Code, a completed form prescribed pursuant to division (C)(1) of 113244
this section, and a set of fingerprint impressions obtained in the 113245
manner described in division (C)(2) of this section, the 113246
superintendent of the bureau of criminal identification and 113247
investigation shall conduct a criminal records check in the manner 113248
described in division (B) of this section to determine whether any 113249
information exists that indicates that the person who is the 113250
subject of the request previously has been convicted of or pleaded 113251
guilty to any criminal offense under any existing or former law of 113252
this state, any other state, or the United States. 113253

(11) On receipt of a request for a criminal records check 113254
from an appointing or licensing authority under section 3772.07 of 113255
the Revised Code, a completed form prescribed under division 113256
(C)(1) of this section, and a set of fingerprint impressions 113257
obtained in the manner prescribed in division (C)(2) of this 113258
section, the superintendent of the bureau of criminal 113259
identification and investigation shall conduct a criminal records 113260
check in the manner described in division (B) of this section to 113261
determine whether any information exists that indicates that the 113262
person who is the subject of the request previously has been 113263
convicted of or pleaded guilty or no contest to any offense under 113264
any existing or former law of this state, any other state, or the 113265
United States that is a disqualifying offense as defined in 113266
section 3772.07 of the Revised Code or substantially equivalent to 113267
such an offense. 113268

(12) On receipt of a request pursuant to section 2151.33 or 113269
2151.412 of the Revised Code, a completed form prescribed pursuant 113270
to division (C)(1) of this section, and a set of fingerprint 113271
impressions obtained in the manner described in division (C)(2) of 113272
this section, the superintendent of the bureau of criminal 113273

identification and investigation shall conduct a criminal records 113274
check with respect to any person for whom a criminal records check 113275
is required under that section. The superintendent shall conduct 113276
the criminal records check in the manner described in division (B) 113277
of this section to determine whether any information exists that 113278
indicates that the person who is the subject of the request 113279
previously has been convicted of or pleaded guilty to any of the 113280
following: 113281

(a) A violation of section 2903.01, 2903.02, 2903.03, 113282
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113283
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 113284
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 113285
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 113286
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 113287
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 113288
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 113289
2925.22, 2925.23, or 3716.11 of the Revised Code; 113290

(b) An existing or former law of this state, any other state, 113291
or the United States that is substantially equivalent to any of 113292
the offenses listed in division (A)(12)(a) of this section. 113293

(13) On receipt of a request pursuant to section 3796.12 of 113294
the Revised Code, a completed form prescribed pursuant to division 113295
(C)(1) of this section, and a set of fingerprint impressions 113296
obtained in a manner described in division (C)(2) of this section, 113297
the superintendent of the bureau of criminal identification and 113298
investigation shall conduct a criminal records check in the manner 113299
described in division (B) of this section to determine whether any 113300
information exists that indicates that the person who is the 113301
subject of the request previously has been convicted of or pleaded 113302
guilty to the following: 113303

(a) A disqualifying offense as specified in rules adopted 113304
under division (B)(2)(b) of section 3796.03 of the Revised Code if 113305

the person who is the subject of the request is an administrator 113306
or other person responsible for the daily operation of, or an 113307
owner or prospective owner, officer or prospective officer, or 113308
board member or prospective board member of, an entity seeking a 113309
license from the department of commerce under Chapter 3796. of the 113310
Revised Code; 113311

(b) A disqualifying offense as specified in rules adopted 113312
under division (B)(2)(b) of section 3796.04 of the Revised Code if 113313
the person who is the subject of the request is an administrator 113314
or other person responsible for the daily operation of, or an 113315
owner or prospective owner, officer or prospective officer, or 113316
board member or prospective board member of, an entity seeking a 113317
license from the state board of pharmacy under Chapter 3796. of 113318
the Revised Code. 113319

(14) On receipt of a request required by section 3796.13 of 113320
the Revised Code, a completed form prescribed pursuant to division 113321
(C)(1) of this section, and a set of fingerprint impressions 113322
obtained in a manner described in division (C)(2) of this section, 113323
the superintendent of the bureau of criminal identification and 113324
investigation shall conduct a criminal records check in the manner 113325
described in division (B) of this section to determine whether any 113326
information exists that indicates that the person who is the 113327
subject of the request previously has been convicted of or pleaded 113328
guilty to the following: 113329

(a) A disqualifying offense as specified in rules adopted 113330
under division (B)(8)(a) of section 3796.03 of the Revised Code if 113331
the person who is the subject of the request is seeking employment 113332
with an entity licensed by the department of commerce under 113333
Chapter 3796. of the Revised Code; 113334

(b) A disqualifying offense as specified in rules adopted 113335
under division (B)(14)(a) of section 3796.04 of the Revised Code 113336
if the person who is the subject of the request is seeking 113337

employment with an entity licensed by the state board of pharmacy 113338
under Chapter 3796. of the Revised Code. 113339

(B) Subject to division (F) of this section, the 113340
superintendent shall conduct any criminal records check to be 113341
conducted under this section as follows: 113342

(1) The superintendent shall review or cause to be reviewed 113343
any relevant information gathered and compiled by the bureau under 113344
division (A) of section 109.57 of the Revised Code that relates to 113345
the person who is the subject of the criminal records check, 113346
including, if the criminal records check was requested under 113347
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 113348
~~1155.03, 1163.05~~, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 113349
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 113350
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 113351
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 113352
5123.169, or 5153.111 of the Revised Code, any relevant 113353
information contained in records that have been sealed under 113354
section 2953.32 of the Revised Code; 113355

(2) If the request received by the superintendent asks for 113356
information from the federal bureau of investigation, the 113357
superintendent shall request from the federal bureau of 113358
investigation any information it has with respect to the person 113359
who is the subject of the criminal records check, including 113360
fingerprint-based checks of national crime information databases 113361
as described in 42 U.S.C. 671 if the request is made pursuant to 113362
section 2151.86 or 5104.013 of the Revised Code or if any other 113363
Revised Code section requires fingerprint-based checks of that 113364
nature, and shall review or cause to be reviewed any information 113365
the superintendent receives from that bureau. If a request under 113366
section 3319.39 of the Revised Code asks only for information from 113367
the federal bureau of investigation, the superintendent shall not 113368
conduct the review prescribed by division (B)(1) of this section. 113369

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

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

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

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

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

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

(2) The superintendent shall prescribe standard impression

sheets to obtain the fingerprint impressions of any person for 113401
whom a criminal records check is to be conducted under this 113402
section. Any person for whom a records check is to be conducted 113403
under this section shall obtain the fingerprint impressions at a 113404
county sheriff's office, municipal police department, or any other 113405
entity with the ability to make fingerprint impressions on the 113406
standard impression sheets prescribed by the superintendent. The 113407
office, department, or entity may charge the person a reasonable 113408
fee for making the impressions. The standard impression sheets the 113409
superintendent prescribes pursuant to this division may be in a 113410
tangible format, in an electronic format, or in both tangible and 113411
electronic formats. 113412

(3) Subject to division (D) of this section, the 113413
superintendent shall prescribe and charge a reasonable fee for 113414
providing a criminal records check under this section. The person 113415
requesting the criminal records check shall pay the fee prescribed 113416
pursuant to this division. In the case of a request under section 113417
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 113418
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 113419
the manner specified in that section. 113420

(4) The superintendent of the bureau of criminal 113421
identification and investigation may prescribe methods of 113422
forwarding fingerprint impressions and information necessary to 113423
conduct a criminal records check, which methods shall include, but 113424
not be limited to, an electronic method. 113425

(D) The results of a criminal records check conducted under 113426
this section, other than a criminal records check specified in 113427
division (A)(7) of this section, are valid for the person who is 113428
the subject of the criminal records check for a period of one year 113429
from the date upon which the superintendent completes the criminal 113430
records check. If during that period the superintendent receives 113431
another request for a criminal records check to be conducted under 113432

this section for that person, the superintendent shall provide the 113433
results from the previous criminal records check of the person at 113434
a lower fee than the fee prescribed for the initial criminal 113435
records check. 113436

(E) When the superintendent receives a request for 113437
information from a registered private provider, the superintendent 113438
shall proceed as if the request was received from a school 113439
district board of education under section 3319.39 of the Revised 113440
Code. The superintendent shall apply division (A)(1)(c) of this 113441
section to any such request for an applicant who is a teacher. 113442

(F)(1) Subject to division (F)(2) of this section, all 113443
information regarding the results of a criminal records check 113444
conducted under this section that the superintendent reports or 113445
sends under division (A)(7) or (9) of this section to the director 113446
of public safety, the treasurer of state, or the person, board, or 113447
entity that made the request for the criminal records check shall 113448
relate to the conviction of the subject person, or the subject 113449
person's plea of guilty to, a criminal offense. 113450

(2) Division (F)(1) of this section does not limit, restrict, 113451
or preclude the superintendent's release of information that 113452
relates to the arrest of a person who is eighteen years of age or 113453
older, to an adjudication of a child as a delinquent child, or to 113454
a criminal conviction of a person under eighteen years of age in 113455
circumstances in which a release of that nature is authorized 113456
under division (E)(2), (3), or (4) of section 109.57 of the 113457
Revised Code pursuant to a rule adopted under division (E)(1) of 113458
that section. 113459

(G) As used in this section: 113460

(1) "Criminal records check" means any criminal records check 113461
conducted by the superintendent of the bureau of criminal 113462
identification and investigation in accordance with division (B) 113463

of this section. 113464

(2) "Minor drug possession offense" has the same meaning as 113465
in section 2925.01 of the Revised Code. 113466

(3) "OVI or OVUAC violation" means a violation of section 113467
4511.19 of the Revised Code or a violation of an existing or 113468
former law of this state, any other state, or the United States 113469
that is substantially equivalent to section 4511.19 of the Revised 113470
Code. 113471

(4) "Registered private provider" means a nonpublic school or 113472
entity registered with the superintendent of public instruction 113473
under section 3310.41 of the Revised Code to participate in the 113474
autism scholarship program or section 3310.58 of the Revised Code 113475
to participate in the Jon Peterson special needs scholarship 113476
program. 113477

Sec. 111.15. (A) As used in this section: 113478

(1) "Rule" includes any rule, regulation, bylaw, or standard 113479
having a general and uniform operation adopted by an agency under 113480
the authority of the laws governing the agency; any appendix to a 113481
rule; and any internal management rule. "Rule" does not include 113482
any guideline adopted pursuant to section 3301.0714 of the Revised 113483
Code, any order respecting the duties of employees, any finding, 113484
any determination of a question of law or fact in a matter 113485
presented to an agency, or any rule promulgated pursuant to 113486
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 113487
Revised Code. "Rule" includes any amendment or rescission of a 113488
rule. 113489

(2) "Agency" means any governmental entity of the state and 113490
includes, but is not limited to, any board, department, division, 113491
commission, bureau, society, council, institution, state college 113492
or university, community college district, technical college 113493

district, or state community college. "Agency" does not include 113494
the general assembly, the controlling board, the adjutant 113495
general's department, or any court. 113496

(3) "Internal management rule" means any rule, regulation, 113497
bylaw, or standard governing the day-to-day staff procedures and 113498
operations within an agency. 113499

(B)(1) Any rule, other than a rule of an emergency nature, 113500
adopted by any agency pursuant to this section shall be effective 113501
on the tenth day after the day on which the rule in final form and 113502
in compliance with division (B)(3) of this section is filed as 113503
follows: 113504

(a) The rule shall be filed in electronic form with both the 113505
secretary of state and the director of the legislative service 113506
commission; 113507

(b) The rule shall be filed in electronic form with the joint 113508
committee on agency rule review. Division (B)(1)(b) of this 113509
section does not apply to any rule to which division (D) of this 113510
section does not apply. 113511

An agency that adopts or amends a rule that is subject to 113512
division (D) of this section shall assign a review date to the 113513
rule that is not later than five years after its effective date. 113514
If a review date assigned to a rule exceeds the five-year maximum, 113515
the review date for the rule is five years after its effective 113516
date. A rule with a review date is subject to review under section 113517
106.03 of the Revised Code. This paragraph does not apply to a 113518
rule of a state college or university, community college district, 113519
technical college district, or state community college. 113520

If an agency in adopting a rule designates an effective date 113521
that is later than the effective date provided for by division 113522
(B)(1) of this section, the rule if filed as required by such 113523
division shall become effective on the later date designated by 113524

the agency. 113525

Any rule that is required to be filed under division (B)(1) 113526
of this section is also subject to division (D) of this section if 113527
not exempted by that division. 113528

If a rule incorporates a text or other material by reference, 113529
the agency shall comply with sections 121.71 to 121.76 of the 113530
Revised Code. 113531

(2) A rule of an emergency nature necessary for the immediate 113532
preservation of the public peace, health, or safety shall state 113533
the reasons for the necessity. The emergency rule, in final form 113534
and in compliance with division (B)(3) of this section, shall be 113535
filed in electronic form with the secretary of state, the director 113536
of the legislative service commission, and the joint committee on 113537
agency rule review. The emergency rule is effective immediately 113538
upon completion of the latest filing, except that if the agency in 113539
adopting the emergency rule designates an effective date, or date 113540
and time of day, that is later than the effective date and time 113541
provided for by division (B)(2) of this section, the emergency 113542
rule if filed as required by such division shall become effective 113543
at the later date, or later date and time of day, designated by 113544
the agency. 113545

An emergency rule becomes invalid at the end of the one 113546
hundred twentieth day it is in effect. Prior to that date, the 113547
agency may file the emergency rule as a nonemergency rule in 113548
compliance with division (B)(1) of this section. The agency may 113549
not refile the emergency rule in compliance with division (B)(2) 113550
of this section so that, upon the emergency rule becoming invalid 113551
under such division, the emergency rule will continue in effect 113552
without interruption for another one hundred twenty-day period. 113553

(3) An agency shall file a rule under division (B)(1) or (2) 113554
of this section in compliance with the following standards and 113555

procedures: 113556

(a) The rule shall be numbered in accordance with the 113557
numbering system devised by the director for the Ohio 113558
administrative code. 113559

(b) The rule shall be prepared and submitted in compliance 113560
with the rules of the legislative service commission. 113561

(c) The rule shall clearly state the date on which it is to 113562
be effective and the date on which it will expire, if known. 113563

(d) Each rule that amends or rescinds another rule shall 113564
clearly refer to the rule that is amended or rescinded. Each 113565
amendment shall fully restate the rule as amended. 113566

If the director of the legislative service commission or the 113567
director's designee gives an agency notice pursuant to section 113568
103.05 of the Revised Code that a rule filed by the agency is not 113569
in compliance with the rules of the legislative service 113570
commission, the agency shall within thirty days after receipt of 113571
the notice conform the rule to the rules of the commission as 113572
directed in the notice. 113573

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 113574
of this section shall be recorded by the secretary of state and 113575
the director under the title of the agency adopting the rule and 113576
shall be numbered according to the numbering system devised by the 113577
director. The secretary of state and the director shall preserve 113578
the rules in an accessible manner. Each such rule shall be a 113579
public record open to public inspection and may be transmitted to 113580
any law publishing company that wishes to reproduce it. 113581

(D) At least sixty-five days before a board, commission, 113582
department, division, or bureau of the government of the state 113583
files a rule under division (B)(1) of this section, it shall file 113584
the full text of the proposed rule in electronic form with the 113585
joint committee on agency rule review, and the proposed rule is 113586

subject to legislative review and invalidation under section 113587
106.021 of the Revised Code. If a state board, commission, 113588
department, division, or bureau makes a revision in a proposed 113589
rule after it is filed with the joint committee, the state board, 113590
commission, department, division, or bureau shall promptly file 113591
the full text of the proposed rule in its revised form in 113592
electronic form with the joint committee. A state board, 113593
commission, department, division, or bureau shall also file the 113594
rule summary and fiscal analysis prepared under section 127.18 of 113595
the Revised Code in electronic form along with a proposed rule, 113596
and along with a proposed rule in revised form, that is filed 113597
under this division. If a proposed rule has an adverse impact on 113598
businesses, the state board, commission, department, division, or 113599
bureau also shall file the business impact analysis, any 113600
recommendations received from the common sense initiative office, 113601
and the associated memorandum of response, if any, in electronic 113602
form along with the proposed rule, or the proposed rule in revised 113603
form, that is filed under this division. 113604

A proposed rule that is subject to legislative review under 113605
this division may not be adopted and filed in final form under 113606
division (B)(1) of this section unless the proposed rule has been 113607
filed with the joint committee on agency rule review under this 113608
division and the time for the joint committee to review the 113609
proposed rule has expired without recommendation of a concurrent 113610
resolution to invalidate the proposed rule. 113611

As used in this division, "commission" includes the public 113612
utilities commission when adopting rules under a federal or state 113613
statute. 113614

This division does not apply to any of the following: 113615

(1) A proposed rule of an emergency nature; 113616

(2) A rule proposed under section 1121.05, 1121.06, ~~1155.18~~, 113617

~~1163.22~~, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 113618
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 113619
Code; 113620

(3) A rule proposed by an agency other than a board, 113621
commission, department, division, or bureau of the government of 113622
the state; 113623

(4) A proposed internal management rule of a board, 113624
commission, department, division, or bureau of the government of 113625
the state; 113626

(5) Any proposed rule that must be adopted verbatim by an 113627
agency pursuant to federal law or rule, to become effective within 113628
sixty days of adoption, in order to continue the operation of a 113629
federally reimbursed program in this state, so long as the 113630
proposed rule contains both of the following: 113631

(a) A statement that it is proposed for the purpose of 113632
complying with a federal law or rule; 113633

(b) A citation to the federal law or rule that requires 113634
verbatim compliance. 113635

(6) An initial rule proposed by the director of health to 113636
impose safety standards and quality-of-care standards with respect 113637
to a health service specified in section 3702.11 of the Revised 113638
Code, or an initial rule proposed by the director to impose 113639
quality standards on a facility listed in division (A)(4) of 113640
section 3702.30 of the Revised Code, if section 3702.12 of the 113641
Revised Code requires that the rule be adopted under this section; 113642

(7) A rule of the state lottery commission pertaining to 113643
instant game rules. 113644

If a rule is exempt from legislative review under division 113645
(D)(5) of this section, and if the federal law or rule pursuant to 113646
which the rule was adopted expires, is repealed or rescinded, or 113647

otherwise terminates, the rule is thereafter subject to 113648
legislative review under division (D) of this section. 113649

Whenever a state board, commission, department, division, or 113650
bureau files a proposed rule or a proposed rule in revised form 113651
under division (D) of this section, it shall also file the full 113652
text of the same proposed rule or proposed rule in revised form in 113653
electronic form with the secretary of state and the director of 113654
the legislative service commission. A state board, commission, 113655
department, division, or bureau shall file the rule summary and 113656
fiscal analysis prepared under section 127.18 of the Revised Code 113657
in electronic form along with a proposed rule or proposed rule in 113658
revised form that is filed with the secretary of state or the 113659
director of the legislative service commission. 113660

Sec. 119.01. As used in sections 119.01 to 119.13 of the 113661
Revised Code: 113662

(A)(1) "Agency" means, except as limited by this division, 113663
any official, board, or commission having authority to promulgate 113664
rules or make adjudications in the civil service commission, the 113665
division of liquor control, the department of taxation, the 113666
industrial commission, the bureau of workers' compensation, the 113667
functions of any administrative or executive officer, department, 113668
division, bureau, board, or commission of the government of the 113669
state specifically made subject to sections 119.01 to 119.13 of 113670
the Revised Code, and the licensing functions of any 113671
administrative or executive officer, department, division, bureau, 113672
board, or commission of the government of the state having the 113673
authority or responsibility of issuing, suspending, revoking, or 113674
canceling licenses. 113675

Sections 119.01 to 119.13 of the Revised Code do not apply to 113676
the public utilities commission. Sections 119.01 to 119.13 of the 113677
Revised Code do not apply to the utility radiological safety 113678

board; to the controlling board; to actions of the superintendent 113679
of financial institutions and the superintendent of insurance in 113680
the taking possession of, and rehabilitation or liquidation of, 113681
the business and property of banks, savings and loan associations, 113682
savings banks, credit unions, insurance companies, associations, 113683
reciprocal fraternal benefit societies, and bond investment 113684
companies; to any action taken by the division of securities under 113685
section 1707.201 of the Revised Code; or to any action that may be 113686
taken by the superintendent of financial institutions under 113687
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 113688
~~1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18,~~ 1349.33, 113689
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 113690

Sections 119.01 to 119.13 of the Revised Code do not apply to 113691
actions of the industrial commission or the bureau of workers' 113692
compensation under sections 4123.01 to 4123.94 of the Revised Code 113693
with respect to all matters of adjudication, or to the actions of 113694
the industrial commission, bureau of workers' compensation board 113695
of directors, and bureau of workers' compensation under division 113696
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 113697
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 113698
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 113699
(E) of section 4131.14 of the Revised Code with respect to all 113700
matters concerning the establishment of premium, contribution, and 113701
assessment rates. 113702

(2) "Agency" also means any official or work unit having 113703
authority to promulgate rules or make adjudications in the 113704
department of job and family services, but only with respect to 113705
both of the following: 113706

(a) The adoption, amendment, or rescission of rules that 113707
section 5101.09 of the Revised Code requires be adopted in 113708
accordance with this chapter; 113709

(b) The issuance, suspension, revocation, or cancellation of 113710

licenses. 113711

(B) "License" means any license, permit, certificate, 113712
commission, or charter issued by any agency. "License" does not 113713
include any arrangement whereby a person or government entity 113714
furnishes medicaid services under a provider agreement with the 113715
department of medicaid. 113716

(C) "Rule" means any rule, regulation, or standard, having a 113717
general and uniform operation, adopted, promulgated, and enforced 113718
by any agency under the authority of the laws governing such 113719
agency, and includes any appendix to a rule. "Rule" does not 113720
include any internal management rule of an agency unless the 113721
internal management rule affects private rights and does not 113722
include any guideline adopted pursuant to section 3301.0714 of the 113723
Revised Code. 113724

(D) "Adjudication" means the determination by the highest or 113725
ultimate authority of an agency of the rights, duties, privileges, 113726
benefits, or legal relationships of a specified person, but does 113727
not include the issuance of a license in response to an 113728
application with respect to which no question is raised, nor other 113729
acts of a ministerial nature. 113730

(E) "Hearing" means a public hearing by any agency in 113731
compliance with procedural safeguards afforded by sections 119.01 113732
to 119.13 of the Revised Code. 113733

(F) "Person" means a person, firm, corporation, association, 113734
or partnership. 113735

(G) "Party" means the person whose interests are the subject 113736
of an adjudication by an agency. 113737

(H) "Appeal" means the procedure by which a person, aggrieved 113738
by a finding, decision, order, or adjudication of any agency, 113739
invokes the jurisdiction of a court. 113740

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

Sec. 121.07. (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not subject to the control of the department or the director of commerce. In the absence of the superintendent of financial institutions, the director of commerce ~~may~~ shall, for a limited period of time, perform or exercise any of those functions, powers, or duties or authorize the deputy superintendent for banks to perform or exercise any of the functions, power, or duties vested by Title XI and sections 1315.01 to 1315.18 of the Revised Code in the superintendent and the deputy superintendent for credit unions to perform or exercise any of the functions, powers, or duties vested by Chapters 1733. and 1761. of the Revised Code in the superintendent.

(B) With the approval of the governor, the director of each department shall establish divisions within the department, and distribute the work of the department among such divisions. Each officer created by section 121.04 of the Revised Code shall be the head of such a division.

With the approval of the governor, the director of each

department may consolidate any two or more of the offices created 113772
in the department by section 121.04 of the Revised Code, or reduce 113773
the number of or create new divisions therein. 113774

The director of each department may prescribe rules for the 113775
government of the department, the conduct of its employees, the 113776
performance of its business, and the custody, use, and 113777
preservation of the records, papers, books, documents, and 113778
property pertaining thereto. 113779

Sec. 131.11. No money held or controlled by any probate 113780
court, juvenile court, clerk of the court of common pleas, clerk 113781
of a county court, sheriff, county recorder, director of a county 113782
department of job and family services, clerk or bailiff of a 113783
municipal court, prosecuting attorney, resident or division deputy 113784
director of highways, or treasurer of a university receiving state 113785
aid, in excess of that covered by federal deposit insurance as 113786
hereinafter described ~~or in excess of that covered by federal~~ 113787
~~savings and loan insurance~~, shall be deposited in any bank, or 113788
~~trust company, or building and loan association as defined in~~ 113789
~~section 1151.01 of the Revised Code~~ until there is a hypothecation 113790
of securities as provided for in section 135.18 of the Revised 113791
Code, or until there is executed by the bank, or trust company, ~~or~~ 113792
~~building and loan association~~ selected, a good and sufficient 113793
undertaking, payable to the depositor, in such sum as the 113794
depositor directs, but not less than the excess of the sum that is 113795
deposited in the depository, at any one time over and above the 113796
portion or amount of the sum as is at any time insured by the 113797
federal deposit insurance corporation created pursuant to "The 113798
Banking Act of 1933," or by ~~the federal savings and loan insurance~~ 113799
~~corporation created pursuant to the "Home Owners' Loan Act of~~ 113800
~~1933," 40 Stat. 128, 12 U.S.C.A. 1461, or by~~ any other agency or 113801
instrumentality of the federal government, pursuant to such acts 113802
or any acts of congress amendatory thereof. 113803

Any funds or securities in the possession or custody of any county official in an official capacity or any funds or securities the possession or custody of which is charged to any county official, including funds or securities in transit to or from any bank or trust company, may be insured by the board of county commissioners in such amount as is found necessary in the public interest. All costs of such insurance shall be paid by the county as provided in section 307.55 of the Revised Code.

With respect to any insured or secured deposit mentioned in this section which is active as defined by section 135.01 of the Revised Code, any depositor named in this section may pay a service charge which is the same as that customarily made by the institution or institutions receiving money on deposit subject to check in the city or village where the bank or trust company accepting such active deposit is located.

Sec. 135.03. Any national bank, any bank doing business under authority granted by the superintendent of financial institutions, or any bank doing business under authority granted by the regulatory authority of another state of the United States, located in this state, is eligible to become a public depository, subject to sections 135.01 to 135.21 of the Revised Code. No bank shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the comptroller of the currency, the superintendent of financial institutions, the federal deposit insurance corporation, or the board of governors of the federal reserve system.

~~Any federal savings association, any savings and loan association or savings bank doing business under authority granted by the superintendent of financial institutions, or any savings~~

and loan association or savings bank doing business under 113835
authority granted by the regulatory authority of another state of 113836
the United States, located in this state, and authorized to accept 113837
deposits is eligible to become a public depository, subject to 113838
sections 135.01 to 135.21 of the Revised Code. No savings 113839
association, savings and loan association, or savings bank shall 113840
receive or have on deposit at any one time public moneys, 113841
including public moneys as defined in section 135.31 of the 113842
Revised Code, in an aggregate amount in excess of thirty per cent 113843
of its total assets, as shown in its latest report to the former 113844
office of thrift supervision, the comptroller of the currency, the 113845
superintendent of financial institutions, the federal deposit 113846
insurance corporation, or the board of governors of the federal 113847
reserve system. 113848

Sec. 135.032. No ~~bank or savings and loan association~~ 113849
institution mentioned in section 135.03 of the Revised Code is 113850
eligible to become a public depository or to receive any new 113851
public deposits pursuant to sections 135.01 to 135.21 of the 113852
Revised Code, if+ 113853

~~(A) In the case of a bank, the bank institution or any of its~~ 113854
~~directors, officers, employees, or controlling shareholders or~~ 113855
~~persons is currently a party to an active final or temporary~~ 113856
~~cease-and-desist order issued under section 1121.32 of the Revised~~ 113857
~~Code+ 113858~~

~~(B) In the case of an association, the association or any of~~ 113859
~~its directors, officers, employees, or controlling persons is~~ 113860
~~currently a party to an active final or summary cease and desist~~ 113861
~~order issued under section 1155.02 of the Revised Code to ensure~~ 113862
~~the safety and soundness of the institution.~~ 113863

Sec. 135.182. (A) As used in this section: 113864

(1) "Public depository" means that term as defined in section 113865
135.01 of the Revised Code, but also means an institution that 113866
receives or holds any public deposits as defined in section 135.31 113867
of the Revised Code. 113868

(2) "Public depositor" means that term as defined in section 113869
135.01 of the Revised Code, but also includes a county and any 113870
municipal corporation that has adopted a charter under Article 113871
XVIII, Ohio Constitution. 113872

(3) "Public deposits," "public moneys," and "treasurer" mean 113873
those terms as defined in section 135.01 of the Revised Code, but 113874
also have the same meanings as are set forth in section 135.31 of 113875
the Revised Code. 113876

(B)(1) Not later than July 1, 2017, the treasurer of state 113877
shall create the Ohio pooled collateral program. Under this 113878
program, each institution designated as a public depository that 113879
selects the pledging method prescribed in division (A)(2) of 113880
section 135.18 or division (A)(2) of section 135.37 of the Revised 113881
Code shall pledge to the treasurer of state a single pool of 113882
eligible securities for the benefit of all public depositors at 113883
the public depository to secure the repayment of all uninsured 113884
public deposits at the public depository, provided that at all 113885
times the total market value of the securities so pledged is at 113886
least equal to either of the following: 113887

(a) One hundred two per cent of the total amount of all 113888
uninsured public deposits; 113889

(b) An amount determined by rules adopted by the treasurer of 113890
state that set forth the criteria for determining the aggregate 113891
market value of the pool of eligible securities pledged by a 113892
public depository pursuant to division (B) of this section. Such 113893
criteria shall include, but are not limited to, prudent capital 113894
and liquidity management by the public depository and the safety 113895

and soundness of the public depository as determined by a 113896
third-party rating organization. 113897

(2) The treasurer of state shall monitor the eligibility, 113898
market value, and face value of the pooled securities pledged by 113899
the public depository. Each public depository shall carry in its 113900
accounting records at all times a general ledger or other 113901
appropriate account of the total amount of all public deposits to 113902
be secured by the pool, as determined at the opening of business 113903
each day, and the total market value of securities pledged to 113904
secure such deposits, and report such information to the treasurer 113905
of state in a manner and frequency as determined by the treasurer 113906
of state pursuant to rules adopted by the treasurer of state. A 113907
public depositor shall be responsible for periodically confirming 113908
the accuracy of its account balances with the treasurer of state; 113909
otherwise, the treasurer of state shall be the sole public 113910
depositor responsible for monitoring and ensuring the sufficiency 113911
of securities pledged under this section. 113912

(C) The public depository shall designate a qualified trustee 113913
approved by the treasurer of state and place with such trustee for 113914
safekeeping the eligible securities pledged pursuant to division 113915
(B) of this section. The trustee shall hold the eligible 113916
securities in an account indicating the treasurer of state's 113917
security interest in the eligible securities. The treasurer of 113918
state shall give written notice of the trustee to all public 113919
depositors for which such securities are pledged. The trustee 113920
shall report to the treasurer of state information relating to the 113921
securities pledged to secure such public deposits in a manner and 113922
frequency as determined by the treasurer of state. 113923

(D) In order for a public depository to receive public moneys 113924
under this section, the public depository and the treasurer of 113925
state shall first execute an agreement that sets forth the entire 113926
arrangement among the parties and that meets the requirements 113927

described in 12 U.S.C. 1823(e). In addition, the agreement shall 113928
authorize the treasurer of state to obtain control of the 113929
collateral pursuant to division (D) of section 1308.24 of the 113930
Revised Code. 113931

(E) The securities or other obligations described in division 113932
(D) of section 135.18 of the Revised Code shall be eligible as 113933
collateral for the purposes of division (B) of this section, 113934
provided no such securities or obligations pledged as collateral 113935
are at any time in default as to either principal or interest. 113936

(F) Any federal reserve bank or branch thereof located in 113937
this state or federal home loan bank, without compliance with 113938
Chapter 1111. of the Revised Code and without becoming subject to 113939
any other law of this state relative to the exercise by 113940
corporations of trust powers generally, is qualified to act as 113941
trustee for the safekeeping of securities, under this section. Any 113942
institution mentioned in section 135.03 or 135.32 of the Revised 113943
Code that holds a certificate of qualification issued by the 113944
superintendent of financial institutions or any institution 113945
complying with sections 1111.04, 1111.05, and 1111.06 of the 113946
Revised Code is qualified to act as trustee for the safekeeping of 113947
securities under this section, other than those belonging to 113948
itself or to an affiliate as defined in section 1101.01 of the 113949
Revised Code. 113950

(G) The public depository may substitute, exchange, or 113951
release eligible securities deposited with the qualified trustee 113952
pursuant to this section, provided that such substitution, 113953
exchange, or release is effectuated pursuant to written 113954
authorization from the treasurer of state, and such action does 113955
not reduce the total market value of the securities to an amount 113956
that is less than the amount established pursuant to division (B) 113957
of this section. 113958

(H) Notwithstanding the fact that a public depository is 113959

required to pledge eligible securities in certain amounts to 113960
secure public deposits, a qualified trustee has no duty or 113961
obligation to determine the eligibility, market value, or face 113962
value of any securities deposited with the trustee by a public 113963
depository. This applies in all situations including, but not 113964
limited to, a substitution or exchange of securities, but 113965
excluding those situations effectuated by division (I) of this 113966
section in which the trustee is required to determine face and 113967
market value. 113968

(I) The qualified trustee shall enter into a custodial 113969
agreement with the treasurer of state and public depository in 113970
which the trustee agrees to comply with entitlement orders 113971
originated by the treasurer of state without further consent by 113972
the public depository or, in the case of collateral held by the 113973
public depository in an account at a federal reserve bank, the 113974
treasurer of state shall have the treasurer's security interest 113975
marked on the books of the federal reserve bank where the account 113976
for the collateral is maintained. If the public depository fails 113977
to pay over any part of the public deposits made therein as 113978
provided by law and secured pursuant to division (B) of this 113979
section, the treasurer of state shall give written notice of this 113980
failure to the qualified trustee holding the pool of securities 113981
pledged against the public deposits, and at the same time shall 113982
send a copy of this notice to the public depository. Upon receipt 113983
of this notice, the trustee shall transfer to the treasurer of 113984
state for sale, the pooled securities that are necessary to 113985
produce an amount equal to the public deposits made by the public 113986
depositor and not paid over, less the portion of the deposits 113987
covered by any federal deposit insurance, plus any accrued 113988
interest due on the deposits. The treasurer of state shall sell 113989
any of the bonds or other securities so transferred. When a sale 113990
of bonds or other securities has been so made and upon payment to 113991
the public depositor of the purchase money, the treasurer of state 113992

shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus after deducting the amount due to the public depositor and expenses of sale shall be paid to the public depository.

(J) Any charges or compensation of a qualified trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the public depositor or to any officer of the public depositor. The charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in the securities of the public depositor. The treasurer and the treasurer's bonders or surety shall be relieved from any liability to the public depositor or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

(K)(1) The following information is confidential and not a public record under section 149.43 of the Revised Code:

(a) All reports or other information obtained or created about a public depository for purposes of division (B)(1)(b) of this section;

(b) The identity of a public depositor's public depository;

(c) The identity of a public depository's public depositors.

(2) Nothing in this section prevents the treasurer of state from releasing or exchanging such confidential information as required by law or for the operation of the pooled collateral program.

Sec. 135.32. (A) Any national bank, any bank doing business under authority granted by the superintendent of financial institutions, or any bank doing business under authority granted

by the regulatory authority of another state of the United States, 114023
located in this state, is eligible to become a public depository, 114024
subject to sections 135.31 to 135.40 of the Revised Code. No bank 114025
shall receive or have on deposit at any one time public moneys, 114026
including public moneys as defined in section 135.01 of the 114027
Revised Code, in an aggregate amount in excess of thirty per cent 114028
of its total assets, as shown in its latest report to the 114029
comptroller of the currency, the superintendent of financial 114030
institutions, the federal deposit insurance corporation, or the 114031
board of governors of the federal reserve system. 114032

(B) Any federal savings association, ~~any savings and loan~~ 114033
~~association or savings bank doing business under authority granted~~ 114034
~~by the superintendent of financial institutions,~~ or any savings 114035
and loan association or savings bank doing business under 114036
authority granted by the regulatory authority of another state of 114037
the United States, located in this state, and authorized to accept 114038
deposits is eligible to become a public depository, subject to 114039
sections 135.31 to 135.40 of the Revised Code. No savings 114040
association, savings and loan association, or savings bank shall 114041
receive or have on deposit at any one time public moneys, 114042
including public moneys as defined in section 135.01 of the 114043
Revised Code, in an aggregate amount in excess of thirty per cent 114044
of its total assets, as shown in its latest report to the former 114045
office of thrift supervision, the comptroller of the currency, the 114046
superintendent of financial institutions, the federal deposit 114047
insurance corporation, or the board of governors of the federal 114048
reserve system. 114049

Sec. 135.321. No ~~bank or savings and loan association~~ 114050
institution mentioned in section 135.32 of the Revised Code is 114051
eligible to become a public depository or to receive any new 114052
public deposits pursuant to sections 135.31 to 135.40 of the 114053
Revised Code, if÷ 114054

~~(A) In the case of a bank, the bank institution or any of its directors, officers, employees, or controlling shareholders or persons is currently a party to an active final or temporary cease-and-desist order issued ~~under section 1121.32 of the Revised Code~~;~~

~~(B) In the case of an association, the association or any of its directors, officers, employees, or controlling persons is currently a party to an active final or summary cease and desist order issued under section 1155.02 of the Revised Code to ensure the safety and soundness of the institution.~~

Sec. 135.51. In case of any default on the part of a bank ~~or domestic building and loan association~~ in its capacity as depository of the money of any county, municipal corporation, township, or school district, the board of county commissioners, the legislative authority of such municipal corporation, the board of township trustees, and the board of education of such school district, in lieu of immediately selling the securities received and held as security for the deposit of such money under authority of any section of the Revised Code, may retain the same, collect the interest and any installments of principal thereafter falling due on such securities, and refund, exchange, sell, or otherwise dispose of any of them, at such times and in such manner as such board of county commissioners, legislative authority, board of township trustees, or board of education determines to be advisable with a view to conserving the value of such securities for the benefit of such county, municipal corporation, township, or school district, and for the benefit of the depositors, creditors, and stockholders or other owners of such bank ~~or building and loan association.~~

Sec. 135.52. In anticipation of the collection of the principal and interest of securities, or other disposition of

them, as authorized by section 135.51 of the Revised Code, and of 114086
the payment of dividends in the liquidation of the depository bank 114087
~~or domestic savings and loan association~~, and for the purpose of 114088
providing public money immediately available for the needs of the 114089
county, municipal corporation, township, or school district, the 114090
taxing authority may issue bonds of the county, municipal 114091
corporation, township, or school district, in an amount not 114092
exceeding the moneys on deposit in the depository bank ~~or savings~~ 114093
~~and loan association~~, the payment of which is secured by such 114094
securities, after crediting to such moneys the amount realized 114095
from the sale or other disposition of any other securities pledged 114096
or deposited for such moneys, or in an amount not exceeding the 114097
value or amount ultimately to be realized from such securities to 114098
be determined by valuation made under oath by two persons who are 114099
conversant with the value of the assets represented by such 114100
securities, whichever amount is the lesser, plus an amount equal 114101
to the interest accruing on such securities during one year from 114102
and after the date of default of such bank ~~or savings and loan~~ 114103
~~association~~ in its capacity as a depository. The maturity of such 114104
bonds shall not exceed ten years and they shall bear interest at a 114105
rate not exceeding the rate determined as provided in section 9.95 114106
of the Revised Code. Such bonds shall be the general obligations 114107
of the county, municipal corporation, township, or school district 114108
issuing them. The legislation under which such bonds are issued 114109
shall comply with Section 11 of Article XII, Ohio Constitution. 114110
The amount of such bonds issued or outstanding shall not be 114111
considered in ascertaining any of the limitations on the net 114112
indebtedness of such county, municipal corporation, township, or 114113
school district prescribed by law. In all other respects, the 114114
issuance, maturities, and sale of such bonds shall be subject to 114115
Chapter 133. of the Revised Code. 114116

A sufficient amount of the moneys received from principal on 114117
the sale of such bonds to cover the interest accruing on such 114118

securities for one year, to the extent determined by the authority 114119
issuing such bonds in the resolution or ordinance of issuance 114120
under this section, shall be paid into the bond retirement fund 114121
from which the bonds are to be redeemed, together with premiums 114122
and accrued interest. The balance of such principal shall be 114123
credited to the funds to which the moneys represented by such 114124
depository balance belong, and in the respective amounts of such 114125
funds. 114126

Sec. 135.53. All principal and interest collected by the 114127
proper officer or agent of the county, municipal corporation, 114128
township, or school district, on account of the securities 114129
mentioned in section 135.51 of the Revised Code, the proceeds of 114130
any sale or other disposition of any of such securities, and any 114131
dividends received from the liquidation of the defaulting bank ~~or~~ 114132
~~domestic building and loan association~~, shall be paid into the 114133
bond retirement fund from which the bonds provided for in section 114134
135.52 of the Revised Code are to be redeemed, until the aggregate 114135
of such payments equals the requirements of such fund, whereupon 114136
such securities, and any remaining depository balance, not 114137
anticipated by such bonds, to the extent then retained by such 114138
county, municipal corporation, township, or school district, shall 114139
be assigned and delivered to the defaulting bank ~~or building and~~ 114140
~~loan association~~, to its liquidating officer, or to its successor 114141
or assignee, together with a release or other instrument showing 114142
full satisfaction of the claim of such county, municipal 114143
corporation, township, or school district against such bank, 114144
~~building and loan association~~, or officer. 114145

Sec. 323.134. As used in this section, "financial 114146
institution" means a bank as defined in section 1101.01 of the 114147
Revised Code, ~~a building and loan association as defined in~~ 114148
~~section 1151.01 of the Revised Code~~, or any other person regularly 114149

engaging in the business of making or brokering residential 114150
mortgage loans on security located in this state. 114151

The county treasurer may request any financial institution to 114152
enter into an agreement with the treasurer for information 114153
exchanges limited exclusively to the purpose of real property tax 114154
billing and payment, including, but not limited to, the sharing of 114155
information that is part of a data processing system. With the 114156
approval of the county automatic data processing board or if the 114157
county has no board, with the approval of the county auditor, the 114158
county treasurer may enter such an agreement with any consenting 114159
financial institution. Where such an agreement enables the 114160
treasurer to collect the proper amounts of such taxes due without 114161
preparing and sending the tax bills required by section 323.13 of 114162
the Revised Code, the treasurer need not prepare and send such 114163
bills for any entries of real property upon which taxes are 114164
properly computed and paid by the use of such information 114165
exchange. 114166

Sec. 339.06. (A) The board of county hospital trustees, upon 114167
completion of construction or leasing and equipping of a county 114168
hospital, shall assume and continue the operation of the hospital. 114169

(B) The board of county hospital trustees shall have the 114170
entire management and control of the county hospital. The board 114171
may in writing delegate its management and control of the county 114172
hospital to the administrator of the county hospital employed 114173
under section 339.07 of the Revised Code. The board shall 114174
establish such rules for the hospital's government, management, 114175
control, and the admission of persons as are expedient. 114176

(C) The board of county hospital trustees has control of the 114177
property of the county hospital, including management and disposal 114178
of surplus property other than real estate or an interest in real 114179
estate. 114180

(D) With respect to the use of funds by the board of county hospital trustees and its accounting for the use of funds, all of the following apply:

(1) The board of county hospital trustees has control of all funds used in the county hospital's operation, including moneys received from the operation of the hospital, moneys appropriated for its operation by the board of county commissioners, and moneys resulting from special levies submitted by the board of county commissioners as provided for in section 5705.22 of the Revised Code.

(2) Of the funds used in the county hospital's operation, all or part of any amount determined not to be necessary to meet current demands on the hospital may be invested by the board of county hospital trustees or its designee in any classifications of securities and obligations eligible for deposit or investment of county moneys pursuant to section 135.35 of the Revised Code, subject to the approval of the board's written investment policy by the county investment advisory committee established pursuant to section 135.341 of the Revised Code. If a county hospital is based in a county that has adopted a charter under Section 3 of Article X, Ohio Constitution, such funds may be invested by the board of county hospital trustees as provided in this division or in an ordinance adopted by the legislative authority of the county, in either case subject to approval by the county investment advisory committee, or as provided in section 339.061 of the Revised Code.

(3) Annually, not later than sixty days before the end of the fiscal year used by the county hospital, the board of county hospital trustees shall submit its proposed budget for the ensuing fiscal year to the board of county commissioners for that board's review. The board of county commissioners shall review and approve the proposed budget by the first day of the fiscal year to which

the budget applies. If the board of county commissioners has not 114213
approved the budget by the first day of the fiscal year to which 114214
the budget applies, the budget is deemed to have been approved by 114215
the board on the first day of that fiscal year. 114216

(4) The board of county hospital trustees shall not expend 114217
funds received from taxes collected pursuant to any tax levied 114218
under section 5705.22 of the Revised Code or the amount 114219
appropriated to the county hospital by the board of county 114220
commissioners in the annual appropriation measure for the county 114221
until its budget for the applicable fiscal year is approved in 114222
accordance with division (C)(3) of this section. At any time the 114223
amount received from those sources differs from the amount shown 114224
in the approved budget, the board of county commissioners may 114225
require the board of county hospital trustees to revise the county 114226
hospital budget accordingly. 114227

(5) Funds under the control of the board of county hospital 114228
trustees may be disbursed by the board, consistent with the 114229
approved budget, for the uses and purposes of the county hospital; 114230
for the replacement of necessary equipment; for the acquisition, 114231
leasing, or construction of permanent improvements to county 114232
hospital property; or for making a donation authorized by division 114233
(E) of this section. Each disbursement of funds shall be made on a 114234
voucher signed by signatories designated and approved by the board 114235
of county hospital trustees. 114236

(6) The head of a board of county hospital trustees is not 114237
required to file an estimate of contemplated revenue and 114238
expenditures for the ensuing fiscal year under section 5705.28 of 114239
the Revised Code unless the board of county commissioners levies a 114240
tax for the county hospital, or such a tax is proposed, or the 114241
board of county hospital trustees desires that the board of county 114242
commissioners make an appropriation to the county hospital for the 114243
ensuing fiscal year. 114244

(7) All moneys appropriated by the board of county commissioners or from special levies by the board of county commissioners for the operation of the hospital, when collected shall be paid to the board of county hospital trustees on a warrant of the county auditor and approved by the board of county commissioners. 114245
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(8) The board of county hospital trustees shall provide for the conduct of an annual financial audit of the county hospital. Not later than thirty days after it receives the final report of an annual financial audit, the board shall file a copy of the report with the board of county commissioners. 114251
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(E) For the public purpose of improving the health, safety, and general welfare of the community, the board of county hospital trustees may donate to a nonprofit entity any of the following: 114256
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(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital; 114259
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(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate; 114261
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(3) Services rendered by the hospital. 114264

(F)(1) For purposes of division (F)(2) of this section: 114265

~~(a) "Bank", "bank" has the same meaning as in section 1101.01 of the Revised Code.~~ 114266
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~~(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.~~ 114268
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~~(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.~~ 114270
114271

(2) The board of county hospital trustees may enter into a contract for a secured line of credit with a bank, ~~savings and loan association, or savings bank~~ if the contract meets all of the 114272
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following requirements: 114275

(a) The term of the contract does not exceed one year, except 114276
that the contract may provide for the automatic renewal of the 114277
contract for up to four additional one-year periods if, on the 114278
date of automatic renewal, the aggregate outstanding draws 114279
remaining unpaid under the secured line of credit do not exceed 114280
fifty per cent of the maximum amount that can be drawn under the 114281
secured line of credit. 114282

(b) The contract provides that the bank, ~~savings and loan~~ 114283
~~association, or savings bank~~ shall not commence a civil action 114284
against the board of county commissioners, any member of the 114285
board, or the county to recover the principal, interest, or any 114286
charges or other amounts that remain outstanding on the secured 114287
line of credit at the time of any default by the board of county 114288
hospital trustees. 114289

(c) The contract provides that no assets other than those of 114290
the county hospital can be used to secure the line of credit. 114291

(d) The terms and conditions of the contract comply with all 114292
state and federal statutes and rules governing the extension of a 114293
secured line of credit. 114294

(3) Any obligation incurred by a board of county hospital 114295
trustees under division (F)(2) of this section is an obligation of 114296
that board only and not a general obligation of the board of 114297
county commissioners or the county within the meaning of division 114298
(Q) of section 133.01 of the Revised Code. 114299

(4) Notwithstanding anything to the contrary in the Revised 114300
Code, the board of county hospital trustees may secure the line of 114301
credit authorized under division (F)(2) of this section by the 114302
grant of a security interest in any part or all of its tangible 114303
personal property and intangible personal property, including its 114304
deposit accounts, accounts receivable, or both. 114305

(5) No board of county hospital trustees shall at any time 114306
have more than one secured line of credit under division (F)(2) of 114307
this section. 114308

(G) The board of county hospital trustees shall establish a 114309
schedule of charges for all services and treatment rendered by the 114310
county hospital. It may provide for the free treatment in the 114311
hospital of soldiers, sailors, and marines of the county, under 114312
such conditions and rules as it prescribes. 114313

(H) The board of county hospital trustees may designate the 114314
amounts and forms of insurance protection to be provided, and the 114315
board of county commissioners shall assist in obtaining such 114316
protection. The expense of providing the protection shall be paid 114317
from hospital operating funds. 114318

(I) The board of county hospital trustees may authorize a 114319
county hospital and each of its units, hospital board members, 114320
designated hospital employees, and medical staff members to be a 114321
member of and maintain membership in any local, state, or national 114322
group or association organized and operated for the promotion of 114323
the public health and welfare or advancement of the efficiency of 114324
hospital administration and in connection therewith to use tax 114325
funds for the payment of dues and fees and related expenses but 114326
nothing in this section prohibits the board from using receipts 114327
from hospital operation, other than tax funds, for the payment of 114328
such dues and fees. 114329

(J) The following apply to the board of county hospital 114330
trustees in relation to its employees and the employees of the 114331
county hospital: 114332

(1) The board shall adopt the wage and salary schedule for 114333
employees. 114334

(2) The board may employ the hospital's administrator 114335
pursuant to section 339.07 of the Revised Code, and the 114336

administrator may employ individuals for the hospital in 114337
accordance with that section. 114338

(3) The board may employ assistants as necessary to perform 114339
its clerical work, superintend properly the construction of the 114340
county hospital, and pay the hospital's expenses. Such employees 114341
may be paid from funds provided for the county hospital. 114342

(4) The board may hire, by contract or as salaried employees, 114343
such management consultants, accountants, attorneys, engineers, 114344
architects, construction managers, and other professional advisors 114345
as it determines are necessary and desirable to assist in the 114346
management of the programs and operation of the county hospital. 114347
Such professional advisors may be paid from county hospital 114348
operating funds. 114349

(5) Notwithstanding section 325.19 of the Revised Code, the 114350
board may grant to employees any fringe benefits the board 114351
determines to be customary and usual in the nonprofit hospital 114352
field in its community, including, but not limited to: 114353

(a) Additional vacation leave with full pay for full-time 114354
employees, including full-time hourly rate employees, after 114355
service of one year; 114356

(b) Vacation leave and holiday pay for part-time employees on 114357
a pro rata basis; 114358

(c) Leave with full pay due to death in the employee's 114359
immediate family, which shall not be deducted from the employee's 114360
accumulated sick leave; 114361

(d) Premium pay for working on holidays listed in section 114362
325.19 of the Revised Code; 114363

(e) Moving expenses for new employees; 114364

(f) Discounts on hospital supplies and services. 114365

(6) The board may provide holiday leave by observing Martin 114366

Luther King day, Washington-Lincoln day, Columbus day, and 114367
Veterans' day on days other than those specified in section 1.14 114368
of the Revised Code. 114369

(7) The board may grant to employees the insurance benefits 114370
authorized by section 339.16 of the Revised Code. 114371

(8) Notwithstanding section 325.19 of the Revised Code, the 114372
board may grant to employees, including hourly rate employees, 114373
such personal holidays as the board determines to be customary and 114374
usual in the hospital field in its community. 114375

(9) The board may provide employee recognition awards and 114376
hold employee recognition dinners. 114377

(10) The board may grant to employees the recruitment and 114378
retention benefits specified under division (K) of this section. 114379

(K) Notwithstanding sections 325.191 and 325.20 of the 114380
Revised Code, the board of county hospital trustees may provide, 114381
without the prior authorization of the board of county 114382
commissioners, scholarships for education in the health care 114383
professions, tuition reimbursement, and other staff development 114384
programs to enhance the skills of health care professionals for 114385
the purpose of recruiting or retaining qualified employees. 114386

The board of county hospital trustees may pay reasonable 114387
expenses for recruiting or retaining physicians and other 114388
appropriate health care practitioners. 114389

(L) The board of county hospital trustees may retain counsel 114390
and institute legal action in its own name for the collection of 114391
delinquent accounts. The board may also employ any other lawful 114392
means for the collection of delinquent accounts. 114393

Sec. 513.17. (A) The board of hospital governors shall, with 114394
the consent and approval of the joint township district hospital 114395
board and as provided by sections 513.07 to 513.18 of the Revised 114396

Code, prepare plans and specifications, and may employ technical 114397
assistance if necessary, and proceed to erect, furnish, and equip 114398
necessary buildings for a joint township general hospital. Except 114399
where the hospital of the district is leased pursuant to section 114400
513.171 of the Revised Code, such board of governors shall appoint 114401
and fix the compensation of a suitable person to be superintendent 114402
of the hospital for such period of time as it determines, and 114403
shall employ and fix the compensation for such nurses and other 114404
employees as are necessary for the proper conduct of the hospital. 114405
Subject to the direction of the board of governors and to the 114406
rules prescribed by it, any such superintendent shall have 114407
complete charge and control of the operation of such hospital. The 114408
superintendent shall prepare and submit to the board of governors, 114409
quarterly, a statement showing the average daily per capita cost 114410
for the current expense of maintaining and operating such 114411
hospital, including the cost of ordinary repairs. 114412

(B)(1) For purposes of ~~this~~ division: 114413

~~(a) "Bank" (B)(2) of this section, "bank" has the same~~ 114414
meaning as in section 1101.01 of the Revised Code. 114415

~~(b) "Savings and loan association" has the same meaning as in~~ 114416
~~section 1151.01 of the Revised Code.~~ 114417

~~(c) "Savings bank" has the same meaning as in section 1161.01~~ 114418
~~of the Revised Code.~~ 114419

(2) The board of hospital governors may enter into a contract 114420
for a secured line of credit with a bank, ~~savings and loan~~ 114421
~~association, or savings bank~~ if the contract meets all of the 114422
following requirements: 114423

(a) The term of the contract does not exceed one hundred 114424
eighty days. 114425

(b) The contract provides that any amount extended must be 114426
repaid in full before any additional credit can be extended. 114427

(c) The contract provides that the bank, ~~savings and loan association, or savings bank~~ shall not commence a civil action against the joint township district hospital board, any member of the board, board of township trustees, township, or board of county commissioners to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of hospital governors.

(d) The contract provides that no assets other than those of the hospital can be used to secure the line of credit.

(e) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit.

(3) Any obligation incurred by a board of hospital governors under this division is an obligation of that board only and not a general obligation of the joint township district hospital board, board of county commissioners, county, board of township trustees, or township within the meaning of division (Q) of section 133.01 of the Revised Code.

(4) No board of hospital governors shall at any time have more than one secured line of credit under this section.

(C) The board of hospital governors may grant to its employees such of the following as it determines to be customary and usual in the nonprofit hospital field in its community:

(1) Paid vacation and holiday leave, for holidays listed in section 511.10 of the Revised Code, and other benefits for full-time employees;

(2) Vacation leave and holiday pay for part-time employees on a pro rata basis;

(3) Leave with full pay due to death in the employee's

immediate family, which shall not be deducted from the employee's accumulated sick leave; 114458
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(4) Premium pay for working on holidays listed in section 511.10 of the Revised Code; 114460
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(5) Moving expenses for new employees; 114462

(6) Discounts on purchases from the hospital pharmacy; 114463

(7) Discounts on hospital supplies and services. 114464

The board of hospital governors may provide employee recognition awards and hold employee recognition dinners. 114465
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The board of hospital governors may provide scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees. 114467
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The board of hospital governors may pay reasonable expenses for recruiting physicians into the district or for retaining them if all or part of the district has been designated as an area with a shortage of personal health services under the "Health Maintenance Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 300e, as amended. 114472
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(D) The members of the board of governors shall serve without compensation, but their necessary expenses, when engaged in the business of the hospital board, shall be paid by the joint township district hospital board. 114478
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(E) The board of hospital governors with the approval of the county commissioners may employ counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts. Counsel employed under this section shall be paid from the hospital's funds. 114482
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Sec. 749.081. (A) For purposes of this section+ 114488

~~(1) "Bank", "bank" has the same meaning as in section 1101.01 114489~~
of the Revised Code. 114490

~~(2) "Savings and loan association" has the same meaning as in 114491~~
section 1151.01 of the Revised Code. 114492

~~(3) "Savings bank" has the same meaning as in section 1161.01 114493~~
of the Revised Code. 114494

(B) The board of hospital commissioners may enter into a 114495
contract for a secured line of credit with a bank, ~~savings and 114496~~
~~loan association, or savings bank~~ if the contract meets all of the 114497
following requirements: 114498

(1) The term of the contract does not exceed one hundred 114499
eighty days; 114500

(2) The board's secured line of credit does not exceed five 114501
hundred thousand dollars; 114502

(3) The contract provides that any amount extended must be 114503
repaid in full before any additional credit can be extended; 114504

(4) The contract provides that the bank, ~~savings and loan 114505~~
~~association, or savings bank~~ shall not commence a civil action 114506
against the legislative authority of a municipal corporation or 114507
any member thereof, or the municipal corporation to recover the 114508
principal, interest, or any charges or other amounts that remain 114509
outstanding on the secured line of credit at the time of any 114510
default by the board of hospital commissioners; 114511

(5) The contract provides that no assets other than those of 114512
the hospital can be used to secure the line of credit; 114513

(6) The terms and conditions of the contract comply with all 114514
state and federal statutes and rules governing the extension of a 114515
secured line of credit. 114516

(C) Any obligation incurred by a board of hospital commissioners under division (B) of this section is an obligation of that board only and not a general obligation of the legislative authority of a municipal corporation or the municipal corporation within the meaning of division (Q) of section 133.01 of the Revised Code.

(D) No board of hospital commissioners shall at any time have more than one secured line of credit under division (B) of this section.

Sec. 755.141. If a park or recreational facility owned, operated, or maintained by a joint recreation district created under division (C) of section 755.14 of the Revised Code is the site where an exhibition sanctioned by the United States Christopher Columbus quincentenary jubilee commission is being or has been held and the exhibition is or was sponsored by the organization that is also sponsoring or has sponsored an exhibition sanctioned by the international association of horticulture producers, the following provisions shall apply, in addition to the provisions of sections 755.12 to 755.18 of the Revised Code:

(A) The governor, speaker of the house of representatives, and president of the senate shall each appoint one member to the board of trustees of the district. These members may be members of the general assembly, but any members of the general assembly appointed to the board of trustees shall be nonvoting members and shall serve only while they remain members of the general assembly. Members appointed under this division shall serve terms of three years and serve without pay, and all vacancies in their positions on the board, whether for an unexpired term or at the end of a term, shall be filled in the same manner as the original appointments.

(B) The board of trustees of a joint recreation district may 114548
designate the amounts and forms of property and casualty insurance 114549
protection to be provided. The expense of providing the protection 114550
shall be paid from operating funds of the joint recreation 114551
district. 114552

(C) The board of trustees of a joint recreation district may 114553
acquire, construct, maintain, and operate horticultural 114554
facilities, public banquet facilities, greenhouses, and such other 114555
facilities as are authorized in section 755.16 of the Revised 114556
Code. 114557

(D)(1) By resolution of its board of trustees, the joint 114558
recreation district may issue revenue bonds beyond the limit of 114559
bonded indebtedness provided by law, for the acquisition, 114560
construction, furnishing, or equipping of any real or personal 114561
property, or any combination thereof which it is authorized to 114562
acquire, construct, furnish, or equip, including all costs in 114563
connection with or incidental thereto. 114564

(2) The revenue bonds of the joint recreation district shall 114565
be secured only by a pledge of and a lien on the revenues of the 114566
joint recreation district that are designated in the resolution, 114567
including, but not limited to, any property to be acquired, 114568
constructed, furnished, or equipped with the proceeds of the bond 114569
issue, after provision only for the reasonable cost of operating, 114570
maintaining, and repairing the property of the joint recreation 114571
district so designated. The bonds may further be secured by the 114572
covenant of the joint recreation district to maintain rates or 114573
charges that will produce revenues sufficient to meet the costs of 114574
operating, maintaining, and repairing such property and to meet 114575
the interest and principal requirements of the bonds and to 114576
establish and maintain reserves for the foregoing purposes. The 114577
board of trustees of the joint recreation district, by resolution, 114578
may provide for the issuance of additional revenue bonds from time 114579

to time, to be secured equally and ratably, without preference, 114580
priority, or distinction, with outstanding revenue bonds, but 114581
subject to the terms and limitations of any trust agreement 114582
described in this section, and of any resolution authorizing bonds 114583
then outstanding. The board of trustees, by resolution, may 114584
designate additional property of the district, the revenues of 114585
which shall be pledged and be subject to a lien for the payment of 114586
the debt charges on revenue bonds theretofore authorized by 114587
resolution of the board of trustees, to the same extent as the 114588
revenues above described. 114589

(3) In the discretion of the board of trustees, the revenue 114590
bonds of the district may be secured by a trust agreement between 114591
the joint recreation district and a corporate trustee, that may be 114592
any trust company or bank having powers of a trust company, within 114593
or without the state. 114594

(4) The trust agreement may provide for the pledge or 114595
assignment of the revenues to be received, but shall not pledge 114596
the general credit and taxing power of the joint recreation 114597
district. The trust agreement or the resolution providing for the 114598
issuance of revenue bonds may set forth the rights and remedies of 114599
the bondholders and trustees, and may contain other provisions for 114600
protecting and enforcing their rights and remedies that are 114601
determined in the discretion of the board of trustees to be 114602
reasonable and proper. The agreement or resolution may provide for 114603
the custody, investment, and disbursement of all moneys derived 114604
from the sale of such bonds, or from the revenues of the joint 114605
recreation district, other than those moneys received from taxes 114606
levied pursuant to section 755.171 of the Revised Code, and may 114607
provide for the deposit of such funds without regard to Chapter 114608
135. of the Revised Code. 114609

(5) All bonds issued under authority of this section, 114610
regardless of form or terms and regardless of any other law to the 114611

contrary, shall have all qualities and incidents of negotiable 114612
instruments, subject to provisions for registration, and may be 114613
issued in coupon, fully registered, or other form, or any 114614
combination thereof, as the board of trustees determines. 114615
Provision may be made for the registration of any coupon bonds as 114616
to principal alone or as to both principal and interest, and for 114617
the conversion into coupon bonds of any fully registered bonds or 114618
bonds registered as to both principal and interest. 114619

(6) The revenue bonds shall bear interest at such rate or 114620
rates, shall bear such date or dates, and shall mature within 114621
thirty years following the date of issuance and in such amount, at 114622
such time or times, and in such number of installments, as may be 114623
provided in or pursuant to the resolution authorizing their 114624
issuance. Any original issue of revenue bonds shall mature not 114625
later than thirty years from their date of issue. Such resolution 114626
also shall provide for the execution of the bonds, which may be by 114627
facsimile signatures unless prohibited by the resolution, and the 114628
manner of sale of the bonds. The resolution shall provide for, or 114629
provide for the determination of, any other terms and conditions 114630
relative to the issuance, sale, and retirement of the bonds that 114631
the board of trustees in its discretion determines to be 114632
reasonable and proper. 114633

(7) Whenever a joint recreation district considers it 114634
expedient, it may issue renewal notes and refund any bonds, 114635
whether the bonds to be refunded have or have not matured. The 114636
final maturity of any notes, including any renewal notes, shall 114637
not be later than five years from the date of issue of the 114638
original issue of notes. The final maturity of any refunding bonds 114639
shall not be later than the later of thirty years from the date of 114640
issue of the original issue of bonds or the date by which it is 114641
expected, at the time of issuance of the refunding bonds, that the 114642
useful life of all of the property, other than interests in land, 114643

refinanced with proceeds of the bonds will have expired. The 114644
refunding bonds shall be sold and the proceeds applied to the 114645
purchase, redemption, or payment of the bonds to be refunded and 114646
the costs of issuance of the refunding bonds. The bonds and notes 114647
issued under this section, their transfer, and the income 114648
therefrom, shall at all times be free from taxation within the 114649
state. 114650

(E) A joint recreation district described in this section may 114651
do all of the following: 114652

(1) Operate or appoint agents to operate, or otherwise 114653
provide for the operation of, its properties and its facilities, 114654
activities, and programs and to enter into agreements and 114655
arrangements related thereto, and to receive and apply the net 114656
proceeds thereof solely to the management, operation, development, 114657
maintenance, and repair of its properties, its buildings, 114658
facilities, improvements, and grounds; 114659

(2) Impose and collect a charge for admission for selective 114660
events, exhibits, and facilities; 114661

(3) Offer memberships of various denominations for selective 114662
activities or facilities; 114663

(4) Form advisory and other support committees to the board 114664
of trustees to provide counsel and assistance to the board in the 114665
management, operation, and development of its properties, 114666
buildings, facilities, improvements, and grounds; 114667

(5) Grant licenses, or enter into leases or contracts, for 114668
the use of any part of its properties, facilities, buildings, and 114669
grounds for such length of time and upon such terms and conditions 114670
as the board of trustees deems appropriate and necessary, and 114671
grant easements in, through, or over its property; 114672

(6) Receive and accept from any federal, state, county, 114673
municipal, or local government or agency, any grant or 114674

contribution of money, property, labor, or other things of value, 114675
to be held, used, and applied for the purpose for which such 114676
grants and contributions are made; and 114677

(7) Accept and expend gifts, grants, devises, and bequests of 114678
money and property on behalf of the board of trustees and hold, 114679
use, and apply such gifts, grants, devises, and bequests according 114680
to the terms thereof. 114681

(F)(1) For purposes of division (F)(2) of this section+ 114682

~~(a) "Bank", "bank" has the same meaning as in section 1101.01 114683
of the Revised Code. 114684~~

~~(b) "Savings and loan association" has the same meaning as in 114685
section 1151.01 of the Revised Code. 114686~~

~~(c) "Savings bank" has the same meaning as in section 1161.01 114687
of the Revised Code. 114688~~

(2) The board of trustees may enter into a contract for a 114689
secured line of credit with a bank, ~~savings and loan association,~~ 114690
~~or savings bank~~ if the contract meets all of the following 114691
requirements: 114692

(a) The term of the contract does not exceed one year, except 114693
that the contract may provide for the automatic renewal of the 114694
contract for up to four additional one-year periods. 114695

(b) The contract provides that the bank, ~~savings and loan 114696
association, or savings bank~~ shall not commence a civil action 114697
against the board, any member of the board, or the county or the 114698
municipal corporation to recover the principal, interest, or any 114699
charges or other amounts that remain outstanding on the secured 114700
line of credit at the time of any default by the board. 114701

(c) The contract provides that no assets other than those of 114702
the joint recreation district can be used to secure the line of 114703
credit. 114704

(d) The terms and conditions of the contract comply with all 114705
state and federal statutes and rules governing the extension of a 114706
secured line of credit. 114707

(3) Any obligation incurred by a board of trustees of a joint 114708
recreation district pursuant to division (B) of this section is an 114709
obligation of that board only and not a general obligation of the 114710
board of county commissioners, the county, or the municipal 114711
corporation within the meaning of division (Q) of section 133.01 114712
of the Revised Code. 114713

(G)(1) For purposes of division (G)(2) of this section, 114714
"lease-purchase agreement" has the same meaning as a lease with an 114715
option to purchase. 114716

(2) For any purpose for which a board of trustees of a joint 114717
recreation district described in this section is authorized to 114718
acquire real or personal property, that board may enter into a 114719
lease-purchase agreement in accordance with this section to 114720
acquire the property. 114721

The lease-purchase agreement shall provide for a series of 114722
terms in which no term extends beyond the end of the fiscal year 114723
of the joint recreation district in which that term commences. In 114724
total, the terms provided for in the agreement shall be for not 114725
more than the useful life of the real or personal property that is 114726
the subject of the agreement. A property's useful life shall be 114727
determined either by the maximum number of installment payments 114728
permitted under the statute that authorizes the board to acquire 114729
the property or, if there is no such provision, by the maximum 114730
number of years to maturity provided for the issuance of bonds in 114731
division (B) of section 133.20 of the Revised Code if bonds were 114732
to be issued by a subdivision under that section to finance such 114733
facilities. If the useful life cannot be determined under either 114734
of those statutes, it shall be estimated as provided in division 114735
(C) of section 133.20 of the Revised Code. 114736

The lease-purchase agreement shall provide that, at the end of the final term in the agreement, if all obligations of the joint recreation district have been satisfied, the title to the leased property shall vest in the joint recreation district if that title has not vested in the joint recreation district before or during the lease terms; except that the lease-purchase agreement may require the joint recreation district to pay an additional lump sum payment as a condition of obtaining that title.

(3) A board of trustees of a joint recreation district that enters into a lease-purchase agreement under this section may do any of the following with the property that is the subject of the agreement:

(a) If the property is personal property, assign the board's rights to that property;

(b) Grant the lessor a security interest in the property;

(c) If the property is real property, grant leases, easements, or licenses for underlying land or facilities under the board's control for terms not exceeding five years beyond the final term of the lease-purchase agreement.

(4) The authority granted in division (G) of this section is in addition to and not in derogation of, any other financing authority provided by law.

(H) The board of trustees of a joint recreation district described in this section may exercise such other powers as shall have been granted to it in the agreement between the municipal corporation and the board of county commissioners establishing the joint recreation district entered into pursuant to division (C) of section 755.14 of the Revised Code.

Sec. 902.01. As used in this chapter:

(A) "Bonds" means bonds, notes, or other forms of evidences of obligation issued in temporary or definitive form, including refunding bonds and notes and bonds and notes issued in anticipation of the issuance of bonds and renewal notes.

(B) "Bond proceedings" means the resolution or ordinance or the trust agreement or indenture of mortgage, or combination thereof, authorizing or providing for the terms and conditions applicable to bonds issued under authority of this chapter.

(C) "Borrower" means the recipient of a loan or the lessee or purchaser of a project under this chapter and is limited to a sole proprietor, or to a partnership, joint venture, firm, association, or corporation, a majority of whose stockholders, partners, members, or associates are persons or the spouses of persons related to each other within the fourth degree of kinship, according to law, provided that the sole proprietor or at least one of such related persons resides or will reside on or is or will actively operate the project or the farm or agricultural enterprise composed, in whole or in part, of the project, and provided further that the sole proprietor or all of the stockholders, members, partners, or associates are natural persons. The agricultural financing commission may establish procedures for the determination of the eligibility of borrowers under this chapter which determinations are conclusive in relation to the validity and enforceability of bonds issued under bond proceedings authorized in connection therewith, and in relation to security interests given and leases, subleases, sale agreements, loan agreements, and other agreements made in connection therewith, all in accordance with their terms.

(D) "Composite financing arrangement" means the sale of a single issue of bonds to finance two or more projects, including, but not limited to, a single issue of bonds for a group of loans submitted by or through a single lending institution or with

credit enhancement from a single lending institution, or the sale 114799
by or on behalf of one or more issuers of two or more issues or 114800
lots of bonds under or pursuant to a single sale agreement, single 114801
marketing arrangement, or single official statement, offering 114802
circular, or other marketing document. 114803

(E) "Issuer" means the state, or any county or municipal 114804
corporation of the state. 114805

(F) "Issuing authority" means in the case of a municipal 114806
corporation, the legislative authority thereof; and in the case of 114807
a county, the board of county commissioners or whatever officers, 114808
board, commission, council, or other body might succeed to or 114809
assume the legislative powers of the board of county 114810
commissioners. 114811

(G) "Lending institution" means ~~any domestic building and~~ 114812
~~loan association as defined in section 1151.01 of the Revised~~ 114813
~~Code, any service corporation the entire stock of which is owned~~ 114814
~~by one or more such building and loan associations,~~ a bank which 114815
that has its principal place of business located in this state, a 114816
bank subsidiary corporation that is wholly owned by a bank having 114817
its principal place of business located in this state, any state 114818
or federal governmental agency or instrumentality including 114819
without limitation the federal land bank, production credit 114820
association, or bank for cooperatives, or any of their local 114821
associations, or any other financial institution or entity 114822
authorized to make mortgage loans and qualified to do business in 114823
this state. 114824

(H) "Loan" includes a loan made to or through, or a deposit 114825
with, a lending institution or a loan made directly to the owner 114826
or operator of a project to finance one or more projects. 114827
Notwithstanding any other provision of this chapter, loans from 114828
proceeds of bonds issued under a composite financing arrangement 114829
shall be made only to or through, or by a deposit with, a lending 114830

institution, including the purchase of loans from lending 114831
institutions, or be made in any other manner in which a lending 114832
institution has been or is involved in the origination or credit 114833
enhancement of the loan. 114834

(I) "Mortgage loan" means a loan secured by a mortgage, deed 114835
of trust, or other security interest. 114836

(J) "Pledged facilities" means the project or projects 114837
mortgaged or facilities the rentals, revenues, and other income, 114838
charges, and moneys from which are pledged, or both, for the 114839
payment of the principal of and interest on the bonds issued under 114840
authority of section 902.04 of the Revised Code, and includes a 114841
project for which a loan has been made under authority of this 114842
chapter, in which case, references in this chapter to revenues of 114843
such pledged facilities or from the disposition thereof include 114844
payments made or to be made to or for the account of the issuer 114845
pursuant to such loan. 114846

(K) "Project" means real or personal property, or both, 114847
including undivided and other interests therein, acquired by gift 114848
or purchase, constructed, reconstructed, enlarged, improved, 114849
furnished, or equipped, or any combination thereof, by an issuer, 114850
or by others from the proceeds of bonds, located within the 114851
boundaries of the issuer, and used or to be used by a borrower for 114852
agricultural purposes as provided in division (D) of this section. 114853
A project is hereby determined to qualify as facilities for 114854
industry, commerce, distribution, or research described in Section 114855
13 of Article VIII, Ohio Constitution. 114856

(L) "Purchase" means, with respect to loans, the purchase of 114857
loans from, or other acquisition by an issuer of loans of, lending 114858
institutions. 114859

(M) "Revenues" means the rentals, revenues, payments, 114860
repayments, income, charges, and moneys derived or to be derived 114861

from the use, lease, sublease, rental, sale, including installment 114862
sale or conditional sale, or other disposition of pledged 114863
facilities, or derived or to be derived pursuant to a loan made 114864
for a project, bond proceeds to the extent provided in the bond 114865
proceedings for the payment of principal of, or premium, if any, 114866
or interest on the bonds, proceeds from any insurance, 114867
condemnation, or guaranty pertaining to pledged facilities or the 114868
financing thereof, any income and profit from the investment of 114869
the proceeds of bonds or of any revenues, any fees and charges 114870
received by or on behalf of an issuer for the services of or 114871
commitments by the issuer, and moneys received in repayment of and 114872
for interest on any loan made or purchased by an issuer, moneys 114873
received by an issuer upon the sale of any bonds of the issuer 114874
under section 902.04 of the Revised Code, any moneys received from 114875
investment of funds of an issuer or from the sale of collateral 114876
securing loans made or purchased by the issuer, including 114877
collateral acquired by foreclosure or other action to enforce a 114878
security interest, and any moneys received in payment of a claim 114879
under insurance, guarantees, letters of credit, or otherwise with 114880
respect to any loans made or purchased by an issuer or any 114881
collateral held by the issuer of any bonds issued under this 114882
chapter. 114883

(N) "Security interest" means a mortgage, lien, or other 114884
encumbrance on, or pledge or assignment of, or other security 114885
interest with respect to all or any part of pledged facilities, 114886
revenues, reserve funds, or other funds established under the bond 114887
proceedings, or on, of, or with respect to, a lease, sublease, 114888
sale, conditional sale, or installment sale agreement, loan 114889
agreement, or any other agreement pertaining to the lease, 114890
sublease, sale, or other disposition of a project or pertaining to 114891
a loan made for a project, or any guaranty or insurance agreement 114892
made with respect thereto, or any interest of the issuer therein, 114893
or any other interest granted, assigned, purchased, or released to 114894

secure payments of the principal of, premium, if any, or interest 114895
on any bonds or to secure any other payments to be made by an 114896
issuer under the bond proceedings. Any security interest under 114897
this chapter may be prior or subordinate to or on a parity with 114898
any other mortgage, lien, encumbrance, pledge, assignment, or 114899
other security interest. 114900

Sec. 924.10. (A) There is hereby established in the state 114901
treasury a fund for each marketing program that is established by 114902
the director of agriculture pursuant to this chapter. Except as 114903
authorized in division (B) of this section, all moneys collected 114904
by the department of agriculture from each marketing program 114905
pursuant to section 924.09 of the Revised Code shall be paid into 114906
the fund for the marketing program and shall be disbursed only 114907
pursuant to a voucher approved by the director for use in 114908
defraying the costs of administration of the marketing program and 114909
for carrying out sections 924.02, 924.03, and 924.13 of the 114910
Revised Code. 114911

(B) In lieu of deposits in the fund established pursuant to 114912
division (A) of this section, the operating committee of any 114913
marketing program established pursuant to this chapter may deposit 114914
all moneys collected pursuant to section 924.09 of the Revised 114915
Code with a bank ~~or a savings and loan association~~ as defined in 114916
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 114917
moneys collected pursuant to section 924.09 of the Revised Code 114918
and deposited pursuant to this division also shall be used only in 114919
defraying the costs of administration of the marketing program and 114920
for carrying out sections 924.02, 924.03, and 924.13 of the 114921
Revised Code. 114922

(C) Each operating committee shall establish a fiscal year 114923
for its marketing program and shall publish within sixty days of 114924
the end of each fiscal year an activity and financial report and 114925

make such report available to each producer who pays an assessment 114926
or otherwise contributes to the marketing program which the 114927
committee administers, and to other interested persons. 114928

(D) In addition to the reports required by division (C) of 114929
this section, any marketing program that deposits moneys in 114930
accordance with division (B) of this section shall submit to the 114931
director both of the following: 114932

(1) Annually, a financial statement prepared by a certified 114933
public accountant holding a live permit from the accountancy board 114934
issued pursuant to Chapter 4701. of the Revised Code. The 114935
marketing program shall file the financial statement with the 114936
director not more than sixty days after the end of each fiscal 114937
year. 114938

(2) Monthly, an unaudited financial statement. 114939

Sec. 924.26. (A) The grain marketing program operating 114940
committee shall levy on producers and, as provided in division (B) 114941
of this section, handlers the following assessments, as 114942
applicable: 114943

(1) One-half of one per cent of the per-bushel price of wheat 114944
at the first point of sale; 114945

(2) One-half of one per cent of the per-bushel price of 114946
barley at the first point of sale; 114947

(3) One-half of one per cent of the per-bushel price of rye 114948
at the first point of sale; 114949

(4) One-half of one per cent of the per-bushel price of oats 114950
at the first point of sale. 114951

(B) The director may require a handler to withhold 114952
assessments from any amounts that the handler owes to producers 114953
and to remit them to the operating committee. A handler who pays 114954
for a producer an assessment that is levied under this section may 114955

deduct the amount of the assessment from any money that the handler owes to the producer.

(C) The operating committee shall deposit all money collected under this section with a bank ~~or savings and loan association~~ as defined in ~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All money so collected and deposited shall be used only for defraying the costs of administration of the marketing program and for carrying out sections 924.20 to 924.30 of the Revised Code. The operating committee shall not use any assessments that it levies for any political or legislative purpose or for preferential treatment of one person to the detriment of any other person affected by the grain marketing program.

(D) The operating committee shall refund to a producer the assessments that it collects from the producer not later than thirty days after receipt of a valid application by the producer for a refund, provided that the producer complies with the procedures for a refund established by the committee under section 924.24 of the Revised Code.

An application for a refund shall be made on a form provided by the director. The operating committee shall ensure that refund forms are available where assessments for the grain marketing program are collected.

Sec. 924.45. (A)(1) After a marketing agreement takes effect, a board of directors that will administer the marketing agreement shall be established in accordance with the terms of the marketing agreement. Except for the director of agriculture or the director's designee who shall serve as an ex officio member of the board of directors, members of the board shall be selected only from individuals who are producers that signed the marketing agreement.

(2) The provisional board of directors created pursuant to

division (B)(1) of section 924.42 of the Revised Code shall verify 114987
that the board of directors is established in accordance with the 114988
terms of the marketing agreement. If the provisional board of 114989
directors determines that the board of directors was not 114990
established in accordance with the terms of the marketing 114991
agreement, the provisional board shall notify the director who 114992
shall take appropriate actions to ensure that the board of 114993
directors is established in accordance with the terms of the 114994
marketing agreement. If the provisional board of directors 114995
determines that the board of directors was established in 114996
accordance with the terms of the marketing agreement, the 114997
provisional board shall cease to exist. 114998

(B) A board of directors that is established to administer a 114999
marketing agreement shall do all of the following: 115000

(1) Establish priorities of the board that are consistent 115001
with the estimated financial resources that will be generated 115002
under the terms of the marketing agreement and with the scope of 115003
the marketing agreement; 115004

(2) Prepare a budget that is consistent with the estimated 115005
financial resources that will be generated under the terms of the 115006
marketing agreement and with the scope of the marketing agreement; 115007

(3) Deposit all money collected pursuant to the marketing 115008
agreement with a bank as defined in section 1101.01 of the Revised 115009
Code ~~or with a savings and loan association as defined in section~~ 115010
~~1151.01 of the Revised Code.~~ The board shall use the money only to 115011
pay the costs of the board in administering the marketing 115012
agreement and of the activities authorized under the marketing 115013
agreement and under sections 924.40 to 924.45 of the Revised Code. 115014

(4) Establish a fiscal year for purposes of marketing 115015
activities performed under the terms of the marketing agreement; 115016

(5) Publish an activity and financial report not later than 115017

sixty days after the end of a fiscal year. The board shall make 115018
the report available to each producer that signed the marketing 115019
agreement and to other interested parties. 115020

(6) Provide annually to the director of agriculture and to 115021
each producer that signed the marketing agreement a financial 115022
statement that is prepared by a person who holds a current 115023
certificate as a certified public accountant issued under Chapter 115024
4701. of the Revised Code. The board shall provide the financial 115025
statement to the director not later than sixty days after the end 115026
of a fiscal year. 115027

(7) Reimburse the department of agriculture for actual 115028
administrative costs incurred by the department in the 115029
administration of sections 924.40 to 924.45 of the Revised Code. 115030
However, the amount reimbursed in a fiscal year shall not exceed 115031
ten per cent of the total amount of money collected in that fiscal 115032
year by the board of directors under the authority of the 115033
marketing agreement. 115034

(8) Perform all other acts and exercise all other powers that 115035
are reasonably necessary, proper, or advisable to effectuate the 115036
purposes of sections 924.40 to 924.45 of the Revised Code. 115037

(C) A board of directors that is established to administer a 115038
marketing agreement may do all of the following: 115039

(1) Propose to the director rules that are necessary for the 115040
board to perform its duties under the requirements of the 115041
marketing agreement and under sections 924.40 to 924.45 of the 115042
Revised Code; 115043

(2) Hire personnel and contract for services that are 115044
necessary for the implementation and administration of the 115045
marketing agreement; 115046

(3) Receive and investigate, or cause to be investigated, a 115047
complaint concerning an alleged violation of a term of the 115048

marketing agreement. If the board determines that such a violation 115049
has occurred, the board shall refer the matter to the director for 115050
enforcement. 115051

(4) Amend the marketing agreement in accordance with the 115052
terms of the marketing agreement and with sections 924.40 to 115053
924.45 of the Revised Code; 115054

(5) Terminate the marketing agreement with the approval of a 115055
majority of the participating producers that are signatories to 115056
the marketing agreement. If the marketing agreement is terminated, 115057
the board shall distribute any remaining unobligated money 115058
collected under the authority of the marketing agreement to each 115059
participating producer in the same proportion that the producer 115060
paid assessments under the marketing agreement. 115061

Sec. 1101.01. As used in Chapters 1101. to 1127. of the 115062
Revised Code, unless the context requires otherwise: 115063

(A) "Affiliate" has the same meaning as in division (A)(1) of 115064
section 1109.53 of the Revised Code and includes a subsidiary of a 115065
bank. 115066

(B) "Bank" or "banking corporation" means ~~a corporation an~~ 115067
entity that solicits, receives, or accepts money or its equivalent 115068
for deposit as a business, whether the deposit is made by check or 115069
is evidenced by a certificate of deposit, passbook, note, receipt, 115070
ledger card, or otherwise. "Bank" ~~also~~ or "banking corporation" 115071
includes a state bank or ~~a corporation any entity~~ doing business 115072
as a bank ~~or,~~ savings bank, or savings association under authority 115073
granted by the office of the comptroller of the currency or the 115074
former office of thrift supervision, the appropriate bank 115075
regulatory authority of another state of the United States, or the 115076
appropriate bank regulatory authority of another country, but does 115077
not include a ~~savings association, savings bank, or~~ credit union. 115078

(C) "Bank holding company" has the same meaning as in the 115079
"Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, 115080
as amended. 115081

(D) "Banking office" means an office or other place 115082
established by a bank at which a the bank receives money or its 115083
equivalent from the public for deposit and conducts a general 115084
banking business. "Banking office" does not include any of the 115085
following: 115086

(1) Any location at which a bank receives, but does not 115087
accept, cash or other items for subsequent deposit, such as by 115088
mail or armored car service or at a lock box or night depository; 115089

(2) Any structure located within five hundred yards of a an 115090
approved banking office of a bank and operated as an extension of 115091
the services of the banking office; 115092

(3) Any automated teller machine, remote service unit, or 115093
other money transmission device owned, leased, or operated by a 115094
bank; 115095

(4) Any facility located within the geographical limits of a 115096
military installation at which a bank only accepts deposits and 115097
cashes checks; 115098

(5) Any location at which a bank takes and processes 115099
applications for loans and may disburse loan proceeds, but does 115100
not accept deposits; 115101

(6) Any location at which a bank is engaged solely in 115102
providing administrative support services for its own operations 115103
or for other depository institutions. 115104

~~(D)~~(E) "Branch" means a banking office that is not also the 115105
bank's principal place of business consistent with its articles of 115106
incorporation or articles of association. 115107

~~(E)~~ "Capital" (F)(1) With respect to a stock state bank, 115108

"capital" means the sum of a the bank's: 115109

~~(1)~~(a) Paid-in capital and surplus relating to common stock; 115110

~~(2)~~(b) To the extent permitted by the superintendent of 115111
financial institutions, paid-in capital and surplus relating to 115112
preferred stock; 115113

~~(3)~~(c) Undivided profits; and 115114

~~(4)~~(d) To the extent permitted by the superintendent the 115115
proceeds of the sale of debt securities and other assets and 115116
reserves. 115117

~~(F)~~(2) With respect to a mutual state bank, "capital" means 115118
either of the following: 115119

(a) Retained earnings; 115120

(b) At the discretion of the superintendent, any other form 115121
of capital, subject to any applicable federal and state laws. 115122

(G) "Code of regulations" includes a constitution adopted by 115123
a state bank for similar purposes. 115124

(H) "Control" has the same meaning as in division (H) of 115125
section 1109.53 of the Revised Code. 115126

~~(G) "Controlling shareholder" means a person who, directly or~~ 115127
~~indirectly, controls a bank.~~ 115128

~~(H)~~(I) "Debt securities" means obligations issued by a bank 115129
the holders of which, in the event of the insolvency or 115130
liquidation of the bank, are subordinated in right of payment to 115131
the bank's depositors and general creditors. 115132

~~(I)~~(J) "Deposit" has the same meaning as in 12 C.F.R. 204.2, 115133
as amended. 115134

(K) "Entity" has the same meaning as in section 1701.01 of 115135
the Revised Code. 115136

(L) "Federal savings association" means a federal savings and 115137

loan association or a federal savings bank doing business under 115138
authority granted by the office of the comptroller of the currency 115139
or the former office of thrift supervision. 115140

~~(J)~~(M) "Mutual holding company" means either of the 115141
following: 115142

(1) A mutual state bank or an affiliate of a mutual state 115143
bank reorganized in accordance with Chapter 1116. of the Revised 115144
Code to hold all or part of the shares of the capital stock of a 115145
subsidiary state bank; 115146

(2) A mutual holding company organized in accordance with 12 115147
U.S.C. 1467a(o) that has converted to a mutual holding company 115148
under Chapter 1116. of the Revised Code. 115149

(N) "Mutual state bank" means a state bank without stock that 115150
has governing documents consisting of articles of incorporation 115151
and code of regulations adopted by its members and bylaws adopted 115152
by its board of directors. 115153

(O) "National bank" means a bank doing business under 115154
authority granted by the office of the comptroller of the 115155
currency. 115156

~~(K)~~(P) "Net income" means all income realized or earned less 115157
all expenses realized or accrued. 115158

~~(L)~~(Q) "Paid-in capital" means the aggregate par value of all 115159
of a stock state bank's outstanding shares of all classes. 115160

~~(M)~~(R) "Person" means an individual, sole proprietorship, 115161
partnership, joint venture, association, trust, estate, business 115162
trust, limited liability company, corporation, or any similar 115163
entity or organization. 115164

(S) "Remote service unit" means an automated facility, 115165
operated by a customer of a bank, that conducts banking functions, 115166
such as receiving deposits, paying withdrawals, or lending money. 115167

(T) "Reorganization" means a consolidation, merger, or transfer of assets and liabilities pursuant to Chapter 1115. or 1116. of the Revised Code.

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~~(N)~~(U) "Savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a.

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(V) "Savings association" means a savings and loan association doing business under authority granted by the ~~superintendent of financial institutions pursuant to Chapter 1151.~~ of the Revised Code, a savings and loan association doing business under authority granted by the regulatory authority of another state, ~~or a federal savings association.~~ "Savings association" also includes a state bank that elects to operate as a savings and loan association under section 1109.021 of the Revised Code.

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~~(O)~~(W) "Savings bank" means a savings bank doing business under authority granted by the ~~superintendent of financial institutions pursuant to Chapter 1161.~~ of the Revised Code or a savings bank doing business under authority granted by the regulatory authority of another state.

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~~(P)~~(X) "Shares" means any equity interest, including a limited partnership interest and any other equity interest in which liability is limited to the amount of the investment. "Shares" does not include a general partnership interest or any other interest involving general liability.

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(Y) "State bank" means a bank doing business under authority granted by the superintendent of financial institutions. "State bank" includes a state bank that elects to operate as a savings and loan association under section 1109.021 of the Revised Code.

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~~(Q)~~(Z) "Stock state bank" means a state bank that has an ownership structure represented by shares of stock.

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(AA) "Subsidiary" has the same meaning as in section 1109.53 of the Revised Code.

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~~(R)~~(BB) "Surplus" means the total of amounts paid for shares 115199
in excess of their respective par values, amounts contributed 115200
other than for shares, and amounts transferred from undivided 115201
profits, less amounts transferred to stated capital. 115202

~~(S)~~(CC) "Trust company" means ~~a corporation~~ an entity 115203
qualified and licensed under section 1111.06 of the Revised Code 115204
to solicit or engage in trust business in this state, or a person 115205
that is required by Chapter 1111. of the Revised Code to be a 115206
~~corporation~~ an entity qualified and licensed under section 1111.06 115207
of the Revised Code to solicit or engage in trust business in this 115208
state. 115209

~~(T)~~(DD) "Undivided profits" means the cumulative 115210
undistributed amount of a bank's net income not otherwise 115211
allocated. 115212

Sec. 1101.02. It is hereby declared to be the purpose of the 115213
general assembly in enacting Chapters 1101. to 1127. of the 115214
Revised Code to do all of the following: 115215

(A) Delegate to the division of financial institutions 115216
rule-making power and administrative discretion, subject to 115217
Chapters 1101. to 1127. of the Revised Code, to assure the 115218
supervision and regulation of banks chartered under the laws of 115219
this state may be flexible and readily responsive to changes in 115220
economic conditions, banking practices, and the financial services 115221
industry; 115222

(B) Provide for the protection of the interests of 115223
depositors, creditors, shareholders, members, and the general 115224
public in banks doing business in this state; 115225

(C) Permit banks to effectively serve the convenience and 115226
needs of their depositors, borrowers, and others, and permit the 115227
continued improvement of the products and services banks provide; 115228

(D) Provide the opportunity for the boards and management of 115229
banks to exercise their business judgment, subject to the 115230
provisions of Chapters 1101. to 1127. and 1701. of the Revised 115231
Code; 115232

(E) Provide state banks with competitive parity with other 115233
types of financial institutions doing business in this state; 115234

(F) Sustain the viability of the state bank charter option 115235
and the dual banking system in this state and the United States; 115236

~~(F)~~(G) Clarify and modernize the laws governing banking. 115237

Sec. 1101.03. (A) Except as otherwise provided in this 115238
section, every bank existing on or incorporated after ~~January 1,~~ 115239
~~1997,~~ the effective date of this amendment is subject to Chapters 115240
1101. to 1127. of the Revised Code. 115241

(B) Except as otherwise provided in this section, Chapters 115242
1101. to 1127. of the Revised Code do not affect the legality of 115243
banks organized, loans or investments made or committed to be 115244
made, or transactions completed or committed before ~~January 1,~~ 115245
~~1997~~ the effective date of this amendment. 115246

(C) Except as otherwise provided in this section, Chapters 115247
1101. to 1127. of the Revised Code do not affect the status of any 115248
bank organized, or any banking office established or authorized, 115249
before ~~January 1, 1997~~ the effective date of this amendment. 115250

(D) Chapters 1101. to 1127. of the Revised Code do not apply 115251
to persons in their fiduciary capacities, as follows: 115252

(1) Any person who, on ~~January 1, 1997~~ the effective date of 115253
this amendment, is serving as a fiduciary under a trust 115254
instrument, will, or other document executed before ~~January 1,~~ 115255
~~1997~~ the effective date of this amendment; 115256

(2) Any person who is named or nominated as a potential, 115257
prospective, or successor fiduciary in a trust instrument, will, 115258

or other document executed before January 1, 1997 the effective 115259
date of this amendment. 115260

(E) Both of the following apply to every savings bank and 115261
savings and loan association that is organized under the laws of 115262
this state and is in existence as of the effective date of this 115263
amendment: 115264

(1) The powers, privileges, duties, and restrictions 115265
conferred and imposed in the charter or act of incorporation of 115266
such an institution are hereby abridged, enlarged, or otherwise 115267
modified so that each charter or act of incorporation conforms to 115268
the provisions of this title. 115269

(2) Notwithstanding any contrary provision in its charter or 115270
act of incorporation, every such institution possesses the powers, 115271
rights, and privileges and is subject to the duties, restrictions, 115272
and liabilities conferred and imposed by this title. 115273

(F) Any state bank that wishes to become or remain an 115274
affiliate of a savings and loan holding company may do so by 115275
complying with section 1109.021 of the Revised Code. 115276

Sec. 1101.05. Except as otherwise expressly provided, the 115277
provisions of Chapters 1101. to 1127. of the Revised Code and any 115278
rules adopted under those chapters: 115279

(A) Are enforceable only by the superintendent of financial 115280
institutions, the superintendent's designee, the federal deposit 115281
insurance corporation, the federal reserve, or, with respect to 115282
Chapter 1127. of the Revised Code, a prosecuting attorney; and 115283

(B) Do not create or provide a private right of action or 115284
defense for or on behalf of any party other than the 115285
superintendent or the superintendent's designee. 115286

Sec. 1101.15. (A)(1) Except as provided in division (A)(2) of 115287

this section, no person other than a bank doing business under 115288
authority granted by the superintendent of financial institutions, 115289
the bank chartering authority of another state, the office of the 115290
comptroller of the currency, or the bank chartering authority of a 115291
foreign country shall do either of the following: 115292

(a) Use "bank," "banker," ~~or~~ "banking," "savings 115293
association," "savings and loan," "building and loan," or "savings 115294
bank," or a word or combination of words of similar meaning in any 115295
other language, in a designation or name, or as any part of a 115296
designation or name, under which business is or may be conducted 115297
in this state; 115298

(b) Represent itself as a bank. 115299

~~(2)(a) A corporation doing business under Chapter 1151. of 115300
the Revised Code may use the word "bank," "banker," or "banking," 115301
or a word or words of similar meaning in any other language, in or 115302
as part of a designation or name under which business is or may be 115303
conducted in this state, as provided in section 1151.07 of the 115304
Revised Code. 115305~~

~~(b) A corporation doing business under Chapter 1161. of the 115306
Revised Code may use the word "bank," "banker," or "banking," or a 115307
word or words of similar meaning in any other language, in or as 115308
part of a designation or name under which business is or may be 115309
conducted in this state, as provided in section 1161.09 of the 115310
Revised Code. 115311~~

~~(c) A corporation doing business under authority granted by 115312
the office of thrift supervision may use the word "bank," 115313
"banker," or "banking," or a word or words of similar meaning in 115314
any other language, in or as part of a designation or name under 115315
which business is or may be conducted in this state. 115316~~

~~(d) A person, whether operating for profit or not, may use 115317
the word words "bank," "banker," ~~or~~ "banking," "savings 115318~~

association," "savings and loan," "building and loan," or "savings bank," or a word or combination of words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted if the superintendent determines the name, on its face, is not likely to mislead the public and authorizes the use of the name.

(B)(1) Except as provided in division (B)(2) of this section, no person, other than a corporation licensed in accordance with authority granted in Chapter 1111. of the Revised Code as a trust company, a national bank with trust powers, or a federal savings association with trust powers, shall do either of the following:

(a) Use the word "trust," or a word or words of similar meaning in any other language, in a designation or name, or as any part of a designation or name, under which business is or may be conducted in this state;

(b) Otherwise represent itself as a fiduciary or trust company.

(2)(a) A person that is not required to be licensed under Chapter 1111. of the Revised Code may serve as a fiduciary and, when acting in that fiduciary capacity, otherwise represent such person as a fiduciary.

(b) A person licensed by another state to serve as a fiduciary and exempt from licensure under Chapter 1111. of the Revised Code may serve as a fiduciary to the extent permitted by the exemption.

~~(c) A savings and loan association may serve as a trustee to the extent authorized by section 1151.191 of the Revised Code.~~

~~(d) A savings bank may serve as a trustee to the extent authorized by section 1161.24 of the Revised Code.~~

~~(e) A charitable trust, business trust, real estate~~

investment trust, personal trust, or other bona fide trust may use 115349
the word "trust" or a word or words of similar meaning in any 115350
other language, in a designation or name, or as part of a 115351
designation or name, under which business is or may be conducted. 115352

~~(f)~~(d) A person, whether operating for profit or not, may use 115353
"trust" or a word or words of similar meaning in any other 115354
language, in a designation or name, or as part of a designation or 115355
name, under which business is or may be conducted, if the 115356
superintendent determines the name, on its face, is not likely to 115357
mislead the public and authorizes the use of the name. 115358

(C) No bank or trust company shall use "state" as part of a 115359
designation or name under which it transacts business in this 115360
state, unless the bank or trust company is doing business under 115361
authority granted by the superintendent or the bank chartering 115362
authority of another state. 115363

Sec. 1101.16. (A) No person shall solicit, receive, or accept 115364
~~deposits money or its equivalent for deposit as a business~~ in this 115365
state, except a state bank, a domestic association as defined in 115366
~~section 1151.01 of the Revised Code, a savings bank as defined in~~ 115367
~~section 1161.01 of the Revised Code~~ an entity doing business as a 115368
bank, savings bank, or savings association under authority granted 115369
by the bank regulatory authority of the United States, another 115370
state of the United States, or another country, or a credit union 115371
as defined in section 1733.01 of the Revised Code that is 115372
authorized to accept deposits in this state, ~~and except as~~ 115373
~~provided in sections 1115.05, 1117.01, 1151.052, 1151.053,~~ 115374
~~1151.60, 1161.07, 1161.071, and 1161.76 of the Revised Code.~~ 115375

(B) ~~No bank or bank holding company incorporated under the~~ 115376
~~laws of another state or having its principal place of business in~~ 115377
~~another state shall solicit, receive, or accept deposits in this~~ 115378
~~state unless it has established or acquired a banking office~~ 115379

~~pursuant to section 1117.01 of the Revised Code or a transaction 115380
under section 1115.05 of the Revised Code, or transact any banking 115381
business of any kind in this state other than lending money, trust 115382
business in accordance with Chapter 1111. of the Revised Code, or 115383
through or as an agent pursuant to section 1117.05 of the Revised 115384
Code. 115385~~

~~(C) No bank having its principal place of business in a 115386
foreign country shall solicit, receive, or accept deposits or 115387
transact any banking business of any kind in this state, except in 115388
accordance with Chapter 1115. or 1119. of the Revised Code. 115389~~

~~(D) Nothing in this section prohibits a person from making a 115390
deposit in that person's own account with a depository institution 115391
outside this state by means of an automated teller machine or 115392
other money transmission device in this state. However, no 115393
depository institution outside this state shall establish a 115394
deposit account with or for a person in this state by means of an 115395
automated teller machine or other money transmission device in 115396
this state. 115397~~

Sec. 1103.02. When the articles of incorporation and the 115398
superintendent of financial institutions' certificate of approval 115399
are filed with the secretary of state, the persons who have 115400
subscribed them or their successors and assigns shall become a 115401
body corporate by the name designated in the articles of 115402
incorporation, with succession. The legal existence of the state 115403
bank begins upon the filing of the articles of incorporation and, 115404
unless the articles of incorporation otherwise provide, its period 115405
of existence is perpetual. 115406

Sec. 1103.03. Except where the law of this state, the 115407
articles of incorporation, or the code of regulations require 115408
action to be authorized or taken by shareholders, all of the 115409

authority of a state bank shall be exercised by or under the 115410
direction of the board of directors in accordance with Chapter 115411
1105. of the Revised Code. 115412

Sec. 1103.07. (A) The name of a state bank: 115413

(1) Shall include "~~bank,~~" either of the following: 115414

(a) "Bank," "banking," "company," or "co.;" 115415

(b) "Savings," "loan," "savings and loan," "building and
loan," or "thrift." 115416
115417

(2) May include the word "state," "federal," "association," 115418
or, if approved by the superintendent of financial institutions, 115419
another term; 115420

(3) Shall not, as determined by the superintendent ~~of~~ 115421
~~financial institutions,~~ be likely to mislead the public as to the 115422
bank's character or purpose; 115423

(4) Shall, as determined by the superintendent, be 115424
distinguishable from all names already recorded by existing 115425
financial institutions in this state or for which reservations 115426
under this section are in effect, unless the existing financial 115427
institution that earliest recorded a name from which the proposed 115428
name is not distinguishable, or the person that reserved a name 115429
from which the proposed name is not distinguishable, has filed its 115430
written consent with the superintendent and with the secretary of 115431
state pursuant to division (C) of section 1701.05 of the Revised 115432
Code. 115433

(B) To reserve a name for a state bank to be organized under 115434
Chapter 1113. or 1114. of the Revised Code or for an existing 115435
state bank, a person shall submit to the superintendent a written 115436
application for the exclusive right to use a specified name. If 115437
the superintendent finds that the specified name satisfies the 115438
requirements for a state bank name and is available for use in 115439

accordance with this section, the superintendent shall endorse 115440
approval on the application and forward the reservation to the 115441
secretary of state for filing. 115442

(C)(1) Reservation of a name pursuant to division (B) of this 115443
section gives the applicant the exclusive right to use the name as 115444
follows: 115445

(a) If the reservation application is submitted to the 115446
superintendent prior to submitting an application to incorporate a 115447
new state bank or amended articles of incorporation or an 115448
amendment to the articles of incorporation, for one hundred eighty 115449
days after the date on which the secretary of state filed the 115450
reservation endorsed by the superintendent, and for one year after 115451
the date on which the secretary of state filed the reservation 115452
endorsed by the superintendent if the superintendent extends the 115453
reservation; 115454

(b) If an application to incorporate a new state bank or 115455
amended articles of incorporation or an amendment to the articles 115456
of incorporation for an existing state bank is submitted to the 115457
superintendent concurrently with the reservation application or 115458
during the time a previously filed reservation remains in effect, 115459
from the date on which the secretary of state filed the 115460
reservation endorsed by the superintendent until the 115461
superintendent approves or disapproves the incorporation of the 115462
new state bank or the amended articles of incorporation or 115463
amendment to the articles of incorporation for an existing state 115464
bank. 115465

(2) The superintendent shall, on behalf of a state bank or 115466
other person that has reserved a name pursuant to this section, 115467
endorse and forward to the secretary of state any additional name 115468
reservations required to maintain the reservation of the name 115469
under section 1701.05 of the Revised Code for as long as the name 115470
reservation is in effect pursuant to division (C)(1) of this 115471

section. 115472

(D) For purposes of this section, a name is recorded if it is 115473
either of the following: 115474

(1) The name of a ~~financial institution~~ bank, savings bank, 115475
or savings association in its articles of incorporation or 115476
articles of association on the records of the secretary of state, 115477
superintendent of financial institutions, office of the 115478
comptroller of the currency, ~~office of thrift supervision,~~ or any 115479
of their successors; 115480

(2) Registered as, or as part of, a trade name or service 115481
mark with the secretary of state. 115482

(E)(1) Absent the express written permission of the state 115483
bank, no person shall use the name of a state bank in an 115484
advertisement, solicitation, promotional, or other material in a 115485
way that may mislead another person, or cause another person to be 115486
misled, into believing that the person issuing the advertisement, 115487
solicitation, promotional, or other material is associated or 115488
affiliated with the state bank. 115489

(2) A state bank injured by a violation of division (E)(1) of 115490
this section may bring an action in law or equity for recovery of 115491
damages, a temporary restraining order, an injunction, or any 115492
other available remedy. 115493

Sec. 1103.18. (A) Instead of a treasurer, as required by 115494
section 1701.64 of the Revised Code, a state bank may have a 115495
cashier, controller, comptroller, or other officer whose authority 115496
and duties the superintendent of financial institutions determines 115497
are essentially equivalent to those of a treasurer. 115498

(B) For any state bank that has a cashier, controller, 115499
comptroller, or other officer instead of a treasurer, as 115500
authorized by division (A) of this section, the cashier, 115501

controller, comptroller, or other officer may execute, 115502
acknowledge, or verify any instrument or take any other action 115503
that by law a treasurer of the state bank would be authorized to 115504
execute, acknowledge, verify, or take. 115505

Sec. 1103.19. When the signatures of two ~~officers~~ authorized 115506
representatives of a state bank are required, as for a certificate 115507
for an amendment of the state bank's articles of incorporation or 115508
amended articles of incorporation pursuant to section ~~1103.08~~ ~~or~~ 115509
~~1103.09~~ 1113.12, 1113.13, or 1114.11 of the Revised Code or for 115510
certification of a conversion pursuant to section 1115.01 of the 115511
Revised Code, a consolidation or merger pursuant to section 115512
1115.11 of the Revised Code, or a transfer of assets and 115513
liabilities pursuant to section 1115.14 of the Revised Code, one 115514
of the ~~officers~~ authorized representatives signing shall be the 115515
chairperson of the board of directors, the president, or a 115516
vice-president, as determined by the board of directors. The other 115517
~~officer~~ authorized representative signing shall be the secretary 115518
or an assistant secretary, as determined by the board of 115519
directors. 115520

Sec. 1103.20. (A) When any provision in Chapters 1101. to 115521
1127. or Chapter 1701. of the Revised Code requires a document 115522
regarding an existing, previously existing, or proposed state bank 115523
to be filed with the secretary of state, all of the following 115524
apply: 115525

(1) The person responsible for producing the document shall 115526
deliver the document, properly completed, to the superintendent of 115527
financial institutions, along with payment for any fee required 115528
for filing the document with the secretary of state. 115529

(2) The superintendent shall file the document, and any 115530
required approval by the superintendent, with the secretary of 115531

state. 115532

(3) The secretary of state shall send a certified copy of the 115533
document to both the superintendent and the state bank or other 115534
person on whose behalf the superintendent filed the document. 115535

(B) If the person responsible for producing the document to 115536
be filed fails to comply with division (A)(1) of this section, the 115537
action or transaction to which the document relates is not 115538
authorized or effective. 115539

Sec. 1103.99. Whoever violates division (E)(1) of section 115540
1103.07 of the Revised Code shall be subject to a civil penalty of 115541
up to ten thousand dollars for each day the violation is 115542
committed, repeated, or continued. 115543

Sec. 1105.01. (A) Except where the Revised Code, the articles 115544
of incorporation, or the code of regulations require action to be 115545
authorized or taken by shareholders or members, all of the 115546
authority of a state bank shall be exercised by or under the 115547
direction of the bank's board of directors. The board of directors 115548
shall consist of not less than five directors. 115549

(B) Unless the articles of incorporation or the code of 115550
regulations provide for a different term, which may not exceed 115551
three years from the date of the director's election and until the 115552
director's successor is elected and qualified, each director shall 115553
hold office until the next annual meeting of the shareholders or 115554
members and until the director's successor is elected and 115555
qualified, or until the director's earlier resignation, removal 115556
from office, or death. 115557

(C) The articles of incorporation or the code of regulations 115558
may provide for the classification of directors into either two or 115559
three classes consisting of not less than ~~three~~ two directors 115560
each. The terms of office of the several classes need not be 115561

uniform, except that no term shall exceed the maximum time 115562
specified in division (B) of this section. 115563

Sec. 1105.02. (A)(1) Of the directors on the board of 115564
directors of a state bank: 115565

(a) A majority of the directors shall be outside directors. 115566
However, in the case of a stock state bank, if eighty per cent or 115567
more of any class of the bank's voting shares are owned by a 115568
company, a majority of the directors may be officers or directors 115569
of one or more affiliates of the bank. 115570

(b) ~~A majority of the directors shall be residents of this~~ 115571
~~state or live within one hundred miles of this state~~ For purposes 115572
of this section, anyone who is not an employee of the state bank 115573
or the bank holding company shall be considered an outside 115574
director. 115575

(2)(a) If during a term of office a director causes the total 115576
membership of the board to be ~~in violation of~~ out of compliance 115577
with division (A)(1)(a) ~~or (b)~~ of this section, the director 115578
forfeits the directorship, and the director's office is then 115579
vacant. 115580

(b) ~~If the membership of a board of directors of a bank on~~ 115581
~~July 14, 1987, is composed in violation of division (A)(1)(a) or~~ 115582
~~(b) of this section, the directors who are holding office on that~~ 115583
~~date may continue to hold office, and may be reelected or~~ 115584
~~reappointed if there is no interruption in their respective~~ 115585
~~service.~~ 115586

~~(c)~~ No new director, or former director who is elected or 115587
appointed to the board after an interruption in service, shall be 115588
elected or appointed ~~in violation of~~ if it causes the total 115589
membership of the board to be out of compliance with division 115590
(A)(1)(a) ~~or (b)~~ of this section. 115591

(B)(1) No person who has been convicted of, or has pleaded guilty to, a felony or any crime involving an act of fraud, dishonesty ~~or~~, breach of trust, theft, or money laundering shall ~~take office~~ serve as a director of a bank or a subsidiary or affiliate of a bank. The superintendent of financial institutions may waive this restriction if the crime the person was convicted of or pleaded guilty to was a misdemeanor or minor misdemeanor or the equivalent thereof.

(2) If during a term of office any director is convicted of, or pleads guilty to, a ~~felony~~ crime described under division (B)(1) of this section, the director forfeits the directorship, and the director's office is then vacant.

Sec. 1105.03. (A) To qualify as a director, each person elected or appointed to the board of directors shall, within sixty days after election or appointment, take and subscribe an oath to diligently and honestly perform the duties of a director and to not knowingly violate or permit to be violated any federal banking law or any provision of Chapters 1101. to 1127. of the Revised Code.

(B) Promptly upon execution, and within sixty days of the person's election or appointment, the oath shall be filed with the secretary of the state bank.

Sec. 1105.04. Each officer and employee of a state bank, prior to the discharge of the officer's or employee's duties, shall be covered by an individual, schedule, or blanket fidelity bond in favor of the bank, with terms and issuing insurer approved by the board of directors. The amount of the bond shall be set by the board of directors, and shall be reasonable given the size of the bank and nature of its business. The board of directors are not required to provide a bond covering their duties as directors.

Sec. 1105.08. (A)(1) A state bank's board of directors shall 115622
meet monthly unless the bank's code of regulations provides for a 115623
different frequency of meetings, which shall not be less than 115624
quarterly. 115625

(2) Division (A)(1) of this section does not prohibit either 115626
of the following: 115627

(a) A state bank's board of directors meeting more frequently 115628
than required by division (A)(1) of this section or the bank's 115629
code of regulations; 115630

(b) The superintendent of financial institutions requiring a 115631
state bank's board of directors to meet more frequently than 115632
required by division (A)(1) of this section or the bank's code of 115633
regulations if the superintendent determines more frequent 115634
meetings are appropriate because of circumstances regarding the 115635
bank. 115636

(B) Unless prohibited by the articles of incorporation, the 115637
code of regulations, or, in the case of a committee of the board 115638
of directors, an order of the board of directors, meetings of the 115639
board of directors or a committee of the board of directors may be 115640
held ~~through~~ in any manner permitted by the laws of this state, 115641
including by communications equipment, if all persons 115642
participating can communicate with each of the others. 115643
Participation in a meeting in accordance with this division 115644
constitutes presence at the meeting. 115645

(C) Minutes shall be kept of all meetings of a state bank's 115646
board of directors and of any committees of the board of 115647
directors, and shall be recorded in a readable and reproducible 115648
form and kept at the bank. The minutes shall show the action of 115649
the board of directors or any committee of the board of directors 115650
on loans, discounts, and investments made or authorized. The 115651
minutes of all committees of the board of directors shall be 115652

submitted to the board of directors for review at each meeting of 115653
the board of directors. 115654

Sec. 1105.10. (A) Once elected or appointed, a director may 115655
be removed ~~by~~ as follows: 115656

(1) By the board of directors or the superintendent of 115657
financial institutions if ~~either~~ any of the following applies: 115658

~~(1)~~(a) The director has filed for relief or is a debtor in a 115659
case filed under Title XI of the United States Code; 115660

~~(2)~~(b) A court has determined the director is incompetent; 115661

(c) The director has been removed in accordance with federal 115662
law. 115663

(2) By the board of directors for any of the grounds set 115664
forth in the state bank's code of regulations or bylaws; 115665

(3) By a majority of the disinterested directors if they 115666
determine the director has a conflict of interest. 115667

(B)(1)(a) Except as provided in division (B)(1)(b) of this 115668
section, unless the articles of incorporation or the code of 115669
regulations of the state bank expressly provide that removal of 115670
members of the board of directors shall require a greater vote, 115671
the shareholders or members may remove all the directors, all the 115672
directors of a particular class, or any individual director from 115673
office, without assigning any cause, by the vote of the holders of 115674
a majority of the voting power entitling them to elect directors 115675
in place of those to be removed. 115676

(b) If the shareholders or members have the right to vote 115677
cumulatively in the election of directors of the bank, unless all 115678
the directors or all the directors of a particular class are 115679
removed, the vote of shareholders or members does not remove an 115680
individual director if the votes cast against the director's 115681
removal, if cumulatively voted at an election of all the directors 115682

or all the directors of a particular class, as the case may be, 115683
would be sufficient to elect at least one director. 115684

(2) If one or more directors is removed pursuant to division 115685
(B)(1) of this section, the shareholders or members may elect a 115686
new director at the same meeting for the unexpired term of each 115687
director removed. Failure of the shareholders or members to elect 115688
a director to fill the unexpired term of any director removed is 115689
deemed to create a vacancy in the board. 115690

(C) Unless the articles of incorporation or the code of 115691
regulations otherwise provide, the remaining directors, though 115692
less than a majority of the whole authorized number of directors, 115693
may, by the vote of a majority of their number, fill any vacancy 115694
in the board for the unexpired term. 115695

(1) A vacancy exists if the shareholders or members increase 115696
the authorized number of directors but fail at the meeting at 115697
which the increase is authorized, or an adjournment of the 115698
meeting, to elect the additional directors provided for, or if the 115699
shareholders or members fail at any time to elect the whole 115700
authorized number of directors. 115701

(2) The office of a member of the board of directors becomes 115702
vacant if the director dies ~~or~~, resigns, or is removed. A 115703
resignation takes effect immediately unless the director specifies 115704
another time. 115705

(D) If a vacancy created on the board of directors causes the 115706
number of directors to be less than that fixed by the articles of 115707
incorporation or code of regulations, the vacancy shall not be 115708
required to be filled until such time as an appropriate candidate 115709
is identified and duly appointed or elected. 115710

(E) Notwithstanding divisions (B) and (C) of this section, 115711
the requirement for a quorum set forth in section 1701.62 of the 115712
Revised Code applies to a state bank's board of directors. 115713

Sec. 1105.11. ~~Any~~ (A) A director, officer, employee, or other institution-affiliated party of a bank who knowingly violates or knowingly permits any of the officers, agents, or employees of the bank to violate any provision of Chapters 1101. to 1127. of the Revised Code shall not be liable personally and individually liable for all direct or indirect damages the bank, its shareholders or members, or any other person sustains in consequence of the a violation of or failure to comply with any provision of Chapters 1101. to 1127. of the Revised Code or the rules adopted under those chapters, including any civil money penalties, unless it can be shown that the director, officer, employee, or other institution-affiliated party knowingly violated or failed to comply with that provision of law or, with respect to a director's liability, that the director knowingly permitted any of the officers, employees, or other institution-affiliated parties to violate or fail to comply with any such provision.

(B) Nothing in this section shall be construed to deprive a director of the defenses set forth in section 1701.59 of the Revised Code.

Sec. 1107.03. No state bank shall operate without adequate capital as determined by the superintendent of financial institutions. In evaluating the adequacy of a state bank's capital, the superintendent may consider any of the following:

(A) The nature and volume of the bank's business;

(B) The amount, nature, quality, and liquidity of the bank's assets;

(C) The amount and nature of the bank's liabilities, including those that are not presently due or are contingent;

(D) The amount and nature of the bank's fixed costs;

(E) The history of and prospects for the bank to earn and

retain income; 115744

(F) The quality of the bank's operations, including risk management; 115745
115746

(G) The quality of the bank's management; 115747

(H) The nature and quality of the bank's ownership; 115748

(I) Any other factor the superintendent finds to be relevant under the circumstances. 115749
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Sec. 1107.05. (A) A state bank may issue debt securities at 115751
the times, in the amounts, and subject to the terms approved in 115752
writing by the superintendent of financial institutions. 115753

(B) ~~The~~ In the case of a stock state bank, the terms of debt 115754
securities may include either of the following: 115755

(1) Options to subscribe to or purchase the bank's shares at 115756
not less than par value; 115757

(2) The right to convert the debt securities to the bank's 115758
shares, if the par value of the shares resulting from the 115759
conversion does not exceed the value on the bank's books of the 115760
debt securities being converted. 115761

(C) The terms of any option granted in connection with the 115762
issuance of debt securities or any right to convert debt 115763
securities to shares shall not permit or require the holders of 115764
the debt securities to be held individually responsible for the 115765
state bank's debts, contracts, or engagements, ~~or for assessments~~ 115766
~~for restoration of the bank's paid-in capital,~~ on the basis of 115767
their status as holders of the debt securities. 115768

Sec. 1107.07. ~~(A)~~ All stock state bank shares shall have par 115769
value, whether they are common shares or preferred shares. 115770

~~(B)(1) Except as otherwise provided in division (B)(2) of~~ 115771

~~this section:~~ 115772

~~(a) Bank shares still held as treasury shares one year after being acquired are deemed retired and to be authorized and unissued shares.~~ 115773
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~~(b) Authorized and unissued bank shares that are not issued or reissued and fully paid in one year after being authorized or otherwise becoming authorized and unissued shares are deemed canceled.~~ 115776
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~~(2) Division (B)(1) of this section does not apply to bank shares authorized or acquired and held as treasury shares for purposes of meeting conversion rights or options, employee stock purchase or ownership plans, mergers, consolidations, other reorganizations, or acquisitions, purchases of real estate the board of directors considers necessary or convenient for transaction of the bank's business, or any other specific purpose, in accordance with division (D) of section 1103.08 or division (A)(1) of section 1103.09 of the Revised Code.~~ 115780
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~~(C) Preferred shares retired by a bank shall be canceled and not reissued, whether or not provision for cancellation is made in the bank's articles of incorporation.~~ 115789
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~~(D) Both common shares and preferred shares of a bank shall be assessable, on a pro rata basis, for restoration of the bank's paid in capital.~~ 115792
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Sec. 1107.09. (A) A stock state bank may, with the approval of the bank's board of directors, the holders of a majority of the bank's voting shares, and the superintendent of financial institutions, adopt and carry out plans for the offering or sale of, the grant of, or the grant of options on, the bank's shares to any or all employees, officers, or directors of the bank or any of the bank's subsidiaries or affiliates, or to other parties, or to 115795
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a trustee on their behalf. For purposes of this section, "other parties" means any person that has provided, or will provide, a service or a benefit to the bank, as determined by the board of directors.

(B) A plan may be adopted under this section for any unissued shares, treasury shares, or shares to be purchased or granted. A plan may provide for the payment or issuance of the shares at one time or in installments or for the establishment of special funds in which employees or other parties approved under division (A) of this section may participate.

(C) Shares otherwise subject to pre-emptive rights may be offered or sold under a plan only when released from pre-emptive rights. Shares authorized for the purpose of carrying out a plan adopted under this section shall, ~~in accordance with division (D) of section 1103.08 of the Revised Code,~~ be deemed released from pre-emptive rights.

Sec. 1107.11. (A) Unless otherwise provided in the articles of incorporation, the holders of any class of a stock state bank's shares, other than shares that are limited as to dividend rate and liquidation price, shall, upon the offering or sale for cash of shares of the same class, have the right, during a reasonable time and on reasonable terms fixed by the directors, to purchase the shares in proportion to their respective holdings of shares of that class, at not less than par value, unless the shares offered or sold are any of the following:

(1) Treasury shares;

(2) Released from pre-emptive rights by the affirmative vote or written consent of the holders of either of the following:

(a) Two-thirds of the shares entitled to the pre-emptive rights;

(b) A majority of the shares entitled to the pre-emptive rights, if for offering and sale or granting options to any or all employees of the bank or any of the bank's subsidiaries or to a trustee on their behalf, under a plan adopted under section 1107.09 of the Revised Code;

(3) Offered to shareholders in satisfaction of their pre-emptive rights and not purchased by the shareholders, and thereupon issued or agreed to be issued for a consideration not less than that at which the shares were offered to the shareholders, less reasonable expenses, compensation, or discount paid or allowed for the sale, underwriting, or purchase of the shares.

(B) An action arising from the offering or sale of shares under division (A) of this section shall be brought within two years after the date on which written notice or other communication of the transaction is mailed or otherwise given to the person entitled to bring the action. In no event shall any such action be brought later than four years after the cause of action accrued.

(C) Pre-emptive rights with respect to shares issued by a stock state bank chartered on or after the effective date of this amendment shall be governed by section 1701.15 of the Revised Code.

Sec. 1107.13. ~~(A) A~~ With the prior written approval of the superintendent of financial institutions, a stock state bank may purchase its own shares only in the following circumstances:

~~(1) To avoid the issuance of, or to eliminate, fractional shares;~~

~~(2) From a shareholder who, by reason of dissent, is entitled to be paid the fair cash value of the shares;~~

~~(3) With the approval of the superintendent of financial institutions, pursuant to authority in the bank's articles of incorporation to purchase its shares accordance with section 1701.35 of the Revised Code.~~

(B) A stock state bank that acquires shares of its stock shall retire or dispose of the shares at the time and in the manner required by the superintendent.

Sec. 1107.15. A stock state bank's board of directors may declare dividends and distributions on the bank's outstanding shares, subject to all of the following conditions:

(A) Except as otherwise provided in division (B) of this section, payment of a dividend or distribution may only be funded from undivided profits or, subject to the approval of the superintendent of financial institutions, from a special reserve created from proceeds from the sale of bank stock.

(B) A dividend or distribution may be funded, in whole or in part, from surplus with the approval of both of the following:

(1) The holders of at least two-thirds of the outstanding shares of each class of the bank's stock;

(2) The superintendent ~~of financial institutions.~~

(C) A dividend or distribution may be paid in treasury shares or in authorized but unissued shares, if the board makes the required transfers to surplus and paid-in capital.

(D) The approval of the superintendent is required for the declaration of dividends and distributions if the total of all dividends and distributions declared on the bank's shares in any year, and not paid in shares, exceeds the total of its net income for that year combined with its retained net income of the preceding two years.

(E) Prior to the declaration of any dividend or distribution

the bank has made all required allocations to reserves for losses 115892
or contingencies. 115893

Sec. 1109.01. (A) A state bank may use, exercise, and enjoy 115894
all of the powers, rights, and privileges of a corporation as set 115895
forth in section 1701.13 of the Revised Code, unless otherwise 115896
provided in its articles of incorporation and except as otherwise 115897
expressly limited by Chapters 1101. to 1127. of the Revised Code. 115898
The powers authorized under this division include the power to 115899
receive any property of any description, or any interest in 115900
property, by gift, devise, or bequest, and to make donations for 115901
the public welfare or for charitable, scientific, or educational 115902
purposes. 115903

(B) A state bank may perform all acts necessary to carry into 115904
effect the powers authorized by Title XI of the Revised Code and 115905
the purposes for which the bank was created. 115906

Sec. 1109.02. (A) In addition to exercising the powers and 115907
performing the acts authorized under Chapters 1101. to 1127. of 115908
the Revised Code, a state bank has and may exercise all powers and 115909
perform all acts attendant to the business of banking as set forth 115910
in those chapters. 115911

(B) A state bank has and may exercise all powers, perform all 115912
acts, and provide all services that are otherwise a part of or 115913
incidental to the business of banking. 115914

(C) In addition to what is otherwise authorized under 115915
Chapters 1101. to 1127. of the Revised Code, a state bank has and 115916
may exercise all powers, perform all acts, and provide all 115917
services that are permitted for national banks and federal savings 115918
associations, other than those dealing with interest rates, 115919
regardless of the date the corresponding parity rule adopted by 115920
the superintendent of financial institutions under section 1121.05 115921

of the Revised Code takes effect. If a state bank intends to take 115922
any such action before the adoption of the corresponding parity 115923
rule, the bank shall provide the superintendent with prior written 115924
notice of the action and the basis for the action. The 115925
superintendent, within ninety days after receipt of that notice, 115926
may prohibit the bank from taking such action if the 115927
superintendent determines it would be unsafe or unsound for the 115928
bank. 115929

Sec. 1109.021. (A) As used in this section, "portfolio 115930
assets" and "qualified thrift investments" have the same meanings 115931
as in 12 U.S.C. 1467a, as amended. 115932

(B) A state bank may elect to operate as a savings and loan 115933
association by filing a written notice of that election with the 115934
superintendent of financial institutions. 115935

(C) Upon filing an election notice, a state bank shall be 115936
considered a savings and loan association if both of the following 115937
conditions are met: 115938

(1) Its qualified thrift investments equal or exceed 115939
sixty-five per cent of its portfolio assets. 115940

(2) Its qualified thrift investments continue to equal or 115941
exceed sixty-five per cent of its assets on a monthly average 115942
basis in nine out of every twelve months. 115943

(D) A state bank may revoke its election notice at any time 115944
by submitting a written notice thereof to the superintendent. 115945

Sec. 1109.03. (A) No bank shall transact business in this 115946
state unless its deposit accounts are insured by the federal 115947
deposit insurance corporation, except a bank that by the terms of 115948
its articles of incorporation or articles of association is not 115949
permitted to solicit or accept deposits other than trust funds. 115950
Each bank whose deposit accounts are insured by the federal 115951

deposit insurance corporation shall maintain that insurance as a 115952
condition of doing business in this state. 115953

(B) Each bank doing business in this state shall comply with 115954
the reserve requirements of the "Federal Reserve Act of 1913," as 115955
amended. 115956

(C) Any bank doing business in this state may become a member 115957
of the federal reserve system as permitted under federal law and 115958
do all things necessary to maintain that membership in accordance 115959
with the "Federal Reserve Act of 1913," as amended. 115960

(D) Any bank doing business in this state may become a member 115961
of a federal home loan bank and do all things necessary to 115962
maintain that membership in accordance with the "Federal Home Loan 115963
Bank Act of 1932," 47 Stat. 725, 12 U.S.C.A. 1421, as amended. A 115964
bank may purchase and hold stock in a federal home loan bank in 115965
excess of the amount required for membership, if that purchase and 115966
holding of stock is consistent with the financial condition of the 115967
bank and prudent banking practice. 115968

Sec. 1109.04. (A) A bank may, in good faith, rely: 115969

(1) On any and all information, agreements, documents, and 115970
signatures provided by its customers as being true, accurate, 115971
complete, and authentic and representing what they purport to 115972
represent; and 115973

(2) That the persons signing have full capacity and complete 115974
authority to execute and deliver any and all such documents and 115975
agreements and to act in such capacity as may be represented to 115976
the bank. 115977

As used in this division, "good faith" has the same meaning 115978
as in section 1301.201 of the Revised Code. 115979

(B) A bank may, with the customer's consent, provide 115980
electronically any statement, notice, or report required to be 115981

provided customers under this chapter. A customer's consent may be 115982
obtained electronically or in writing. 115983

(C) A bank customer may, with the bank's consent, provide 115984
electronically any notice required to be provided to the bank 115985
under this chapter. A bank's consent may be obtained 115986
electronically or in writing. 115987

Sec. 1109.05. (A) A bank may receive money on deposit and may 115988
establish the terms and conditions of each deposit contract. A 115989
bank may receive demand deposits subject to withdrawal or to 115990
payment upon the depositor's check, order, or other authorization. 115991

(B) At the time of opening a deposit account, a bank shall 115992
provide the depositor a statement containing the existing terms 115993
and conditions of the deposit contract. The statement may be set 115994
forth on the depositor's signature card, which card may be 115995
electronic or in writing. Before effecting any change in the terms 115996
and conditions of a deposit contract, a bank shall ~~send written~~ 115997
provide notice, in written or electronic form, of the change to 115998
each depositor with whom the bank has a deposit contract of the 115999
kind to be changed. Depositors and any other owners of interests 116000
in deposit accounts shall be bound by all changes banks make in 116001
their deposit contracts. 116002

(C) For each deposit account a bank shall, at minimum, do 116003
either of the following: 116004

(1) Periodically ~~send~~ make available to each deposit customer 116005
a ~~written~~ report, in written or electronic form, of the customer's 116006
deposit account activity since the last report was provided, 116007
unless the account is a certificate of deposit with no activity 116008
except for compounding interest; 116009

(2) Issue a passbook on which deposits, interest, payments, 116010
and withdrawals can be recorded. 116011

(D) A bank may secure deposits in the manner and to the extent provided or authorized by law or any lawful order of a court having custody of money and ordering money to be deposited.

(E)(1) A bank may serve as a depository for public funds of this state, other states of the United States, political subdivisions of this state and other states of the United States, the United States, agencies of the United States, foreign nations, political subdivisions of foreign nations, multinational organizations, and subdivisions of multinational organizations.

(2)(a) A bank may provide security for the public funds described in division (E)(1) of this section if that is a condition imposed by law for their deposit.

(b) Depositors of public funds that are collateralized by securities pledged by a bank in accordance with Chapter 135. of the Revised Code and any applicable federal law shall have and maintain a first and best lien and security interest in and to such securities, any substitute securities, and the proceeds of those securities, in favor of such depositors.

Sec. 1109.08. (A) A bank may provide safes, vaults, safe deposit boxes, night depositories, and other secure receptacles for the uses, purposes, and benefits of its customers, on the terms and conditions the bank prescribes.

(B) A bank may, on the terms and conditions the bank prescribes, receive tangible property and evidence of tangible or intangible property for safekeeping using any of the following:

(1) The bank's safes, vaults, and other secure receptacles;

(2) The safes, vaults, and other secure receptacles of another bank or of a safekeeping agent or custodian that is qualified under rules adopted by the superintendent of financial institutions;

(3) The bank's own safekeeping system or the safekeeping system of another bank or of a safekeeping agent or custodian that is qualified under rules adopted by the superintendent;

(4) A recognized title or registration system, on the terms and conditions the bank prescribes.

(C) Unless agreed to in writing by the bank, nothing in this section creates a bailment between a customer and the bank.

Sec. 1109.10. If any claim not clearly consistent with the terms of any applicable authority on file with a bank is made to any deposit, safe deposit box, property held in safekeeping, security, obligation, or other property in the bank's possession or control, in whole or in part, by any person, including any depositor, individual, or group of individuals, whether or not authorized to draw on or exercise any right or control with respect to the property, the bank is not required to recognize the claim without one of the following:

(A) A court order, issued by a court of competent jurisdiction and served on the bank, enjoining or restraining the bank from taking any action with respect to the property or instructing the bank to pay some or all of the balance of the account, provide access to the safe deposit box, or deliver the property as provided in the order;

(B) A bond in the form and amount and with sureties satisfactory to the bank, indemnifying the bank against any liabilities, loss, and expenses it might incur because of its recognition of the claim or because of its refusal, due to the claim, to honor or recognize any right with respect to the property.

Sec. 1109.15. (A)(1) Subject to the restrictions and limitations of the Revised Code, a state bank may do any of the

following: 116072

(a) Loan money, with or without security, and payable on 116073
demand, at maturity, in installments, or by any combination of 116074
these; 116075

(b) Issue, advise, and confirm letters of credit authorizing 116076
the beneficiaries of the letters to draw upon the bank or its 116077
correspondents; 116078

(c) Purchase open accounts, whether or not the accounts 116079
represent an evidence of debt. 116080

(2) Subject to the margin requirements the superintendent of 116081
financial institutions may prescribe by rule, a state bank may 116082
make loans secured by stocks, bonds, or other securities. 116083

(B) Subject to sections 1109.22, 1109.32, and 1109.47 of the 116084
Revised Code and any rules the superintendent prescribes, a state 116085
bank may purchase obligations of any kind with or without 116086
recourse. 116087

(C) A state bank may acquire personal property for lease to 116088
others, if the transaction, as a whole, has the character of an 116089
extension of credit. 116090

(D)(1) Subject to division (D)(2) of this section, any other 116091
restrictions and limitations of the Revised Code, and any 116092
conditions, restrictions, or requirements established by the 116093
superintendent, a state bank may enter into a debt suspension 116094
agreement or debt cancellation contract with a borrower or 116095
borrowers in connection with any loan or extension of credit. 116096

(2) A state bank shall not offer or finance, directly or 116097
indirectly, a debt suspension agreement or debt cancellation 116098
contract requiring a lump sum, single payment for the agreement or 116099
contract payable at the outset of the agreement or contract, if 116100
the debt subject to the agreement or contract is secured by one to 116101

four family, residential real property. 116102

(3) For purposes of division (D) of this section, "debt 116103
cancellation contract" and "debt suspension agreement" have the 116104
same meanings as in 12 C.F.R part 37, as amended. 116105

~~(E) Unless otherwise expressly agreed in writing, the 116106
relationship between a bank and its obligor, with respect to any 116107
extension of credit, is that of a creditor and debtor, and creates 116108
no fiduciary or other relationship between the parties. 116109~~

Sec. 1109.151. Unless otherwise expressly agreed to in 116110
writing by the bank, the relationship between a bank and its 116111
obligor, or a bank and its customer, creates no fiduciary or other 116112
relationship between the parties or any special duty on the part 116113
of the bank to the customer or any other party. 116114

Sec. 1109.16. (A) The superintendent of financial 116115
institutions shall adopt rules prescribing standards for 116116
extensions of credit that are either of the following: 116117

(1) Secured by liens on interests in real estate; 116118

(2) Made for the purpose of financing the construction of 116119
either a building or improvements to real estate. 116120

(B) In prescribing the standards required by division (A) of 116121
this section, the superintendent shall consider all of the 116122
following: 116123

(1) The risk the extensions of credit pose to the federal 116124
deposit insurance funds; 116125

(2) The need for state banks to operate in a safe and sound 116126
manner; 116127

(3) The availability of credit; 116128

(4) Any other factors the superintendent considers 116129

appropriate. 116130

(C) In prescribing the standards required by division (A) of 116131
this section, the superintendent may differentiate among types of 116132
loans on the basis of any of the following: 116133

(1) Statutory requirements; 116134

(2) Risk to the federal deposit insurance funds; 116135

(3) The safety and soundness of state banks. 116136

(D) The superintendent shall not adversely evaluate an 116137
investment or a loan made by a state bank, or consider a loan to 116138
be nonperforming, solely because the loan is secured by or the 116139
investment is in commercial, residential, or industrial property, 116140
unless the investment or loan may affect the bank's safety and 116141
soundness. 116142

Sec. 1109.17. (A)(1) A state bank may accept drafts or bills 116143
of exchange drawn on it and may purchase acceptances of drafts or 116144
bills of exchange issued by other banks and participations in 116145
acceptances of drafts or bills of exchange issued by other banks, 116146
subject to the following limitations: 116147

(a) For acceptances of drafts or bills of exchange described 116148
in division (B)(1) of this section, the limitations in division 116149
(B)(2) of this section apply. 116150

(b) For acceptances of drafts or bills of exchange satisfying 116151
the requirements of division (C)(1) of this section, the 116152
limitations in division (C)(2) apply. 116153

(c) For all other acceptances of drafts or bills of exchange, 116154
the limitations on loans and extensions of credit to a person in 116155
section 1109.22 of the Revised Code apply to both of the 116156
following: 116157

(i) A state bank's total outstanding obligations for any one 116158

person on acceptances of drafts or bills of exchange that the bank 116159
has issued and on acceptances of drafts or bills of exchange and 116160
participations in acceptances of drafts or bills of exchange 116161
issued by other banks and that the bank has purchased; 116162

(ii) A state bank's total outstanding obligations on 116163
acceptances of drafts or bills of exchange issued by any one other 116164
bank. 116165

(2) For purposes of applying the limitations imposed by 116166
division (A)(1) of this section, a state bank's obligation on an 116167
acceptance of a draft or bill of exchange does not include the 116168
portion of an acceptance of a draft or bill of exchange issued by 116169
the bank that is covered by a participation agreement sold to 116170
another. 116171

(B)(1) Subject to the limitations in division (B)(2) of this 116172
section, a state bank may accept drafts or bills of exchange drawn 116173
upon it having not more than six months' sight to run, exclusive 116174
of days of grace, that are any of the following: 116175

(a) From transactions involving the importation or 116176
exportation of goods; 116177

(b) From transactions involving the domestic shipment of 116178
goods; 116179

(c) Secured at the time of acceptance by a warehouse receipt 116180
or other documentation conveying or securing title covering 116181
readily marketable staples. 116182

(2)(a) Except as provided in division (B)(2)(b) of this 116183
section, no state bank shall accept drafts or bills of exchange, 116184
or be obligated for a participation share for drafts or bills of 116185
exchange under division (B)(1) of this section, in an amount equal 116186
at any time in the aggregate to more than one hundred fifty per 116187
cent of the bank's capital. 116188

(b) The superintendent of financial institutions, under 116189
conditions the superintendent may prescribe, may authorize a state 116190
bank to accept or be obligated for a participation share in drafts 116191
or bills of exchange under division (B)(1) of this section, in an 116192
amount not exceeding at any time in the aggregate two hundred per 116193
cent of the bank's capital. 116194

(3) Notwithstanding division (B)(2) of this section, a state 116195
bank's aggregate acceptances of drafts or bills of exchange, 116196
including obligations for a participation share in drafts or bills 116197
of exchange, under division (B)(1) of this section, that arise 116198
from domestic transactions shall not exceed fifty per cent of the 116199
aggregate of all acceptances of drafts or bills of exchange, 116200
including obligations for a participation share in drafts or bills 116201
of exchange, the bank is permitted under division (B) of this 116202
section. 116203

(4) No state bank shall accept drafts or bills of exchange or 116204
be obligated for a participation share in drafts or bills of 116205
exchange under division (B)(1) of this section, whether from a 116206
foreign or domestic transaction, for any one person, partnership, 116207
corporation, association, or other entity in an amount equal at 116208
any time in the aggregate to more than ten per cent of the bank's 116209
capital, unless the bank is secured either by attached documents 116210
or by some other actual security arising from the same transaction 116211
as the acceptance. 116212

(C)(1) Subject to the limitations set forth in division 116213
(C)(2) of this section, a state bank may accept drafts or bills of 116214
exchange drawn upon it having not more than three months' sight to 116215
run, exclusive of days of grace, and drawn under conditions the 116216
superintendent may prescribe, by banks or bankers in foreign 116217
countries or dependencies or insular possessions of the United 116218
States, for the purpose of furnishing dollar exchange as required 116219
by the usages of trade in the respective countries, dependencies, 116220

or insular possessions. 116221

(2)(a) No state bank shall accept drafts or bills of exchange 116222
under division (C)(1) of this section for any one bank in an 116223
aggregate amount exceeding ten per cent of the accepting bank's 116224
capital, unless the draft or bill of exchange is accompanied by 116225
documents conveying or securing title or other adequate security. 116226

(b) No state bank shall accept drafts or bills of exchange 116227
under division (C)(1) of this section in an aggregate amount 116228
exceeding fifty per cent of the accepting bank's capital. 116229

Sec. 1109.22. (A) As used in this section: 116230

(1) "Derivative transaction" includes any transaction that is 116231
a contract, agreement, swap, warrant, note, or option that is 116232
based, in whole or in part, on the value of, any interest in, or 116233
any quantitative measure or the occurrence of any event relating 116234
to, one or more commodities, securities, currencies, interest or 116235
other rates, indices, or other assets. 116236

(2) "Loans and extensions of credit" shall include all of the 116237
following: 116238

(a) All direct or indirect advances of funds made on the 116239
basis of any obligation of a person to repay the funds or 116240
repayable from specific property pledged by or on behalf of the 116241
person; 116242

(b) To the extent specified by the superintendent of 116243
financial institutions, any liability of a bank to advance funds 116244
to or on behalf of a person pursuant to a contractual commitment; 116245

(c) Any credit exposure to a person arising from a derivative 116246
transaction between the person and a bank. 116247

(3) "Person" includes an individual; sole proprietorship; 116248
partnership; joint venture; association; trust; estate; business 116249
trust; corporation; government; agency, instrumentality, or 116250

political subdivision of a government; limited liability company; 116251
or any similar entity or organization. 116252

(B) Except as provided in divisions (C), (D), (E), and (F) of 116253
this section: 116254

(1) The total loans and extensions of credit by a state bank 116255
to a person outstanding at any one time and not fully secured, as 116256
determined in a manner consistent with division (B)(2) of this 116257
section, by collateral having a market value at least equal to the 116258
amount of the loans and extensions of credit to that person that 116259
are outstanding shall not exceed fifteen per cent of the 116260
unimpaired capital of the bank. 116261

(2) The total loans and extensions of credit by a state bank 116262
to a person outstanding at one time and fully secured by readily 116263
marketable collateral having a market value, as determined by 116264
reliable and continuously available price quotations, at least 116265
equal to the amount of the loans and extensions of credit to that 116266
person that are outstanding shall not exceed ten per cent of the 116267
unimpaired capital of the bank. 116268

(3) The limitation set forth in division (B)(2) of this 116269
section is separate from and in addition to the limitation set 116270
forth in division (B)(1) of this section. 116271

(4) Notwithstanding the limitations set forth in divisions 116272
(B)(1) and (2) of this section, any state bank may grant one or 116273
more loans in an aggregate amount of up to five hundred thousand 116274
dollars to one person, subject to any applicable restrictions 116275
under federal law. 116276

(C) No limitation based on capital applies to loans and 116277
extensions of credit by a bank to a person that are any of the 116278
following types: 116279

(1) Loans or extensions of credit arising from the discount 116280
of commercial or business paper evidencing an obligation to the 116281

person negotiating it with recourse; 116282

(2) The purchase of bankers' acceptances of the kinds 116283
described in division (B) or (C) of section 1109.17 of the Revised 116284
Code and issued by other banks; 116285

(3) Loans or extensions of credit secured by bonds, notes, 116286
certificates of indebtedness, treasury bills of the United States, 116287
or other obligations fully guaranteed as to principal and interest 116288
by the United States; 116289

(4) Loans or extensions of credit to or secured by 116290
unconditional takeout commitments or guarantees of any department, 116291
agency, bureau, board, commission, or establishment of the United 116292
States or any corporation wholly owned, directly or indirectly, by 116293
the United States; 116294

(5) Loans or extensions of credit secured by a segregated 116295
deposit account in the lending bank; 116296

(6) Loans or extensions of credit to any financial 116297
institution or to any receiver, conservator, superintendent of 116298
financial institutions, or other agent in charge of the business 116299
and property of a financial institution, when the loans or 116300
extensions of credit are approved by the superintendent of 116301
financial institutions of this state; 116302

(7) Loans or extensions of credit to the student loan 116303
marketing association. 116304

(D) A state bank may make loans and extensions of credit 116305
secured by bills of lading, warehouse receipts, or similar 116306
documents transferring or securing title to readily marketable 116307
staples subject to the general limitations of division (B) of this 116308
section, and may make additional loans and extensions of credit 116309
secured by bills of lading, warehouse receipts, or similar 116310
documents transferring or securing title to readily marketable 116311
staples, if all of the following apply: 116312

(1) The market value of the staples securing each additional 116313
loan or extension of credit at all times equals or exceeds one 116314
hundred fifteen per cent of the outstanding amount of the loan or 116315
extension of credit. 116316

(2) The staples are fully covered by insurance whenever it is 116317
customary to insure staples of that kind. 116318

(3) The total amount of the bank's additional loans and 116319
extensions of credit outstanding to one person at any time does 116320
not exceed thirty-five per cent of the bank's capital. 116321

(E) Subject to divisions (E)(1) and (2) of this section, a 116322
state bank may make loans and extensions of credit arising from 116323
the discount of negotiable or nonnegotiable installment consumer 116324
paper. 116325

(1) If the paper carries a full recourse endorsement or 116326
unconditional guarantee by the person transferring the paper, the 116327
total amount of the installment consumer paper transferred by one 116328
person a state bank may hold at one time shall not exceed 116329
twenty-five per cent of the bank's capital, and the collateral 116330
requirements of division (B)(2) of this section do not apply. 116331

(2) The limitations set forth in division (B) of this section 116332
apply only to the loans and extensions of credit of each maker of 116333
negotiable or nonnegotiable installment consumer paper, and not to 116334
obligations arising from any full or partial recourse endorsement 116335
or guarantee by the transferor discounting the consumer paper to 116336
the state bank, if both of the following apply: 116337

(a) The state bank's files are, or the knowledge of its 116338
officers of the financial condition of each maker of the consumer 116339
paper is, reasonably adequate. 116340

(b) An officer of the state bank designated for that purpose 116341
by the bank's board of directors certifies in writing that the 116342
bank is relying primarily upon the responsibility of each maker 116343

for payment of the loans or extensions of credit and not upon any 116344
full or partial recourse endorsement or guarantee by the 116345
transferor. 116346

(F) Without regard to the collateral requirements of division 116347
(B) of this section, a state bank may have loans and extensions of 116348
credit to one person outstanding at one time not exceeding 116349
twenty-five per cent of the bank's capital of the following types: 116350

(1) Loans and extensions of credit secured by shipping 116351
documents or instruments transferring or securing title covering 116352
livestock or giving a lien on livestock, when the market value of 116353
the livestock securing the obligation is not at any time less than 116354
one hundred fifteen per cent of the face amount of the note 116355
covered; 116356

(2) Loans and extensions of credit that arise from the 116357
discount by dealers in dairy cattle of paper given in payment for 116358
dairy cattle, if the paper carries a full recourse endorsement or 116359
unconditional guarantee of the seller, and the loans and 116360
extensions of credit are secured by the cattle being sold. 116361

(G)(1) The superintendent may adopt rules to administer and 116362
carry out the purposes of this section, including, but not limited 116363
to, the following: 116364

(a) Rules defining or further defining terms used in this 116365
section, including expanding or limiting the definition of 116366
"person" defined in division (A) of this section; 116367

(b) Rules establishing limits or requirements other than 116368
those specified in this section for particular classes or 116369
categories of loans or extensions of credit; 116370

(c) Rules relating to credit exposure arising from derivative 116371
transactions. 116372

(2) The superintendent may determine when a loan putatively 116373

made to a person is, for purposes of this section, to be 116374
attributed to another person. 116375

Sec. 1109.23. (A) No state bank may extend credit to any of 116376
its executive officers, directors, or principal shareholders, or 116377
to any of their related interests, except as authorized by this 116378
section and, with respect to executive officers, as authorized by 116379
section 1109.24 of the Revised Code. 116380

(B)(1) A state bank may extend credit to any of its executive 116381
officers, directors, or principal shareholders, or to any of their 116382
related interests, only if all of the following apply to the 116383
extension of credit: 116384

(a) The extension of credit is made on substantially the same 116385
terms, including interest rates and collateral, as those terms 116386
prevailing at the time for comparable transactions by the bank 116387
with persons who are not executive officers, directors, principal 116388
shareholders, or employees of the bank. 116389

(b) The extension of credit does not involve more than the 116390
normal risk of repayment or present other unfavorable features. 116391

(c) The bank follows credit underwriting procedures that are 116392
not less stringent than those applicable to comparable 116393
transactions by the bank with persons who are not executive 116394
officers, directors, principal shareholders, or employees of the 116395
bank. 116396

(2) Nothing in division (B)(1) of this section shall be 116397
construed to prohibit any extension of credit made pursuant to a 116398
benefit or compensation program that meets both of the following 116399
conditions: 116400

(a) The program is ~~widely~~ available to all employees of the 116401
bank; 116402

(b) The program does not give preference to any officer, 116403

director, or principal shareholder of the bank, or to any related 116404
interest of an officer, director, or principal shareholder, over 116405
other employees of the bank. 116406

(C) A state bank may extend credit to any of its executive 116407
officers, directors, or principal shareholders, or to any of their 116408
related interests, in an amount that, when aggregated with the 116409
amount of all outstanding extensions of credit by the bank to the 116410
executive officer, director, or principal shareholder and that 116411
person's related interests, would exceed an amount prescribed by 116412
the superintendent of financial institutions, only if both of the 116413
following conditions are met: 116414

(1) The extension of credit has been approved in advance by a 116415
majority vote of the bank's entire board of directors. 116416

(2) The executive officer, director, or principal 116417
shareholder, who or whose related interest would be obligated on 116418
the extension of credit, has abstained from participating, 116419
directly or indirectly, in the deliberations or voting on the 116420
extension of credit. 116421

(D) A state bank may extend credit to any of its executive 116422
officers, directors, or principal shareholders, or to any of their 116423
related interests, only if the extension of credit is in an amount 116424
that, when aggregated with the amount of all outstanding 116425
extensions of credit by the bank to the executive officer, 116426
director, or principal shareholder and that person's related 116427
interests, would not exceed the limit on loans to a single 116428
borrower established by section 1109.22 of the Revised Code. 116429

(E)(1) A state bank may extend credit to any of its executive 116430
officers, directors, or principal shareholders, or to any of their 116431
related interests, if the extension of credit is in an amount 116432
that, when aggregated with the amount of all outstanding 116433
extensions of credit by the bank to all of its executive officers, 116434

directors, principal shareholders, and their related interests, 116435
would not exceed the bank's unimpaired capital. 116436

(2) The superintendent may prescribe a limit that is more 116437
stringent than the limit contained in division (E)(1) of this 116438
section. 116439

(3) The superintendent may make exceptions to division (E)(1) 116440
of this section for state banks with less than one hundred million 116441
dollars in deposits, if the superintendent determines that the 116442
exceptions are important to avoid constricting the availability of 116443
credit in small communities or to attract directors to those 116444
banks. In no case may the aggregate amount of all outstanding 116445
extensions of credit by a state bank to all of its executive 116446
officers, directors, principal shareholders, and their related 116447
interests, be more than two times the bank's unimpaired capital. 116448

(F)(1) If any executive officer or director of a state bank 116449
has an account at the bank, the bank may not pay from that account 116450
an amount exceeding the funds on deposit in the account. 116451

(2) Division (F)(1) does not prohibit the bank from paying 116452
funds in accordance with either of the following: 116453

(a) A written, preauthorized, interest-bearing extension of 116454
credit specifying a method of repayment; 116455

(b) A written preauthorized transfer of funds from another 116456
account of the executive officer or director at that bank. 116457

(G) No executive officer, director, or principal shareholder 116458
shall knowingly receive, or knowingly permit any of that person's 116459
related interests to receive, from a state bank, directly or 116460
indirectly, any extension of credit not authorized under this 116461
section. 116462

(H)(1) Subject to division (H)(2) of this section, for 116463
purposes of this section, any executive officer, director, or 116464

principal shareholder of any company of which the state bank is a 116465
subsidiary, or of any other subsidiary of that company, is deemed 116466
to be an executive officer, director, or principal shareholder, 116467
respectively, of the bank. 116468

(2) The superintendent may make exceptions to the application 116469
of division (H)(1) of this section for any person who is an 116470
executive officer or director of a subsidiary of a company that 116471
controls a state bank, if both of the following apply: 116472

(a) The person does not have authority to participate, and 116473
does not participate, in major policymaking functions of the bank. 116474

(b) The assets of the subsidiary do not exceed ten per cent 116475
of the consolidated assets of the company that controls the bank, 116476
and the subsidiary is not controlled by any other company. 116477

(I) For purposes of this section: 116478

(1) ~~Bank~~ "State bank" includes any subsidiary of a state 116479
bank. 116480

(2)(a) "Company" means any corporation, limited liability 116481
company, partnership, business or other trust, association, joint 116482
venture, pool syndicate, sole proprietorship, unincorporated 116483
organization, or other business entity. 116484

(b) "Company" does not include either of the following: 116485

(i) A bank, savings bank, or savings association, the 116486
deposits of which are insured by the federal deposit insurance 116487
corporation; 116488

(ii) A corporation the majority of the shares of which are 116489
owned by the United States or by any state of the United States. 116490

(3) "Control" of a company or state bank by a person means 116491
the person, directly or indirectly, or acting through or in 116492
concert with one or more persons, meets any of the following: 116493

(a) The person owns, controls, or has the power to vote 116494

twenty-five per cent or more of any class of the company's or, in 116495
the case of a stock state bank, the bank's voting securities. 116496

(b) The person controls in any manner the election of a 116497
majority of the company's or state bank's directors. 116498

(c) The person has the power to exercise a controlling 116499
influence over the company's or state bank's management or 116500
policies. 116501

(4) "Executive officer" means a person who participates or 116502
has the authority to participate, other than as a director, in 116503
major policymaking functions of a company or state bank. 116504

(5) To "extend credit" or to make an "extension of credit" 116505
means to make or renew any loan, to grant a line of credit, or to 116506
enter into any similar transaction as a result of which an 116507
executive officer, director, or principal shareholder, or any of 116508
that person's related interests, becomes obligated, directly, 116509
indirectly, or by any means whatsoever, to pay money or its 116510
equivalent to the state bank. 116511

(6) "Principal shareholder" means a person who, directly or 116512
indirectly, or acting through or in concert with one or more 116513
persons, owns, controls, or has the power to vote more than ten 116514
per cent of any class of voting securities of a stock state bank 116515
or company, other than a company of which the bank is a 116516
subsidiary. 116517

(7) "Related interest" of a person means either of the 116518
following: 116519

(a) Any company controlled by that person; 116520

(b) Any political committee or campaign committee that is 116521
controlled by that person or the funds or services of which will 116522
benefit that person. 116523

(8) "Subsidiary" means any company of which a state bank or 116524

company meets any of the following: 116525

(a) The bank or company owns twenty-five per cent or more of 116526
the voting shares of the company. 116527

(b) The bank or company controls in any manner the election 116528
of a majority of the directors of the company. 116529

(c) The bank or company has the power, directly or 116530
indirectly, to exercise a controlling influence with respect to 116531
the management or policies of the company. 116532

Sec. 1109.24. (A) Except as authorized by this section or 116533
section 1109.23 of the Revised Code, no state bank may extend 116534
credit in any manner to any of its own executive officers. No 116535
executive officer of a state bank may become indebted to that bank 116536
except by means of an extension of credit the bank is authorized 116537
by this section to make. Any extension of credit made pursuant to 116538
this section shall be promptly reported to the bank's board of 116539
directors and may be made only if all of the following apply: 116540

(1) The state bank would be authorized to make the extension 116541
of credit to other borrowers. 116542

(2) The extension of credit is on terms that are not more 116543
favorable than those afforded to other non-executive borrowers. 116544

(3) The executive officer has submitted a detailed, current 116545
financial statement. 116546

(4) The extension of credit is made on the condition that it 116547
shall become due and payable on demand of the state bank at any 116548
time when the executive officer is indebted to any other bank or 116549
banks on account of extensions of credit of any one of the three 116550
categories referred to in divisions (B), (C), and (D) of this 116551
section in an aggregate amount greater than the amount of credit 116552
of the same category the state bank being served as an executive 116553
officer could extend to the executive officer. 116554

(B) With the specific prior approval of its board of directors, a state bank may make a loan to any of its executive officers if, at the time the loan is made, both of the following apply:

(1) The loan is secured by a first lien on a dwelling that is expected, after the loan is made, to be owned by the executive officer and used as the executive officer's residence.

(2) No other loan by the bank to the executive officer under the authority of this division is outstanding.

(C) A state bank may make extensions of credit to any executive officer of the bank to finance the education of the executive officer's children.

(D) A state bank may make extensions of credit not otherwise specifically authorized by this section to any of the bank's executive officers in an amount prescribed by the superintendent of financial institutions.

(E) Except to the extent permitted by division (D) of this section, a state bank may not extend credit to a partnership in which one or more of the bank's executive officers are partners having, individually or together, a majority interest. For purposes of division (D) of this section, the full amount of the credit extended shall be considered to have been extended to each executive officer of the bank who is a member of the partnership.

~~(F) Whenever an executive officer of a bank becomes indebted to any bank or banks, other than the bank served as an executive officer, on account of extensions of credit of any one of the categories referred to in divisions (B), (C), and (D) of this section in an aggregate amount greater than the aggregate amount of credit of the same category that could lawfully be extended to the executive officer by the bank served as an executive officer, the executive officer shall make a written report to the board of~~

~~directors of the bank stating all of the following:~~ 116586

~~(1) The date and amount of each extension of credit by any other bank or banks to the executive officer;~~ 116587
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~~(2) The security for each extension of credit;~~ 116589

~~(3) The purposes for which the proceeds of the extensions of credit have been or are to be used.~~ 116590
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~~(G)~~ This section does not prohibit any executive officer of a state bank from endorsing or guaranteeing any loan or other asset previously acquired by the bank in good faith, for the protection of the bank, or incurring any indebtedness to the bank for the purpose of either protecting the bank against loss or giving financial assistance to the bank. 116592
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~~(H)~~(G) Each state bank shall include with, but not as part of, each report of condition made to the superintendent pursuant to section 1121.21 of the Revised Code, a report of all loans made under the authority of this section by the bank since the bank's previous report of condition. 116598
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~~(I)~~(H) Each day any extension of credit in violation of this section exists is a continuation of the violation for purposes of section 1121.35 of the Revised Code. 116603
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Sec. 1109.25. (A) No stock state bank shall lend money on the security of shares of its own stock or accept shares of its own stock in satisfaction of a debt, unless necessary to prevent loss on a debt previously contracted in good faith. 116606
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(B) A stock state bank that accepts shares of its own stock as allowed by division (A) of this section shall retire or dispose of the shares at the time and in the manner required by the superintendent of financial institutions. 116610
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(C) For purposes of this section, the superintendent may determine that stock of a person that controls a stock state bank, 116614
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if the stock is not readily marketable, is the functional 116616
equivalent of stock of the bank and, therefore, subject to 116617
divisions (A) and (B) of this section. 116618

Sec. 1109.26. (A)(1) A state bank may own or hold for not 116619
more than five years any real estate it acquires by foreclosure, 116620
conveyance in lieu of foreclosure, or other legal proceedings 116621
relating to loan security interests or otherwise in satisfaction 116622
of a debt previously contracted. The superintendent of financial 116623
institutions may, upon application by a state bank, grant the bank 116624
the power to hold the real estate for a longer time. 116625

(2) The superintendent may, at any time, require a state bank 116626
to obtain an independent qualified appraisal of real estate the 116627
bank owns or holds in accordance with division (A)(1) of this 116628
section. 116629

(3) Real estate sold on contract, but with title remaining in 116630
the name of the state bank, shall not be considered real estate 116631
held by the bank for the purpose of divisions (A)(1) and (2) of 116632
this section. 116633

(B)(1) A state bank may own or hold for not more than five 116634
years ~~stock~~ shares of companies either acquired in securing 116635
satisfaction of a debt previously contracted in good faith or 116636
taken on a refinancing plan involving an investment that was legal 116637
at the time it was made. The superintendent may, upon application 116638
by a state bank, grant the bank the power to hold the ~~stock~~ shares 116639
for a longer time. 116640

(2) The superintendent may, at any time, require a state bank 116641
to obtain an independent qualified appraisal of the ~~stock~~ shares 116642
the bank owns or holds in accordance with ~~this~~ division (B) of 116643
this section. 116644

(C) The limitations set forth in this section shall not apply 116645

to real estate or shares owned or held by a state bank affiliate, 116646
except for a company that is a subsidiary of the state bank. 116647

Sec. 1109.31. (A) A state bank may purchase, acquire by 116648
lease, or otherwise invest in the real estate and interests in 116649
real estate the board of directors considers necessary or 116650
convenient for transaction of the bank's business, including by 116651
ownership of ~~stock of a wholly owned subsidiary corporation~~ an 116652
entity having as its exclusive authority the ownership and 116653
management of the bank's real estate interests. 116654

(B) A state bank may invest an amount equal to the greater of 116655
the bank's capital or ten per cent of its total assets in any 116656
other real estate. This limitation does not apply, however, to 116657
real estate acquired by foreclosure, conveyance in lieu of 116658
foreclosure, or other legal proceedings relating to loan security 116659
interests or otherwise in satisfaction of a debt previously 116660
contracted. 116661

Sec. 1109.32. (A) A state bank may invest in any of the 116662
following: 116663

(1) Bonds, bills, notes, or other debt securities of the 116664
United States or for which the full faith and credit of the ~~united~~ 116665
~~states~~ United States is pledged for payment of principal and 116666
interest; 116667

(2) Bonds, notes, or other debt securities issued by this 116668
state, or any state of the United States, that are the direct 116669
obligation of the issuer and for which the full faith and credit 116670
of the issuer is pledged to provide payment of the principal and 116671
interest; 116672

(3) Bonds, notes, or other debt securities of any county, 116673
municipal corporation, township, school district, improvement 116674
district, sewer district, or other subdivision of this state or 116675

any other state of the United States, that are the direct 116676
obligation of the county or the subdivision issuing them and for 116677
which the full faith and credit of the issuing county or 116678
subdivision is pledged to provide payment of principal and 116679
interest; 116680

(4) Bonds or other debt obligations issued or guaranteed by 116681
agencies or instrumentalities of the United States, regardless of 116682
the guarantee of payment of principal and interest by the United 116683
States; 116684

(5) Subject to conditions and restrictions the superintendent 116685
of financial institutions may prescribe, bonds, debentures, and 116686
other debt securities issued by any country or multinational 116687
organization that are the direct obligation of the issuing country 116688
or multinational organization and for which the full faith and 116689
credit of the issuing country or multinational organization is 116690
pledged to provide payment of principal and interest; 116691

(6) Bankers' acceptances of the kinds described in divisions 116692
(B) and (C) of section 1109.17 of the Revised Code; 116693

(7) Subject to conditions and restrictions the superintendent 116694
may prescribe, bonds, debentures, and other debt securities and 116695
obligations of any state or political subdivision of a state, a 116696
public corporation, or governmental agency that are payable solely 116697
out of anticipated revenues, commonly referred to as revenue 116698
bonds; 116699

(8) As defined and restricted by the superintendent, 116700
marketable obligations evidencing the indebtedness of any 116701
corporation in the form of bonds, notes, debentures, or equipment 116702
trust certificates, commonly referred to as investment securities. 116703

(B) In addition to any other provision of this chapter 116704
authorizing state banks to invest in bonds, debentures, or other 116705
debt securities, ~~the superintendent~~ a state bank may approve 116706

~~banks' investment~~ invest in bonds, debentures, and other debt 116707
securities and obligations in which national banks, savings banks, 116708
and savings associations insured by the federal deposit insurance 116709
corporation are permitted to invest. 116710

Sec. 1109.33. A state bank may apply to the superintendent of 116711
financial institutions for permission to invest, subject to the 116712
conditions and requirements prescribed by the superintendent, an 116713
amount, in the aggregate, not exceeding ten per cent of ~~the~~ a 116714
stock state bank's paid-in capital and surplus or a mutual state 116715
bank's retained earnings in the stock of banks or corporations 116716
chartered or incorporated under the laws of the United States, 116717
including section 25a of the "Federal Reserve Act of 1913," 12 116718
U.S.C. 611, as amended, and principally engaged in international 116719
or foreign banking, or in banking in a dependency or insular 116720
possession of the United States, either directly or through the 116721
agency, ownership, or control of local institutions in foreign 116722
countries, dependencies, or insular possessions. 116723

Sec. 1109.34. (A) A state bank may invest in the securities 116724
of a domestic insurance company organized under Chapter 3907. or 116725
3925. of the Revised Code, regulated by the superintendent of 116726
insurance under Title XXXIX of the Revised Code and engaged 116727
exclusively in the business of reinsuring risks, to the extent 116728
permitted by and subject to limitations and restrictions imposed 116729
by the superintendent of financial institutions by rules adopted 116730
in accordance with Chapter 119. of the Revised Code. 116731

(B)(1) The total amount any state bank may invest in the 116732
common and preferred stock, obligations, and other securities of 116733
domestic insurance companies pursuant to division (A) of this 116734
section shall not exceed ten per cent of the bank's assets. 116735

(2) A state bank may file an application with the 116736

superintendent of financial institutions for permission to invest, 116737
subject to the conditions and requirements prescribed by the 116738
superintendent of financial institutions, an amount in excess of 116739
ten per cent of the bank's capital in the common and preferred 116740
stock, bonds, debentures, and other obligations of one domestic 116741
insurance company pursuant to division (A) of this section. 116742

(C) A state bank making investments pursuant to division (A) 116743
of this section shall report the investments annually on the first 116744
day of March to the superintendent of financial institutions and 116745
the superintendent of insurance. The report shall include, for 116746
each reinsurer in which the bank has made an investment, 116747
information as to the amount of reinsurance written in this state 116748
by each line of insurance designated by the superintendent of 116749
insurance. 116750

Sec. 1109.35. (A)(1) As used in ~~this~~ division (A) of this 116751
section: 116752

(a) "Venture capital firm" means any corporation, 116753
partnership, proprietorship, limited liability company, or other 116754
entity, the principal business of which is or will be the making 116755
of investments in small businesses. 116756

(b) "Small business" means any corporation, partnership, 116757
proprietorship, limited liability company, or other entity that 116758
either does not have more than four hundred employees, or would 116759
qualify as a small business for the purpose of receiving financial 116760
assistance from small business investment companies licensed under 116761
the "Small Business Investment Act of 1958," 72 Stat. 689, 15 116762
U.S.C. 661, as amended, and rules of the small business 116763
administration. 116764

~~(c) "Shares" means any equity interest, including a limited 116765
partnership interest and other equity interest in which liability 116766
is limited to the amount of the investment, but does not include a 116767~~

~~general partnership interest or other interests involving general
liability.~~ 116768
116769

(2) A stock state bank may invest, in the aggregate, five per 116770
cent of its paid-in capital and surplus, and a mutual state bank 116771
may invest, in the aggregate, five per cent of its retained 116772
earnings, in shares issued by the following: 116773

(a) Venture capital firms organized under the laws of the 116774
United States or of this state and having an office within this 116775
state, if, as a condition of a bank making an investment in a 116776
venture capital firm, the firm agrees to use its best efforts to 116777
make investments, in an aggregate amount at least equal to the 116778
investment to be made by the bank in that venture capital firm, in 116779
small businesses having their principal office within this state 116780
and having either more than one-half of their assets within this 116781
state or more than one-half of their employees employed within 116782
this state; 116783

(b) Small businesses having more than half of their assets or 116784
employees within this state. 116785

(B)(1) A state bank may invest in the following: 116786

(a) The stocks, bonds, debentures, notes, or other evidences 116787
of indebtedness of any of the following: 116788

(i) A community improvement corporation, organized under 116789
Chapters 1702. and 1724. of the Revised Code for the sole purpose 116790
of advancing, encouraging, and promoting the industrial, economic, 116791
commercial, and civic development of a community or area; 116792

(ii) A development corporation, organized under Chapter 1726. 116793
of the Revised Code to promote agricultural, industrial, and 116794
business developments within the state; 116795

(iii) A community urban redevelopment corporation, organized 116796
under Chapter 1701. or 1702. of the Revised Code and qualified to 116797

operate under Chapter 1728. of the Revised Code to initiate and 116798
conduct projects for the clearance, replanning, development, and 116799
redevelopment of blighted areas within municipal corporations. 116800

(b) Other investments similar to the investments described in 116801
division (B)(1)(a) of this section and acceptable to the 116802
superintendent of financial institutions. 116803

(2) A state bank's investment in any one corporation or other 116804
entity pursuant to division (B)(1) of this section shall not 116805
exceed five per cent of the bank's capital, unless the 116806
superintendent determines additional investment does not pose 116807
significant risk to the bank. A state bank's investments pursuant 116808
to division (B)(1) of this section shall not in the aggregate 116809
exceed ten per cent of the bank's capital. 116810

Sec. 1109.36. To the extent permitted by and subject to any 116811
limitations and restrictions the superintendent of financial 116812
institutions may impose, a state bank may underwrite and deal in 116813
investments in the form of bonds, notes, debentures, or other debt 116814
securities that are any of the following: 116815

(A) The direct obligation of or guaranteed by the United 116816
States; 116817

(B) The direct obligation of or guaranteed by any state of 116818
the United States or any political subdivision of any state of the 116819
United States; 116820

(C) Acceptable to the superintendent. 116821

Sec. 1109.39. In addition to the specific investments 116822
authorized in this chapter, a state bank may also invest, in the 116823
aggregate, no more than ten per cent of its assets in the common 116824
or preferred stock, obligations, or other securities of any 116825
corporations, as authorized by the bank's board of directors. 116826

Sec. 1109.40. (A) In addition to the other loan and 116827
investment authority provided for banks in Chapter 1109. of the 116828
Revised Code, but subject to all other provisions of the Revised 116829
Code, a state bank may invest up to fifteen per cent of its total 116830
assets in loans or investments authorized by the bank's board of 116831
directors. 116832

(B) If a loan or other investment is authorized under more 116833
than one section of Chapter 1109. of the Revised Code, a state 116834
bank may designate under which section the loan or investment has 116835
been or will be made. The loan or investment may be apportioned 116836
among appropriate categories, and may be moved in whole or in part 116837
from one category to another. 116838

Sec. 1109.43. (A) For purposes of this section: 116839

(1) "Bankers' bank" means a bank organized to engage 116840
exclusively in providing services to other depository institutions 116841
and depository institution holding companies and their officers, 116842
directors, and employees. 116843

(2) "Bankers' bank holding company" means a corporation that 116844
owns or controls, directly or indirectly, a majority of the shares 116845
of the capital stock of a bankers' bank, or controls in any manner 116846
the election of a majority of the directors of a bankers' bank. 116847

(3) "Depository institution" means a bank, savings ~~and loan~~ 116848
association, savings bank, or credit union. 116849

(B) A state bank may invest, in the aggregate, up to ten per 116850
cent of its capital in shares of a bankers' ~~bank~~ banks or a 116851
bankers' bank holding ~~company, or both~~ companies. 116852

(C)(1) The voting shares of a bankers' bank shall be owned by 116853
twenty or more depository institutions or depository institution 116854
holding companies, and no depository institution or depository 116855
institution holding company shall own, directly or indirectly, 116856

more than fifteen per cent of the voting shares of a bankers' bank. 116857
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(2) The voting shares of a bankers' bank shall be owned, 116859
directly or indirectly, exclusively by depository institutions, 116860
depository institution holding companies, and persons who hold the 116861
shares under, or initially acquired them through, a plan for the 116862
benefit of the bankers' bank's officers and employees. 116863

~~(D) No bank or affiliate of a bank shall, directly, 116864
indirectly, or acting through one or more other persons, own or 116865
control or have the power to vote shares of any of the following: 116866~~

~~(1) More than one bankers' bank; 116867~~

~~(2) More than one bankers' bank holding company; 116868~~

~~(3) Both a bankers' bank and a bankers' bank holding company, 116869
unless the bankers' bank is an affiliate of that bankers' bank 116870
holding company. 116871~~

Sec. 1109.44. (A) A state bank may invest, in the aggregate, 116872
twenty-five per cent of its assets in the stock, obligations, and 116873
other securities of bank subsidiary corporations and bank service 116874
corporations. 116875

(B) A state bank shall obtain the approval of the 116876
superintendent of financial institutions prior to investing in, 116877
acquiring, or establishing a bank subsidiary corporation or bank 116878
service corporation, or performing any new activities in a bank 116879
subsidiary corporation or bank service corporation. 116880

(C)(1) A bank subsidiary corporation that is a wholly owned 116881
subsidiary of the state bank may engage in any activities, except 116882
taking deposits, that are a part or an extension of the business 116883
of banking. 116884

(2) A bank service corporation shall be owned solely by one 116885
or more ~~depository institutions~~ banks, and may, at any location, 116886

do any of the following: 116887

(a) Provide clerical, bookkeeping, accounting, statistical, 116888
or similar services; 116889

(b) Engage in any activities, except taking deposits, that 116890
all of its owner ~~depository institutions~~ banks are authorized to 116891
engage in; 116892

(c) Engage in any activity, except taking deposits, the board 116893
of governors of the federal reserve system has determined to be 116894
permissible for a ~~bank~~ financial holding company under section 116895
4~~(e)(8)(k)(1)~~ of the "Bank Holding Company Act of 1956," as 116896
amended, 70 Stat. 133, 12 U.S.C.A. 1843~~(e)(8)(k)(1)~~. 116897

(D) Bank subsidiary corporations and bank service 116898
corporations are subject to examination and regulation by the 116899
superintendent. 116900

(E) ~~Only if the company in which the investment is to be made~~ 116901
~~qualifies as either a~~ A bank subsidiary corporation or a bank 116902
service corporation ~~under this section~~ may a ~~bank~~ invest in 116903
~~securities pursuant to section 1109.39 of the Revised Code or make~~ 116904
~~investments pursuant to section 1109.40 of the Revised Code that~~ 116905
~~result in any of the following:~~ 116906

~~(1) The bank, directly or indirectly, or acting through one~~ 116907
~~or more other persons, owns, controls, or has the power to vote~~ 116908
~~twenty five per cent or more of any class of voting securities of~~ 116909
~~the company in which the investment is being made.~~ 116910

~~(2) The bank controls in any manner the election of a~~ 116911
~~majority of the directors or trustees of the company in which the~~ 116912
~~investment is being made.~~ 116913

~~(3) As determined by the superintendent after notice and~~ 116914
~~opportunity for a hearing, the bank directly or indirectly~~ 116915
~~exercises a controlling influence over the management or policies~~ 116916

of the company in which the investment is being made a lower-tier bank subsidiary corporation or bank service corporation, subject to the requirements of this section. 116917
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Sec. 1109.441. Only for investments made under section 1109.44 of the Revised Code may a state bank invest in securities pursuant to section 1109.39 of the Revised Code or make investments pursuant to section 1109.40 of the Revised Code that result in any of the following: 116920
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(A) The state bank, directly or indirectly, or acting through one or more other persons, owning, controlling, or having the power to vote twenty-five per cent or more of any class of voting securities of the company in which the investment is being made; 116925
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(B) The state bank controlling in any manner the election of a majority of the directors or trustees of the company in which the investment is being made; 116929
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(C) As determined by the superintendent of financial institutions after notice and opportunity for a hearing, the state bank directly or indirectly exercising a controlling influence over the management or policies of the company in which the investment is being made. 116932
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Sec. 1109.45. A state bank may invest in the shares of a clearing corporation as defined by section 1308.01 of the Revised Code. 116937
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Sec. 1109.47. (A) Except as provided in division (B) of this section, a state bank shall not invest more than fifteen per cent of its capital in the ~~stock~~ shares, obligations, or other securities of any one issuer. 116940
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(B) Division (A) of this section does not apply to any of the following: 116944
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(1) Bonds or other obligations enumerated in divisions (A)(1) 116946
to (6) of section 1109.32 of the Revised Code; 116947

(2) Investment in a bank subsidiary corporation engaged 116948
solely in the business of holding title to real estate described 116949
in division (A) of section 1109.31 of the Revised Code; 116950

(3) Obligations or securities, other than stock, of the 116951
federal national mortgage association, the student loan marketing 116952
association, the government national mortgage association, or the 116953
federal home loan mortgage corporation, or their successors; 116954

(4) Common and preferred stock, obligations, and other 116955
securities of one domestic reinsurance company with the written 116956
permission of the superintendent of financial institutions as 116957
required by division (B) of section 1109.34 of the Revised Code; 116958

(5) Shares, obligations, securities, or other interests of 116959
any other issuer with the written approval of the superintendent. 116960

(C) For purposes of this section, no purchase by a state bank 116961
of stock in a federal reserve bank or federal home loan bank is an 116962
investment. 116963

(D) If a state or political subdivision of a state issues 116964
securities, acting solely as a conduit for the transmission of the 116965
proceeds of the sale of the securities to one or more private 116966
entities for economic development purposes and to be repaid solely 116967
by the private entity or entities that received the proceeds of 116968
the sale of the securities, then both of the following apply for 116969
purposes of determining the amount a state bank may invest in 116970
accordance with division (A) of this section: 116971

(1) The securities are obligations of the private entity or 116972
entities in proportion to their receipt of the proceeds. 116973

(2) The securities are not obligations of the issuing state 116974
or political subdivision. 116975

Sec. 1109.48. In exercising its investment authority, a state bank shall give equal consideration to investments that involve firms owned and controlled by minorities and firms owned and controlled by women, either alone or in joint venture with other firms, where the investments offer quality, return, and safety comparable to other investments currently available to the bank.

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Sec. 1109.49. A state bank investing in the securities of a bank or corporation pursuant to this chapter shall furnish information concerning the financial condition of the bank or corporation to the superintendent of financial institutions upon the superintendent's demand.

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Sec. 1109.53. For purposes of this section and sections 1109.54, 1109.55, and 1109.56 of the Revised Code:

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(A)(1) "Affiliate" means any of the following:

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(a) A company that controls the state bank and any other company controlled by the company that controls the state bank;

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(b) A bank subsidiary of the state bank;

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(c) A company that is controlled directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the state bank or any company that controls the state bank;

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(d) A company in which a majority of the directors or trustees constitute a majority of the directors or trustees of the state bank or any company that controls the state bank;

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(e) A company, including a real estate investment trust, that is sponsored and advised on a contractual basis by the state bank or a subsidiary of the state bank;

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(f) An investment company to which the state bank or one of its affiliates is an investment advisor as defined in section 2(a)(20) of the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C. 80a-2(a)(20), as amended;

(g) A company the superintendent of financial institutions determines by rule or order to have a relationship with the state bank or one of its subsidiaries or affiliates such that covered transactions by the state bank or its subsidiary with that company may be affected by the relationship to the detriment of the state bank or its subsidiary.

(2) "Affiliate" does not include any of the following:

(a) A company, other than a bank, that is a subsidiary of a state bank, unless a determination is made under division (A)(1)(g) of this section not to exclude the subsidiary company from the definition of affiliate;

(b) A company engaged solely in holding the premises of the state bank;

(c) A company engaged solely in conducting a safe-deposit business;

(d) A company engaged solely in holding obligations of the United States or its agencies or instrumentalities or obligations fully guaranteed as to principal and interest by the United States or its agencies or instrumentalities;

(e) A company where control results from the exercise of rights arising out of a bona fide debt previously contracted, but only for a period of two years from the date the rights are exercised, subject to extensions granted by the superintendent of not more than one year at a time nor three years in the aggregate.

(B) "Aggregate covered transactions" means the amount of the covered transactions about to be engaged in added to the current

amount of all outstanding covered transactions. 117035

(C) "Company" means a corporation, limited liability company, 117036
partnership, business, trust, association, or similar organization 117037
and, unless specifically excluded by this section or section 117038
1109.54, 1109.55, or 1109.56 of the Revised Code, a bank. 117039

(D)(1) "Covered transaction" means, with respect to an 117040
affiliate of a state bank, any of the following: 117041

(a) A loan or extension of credit to the affiliate; 117042

(b) A purchase of or an investment in securities issued by 117043
the affiliate; 117044

(c) A purchase of assets, including assets subject to an 117045
agreement to repurchase, from the affiliate, except the purchase 117046
of real or personal property as specifically exempted by the 117047
superintendent by rule or order; 117048

(d) The acceptance of securities issued by the affiliate as 117049
collateral security for a loan or extension of credit to any 117050
person or company; 117051

(e) The issuance of a guarantee, acceptance, or letter of 117052
credit, including an endorsement or standby letter of credit to 117053
any person or company. 117054

(2) "Covered transaction" does not include any of the 117055
following: 117056

(a) A transaction with another bank if either of the 117057
following apply: 117058

(i) One of the banks controls eighty per cent or more of the 117059
voting shares of the other bank. 117060

(ii) The same company controls eighty per cent or more of the 117061
voting shares of both banks. 117062

(b) Making deposits in an affiliated bank or affiliated 117063

foreign bank in the ordinary course of correspondent business,	117064
subject to any restrictions the superintendent may prescribe by	117065
rule or order;	117066
(c) Giving immediate credit to an affiliate for uncollected	117067
items received in the ordinary course of business;	117068
(d) Making a loan or extension of credit to, or issuing a	117069
guarantee, acceptance, or letter of credit on behalf of, an	117070
affiliate that is fully secured by one of the following:	117071
(i) Obligations of the United States or its agencies or	117072
instrumentalities;	117073
(ii) Obligations fully guaranteed as to principal and	117074
interest by the United States or its agencies or	117075
instrumentalities;	117076
(iii) A segregated, earmarked deposit account with the <u>state</u>	117077
bank.	117078
(e) Purchasing securities issued by a company engaged solely	117079
in one or more of the following activities:	117080
(i) Holding or operating properties used or to be used wholly	117081
or substantially by any bank subsidiary of a company that controls	117082
the <u>state</u> bank in the operations of the bank subsidiary;	117083
(ii) Conducting a safe-deposit business;	117084
(iii) Furnishing services to or performing services for a	117085
company that controls the <u>state</u> bank or its subsidiaries;	117086
(iv) Liquidating assets acquired from a company that controls	117087
the <u>state</u> bank or its banking subsidiaries.	117088
(f) Purchasing assets having a readily identifiable and	117089
publicly available market quotation and purchased at that market	117090
quotation or purchasing loans on a nonrecourse basis from	117091
affiliated banks;	117092

(g) Purchasing from an affiliate a loan or extension of credit that was originated by the state bank and sold to the affiliate subject to a repurchase agreement or with recourse.

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(E) "Low quality asset" means an asset that is one or more of the following:

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(1) An asset classified as "substandard," "doubtful," or "loss," or treated as "other loans especially mentioned" in the most recent report of examination or inspection of an affiliate prepared by any of the federal deposit insurance corporation, the federal reserve, the office of the comptroller of the currency, ~~the office of thrift supervision,~~ the division of financial institutions, or the financial institution regulators of other states of the United States;

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(2) An asset in a nonaccrual status;

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(3) An asset on which principal or interest payments are more than thirty days past due;

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(4) An asset whose terms have been renegotiated or compromised due to the deteriorating financial condition of the obligor.

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(F) "Securities" means, except as provided in section 1109.55 of the Revised Code, stocks, bonds, debentures, notes, or other similar obligations.

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(G) "Subsidiary" means, with respect to a specified company, a company that is controlled by the specified company.

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(H)(1) Subject to division (H)(2) of this section, a company or shareholder is deemed to have control over another company, if any of the following apply:

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(a) The company or shareholder, directly or indirectly, or acting through one or more other persons, owns, controls, or has the power to vote twenty-five per cent or more of any class of

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voting securities of the other company. 117123

(b) The company or shareholder controls in any manner the 117124
election of a majority of the directors or trustees of the other 117125
company. 117126

(c) The superintendent determines, after notice and 117127
opportunity for a hearing, the company or shareholder, directly or 117128
indirectly, exercises a controlling influence over the management 117129
or policies of the other company. 117130

(2) No company shall be found to own or control another 117131
company by virtue of the ownership or control of securities in a 117132
fiduciary capacity, except either as provided in divisions 117133
(A)(1)(c) and (d) of this section or if the company owning or 117134
controlling the securities is a business trust. 117135

(I) Any transaction by a state bank with any person shall be 117136
considered a transaction with an affiliate to the extent the 117137
proceeds of the transaction are used for the benefit of, or 117138
transferred to, an affiliate. 117139

Sec. 1109.54. (A) A state bank and its subsidiaries may 117140
engage in a covered transaction with an affiliate only if both of 117141
the following apply: 117142

(1) The aggregate amount of covered transactions by the bank 117143
and its subsidiaries with the particular affiliate will not exceed 117144
ten per cent of the bank's capital. 117145

(2) The aggregate amount of all covered transactions by the 117146
bank and its subsidiaries with all of the bank's affiliates will 117147
not exceed twenty per cent of the bank's capital. 117148

(B) A state bank and its subsidiaries may not purchase a low 117149
quality asset from an affiliate unless the bank or its subsidiary, 117150
pursuant to an independent credit evaluation, committed itself to 117151
purchase the asset prior to the time the asset was acquired by the 117152

affiliate. 117153

(C) Any covered transactions and any transactions between a 117154
state bank and an affiliate shall be on terms and conditions that 117155
are consistent with safe and sound banking practices. 117156

(D) Except as provided in division (E)(4) of this section, 117157
any loan or extension of credit to, or guarantee, acceptance, or 117158
letter of credit issued on behalf of, an affiliate by a state bank 117159
or its subsidiary shall be secured at the time of the transaction 117160
by collateral having a market value equal to any of the following: 117161

(1) One hundred per cent of the amount of the loan or 117162
extension of credit, guarantee, acceptance, or letter of credit, 117163
if the collateral is composed of any of the following: 117164

(a) Obligations of the United States or its agencies or 117165
instrumentalities; 117166

(b) Obligations fully guaranteed as to principal and interest 117167
by the United States or its agencies or instrumentalities; 117168

(c) Notes, drafts, bills of exchange, or bankers' acceptances 117169
described in division (B) or ~~(C)~~(C) of section 1109.17 of the 117170
Revised Code; 117171

(d) A segregated, earmarked deposit account with the bank. 117172

(2) One hundred ten per cent of the amount of the loan or 117173
extension of credit, guarantee, acceptance, or letter of credit, 117174
if the collateral is composed of obligations of any state or 117175
political subdivision of any state; 117176

(3) One hundred twenty per cent of the amount of the loan or 117177
extension of credit, guarantee, acceptance, or letter of credit, 117178
if the collateral is composed of other debt instruments, including 117179
receivables; 117180

(4) One hundred thirty per cent of the amount of the loan or 117181
extension of credit, guarantee, acceptance, or letter of credit, 117182

if the collateral is composed of stock, leases, or other real or personal property. 117183
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(E) For purposes of division (D) of this section: 117185

(1) Any collateral that is subsequently retired or amortized shall be replaced by additional eligible collateral as needed to keep the percentage of the collateral value relative to the amount of the outstanding loan or extension of credit, guarantee, acceptance, or letter of credit equal to the minimum percentage required at the inception of the transaction. 117186
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(2) A low quality asset is not acceptable as collateral for a loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, an affiliate. 117192
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(3) The securities issued by an affiliate of the state bank are not acceptable as collateral for a loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, that affiliate or any other affiliate of the bank. 117195
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(4) The collateral requirements set forth in divisions (D) and (E)(1) of this section do not apply to any acceptance that is fully secured by either attached documents or other property that is involved in the transaction and that has an ascertainable market value. 117199
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Sec. 1109.55. (A) A state bank and its subsidiaries may engage in any of the transactions described in division (B) of this section only if one of the following applies: 117204
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(1) The transaction is on terms and under circumstances, including credit standards, that are substantially the same, or at least as favorable to the bank or its subsidiary, as those prevailing at the time for comparable transactions with or involving other nonaffiliated companies. 117207
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(2) In the absence of comparable transactions, the 117212

transaction is on terms and under circumstances, including credit standards, that in good faith would be offered to, or would apply to, nonaffiliated companies.

(B) Division (A) of this section applies to all of the following:

(1) A covered transaction with an affiliate;

(2) The sale of securities or other assets to an affiliate, including assets subject to an agreement to repurchase;

(3) The payment of money or the furnishing of services to an affiliate under contract, lease, or otherwise;

(4) Any transaction in which an affiliate acts as an agent or broker or receives a fee for its services to the bank or to any other person.

(C) No state bank or its subsidiary shall do either of the following:

(1) Purchase as fiduciary any securities or other assets from an affiliate unless the purchase is permitted by one of the following:

(a) The instrument creating the fiduciary relationship;

(b) A court order;

(c) The law of the jurisdiction governing the fiduciary relationship.

(2) Whether acting as principal or fiduciary, knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security if a principal underwriter of the security is an affiliate.

Division (C)(2) of this section does not apply if the purchase or acquisition of the securities has been approved, before the securities are initially offered for sale to the

public, by a majority of the directors of the bank who are not 117242
officers or employees of the bank or any of its affiliates. 117243

(D) No state bank or affiliate or subsidiary of a state bank 117244
shall publish any advertisement or enter into any agreement 117245
stating or suggesting the bank shall in any way be responsible for 117246
the obligations of its affiliates. 117247

(E) For purposes of division (C) of this section: 117248

(1) "Principal underwriter" means any underwriter, in 117249
connection with a primary distribution of securities, that is any 117250
of the following: 117251

(a) In privity of contract with the issuer or an affiliated 117252
person of the issuer; 117253

(b) Acting alone or in concert with one or more other 117254
persons, initiates or directs the formation of an underwriting 117255
syndicate; 117256

(c) Allowed a rate of gross commission, spread, or other 117257
profit greater than the rate allowed another underwriter 117258
participating in the distribution. 117259

(2) "Security" has the same meaning as in section 3(a)(10) of 117260
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 117261
78c(a)(10), as amended. 117262

Sec. 1109.59. A state bank may borrow money in any sum 117263
consistent with safety and soundness. Borrowing by means of the 117264
issuance of debt securities is subject to the approval of the 117265
superintendent of financial institutions in accordance with 117266
section 1107.05 of the Revised Code. 117267

Sec. 1109.61. No state bank shall contract to pay, or pay to 117268
any person, any fees for management or consulting services, 117269
including fees for legal, accounting, brokerage, or other similar 117270

professional services, that do not have a direct relationship to 117271
the value of the services rendered or to be rendered, based on 117272
reasonable costs consistent with current market values for 117273
services of the kind contracted for. 117274

Sec. 1109.62. A state bank may engage in the business of 117275
selling insurance through a subsidiary insurance agency subject to 117276
licensing under the law of this state and the law of every other 117277
state in which services are provided by the bank or its 117278
subsidiary. 117279

Sec. 1109.63. A state bank may buy, sell, and exchange coin 117280
and bullion. 117281

Sec. 1109.64. Subject to the limitations and restrictions of 117282
Chapters 1101. to 1127. of the Revised Code, a state bank shall 117283
have the power to do both of the following: 117284

(A) Operate travel agencies; 117285

(B) Engage in the sale of tickets for passage on common 117286
carriers, such as airlines, railroads, ships, and buses, to points 117287
within and outside the United States. 117288

Sec. 1109.65. In order to protect its interest in a property, 117289
a state bank may purchase a tax certificate under section 5721.32 117290
or 5721.33 of the Revised Code. 117291

Sec. 1109.69. (A) Every Unless a longer record retention 117292
period is required by applicable federal law or regulation, each 117293
bank shall retain or preserve the following bank records and 117294
supporting documents for only the following periods of time: 117295

(1) For one year: 117296

(a) Broker's confirmations, invoices, and statements relating 117297

to security transactions of the bank or for or with its customers,	117298
after date of transaction;	117299
(b) Corporate resolutions, partnership authorizations, and	117300
similar authorizations relating to closed accounts, loans that	117301
have been paid, or other completed transactions, after date of	117302
closing, payment, or completion;	117303
(c) Ledger records of safe deposit accounts, after date of	117304
last entry on the ledger;	117305
(d) Night depository records, after their date;	117306
(e) Records relating to closed Christmas club or similar	117307
limited duration special purpose accounts, after date of closing;	117308
(f) Records relating to customer collection accounts, after	117309
date of transaction;	117310
(g) Stop payment orders, after their date;	117311
(h) All records relating to closed consumer credit loans and	117312
discounts, after date of closing;	117313
(i) Deposit tickets relating to demand deposit accounts,	117314
after their date;	117315
(2) For six years:	117316
(a) Deposit and withdrawal tickets relating to open or closed	117317
savings accounts, after their date;	117318
(b) Individual ledger sheets or other records serving the	117319
same purpose that show a zero balance and that relate to demand,	117320
time, or savings deposit accounts, and safekeeping accounts, after	117321
date of last entry, or, where the ledger sheets or other records	117322
show an open balance, after date of transfer of the amount of the	117323
balance to another ledger sheet or record;	117324
(c) Official checks, drafts, money orders, and other	117325
instruments for the payment of money issued by the bank and that	117326

have been canceled, after date of issue;	117327
(d) Records relating to closed escrow accounts, after date of closing;	117328 117329
(e) Records, other than corporate resolutions, partnership authorizations, and similar authorizations relating to closed loans and discounts other than consumer credit loans and discounts, after date of closing;	117330 117331 117332 117333
(f) Safe deposit access tickets and correspondence or documents relating to access, after their date;	117334 117335
(g) Lease or contract records relating to closed safe deposit accounts, after date of closing;	117336 117337
(h) Signature cards relating to closed demand, savings, or time accounts, closed safe deposit accounts, and closed safekeeping accounts, after date of closing;	117338 117339 117340
(i) Undelivered statements for demand deposit, negotiable order of withdrawal, savings, agency, brokerage, or other accounts for which customer statements are prepared, and canceled checks or other items, after date of statement, provided the bank has attempted to send the statements and checks or other items to its customer, has held them pursuant to the instructions of or an agreement with its customer, or has made them available to its customer.	117341 117342 117343 117344 117345 117346 117347 117348
(B) The superintendent of financial institutions may designate a retention period of either one year or six years for any record maintained by a bank but not listed in division (A) of this section. Records that are not listed in division (A) of this section and for which the superintendent has not designated a retention period shall be retained or preserved for six years from the date of completion of the transaction to which the record relates or, if the last entry has been transferred to a new record showing the continuation of a transaction not yet completed, from	117349 117350 117351 117352 117353 117354 117355 117356 117357

the date of the last entry. 117358

(C) The requirements of divisions (A) and (B) of this section 117359
may be complied with by the preservation of records in the manner 117360
prescribed in section 1109.68 of the Revised Code. 117361

(D) In construing the terms set forth in division (A) of this 117362
section, reference may be made to general banking usage. 117363

(E) A bank may dispose of any records that have been retained 117364
or preserved for the period set forth in divisions (A) and (B) of 117365
this section. 117366

(F) Any action by or against a bank based on, or the 117367
determination of which would depend on, the contents of records 117368
for which a period of retention or preservation is set forth in 117369
divisions (A) and (B) of this section shall be brought within the 117370
time for which the record must be retained or preserved. 117371

(G) Where a record may be classified under either division 117372
(A)(1) or (2) of this section, the record shall be retained or 117373
preserved for the period set forth in division (A)(2) of this 117374
section. 117375

(H) The provisions of this section do not apply to those 117376
records maintained by a bank in its capacity as a trust company. 117377

Sec. 1111.01. As used in this chapter: 117378

(A) "Charitable trust" means a charitable remainder annuity 117379
trust as defined in section 664(d) of the Internal Revenue Code, a 117380
charitable remainder unitrust as defined in section 664(d) of the 117381
Internal Revenue Code, a charitable lead or other split interest 117382
trust subject to the governing instrument requirements of section 117383
508(e) of the Internal Revenue Code, a pooled income fund as 117384
defined in section 642(c) of the Internal Revenue Code, a trust 117385
that is a private foundation as defined in section 509 of the 117386
Internal Revenue Code, or a trust of which each beneficiary is a 117387

charity. 117388

For purposes of this division and division (B) of this 117389
section, "Internal Revenue Code" means the "Internal Revenue Code 117390
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 117391

(B) "Charity" means a state university as defined in section 117392
3345.011 of the Revised Code, a community college as defined in 117393
section 3354.01 of the Revised Code, a technical college as 117394
defined in section 3357.01 of the Revised Code, a state community 117395
college as defined in section 3358.01 of the Revised Code, a 117396
private college or university that possesses a certificate of 117397
authorization issued ~~by the Ohio board of regents~~ pursuant to 117398
Chapter 1713. of the Revised Code, a trust or organization exempt 117399
from taxation under section 501(c)(3) or section 501(c)(13) of the 117400
Internal Revenue Code, or a corporation, trust, or organization 117401
described in section 170(c)(2) of the Internal Revenue Code. The 117402
term "charities" means more than one trust or organization that is 117403
a charity. 117404

(C) "Collective investment fund" means a fund established by 117405
a trust company or an affiliate of a trust company for the 117406
collective investment of assets held in a fiduciary capacity, 117407
either alone or with one or more cofiduciaries, by the 117408
establishing trust company and its affiliates. 117409

(D) "Fiduciary investment company" means a corporation that 117410
is both of the following: 117411

(1) An investment company; 117412

(2) Incorporated, owned, and operated in accordance with 117413
rules adopted by the superintendent of financial institutions for 117414
the investment of funds held by trust companies in a fiduciary 117415
capacity and for true fiduciary purposes, either alone or with one 117416
or more cofiduciaries. 117417

(E) "Home" has the same meaning as in section 3721.10 of the 117418

Revised Code. 117419

(F) "Instrument" includes any will, declaration of trust, 117420
agreement of trust, agency, or custodianship, or court order 117421
creating a fiduciary relationship. 117422

(G) "Residential facility" has the same meaning as in section 117423
5123.19 of the Revised Code. 117424

(H) "Investment company" means any investment company as 117425
defined in section 3 and registered under section 8 of the 117426
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 117427
and 80a-8, as amended. 117428

(I) "Trust business" means accepting and executing trusts of 117429
property, serving as a trustee, executor, administrator, guardian, 117430
receiver, or conservator, and providing fiduciary services as a 117431
business. "Trust business" does not include any of the following: 117432

(1) Any natural person acting as a trustee, executor, 117433
administrator, guardian, receiver, or conservator pursuant to 117434
appointment by a court of competent jurisdiction; 117435

(2) Any natural person serving as a trustee who does not hold 117436
self out to the public as willing to act as a trustee for hire. 117437
For purposes of division (I) of this section, the solicitation or 117438
advertisement of legal or accounting services by a person licensed 117439
in this state as an attorney or a person holding an Ohio permit to 117440
practice public accounting issued under division (A) of section 117441
4701.10 of the Revised Code shall not be considered to be the act 117442
of holding self out to the public as willing to act as a trustee 117443
for hire. 117444

(3) A charity, an officer or employee of a charity, or a 117445
person affiliated with a charity, serving as trustee of a 117446
charitable trust of which the charity, or another charity with a 117447
similar purpose, is a beneficiary; 117448

(4) Any natural person, home, or residential facility serving 117449
as trustee or taking other actions relative to a qualified income 117450
trust described in section 1917(d)(4)(B) of the "Social Security 117451
Act," 42 U.S.C. 1396p(d)(4)(B), as amended; 117452

(5) Other fiduciary activities the superintendent determines 117453
are not undertaken as a business. 117454

Sec. 1111.02. (A) Except as provided in ~~divisions~~ division 117455
(B) ~~and (C)~~ of this section, no person shall solicit or engage in 117456
trust business in this state except a corporation that is one of 117457
the following: 117458

(1) A corporation licensed under section 1111.06 of the 117459
Revised Code that is one of the following: 117460

(a) A state bank ~~doing business under authority granted by~~ 117461
~~the superintendent of financial institutions;~~ 117462

(b) ~~A savings and loan association doing business under~~ 117463
~~authority granted by the superintendent of financial institutions;~~ 117464

~~(c) A savings bank doing business under authority granted by~~ 117465
~~the superintendent of financial institutions;~~ 117466

~~(d)~~ A bank authorized to accept and execute trusts and doing 117467
business under authority granted by the bank chartering authority 117468
of another state or country; 117469

~~(e)~~ (c) A corporation organized under the laws of another 117470
state or country and authorized to accept and execute trusts in 117471
that state or country. 117472

(2) A national bank or federal savings association authorized 117473
to accept and execute trusts and doing business under authority 117474
granted by the office of the comptroller of the currency; 117475

~~(3) A savings association authorized to accept and execute~~ 117476
~~trusts and doing business under authority granted by the office of~~ 117477

~~thrift supervision.~~ 117478

~~(B) This chapter shall not apply to any of the following:~~ 117479

~~(1) A savings and loan association serving as a trustee to the extent authorized by section 1151.191 of the Revised Code;~~ 117480
117481

~~(2) A savings bank serving as a trustee to the extent authorized by section 1161.24 of the Revised Code;~~ 117482
117483

~~(3) A corporation that is incorporated under the laws of another state or the United States, has its principal place of business in another state, is currently qualified to do and is engaging in trust business in the state where the corporation has its principal place of business, and is doing any of the following:~~ 117484
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~~(a)(1) Serving as ancillary executor or administrator of property in this state that is in the estate of a decedent, after appointment as executor or administrator of the estate by the courts of the decedent's state of residence;~~ 117490
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117493

~~(b)(2) As trustee, acquiring, holding, or transferring a security interest in lands or other property in this state, by mortgage, deed of trust, or other instrument, to secure any evidence of indebtedness;~~ 117494
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~~(c)(3) Certifying to any evidence of indebtedness.~~ 117498

~~(C) The following persons shall not be subject to this chapter until July 1, 1997:~~ 117499
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~~(1) Any person, other than a person described in division (A) or (B) of this section, that is serving as a fiduciary under a trust instrument, will, or other document executed before July 1, 1997;~~ 117501
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~~(2) Any person, other than a person described in division (A) or (B) of this section, that is named as a fiduciary in, or is nominated as a fiduciary under, a trust instrument, will, or other~~ 117505
117506
117507

~~document executed before July 1, 1997.~~ 117508

Sec. 1111.03. (A) Notwithstanding any other provision of the 117509
Revised Code, any national bank or federal savings association 117510
that has been granted fiduciary powers by the office of the 117511
comptroller of the currency ~~or any federal savings association~~ 117512
~~that has been granted fiduciary powers by the office of thrift~~ 117513
~~supervision~~ may act in this state as trustee, executor, 117514
administrator, registrar of stocks and bonds, guardian of estates, 117515
assignee, receiver, or in any other fiduciary capacity in which 117516
trust companies qualified and licensed under section 1111.06 of 117517
the Revised Code are authorized to act in this state. For such 117518
purpose, a national bank or federal savings association shall have 117519
the same powers and rights, including but not limited to, the same 117520
right to make and accept transfers of fiduciary appointments, as 117521
are granted by the laws of this state to trust companies qualified 117522
and licensed under section 1111.06 of the Revised Code, and may 117523
solicit trust business, accept trust deposits, and maintain 117524
nonbranch trust offices in this state. A national bank or federal 117525
savings association shall not, by virtue of conducting such trust 117526
activity in this state, be subject to examination or inspection by 117527
the superintendent of financial institutions, nor shall it be 117528
required to obtain any approval, authorization, licenses, or 117529
certification from, or pay any fee or assessment to, the 117530
superintendent in order to conduct trust activities in this state. 117531

(B) Notwithstanding the provisions of division (A) of this 117532
section, section 1111.04, division (B) of section 1111.07, and 117533
section 1111.08 of the Revised Code shall apply to national banks 117534
and federal savings associations. 117535

Sec. 1111.04. (A) Prior to soliciting or engaging in trust 117536
business in this state, a trust company shall pledge to the 117537
treasurer of state interest bearing securities authorized in 117538

division (B) of this section, having a par value, not including 117539
unaccrued interest, of one hundred thousand dollars, and approved 117540
by the superintendent of financial institutions. The trust company 117541
may pledge the securities either by delivery to the treasurer of 117542
state or by placing the securities with a qualified trustee for 117543
safekeeping to the account of the treasurer of state, the 117544
corporate fiduciary, and any other person having an interest in 117545
the securities under Chapter 1109. of the Revised Code, as their 117546
respective interests may appear and be asserted by written notice 117547
to or demand upon the qualified trustee or by order of judgment of 117548
a court. 117549

(B) Securities pledged by a trust company to satisfy the 117550
requirements of division (A) of this section shall be one or more 117551
of the following: 117552

(1) Bonds, notes, or other obligations of or guaranteed by 117553
the United States or for which the full faith and credit of the 117554
United States is pledged for the payment of principal and 117555
interest; 117556

(2) Bonds, notes, debentures, or other obligations or 117557
securities issued by any agency or instrumentality of the United 117558
States; 117559

(3) General obligations of this or any other state of the 117560
United States or any subdivision of this or any other state of the 117561
United States. 117562

(C) The treasurer of state shall accept delivery of 117563
securities pursuant to this section when accompanied by the 117564
superintendent's approval of the securities or the written receipt 117565
of a qualified trustee describing the securities and showing the 117566
superintendent's approval of the securities, and shall issue a 117567
written acknowledgment of the delivery of the securities or the 117568
qualified trustee's receipt and the superintendent's approval to 117569

the trust company. 117570

(D) The superintendent shall approve securities to be pledged 117571
by a trust company pursuant to this section if the securities are 117572
all of the following: 117573

(1) Interest bearing and of the value required by division 117574
(A) of this section; 117575

(2) Of one or more of the kinds authorized by division (B) of 117576
this section and not a derivative of or merely an interest in any 117577
of those securities; 117578

(3) Not in default. 117579

(E) The treasurer of state shall, with the approval of the 117580
superintendent, permit a trust company to pledge securities in 117581
substitution for securities pledged pursuant to this section and 117582
the withdrawal of the securities substituted for so long as the 117583
securities remaining pledged satisfy the requirements of division 117584
(A) of this section. The treasurer of state shall permit a trust 117585
company to collect interest paid on securities pledged pursuant to 117586
this section so long as the trust company is solvent. The 117587
treasurer of state shall, with the approval of the superintendent, 117588
permit a trust company to withdraw securities pledged pursuant to 117589
this section when the trust company has ceased to solicit or 117590
engage in trust business in this state. 117591

(F) For purposes of this section, a qualified trustee is a 117592
federal reserve bank, a federal home loan bank, a trust company as 117593
defined in section 1101.01 of the Revised Code, or a national bank 117594
or federal savings association that has pledged securities 117595
pursuant to this section, is authorized to accept and execute 117596
trusts, and is doing business under authority granted by the 117597
office of the comptroller of the currency, ~~or a savings~~ 117598
~~association that has pledged securities pursuant to this section,~~ 117599
~~is authorized to accept and execute trusts, and is doing business~~ 117600

~~under authority granted by the office of thrift supervision except~~ 117601
~~that. However, a national bank or federal savings association~~ 117602
~~doing business under authority granted by the office of the~~ 117603
~~comptroller of the currency, a savings association doing business~~ 117604
~~under authority granted by the office of thrift supervision, or a~~ 117605
trust company may not act as a qualified trustee for securities it 117606
or any of its affiliates is pledging pursuant to this section. 117607

(G) The superintendent, with the approval of the treasurer of 117608
state and the attorney general, shall prescribe the form of all 117609
receipts and acknowledgments provided for by this section, and 117610
upon request shall furnish a copy of each form, with the 117611
superintendent's certification attached, to each qualified trustee 117612
eligible to hold securities for safekeeping under this section. 117613

Sec. 1111.06. (A) Any person, other than a national bank with 117614
trust powers or a federal savings association with trust powers, 117615
proposing to solicit or engage in trust business in this state 117616
shall apply to the superintendent of financial institutions to be 117617
licensed as a trust company. The superintendent shall approve or 117618
disapprove the application within sixty days after accepting it. 117619

(B) In determining whether to approve or disapprove an 117621
application for a trust company license, the superintendent shall 117622
consider all of the following: 117623

(1) Whether the applicant is a corporation described in 117624
division (A)(1) of section 1111.02 of the Revised Code; 117625

(2) Whether the applicant's articles of incorporation or 117626
association authorize the applicant to serve as a trustee; 117627

(3) If the applicant is not a state bank, ~~savings and loan~~ 117628
~~association, or savings bank doing business under authority~~ 117629
~~granted by the superintendent,~~ whether the applicant is currently 117630

qualified to do and is engaging in trust business in the state or 117631
country under the laws of which the applicant is organized; 117632

(4) Whether the applicant satisfies the requirements of 117633
section 1111.05 of the Revised Code; 117634

(5) Whether it is reasonable to believe the applicant will 117635
comply with applicable laws and observe sound fiduciary standards 117636
in conducting trust business in this state; 117637

(6) If the applicant is not a state bank, ~~savings and loan~~ 117638
~~association, or savings bank doing business under authority~~ 117639
~~granted by the superintendent~~, whether the applicant is subject to 117640
comprehensive supervision and regulation of its fiduciary 117641
activities by appropriate authorities of the state or country 117642
under the laws of which the applicant is organized. 117643

(C) In approving an application for a trust company license, 117644
the superintendent may impose any condition the superintendent 117645
determines to be appropriate. 117646

(D) When an applicant has satisfied all prior conditions 117647
imposed by the superintendent in approving the applicant's 117648
application for a trust company license and has pledged securities 117649
as required by section 1111.04 of the Revised Code, the 117650
superintendent shall issue the applicant a trust company license. 117651
A license issued pursuant to this section shall remain in force 117652
and effect until surrendered by the licensee pursuant to section 117653
1111.31 of the Revised Code or suspended or revoked by the 117654
superintendent pursuant to section 1111.32 of the Revised Code. 117655

Sec. 1111.07. (A) A trust company's license to solicit or 117656
engage in trust business in this state is not transferable or 117657
assignable. 117658

(B) Subject to section 2109.28 of the Revised Code, if any 117659
trust company enters into a merger or consolidation in which the 117660

trust company is not the surviving corporation, or transfers all 117661
or substantially all of its assets and liabilities to another 117662
corporation, the resulting, surviving, or transferee corporation 117663
shall succeed the trust company as fiduciary as a matter of law 117664
and without necessity to do anything further, if the resulting, 117665
surviving, or transferee corporation is a trust company, or a 117666
national bank or federal savings association authorized to accept 117667
and execute trusts and doing business under authority granted by 117668
the office of the comptroller of the currency, ~~or a federal~~ 117669
~~savings association authorized to accept and execute trusts and~~ 117670
~~doing business under authority granted by the office of thrift~~ 117671
~~supervision.~~ If the trust company is not the surviving corporation 117672
of a merger, enters a consolidation, or after transferring 117673
substantially all of its assets and liabilities ceases to solicit 117674
or engage in trust business in this state, the trust company shall 117675
surrender its trust company license in accordance with section 117676
1111.31 of the Revised Code. 117677

Sec. 1111.08. (A) A trust company, or a national bank or 117678
federal savings association authorized to accept and execute 117679
trusts and doing business under authority granted by the office of 117680
the comptroller of the currency, ~~or a federal savings association~~ 117681
~~authorized to accept and execute trusts and doing business under~~ 117682
~~authority granted by the office of thrift supervision~~ may transfer 117683
all or part of its trust business in this state to another trust 117684
company, or to a national bank or federal savings association 117685
authorized to accept and execute trusts and doing business under 117686
authority granted by the office of the comptroller of the 117687
currency, ~~or to a federal savings association authorized to accept~~ 117688
~~and execute trusts and doing business under authority granted by~~ 117689
~~the office of thrift supervision,~~ if all of the following have 117690
occurred: 117691

(1) Not less than sixty days before consummation of the 117692

transfer, either the transferor or transferee, or both, for each 117693
fiduciary account or relationship to be transferred, has given 117694
written notice, by regular mail to the most recent address shown 117695
on the records of the transferor, to all of the following that 117696
apply: 117697

(a) Each court having jurisdiction over the fiduciary account 117698
or relationship; 117699

(b) Each cofiduciary of the fiduciary account or 117700
relationship; 117701

(c) Each surviving settlor of the trust; 117702

(d) Each person that, alone or in conjunction with others, 117703
has the power to remove the trust company as fiduciary or appoint 117704
a successor fiduciary; 117705

(e) Except in the case of a trust described in section 401(a) 117706
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 117707
U.S.C.A. 401(a), as amended, each adult beneficiary currently 117708
receiving or entitled as a matter of right to receive a 117709
distribution of principal or income from the trust, estate, or 117710
fund; 117711

(f) In the case of a trust described in section 401(a) of the 117712
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 117713
401(a), as amended, the employer or employee organization, or 117714
both, responsible for the maintenance of the trust. 117715

(2) The transferor has filed a certified copy of the 117716
agreement for the sale with the superintendent of financial 117717
institutions. 117718

(B)(1) The transfer of a fiduciary account or relationship 117719
pursuant to division (A) of this section results in the transferee 117720
being substituted for the transferor as fiduciary as a matter of 117721
law and without necessity to do anything further. 117722

(2) The transfer of a fiduciary account or relationship pursuant to division (A) of this section does neither of the following: 117723
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(a) Impair the right of any person that, alone or in conjunction with others, has the power to remove a fiduciary or appoint a successor fiduciary; 117726
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(b) Absolve or discharge a transferor from any liability arising out of its breach of any fiduciary duty or obligation to the account prior to the transfer. 117729
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Sec. 1111.09. (A)(1) A trust service office is any location established by a trust company as a place for either of the following: 117732
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(a) Persons seeking the services of the trust company, or information about those services, to contact representatives of the trust company regarding the trust company's business. 117735
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(b) The trust company's representatives to contact the trust company's customers, or potential customers, and their representatives. 117738
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(2) None of the following is a trust service office: 117741

(a) Any location where a trust company conducts its operations but does not provide facilities for contact with its customers or contact by the public with the trust company; 117742
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(b) Any location that is the home or place of work or business or used for the convenience of the trust company's customer, potential customer, or a representative of a customer or potential customer where the trust company's representative's contact with its customer, potential customer, or a representative of a customer or potential customer is merely incidental to the purposes for which the location is maintained and to the activities conducted there; 117745
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(c) Any location where another person, including a financial institution, conducts its business and persons inquiring about trust services are merely referred to a trust company, even if referrals to a particular trust company are by exclusive arrangement and compensated.

(B) A trust company may, consistent with the trust company's safe and sound operation and the law, establish and maintain trust service offices at any location, including the following:

(1) If clearly identified and distinguished, at a location where another person, including a financial institution, also conducts business;

(2) If the trust company is a bank, savings and loan association, or savings bank, at any of its approved banking offices or main office or branches.

(C)(1) A trust company shall give notice in writing to the superintendent of financial institutions prior to establishing, relocating, or closing a trust service office in this state.

(2) A trust company that is a state bank ~~doing business under authority granted by the superintendent~~ also shall give notice in writing to the superintendent prior to establishing, relocating, or closing a trust service office outside this state.

Sec. ~~1103.01~~ 1113.01. A stock state banking corporation shall be created, organized, and governed, ~~and~~ its business shall be conducted, and its directors shall be chosen, in all respects in the same manner as is provided by Chapters 1701. and 1704. of the Revised Code, for corporations generally, to the extent that is not inconsistent with this chapter, ~~Chapter~~ Chapters 1101. to 1111., and Chapters ~~1105-~~ 1114. to 1127. of the Revised Code.

Sec. ~~1113.01~~ 1113.02. (A) Five or more natural persons, at least one of whom is a resident of this state, may, with the

approval of the superintendent of financial institutions, 117783
incorporate a stock state bank. 117784

(B) The persons proposing to incorporate a stock state bank 117785
shall apply for approval of the proposed bank by submitting the 117786
application prescribed by the superintendent, which application 117787
shall include all of the following: 117788

(1) The proposed articles of incorporation and code of 117789
regulations; 117790

(2) An application for reservation of a name in accordance 117791
with section 1103.07 of the Revised Code, if reservation is 117792
desired by the incorporators and has not been previously filed; 117793

(3) The location and a description of the proposed initial 117794
banking office; 117795

(4) Information to demonstrate the proposed bank will satisfy 117796
the requirements of division (C) of section 1113.03 and any other 117797
provision of the Revised Code identified by the superintendent; 117798

(5) Any other information the superintendent requires. 117799

(C) Notwithstanding division (A) of this section, a 117800
corporation may act as the sole incorporator of a stock state bank 117801
if either of the following applies: 117802

(1) The corporation is registered with the board of governors 117803
of the federal reserve system as a bank holding company; 117804

(2) The superintendent determines the corporation is 117805
intending to form either of the following: 117806

(a) A stock state bank that functions solely in a trust or 117807
fiduciary capacity and that meets all of the requirements set 117808
forth in section 2(c)(2)(D) of the "Bank Holding Company Act of 117809
1956," 70 Stat. 133, 12 U.S.C. 1841(c)(2)(D), as amended; 117810

(b) A stock state bank that engages only in credit card 117811
operations, does not accept demand deposits or deposits that the 117812

depositor may withdraw by check or similar means for payment to 117813
third parties or others, does not accept any savings or time 117814
deposit of less than one hundred thousand dollars, maintains only 117815
one office that accepts deposits, and does not engage in the 117816
business of making commercial loans. 117817

Sec. 1113.03. (A) Within ten days after receipt from the 117818
superintendent of financial institutions of notice of acceptance 117819
of an application for approval to incorporate a stock state bank, 117820
the incorporators shall publish notice of the proposed 117821
incorporation in a newspaper of general circulation in the county 117822
where the bank's initial banking office is to be located. The 117823
incorporators shall publish the notice once a week for two weeks 117824
and furnish a certified copy of it to the superintendent. The 117825
notice shall specify the name of the proposed bank, its location, 117826
the amount of the proposed capital, the names of the 117827
incorporators, the address of the superintendent, and the date by 117828
which comments on the application must be filed with the 117829
superintendent, which date shall be thirty days after the date of 117830
the first publication of the notice. 117831

(B) If any comments on the application are filed with the 117832
superintendent within the thirty-day period prescribed in division 117833
(A) of this section, the superintendent shall determine whether 117834
the comments are relevant to the requirements for incorporation of 117835
a stock state bank and, if so, investigate the comments in the 117836
manner the superintendent considers appropriate. 117837

(C) The superintendent shall examine all of the facts 117838
connected with the application to determine if all of the 117839
following requirements are met: 117840

(1) The proposed articles of incorporation and code of 117841
regulations, application for reservation of name, applicable fees, 117842
and other items required meet the requirements of the Revised 117843

Code. 117844

(2) The convenience and needs of the public will be served by 117845
the proposed bank. 117846

(3) The population and economic characteristics of the area 117847
primarily to be served afford reasonable promise of adequate 117848
support for the proposed bank. 117849

(4) The competence, experience, and integrity of the proposed 117850
directors and officers are such as to command the confidence of 117851
the community and warrant the belief that the business of the 117852
proposed bank will be honestly and efficiently conducted. 117853

(5) The capital of the proposed bank is adequate in relation 117854
to the amount and character of the anticipated business of the 117855
bank and the safety of prospective depositors. 117856

(D) Within one hundred eighty days following the date of 117857
acceptance of the application, the superintendent shall approve or 117858
disapprove the incorporation of the proposed bank upon the basis 117859
of the examination. In giving approval, the superintendent may 117860
impose conditions to be met prior to the issuance of a certificate 117861
of authority to commence business under section 1113.09 of the 117862
Revised Code. 117863

(E) If the superintendent approves the application, the 117864
superintendent shall make a certificate to that effect and forward 117865
the certificate and the articles of incorporation of the proposed 117866
bank to the secretary of state for filing. 117867

Sec. ~~1103.06~~ 1113.04. (A) A stock state bank's articles of 117868
incorporation shall contain all of the following: 117869

(1) The name of the bank; 117870

(2) The place in this state where the bank's principal place 117871
of business is to be located; 117872

(3) The purpose or purposes for which the bank is formed; 117873

(4) The maximum number and the par value of shares the bank 117874
is authorized to have outstanding and their express terms, if any. 117875
The articles of incorporation shall not authorize shares without 117876
par value. If the shares are to be classified, the designation of 117877
each class, the number and par value of the shares of each class, 117878
and the express terms, if any, of the shares of each class shall 117879
be included. 117880

(B) The articles of incorporation may also set forth any 117881
lawful provision for the purpose of defining, limiting, or 117882
regulating the exercise of the authority of the stock state bank, 117883
the incorporators, the directors, the officers, the shareholders, 117884
or the holders of any class of shares, and any provision that may 117885
be set forth in the bank's code of regulations. 117886

Sec. 1113.05. (A) Before any subscription to shares has been 117887
received, the incorporators may, by unanimous written action and 117888
subject to ~~division (E)~~ the requirements of this section, adopt 117889
amendments to the stock state bank's articles of incorporation or 117890
amended articles of incorporation to change any provision of, or 117891
add any provision that may properly be included in, the articles 117892
of incorporation. 117893

(B) Amended articles of incorporation shall set forth all 117894
provisions required in, and only provisions that may properly be 117895
in, original articles of incorporation or amendments to articles 117896
of incorporation at the time the amended articles of incorporation 117897
are adopted, and shall state that they supersede the existing 117898
articles of incorporation. 117899

(C)(1) If the incorporators propose the adoption of any 117900
amendment to a stock state bank's articles of incorporation or 117901
amended articles of incorporation, the bank shall send to the 117902
superintendent of financial institutions a copy of the proposed 117903

amendment or amended articles of incorporation for review and 117904
approval prior to adoption by the incorporators. 117905

(2) Upon receiving a proposed amendment or amended articles 117906
of incorporation, the superintendent shall conduct whatever 117907
examination the superintendent considers necessary to determine if 117908
both of the following conditions are satisfied: 117909

(a) The proposed amendment or amended articles of 117910
incorporation comply with the requirements of the Revised Code. 117911

(b) The proposed amendment or amended articles of 117912
incorporation will not adversely affect the interests of the 117913
bank's depositors and creditors and the convenience and needs of 117914
the public. 117915

(3) Within forty-five days after receiving the proposed 117916
amendment or amended articles of incorporation, the superintendent 117917
shall notify the bank of the superintendent's approval or 117918
disapproval unless the superintendent determines additional 117919
information is required. In that event, the superintendent shall 117920
request the information in writing within twenty days after the 117921
date the proposed amendment or amended articles of incorporation 117922
were received. The bank shall have thirty days to submit the 117923
information to the superintendent. The superintendent shall notify 117924
the bank of the superintendent's approval or disapproval of the 117925
proposed amendment or amended articles of incorporation within 117926
forty-five days after the date the additional information is 117927
received. If the proposed amendment or amended articles of 117928
incorporation are disapproved by the superintendent, the 117929
superintendent shall notify the bank of the reasons for the 117930
disapproval. 117931

(4) If the superintendent fails to approve or disapprove the 117932
proposed amendment or amended articles of incorporation within the 117933
time period required under division (C)(3) of this section, the 117934

proposed amendment or amended articles of incorporation shall be 117935
considered approved. 117936

(5) If the proposed amendment or amended articles of 117937
incorporation are approved, in no event shall that approval be 117938
construed or represented as an affirmative endorsement of the 117939
amendment or amended articles of incorporation by the 117940
superintendent. 117941

(D)(1) Upon their adoption of any approved amendment to a 117942
stock state bank's articles of incorporation, the incorporators 117943
shall send to the superintendent ~~of financial institutions~~ a 117944
certificate, signed by all the incorporators, containing a copy of 117945
the resolution adopting the amendment and a statement of the 117946
manner of and basis for its adoption. 117947

(2) Upon their adoption of approved amended articles of 117948
incorporation, the incorporators shall send to the superintendent 117949
a copy of the amended articles of incorporation, accompanied by a 117950
certificate, signed by all the incorporators, containing a copy of 117951
the resolution adopting the amended articles of incorporation and 117952
a statement of the manner of and basis for its adoption. 117953

~~(D)~~(E) Upon receiving a certificate required by division 117954
~~(C)~~(D) of this section, the superintendent shall conduct whatever 117955
examination the superintendent considers necessary to determine if 117956
~~both of the following conditions are satisfied:~~ 117957

~~(1) The the manner of and basis for the adoption of the~~ 117958
~~amendment or amended articles of incorporation and the manner of~~ 117959
~~and basis for adoption~~ comply with the requirements of the Revised 117960
Code. 117961

~~(2) The amendment or amended articles of incorporation will~~ 117962
~~not adversely affect the interests of the bank's depositors and~~ 117963
~~creditors and the convenience and needs of the public.~~ 117964

~~(E)~~(F)(1) Within ~~sixty~~ thirty days after receiving a 117965

certificate required by division ~~(C)~~(D) of this section, the 117966
superintendent shall approve or disapprove the amendment or 117967
amended articles of incorporation. If the superintendent approves 117968
the amendment or amended articles of incorporation, the 117969
superintendent shall forward a certificate of that approval, a 117970
copy of the certificate required by division ~~(C)~~(D) of this 117971
section, and, ~~in the case of amended articles of incorporation,~~ a 117972
copy of the amendment or amended articles of incorporation, to the 117973
secretary of state, who shall file the documents. Upon filing by 117974
the secretary of state, the amendment or amended articles of 117975
incorporation shall be effective. 117976

(2) If the superintendent fails to approve or disapprove the 117977
amendment or amended articles of incorporation within ~~sixty~~ thirty 117978
days after receiving a certificate required by division ~~(C)~~(D) of 117979
this section, the bank shall forward a copy of the certificate 117980
and, ~~in the case of amended articles of incorporation,~~ a copy of 117981
the amendment or amended articles of incorporation, to the 117982
secretary of state, who shall file the documents. Upon filing by 117983
the secretary of state, the amendment or amended articles of 117984
incorporation shall be effective. 117985

Sec. 1113.06. (A) After the secretary of state has filed the 117986
articles of incorporation and certificate of approval of the 117987
superintendent of financial institutions, the incorporators, or a 117988
majority of them, shall order books to be opened for subscription 117989
to the stock state bank's shares. An installment of not less than 117990
ten per cent of the subscription price of each share shall be 117991
payable at the time of making the subscription, and the balance 117992
shall be payable as soon thereafter as the board of directors 117993
requires. 117994

(B) When the stock state bank's shares have been fully 117995
subscribed, the incorporators, or a majority of them, shall 117996

certify this fact in writing to the superintendent. The 117997
superintendent shall file the certification with the secretary of 117998
state. 117999

(C) Upon their compliance with division (B) of this section, 118000
at least a majority of the incorporators shall give not less than 118001
ten days' notice in writing by mail to the shareholders who have 118002
not waived the notice to meet at a specified time and place for 118003
the purpose of adopting a code of regulations, electing directors, 118004
and transacting any other business authorized by section 1113.08 118005
of the Revised Code. The shareholders shall meet for those 118006
purposes at the time and place specified. 118007

(D) The incorporators shall not receive any subscriptions for 118008
shares after the election of directors. 118009

Sec. 1113.08. (A) A stock state bank organized under Chapter 118010
1113. of the Revised Code shall not accept deposits, incur 118011
indebtedness, or transact any business except business that is 118012
incidental to its organization or to the obtaining of 118013
subscriptions to or payment for its shares until the bank receives 118014
a certificate of authority to commence business issued by the 118015
superintendent of financial institutions. 118016

(B) The bank shall file a report with the superintendent when 118017
it has done everything required before it can be authorized to 118018
commence business and when the subscriptions for the bank's shares 118019
have been fully paid in, in the amounts fixed by the 118020
superintendent. 118021

(C) Upon receipt of the report referred to in division (B) of 118022
this section, the superintendent shall examine the affairs of the 118023
bank and determine whether the bank has complied with all 118024
requirements necessary to entitle it to engage in business. 118025

Sec. 1113.09. (A) The superintendent of financial 118026

institutions shall issue a certificate of authority to commence 118027
business if: 118028

(1) The superintendent is satisfied, based upon the 118029
examination conducted pursuant to section 1113.08 of the Revised 118030
Code and any other facts within the knowledge of the 118031
superintendent, that the stock state bank is otherwise entitled to 118032
commence business~~+~~. 118033

(2) With respect to a stock state bank that, upon commencing 118034
business, would be authorized to accept deposits other than trust 118035
funds, the superintendent has received from the federal deposit 118036
insurance corporation (FDIC) confirmation that the FDIC has 118037
approved the bank's application to become an insured bank as 118038
defined in section 3(h) of the "Federal Deposit Insurance Act," 92 118039
Stat. 614 (1978), 12 U.S.C.A. 1813(h). A stock state bank is not 118040
required to become an insured bank as defined in section 3(h) of 118041
the "Federal Deposit Insurance Act" if, by the terms of its 118042
articles of incorporation, it is not permitted to solicit or 118043
accept deposits other than trust funds. 118044

(B) The bank shall cause the certificate of authority to 118045
commence business to be published once a week for two successive 118046
weeks in a newspaper of general circulation in the county where 118047
the bank's initial banking office is located. 118048

(C) For purposes of this section, "trust funds" means funds 118049
held in a fiduciary capacity and includes, but is not limited to, 118050
funds held as trustee, executor, administrator, guardian, or 118051
agent. 118052

Sec. ~~1103.11~~ 1113.11. (A) Each stock state bank shall have a 118053
code of regulations for its governance as a corporation, the 118054
conduct of its affairs, and the management of its property. The 118055
code of regulations shall be consistent with the law of this state 118056
and the bank's articles of incorporation. 118057

~~(B) A bank's original code of regulations shall be adopted at a meeting of shareholders held for that purpose by the affirmative vote of the holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal.~~

~~(C) The shareholders may amend a bank's code of regulations or adopt a new code of regulations in any of the following ways:~~

~~(1) At a meeting of shareholders by the affirmative vote of the holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal;~~

~~(2) Without a meeting by the written consent of the holders of shares entitling them to exercise two thirds of the voting power of the bank on the proposal;~~

~~(3) If the bank's articles of incorporation or code of regulations so provide or permit, by the affirmative vote or written consent of the holders of shares entitling them to exercise a greater or lesser proportion, but not less than a majority, of the voting power of the bank on the proposal.~~

~~(D) Notice of a shareholders' meeting to adopt any amendment to the code of regulations, or a new code of regulations, shall be given in the manner provided in section 1103.13 of the Revised Code. Notice by the incorporators of the first meeting of shareholders in accordance with section 1113.06 of the Revised Code shall be sufficient for the adoption of the original code of regulations of a new bank.~~

~~(E) Without limiting the generality of this authority, the code of regulations may include provisions with respect to any of the following:~~

~~(1) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of shareholders;~~

(2) The taking of a record of shareholders or the temporary closing of books against transfers of shares;	118088
	118089
(3) The number, classification, manner of fixing or changing the number, qualifications, term of office, and compensation or manner of fixing compensation of directors;	118090
	118091
	118092
(4) The terms on which new certificates for shares may be issued in the place of lost, stolen, or destroyed certificates;	118093
	118094
(5) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of the directors;	118095
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(6) The appointment and authority of an executive and other committees of the directors;	118098
	118099
(7) The titles, qualifications, duties, term of office, compensation or manner of fixing compensation, and removal of officers;	118100
	118101
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(8) Defining, limiting, or regulating the exercise of the authority of the bank, the directors, the officers, or all the shareholders;	118103
	118104
	118105
(9) The manner in and conditions upon which a certificated security, and the conditions upon which an uncertificated security, and the shares represented by a certificated or uncertificated security, may be transferred, restrictions on the right to transfer the shares, and reservations of liens on the shares.	118106
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(F) Unless either a bank's articles of incorporation or code of regulations provides otherwise, if the code of regulations is to be amended or a new code of regulations is proposed for adoption without a meeting of the shareholders, at least ten days prior to the last day a shareholder may consent to or deny consent to the proposed amendments or new code of regulations, the	118112
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~~secretary of the bank shall mail a copy of the proposed amendments 118118
or new code of regulations to each shareholder who would be 118119
entitled, as of the date of the mailing, to vote on the amendment 118120
or adoption. 118121~~

~~(G) If the code of regulations is amended or a new code of 118122
regulations is adopted without a meeting of the shareholders, the 118123
secretary of the bank shall mail a copy of the amendment or the 118124
new code of regulations, or notice of the adoption of the 118125
amendment or new code of regulations, to each shareholder who 118126
would have been entitled to vote on the amendment or adoption. 118127~~

Sec. ~~1103.08~~ 1113.12. (A) After subscriptions to shares have 118128
been received by the incorporators, the shareholders of a stock 118129
state bank may, subject to ~~division (H)~~ the requirements of this 118130
section, adopt amendments to the bank's articles of incorporation 118131
or adopt amended articles of incorporation to change any provision 118132
of, or add any provision that may properly be included in, the 118133
articles of incorporation. 118134

(1) The shareholders may adopt an amendment to the bank's 118135
articles of incorporation or amended articles of incorporation at 118136
a meeting held for that purpose, as follows: 118137

(a) By the affirmative vote of the holders of shares 118138
entitling them to exercise two-thirds of the voting power of the 118139
bank on the proposal or, if the articles of incorporation provide 118140
or permit, by the affirmative vote of a greater or lesser 118141
proportion, but not less than a majority, of the voting power; 118142

(b) When the holders of shares of a particular class are 118143
entitled to vote as a class, by the affirmative vote of the 118144
holders of at least two-thirds or, if the articles of 118145
incorporation provide or permit, a greater or lesser portion, but 118146
not less than a majority, of the shares of the class. 118147

(2) The shareholders may adopt amended articles of incorporation to consolidate the original articles of incorporation and all previously adopted amendments to the articles of incorporation at a meeting held for that purpose by the affirmative vote of holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal.

(3) The shareholders may adopt an amendment to the bank's articles of incorporation or amended articles of incorporation without a meeting by the written consent of all of the holders of shares who would be entitled to vote at a meeting held for that purpose.

(B) Any amendment or amended articles of incorporation of a stock state bank that would eliminate cumulative voting rights, as permitted by section 1701.69 of the Revised Code, shall not be adopted if the votes of a sufficient number of shares are cast against the amendment or amended articles of incorporation that, if cumulatively voted at an election of all directors or all directors of a particular class, would be sufficient, at the time the shareholders vote on the proposal, to elect at least one director.

(C) The shareholders of a stock state bank may adopt an amendment to the bank's articles of incorporation to authorize the purchase of the bank's shares, if the amendment states that the superintendent of financial institutions must approve the purchase in writing prior to each purchase of shares.

(D) The shareholders of a stock state bank may adopt an amendment to the bank's articles of incorporation to permit the bank to have authorized and unissued shares or treasury shares ~~for any of the following purposes:~~

~~(1) Meeting conversion rights or options;~~

(2) Employee stock purchase or ownership plans;	118179
(3) Mergers, consolidations, or other reorganizations, or acquisitions;	118180
	118181
(4) The purchase of real estate the board of directors considers necessary or convenient for transaction of the bank's business;	118182
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	118184
(5) Any other specific purpose.	118185
Shares shall be considered authorized for these purposes only if the shareholder resolutions authorizing the shares specifically state the purposes for which the shares are authorized. Shares authorized specifically for any of these purposes shall not be issued for any other purpose. Shares authorized for these purposes shall be deemed released from pre-emptive rights.	118186
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(E) Amended articles of incorporation shall set forth all provisions required in, and only provisions that may properly be in, original articles of incorporation or amendments to articles of incorporation at the time the amended articles of incorporation are adopted, and shall state that they supersede the existing articles of incorporation.	118192
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(F)(1) <u>If the shareholders propose the adoption of any amendment to a stock state bank's articles of incorporation or amended articles of incorporation, the bank shall send to the superintendent a copy of the proposed amendment or amended articles of incorporation for review and approval prior to adoption by the shareholders.</u>	118198
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<u>(2) Upon receiving a proposed amendment or amended articles of incorporation, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if both of the following conditions are satisfied:</u>	118204
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<u>(a) The proposed amendment or amended articles of</u>	118208

incorporation comply with the requirements of the Revised Code. 118209

(b) The proposed amendment or amended articles of 118210
incorporation will not adversely affect the interests of the 118211
bank's depositors and creditors and the convenience and needs of 118212
the public. 118213

(3) Within forty-five days after receiving the proposed 118214
amendment or amended articles of incorporation, the superintendent 118215
shall notify the bank of the superintendent's approval or 118216
disapproval unless the superintendent determines additional 118217
information is required. In that event, the superintendent shall 118218
request the information in writing within twenty days after the 118219
date the proposed amendment or amended articles of incorporation 118220
were received. The bank shall have thirty days to submit the 118221
information to the superintendent. The superintendent shall notify 118222
the bank of the superintendent's approval or disapproval of the 118223
proposed amendment or amended articles of incorporation within 118224
forty-five days after the date the additional information is 118225
received. If the proposed amendment or amended articles of 118226
incorporation are disapproved by the superintendent, the 118227
superintendent shall notify the bank of the reasons for the 118228
disapproval. 118229

(4) If the superintendent fails to approve or disapprove the 118230
proposed amendment or amended articles of incorporation within the 118231
time period required under division (F)(3) of this section, the 118232
proposed amendment or amended articles of incorporation shall be 118233
considered approved. 118234

(5) If the proposed amendment or amended articles of 118235
incorporation are approved, in no event shall that approval be 118236
construed or represented as an affirmative endorsement of the 118237
amendment or amended articles of incorporation by the 118238
superintendent. 118239

(G)(1) Upon adoption by the shareholders of any approved amendment to a stock state bank's articles of incorporation, the bank shall send to the superintendent a certificate containing a copy of the shareholders' resolution adopting the amendment and a statement of the manner of its adoption. If the directors proposed the amendment, the certificate shall include a copy of the resolution adopted by the directors to propose the amendment to the shareholders. The certificate shall be signed by ~~bank officers~~ the bank's authorized representatives in accordance with section 1103.19 of the Revised Code.

(2) Upon adoption by the shareholders of approved amended articles of incorporation, the bank shall send to the superintendent a copy of the amended articles of incorporation, accompanied by a certificate containing a copy of the shareholders' resolution adopting the amended articles of incorporation and a statement of the manner of its adoption. If the directors proposed the amended articles of incorporation, the certificate shall include a copy of the resolution adopted by the directors to propose the amended articles of incorporation to the shareholders. The certificate shall be signed by ~~bank officers~~ the bank's authorized representatives in accordance with section 1103.19 of the Revised Code.

~~(G)(H)~~ Upon receiving a certificate required by division ~~(F)(G)~~ of this section, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if ~~both of the following conditions are satisfied:~~

~~(1) The the manner of adoption of the amendment or amended articles of incorporation and the manner of adoption comply complies with the requirements of the Revised Code;~~

~~(2) The amendment or amended articles of incorporation will not adversely affect the interests of the bank's depositors and creditors and the convenience and needs of the public.~~

~~(H)~~(I)(1) Within ~~sixty~~ thirty days after receiving a 118272
certificate required by division ~~(F)~~(G) of this section, the 118273
superintendent shall approve or disapprove the amendment or 118274
amended articles of incorporation. If the superintendent approves 118275
the amendment or amended articles of incorporation, the 118276
superintendent shall forward a certificate of that approval, a 118277
copy of the certificate required by division ~~(F)~~(G) of this 118278
section, and, ~~in the case of amended articles of incorporation,~~ a 118279
copy of the amendment or amended articles of incorporation, to the 118280
secretary of state, who shall file the documents. Upon filing by 118281
the secretary of state, the amendment or amended articles of 118282
incorporation shall be effective. 118283

(2) If the superintendent fails to approve or disapprove the 118284
amendment or amended articles of incorporation within ~~sixty~~ thirty 118285
days after receiving a certificate required by division ~~(F)~~(G) of 118286
this section, the bank shall forward a copy of the certificate 118287
and, ~~in the case of amended articles of incorporation,~~ a copy of 118288
the amendment or amended articles of incorporation, to the 118289
secretary of state, who shall file the documents. Upon filing by 118290
the secretary of state, the amendment or amended articles of 118291
incorporation shall be effective. 118292

Sec. ~~1103.09~~ 1113.13. (A) After subscriptions to shares have 118293
been received by the incorporators, the board of directors of a 118294
stock state bank may, subject to ~~division (F)~~ the requirements of 118295
this section, adopt amendments to the bank's articles of 118296
incorporation to do any of the following: 118297

(1) Authorize the shares necessary to meet conversion or 118298
option rights when all of the following apply: 118299

(a) The bank has issued shares of one class convertible into 118300
shares of another class or obligations convertible into shares of 118301
the bank, or has granted options to purchase shares. 118302

(b) The conversion or option rights are set forth in the 118303
articles of incorporation or have been approved by the same vote 118304
of shareholders as, at the time of the approval, would have been 118305
required to amend the articles of incorporation to authorize the 118306
shares required for that purpose. 118307

(c) The bank does not have sufficient authorized and unissued 118308
shares available to satisfy the conversion or option rights. 118309

(2) Reduce the authorized number of shares of a class by the 118310
number of shares of that class that have been redeemed, or have 118311
been surrendered to or acquired by the bank upon conversion, 118312
exchange, purchase, or otherwise, or to eliminate from the 118313
articles of incorporation all references to the shares of a class, 118314
and to make any other change required, when all of the authorized 118315
shares of that class have been redeemed, or surrendered to or 118316
acquired by the bank; 118317

(3) Reduce the authorized number of shares of a class by the 118318
number of shares of that class that were canceled, ~~pursuant to~~ 118319
~~section 1107.07 of the Revised Code,~~ for not being issued or 118320
reissued and for not being fully paid in within one year after the 118321
date they were authorized or otherwise became authorized and 118322
unissued shares. 118323

(B) The board of directors of a stock state bank may adopt 118324
amended articles of incorporation to consolidate the original 118325
articles of incorporation and all previously adopted amendments to 118326
the articles of incorporation that are in force at the time. 118327

(C) Amended articles of incorporation shall set forth all 118328
provisions required in, and only provisions that may properly be 118329
in, original articles of incorporation or amendments to articles 118330
of incorporation at the time the amended articles of incorporation 118331
are adopted, and shall state that they supersede the existing 118332
articles of incorporation. 118333

(D)(1) If the board of directors propose the adoption of any amendment to a stock state bank's articles of incorporation or amended articles of incorporation, the bank shall send to the superintendent of financial institutions a copy of the proposed amendment or amended articles of incorporation for review and approval prior to adoption by the board. 118334
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(2) Upon receiving a proposed amendment or amended articles of incorporation, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if both of the following conditions are satisfied: 118340
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(a) The proposed amendment or amended articles of incorporation comply with the requirements of the Revised Code. 118344
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(b) The proposed amendment or amended articles of incorporation will not adversely affect the interests of the bank's depositors and creditors. 118346
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(3) Within forty-five days after receiving the proposed amendment or amended articles of incorporation, the superintendent shall notify the bank of the superintendent's approval or disapproval unless the superintendent determines additional information is required. In that event, the superintendent shall request the information in writing within twenty days after the date the proposed amendment or amended articles of incorporation were received. The bank shall have thirty days to submit the information to the superintendent. The superintendent shall notify the bank of the superintendent's approval or disapproval of the proposed amendment or amended articles of incorporation within forty-five days after the date the additional information is received. If the proposed amendment or amended articles of incorporation are disapproved by the superintendent, the superintendent shall notify the bank of the reasons for the disapproval. 118349
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(4) If the superintendent fails to approve or disapprove the proposed amendment or amended articles of incorporation within the time period required by division (D)(3) of this section, the proposed amendment or amended articles of incorporation shall be considered approved. 118365
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(5) If the proposed amendment or amended articles of incorporation are approved, in no event shall that approval be construed or represented as an affirmative endorsement of the amendment or amended articles of incorporation by the superintendent. 118370
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(E)(1) Upon adoption by the board of directors of any approved amendment to a stock state bank's articles of incorporation, the bank shall send to the superintendent ~~of financial institutions~~ a certificate containing a copy of the directors' resolution adopting the amendment and a statement of the manner of and basis for its adoption. The certificate shall be signed by ~~bank officers~~ the bank's authorized representatives in accordance with section 1103.19 of the Revised Code. 118375
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(2) Upon adoption by the board of directors of approved amended articles of incorporation, the bank shall send to the superintendent a copy of the amended articles of incorporation, accompanied by a certificate containing a copy of the directors' resolution adopting the amended articles of incorporation and a statement of the manner of and basis for its adoption. The certificate shall be signed by ~~bank officers~~ the bank's authorized representatives in accordance with section 1103.19 of the Revised Code. 118383
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~~(E)~~(F) Upon receiving a certificate required by division ~~(D)~~(E) of this section, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if ~~both of the following conditions are satisfied:~~ 118392
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~~(1) The the manner of and basis for adoption of the amendment~~ 118396
or amended articles of incorporation ~~and the manner of and basis~~ 118397
~~for adoption~~ comply with the requirements of the Revised Code; 118398

~~(2) The amendment or amended articles of incorporation will~~ 118399
~~not adversely affect the interests of the bank's depositors and~~ 118400
~~creditors and the convenience and needs of the public.~~ 118401

~~(F)(G)(1)~~ Within ~~sixty~~ thirty days after receiving a 118402
certificate required by division ~~(D)~~(E) of this section, the 118403
superintendent shall approve or disapprove the amendment or 118404
amended articles of incorporation. If the superintendent approves 118405
the amendment or amended articles of incorporation, the 118406
superintendent shall forward a certificate of that approval, a 118407
copy of the certificate required by division ~~(D)~~(E) of this 118408
section, and, ~~in the case of amended articles of incorporation,~~ 118409
a copy of the amendment or amended articles of incorporation, to the 118410
secretary of state, who shall file the documents. Upon filing by 118411
the secretary of state, the amendment or amended articles of 118412
incorporation shall be effective. 118413

(2) If the superintendent fails to approve or disapprove the 118414
amendment or amended articles of incorporation within ~~sixty~~ thirty 118415
days after receiving a certificate required by division ~~(D)~~(E) of 118416
this section, the bank shall forward a copy of the certificate 118417
and, ~~in the case of amended articles of incorporation,~~ a copy of 118418
the amendment or amended articles of incorporation, to the 118419
secretary of state, who shall file the documents. Upon filing by 118420
the secretary of state, the amendment or amended articles of 118421
incorporation shall be effective. 118422

Sec. ~~1103.13~~ 1113.14. (A) A stock state bank's shareholders 118423
shall hold an annual meeting in accordance with this section and 118424
the bank's articles of incorporation and code of regulations. The 118425
purposes of the annual meeting shall include the election of 118426

directors and the presentation of the financial statements. 118427

(B) The financial statements presented at the annual meeting 118428
shall satisfy the requirements of one of the following: 118429

(1) The basic financial information required to be made 118430
available to shareholders of a stock state bank prior to the 118431
annual meeting pursuant to section ~~1103.14~~ 1113.15 of the Revised 118432
Code; 118433

(2) The financial statements required to be presented at the 118434
annual meeting of a corporation pursuant to section 1701.38 of the 118435
Revised Code; 118436

(3) The financial statements required under federal law for a 118437
bank subject to the registration requirements of section 12 of the 118438
"Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 781, 118439
as amended. 118440

(C) ~~Written notice stating the time, place, and purpose or~~ 118441
~~purposes of any meeting~~ Meetings of the shareholders shall be 118442
~~given either by personal delivery or by first class mail not less~~ 118443
~~than seven nor more than sixty days before the date of the~~ 118444
~~meeting, unless the articles of incorporation or the code of~~ 118445
~~regulations specify a longer period, to each shareholder of record~~ 118446
~~entitled to notice of the meeting. The notice shall be given by or~~ 118447
~~at the direction of the president, a vice president, the~~ 118448
~~secretary, any two directors, or any other officer designated by~~ 118449
~~the bank's code of regulations. If notice is given by mail, the~~ 118450
~~notice shall be addressed to the shareholder at the address as it~~ 118451
~~appears on the records of the bank, and shall be deemed to have~~ 118452
~~been given when deposited in the mail. In computing the period of~~ 118453
~~time for the giving of notice required under this division, the~~ 118454
~~date on which the notice is given shall be excluded, and the day~~ 118455
~~of the meeting shall be included~~ may be called for any of the 118456
reasons and in the manner set forth in section 1701.40 of the 118457

~~Revised Code. Notice of adjournment of a meeting need not be given~~ 118458
~~if the time and place to which it is adjourned are fixed and~~ 118459
~~announced at the meeting~~ any meeting shall be provided in 118460
accordance with section 1701.41 of the Revised Code. 118461

(D) The requirements of this section shall not apply with 118462
respect to annual or special meetings of shareholders of a stock 118463
state bank that is wholly owned, except for directors' qualifying 118464
shares, if any, by a bank holding company or savings and loan 118465
holding company. 118466

Sec. ~~1103.14~~ 1113.15. (A) Prior to each annual meeting of its 118467
shareholders, each stock state bank shall make basic financial 118468
information available to its shareholders in accordance with this 118469
section unless the bank is either of the following: 118470

(1) Subject to the registration requirements of section 12 of 118471
the "Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 118472
781, as amended. 118473

(2) Wholly owned, except for directors' qualifying shares, by 118474
a bank holding company. 118475

(B) The basic financial information required to be made 118476
available under this section shall include, at a minimum, 118477
information substantially similar to both of the following: 118478

(1) Those portions of the consolidated reports of income made 118479
to the superintendent of financial institutions for each of the 118480
two preceding full years covering all of the following: 118481

(a) Sources and disposition of income; 118482

(b) Changes in equity capital; 118483

(c) Allowance for possible loan losses. 118484

(2) The balance sheet portion of the consolidated reports of 118485
condition made to the superintendent at the end of each of the two 118486

preceding years. 118487

(C) The bank may present the basic financial information in 118488
any format it determines suitable, including copies of the 118489
relevant portions of the consolidated reports of condition and 118490
income or an annual report. 118491

(D) The bank shall make the basic financial information 118492
available by doing either of the following: 118493

(1) Sending the information to each shareholder prior to, or 118494
concurrently with, the notice of the annual meeting of 118495
shareholders; 118496

(2) Including in, or sending with, the notice of the annual 118497
meeting of shareholders a statement indicating that basic 118498
financial information concerning the bank for the two years 118499
preceding the meeting may be obtained from the bank without 118500
charge, accompanied by the address, telephone number, and name or 118501
title of the bank employee or officer whom shareholders should 118502
contact for the information, and promptly mailing, delivering, or 118503
otherwise sending the information to any shareholder who requests 118504
it. 118505

Sec. ~~1103.15~~ 1113.16. Each Except as otherwise expressly 118506
provided in the terms for any class of shares issued by a stock 118507
state bank, every holder of a the bank's voting shares, in 118508
elections of directors and in deciding other questions at meetings 118509
of shareholders, is entitled to one vote for each share held and 118510
shall not accumulate the votes unless otherwise provided in the 118511
articles of incorporation. Any shareholder eligible to vote may 118512
vote by proxy authorized in writing. An appointment of a proxy 118513
shall expire in accordance with division (C) of section 1701.48 of 118514
the Revised Code. Unless the articles of incorporation, the code 118515
of regulations, or the contract of subscription otherwise 118516
provides, a subscriber for authorized shares is a shareholder for 118517

the purposes of this section, but no shares upon which an 118518
installment of the purchase price is overdue and unpaid shall be 118519
voted. 118520

Sec. ~~1103.16~~ 1113.17. (A) Each stock state bank shall keep 118521
correct and complete books and records of account, together with 118522
records of the proceedings, including minutes of any meetings, of 118523
its incorporators, shareholders, directors, and committees of the 118524
directors, and records of its shareholders showing their names and 118525
addresses and the number and class of shares issued or transferred 118526
of record to or by them from time to time. 118527

(B) Upon request of any shareholder eligible to attend and 118528
vote at any meeting of the bank's shareholders, the board of 118529
directors shall produce at the meeting an alphabetically arranged 118530
list, or classified lists, of the shareholders of record as of the 118531
applicable record date, showing their respective addresses and the 118532
number and class of shares held by each, and certified by the 118533
officer or agent responsible for registering issues and transfers 118534
of shares. The list or lists, certified by the officer or agent, 118535
shall be prima facie evidence of the facts shown in the list or 118536
lists. 118537

(C) Any shareholder of the bank, upon written demand stating 118538
the specific purpose of the demand, has the right to examine in 118539
person or by agent or attorney at any reasonable time and for any 118540
reasonable and proper purpose, the books and records of the bank, 118541
except books and records of deposit, agency or fiduciary accounts, 118542
loan records, and other records relating to customer services or 118543
transactions. 118544

(D) The authority granted under Title XI of the Revised Code 118545
to inspect the books and records of a stock state bank shall apply 118546
solely to the superintendent of financial institutions and to the 118547
shareholders of record of the bank. 118548

Sec. 1114.01. A mutual state bank and the rights and liabilities of its members shall be governed by its articles of incorporation, code of regulations, and bylaws and by this chapter. 118549
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Sec. 1114.02. (A) Five or more natural persons, at least one of whom is a resident of this state, may, with the approval of the superintendent of financial institutions, incorporate a mutual state bank. 118553
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(B) The persons proposing to incorporate a mutual state bank shall apply for approval to incorporate the bank by submitting the application prescribed by the superintendent, which application shall include all of the following: 118557
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(1) The proposed articles of incorporation and code of regulations; 118561
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(2) An application for reservation of a name in accordance with section 1103.07 of the Revised Code, if reservation is desired by the incorporators and has not been previously filed; 118563
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(3) The location and a description of the proposed initial banking office; 118566
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(4) Information to demonstrate the proposed bank will satisfy the requirements of division (C) of section 1114.03 and any other provision of the Revised Code identified by the superintendent; 118568
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(5) Any other information the superintendent requires. 118571

Sec. 1114.03. (A) Within ten days after receipt from the superintendent of financial institutions of notice of acceptance of an application for approval to incorporate a mutual state bank, the incorporators shall publish notice of the proposed incorporation in a newspaper of general circulation in the county where the bank's initial banking office is to be located. The 118572
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incorporators shall publish the notice once a week for two weeks 118578
and furnish a certified copy of it to the superintendent. The 118579
notice shall specify the name of the proposed bank, its location, 118580
the amount of the proposed capital, the names of the 118581
incorporators, the address of the superintendent, and the date by 118582
which comments on the application must be filed with the 118583
superintendent, which date shall be thirty days after the date of 118584
the first publication of the notice. 118585

(B) If any comments on the application are filed with the 118586
superintendent within the thirty-day period prescribed in division 118587
(A) of this section, the superintendent shall determine whether 118588
the comments are relevant to the requirements for incorporation of 118589
a mutual state bank and, if so, investigate the comments in the 118590
manner the superintendent considers appropriate. 118591

(C) The superintendent shall examine all of the facts 118592
connected with the application to determine if all of the 118593
following requirements are met: 118594

(1) The proposed articles of incorporation and code of 118595
regulations, application for reservation of name, applicable fees, 118596
and other items required meet the requirements of the Revised 118597
Code. 118598

(2) The population and economic characteristics of the area 118599
primarily to be served afford reasonable promise of adequate 118600
support for the proposed bank. 118601

(3) The competence, experience, and integrity of the proposed 118602
directors and officers are such as to command the confidence of 118603
the community and warrant the belief that the business of the 118604
proposed bank will be honestly and efficiently conducted. 118605

(4) The capital of the proposed bank is adequate in relation 118606
to the amount and character of the anticipated business of the 118607

bank and the safety of prospective depositors. 118608

(D) Within one hundred eighty days following the date of 118609
acceptance of the application, the superintendent shall approve or 118610
disapprove the incorporation of the proposed bank upon the basis 118611
of the examination. In giving approval, the superintendent may 118612
impose conditions to be met prior to the issuance of a certificate 118613
of authority to commence business under section 1114.07 of the 118614
Revised Code. 118615

(E) If the superintendent approves the application, the 118616
superintendent shall make a certificate to that effect and forward 118617
the certificate and the articles of incorporation of the proposed 118618
bank to the secretary of state for filing. 118619

Sec. 1114.04. (A) A mutual state bank's articles of 118620
incorporation shall contain all of the following: 118621

(1) The name of the bank; 118622

(2) The place in this state where the bank's principal place 118623
of business is to be located; 118624

(3) The purpose or purposes for which the bank is formed. 118625

(B) The articles of incorporation may also set forth any 118626
lawful provision for the purpose of defining, limiting, or 118627
regulating the exercise of the authority of the bank, the 118628
incorporators, the directors, the officers, the members, and any 118629
provision that may be set forth in the bank's code of regulations. 118630

Sec. 1114.05. (A) As used in the section, "authorized 118631
capital" means the initial funding required to organize a mutual 118632
state bank. 118633

(B) The authorized capital of a mutual state bank shall be of 118634
such amount as the superintendent of financial institutions may 118635
determine based upon the amount and character of the anticipated 118636

business of the bank and the safety of prospective depositors. In 118637
addition, the superintendent may, in the superintendent's 118638
discretion, fix the amount of the expense fund for operating 118639
losses to be created by nonrefundable contributions. 118640

(C) The organization of the mutual state bank may be 118641
completed when a sum equal to five per cent of the authorized 118642
capital, as determined by the superintendent, is paid in and the 118643
names and addresses of its officers, its code of regulations, and 118644
its bylaws have been filed with and approved by the 118645
superintendent. 118646

(D) Five years after the mutual state bank commences 118647
business, any remaining balance in the expense fund shall be 118648
transferred to retained earnings, if the bank is on a profitable 118649
operating basis as determined by the superintendent. 118650

Sec. 1114.06. (A) A mutual state bank organized under this 118651
chapter shall not accept deposits, incur indebtedness, or transact 118652
any business other than business that is incidental to its 118653
organization until the bank receives a certificate of authority to 118654
commence business issued by the superintendent of financial 118655
institutions under section 1114.07 of the Revised Code. 118656

(B) The bank shall file a report with the superintendent when 118657
it has done everything required by the superintendent before it 118658
can be authorized to commence business. 118659

(C) Upon receipt of the report referred to in division (B) of 118660
this section, the superintendent shall examine the affairs of the 118661
bank and determine whether the bank has complied with all of the 118662
requirements necessary to entitle it to engage in business. 118663

Sec. 1114.07. (A) The superintendent of financial 118664
institutions shall issue a certificate of authority to commence 118665
business if both of the following conditions are met: 118666

(1) The superintendent is satisfied, based upon the examination conducted pursuant to section 1114.06 of the Revised Code and any other facts within the knowledge of the superintendent, that the mutual state bank is otherwise entitled to commence business. 118667
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(2) The superintendent has received from the federal deposit insurance corporation written confirmation that it has approved the bank's application to become an insured bank as defined in section 3(h) of the "Federal Deposit Insurance Act," 92 Stat. 614 (1978), 12 U.S.C. 1813(h), as amended. 118672
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(B) The mutual state bank shall cause the certificate of authority to commence business to be published once a week for two consecutive weeks in a newspaper of general circulation in the county where the bank's initial banking office is located. 118677
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Sec. 1114.08. (A) A depositor of a mutual state bank shall be a voting member and shall have such ownership interest in the bank as may be provided in the terms and conditions set forth in the articles of incorporation, code of regulations, and bylaws of the bank. 118681
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(B) The code of regulations of a mutual state bank may provide that all borrowers from the bank are members and, if so, shall provide for their rights and privileges. 118686
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(C)(1) Unless otherwise provided in the articles of incorporation or code of regulations, a proxy granted by a depositor to the officers and directors of a mutual state bank shall expire on the date specified in the proxy. If no date is so specified, the authority granted by the proxy shall be perpetual. 118689
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(2) On and after the effective date of this section, the writing or verifiable communication appointing a proxy shall be separate and distinct from any deposit agreement, loan agreement, 118694
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or any other agreement, statement, document, or disclosure 118697
provided by a mutual state bank to a depositor. 118698

Sec. 1114.09. (A) Before any member deposits have been 118699
received, the incorporators may, by unanimous written action and 118700
subject to the requirements of this section, adopt amendments to 118701
the mutual state bank's articles of incorporation or amended 118702
articles of incorporation to change any provision of, or add any 118703
provision that may properly be included in, the articles of 118704
incorporation. 118705

(B) Amended articles of incorporation shall set forth all 118706
provisions required in, and only provisions that may properly be 118707
in, original articles of incorporation or amendments to articles 118708
of incorporation at the time the amended articles of incorporation 118709
are adopted, and shall state that they supersede the existing 118710
articles of incorporation. 118711

(C)(1) If the incorporators propose the adoption of any 118712
amendment to a mutual state bank's articles of incorporation or 118713
amended articles of incorporation, the bank shall send to the 118714
superintendent of financial institutions a copy of the proposed 118715
amendment or amended articles of incorporation for review and 118716
approval prior to adoption by the incorporators. 118717

(2) Upon receiving a proposed amendment or amended articles 118718
of incorporation, the superintendent shall conduct whatever 118719
examination the superintendent considers necessary to determine if 118720
both of the following conditions are satisfied: 118721

(a) The proposed amendment or amended articles of 118722
incorporation comply with the requirements of the Revised Code. 118723

(b) The proposed amendment or amended articles of 118724
incorporation will not adversely affect the interests of the 118725
bank's depositors and creditors. 118726

(3) Within forty-five days after receiving the proposed amendment or amended articles of incorporation, the superintendent shall notify the bank of the superintendent's approval or disapproval of the proposed amendment or amended articles of incorporation unless the superintendent determines additional information is required. In that event, the superintendent shall request the information in writing within twenty days after the date the proposed amendment or amended articles of incorporation were received. The bank shall have thirty days to submit the information to the superintendent. The superintendent shall notify the bank of the superintendent's approval or disapproval of the proposed amendment or amended articles of incorporation within forty-five days after the date the additional information is received. If the proposed amendment or amended articles of incorporation are disapproved by the superintendent, the superintendent shall notify the bank of the reasons for the disapproval.

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(4) If the superintendent fails to approve or disapprove the proposed amendment or amended articles of incorporation within the time period required under division (C)(3) of this section, the proposed amendment or amended articles of incorporation shall be considered approved.

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(5) If the proposed amendment or amended articles of incorporation are approved, in no event shall that approval be construed or represented as an affirmative endorsement of the amendment or amended articles of incorporation by the superintendent.

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(D)(1) Upon their adoption of any approved amendment to a mutual state bank's articles of incorporation, the incorporators shall send to the superintendent a certificate, signed by all the incorporators, containing a copy of the resolution adopting the amendment and a statement of the manner of and basis for its

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adoption. 118759

(2) Upon their adoption of approved amended articles of 118760
incorporation, the incorporators shall send to the superintendent 118761
a copy of the amended articles of incorporation, accompanied by a 118762
certificate, signed by all the incorporators, containing a copy of 118763
the resolution adopting the amended articles of incorporation and 118764
a statement of the manner of and basis for its adoption. 118765

(E) Upon receiving a certificate required by division (D) of 118766
this section, the superintendent shall conduct whatever 118767
examination the superintendent considers necessary to determine if 118768
the manner of and basis for the adoption of the amendment or 118769
amended articles of incorporation comply with the requirements of 118770
the Revised Code. 118771

(F)(1) Within thirty days after receiving a certificate 118772
required by division (D) of this section, the superintendent shall 118773
approve or disapprove the amendment or amended articles of 118774
incorporation. If the superintendent approves the amendment or 118775
amended articles of incorporation, the superintendent shall 118776
forward a certificate of that approval, a copy of the certificate 118777
required by division (D) of this section, and a copy of the 118778
amendment or amended articles of incorporation to the secretary of 118779
state, who shall file the documents. Upon filing by the secretary 118780
of state, the amendment or amended articles of incorporation shall 118781
be effective. 118782

(2) If the superintendent fails to approve or disapprove the 118783
amendment or amended articles of incorporation within thirty days 118784
after receiving a certificate required by division (D) of this 118785
section, the bank shall forward a copy of the certificate and a 118786
copy of the amendment or amended articles of incorporation to the 118787
secretary of state, who shall file the documents. Upon filing by 118788
the secretary of state, the amendment or amended articles of 118789
incorporation shall be effective. 118790

Sec. 1114.10. Each mutual state bank shall have a code of regulations for its governance as a corporation, the conduct of its affairs, and the management of its property. The code of regulations shall be consistent with the law of this state and the bank's articles of incorporation.

Sec. 1114.11. (A)(1) The code of regulations of a mutual state bank may provide for the amendment of its articles of incorporation or code of regulations, or the adoption of amended articles of incorporation or code of regulations, at any meeting of the members for which notice has been properly given in accordance with section 1114.12 of the Revised Code. The amendment or amended articles of incorporation or code of regulations shall be adopted by a two-thirds vote of the votes cast in person or by proxy at the meeting or, if the articles of incorporation or code of regulations provide or permit, by the affirmative vote of a greater or lesser proportion, but not less than a majority, of the voting members represented at such meeting. The number of votes that each member may cast shall be determined by the code of regulations.

(2) Unless precluded by its articles of incorporation or code of regulations, a mutual state bank may adopt an amendment to its articles of incorporation or code of regulations, or amended articles of incorporation or code of regulations, at any meeting authorized in writing by a majority of its members of record if all of the following conditions are met:

(a) Notice of the meeting is given in accordance with section 1114.12 of the Revised Code.

(b) The notice of the proposed action to be taken at the meeting is in a form approved by the superintendent of financial institutions.

(c) The proposed action is approved by a two-thirds vote of 118821
the votes cast authorizing the meeting. 118822

(d) A majority of the members of record are present in person 118823
or by proxy at the meeting. 118824

(B) The board of directors of a mutual state bank may adopt 118825
amended articles of incorporation or code of regulations to 118826
consolidate the original articles of incorporation or code of 118827
regulations and all previously adopted amendments to the articles 118828
of incorporation or code of regulations that are in force at the 118829
time. 118830

(C)(1) Amended articles of incorporation shall set forth all 118831
provisions required in, and only provisions that may properly be 118832
in, original articles of incorporation or amendments to articles 118833
of incorporation at the time the amended articles of incorporation 118834
are adopted, and shall state that they supersede the existing 118835
articles of incorporation. 118836

(2) An amended code of regulations shall set forth all 118837
provisions required in, and only provisions that may properly be 118838
in, an original code of regulations or amendments to a code of 118839
regulations at the time the amended code of regulations is 118840
adopted, and shall state that it supersedes the existing code of 118841
regulations. 118842

(D)(1) If the members or board of directors propose the 118843
adoption of any amendment to the mutual state bank's articles of 118844
incorporation or code of regulations, or amended articles of 118845
incorporation or amended code of regulations, the bank shall send 118846
to the superintendent a copy of the proposed amendment, or the 118847
proposed amended articles of incorporation or code of regulations, 118848
for review and approval prior to adoption by the members or 118849
directors. 118850

(2) Upon receiving a proposed amendment or proposed amended 118851

articles of incorporation or code of regulations, the 118852
superintendent shall conduct whatever examination the 118853
superintendent considers necessary to determine if both of the 118854
following conditions are satisfied: 118855

(a) The proposed amendment or amended articles of 118856
incorporation or code of regulations comply with the requirements 118857
of the Revised Code. 118858

(b) The proposed amendment or amended articles of 118859
incorporation or code of regulations will not adversely affect the 118860
interests of the bank's depositors and creditors. 118861

(3) Within forty-five days after receiving the proposed 118862
amendment, or the proposed amended articles of incorporation or 118863
code of regulations, the superintendent shall notify the bank of 118864
the approval or disapproval unless the superintendent determines 118865
that additional information is required. In that event, the 118866
superintendent shall request the information in writing within 118867
twenty days after the date the proposed amendment, or the proposed 118868
amended articles of incorporation or code of regulations, was 118869
received. The bank shall have thirty days to submit the 118870
information to the superintendent. The superintendent shall notify 118871
the bank of the superintendent's approval or disapproval of the 118872
proposed amendment, or the proposed amended articles of 118873
incorporation or code of regulations, within forty-five days after 118874
the date the additional information is received. If the proposed 118875
amendment or proposed amended articles of incorporation or code of 118876
regulations are disapproved by the superintendent, the 118877
superintendent shall notify the bank of the reasons for the 118878
disapproval. 118879

(4) If the superintendent fails to approve or disapprove the 118880
proposed amendment or proposed amended articles of incorporation 118881
or code of regulations within the time period required under 118882
division (D)(3) of this section, the proposed amendment or 118883

proposed amended articles of incorporation or code of regulations 118884
shall be considered approved. 118885

(5) If the proposed amendment or amended articles of 118886
incorporation are approved, in no event shall that approval be 118887
construed or represented as an affirmative endorsement of the 118888
amendment or amended articles of incorporation by the 118889
superintendent. 118890

(E)(1) Upon adoption by the members of any approved amendment 118891
to a mutual state bank's articles of incorporation or code of 118892
regulations, or approved amended articles of incorporation or code 118893
of regulations, the bank shall send to the superintendent a 118894
certificate containing a copy of the members' resolution adopting 118895
the amendment or amended articles of incorporation or code of 118896
regulations and a statement of the manner of and basis for its 118897
adoption. If the board of directors proposed the amendment or the 118898
amended articles of incorporation or code of regulations, the 118899
certificate shall include a copy of the resolution adopted by the 118900
directors to propose the amendment or amended articles of 118901
incorporation or code of regulations to the members. The 118902
certificate shall be signed by the bank's authorized 118903
representatives in accordance with section 1103.19 of the Revised 118904
Code. 118905

(2) Upon adoption by the board of directors of any approved 118906
amendment to a mutual state bank's articles of incorporation or 118907
code of regulations, or approved amended articles of incorporation 118908
or code of regulations, the bank shall provide to the 118909
superintendent a copy of the amendment or amended articles of 118910
incorporation or code of regulations, accompanied by a certificate 118911
containing a copy of the directors' resolution adopting the 118912
amendment or amended articles of incorporation or code of 118913
regulations and a statement of the manner of and basis for its 118914
adoption. The certificate shall be signed by the bank's authorized 118915

representatives in accordance with section 1103.19 of the Revised Code. 118916
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(F) Upon receiving a certificate required by division (E) of this section, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if the manner of and basis for adoption of the amendment or amended articles of incorporation or code of regulations comply with the requirements of the Revised Code. 118918
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(G)(1) Within thirty days after receiving a certificate required by division (E) of this section, the superintendent shall approve or disapprove the amendment or amended articles of incorporation or code of regulations. If the superintendent approves the amendment or amended articles of incorporation or code of regulations, the superintendent shall forward a certificate of that approval, a copy of the certificate required by division (E) of this section, and a copy of the amendment or amended articles of incorporation or code of regulations to the secretary of state, who shall file the documents. Upon filing by the secretary of state, the amendment or amended articles of incorporation or code of regulations shall be effective. 118924
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(2) If the superintendent fails to approve or disapprove the amendment or amended articles of incorporation or code of regulations within thirty days after receiving a certificate required by division (E) of this section, the bank shall forward a copy of the certificate and a copy of the amendment or amended articles of incorporation or code of regulations to the secretary of state, who shall file the documents. Upon filing by the secretary of state, the amendment or amended articles of incorporation or code of regulations shall be effective. 118936
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Sec. 1114.12. (A) Whenever members of a mutual state bank are required or authorized to elect directors or to take any other 118945
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action at a meeting, either annual or special, notice of the 118947
meeting shall be given in either of the following ways: 118948

(1) By publication, once each week on the same day of the 118949
week for three consecutive weeks immediately preceding the date of 118950
the meeting in a newspaper published in and of general circulation 118951
in the county in which the principal office of the bank is 118952
located, of a notice containing the name of the bank and the 118953
purpose, place, date, and hour of the meeting; 118954

(2) By notice served upon or mailed to members as provided in 118955
section 1701.41 of the Revised Code. 118956

(B) The notice required under division (A) of this section 118957
shall include a statement that, if a member granted a proxy to the 118958
officers and directors of the bank, the proxy is revocable at any 118959
time before the meeting or by attending the meeting and voting in 118960
person. 118961

Sec. 1114.16. In the event of a liquidation or dissolution of 118962
a mutual state bank, the priority of claims shall be established 118963
by section 1125.24 of the Revised Code. 118964

Sec. 1115.01. (A)(1) A stock state bank may do any of the 118965
following: 118966

(a) Convert into a national bank or a federal savings 118967
association if the conversion is approved by both the office of 118968
the comptroller of the currency and the affirmative vote or 118969
written consent of the holders of two-thirds, or such other 118970
proportion not less than a majority as the stock state bank's 118971
articles of incorporation require, of the outstanding shares of 118972
each class of the bank's stock; 118973

(b) ~~Convert into a federal savings association if the~~ 118974
~~conversion is approved by both the office of thrift supervision~~ 118975

~~and the affirmative vote or written consent of the holders of two thirds, or such other proportion not less than a majority as the bank's articles of incorporation require, of the outstanding shares of each class of the bank's stock;~~

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~~(e) Convert into a bank, savings bank, or savings and loan association pursuant to section 1151.64 of the Revised Code or the laws of another state if the conversion is approved by both the regulatory authority of the other state and the affirmative vote or written consent of the holders of two-thirds, or such other proportion not less than a majority as the stock state bank's articles of incorporation require, of the outstanding shares of each class of the bank's stock;~~

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~~(d) Convert into a savings bank pursuant to section 1161.631 of the Revised Code or the laws of another state if the conversion is approved by the affirmative vote or written consent of the holders of two thirds, or such other proportion not less than a majority as the bank's articles of incorporation require, of the outstanding shares of each class of the bank's stock;~~

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~~(e) Convert into a bank doing business under authority granted by the bank regulatory authority of another state, pursuant to the laws of that state, if the conversion is approved by the affirmative vote or written consent of the holders of two thirds, or such other proportion not less than a majority as the bank's articles of incorporation require, of the outstanding shares of each class of the bank's stock.~~

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(2) A mutual state bank may do any of the following:

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(a) Convert into a national bank or a federal savings association if the conversion is approved by the office of the comptroller of the currency, the affirmative vote of two-thirds of the mutual state bank's board of directors, and the affirmative vote of two-thirds of the total outstanding votes eligible to be

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cast at the meeting at which the plan of conversion is presented 119007
to the members for adoption; 119008

(b) Convert into a bank, savings bank, or savings association 119009
pursuant to the laws of another state if the conversion is 119010
approved by the regulatory authority of the other state, the 119011
affirmative vote of two-thirds of the mutual state bank's board of 119012
directors, and the affirmative vote of two-thirds of the total 119013
outstanding votes eligible to be cast at the meeting at which the 119014
plan of conversion is presented to the members for adoption. 119015

(B) A state bank that converts into a national bank, a 119016
federal savings association, or a bank, savings bank, or savings 119017
association doing business under authority granted by the bank 119018
regulatory authority of another state, ~~or a federal savings~~ 119019
~~association~~ shall, immediately upon the conversion being 119020
effective, file with the superintendent of financial institutions 119021
all information the superintendent determines is necessary to 119022
reflect in the state's records that the bank ~~or federal savings~~ 119023
~~association~~ is no longer a corporation organized and doing 119024
business under the laws of this state. 119025

~~(B)(1) A national bank, bank doing business under authority~~ 119026
~~granted by the bank regulatory authority of another state, savings~~ 119027
~~association, or savings bank may, with the approval of the~~ 119028
~~superintendent, convert into a state bank.~~ 119029

~~(2) A national bank, bank doing business under authority~~ 119030
~~granted by the bank regulatory authority of another state, savings~~ 119031
~~association, or savings bank proposing to convert into a state~~ 119032
~~bank shall submit to the superintendent an application for the~~ 119033
~~superintendent's approval of the conversion that includes all of~~ 119034
~~the following:~~ 119035

~~(a) A plan of conversion;~~ 119036

~~(b) The proposed articles of incorporation and code of~~ 119037

~~regulations of the proposed state bank;~~ 119038

~~(c) An officers' certification that the directors and~~ 119039
~~shareholders of the national bank, bank doing business under~~ 119040
~~authority granted by the bank regulatory authority of another~~ 119041
~~state, savings association, or savings bank have approved the plan~~ 119042
~~of conversion and the proposed articles of incorporation and code~~ 119043
~~of regulations in accordance with the applicable state or federal~~ 119044
~~law and with the bank's, savings association's, or savings bank's~~ 119045
~~articles of association or incorporation and code of regulations~~ 119046
~~or bylaws;~~ 119047

~~(d) Any other information the superintendent requires.~~ 119048

~~(3) Within ten business days after receiving an application~~ 119049
~~required under division (B)(2) of this section, the superintendent~~ 119050
~~shall determine whether to accept the application. Within ninety~~ 119051
~~days after accepting an application required under division (B)(2)~~ 119052
~~of this section, the superintendent shall approve or disapprove~~ 119053
~~the application. In determining whether to approve the bank's,~~ 119054
~~savings association's, or savings bank's conversion into a state~~ 119055
~~bank, the superintendent shall consider all of the following:~~ 119056

~~(a) The adequacy of the capital and paid in capital of the~~ 119057
~~proposed state bank;~~ 119058

~~(b) Whether the competence, experience, and integrity of each~~ 119059
~~director, executive officer, and controlling shareholder of the~~ 119060
~~proposed state bank meet the criteria for acquiring control of a~~ 119061
~~state bank as provided in section 1115.06 of the Revised Code;~~ 119062

~~(c) Whether the proposed state bank affords reasonable~~ 119063
~~promise of successful operation;~~ 119064

~~(d) Whether the proposed state bank meets the requirements of~~ 119065
~~Chapters 1101. to 1127. of the Revised Code.~~ 119066

~~(4) The superintendent may condition an approval of the~~ 119067

~~conversion of a national bank, bank doing business under authority granted by the bank regulatory authority of another state, savings association, or savings bank into a state bank in any manner the superintendent considers appropriate.~~

~~(5)(a) If the superintendent approves a conversion of a national bank, bank doing business under authority granted by the bank regulatory authority of another state, savings association, or savings bank into a state bank, the superintendent shall forward a certificate of the approval of the conversion and the state bank's articles of incorporation to the secretary of state, and shall issue to the new state bank a certificate of authority to commence business as a state bank.~~

~~(b)(i) In the case of a state bank resulting from the conversion of a savings association organized under Chapter 1151. of the Revised Code or a savings bank organized under Chapter 1161. of the Revised Code, the secretary of state shall file the certificate of the superintendent's approval of the conversion and the state bank's articles of incorporation in a manner reflecting the corporation is no longer doing business under Chapter 1151. or 1161. of the Revised Code.~~

~~(ii) In the case of a state bank resulting from the conversion of a national bank, a bank, savings association, or savings bank doing business under authority granted by the regulatory authority of another state, or a federal savings association, the secretary of state shall file the certificate of the superintendent's approval of the conversion and the state bank's articles of incorporation in a manner reflecting the state bank is newly authorized to do business under the laws of this state.~~

~~(6) The conversion shall be effective on the date indicated in the superintendent's approval. Without further act or deed, the state bank resulting from the conversion shall have all property,~~

~~rights, interests, and powers of its predecessor bank, savings
association, or savings bank within the limits of the charter of
the resulting state bank, and all duties, trusts, obligations, and
liabilities of the predecessor bank, savings association, or
savings bank shall continue in the state bank resulting from the
conversion.~~

Sec. 1115.02. A national bank, a bank doing business under
authority granted by the bank regulatory authority of another
state, a savings association, a savings bank, or a state or
federally chartered credit union may, with the approval of the
superintendent of financial institutions, convert into a stock
state bank or mutual state bank by submitting an application in
accordance with rules adopted by the superintendent for this
purpose.

Sec. 1115.03. (A)(1) A mutual state bank may convert into a
stock state bank if the conversion is approved by the
superintendent of financial institutions, the affirmative vote of
two-thirds of the mutual state bank's board of directors, and the
affirmative vote of two-thirds of the total outstanding votes
eligible to be cast at the meeting at which the plan of conversion
is presented to the members for adoption.

(2) A stock state bank may convert into a mutual state bank
if the conversion is approved by both the superintendent and the
affirmative vote or written consent of the holders of two-thirds,
or such other proportion not less than a majority as the stock
state bank's article of incorporation require, of the outstanding
shares of each class of the bank's stock.

(B) A conversion under this section shall be effective on the
date indicated in the materials filed with the secretary of state
by the converting bank. Without further act or deed, the bank

resulting from the conversion shall have all the property, rights, interests, and powers of its predecessor bank within the limits of the charter of the resulting bank, and all duties, trusts, obligations, and liabilities of the predecessor bank shall continue in the bank resulting from the conversion.

Sec. 1115.05. (A) As used in this section: 119135

(1) "Acquire" or "acquisition" means any of the following transactions or actions: 119136
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(a) A merger or consolidation with, or purchase of assets from, a bank holding company that has acquired an Ohio bank; 119138
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(b) The acquisition of the direct or indirect ownership or control of voting shares of an Ohio bank if, after the acquisition, the acquiring bank holding company will directly or indirectly own or control the Ohio bank, unless the superintendent of financial institutions determines, in the superintendent's discretion, due to the nature of the acquisition, it should not be subject to the limitations of this section; 119140
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(c) The merger or consolidation of an Ohio bank with, or the transfer of assets from an Ohio bank to, another bank, whether previously existing or chartered for the purpose of the transaction; 119147
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(d) Any other action that results in the direct or indirect control of an Ohio bank. 119151
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(2) "Ohio bank" means a state bank or a national bank whose principal place of business is in this state. 119153
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(B) Subject to ~~divisions~~ division (C) and ~~(D)~~ of this section, a bank or bank holding company whose principal place of business is in this state or any other state may charter or otherwise acquire an Ohio bank, and a bank may acquire banking offices in this state by merger or consolidation with or transfer 119155
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of assets and liabilities from a bank, savings bank, or savings association that has offices in this state, if, upon consummation of the acquisition, both of the following will apply:

(1) The acquiring bank with, or the acquiring bank holding company through, its affiliate banks, savings banks, and savings associations, does not control more than ten per cent of the total deposits of banks, savings banks, and savings associations in the United States, and either of the following applies:

(a) The acquiring bank with, or the acquiring bank holding company through, its affiliate banks, savings banks, and savings associations, does not control more than thirty per cent of the total deposits of banks, savings banks, and savings associations in this state.

(b) The acquiring bank with, or the acquiring bank holding company through, its affiliate banks, savings banks, and savings associations, controls more than thirty per cent of the total deposits of banks, savings banks, and savings associations in this state, and the superintendent approved the acquisition after determining the anticompetitive effects of the acquisition were clearly outweighed in the public interest by the probable effect of the transaction.

(2) Except in the case of a foreign bank subject to Chapter 1119. of the Revised Code or a bank that by the terms of its articles of incorporation or association is not permitted to solicit or accept deposits other than trust funds, the Ohio bank or any bank that has banking offices in this state will be an insured bank as defined in section 3(h) of the "Federal Deposit Insurance Act," 92 Stat. 614 (1978), 12 U.S.C.A. 1813(h).

(C)(1) Any bank holding company proposing to charter a state bank under this section shall comply with Chapter 1113. or 1114. of the Revised Code and any rules adopted to implement that

chapter. 119191

(2) If, after the proposed acquisition, the acquiring bank or bank holding company will control an existing state bank the acquiring bank or bank holding company did not control before the acquisition, and the acquisition does not include the merger or consolidation of the existing state bank with another bank, the acquiring bank or bank holding company shall comply with section 1115.06 of the Revised Code and any rules adopted to implement that section. 119192
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(3) If the proposed acquisition will be accomplished by means of a merger or consolidation with a state bank and the resulting bank of the merger or consolidation will be a state bank, the state bank shall comply with section 1115.11 of the Revised Code and any rules adopted to implement that section. 119200
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(4) If the proposed acquisition will be accomplished by means of a transfer of assets and liabilities to a state bank, the state bank shall comply with section 1115.14 of the Revised Code and any rules adopted to implement that section. 119205
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(5) If the proposed acquisition will be accomplished by forming a bank to which the bank to be acquired will transfer assets and liabilities, or with which the bank to be acquired will be merged or consolidated and the resulting bank will be a state bank, the acquiring bank holding company shall comply with section 1115.23 of the Revised Code and any rules adopted to implement that section. 119209
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~~(D)(1) If the acquiring bank is a bank doing business under authority granted by the bank regulatory authority of another state and the acquisition will be accomplished by agreeing to assume all or substantially all of the deposit liabilities of an existing branch located in this state of a savings association doing business under authority granted by the superintendent~~ 119216
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~~pursuant to Chapter 1151. of the Revised Code, the acquisition 119222
shall be subject to the superintendent's approval, which shall 119223
include a determination that the laws of the state in which the 119224
acquiring bank has its principal place of business permit a bank 119225
with its principal place of business in ohio to acquire all or 119226
substantially all of the deposit liabilities of an existing branch 119227
of a savings association located in that state on terms that are, 119228
on the whole, substantially no more restrictive than those 119229
established under section 1151.052 of the Revised Code. 119230~~

~~(2) If the acquiring bank is a bank doing business under 119231
authority granted by the bank regulatory authority of another 119232
state and the acquisition will be accomplished by agreeing to 119233
assume all or substantially all of the deposit liabilities of an 119234
existing branch located in this state of a savings bank doing 119235
business under authority granted by the superintendent pursuant to 119236
Chapter 1161. of the Revised Code, the acquisition shall be 119237
subject to the superintendent's approval, which shall include a 119238
determination that the laws of the state in which the acquiring 119239
bank has its principal place of business permit a bank with its 119240
principal place of business in Ohio to acquire all or 119241
substantially all of the deposit liabilities of an existing branch 119242
of a savings bank located in that state on terms that are, on the 119243
whole, substantially no more restrictive than those established 119244
under section 1161.07 of the Revised Code. 119245~~

Sec. 1115.06. (A) As used in this section: 119246

(1) "Control" of a state bank means either of the following: 119247

(a) Power, directly or indirectly, to direct the management 119248
or policies of a state bank; 119249

(b) Ownership or control of or power to vote twenty-five per 119250
cent or more of any class of voting securities of a state bank. 119251

(2) "State bank" includes any bank holding company that 119252
controls a state bank, and any other company that controls a state 119253
bank and is not a bank holding company. 119254

(B)(1) No person, acting directly or indirectly or through or 119255
in concert with one or more other persons, shall acquire control 119256
of a state bank through a purchase, assignment, transfer, pledge, 119257
or other disposition of voting securities of a state bank unless 119258
the superintendent of financial institutions has been given sixty 119259
days' prior written notice of the proposed acquisition and within 119260
that sixty days the superintendent has not done either of the 119261
following: 119262

(a) Disapproved the acquisition; 119263

(b) Extended the time during which the superintendent may 119264
disapprove the acquisition, as provided in division (B)(2) of this 119265
section. 119266

(2) The superintendent may extend the time during which the 119267
superintendent may disapprove a proposed acquisition of control, 119268
as follows: 119269

(a) For an additional thirty days in the discretion of the 119270
superintendent; 119271

(b) For two additional extensions of not more than forty-five 119272
days each, if any of the following applies: 119273

(i) The superintendent determines any acquiring party has not 119274
furnished all of the information required under division (C) of 119275
this section. 119276

(ii) In the superintendent's judgment, any material 119277
information submitted is substantially inaccurate. 119278

(iii) The superintendent has been unable to complete the 119279
investigation of an acquiring person under division (E)(1) of this 119280
section because of any delay caused by, or the inadequate 119281

cooperation of, that acquiring person. 119282

(iv) The superintendent determines additional time is needed 119283
to investigate and determine whether any acquiring person has a 119284
record of failing to comply with the requirements of subchapter II 119285
of chapter 53 of subtitle IV of Title 31 of the United States 119286
Code. 119287

(3) An acquisition may be made prior to the expiration of the 119288
disapproval period if the superintendent issues written notice of 119289
the superintendent's intent not to disapprove the acquisition of 119290
control. 119291

(C) ~~Except as the superintendent otherwise provides by rule,~~ 119292
a A notice required under division (B) of this section shall 119293
contain ~~the following~~ such information. 119294

~~(1) The identity, personal history, and business background 119295
and experience of each person by whom or on whose behalf the 119296
acquisition is to be made, including each person's material 119297
business activities and affiliations during the past five years; a 119298
description of any material pending legal or administrative 119299
proceedings in which each person is a party; and any criminal 119300
indictment or conviction of each person by a state or federal 119301
court. 119302~~

~~(2) A statement of the assets and liabilities of each person 119303
by whom or on whose behalf the acquisition is to be made, as of 119304
the end of the fiscal year for each of the five years immediately 119305
preceding the date of the notice, together with related statements 119306
of income and source and application of funds for each of the 119307
fiscal years then concluded, all prepared in accordance with 119308
generally accepted accounting principles consistently applied; and 119309
an interim statement of the assets and liabilities for each 119310
person, together with related statements of income and source and 119311
application of funds, as of a date not more than ninety days prior 119312~~

~~to the date of the filing of the notice.~~ 119313

~~(3) The terms and conditions of the proposed acquisition and
the manner in which the acquisition is to be made.~~ 119314
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~~(4) The identity, source, and amount of the funds or other
consideration used or to be used in making the acquisition and, if
any part of these funds or other consideration has been or is to
be borrowed or otherwise obtained for the purpose of making the
acquisition, a description of the transaction, the names of the
parties, and any arrangements, agreements, or understandings with
the parties.~~ 119316
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~~(5) Any plans or proposals any acquiring person may have to
liquidate the state bank, to sell its assets or merge it with any
company, or to make any other major change in its business or
corporate structure or management.~~ 119323
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~~(6) The identification of any person employed, retained, or
to be compensated by an acquiring person, or by any person on an
acquiring person's behalf, to make solicitations or
recommendations to shareholders for the purpose of assisting in
the acquisition, and a brief description of the terms of the
employment, retainer, or arrangement for compensation.~~ 119327
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~~(7) Copies of all invitations or tenders or advertisements
making a tender offer to stockholders for purchase of their stock
to be used in connection with the proposed acquisition.~~ 119333
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~~(8) Any additional relevant information in the form as the
superintendent may require by rule or by specific request in
connection with any particular notice.~~ 119336
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(D) Unless the superintendent determines an emergency exists 119339
or disclosure of a proposed acquisition of control would seriously 119340
threaten the safety or soundness of the state bank, each person 119341
who gives a notice required under division (B) of this section 119342
shall, within a reasonable time after receiving the 119343

superintendent's acceptance of the notice, do both of the 119344
following: 119345

(1) Publish the name of the state bank proposed to be 119346
acquired and the name of each person identified in the notice as a 119347
person by whom or for whom the acquisition is to be made; 119348

(2) Solicit public comment on the proposed acquisition, 119349
particularly from persons in the geographic area where the state 119350
bank proposed to be acquired is located, before final 119351
consideration of the notice by the superintendent. 119352

(E) Upon accepting a notice required under division (B) of 119353
this section, the superintendent shall do both of the following: 119354

(1) Conduct an investigation of the competence, experience, 119355
integrity, and financial ability of each person named in the 119356
notice as a person by whom or for whom the acquisition is to be 119357
made; 119358

(2) Make an independent determination of the accuracy and 119359
completeness of all information required to be in the notice. 119360

(F) The superintendent may disapprove any proposed 119361
acquisition of control if the superintendent finds any of the 119362
following: 119363

(1) The proposed acquisition of control would result in a 119364
monopoly or further any combination or conspiracy to monopolize or 119365
to attempt to monopolize the business of banking in any part of 119366
this state or any markets served by the state bank. 119367

(2) The effect of the proposed acquisition of control in any 119368
part of this state and any markets served by the state bank may be 119369
to substantially lessen competition, tend to create a monopoly, or 119370
in any other manner restrain trade, and the anticompetitive 119371
effects of the proposed acquisition of control are not clearly 119372
outweighed in the public interest by the probable effect of the 119373

acquisition in meeting the convenience and needs of the community 119374
to be served. 119375

(3) The financial condition of any acquiring person might 119376
jeopardize the financial stability of the state bank or prejudice 119377
the interests of the depositors of the state bank. 119378

(4) The competence, experience, or integrity of any acquiring 119379
person or of any of the proposed management personnel indicates 119380
that it would not be in the interest of the depositors of the 119381
state bank, or in the interest of the public, to permit the 119382
acquiring person to control the state bank. 119383

(5) The acquiring person neglects, fails, or refuses to 119384
furnish to the superintendent all of the information required by 119385
the superintendent. 119386

(6) The superintendent determines the proposed transaction 119387
would have an adverse effect on the ~~bank~~ deposit insurance fund ~~or~~ 119388
~~the savings association insurance fund~~ administered by the federal 119389
deposit insurance corporation. 119390

(G) Within three days after deciding to disapprove any 119391
proposed acquisition of control of a state bank, the 119392
superintendent shall notify the acquiring person in writing of the 119393
disapproval. The notice of disapproval shall provide a statement 119394
of the basis for the disapproval. 119395

(H) Within ten days after receipt of a notice of the 119396
disapproval, the acquiring person may, in accordance with Chapter 119397
119_ of the Revised Code, request a hearing conducted in 119398
accordance with that chapter on the proposed acquisition. 119399

(I) Whenever a change in control of a state bank occurs, the 119400
state bank shall promptly report to the superintendent any changes 119401
in or replacement of its chief executive officer or of any 119402
director that occurs in the next twelve-month period, and include 119403
in the report a statement of the past and current business and 119404

professional affiliations of the new chief executive officer or 119405
director. 119406

(J)(1) The superintendent may exercise any authority vested 119407
in the superintendent under Chapter 1121. of the Revised Code in 119408
the course of conducting any investigation under division (E) of 119409
this section or any other investigation the superintendent, in the 119410
superintendent's discretion, considers necessary to determine 119411
whether any person has filed inaccurate, incomplete, or misleading 119412
information under this section or otherwise is violating, has 119413
violated, or is about to violate any provision of this section or 119414
any rule implementing this section. 119415

(2) Whenever it appears to the superintendent any person is 119416
violating, has violated, or is about to violate any provision of 119417
this section or any rule implementing this section, the 119418
superintendent may, in the superintendent's discretion, apply to 119419
the court of common pleas of any county in which the state bank is 119420
doing business for either of the following: 119421

(a) A temporary or permanent injunction or restraining order 119422
enjoining the person from violating this section or any rule 119423
implementing this section; 119424

(b) Other equitable relief, including divestiture, that may 119425
be necessary to prevent violation of this section or of any rule 119426
implementing this section. 119427

(3)(a) The courts of this state have the same jurisdiction 119428
and power in connection with the exercise of any authority by the 119429
superintendent under this section as they have under Chapter 1121. 119430
of the Revised Code. 119431

(b) The courts of this state have jurisdiction and power to 119432
issue any injunction or restraining order or grant any equitable 119433
relief described in division (J)(2) of this section. When a court 119434
finds it appropriate, the court may grant the injunction, order, 119435

or other equitable relief without requiring the posting of any 119436
bond. 119437

(K) The resignation, termination of employment or 119438
participation, divestiture of control, or separation of or by a 119439
regulated person, including a separation caused by the closing of 119440
a state bank, shall not affect the jurisdiction and authority of 119441
the superintendent to issue any notice and otherwise proceed under 119442
this section against the regulated person, if the notice is issued 119443
no later than six years after the date of the regulated person's 119444
resignation, termination of employment or participation, or 119445
separation from or divestiture of control of a state bank. 119446

For purposes of this division, "regulated person" has the 119447
same meaning as in section 1121.01 of the Revised Code. 119448

Sec. 1115.07. (A) As used in this section: 119449

(1) "Credit outstanding" means any loan, extension of credit, 119450
issuance of a guarantee, acceptance, or letter of credit, 119451
including an endorsement or standby letter of credit, or other 119452
transaction that extends financing to a person or group of 119453
persons. 119454

(2) "Financial institution" means a state bank, national 119455
bank, savings bank, savings association, or a bank doing business 119456
under authority granted by the bank regulatory authority of 119457
another state of the United States or another country. 119458

(3) "Group of persons" includes any number of persons the 119459
financial institution reasonably believes are either of the 119460
following: 119461

(a) Persons who are acting together, in concert, or with one 119462
another to acquire or control shares of the same stock state bank, 119463
including an acquisition of shares of the same stock state bank at 119464
approximately the same time under substantially the same terms. 119465

(b) Persons who have made, or have proposed to make, a joint filing under section 13 of Title I of the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78m, as amended, regarding ownership of the shares of the same stock state bank.

(B)(1) Except as provided in division (D) of this section, any financial institution or any affiliate of a financial institution that has credit outstanding to any person or group of persons that is secured, directly or indirectly, by shares of a stock state bank shall file a consolidated report with the superintendent of financial institutions if the credits outstanding are, in the aggregate, secured, directly or indirectly, by twenty-five per cent or more of the outstanding shares of any class of the same stock state bank.

(2) For purposes of division (B)(1) of this section, any shares of the stock state bank held by the financial institution or any of its affiliates as principal shall be included in the calculation of the number of shares in which the financial institution or its affiliates has a security interest.

(C) The report required under division (B)(1) of this section shall be a consolidated report on behalf of the financial institution and all its affiliates, and shall be filed in writing within thirty days after the date on which the financial institution or any of its affiliates first believes the security for any outstanding credit consists of twenty-five per cent or more of the outstanding shares of any class of a stock state bank.

The report shall indicate the number and percentage of shares securing each credit outstanding, the identity of the borrower, and the number of shares held as principal by the financial institution or any of its affiliates. It also shall contain all of the information required in a notice under section 1115.06 of the Revised Code, and any other relevant information the superintendent may require by rule or by specific request in

connection with a particular report. 119498

(D) A financial institution and its affiliates shall not be 119499
required to report a transaction under this section if either of 119500
the following applies: 119501

(1) The person or group of persons to whom the credit is 119502
outstanding has disclosed to the superintendent the amount 119503
borrowed from the financial institution or its affiliate and the 119504
security interest of the financial institution or its affiliate in 119505
connection with a notice given under section 1115.06 of the 119506
Revised Code or with any other application filed with the 119507
superintendent, such as an application for an interim bank 119508
charter. 119509

(2) The transaction involves either of the following: 119510

(a) A person or group of persons that has been the owner of 119511
record of the shares for at least one year; 119512

(b) Shares issued by a newly chartered stock state bank 119513
before the ~~state~~ bank's opening. 119514

Sec. 1115.11. (A) A state bank may consolidate or merge with 119515
another state bank, a bank, savings bank, or savings association 119516
doing business under authority granted by the bank regulatory 119517
authority of another state, ~~or~~ a national bank, ~~savings bank,~~ or a 119518
federal savings association, regardless of where it maintains its 119519
principal place of business, with the approval of all of the 119520
following: 119521

(1) The directors of both constituent corporations; 119522

(2)(a) The shareholders of each constituent state bank that 119523
is a stock state bank, by the affirmative vote or written consent 119524
of the holders of two-thirds, or such other proportion not less 119525
than a majority as the ~~state~~ bank's articles of incorporation or 119526
code of regulations provide, of the outstanding shares of each 119527

class of the ~~state~~ bank's stock; 119528

(b) The members of each constituent state bank that is a 119529
mutual state bank, by the affirmative vote of two-thirds, or such 119530
other proportion not less than a majority as the bank's articles 119531
of incorporation or code of regulations provide, of the voting 119532
members. 119533

(3) The shareholders or members of the other constituent 119534
bank, savings bank, or savings association as required by the 119535
applicable state or federal law, articles of incorporation, or 119536
code of regulations; 119537

(4) One of the following, as applicable: 119538

(a) If the resulting corporation will be a state bank, a 119539
~~savings bank doing business under authority granted pursuant to 119540~~
~~Chapter 1161. of the Revised Code, or a savings and loan 119541~~
~~association doing business under authority granted pursuant to 119542~~
~~Chapter 1151. of the Revised Code, the superintendent of financial 119543~~
institutions; 119544

(b) If the resulting corporation will be a national bank or 119545
federal savings association, the office of the comptroller of the 119546
currency; 119547

~~(c) If the resulting corporation will be a federal savings 119548~~
~~association, the director of the office of thrift supervision; 119549~~

~~(d)~~ If the resulting corporation will be a bank, savings 119550
bank, or savings association doing business under authority 119551
granted by the regulatory authority of another state, the state 119552
regulatory authority under which the bank, savings bank, or 119553
savings association is doing business. 119554

(B) For a merger or consolidation in which the resulting or 119555
surviving corporation will be a state bank, the constituent 119556
corporations, in the case of a consolidation, and the constituent 119557

corporation that will be the surviving corporation, in the case of 119558
a merger, shall file with the superintendent an application for 119559
the superintendent's approval that includes ~~all of the following:~~ 119560

~~(1) An officers' certification that the transaction has been 119561
approved by the directors and shareholders of each constituent 119562
corporation in accordance with the applicable state or federal 119563
law, articles of incorporation or association, code of 119564
regulations, or bylaws;~~ 119565

~~(2) A a copy of the consolidation or merger agreement;~~ 119566

~~(3) Any and any other information the superintendent 119567
requires. 119568~~

(C) The consolidation or merger agreement required under 119569
division (B)~~(2)~~ of this section shall include all of the 119570
following: 119571

(1) The names of the constituent corporations; 119572

(2) The agreement that the named constituent corporations 119573
will consolidate into a new state bank or the other named 119574
constituent corporations will merge with or into one specified 119575
constituent corporation; 119576

(3) Subject to the limitations set forth in section 1103.07 119577
of the Revised Code, the name of the state bank resulting from the 119578
consolidation or surviving the merger; 119579

(4) The place in this state where the resulting or surviving 119580
bank's principal place of business is to be located; 119581

(5) In the case of a consolidation, the contents of the 119582
resulting bank's articles of incorporation, consistent with 119583
section ~~1103.06~~ 1113.04 of the Revised Code; 119584

(6) In the case of a merger, any amendment to the surviving 119585
bank's articles of incorporation; 119586

(7) The names and addresses of the directors of the resulting 119587

or surviving bank; 119588

(8) The terms of the consolidation or merger, how the 119589
consolidation or merger will be effected, and how ~~any~~ 119590
consideration provided for, if any, will be distributed to the 119591
shareholders or members of the constituent corporations. 119592

(D) Within ten business days after receiving an application 119593
required under division (B) of this section, the superintendent 119594
shall determine whether to accept the application. If the 119595
transaction is with a bank, savings bank, or savings association 119596
doing business under authority granted by a regulatory authority 119597
other than the superintendent, the superintendent shall notify the 119598
regulatory authority under which the bank, savings bank, or 119599
savings association is doing business of the application and 119600
solicit that regulatory authority's comments. Within ninety days 119601
after accepting an application required under division (B) of this 119602
section, the superintendent shall approve or disapprove the 119603
application. In making that determination, the superintendent 119604
shall consider all of the following: 119605

(1) Whether the transaction would result in a monopoly or 119606
would further any combination or conspiracy to monopolize or to 119607
attempt to monopolize the business of banking in any part of this 119608
state and any markets served by the resulting or surviving bank; 119609

(2) Whether the effect of the proposed transaction in any 119610
part of this state and any markets served by the resulting or 119611
surviving bank may be to substantially lessen competition, tend to 119612
create a monopoly, or in any other manner restrain trade, unless 119613
the superintendent finds the anticompetitive effects of the 119614
transaction would clearly be outweighed in the public interest by 119615
the probable effect of the transaction in meeting the convenience 119616
and needs of the community to be served; 119617

(3) The financial and managerial resources and future 119618

prospects of the banks involved; 119619

(4) The convenience and needs of the communities to be served; 119620
119621

(5) Whether, upon completion of the transaction, the resulting or surviving state bank will meet the requirements of Chapters 1101. to 1127. of the Revised Code; 119622
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(6) The comments of any regulatory authority notified in accordance with division (D) of this section. 119625
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(E) The superintendent may condition approval of an application under division (D) of this section in any manner the superintendent considers appropriate. 119627
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119629

(F) Before consummating a consolidation or merger authorized under division (A) of this section, a state bank shall deliver to the superintendent a certificate of consolidation or merger that satisfies the requirements of section 1701.81 of the Revised Code. The superintendent shall file the certificate of consolidation or merger with the secretary of state and, if the resulting or surviving bank of the consolidation or merger is a state bank, shall file a certified copy of the superintendent's approval of the consolidation or merger with the certificate. 119630
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(G) In the case of a consolidation or merger in which the resulting or surviving corporation is a state bank, the directors and other officers named in the agreement of consolidation or merger shall serve until the date fixed in the agreement or provided in the resulting or surviving bank's code of regulations or by statute for the next annual meeting. 119639
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(H)(1) When a consolidation or merger becomes effective, ~~the~~ both of the following apply: 119645
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(1) The existence of each of the constituent corporations ceases as a separate entity, but continues in the resulting or 119647
119648

surviving corporation, within the limits of the charter of the 119649
resulting or surviving corporation and subject to section 1115.20 119650
of the Revised Code, without further act or deed ~~and within.~~ 119651

(b) Within the limits of the charter of the resulting or 119652
surviving corporation, the resulting or surviving corporation has 119653
all assets and property, the rights, privileges, immunities, 119654
powers, franchises, and authority, and all obligations and ~~trusts~~ 119655
fiduciary relationships of each party to the merger or 119656
consolidation and the duties and liabilities connected with them. 119657
The 119658

(2) The resulting or surviving corporation shall perform 119659
every ~~trust or relation~~ fiduciary relationship it has in the same 119660
manner as if it had itself originally assumed the ~~trust or~~ 119661
~~relation~~ fiduciary relationship and the obligations and 119662
liabilities connected with it. 119663

(I) Shareholders of the nonsurviving stock state bank shall 119664
have a right to dissent and shall be entitled to relief as 119665
dissenting shareholders under section 1701.85 of the Revised Code 119666
for those transactions requiring prior shareholder approval under 119667
division (A)(2) of this section. 119668

Sec. 1115.111. (A) Except as provided in division (C) of this 119669
section, no bank shall pay to any person, other than reasonable 119670
compensation for services provided in ~~his~~ the person's capacity as 119671
an employee, any management or consulting fee, including fees for 119672
legal, accounting, brokerage, or other similar professional 119673
services, not having a direct relationship to the value of actual 119674
services rendered, based on reasonable costs consistent with 119675
current market values for such services. 119676

(B) The records of the bank shall contain adequate 119677
information to permit a determination as to what services are 119678
being provided and on what basis they are being priced. At a 119679

minimum the records shall disclose a thorough review by the board 119680
of directors demonstrating all of the following: 119681

(1) That such fees are paid for specific services provided, 119682
as detailed in a fee analysis presented to the board; 119683

(2) The basis for the cost for each function or service; 119684

(3) A conclusion by the board of directors that the fees are 119685
reasonable. 119686

(C) This section does not prevent a bank from paying any of 119687
the following: 119688

(1) Dividends to shareholders that have been properly 119689
declared by the bank; 119690

(2) Reasonable compensation to officers and employees of the 119691
bank for services rendered to the bank in their capacities as 119692
officers or employees of the bank; 119693

(3) Fees to directors for their attendance at meetings of the 119694
board of directors, the executive committee, or other committees 119695
established by the board. 119696

Sec. 1115.14. (A) A state bank may transfer assets and 119697
liabilities to, and acquire assets and liabilities from, another 119698
state bank, a bank doing business under authority granted by the 119699
bank regulatory authority of another state, or a national bank, 119700
savings bank, or savings association, regardless of where it 119701
maintains its principal place of business, with the approval of 119702
all of the following: 119703

(1) The directors of both constituent corporations; 119704

(2)(a) If the assets to be transferred equal more than fifty 119705
per cent of the assets of a transferring or acquiring state bank 119706
at the time of the transfer and the institution is a stock state 119707
bank, the shareholders of the state bank by the affirmative vote 119708

or written consent of the holders of two-thirds, or such other 119709
proportion not less than a majority as the state bank's articles 119710
of incorporation or code of regulations provide, of the 119711
outstanding shares of each class of the state bank's stock; 119712

(b) If the assets to be transferred equal more than fifty per 119713
cent of the assets of a transferring or acquiring state bank at 119714
the time of the transfer and the institution is a mutual state 119715
bank, the members of the state bank by the affirmative vote of 119716
two-thirds, or such other proportion not less than a majority as 119717
the bank's articles of incorporation or code of regulations 119718
provide, of the voting members. 119719

(3) The shareholders or members of the other constituent 119720
bank, savings bank, or savings association as required by the 119721
applicable state or federal law, the articles of incorporation, or 119722
the code of regulations; 119723

(4) If the assets to be transferred equal more than fifty per 119724
cent of the assets of the acquiring state bank, the superintendent 119725
of financial institutions. 119726

(B) In the case of a transfer of assets and liabilities for 119727
which the superintendent's approval is required under division 119728
(A)(4) of this section, the acquiring state bank shall file with 119729
the superintendent an application that includes all of the 119730
following: 119731

(1) An officers' certification that the transaction has been 119732
approved by the directors and shareholders or members of each 119733
constituent corporation in accordance with the applicable state or 119734
federal law, articles of incorporation or association, code of 119735
regulations, or bylaws; 119736

(2) A copy of the transfer agreement; 119737

(3) Any other information the superintendent requires. 119738

(C) The transfer agreement required under division (B)(2) of this section shall include all of the following: 119739
119740

(1) The names of the constituent corporations; 119741

(2) The agreement of the named constituent corporations that specified assets and liabilities of one will be transferred to the other in exchange for specified consideration; 119742
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(3) Any changes to be made in the directors ~~of~~ or officers of the acquiring state bank; 119745
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(4) Any amendments to the acquiring state bank's articles of incorporation; 119747
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(5) The terms of the transfer, how the transfer will be effected, and how any consideration provided for will be distributed to the transferring corporation or its shareholders or members. 119749
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(D) Within ten business days after receiving an application required under division (B) of this section, the superintendent shall determine whether to accept the application. If the transaction is with a bank, savings bank, or savings association doing business under authority granted by a regulatory authority other than the superintendent, the superintendent shall notify the regulatory authority that granted the authority under which the bank, savings bank, or savings association is doing business of the application and solicit that regulatory authority's comments. Within ninety days after accepting an application required under division (B) of this section, the superintendent shall approve or disapprove the application. In making that determination, the superintendent shall consider all of the following: 119753
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(1) Whether the transaction would result in a monopoly or would further any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of this state and any markets served by the acquiring bank; 119766
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(2) Whether the effect of the proposed transaction in any part of this state and any markets served by the acquiring bank may be to substantially lessen competition, tend to create a monopoly, or in any other manner restrain trade, unless the superintendent finds that the anticompetitive effects of the transaction would clearly be outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served; 119770
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(3) The financial and managerial resources and future prospects of the banks involved; 119778
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(4) The convenience and needs of the communities to be served; 119780
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(5) Whether, upon completion of the transaction, the acquiring state bank will meet the requirements of Chapters 1101. to 1127. of the Revised Code; 119782
119783
119784

(6) The comments of any regulatory authority notified in accordance with division (D) of this section. 119785
119786

(E) The superintendent may condition approval of an application under division (D) of this section in any manner the superintendent considers appropriate. 119787
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(F) In the case of a transfer of assets and liabilities involving a state bank that is not the acquiring corporation and that will not continue operations after the transaction, the state bank shall, immediately upon the transfer of assets and liabilities being effective, provide the superintendent with the necessary dissolution certificates and affidavits for the superintendent to file the dissolution with the secretary of state. 119790
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(G) When a bank, savings bank, or savings association transfers its assets and liabilities to a state bank, the acquiring state bank shall be possessed of the rights, privileges, 119798
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and powers of the transferor with respect to the transferred 119801
assets within the limits of the charter of the acquiring state 119802
bank. 119803

(H) Shareholders of a stock state bank whose assets have been 119804
transferred shall have a right to dissent and shall be entitled to 119805
relief as dissenting shareholders under section 1701.85 of the 119806
Revised Code for those transactions requiring prior shareholder 119807
approval under division (A)(2) of this section. 119808

Sec. 1115.15. Whenever an emergency, as defined by the 119809
superintendent of financial institutions, exists with regard to a 119810
state bank, national bank, savings bank, or savings association 119811
that warrants, in the opinion of the superintendent and of a 119812
majority of the members of the respective boards of directors of 119813
the constituent corporations concerned, an immediate transfer of 119814
assets and liabilities, the board of directors of a state bank 119815
may, by majority vote, transfer the assets and liabilities of the 119816
state bank or acquire the assets and liabilities of another state 119817
bank or a national bank, savings bank, or savings association 119818
without the vote or approval of the shareholders of each 119819
constituent corporation involved in the proposed transfer. No 119820
transfer pursuant to this section involving a state bank shall be 119821
made without the written consent of the superintendent. Certified 119822
copies of all proceedings of its board of directors shall be filed 119823
with the superintendent by each constituent corporation involved 119824
in the transfer. A copy of the agreement between the constituent 119825
corporations shall accompany the copies of the proceedings of the 119826
boards of directors. 119827

Sec. 1115.20. (A) In any transfer, ~~consolidation, or merger~~ 119828
under this chapter, the rights of creditors shall be preserved 119829
unimpaired, and, unless otherwise provided, the constituent 119830
corporations shall be deemed to continue their separate existence 119831

if the continuation is necessary to preserve any creditor's 119832
rights. 119833

(B) In any consolidation or merger under section 1115.11 of 119834
the Revised Code, the rights and obligations of the surviving or 119835
new bank shall be governed by section 1701.82 of the Revised Code. 119836

Sec. 1115.23. (A) Any person, singly or jointly with others, 119837
may, with the approval of the superintendent of financial 119838
institutions, incorporate an interim bank for the purpose of 119839
facilitating the creation of a bank holding company, the 119840
acquisition of or transaction with an existing bank, savings 119841
association, or savings bank, or any other transaction the 119842
superintendent may approve. Prior to commencing business, an 119843
interim bank shall be a party to a reorganization with an existing 119844
bank, savings association, or savings bank pursuant to this 119845
chapter. 119846

(B) The person or persons proposing to incorporate an interim 119847
bank under this section shall make application for approval of the 119848
proposed interim bank in the manner and form prescribed by the 119849
superintendent, which shall include delivering to the division of 119850
financial institutions the items required in divisions (B)(1) and 119851
(2) of section ~~1113.01~~ 1113.02 of the Revised Code. 119852

(C) Approval of the interim bank pursuant to this section 119853
does not authorize the interim bank to commence business. Approval 119854
of the interim bank shall be specifically conditioned on approval 119855
of the subsequent reorganization. The approval of the interim bank 119856
becomes void, and the interim bank shall be dissolved, if the 119857
reorganization is not approved and consummated within one year 119858
after the approval of the interim bank, unless the superintendent 119859
grants one or more extensions in writing. If no extension is 119860
granted or upon the expiration of the last extension granted, the 119861
interim bank shall provide the superintendent with the necessary 119862

dissolution certificates and affidavits for the superintendent to 119863
file the dissolution with the secretary of state. 119864

(D) The superintendent shall not disapprove an interim bank 119865
charter solely because the interim bank's paid-in capital and 119866
surplus do not aggregate more than five hundred dollars. 119867

Sec. 1115.24. (A) As used in this section: 119868

(1) "Applicant" means the person or persons seeking a shelf 119869
charter under this section. 119870

(2) "Control" has the same meaning as in section 1115.06 of 119871
the Revised Code and any rules adopted under that section. 119872

(3) "Shelf charter" means the preliminary conditional 119873
approval of a charter. 119874

(B) The superintendent of financial institutions may, at the 119875
superintendent's sole discretion, grant a shelf charter to an 119876
applicant intending or desiring to enter into a transaction 119877
resulting in any of the following: 119878

(1) Formation of an interim bank under this chapter to be 119879
used for the transactions contemplated by this section; 119880

(2) Acquisition of control of a designated or undesignated 119881
state bank; 119882

(3) Acquisition of control of a designated or undesignated 119883
bank chartered by the banking authority of any other state or the 119884
United States that the person or persons intend to convert to a 119885
state bank; 119886

(4) Acquisition of assets from and assumption of liabilities, 119887
pursuant to this chapter, of a bank or from the federal deposit 119888
insurance corporation as receiver of a designated or undesignated 119889
bank headquartered in this state or any other state that the 119890
person or persons intend to convert to a state bank; 119891

(5) Formation of a de novo bank pursuant to Title XI of the Revised Code. 119892
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(C) The superintendent shall prescribe the form for an application for a shelf charter. After reviewing an application, the superintendent may require the applicant to submit any additional information or documentation the superintendent considers necessary and appropriate. Factors to be considered by the superintendent shall include all of the following: 119894
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(1) The availability of adequate capital for the transaction; 119900

(2) The existence of acceptable business plans; 119901

(3) Whether acceptable management, directors, and control persons are identified; 119902
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(4) Whether all necessary approvals from state and federal agencies have been secured. 119904
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(D)(1) A shelf charter granted under this section, and any final approval for a transaction described in division (B) of this section, shall be subject to such conditions and ongoing requirements as the superintendent considers appropriate. 119906
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(2) An applicant granted a shelf charter under this section shall not exercise control over the bank or consummate the transaction authorized by the charter until the superintendent gives final approval of the transaction. 119910
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(E) A shelf charter shall expire twenty-four months after the date it is granted, subject to the following: 119914
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(1) The superintendent may extend the expiration date at any time sua sponte or upon approval by the superintendent of a written request for an extension submitted by the person or persons to whom the shelf charter was granted. 119916
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(2) The person or persons to whom the shelf charter was granted may withdraw it at any time. 119920
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(3) The superintendent may modify, suspend, or revoke any shelf charter granted under this section. 119922
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(F) Pursuant to the authority granted under section 1121.03 of the Revised Code, the superintendent may adopt rules and issue interpretive guidelines the superintendent considers necessary and appropriate for the implementation of this section. 119924
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Sec. 1115.27. (A) A state bank may merge with any of its affiliates with the approval of all of the following: 119928
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(1) The directors of all constituent corporations to the merger; 119930
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(2)(a) The shareholders of each constituent stock state bank by the affirmative vote or written consent of the holders of two-thirds, or any other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the outstanding shares of each class of the bank's stock; 119932
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(b) The members of each constituent mutual state bank, by the affirmative vote of two-thirds, or such other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the voting members. 119938
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(3) The shareholders or members of each other constituent to the merger as required by the applicable state or federal law, the articles of incorporation, or the code of regulations; 119942
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(4) The superintendent of financial institutions. 119945

(B) The bank that will be the surviving bank in the merger shall file with the superintendent an application for the superintendent's approval that includes ~~all of the following:~~ 119946
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~~(1) An officers' certification that the transaction has been approved by the directors and shareholders of each constituent corporation in accordance with the applicable state or federal~~ 119949
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law, articles of incorporation or association, code of	119952
regulations, or bylaws;	119953
(2) A <u>a</u> copy of the merger agreement;	119954
(3) <u>Any and any</u> other information the superintendent	119955
requires.	119956
(C) The merger agreement required under division (B) (2) of	119957
this section shall include all of the following:	119958
(1) The names of the constituent corporations;	119959
(2) The agreement of the other named constituent corporations	119960
to merge with or into one specified bank;	119961
(3) Subject to the limitations set forth in section 1103.07	119962
of the Revised Code, the name of the bank surviving from the	119963
merger.	119964
(4) The place in this state where the surviving bank's	119965
principal place of business is to be located;	119966
(5) Any amendment to the surviving bank's articles of	119967
incorporation;	119968
(6) The names and addresses of the directors of the surviving	119969
bank;	119970
(7) The terms of the merger, how it will be effected, and how	119971
any consideration, <u>if any</u> , provided for will be distributed to the	119972
shareholders <u>or members</u> of the constituent corporations.	119973
(D) Within ten business days after receiving an application	119974
required under division (B) of this section, the superintendent	119975
shall determine whether to accept the application. Within ninety	119976
days after accepting an application required under division (B) of	119977
this section, the superintendent shall approve or disapprove the	119978
application. In making that determination, the superintendent	119979
shall consider all of the following:	119980

(1) The financial and managerial resources and future prospects of the surviving bank; 119981
119982

(2) The convenience and needs of the communities to be served; 119983
119984

(3) Whether, upon completion of the merger, the surviving bank will meet the requirements of Chapters 1101. to 1127. of the Revised Code; 119985
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(4) Whether any of the constituents to the merger are subject to limitations that are inconsistent with the merger. 119988
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(E) The superintendent may condition approval of an application under division (D) of this section in any manner the superintendent considers appropriate. 119990
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(F) Before consummating a merger authorized under division (A) of this section, the bank that is to be the surviving bank of the merger shall deliver to the superintendent a certificate of merger that satisfies the requirements of section 1701.81 of the Revised Code. The superintendent shall file the certificate of merger and a certified copy of the superintendent's approval of the merger with the secretary of state. 119993
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(G) The directors and other officers named in the agreement of merger shall serve until the date fixed in the agreement or provided in the surviving bank's code of regulations or by statute for the next annual meeting. 120000
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(H) When a merger authorized by division (A) of this section becomes effective, the existence of each of the constituent corporations ceases as a separate entity, but continues in the surviving bank, within the limits of the charter of the surviving bank and subject to section 1115.20 of the Revised Code. Without further act or deed and within the limits of the charter of the surviving bank, the surviving bank has all assets and property, the rights, privileges, immunities, powers, franchises, and 120004
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authority, and all obligations and ~~trusts~~ fiduciary relationships 120012
of each party to the merger and the duties and liabilities 120013
connected with them. The surviving bank shall perform every ~~trust~~ 120014
~~or relation~~ fiduciary relationship it has in the same manner as if 120015
it had itself originally assumed the ~~trust or relation~~ fiduciary 120016
relationship and the obligations and liabilities connected with 120017
it. 120018

Sec. 1116.01. As used in this chapter, unless the context 120019
requires otherwise: 120020

(A) "Acquiree mutual bank" means any state bank, savings 120021
association, or savings bank that meets both of the following 120022
conditions: 120023

(1) It is acquired by a mutual holding company as part of, 120024
and concurrently with, a mutual holding company reorganization. 120025

(2) It is in the mutual form immediately prior to the 120026
acquisition. 120027

(B) "Reorganization plan" means the plan to reorganize into a 120028
mutual holding company structure described in section 1116.07 of 120029
the Revised Code. 120030

(C) "Reorganizing mutual state bank" means a mutual state 120031
bank that proposes to reorganize into a mutual holding company 120032
structure in accordance with this chapter. 120033

(D) "Resulting mutual holding company" means a bank holding 120034
company organized in mutual form under this chapter and, unless 120035
otherwise indicated, a subsidiary holding company controlled by a 120036
mutual holding company organized under this chapter. 120037

(E) "Resulting stock state bank" means a stock state bank 120038
that is organized as a subsidiary of a reorganizing mutual state 120039
bank to receive a substantial part of the assets and liabilities, 120040
including all deposit accounts, of the reorganizing mutual state 120041

bank upon consummation of the reorganization. 120042

(F) "Stock bank" means a bank that has an ownership structure 120043
in the form of shares of stock and is doing business under 120044
authority granted by the superintendent of financial institutions 120045
or the bank regulatory authority of another state or the United 120046
States. 120047

(G) "Subsidiary holding company" means a stock company that 120048
is controlled by a mutual holding company and that owns the stock 120049
of a stock state bank whose depositors have membership rights in 120050
the parent mutual holding company. 120051

Sec. 1116.02. (A) A mutual holding company and any subsidiary 120052
of a mutual holding company shall be created, organized, and 120053
governed, and its business shall be conducted, in all respects in 120054
the same manner as is provided under Chapter 1701. of the Revised 120055
Code, for corporations generally, to the extent that it is not 120056
inconsistent with this chapter, Chapters 1101. to 1115., and 120057
Chapters 1117. to 1127. of the Revised Code or the rules adopted 120058
under those chapters. 120059

(B) A mutual holding company and any subsidiary of a mutual 120060
holding company organized under this chapter is subject to all 120061
powers, remedies, and sanctions provided to the superintendent of 120062
financial institutions and the division of financial institutions 120063
by Chapters 1101. to 1127. of the Revised Code. 120064

(C) Notwithstanding division (A) of this section, a nonbank 120065
subsidiary of a mutual holding company may be organized under the 120066
general corporate laws of another state of the United States. 120067

Sec. 1116.05. (A) A mutual state bank may, with the approval 120068
of the superintendent of financial institutions, reorganize to 120069
become a mutual holding company, in one of the following manners: 120070

(1) By organizing one or more subsidiary stock state banks, 120071

one or more of which may be an interim stock state bank, the 120072
ownership of which shall be evidenced by shares of stock to be 120073
owned by the reorganizing mutual state bank and by transferring a 120074
substantial portion of its assets, all of its insured deposits, 120075
and part or all of its other liabilities to one or more subsidiary 120076
stock state banks; 120077

(2) By organizing a first tier subsidiary stock state bank, 120078
causing that subsidiary to organize a second tier subsidiary stock 120079
state bank, and transferring, by merger of the reorganizing mutual 120080
state bank with the second tier subsidiary, a substantial portion 120081
of its assets, all of its insured deposits, and part or all of its 120082
other liabilities to the resulting stock state bank at which time 120083
the first tier subsidiary stock state bank becomes a mutual 120084
holding company; 120085

(3) In any other manner approved by the superintendent. 120086

(B) As a part of its mutual holding company reorganization, a 120087
mutual state bank may organize as a subsidiary holding company of 120088
the mutual holding company, which subsidiary holding company shall 120089
own all of the outstanding voting stock of the resulting stock 120090
state bank. 120091

(C) Before reorganizing into a mutual holding company, a 120092
reorganizing mutual state bank shall do all of the following: 120093

(1) Obtain approval of a reorganization plan by a two-thirds 120094
vote of the board of directors of the reorganizing mutual state 120095
bank and any acquiree mutual bank; 120096

(2) Obtain approval of the reorganization plan by a 120097
two-thirds vote, or such other proportion not less than a majority 120098
as the reorganizing mutual state bank's or any acquiree mutual 120099
bank's articles of incorporation or code of regulations provide, 120100
of the members' votes cast in person or by proxy at the annual 120101
meeting or at a special meeting of members called by the board of 120102

<u>directors for the purpose of approving the reorganization plan;</u>	120103
<u>(3) File a reorganization application in the form prescribed</u>	120104
<u>by the superintendent that includes all of the following:</u>	120105
<u>(a) An officers' certification that the reorganization plan</u>	120106
<u>has been approved by the directors and members in accordance with</u>	120107
<u>applicable state law, articles of incorporation, code of</u>	120108
<u>regulations, or bylaws;</u>	120109
<u>(b) A copy of the reorganization plan;</u>	120110
<u>(c) Any other information the superintendent requires.</u>	120111
<u>Sec. 1116.06.</u> (A) <u>Within ten business days after receipt of</u>	120112
<u>an application for a mutual holding company reorganization under</u>	120113
<u>division (C)(3) of section 1116.05 of the Revised Code, the</u>	120114
<u>superintendent of financial institutions shall do one of the</u>	120115
<u>following:</u>	120116
<u>(1) Accept the application for processing;</u>	120117
<u>(2) Request additional information to complete the</u>	120118
<u>application;</u>	120119
<u>(3) Return the application if it is substantially incomplete.</u>	120120
<u>(B) Within one hundred eighty days after an application is</u>	120121
<u>accepted for processing, the superintendent shall approve or</u>	120122
<u>disapprove the application and, if approved, impose any conditions</u>	120123
<u>the superintendent determines appropriate.</u>	120124
<u>(C) In approving or disapproving an application, the</u>	120125
<u>superintendent, after conducting an appropriate examination or</u>	120126
<u>investigation, shall consider whether:</u>	120127
<u>(1) The reorganizing mutual state bank and any acquiree</u>	120128
<u>mutual bank will operate in a safe, sound, and prudent manner.</u>	120129
<u>(2) The applicant has demonstrated that the reorganization</u>	120130
<u>plan is fair to the members of the reorganizing mutual state bank</u>	120131

and any acquiree mutual bank. 120132

(3) The interests of the reorganizing mutual state bank's 120133
depositors and creditors and the general public will not be 120134
jeopardized by the proposed reorganization into a mutual holding 120135
company; 120136

(4) The proposed reorganization will result in a reorganizing 120137
mutual state bank or any acquiree state bank that has adequate 120138
capital, satisfactory management, and good earnings prospects; 120139

(5) A stock issuance proposed in connection with the mutual 120140
holding company reorganization plan meets the standards 120141
established by the superintendent and any applicable state and 120142
federal securities laws; and 120143

(6) The reorganizing mutual state bank or any acquiree mutual 120144
bank has furnished all information required in the reorganization 120145
plan and any other information requested by the superintendent 120146
regarding the proposed reorganization. 120147

Sec. 1116.07. Each reorganization plan submitted with a 120148
mutual holding company reorganization application shall contain a 120149
description of all significant terms of the proposed 120150
reorganization and include all of the following: 120151

(A) Any proposed stock issuance plan; 120152

(B) An opinion of counsel, or a ruling from the United States 120153
internal revenue service and the Ohio department of taxation, as 120154
to the federal and state tax treatment of the proposed 120155
reorganization; 120156

(C) A copy of the articles of incorporation and code of 120157
regulations of the proposed mutual holding company, the resulting 120158
stock state bank, and any affiliate organizations in the holding 120159
company structure; 120160

(D) A description of the method of reorganization under this 120161

chapter; 120162

(E) A statement that, upon consummation of the 120163
reorganization, certain assets and liabilities, including all 120164
deposit accounts of the reorganizing mutual state bank, shall be 120165
transferred to the resulting stock state bank, which bank shall 120166
immediately become a stock state bank subsidiary of the mutual 120167
holding company or subsidiary holding company; 120168

(F) A summary of the expenses to be incurred in connection 120169
with the reorganization; 120170

(G) Any other information required by the superintendent of 120171
financial institutions. 120172

Sec. 1116.08. After approving a mutual holding company 120173
reorganization application, the superintendent of financial 120174
institutions shall, to effect the reorganization, forward the 120175
articles of incorporation to the secretary of state for filing. 120176

Sec. 1116.09. (A) A mutual holding company shall do all of 120177
the following: 120178

(1) Confer upon existing and future depositors of the 120179
resulting stock state bank the same membership rights in the 120180
mutual holding company as were conferred upon depositors by the 120181
articles of incorporation or code of regulations of the 120182
reorganizing mutual state bank in effect immediately prior to the 120183
reorganization; 120184

(2) Confer upon existing and future depositors of any 120185
acquiree mutual bank or any bank that is in the mutual form when 120186
acquired by the mutual holding company, the same membership rights 120187
in the mutual holding company as were conferred upon depositors by 120188
the articles of incorporation or code of regulations of the 120189
acquired mutual bank in effect immediately prior to the 120190
acquisition, provided that if the acquired mutual bank is merged 120191

into another subsidiary state bank from which the mutual holding 120192
company draws members, the depositors of the acquired mutual bank 120193
shall receive the same membership rights as the depositors of the 120194
subsidiary state bank into which the acquired mutual bank is 120195
merged; 120196

(3) Confer upon the borrowers of the resulting stock state 120197
bank who are borrowers at the time of reorganization the same 120198
membership rights in the mutual holding company as were conferred 120199
upon them by the articles of incorporation or code of regulations 120200
of the reorganizing mutual state bank in effect immediately prior 120201
to the reorganization, but not any membership rights in connection 120202
with any borrowings made after the reorganization; 120203

(4) Confer upon the borrowers of any acquiree mutual bank or 120204
any bank that is in the mutual form when acquired by the mutual 120205
holding company who are borrowers at the time of the acquisition, 120206
the same membership rights in the mutual holding company as were 120207
conferred on them by the articles of incorporation or code of 120208
regulations of the acquired mutual bank in effect immediately 120209
prior to the acquisition, but not any membership rights in 120210
connection with any borrowings made after the acquisition; 120211
provided, however, that if the acquired mutual bank is merged into 120212
another bank from which the mutual holding company draws members, 120213
the borrowers of the acquired mutual bank shall instead receive 120214
the same grandfathered membership rights as the borrowers of the 120215
subsidiary state bank into which the acquired mutual bank is 120216
merged. 120217

(B) A mutual holding company that acquires a bank in the 120218
stock form, other than a resulting stock state bank or an acquiree 120219
mutual bank, shall not confer any membership rights upon the 120220
depositors and borrowers of the stock bank, unless such stock bank 120221
is merged into a subsidiary stock state bank from which the mutual 120222
holding company draws its members, in which case the depositors of 120223

the stock bank shall receive the same membership rights as other 120224
depositors of the subsidiary stock state bank into which the stock 120225
bank is merged. 120226

Sec. 1116.10. (A) A mutual holding company and any subsidiary 120227
holding company shall be governed by a board of directors and in 120228
accordance with the articles of incorporation and code of 120229
regulations adopted in connection with the reorganization, or as 120230
amended in accordance with law or rule after the reorganization. 120231
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(B) The board of the mutual holding company and any 120233
subsidiary holding company shall have at least five members who, 120234
initially, shall consist of the board of directors of the 120235
reorganizing mutual state bank. Such members, after the formation 120236
of the mutual holding company and any subsidiary holding company, 120237
shall continue to serve as directors for the balance of the terms 120238
to which they were elected. 120239

Sec. 1116.11. All assets, rights, obligations, and 120240
liabilities of a reorganizing mutual state bank that are not 120241
expressly retained by the mutual holding company shall be 120242
transferred to the resulting stock state bank. 120243

Sec. 1116.12. Each person who holds a deposit account in a 120244
reorganizing mutual state bank or any acquiree mutual state bank 120245
immediately before the reorganization shall receive, upon 120246
consummation of the reorganization, without payment, an identical 120247
deposit account in the resulting stock state bank or acquiree 120248
mutual state bank. 120249

Sec. 1116.13. The following apply to a reorganization plan 120250
adopted by the board of directors of the reorganizing mutual state 120251
bank or any acquiree mutual bank: 120252

(A) It may be amended by those boards as a result of any regulator's comments before any solicitation of proxies from the members to vote on the reorganization plan or, with the written consent of the superintendent of financial institutions, at any later time. 120253
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(B) It may be terminated by either board at any time before the meeting at which the members vote on the reorganization plan or, with the written consent of the superintendent, at any later time. 120258
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Sec. 1116.16. (A) A mutual holding company organized under the laws of another state or the United States may, with the approval of the superintendent of financial institutions, convert to a mutual holding company organized under this chapter by submitting an application in accordance with rules adopted by the superintendent under section 111.15 of the Revised Code. 120262
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(B) State banks existing as of the effective date of this section that are affiliates of a mutual holding company organized under the laws of another state or the United States and that submit an application pursuant to division (A) of this section within one year after the effective date of this section shall be eligible for an expedited review process. 120268
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Sec. 1116.18. Subject to all necessary regulatory notices or approvals, a mutual holding company organized under this chapter may do all of the following: 120274
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(A) Acquire a bank organized in mutual or stock form by merger of such bank with the subsidiary stock state bank, interim subsidiary stock bank, or subsidiary stock holding company of the mutual holding company; 120277
120278
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(B) Merge with or acquire another holding company provided that such holding company has, as one of its subsidiaries, a 120281
120282

<u>subsidiary banking corporation;</u>	120283
<u>(C) Exercise any power of, or engage in any activity</u>	120284
<u>permitted for, a mutual state bank;</u>	120285
<u>(D) Engage directly or indirectly only in such activities as</u>	120286
<u>are permissible activities for bank holding companies under</u>	120287
<u>applicable state and federal law or regulations;</u>	120288
<u>(E) Invest in the stock of a bank;</u>	120289
<u>(F) Exercise any rights, waive any rights, or take or waive</u>	120290
<u>any other action with respect to any securities of any subsidiary</u>	120291
<u>stock state bank or subsidiary stock holding company that are held</u>	120292
<u>by the mutual holding company.</u>	120293
<u>Sec. 1116.19. (A) The board of directors of a mutual holding</u>	120294
<u>company may from time to time, by a majority vote of the</u>	120295
<u>directors, do both of the following:</u>	120296
<u>(1) Divide equitably any surplus that is in excess of the</u>	120297
<u>amount required for the operations of the mutual holding company</u>	120298
<u>or to maintain the safety and soundness of the mutual holding</u>	120299
<u>company;</u>	120300
<u>(2) Distribute that surplus to the respective depositors of</u>	120301
<u>its subsidiary stock state banks in accordance with their</u>	120302
<u>membership rights.</u>	120303
<u>(B) If the superintendent of financial institutions</u>	120304
<u>determines that the surplus held by a mutual holding company is</u>	120305
<u>excessive, the superintendent may order the board of directors of</u>	120306
<u>the mutual holding company to make the distribution described in</u>	120307
<u>division (A) of this section.</u>	120308
<u>Sec. 1116.20. (A) A mutual holding company may establish a</u>	120309
<u>subsidiary holding company as a direct subsidiary to hold one</u>	120310
<u>hundred per cent of the stock of its subsidiary stock state bank,</u>	120311

provided the subsidiary holding company is not formed and operated 120312
as a means of evading or frustrating the purposes of this chapter. 120313
Subject to the approval of the superintendent of financial 120314
institutions, the subsidiary holding company may be established 120315
either at the time of the initial mutual holding company 120316
reorganization or at a subsequent date. 120317

(B) In addition to its powers under Chapters 1107. and 1109. 120318
of the Revised Code, any subsidiary stock state bank or subsidiary 120319
holding company may, with the prior approval of the superintendent 120320
and subject to such rules as the superintendent may prescribe, 120321
issue one or more classes of securities, including one or more 120322
classes of common stock or preferred stock, and take any action in 120323
connection with such issuance or otherwise with respect to any 120324
such securities; provided, however, that in no event shall the 120325
mutual holding company hold less than twenty-five per cent of the 120326
combined voting power of all classes of securities of the 120327
subsidiary stock holding company or stock state bank that have 120328
voting power in the election of directors of such stock state 120329
bank. 120330

(C) Nothing in this section shall prohibit a subsidiary stock 120331
state bank or subsidiary stock holding company from issuing, in 120332
connection with an employee stock option or other employee benefit 120333
plan or with the mutual holding company reorganization or 120334
subsequent thereto, different classes of common stock to the 120335
mutual holding company and subsidiary stock state bank or 120336
subsidiary stock holding company. An issuance of securities may be 120337
made at the time of the mutual holding company reorganization or 120338
thereafter, and may be made in connection with the merger or 120339
acquisition of another bank whether organized in mutual or stock 120340
form. 120341

Sec. 1116.21. A mutual holding company organized under this 120342

chapter may, with the approval of the superintendent of financial 120343
institutions, convert to a stock holding company by submitting an 120344
application in accordance with rules adopted by the superintendent 120345
under section 1121.03 of the Revised Code. 120346

Sec. 1117.01. (A) Subject to section 1115.05 and Chapter 120347
1119. of the Revised Code, a bank, regardless of the location of 120348
its principal place of business, may establish or acquire and 120349
maintain a banking office in this state. 120350

(B)(1) With the prior written approval of the superintendent 120351
of financial institutions obtained in accordance with section 120352
1117.02 of the Revised Code, a state bank ~~doing business under~~ 120353
~~authority granted by the superintendent~~ may establish or acquire a 120354
banking office at any of the following locations: 120355

(a) Any location in this state; 120356

(b) Any location in another state of the United States; 120357

(c) Any location outside the United States. 120358

(2) The superintendent may condition approval of a banking 120359
office at any location authorized by division (B)(1)(b) or (c) of 120360
this section on an agreement satisfactory to the superintendent 120361
providing for the times, method, and reimbursement of expenses for 120362
examining the banking office. 120363

Sec. 1117.02. (A) A bank with its principal place of business 120364
in this state proposing to establish a banking office shall submit 120365
an application to the superintendent of financial institutions. 120366
The superintendent shall determine whether to accept an 120367
application for processing within ten business days after 120368
receiving the application. The superintendent shall approve or 120369
disapprove the application within sixty days after accepting it 120370
unless approval is withheld under division (E) of this section. 120371

(B) If the superintendent accepts the application, the bank shall, within ten days after receipt of the superintendent's notice of acceptance, publish notice of its proposed banking office in a newspaper of general circulation in the county where the proposed banking office is to be located and in the county where the bank currently maintains its principal place of business. The notice shall state that comments on the proposed banking office must be delivered to the division of financial institutions within fourteen days after the date the notice is published, and shall provide the division's address.

(C) If the superintendent determines any comment delivered to the division regarding a proposed banking office is relevant to the criteria set forth in this section for approval of a banking office, the superintendent shall investigate the comment in any manner the superintendent considers appropriate.

(D) In determining whether to approve a proposed banking office, the superintendent shall consider all of the following:

(1) The adequacy of the bank's management;

(2) The adequacy of the bank's capital ~~and paid-in capital~~;

(3) The effect establishment of the banking office will have on the interests of the bank's depositors and shareholders or members;

(4) The bank's lending record in helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with both the safe and sound operation of the bank and the "Community Reinvestment Act of 1977," 91 Stat. 1147, 12 U.S.C. 2901, as amended;

(5) Any other reasonable criteria the superintendent may establish.

(E)(1) If the superintendent determines, upon consideration

of the criteria set forth in division (D) of this section, that 120402
the banking office should otherwise be approved, but the bank's 120403
lending record is not satisfactory in helping to meet the credit 120404
needs of its entire community as prescribed in division (D)(4) of 120405
this section, the superintendent shall withhold action on the 120406
application for the banking office and shall notify the bank of 120407
that decision. The bank shall, within sixty days after receipt of 120408
the notice from the superintendent, submit to the superintendent a 120409
written affirmative action lending program, which shall be a 120410
public record. The superintendent shall, within thirty days after 120411
receipt of the affirmative action lending program, determine 120412
whether the program is acceptable. If the program is not 120413
acceptable, or the bank fails to submit an affirmative action 120414
lending program within the sixty days, the superintendent shall 120415
disapprove the banking office. If the affirmative action lending 120416
program is acceptable, the superintendent shall approve the 120417
banking office. 120418

(2)(a) In order to determine whether a bank is complying with 120419
its affirmative action lending program, the superintendent may do 120420
either of the following: 120421

(i) The superintendent may require the bank to submit 120422
periodic reports that summarize actions it has taken to implement 120423
or maintain its affirmative action lending program. The reports 120424
shall be in a form prescribed by the superintendent, but shall not 120425
contain any information that identifies an applicant for a loan. 120426
The reports are public records and shall be made available to any 120427
person upon request. 120428

(ii) Upon written complaint by any person, or upon the 120429
superintendent's own initiative, the superintendent may hold a 120430
public hearing. The superintendent may hold no more than one 120431
hearing every two years on each affirmative action lending 120432
program. 120433

(b) If the superintendent determines, as a result of findings made under division (E)(2)(a) of this section, that a bank is not in compliance with its affirmative action lending program, the superintendent shall order the bank to comply within a period of time determined by the superintendent. Failure to comply with that order shall be a violation of a condition imposed by the superintendent for purposes of sections 1121.32, 1121.33, 1121.35, and 1121.41 of the Revised Code.

(3) As used in division (E) of this section, "affirmative action lending program" means a program to remedy any deficiency of a bank in helping to meet the credit needs of its entire community.

Sec. 1117.04. A bank proposing to relocate a banking office shall do the following:

(A) If the banking office is to be relocated within a one-mile radius of the banking office's current ~~service area~~ location, the bank shall notify the superintendent of financial institutions and comply with the ~~service area~~ relocation procedures established by the superintendent.

(B) If the banking office is to be relocated outside a one-mile radius of the banking office's current ~~service area~~ location, the bank shall obtain the superintendent's approval for the relocation in accordance with the procedures set forth in section 1117.02 of the Revised Code for establishing a banking office and comply with the banking office closing procedures established by the superintendent.

Sec. 1117.05. (A) With the written approval of the superintendent of financial institutions, a bank may contract with one or more other banks, savings banks, and savings associations to provide services to the contracting bank's customers at any or

all of the offices of the other banks, savings banks, and savings associations as if the offices of the other banks, savings banks, and savings associations were offices of the contracting bank.

(B) The superintendent shall determine whether to accept a bank's application for approval of a contract authorized by division (A) of this section within ten business days after receiving a bank's application for the superintendent's approval of the contract. The superintendent shall approve or disapprove the contract within thirty days after accepting the bank's application.

(C) In determining whether to approve or disapprove a contract authorized by division (A) of this section, the superintendent shall consider all of the following:

(1) The adequacy of the management of both the contracting bank and the other banks, savings banks, and savings associations;

(2) The adequacy of the capital ~~and paid-in capital~~ of both the contracting bank and the other banks, savings banks, and savings associations;

(3) The adequacy of the operations and controls of both the contracting bank and the other banks, savings banks, and savings associations;

(4) Whether the contract is being used to avoid application of the criteria for establishing a banking office under section 1117.02 of the Revised Code or any kind of business combination under Chapter 1115. of the Revised Code.

(D) This section does not authorize a contracting bank to establish new deposit accounts, extend credit, or create new banking relationships through offices of the other banks, savings banks, and savings associations.

Sec. ~~1103.21~~ 1117.07. (A) In the event of a power failure,

fire, act of God, riot, strike, robbery or attempted robbery, 120494
epidemic, interruption of communication facilities, or any other 120495
reason the superintendent of financial institutions approves, or 120496
in the event of the declaration of the existence of an emergency 120497
by the governor or another person lawfully exercising the power 120498
and duties of the office of governor, an officer of a bank, 120499
designated by the board of directors of the officer's bank, in the 120500
reasonable and proper exercise of the designated officer's 120501
discretion may determine not to open one or more of the bank's 120502
banking offices on any business or banking day, or, if having 120503
opened, to close one or more of the bank's banking offices during 120504
the continuation of the occurrence or emergency. In no case shall 120505
any banking office remain closed for more than ~~forty-eight~~ two 120506
consecutive ~~hours~~ days, excluding weekends and legal holidays, 120507
without obtaining the approval of the superintendent ~~or, in the~~ 120508
~~ease of a national bank, the comptroller of the currency.~~ A 120509
designated officer closing a banking office pursuant to the 120510
authority granted under this section shall give as prompt notice 120511
of the action as conditions permit, and by any means available, to 120512
the superintendent ~~or the comptroller.~~ 120513

(B) The designated officers of a bank may close any one or 120514
more or all of the bank's banking offices on any day designated, 120515
by proclamation of the president of the United States or the 120516
governor of this state, as a day of mourning, rejoicing, or other 120517
special observance. In such a case, the bank shall not be required 120518
to comply with any other provision of the Revised Code regarding 120519
the closing or reopening of banks or financial institutions. 120520

(C) Any act required or authorized to be performed at a 120521
banking office that has not been opened or that has been closed 120522
for any time pursuant to this section, may be performed on the 120523
next succeeding business day the banking office is reopened for 120524
business. Any other provision or rule of law notwithstanding, no 120525

liability or loss of rights of any kind on the part of any person, 120526
firm, or corporation, or of the bank, shall accrue or result 120527
because of any nonopening or closing authorized by this section. 120528

(D) The right of a bank not to open or to close under this 120529
section and the protections afforded with respect to that right 120530
shall be in addition to and not in lieu of any rights or 120531
protections granted under section 1304.07 of the Revised Code. 120532

Sec. 1119.11. (A) When a foreign bank engages in an activity 120533
or undertakes an action through an agency or branch licensed under 120534
this chapter, the foreign bank is subject to the same limitations 120535
on and requirements of engaging in the activity or taking the 120536
action that apply to a state bank ~~doing business under authority~~ 120537
~~granted by the superintendent of financial institutions.~~ 120538

(B)(1) A foreign bank licensed to operate an agency shall not 120539
accept deposits from citizens or residents of the United States or 120540
exercise fiduciary powers. An account that carries a credit 120541
balance in connection with the distribution of loan proceeds is 120542
not a deposit for purposes of this section. 120543

(2) A foreign bank licensed to operate an agency may, in 120544
addition to conducting all of the permissible activities of a 120545
representative office set forth in division (B) of section 1119.06 120546
of the Revised Code, conduct limited banking activities at or 120547
through a licensed agency, including all of the following: 120548

(a) Lending money; 120549

(b) Maintaining credit balances that are incidental to or 120550
arise out of the distribution of loan proceeds; 120551

(c) Receiving funds as agent to be forwarded for deposit to 120552
an existing account at another office authorized to accept 120553
deposits. 120554

(C) A foreign bank licensed to operate a branch may, in 120555

addition to conducting all of the permissible activities of a 120556
representative office set forth in division (B) of section 1119.06 120557
of the Revised Code and all of the permissible activities of an 120558
agency set forth in division (B)(2) of this section, conduct the 120559
following activities at or through a licensed branch: 120560

(1) Accepting deposits, the acceptance of which does not 120561
constitute engaging in domestic retail deposit activities; 120562

(2) If qualified under Chapter 1111. of the Revised Code, 120563
exercising fiduciary powers; 120564

(3) Other activities authorized for state banks ~~doing~~ 120565
~~business under authority granted by the superintendent.~~ 120566

(D) Each foreign bank licensed to operate an agency or branch 120567
shall, in the manner the superintendent of financial institutions 120568
prescribes, give notice to the agency's or branch's customers that 120569
deposits with that agency or branch are not insured by the federal 120570
deposit insurance corporation or otherwise. 120571

Sec. 1119.17. (A) Each foreign bank licensed under this 120572
chapter shall file with the superintendent of financial 120573
institutions any reports the superintendent may prescribe in the 120574
form and manner and containing the information the superintendent 120575
prescribes. 120576

(B) When the superintendent requires banks and trust 120577
companies to report their income and condition in accordance with 120578
~~division (A) of~~ section 1121.21 of the Revised Code, the 120579
superintendent shall require each foreign bank licensed under this 120580
chapter to report the income and condition of its representative 120581
offices, agencies, and branches in this state. 120582

Sec. 1119.23. (A) If the superintendent of financial 120583
institutions determines, in accordance with division (A) of 120584
section 1119.22 of the Revised Code, any of the conditions set 120585

forth in that division exists, the superintendent, in addition to 120586
having the authority to revoke the foreign bank's license to 120587
operate a representative office, agency, or branch in accordance 120588
with section 1119.22 of the Revised Code, also may take possession 120589
of the foreign bank's business and property in this state and 120590
appoint a receiver for the liquidation of the foreign bank's 120591
business and property in this state. 120592

(B) The superintendent's taking possession of and appointing 120593
a receiver for a foreign bank's business and property in this 120594
state pursuant to division (A) of this section, and the 120595
liquidation of the foreign bank's business and property in this 120596
state, shall, except as provided in divisions (B)(1) and (2) of 120597
this section, be conducted in accordance with the procedures and 120598
is subject to the rights, powers, duties, requirements, and 120599
limitations provided in Chapter 1125. of the Revised Code for 120600
taking possession of the business and property and liquidation of 120601
a state bank. 120602

(1) After payment of the expenses of the liquidation and 120603
claims against the foreign bank arising from its doing business in 120604
this state in accordance with section 1125.24 of the Revised Code, 120605
any remaining funds from the liquidation of the foreign bank's 120606
business and property in this state shall be distributed in the 120607
following manner: 120608

(a) If the foreign bank's business and property is being 120609
liquidated in another state of the United States, the receiver 120610
shall distribute any remaining funds from the liquidation of the 120611
foreign bank's business and property in this state to the receiver 120612
in the other state for the payment of expenses of liquidation and 120613
claims against the foreign bank's business and property in the 120614
other state. 120615

(b) If the foreign bank's business and property is being 120616
liquidated in more than one other state of the United States, the 120617

receiver shall equitably distribute any remaining funds from the 120618
liquidation of the foreign bank's business and property in this 120619
state among the receivers in the other states for the payment of 120620
the expenses of liquidation and claims against the foreign bank's 120621
business and property in the other states. 120622

(c) If there is no liquidation of the business and property 120623
of the foreign bank occurring in any other state of the United 120624
States, the receiver shall pay any remaining funds from the 120625
liquidation of the business and property of the foreign bank in 120626
this state to the domiciliary receiver of the foreign bank or, if 120627
there is no domiciliary receiver, to the foreign bank. 120628

(2)(a) When the receiver has completed the liquidation of the 120629
foreign bank's business and property in this state, the receiver 120630
shall, with notice to the superintendent, file a petition with the 120631
court for an order declaring that the foreign bank's business in 120632
this state is properly wound up in the manner provided in section 120633
1125.29 of the Revised Code. Upon the filing of a petition as 120634
provided in this division, the court shall proceed as provided in 120635
section 1125.29 of the Revised Code. 120636

(b) An order issued by the court pursuant to a petition filed 120637
in accordance with division (B)(2)(a) of this section shall do all 120638
things required by section 1125.29 of the Revised Code, but shall 120639
only declare that the foreign bank's business in this state has 120640
been properly wound up and shall not declare that the foreign bank 120641
is dissolved. The court may make whatever additional orders and 120642
grant whatever additional relief the court determines proper upon 120643
the evidence submitted. 120644

(c) Once the court issues the order declaring that the 120645
foreign bank's business in this state is properly wound up, the 120646
foreign bank shall cease doing business in this state except for 120647
any further winding up. 120648

(d) Once the court issues the order declaring the foreign bank's business in this state is properly wound up, the receiver shall promptly file a copy of the order, certified by the clerk of the court, with both the secretary of state and the superintendent.

Sec. 1119.26. (A) A foreign bank may voluntarily liquidate and surrender its license to operate a representative office, agency, or branch licensed under this chapter only with the consent of the superintendent of financial institutions.

(B) Prior to beginning any liquidation process, the foreign bank must file an application to voluntarily liquidate and surrender its license with the superintendent. The application shall include a plan of liquidation that includes all of the provisions required of a plan for voluntary liquidation of a state bank under division (C) of section 1125.03 of the Revised Code, except that the plan of liquidation shall be limited in scope to the particular representative office, agency, or branch to be liquidated.

(C) After conducting an examination, the superintendent may approve or deny a foreign bank's application to voluntarily liquidate and surrender its license based on the superintendent's evaluation of whether or not the interests of the representative office's, agency's, or branch's creditors or, where applicable, depositors, will suffer by the surrender. The superintendent's approval is subject to any condition the superintendent may determine appropriate under the circumstances.

(D) If the superintendent approves the application to voluntarily liquidate and surrender a license, the foreign bank shall comply with the requirements of divisions (A)(1) and (2) of section 1125.04 of the Revised Code.

(E) During the implementation of the plan of liquidation

pursuant to this section, the superintendent retains the authority 120680
to supervise the representative office, agency, or branch and may 120681
conduct any examination relating to either the representative 120682
office, agency, or branch or the plan of liquidation the 120683
superintendent considers necessary or appropriate. 120684

(F) If the superintendent has reason to conclude the 120685
implementation of the plan of liquidation is not being safely or 120686
expeditiously conducted, the superintendent may do either of the 120687
following: 120688

(1) Begin revocation proceedings under section 1119.22 of the 120689
Revised Code; 120690

(2) Take possession of the business and property of the 120691
representative office, agency, or branch in the same manner, with 120692
the same effect, and subject to the same rights accorded the 120693
foreign bank under section 1119.23 of the Revised Code. 120694

(G) The superintendent shall cancel the foreign bank's 120695
license to operate a representative office, agency, or branch 120696
under this chapter if the superintendent has approved the 120697
voluntary liquidation and surrender of the license and both of the 120698
following conditions have been met: 120699

(1) The plan of liquidation has been completed. 120700

(2) The notifications required by division (D) of this 120701
section were properly given. 120702

Sec. 1121.01. As used in this chapter: 120703

(A) "Financial institution regulatory authority" includes a 120704
regulator of a business activity in which a bank or trust company 120705
is engaged, or has applied to engage in, to the extent that the 120706
regulator has jurisdiction over a bank or trust company engaged in 120707
that business activity. A bank or trust company is engaged in a 120708
business activity, and a regulator of that business activity has 120709

jurisdiction over the bank or trust company, whether the bank or trust company conducts the activity directly or a subsidiary or affiliate of the bank or trust company conducts the activity.

(B) "Regulated person" means any of the following:

(1) A director, officer, or employee of or agent for a bank or trust company or a ~~controlling shareholder of~~ person who controls a state bank, foreign bank, or trust company~~+. For purposes of division (B)(1) of this section, "control" has the same meaning as in section 1115.06 of the Revised Code.~~

(2) A person who is required to obtain, but has not yet obtained, the consent of the superintendent of financial institutions to acquire control of a state bank pursuant to section 1115.06 of the Revised Code;

(3) A person participating in the conduct of the affairs of a state bank or trust company.

(C) "Participating in the conduct of the affairs of a bank or trust company" means either making decisions or, directly or indirectly, taking actions that are management or policymaking in nature and generally within the scope of authority of the bank's or trust company's board of directors or executive officers. Whether a person is or was participating in the conduct of the affairs of a bank or trust company is an issue of fact, and not to be determined solely on the basis of the person's title, contract, or indicia of employment or independent contractor status.

Sec. 1121.02. (A) The superintendent of financial institutions shall see that the laws and rules relating to ~~banks~~ institutions and businesses governed by Chapters 1101. to 1127. of the Revised Code are executed and enforced.

(B) The deputy superintendent for banks shall be the principal supervisor of state banks and trust companies. In that

position the deputy superintendent for banks shall, 120740
notwithstanding sections 1121.10 and 1121.11 of the Revised Code, 120741
be responsible for conducting examinations and preparing 120742
examination reports under those sections. In addition, the deputy 120743
superintendent for banks shall, notwithstanding division (A) of 120744
section 1121.03 and sections 1121.05 and 1121.06 of the Revised 120745
Code, have the authority to adopt rules and standards in 120746
accordance with those sections. In performing or exercising any of 120747
the examination, rule-making, or other regulatory functions, 120748
powers, or duties vested by this division in the deputy 120749
superintendent for banks, the deputy superintendent for banks 120750
shall be subject to the control of the superintendent of financial 120751
institutions. 120752

Sec. 1121.05. (A) Notwithstanding any provisions of the 120753
Revised Code, except as provided in division (E) of this section, 120754
the superintendent of financial institutions shall, by rule, grant 120755
state banks and trust companies doing business under authority 120756
granted by the superintendent any right, power, privilege, or 120757
benefit possessed, by virtue of statute, rule, regulation, 120758
interpretation, or judicial decision, by any of the following: 120759

(1) Banks and trust companies doing business under authority 120760
granted by the office of the comptroller of the currency or the 120761
bank regulatory authority of any other state of the United States; 120762

(2) Savings associations doing business under authority 120763
granted by the ~~superintendent of financial institutions~~, office of 120764
~~thrift supervision~~, the comptroller of the currency or the savings 120765
and loan association regulatory authority of any other state of 120766
the United States; 120767

(3) Savings banks doing business under authority granted by 120768
the ~~superintendent of financial institutions or the~~ savings bank 120769
regulatory authority of any other state of the United States; 120770

(4) Credit unions doing business under authority granted by the superintendent of financial institutions, the national credit union administration, or the credit union regulatory authority of any other state of the United States;

(5) Any other banks, savings associations, or credit unions with a principal place of business in the United States doing business under authority granted under laws of the United States;

(6) Any other persons ~~having an office or other place of business in this state and~~ engaging in the business of banking, offering financial products and services, soliciting or accepting deposits, lending money, or buying or selling bullion, bills of exchange, notes, bonds, stocks, or other evidences of indebtedness with a view to profit whether through an office or other place of business in this state or via the internet, advertising, or other form of solicitation;

(7) Small business investment companies licensed under the "Small Business Investment Company Act of 1958," 72 Stat. 689, 15 U.S.C. 661, as amended;

(8) Persons chartered under the "Farm Credit Act of 1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended.

(B) The superintendent shall adopt rules authorized by division (A) of this section in accordance with section 111.15 of the Revised Code.

(C) A rule adopted by the superintendent pursuant to the authority of this section becomes effective on the later of the following dates:

(1) The date the superintendent issues the rule;

(2) The date the statute, rule, regulation, interpretation, or judicial decision the superintendent's rule is based on becomes effective.

(D)(1) The superintendent may, upon thirty days' written notice, revoke any rule adopted under the authority of this section. A rule adopted under the authority of this section, and not revoked by the superintendent, enacted into law, or adopted in accordance with Chapter 119. of the Revised Code, lapses and has no further force and effect thirty months after its effective date; however, the superintendent may adopt the rule under section 111.15 of the Revised Code pursuant to this section for an additional thirty-month period.

(2) The superintendent may require a state bank or trust company that has acted in reliance on a rule adopted and later revoked or lapsed under the authority of this section to bring its affected activities in compliance with the law. Unless the activities will or may result in harm to the bank or trust company as determined by the superintendent, the bank or trust company shall be granted a reasonable period of time of not less than one year nor more than two years from the date the rule is revoked or lapsed, to bring its affected activities in compliance with the law. The superintendent may, upon the written request of a state bank or trust company, grant the bank or trust company a longer period of time in which to bring its affected activities in compliance with the law.

(E) The superintendent shall not adopt any rule dealing with interest rates charged under the authority of this section.

Sec. 1121.06. (A) Notwithstanding any provision of the Revised Code, if any regulation, rule, interpretation, procedure, or guideline of the office of the comptroller of the currency, federal deposit insurance corporation, federal reserve board, consumer financial protection bureau, national credit union administration, or any other bank regulatory authority of the United States, or the bank regulatory authority of any other state

of the United States, puts a bank or trust company doing business 120832
under authority granted by the superintendent of financial 120833
institutions at a disadvantage to ~~a national bank~~ any other type 120834
of financial institution, the superintendent may adopt a rule that 120835
reduces or eliminates the disadvantage to a bank or trust company 120836
doing business under authority granted by the superintendent. 120837

(B) The superintendent shall adopt rules authorized by 120838
division (A) of this section in accordance with section 111.15 of 120839
the Revised Code. ~~Chapter 119. of the Revised Code does not apply~~ 120840
~~to rules adopted under the authority of this section.~~ 120841

(C) A rule adopted by the superintendent pursuant to the 120842
authority of this section is effective on the later of the 120843
following dates: 120844

(1) The date the superintendent issues the rule; 120845

(2) The date the regulation, rule, interpretation, procedure, 120846
or guideline the superintendent's rule is based on becomes 120847
effective. 120848

(D)(1) The superintendent may, upon thirty days' written 120849
notice, revoke any rule adopted under the authority of this 120850
section. A rule adopted under the authority of this section and 120851
not revoked by the superintendent, enacted into law, or adopted in 120852
accordance with Chapter 119. of the Revised Code, lapses and has 120853
no further force and effect thirty months after its effective 120854
date; however, the superintendent may adopt the rule under section 120855
111.15 of the Revised Code pursuant to this section for an 120856
additional thirty-month period. 120857

(2) The superintendent may require a bank or trust company 120858
that has acted in reliance on a rule adopted and later revoked or 120859
lapsed under the authority of this section to bring its affected 120860
activities in compliance with the law. Unless the activities will 120861
or may result in harm to the bank or trust company as determined 120862

by the superintendent, the bank or trust company shall be granted 120863
a reasonable period of time of not less than one year nor more 120864
than two years from the date the rule is revoked or lapsed, to 120865
bring its affected activities in compliance with the law. The 120866
superintendent may, upon the written request of a bank or trust 120867
company, grant the bank or trust company a longer period of time 120868
in which to bring its affected activities in compliance with the 120869
law. 120870

Sec. 1121.10. (A) As often as the superintendent of financial 120871
institutions considers necessary, but at least once each 120872
twenty-four-month cycle, the superintendent, or any deputy or 120873
examiner appointed by the superintendent for that purpose, shall 120874
thoroughly examine the records and affairs of each state bank. The 120875
examination shall include a review of ~~both~~ all of the following: 120876

(1) Compliance with law; 120877

(2) Safety and soundness; 120878

(3) Other matters the superintendent determines. 120879

(B) The superintendent may examine the records and affairs of 120880
any of the following as the superintendent considers necessary: 120881

(1) Any party to a proposed reorganization for which the 120882
superintendent's approval is required by section 1115.11 or 120883
1115.14 of the Revised Code; 120884

(2) Any bank, savings and loan association, or savings bank 120885
proposing to convert to a bank doing business under authority 120886
granted by the superintendent for which the superintendent's 120887
approval is required by section ~~1115.01~~ 1115.02 of the Revised 120888
Code; 120889

(3) Any person proposing to acquire control of a state bank 120890
for which the superintendent's approval is required by section 120891
1115.06 of the Revised Code, or who acquired control of a state 120892

bank without the approval of the superintendent when that approval 120893
was required by section 1115.06 of the Revised Code, ~~was with~~ 120894
respect to the state bank of which control is to be, or was, 120895
acquired; 120896

(4) Any bank proposing to establish or acquire a branch for 120897
which the superintendent's approval is required by section 1117.02 120898
of the Revised Code; 120899

(5) Any foreign bank that maintains, or proposes to 120900
establish, one or more offices in this state; 120901

(6) Any trust company. 120902

(C) The board of directors or holders of a majority of the 120903
shares of a state bank or trust company may request the 120904
superintendent conduct a special examination of the records and 120905
affairs of the bank or trust company. The superintendent has sole 120906
discretion over the scope and timing of a special examination, and 120907
may impose restrictions and limitations on the use of the results 120908
of a special examination in addition to the restrictions and 120909
limitations otherwise imposed by law. The fee for a special 120910
examination shall be paid by the bank or trust company examined in 120911
accordance with section 1121.29 of the Revised Code. 120912

(D) The superintendent may conduct all aspects of an 120913
examination concurrently or may divide the examination into 120914
constituent parts and conduct them at various times. 120915

(E) The superintendent shall preserve the report of each 120916
examination, including related correspondence received and copies 120917
of related correspondence sent, for ~~twenty~~ ten years after the 120918
examination date. 120919

Sec. 1121.12. An examination of the records and affairs of a 120920
state bank under section 1121.10 of the Revised Code may include 120921
the examination of a ~~controlling shareholder of~~ person who, 120922

directly or indirectly, controls the bank that is a bank holding company registered with the federal reserve or a savings and loan holding company, but only to the extent explicitly permitted under this section. To examine the records and affairs of a ~~controlling shareholder~~ person who, directly or indirectly, controls a bank that is a bank holding company registered with the federal reserve or a savings and loan holding company, the superintendent of financial institutions may do one of the following:

(A) Rely on an examination of the bank holding company or savings and loan holding company conducted by a financial institution regulatory authority of another state, the United States, or another country, as provided in division (A)(3) of section 1121.11 of the Revised Code;

(B) Participate with the financial institution regulatory authorities of other states, the United States, and other countries in a joint or coordinated examination of the bank holding company or savings and loan holding company, provided that both of the following apply:

(1) The examination of the bank holding company or savings and loan holding company is validly authorized by and conducted pursuant to the laws of this state and such other state, the United States, or other country.

(2) Participation of the examiners of the division of financial institutions will increase the efficiency in regulating financial institutions, and not increase the cost of examination to the bank holding company or savings and loan holding company.

(C) Examine the bank holding company or savings and loan holding company pursuant to an agreement with financial institution regulatory authorities of other states, the United States, or other countries, provided that both of the following apply:

(1) The examination of the bank holding company or savings and loan holding company is validly authorized by and conducted pursuant to the laws of this state and such other state, the United States, or other country.

(2) The other financial institution regulatory authority agrees to rely on the superintendent's examination in lieu of conducting its own examination.

(D) Examine the bank holding company or savings and loan holding company if both of the following apply:

(1) The superintendent has reasonable cause to believe that there is a significant risk of imminent material harm to the bank, or to any subsidiary or nonbank affiliate as its affairs relate to the bank, and the examination of the bank holding company or savings and loan holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank.

(2) Either of the following occurs:

(a) The superintendent, in writing, requests the federal reserve to examine the bank holding company, and within fifteen days the federal reserve does not commence an examination of the bank holding company and notifies the superintendent that the federal reserve does not object to the examination.

(b) The banking commission concurs with the superintendent's determination of both of the following:

(i) There is reasonable cause to believe that there ~~a~~ is a significant risk of imminent material harm to the bank.

(ii) The examination of the bank holding company or savings and loan holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank.

(E) For purposes of this section, a bank holding company 120984
includes not only the bank holding company, but also includes any 120985
nonbank affiliates of the bank holding company that are subject to 120986
examination by the federal reserve. 120987

Sec. 1121.13. An examination of the records and affairs of a 120988
state bank under section 1121.10 of the Revised Code may include 120989
the examination of a ~~controlling shareholder of~~ person who, 120990
directly or indirectly, controls the state bank that and is a 120991
corporation that is not a bank holding company registered with the 120992
federal reserve or a savings and loan holding company, as its 120993
affairs relate to the bank. 120994

Sec. 1121.15. (A) The superintendent of financial 120995
institutions may prescribe the manner and form of keeping the 120996
books and accounts of state banks, so the books and accounts may 120997
be as nearly uniform as circumstances permit. 120998

(B) Any person that, by contract or otherwise, performs 120999
services for a state bank or trust company or a representative 121000
office, agency, or branch licensed under Chapter 1119. of the 121001
Revised Code, whether on or off the premises of the bank, trust 121002
company, representative office, agency, or branch, is subject to 121003
examination by the superintendent as to the books and records of 121004
the bank, trust company, representative office, agency, or branch 121005
in the person's possession, to the same extent as if the services 121006
were being performed by the bank, trust company, representative 121007
office, agency, or branch itself. For the purposes of this 121008
division, "services" includes clerical, bookkeeping, accounting, 121009
statistical, and other services. A state bank, trust company, 121010
representative office, agency, or branch shall notify the 121011
superintendent in writing whenever another person is performing 121012
services of this kind for the bank, trust company, representative 121013
office, agency, or branch, or the bank, trust company, 121014

representative office, agency, or branch changes the person 121015
performing the services. 121016

Sec. 1121.16. (A) No state bank, trust company, or regulated 121017
person shall do any of the following: 121018

(1) Refuse to allow any examination authorized by section 121019
1121.10 of the Revised Code; 121020

(2) Refuse to give information required by the division of 121021
financial institutions in the course of or in relation to an 121022
examination authorized by section 1121.10 of the Revised Code; 121023

(3) Provide false or misleading information in the course of 121024
or in relation to an examination authorized by section 1121.10 of 121025
the Revised Code~~+~~, knowing it to be false or misleading. 121026

(B) If a state bank, trust company, or regulated person 121027
violates division (A) of this section, the superintendent may do 121028
any of the following: 121029

(1) Issue a cease and desist order pursuant to section 121030
1121.32 of the Revised Code, issue a removal or prohibition order 121031
pursuant to section 1121.33 of the Revised Code, ~~or~~ issue a 121032
suspension or temporary prohibition order pursuant to section 121033
1121.34 of the Revised Code, or assess a civil penalty pursuant to 121034
section 1121.35 of the Revised Code; 121035

(2) Appoint a conservator for the state bank pursuant to 121036
section 1125.09 of the Revised Code; 121037

(3) Initiate civil or criminal proceedings the superintendent 121038
considers appropriate. 121039

Sec. 1121.17. (A) Accounts and other documents required by 121040
the superintendent of financial institutions may be signed and 121041
sworn to or affirmed on behalf of a state bank or trust company by 121042
any officer or director authorized to do so by the ~~bank to do so~~ 121043

bank's or trust company's board of directors. 121044

(B) When the superintendent requires, any officer, official, 121045
employee, or director of a state bank or trust company receiving 121046
any communication from the division of financial institutions 121047
relative to examination or investigation by the superintendent 121048
shall submit the communication to the bank's or trust company's 121049
executive committee or board of directors. 121050

Sec. 1121.18. (A) ~~Information leading to, arising from, or~~ 121051
The superintendent of financial institutions and the 121052
superintendent's agents and employees shall keep privileged and 121053
confidential all information obtained in the course by the 121054
superintendent or the superintendent's agents or employees as a 121055
result of or arising out of the examination or supervision of a 121056
bank or any examination conducted pursuant to the authority of 121057
section 1121.10 or 1121.11 of the Revised Code ~~is privileged and~~ 121058
~~confidential, from required reports, or because of their official~~ 121059
position. No person, including any person to whom the information 121060
is disclosed under the authority of this section, shall disclose 121061
the information leading to, arising from, or obtained in the 121062
~~course of an examination,~~ except as specifically provided in this 121063
section. 121064

(B) The superintendent of financial institutions and the 121065
superintendent's agents and employees may disclose the information 121066
~~leading to, arising from, or obtained in the course of an~~ 121067
~~examination conducted pursuant to section 1121.10 or 1121.11 of~~ 121068
~~the Revised Code~~ described in division (A) of this section only as 121069
follows: 121070

(1) To the governor, director of commerce, or deputy director 121071
of commerce to enable them to act in the interests of the public; 121072

(2) To the banking commission to enable the commission to 121073
effectively advise the superintendent and take action on any 121074

matter the superintendent presents to the commission; 121075

(3) To financial institution regulatory authorities of this 121076
and other states, the United States, and other countries to assist 121077
them in their regulatory duties; 121078

(4) To the directors, executive officers, agents, and parent 121079
company of the bank or other person examined to assist them in 121080
conducting the business of the bank or other person examined in a 121081
safe and sound manner and in compliance with law; 121082

(5) To auditors, attorneys, or similar professionals retained 121083
by the bank or trust company to assist in conducting the business 121084
of the bank or trust company, or other person examined, in a safe 121085
and sound manner and in compliance with the law; 121086

(6) To law enforcement authorities conducting in connection 121087
with criminal investigations or referrals made by the 121088
superintendent; 121089

(7) To other state and federal agencies or, in the case of a 121090
state bank, to the federal home loan bank to which the bank 121091
belongs, as the superintendent determines necessary and 121092
appropriate, but only under such conditions and limitations as the 121093
superintendent, in the superintendent's sole discretion, may 121094
require. 121095

(C)(1) ~~Information leading to, arising from, or obtained in~~ 121096
~~the course of an examination of a bank or other person pursuant to~~ 121097
~~section 1121.10 or 1121.11 of the Revised Code~~ The information 121098
described in division (A) of this section shall not be 121099
discoverable from any source, and shall not be introduced into 121100
evidence, except in the following circumstances: 121101

(a) In connection with criminal proceedings; 121102

(b) When, in the opinion of the superintendent, it is 121103
appropriate with regard to enforcement actions taken and decisions 121104

made by the superintendent under the authority of Chapters 1101. 121105
to 1127. of the Revised Code regarding a bank, trust company, or 121106
other person; 121107

(c) When litigation, penalties, or an enforcement action has 121108
been initiated by the superintendent in furtherance of the powers, 121109
duties, and obligations imposed upon the superintendent by 121110
Chapters 1101. to 1127. of the Revised Code; 121111

(d) When authorized by agreements between the superintendent 121112
and financial institution regulatory authorities of this and other 121113
states, the United States, and other countries authorized by 121114
section 1121.11 of the Revised Code; 121115

(e) When and in the manner authorized in section 1181.25 of 121116
the Revised Code. 121117

(2) The discovery of information ~~leading to, arising from, or~~ 121118
~~obtained in the course of an examination~~ pursuant to division 121119
(C)(1)(b), (c), or (d) of this section shall be limited to 121120
information that directly relates to the bank, trust company, 121121
regulated person, or other person who is the subject of the 121122
enforcement action, decision, penalties, or litigation. 121123

(D) A report of an examination conducted pursuant to section 121124
1121.10 or 1121.11 of the Revised Code is the property of the 121125
division of financial institutions. Under no circumstances may the 121126
bank or other person examined, its directors, officers, employees, 121127
agents, regulated persons, or contractors, or any person having 121128
knowledge or possession of a report of examination, or any of its 121129
contents, disclose or make public in any manner the report of 121130
examination or its contents. The authority provided in division 121131
(B)(4) of this section for use of examination information to 121132
assist in conducting the business of the bank or other person 121133
examined in a safe and sound manner and in compliance with law 121134
shall not be construed to authorize disclosure of a report of 121135

examination or any of its contents in conducting business with the 121136
examined bank's or person's customers, creditors, ~~or~~ shareholders, 121137
or members, or with other persons. 121138

(E) The superintendent may, in accordance with Chapter 119. 121139
of the Revised Code, adopt rules to permit a bank, trust company, 121140
or other person to disclose the information described in division 121141
(A) of this section in limited circumstances other than those 121142
specified in this section. 121143

(F) Whoever violates this section shall be removed from 121144
office, shall be liable, with the violator's bond in damages to 121145
the person injured by the disclosure of information, and is guilty 121146
of a felony of the fourth degree. 121147

Sec. 1121.19. (A) As used in this section, a "self-assessment 121148
report" of a bank includes, but is not limited to, all of the 121149
following: 121150

(1) An evaluation of the bank's loan underwriting standards, 121151
asset quality, financial reporting to federal or state regulatory 121152
agencies, and compliance with its policies and with federal or 121153
state statutory or regulatory requirements; 121154

(2) Any communication related to the report, including 121155
electronic mails or telephone logs. 121156

(B) A self-assessment report, any portion or contents of the 121157
report, and any documents, data, compilations, analyses, or other 121158
information and material generated, created, produced, developed, 121159
or prepared as part of the self-assessment process, are privileged 121160
and not admissible or subject to discovery in any civil or 121161
administrative litigation, action, proceeding, or investigation. 121162

(C) The self-assessment privilege granted by this section to 121163
a bank and its affiliates applies regardless of whether a bank 121164
regulator or any other governmental authority in possession of a 121165

self-assessment report or any portion or contents of it 121166
subsequently discloses it or any portion or contents of it to a 121167
third party as required or permitted by any state or federal law. 121168

(D) Notwithstanding any applicable state or federal public 121169
records law, a bank regulator or any other governmental authority 121170
in possession of a self-assessment report or any portion or 121171
contents of it shall not disclose the report or any portion or 121172
contents of it to any person in response to a public records 121173
request. 121174

Sec. 1121.21. ~~(A)(1)~~ Each bank and trust company shall report 121175
its condition and income to the division of financial institutions 121176
at the times, in the form, and including the information the 121177
superintendent of financial institutions prescribes. 121178
121179

~~(2) A bank or trust company shall maintain a summary of its~~ 121180
~~most recent report of condition and income, in the form prescribed~~ 121181
~~by the superintendent, in each of its banking or trust service~~ 121182
~~offices, post notice of the availability of the summary in each~~ 121183
~~office, and make the summary available to the public without~~ 121184
~~charge.~~ 121185

~~(B) Any bank or trust company that fails to comply with~~ 121186
~~division (A)(1) or (2) of this section is subject to a forfeiture~~ 121187
~~of one hundred dollars for each day the failure continues unless~~ 121188
~~the bank or trust company corrects the failure within seven days~~ 121189
~~after receiving the superintendent's notice of the failure.~~ 121190

Sec. 1121.23. Whenever the approval of the superintendent of 121191
financial institutions is required under Chapters 1101. to 1127. 121192
of the Revised Code, or under an order or supervisory action 121193
issued or taken under those chapters, for a person to serve as an 121194
organizer, incorporator, director, executive officer, or 121195

~~controlling shareholder of~~ person who, directly or indirectly 121196
controls a bank, or to otherwise have a substantial interest in or 121197
participate in the management of a bank, the superintendent shall 121198
request the superintendent of the bureau of criminal 121199
identification and investigation, or a vendor approved by the 121200
bureau, to conduct a criminal records check based on the person's 121201
fingerprints in accordance with section 109.572 of the Revised 121202
Code. The superintendent of financial institutions shall request 121203
that criminal record information from the federal bureau of 121204
investigation be obtained as part of the criminal records check. 121205
Any fee required under division (C)(3) of section 109.572 of the 121206
Revised Code shall be paid by the person who is the subject of the 121207
request. 121208

Nothing in this section prohibits the superintendent of 121209
financial institutions from conditionally approving a person to 121210
serve as an organizer, incorporator, director, executive officer, 121211
or person who, directly or indirectly, controls a bank, or to 121212
otherwise have a substantial interest in or participate in the 121213
management of a bank, subject to receiving satisfactory results of 121214
the criminal records check. If the superintendent does not receive 121215
the results within ninety days after the criminal records check 121216
was requested, the superintendent may extend the conditional 121217
approval for not more than ninety days. 121218

Sec. 1121.24. (A) If, under Chapters 1101. to 1127. of the 121219
Revised Code, a proposed action or transaction is subject to the 121220
approval of the superintendent of financial institutions or an 121221
opportunity for the superintendent to disapprove, and if the 121222
person proposing the action or transaction is required to submit 121223
an application or notice to the superintendent, then the 121224
application or notice is not complete and the superintendent shall 121225
not accept it for processing until the person pays the fee 121226

established pursuant to division (C) of section 1121.29 of the 121227
Revised Code. 121228

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 121229
a proposed action or transaction is subject to the approval of the 121230
superintendent or an opportunity for the superintendent to 121231
disapprove and the superintendent must make that determination 121232
within a certain time, and if the person proposing the action or 121233
transaction is required to submit an application or notice to the 121234
superintendent, then the time in which the superintendent must 121235
make the determination does not begin to run until the 121236
superintendent has determined the application or notice is 121237
complete and has accepted it for processing. 121238

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 121239
either of the following: 121240

(a) The superintendent from denying, or issuing a disapproval 121241
of, an application or notice, prior to the superintendent's 121242
acceptance of the application or notice for processing, on the 121243
basis that the person who submitted the application or notice 121244
failed to include all of the items and address all of the issues 121245
required for the application or notice, if both of the following 121246
apply: 121247

(i) The superintendent advised the person that the 121248
application or notice was incomplete. 121249

(ii) After being advised by the superintendent that the 121250
application or notice was incomplete, the person did not, within a 121251
reasonable period of time, complete the application or notice. 121252

(b) The superintendent from denying, or issuing a disapproval 121253
of, an application or notice on the basis that the person who 121254
submitted the application or notice failed to provide the 121255
information necessary for the superintendent to adequately 121256
consider the application or notice after the superintendent's 121257

acceptance of the application or notice for processing, if both of 121258
the following apply: 121259

(i) After having begun processing the application or notice, 121260
the superintendent determined and advised the person that 121261
additional information was necessary to adequately consider the 121262
application or notice. 121263

(ii) After being advised by the superintendent that 121264
additional information was necessary to adequately consider the 121265
application or notice, the person did not, within a reasonable 121266
period of time, provide that information. 121267

~~(B)~~(C) A determination by the superintendent that an 121268
application or notice is complete and is accepted for processing 121269
means only that the application or notice, on its face, appears to 121270
include all of the items and to address all of the matters that 121271
are required. A determination by the superintendent that an 121272
application or notice is complete and is accepted for processing 121273
is not an assessment of the substance of the application or 121274
notice, or of the sufficiency of the information provided. 121275

Sec. 1121.26. When considering the impact of a proposed 121276
action or transaction on the convenience and needs of the 121277
community to be served, both of the following shall apply: 121278

(A) The superintendent of ~~banks~~ financial institutions shall 121279
assess whether the facts and circumstances relating to the 121280
proposed action or transaction reasonably indicate that the 121281
purpose for the proposed action or transaction is to engage in the 121282
banking business and provide banking services in the community to 121283
be served, rather than to raise funds for other purposes or 121284
otherwise serve a nonbanking purpose. 121285

(B) The superintendent shall not require the person proposing 121286
the action or transaction to prove any of the following: 121287

(1) There is substantial unmet need for banking services in the community. 121288
121289

(2) The person will bring banking services or other particular advantages to the community that are not presently available there. 121290
121291
121292

(3) The action or transaction will not adversely affect an existing financial institution in the community. 121293
121294

Sec. 1121.29. (A)(1) Each bank, savings and loan association, and savings bank subject to inspection and examination by the superintendent of financial institutions and transacting business on the thirty-first day of December, or their successors in interest, shall pay to the treasurer of state assessments as provided in this section. The superintendent shall make each assessment based on the total assets as shown on the books of the bank, savings and loan association, or savings bank as of the thirty-first day of December of the previous year. The superintendent shall collect the assessment on an annual or periodic basis, as provided by the superintendent. All assessments shall be paid within fourteen days after receiving an invoice for payment of the assessment. 121295
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(2) After determining the budget of the division of financial institutions for examination and regulation of banks, savings and loan associations, and savings banks, but prior to establishing the schedule of assessments under this division necessary to fund that budget, the superintendent shall consider any necessary cash reserves and any amounts collected but not yet expended or encumbered by the superintendent in the previous fiscal year's budget and remaining in the banks fund pursuant to division (C) of section 1121.30 of the Revised Code. 121308
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(3) The superintendent shall establish the actual schedule of assessments on an annual basis, present the schedule to the 121317
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banking commission for confirmation, and forward copies of the 121319
current year's schedule to banks, savings and loan associations, 121320
and savings banks doing business under authority granted by the 121321
superintendent, or their successors in interest. 121322

If during the period between the banking commission's 121323
confirmation of the schedule of assessments and the completion of 121324
the fiscal year in which those assessments will be collected, the 121325
banking commission determines additional money is required to 121326
adequately fund the operations of the division of financial 121327
institutions for that fiscal year, the banking commission may, by 121328
the affirmative vote of two-thirds of its members, increase the 121329
schedule of assessments for that fiscal year. The superintendent 121330
shall promptly notify each bank, savings and loan association, and 121331
savings bank of the increased assessment, and each bank, savings 121332
and loan association, and savings bank shall pay the increased 121333
assessment as made and invoiced by the superintendent. 121334

(4) A bank, savings and loan association, or savings bank 121335
authorized by the superintendent to commence business in the 121336
period between assessments shall pay the actual reasonable costs 121337
of the division's examinations and visitations. The bank, savings 121338
and loan association, or savings bank shall pay the costs within 121339
fourteen days after receiving an invoice for payment. 121340

(B)(1) Whenever in the judgment of the superintendent the 121341
condition or conduct of a bank renders it necessary to make 121342
additional examinations and follow-up visitations within the 121343
examination cycle beyond the minimum required by division (A) of 121344
section 1121.10 of the Revised Code, the superintendent shall 121345
charge the bank for the additional examinations and follow-up 121346
visitations as provided in division (C) of this section. The bank 121347
shall pay the fee charged within fourteen days after receiving an 121348
invoice for payment. 121349

(2) The superintendent shall charge a bank for any 121350

examination of the bank's operations as a trust company and data 121351
processing facility in accordance with division (C) of this 121352
section whether that examination is the only examination of the 121353
bank in the examination cycle or in addition to other examinations 121354
of the bank's operations. 121355

(C) The superintendent shall periodically establish a 121356
schedule of fees to be paid for examinations, applications, 121357
certifications, and notices considered necessary by the 121358
superintendent. 121359

(D)(1) The superintendent may waive any fees provided for in 121360
division (C) of this section to protect the interests of 121361
depositors and for other fair and reasonable purposes as 121362
determined by the superintendent. 121363

(2) The fees established by the superintendent pursuant to 121364
division (C) of this section for processing applications and 121365
notices and conducting and processing examinations shall be 121366
reasonable considering the direct and indirect costs to the 121367
division, as determined by the superintendent, of processing the 121368
applications and for conducting and processing the examinations. 121369

(E) The superintendent may determine and charge reasonable 121370
fees for furnishing and certifying copies of documents filed with 121371
the division and for any expenses incurred by the division in the 121372
publication or serving of required notices. 121373

(F) Assessments and examination and application fees charged 121374
and collected pursuant to this section are not refundable. Any fee 121375
charged pursuant to this section shall be paid within fourteen 121376
days after receiving an invoice for payment of the fee. 121377

(G) The superintendent shall pay all assessments and fees 121378
charged pursuant to this section and all forfeitures required to 121379
be paid to the superintendent into the state treasury to the 121380
credit of the banks fund. 121381

Sec. 1121.30. (A) All assessments, fees, charges, and 121382
forfeitures provided for in Chapters 1101. to 1127. and sections 121383
1315.01 to 1315.18 of the Revised Code, except civil penalties 121384
assessed pursuant to section 1121.35 or 1315.152 of the Revised 121385
Code, shall be paid to the superintendent of financial 121386
institutions, and the superintendent shall deposit them into the 121387
state treasury to the credit of the banks fund, which is hereby 121388
created. 121389

(B) The superintendent may expend or obligate the banks fund 121390
to defray the costs of the division of financial institutions in 121391
administering Chapters 1101. to 1127. and sections 1315.01 to 121392
1315.18 of the Revised Code. The superintendent shall pay from the 121393
fund all actual and necessary expenses incurred by the 121394
superintendent, including for any services rendered by the 121395
department of commerce for the division's administration of 121396
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 121397
Revised Code. The fund shall be assessed a proportionate share of 121398
the administrative costs of the department and the division of 121399
financial institutions. The proportionate share of the 121400
administration costs of the division of financial institutions 121401
shall be determined in accordance with procedures prescribed by 121402
the superintendent and approved by the director of budget and 121403
management. The amount assessed for the fund's proportional share 121404
of the department's administrative costs and the division's 121405
administrative costs shall be paid from the banks fund to the 121406
division of administration fund and the division of financial 121407
institutions fund respectively. 121408

(C) Any money deposited into the state treasury to the credit 121409
of the banks fund, but not expended or encumbered by the 121410
superintendent to defray the costs of administering Chapters 1101. 121411
to 1127. and sections 1315.01 to 1315.18 of the Revised Code, 121412
shall remain in the banks fund for expenditures by the 121413

superintendent in subsequent years and shall not be used for any 121414
purpose other than as set forth in this section. 121415

Sec. 1121.33. (A) The superintendent of financial 121416
institutions may issue and serve a notice of charges and intent to 121417
remove a regulated person from office or prohibit a regulated 121418
person from further participation in the conduct of the affairs of 121419
a bank or trust company, or both, if, in the opinion of the 121420
superintendent, all of the following apply: 121421

(1) The regulated person has, directly or indirectly, done 121422
any of the following: 121423

(a) Violated any of the following: 121424

(i) A law or rule; 121425

(ii) A final cease and desist order; 121426

(iii) A condition imposed in writing by the superintendent in 121427
connection with granting an application or notice that is subject 121428
to the superintendent's approval or an opportunity for the 121429
superintendent to disapprove or other request by a bank, trust 121430
company, or regulated person; 121431

(iv) A written agreement between a bank or trust company and 121432
the superintendent, or between the regulated person and the 121433
superintendent. 121434

(b) Engaged or participated in an unsafe or unsound practice 121435
in connection with a bank, trust company, or other business 121436
institution; 121437

(c) Committed or engaged in an act, omission, or practice 121438
constituting a breach of the regulated person's fiduciary duty as 121439
a regulated person. 121440

(2) The violation, practice, or breach results in any of the 121441
following: 121442

(a) A bank, trust company, or other business institution has suffered or will probably suffer substantial financial loss or other damage; 121443
121444
121445

(b) The interests of a bank's depositors or shareholders or trust company's beneficiaries or shareholders have been or could be prejudiced; 121446
121447
121448

(c) The regulated person has received or will receive financial gain or other benefit. 121449
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(3) The violation, practice, or breach does either of the following: 121451
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(a) Involves personal dishonesty on the part of the regulated person; 121453
121454

(b) Demonstrates willful or continuing disregard by the regulated person for the safety and soundness of a bank, trust company, or business institution. 121455
121456
121457

(B) The notice of charges and intent to remove a regulated person from office or prohibit a regulated person from further participation in the conduct of the affairs of a bank or trust company shall include all of the following: 121458
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(1) A statement of the violation or violations, unsafe or unsound practice or practices, or breach or breaches alleged; 121462
121463

(2) A statement of the facts constituting the grounds for the proposed removal or prohibition order; 121464
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(3) Notice that the regulated person is entitled to a hearing, in accordance with section 1121.38 of the Revised Code, to determine whether an order removing the regulated person from office, prohibiting the regulated person from further participation in the conduct of the affairs of a bank or trust company, or both, should be issued against the regulated person if the regulated person requests the hearing within thirty days after 121466
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121472

service of the notice; 121473

(4) Notice that, if the regulated person makes a timely 121474
request for a hearing, the regulated person may appear at the 121475
hearing in person, by attorney, or by presenting positions, 121476
arguments, and contentions in writing, and at the hearing may 121477
present evidence and examine witnesses for and against the 121478
regulated person. 121479

(5) Notice that failure of the regulated person to timely 121480
request a hearing to determine whether an order removing the 121481
regulated person from office, prohibiting the regulated person 121482
from further participation in the conduct of the affairs of a bank 121483
or trust company, or both, should be issued or to appear at the 121484
hearing, in person, by attorney, or by writing, is consent by the 121485
regulated person to the issuance of the order. 121486

(C) The superintendent may issue an order removing the 121487
regulated person from office or prohibiting the regulated person 121488
from further participation in the conduct of the affairs of a bank 121489
or trust company, or both, if either of the following applies: 121490

(1) The regulated person consents to the issuance of the 121491
order; 121492

(2) Upon the record of the hearing the superintendent finds 121493
the grounds for the order have been established. 121494

(D) A regulated person who has been removed from office or 121495
prohibited from further participation in the conduct of the 121496
affairs of a bank or trust company pursuant to this section or by 121497
order of the bank regulatory authority of another state or the 121498
United States shall not, while the removal or prohibition order is 121499
in effect, continue or commence to hold any office of or 121500
participate in any manner in the conduct of the affairs of any 121501
bank or trust company in this state, except as specifically 121502
permitted by the superintendent or by the bank regulatory 121503

authority of another state or the United States pursuant to 121504
modification of the order. Participation in the conduct of the 121505
affairs of a bank or trust company includes doing any of the 121506
following: 121507

(1) Soliciting, procuring, transferring, attempting to 121508
transfer, voting, or attempting to vote any proxy, consent, or 121509
authorization with respect to any voting rights in any bank or 121510
trust company; 121511

(2) Violating any voting agreement previously approved by the 121512
superintendent; 121513

(3) Voting for a director of any bank or trust company. 121514

(E) An order issued by the superintendent pursuant to this 121515
section is effective at the time specified in the order, which, in 121516
the case of an order issued pursuant to division (C)(2) of this 121517
section, shall be not less than thirty days after service of the 121518
order on the regulated person. 121519

(F) An order issued by the superintendent pursuant to this 121520
section shall remain enforceable and effective as provided in the 121521
order except to the extent it is stayed, modified, terminated, or 121522
set aside by action of the superintendent or a reviewing court. 121523

(G) The superintendent shall serve a certified copy of a 121524
removal or prohibition order issued pursuant to this section on 121525
any bank or trust company in relation to which the object of the 121526
removal or prohibition order is a regulated person. 121527

Sec. 1121.34. (A)(1) The superintendent of financial 121528
institutions may issue an order suspending a regulated person from 121529
office or temporarily prohibiting a regulated person from further 121530
participation in the conduct of the affairs of a bank or trust 121531
company, or both, if both of the following apply: 121532

(a) The superintendent serves, or has served, the regulated 121533

person with a notice of charges and intent to remove the regulated 121534
person or prohibit the regulated person from further participation 121535
in the conduct of the affairs of a bank or trust company pursuant 121536
to section 1121.33 of the Revised Code. 121537

(b) The superintendent determines the suspension or temporary 121538
prohibition is necessary for the protection of a bank or trust 121539
company or the interests of a bank's depositors or a trust 121540
company's beneficiaries. 121541

(2) An order issued pursuant to division (A)(1) of this 121542
section is effective immediately upon service on the regulated 121543
person, and remains effective and enforceable as provided in the 121544
order except to the extent it is stayed, modified, terminated, or 121545
set aside by action of the superintendent or a reviewing court. 121546
If, upon the record of a hearing, the superintendent determines 121547
not to issue an order removing a regulated person from office or 121548
prohibiting a regulated person's further participation in the 121549
conduct of the affairs of a bank or trust company pursuant to 121550
section 1121.33 of the Revised Code, the order issued pursuant to 121551
division (A)(1) of this section is terminated. 121552

(3) Within ten days after being served a suspension or 121553
temporary prohibition order pursuant to division (A)(1) of this 121554
section, a regulated person may apply to the court of common pleas 121555
of the county in which the residence of the regulated person is 121556
located, or the court of common pleas of Franklin county, for an 121557
injunction setting aside, limiting, or suspending the enforcement, 121558
operation, or effectiveness of the suspension or temporary 121559
prohibition order pending completion of the hearing on the notice 121560
of charges served on the regulated person pursuant to section 121561
1121.33 of the Revised Code, and the court has jurisdiction to 121562
issue the injunction. 121563

(B)(1) Whenever a regulated person is charged in any 121564
information, indictment, or complaint, authorized by a prosecuting 121565

attorney or a United States attorney, with the commission of or 121566
participation in a felony or a crime involving an act of fraud, 121567
dishonesty ~~or~~, breach of trust, theft, or money laundering 121568
involving a depository institution, the superintendent may suspend 121569
the regulated person from office or temporarily prohibit the 121570
regulated person's further participation in the conduct of the 121571
affairs of a bank or trust company, or both. A suspension or 121572
temporary prohibition order issued pursuant to division (B)(1) of 121573
this section is effective immediately upon service on the 121574
regulated person, and remains effective and enforceable until the 121575
information, indictment, or complaint is finally disposed of or 121576
the superintendent terminates the order. 121577

(2) If a judgment of conviction or an agreement to enter a 121578
pretrial diversion or other similar program is entered against a 121579
regulated person with respect to the information, indictment, or 121580
complaint and, in the case of a judgment of conviction, is not 121581
subject to further appellate review, the superintendent may remove 121582
the regulated person from office, prohibit the regulated person 121583
from further participation in the conduct of the affairs of a bank 121584
or trust company, or both. A removal or prohibition order issued 121585
pursuant to division (B)(2) of this section is effective 121586
immediately upon service on the regulated person, and remains 121587
effective and enforceable as provided in the removal or 121588
prohibition order except to the extent it is stayed, modified, 121589
terminated, or set aside by action of the superintendent. 121590

(3) A finding of not guilty or other disposition of the 121591
information, indictment, or complaint does not preclude the 121592
superintendent from subsequently instituting proceedings pursuant 121593
to section 1121.33 of the Revised Code to remove the regulated 121594
person from office or to prohibit the regulated person from 121595
further participation in the conduct of the affairs of a bank or 121596
trust company, or both. 121597

(C) The superintendent shall serve a certified copy of a suspension or temporary prohibition order issued pursuant to division (A) or (B)(1) of this section or a removal or prohibition order issued pursuant to division (B)(2) of this section on any bank or trust company in relation to which the object of the suspension, removal, or prohibition order is a regulated person.

(D) A regulated person who has been suspended, removed from office, or temporarily or otherwise prohibited from further participation in the conduct of the affairs of a bank or trust company pursuant to this section or by order of the bank regulatory authority of another state or the United States shall not, while the suspension, removal, or prohibition order is in effect, continue or commence to hold any office of or participate in any manner in the conduct of the affairs of a bank or trust company in this state, except as specifically permitted by the superintendent or by the bank regulatory authority of another state or the United States pursuant to modification of the suspension, removal, or prohibition order. Participation in the conduct of the affairs of a bank or trust company includes doing any of the following:

(1) Soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any bank or trust company;

(2) Violating any voting agreement previously approved by the superintendent;

(3) Voting for a director of any bank or trust company.

(E) If at any time, because of the suspension of one or more directors pursuant to this section, there are on the board of directors of a bank less than a quorum of directors not suspended, all powers and functions vested in or exercisable by the board

shall be vested in and be exercisable by the director or directors 121629
on the board not suspended, until the time there is a quorum of 121630
the board of directors. If all the directors of a bank are 121631
suspended pursuant to this section, the superintendent shall 121632
appoint persons to serve temporarily as directors in their place, 121633
pending termination of the suspensions or until those who have 121634
been suspended cease to be directors of the bank and their 121635
successors take office. 121636

Sec. 1121.38. (A)(1) An administrative hearing provided for 121637
in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised 121638
Code shall be held in the county in which the principal place of 121639
business of the bank or trust company or residence of the 121640
regulated person is located, unless the bank, trust company, or 121641
regulated person requesting the hearing consents to another place. 121642
Within ninety days after the hearing, the superintendent of 121643
financial institutions shall render a decision, which shall 121644
include findings of fact upon which the decision is predicated, 121645
and shall issue and serve on the bank, trust company, or regulated 121646
person the decision and an order consistent with the decision. 121647
Judicial review of the order is exclusively as provided in 121648
division (B) of this section. Unless a notice of appeal is filed 121649
in a court of common pleas within thirty days after service of the 121650
superintendent's order as provided in division (B) of this 121651
section, and until the record of the administrative hearing has 121652
been filed, the superintendent may, at anytime, upon the notice 121653
and in the manner the superintendent considers proper, modify, 121654
terminate, or set aside the superintendent's order. After filing 121655
the record, the superintendent may modify, terminate, or set aside 121656
the superintendent's order with permission of the court. 121657

(a) A hearing provided for in section 1121.32, 1121.35, or 121658
1121.41 of the Revised Code shall be confidential, unless the 121659
superintendent determines that holding an open hearing would be in 121660

the public interest. Within twenty days after service of the 121661
notice of a hearing, a respondent may file a written request for a 121662
public hearing with the superintendent. A respondent's failure to 121663
file such a request constitutes a waiver of any objections to a 121664
confidential hearing. 121665

(b) A hearing provided for in section 1121.33 of the Revised 121666
Code shall be an open hearing. Within twenty days after service of 121667
the notice of a hearing, a respondent may file a written request 121668
for a confidential hearing with the superintendent. If such a 121669
request is received by the superintendent, the hearing shall be 121670
confidential unless the superintendent determines that holding an 121671
open hearing would be in the public interest. 121672

(2) In the course of, or in connection with, an 121673
administrative hearing governed by this section, the 121674
superintendent, or a person designated by the superintendent to 121675
conduct the hearing, may administer oaths and affirmations, take 121676
or cause depositions to be taken, and issue, revoke, quash, or 121677
modify subpoenas and subpoenas duces tecum. At any administrative 121678
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 121679
of the Revised Code, the record of which may be the basis of an 121680
appeal to court, a stenographic record of the testimony and other 121681
evidence submitted shall be taken at the expense of the division 121682
of financial institutions. The record shall include all of the 121683
testimony and other evidence, and any rulings on the admissibility 121684
thereof, presented at the hearing. The superintendent may adopt 121685
rules regarding these hearings. The attendance of witnesses and 121686
the production of documents provided for in this section may be 121687
required from any place within or outside the state. A party to a 121688
hearing governed by this section may apply to the court of common 121689
pleas of Franklin county, or the court of common pleas of the 121690
county in which the hearing is being conducted or the witness 121691
resides or carries on business, for enforcement of a subpoena or 121692

subpoena duces tecum issued pursuant to this section, and the courts have jurisdiction and power to order and require compliance with the subpoena. Witnesses subpoenaed under this section shall be paid the fees and mileage provided for under section 119.094 of the Revised Code.

(B)(1) A bank, trust company, or regulated person against whom the superintendent issues an order upon the record of a hearing under the authority of section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code may obtain a review of the order by filing a notice of appeal in the court of common pleas in the county in which the principal place of business of the bank, trust company, or regulated person, or residence of the regulated person, is located, or in the court of common pleas of Franklin county, within thirty days after the date of service of the superintendent's order. The clerk of the court shall promptly transmit a copy of the notice of appeal to the superintendent, ~~and~~. Within thirty days after receiving the notice of appeal, the superintendent shall file a certified copy of the record of the administrative hearing with the clerk of the court. In the event of a private hearing, the record of the administrative hearing shall be filed under seal with the clerk of the court. Upon the filing of the notice of appeal, the court has jurisdiction, which upon the filing of the record of the administrative hearing is exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the superintendent's order.

(2) The commencement of proceedings for judicial review pursuant to division (B) of this section does not, unless specifically ordered by the court, operate as a stay of any order issued by the superintendent. If it appears to the court an unusual hardship to the appellant bank, trust company, or regulated person will result from the execution of the superintendent's order pending determination of the appeal, and

the interests of depositors and the public will not be threatened 121725
by a stay of the order, the court may grant a stay and fix its 121726
terms. 121727

(C) The superintendent may, in the sole discretion of the 121728
superintendent, apply to the court of common pleas of the county 121729
in which the principal place of business of the bank, trust 121730
company, or regulated person, or residence of the regulated 121731
person, is located, or the court of common pleas of Franklin 121732
county, for the enforcement of an effective and outstanding 121733
superintendent's order issued under section 1121.32, 1121.33, 121734
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 121735
has jurisdiction and power to order and require compliance with 121736
the superintendent's order. In an action by the superintendent 121737
pursuant to this division to enforce an order assessing a civil 121738
penalty issued under section 1121.35 of the Revised Code, the 121739
validity and appropriateness of the civil penalty is not subject 121740
to review. 121741

(D) No court has jurisdiction to affect, by injunction or 121742
otherwise, the issuance or enforcement of an order issued under 121743
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 121744
Revised Code or to review, modify, suspend, terminate, or set 121745
aside an order issued under section 1121.32, 1121.33, 1121.34, 121746
1121.35, or 1121.41 of the Revised Code, except as provided in 121747
this section, in division (G) of section 1121.32 of the Revised 121748
Code for an order issued pursuant to division (C)(3) or (4) of 121749
section 1121.32 of the Revised Code, or in division (A)(3) of 121750
section 1121.34 of the Revised Code for an order issued pursuant 121751
to division (A)(1) of section 1121.34 of the Revised Code. 121752

(E) Nothing in this section or in any other section of the 121753
Revised Code or rules implementing this or any other section of 121754
the Revised Code shall prohibit or limit the superintendent from 121755
doing any of the following: 121756

(1) Issuing orders pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;	121757 121758
(2) Individually or contemporaneously taking any other action provided by law or rule with respect to a bank, trust company, or regulated person;	121759 121760 121761
(3) Taking any action provided by law or rule with respect to a bank, trust company, or regulated person, whether alone or in conjunction with another regulatory agency or authority.	121762 121763 121764
Sec. 1121.41. (A) The superintendent of financial institutions may issue and serve a notice of charges and intent to issue an order placing a bank or trust company under supervision and appointing a supervisor for the bank or trust company, if, in the opinion of the superintendent, any of the following applies:	121765 121766 121767 121768 121769
(1) In the case of a bank, any of the conditions listed in section 1125.09 of the Revised Code for appointing a conservator or in section 1125.18 of the Revised Code for taking possession of a bank and appointing a receiver, exists.	121770 121771 121772 121773
(2) In the case of a trust company, any of the conditions listed in section 1111.32 of the Revised Code for revoking a license to do trust business, exists.	121774 121775 121776
(3) The bank or trust company is in such condition that the further transaction of business would be hazardous, financially or otherwise, to its shareholders, depositors, its creditors, or the public.	121777 121778 121779 121780
(B) The notice of charges and intent to issue an order placing a bank or trust company under supervision and appointing a supervisor shall include all of the following:	121781 121782 121783
(1) A statement of the alleged basis for the superintendent's placing the bank or trust company under supervision and appointing a supervisor and the period for supervision;	121784 121785 121786

(2) A statement of the facts supporting the superintendent's placing the bank or trust company under supervision and appointing a supervisor;	121787 121788 121789
(3) A statement of the requirements to abate the superintendent's placing the bank or trust company under supervision and appointing a supervisor;	121790 121791 121792
(4) A statement, in accordance with division (D) of this section, of actions the bank or trust company would be prohibited from undertaking during the period of supervision without the prior approval of the superintendent or the supervisor appointed by the superintendent;	121793 121794 121795 121796 121797
(5) Notice of both of the following:	121798
(a) The bank or trust company is entitled to a hearing, conducted in accordance with section 1121.38 of the Revised Code, to determine whether the superintendent should issue an order placing the bank or trust company under supervision and appointing a supervisor, if the bank or trust company requests the hearing within thirty days after service of the superintendent's notice of charges and intent to issue an order placing the bank or trust company under supervision and appointing a supervisor;	121799 121800 121801 121802 121803 121804 121805 121806
(b) Failure to request the hearing in the time allowed, or failure to appear at a hearing timely requested, is consent to the issuance of the order placing the bank or trust company under supervision and appointing a supervisor.	121807 121808 121809 121810
(6) Notice that if the bank or trust company makes a timely request for a hearing, all of the following apply:	121811 121812
(a) The bank or trust company may appear at the hearing in person, by attorney, or by presenting positions, arguments, and contentions in writing.	121813 121814 121815
(b) At the hearing the bank or trust company may present	121816

evidence and examine witnesses for and against the bank or trust company. 121817
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(c) The hearing will be set for a date within ten days after 121819
the superintendent's receipt of the request for the hearing or a 121820
later date mutually agreed to by the bank or trust company and the 121821
superintendent. 121822

(C) The superintendent may issue an order placing the bank or 121823
trust company under supervision and appointing a supervisor, if 121824
either of the following applies: 121825

(1) The bank or trust company consents to the issuance of the 121826
order; 121827

(2) Upon the record of the hearing the superintendent finds 121828
any of the following: 121829

(a) In the case of a bank, any of the conditions listed in 121830
section 1125.09 of the Revised Code for appointing a conservator 121831
or in section 1125.18 of the Revised Code for taking possession of 121832
a bank and appointing a receiver, exists. 121833

(b) In the case of a trust company, any of the conditions 121834
listed in section 1111.32 of the Revised Code for revoking a 121835
license to do trust business, exists. 121836

(c) The bank or trust company is in such condition that 121837
further transaction of business would be hazardous to its 121838
shareholders, its depositors, its creditors, or the public. 121839

(D) An order placing a bank or trust company under 121840
supervision and appointing a supervisor may prohibit the bank or 121841
trust company from doing any of the following during the period of 121842
supervision without the prior approval of either the 121843
superintendent or the supervisor appointed by the superintendent: 121844

(1) Disposing of, conveying, or encumbering any of its 121845
assets; 121846

(2) Withdrawing any of its bank accounts;	121847
(3) Lending any of its funds;	121848
(4) Investing any of its funds;	121849
(5) Transferring any of its property;	121850
(6) Incurring any debt, obligation, or liability;	121851
<u>(7) Taking any other action specified in the order.</u>	121852
(E) An order placing a bank or trust company under supervision and appointing a supervisor is effective at the time specified in the order which, in the case of an order issued pursuant to division (C)(2) of this section, shall not be less than thirty days after service of the order on the bank or trust company.	121853 121854 121855 121856 121857 121858
(F) An order placing a bank or trust company under supervision and appointing a supervisor remains effective and enforceable as provided in the order, except to the extent the order is stayed, modified, terminated, or set aside by action of the superintendent or a reviewing court.	121859 121860 121861 121862 121863
(G) The cost incident to the supervisor's service shall be fixed and determined by the superintendent, and shall be a charge against the assets and funds of the bank or trust company to be allowed and paid as the superintendent determines.	121864 121865 121866 121867
Sec. 1121.43. (A) Except as provided in division (B) of this section, the superintendent of financial institutions shall publish and make available to the public on a monthly basis all of the following:	121868 121869 121870 121871
(1) Any written agreement or other writing for which a violation may be enforced by the superintendent;	121872 121873
(2) Any final order issued pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;	121874 121875

(3) Any modification or termination of an agreement, other writing, or order made available to the public pursuant to this section. 121876
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(B)(1) If, in the superintendent's discretion, the superintendent determines that ~~publishing~~ making a written agreement or other writing ~~and making it~~ available to the public pursuant to division (A)(1) of this section would be contrary to the public interest, the superintendent shall not ~~publish the written agreement or other writing or~~ make it available to the public. 121879
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(2) If the superintendent determines that ~~publishing~~ making a final order ~~and making it~~ available to the public pursuant to division (A)(2) of this section would seriously threaten the safety and soundness of a state bank or trust company, the superintendent may delay ~~the publication~~ making it available for a reasonable time. 121886
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Sec. 1121.45. (A) The superintendent of financial institutions may call and convene a meeting with the regulated persons the superintendent determines to be appropriate at a location within this state and at a date and time established by the superintendent upon notice served in accordance with section 1121.37 of the Revised Code. The regulated persons notified of the meeting shall attend the meeting unless excused by the superintendent for reasonable cause at the superintendent's sole discretion. Failure of a regulated person to attend a meeting called and convened in accordance with this division, unless excused by the superintendent, is grounds for suspending or removing the regulated person from office or imposing civil penalties against the regulated person. 121892
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(B) If a quorum of the board of directors of a bank or an affiliate of a bank attends a meeting called and convened by the 121905
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superintendent pursuant to division (A) of this section, they may 121907
convene a meeting of the board of directors to address matters 121908
related to the superintendent's meeting, notwithstanding any 121909
contrary provision of the bank's articles of incorporation, code 121910
of regulations, or bylaws related to notice of a board of 121911
directors meeting. 121912

(C) The records of any meeting called and convened in 121913
accordance with division (A) of this section and the discussions, 121914
information, and documentation presented at the meeting are, in 121915
the possession of any person, confidential and privileged 121916
information and shall not be disclosed except as provided in 121917
section 1121.18 of the Revised Code. 121918

Sec. 1121.47. (A) The superintendent of financial 121919
institutions may do both of the following: 121920

(1) Summon and compel, by order or subpoena, witnesses to 121921
appear before the superintendent, deputy superintendent, examiner, 121922
~~or~~ attorney ~~examiner~~, or such other person designated by the 121923
superintendent and testify under oath regarding the affairs of a 121924
bank or trust company or, in relation to matters concerning a 121925
state bank, foreign bank, or trust company, a regulated person; 121926

(2) Compel, by order or subpoena, the production of any 121927
record, book, paper, document, item, or other thing pertaining to 121928
a bank or trust company or, in relation to matters concerning a 121929
state bank, foreign bank, or trust company, a regulated person. 121930

(B) The superintendent shall serve an order or subpoena 121931
issued pursuant to division (A) of this section in any manner 121932
provided by section 1121.37 of the Revised Code. 121933

(C) If a person fails to comply with an order or subpoena of 121934
the superintendent or refuses to testify to any matter regarding 121935
which the person is lawfully interrogated before the division of 121936

financial institutions, on application of the superintendent, the 121937
court of common pleas of the county in which the person resides or 121938
in which the principal place of business of the person is located, 121939
or a judge of the court, shall compel compliance by attachment 121940
proceedings as for contempt in the case of noncompliance with a 121941
subpoena issued from the court or refusal to testify in the court. 121942
Failure of a regulated person to comply fully with an order or 121943
subpoena issued under the authority of this section shall be 121944
grounds for removing the regulated person from office, prohibiting 121945
the regulated person from participating directly or indirectly in 121946
the affairs of a bank or trust company, or imposing civil 121947
penalties against the regulated person. 121948

Sec. 1121.48. (A) All suits and court proceedings brought by 121949
the superintendent of financial institutions shall be brought in 121950
the name of the state upon the superintendent's relation, and 121951
shall be conducted by the attorney general or a designee of the 121952
attorney general. 121953

(B) A suit or court proceeding brought by the superintendent 121954
may be prosecuted in the court of common pleas of Franklin county, 121955
or of any other county in which the defendant or any of the 121956
defendants resides or may be found. 121957

(C) In all suits or court proceedings brought by the 121958
superintendent, the writ may be sent by regular mail to the 121959
sheriff of any county, and the sheriff may return the writ by 121960
regular mail. The sheriff shall be allowed the same mileage and 121961
fees for the service as would be allowed if the writ had been 121962
issued from and made returnable to the court of common pleas of 121963
the sheriff's county. 121964

Sec. 1121.50. (A) As used in this section, "independent 121965
auditor" means an external, unaffiliated auditor who has a 121966

certified public accounting designation that qualifies the person 121967
to provide an auditor's report. 121968

(B) The superintendent of financial institutions may, when 121969
circumstances warrant, require a bank or trust company to have an 121970
independent auditor conduct agreed upon procedures prescribed by 121971
the superintendent. The independent auditor shall be retained, and 121972
the expense of the agreed upon procedures shall be paid, by the 121973
bank or trust company. The agreed upon procedures shall be 121974
conducted in accordance with standards established by the American 121975
institute of certified public accountants. 121976

~~(B)~~(C) The board of directors of the bank or trust company 121977
shall, within sixty days after receipt of the report prepared by 121978
the independent auditor for the agreed upon procedures conducted 121979
pursuant to this section, prepare a response to the report and 121980
file the report and the board's response with the superintendent. 121981
A report and response filed with the superintendent pursuant to 121982
this section may be disclosed only as provided in section 1121.18 121983
of the Revised Code. 121984

Sec. 1121.52. (A) If a state bank is undercapitalized, the 121985
superintendent of financial institutions shall notify the bank of 121986
the fact of the undercapitalization. The superintendent may 121987
require the bank to submit a written capital restoration plan to 121988
the superintendent within forty-five days after the bank receives 121989
that notice, unless the superintendent authorizes in writing a 121990
longer period of time. 121991

(B) A capital restoration plan required under this section 121992
shall specify all of the following: 121993

(1) The steps the state bank will take to become adequately 121994
capitalized; 121995

(2) The levels of capital to be attained during the time 121996

<u>frame in which the plan will be in effect;</u>	121997
<u>(3) The types and levels of activities in which the bank will engage;</u>	121998
	121999
<u>(4) Any other information the superintendent may require.</u>	122000
<u>(C) The superintendent shall approve a capital restoration plan submitted under this section if the superintendent determines that the plan meets both of the following conditions:</u>	122001
	122002
	122003
<u>(1) It is based on realistic assumptions and is likely to succeed in restoring the bank's capital.</u>	122004
	122005
<u>(2) It would not appreciably increase the risk, including credit risk and interest rate risk, to which the bank is exposed.</u>	122006
	122007
<u>(D) If the superintendent fails to approve a state bank's capital restoration plan, the superintendent shall notify the bank and require it to submit a revised plan within a time period specified by the superintendent. Upon serving that notice, the superintendent may immediately appoint a conservator for the bank or take any other action authorized under section 1121.32, 1121.33, 1121.34, 1121.35, 1121.41, or 1121.46 of the Revised Code or any other law or rule.</u>	122008
	122009
	122010
	122011
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	122013
	122014
	122015
<u>(E) Both of the following apply to any state bank that has submitted and is operating under a capital restoration plan approved under this section:</u>	122016
	122017
	122018
<u>(1) The bank shall not be required to submit an additional capital restoration plan based on a revised calculation of its capital measures unless specifically required to do so by the superintendent. A state bank that is notified that it must submit a new or revised plan shall file a written plan with the superintendent within thirty days after the bank receives the notice, unless the superintendent authorizes in writing a different period of time.</u>	122019
	122020
	122021
	122022
	122023
	122024
	122025
	122026

(2) The bank may, after prior written notice to and approval 122027
by the superintendent, amend its capital restoration plan to 122028
reflect a change in circumstance. Until such time as a proposed 122029
amendment is approved by the superintendent, the bank shall 122030
implement the plan in its current form. 122031

(F)(1) If an undercapitalized bank fails to submit a capital 122032
restoration plan required under this section within the designated 122033
period of time, upon expiration of that period, the superintendent 122034
may immediately appoint a conservator for the bank or take any 122035
other action authorized under section 1121.32, 1121.33, 1121.34, 122036
1121.35, 1121.41, or 1121.46 of the Revised Code or any other law 122037
or rule. 122038

(2) If an undercapitalized bank fails, in any material 122039
respect, to implement a capital restoration plan required under 122040
this section, the superintendent may immediately appoint a 122041
conservator for the bank or take any other action authorized under 122042
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 122043
Revised Code or any other law or rule. 122044

(G) Nothing in this section prohibits the superintendent from 122045
requiring a state bank to submit a capital restoration plan at any 122046
other time the superintendent considers necessary. 122047

Sec. 1121.56. Neither the superintendent of financial 122048
institutions ~~nor~~, any employee, agent, or contractor of the 122049
division of financial institutions, or any supervisor appointed by 122050
the superintendent under this chapter is liable in any civil, 122051
criminal, or administrative proceeding for any mistake of judgment 122052
or discretion in any action taken, or any omission made, in good 122053
faith within the scope of the person's official capacity as 122054
assigned by the superintendent. 122055

Sec. 1123.01. (A) There is hereby created in the division of 122056

financial institutions a banking commission which shall consist of 122057
~~seven~~ nine members. The deputy superintendent for banks shall be a 122058
member of the commission and its chairperson. The governor, with 122059
the advice and consent of the senate, shall appoint the remaining 122060
~~six~~ eight members. 122061

(B) After the second Monday in January of each year, the 122062
governor shall appoint two members. Terms of office shall be for 122063
~~three~~ four years commencing on the first day of February and 122064
ending on the thirty-first day of January. Each member shall hold 122065
office from the date appointed until the end of the term for which 122066
appointed. In the case of a vacancy in the office of any member, 122067
the governor shall appoint a successor who shall hold office for 122068
the remainder of the term for which the successor's predecessor 122069
was appointed. Any member shall continue in office subsequent to 122070
the expiration date of the member's term until the member's 122071
successor is appointed, or until sixty days have elapsed, 122072
whichever occurs first. 122073

(C) No person appointed as a member of the commission may 122074
serve more than two consecutive full terms. However, a member may 122075
serve two consecutive full terms following the remainder of a term 122076
for which the member was appointed to fill a vacancy. 122077

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 122078
to the commission shall be, at the time of appointment, executive 122079
officers of state banks ~~transacting business under authority~~ 122080
~~granted by the superintendent of financial institutions~~, and ~~four~~ 122081
all of the ~~six~~ members appointed to the commission shall have 122082
banking experience as a director or officer of a bank, savings 122083
bank, or savings association insured by the federal deposit 122084
insurance corporation, a bank holding company, or a savings and 122085
loan holding company. The membership of the commission shall be 122086
representative of the banking industry as a whole, including 122087
representatives of banks of various asset sizes and ownership 122088

structures, as determined by the governor after consultation with 122089
the superintendent of financial institutions ~~from time to time.~~ 122090

(2) No person who has been convicted of, or has pleaded 122091
guilty to, a felony involving an act of fraud, dishonesty or, 122092
breach of trust, theft, or money laundering shall take or hold 122093
office as a member of the banking commission. 122094

(E) The members of the commission shall receive no salary, 122095
but their expenses incurred in the performance of their duties 122096
shall be paid from funds appropriated for that purpose. 122097

(F) The governor may remove any of the ~~six~~ eight members 122098
appointed to the commission whenever in the governor's judgment 122099
the public interest requires removal. Upon removing a member of 122100
the commission, the governor shall file with the superintendent a 122101
statement of the cause for the removal. 122102

Sec. 1123.02. (A) The banking commission shall hold regular 122103
meetings at the times and places it fixes, and shall meet at any 122104
time on call of the deputy superintendent for banks upon two days' 122105
notice unless the commission by resolution provides for a shorter 122106
notice. 122107

(B)(1) A majority of the full commission constitutes a 122108
quorum, and action taken by a majority of those present at a 122109
meeting at which there is a quorum constitutes the action of the 122110
commission. 122111

(2) Notwithstanding division (B)(1) of this section, a 122112
meeting of the commission may be held by teleconference if 122113
provisions are made for public attendance at a specific location 122114
connected with the teleconference. 122115

(C) No member shall participate before the commission in a 122116
proceeding involving any bank of which the member is, or was at 122117
any time in the preceding twelve months, a member of the board of 122118

directors, an officer, an employee, or a shareholder. A member may 122119
refrain from participating in a proceeding before the commission 122120
for any other cause the member considers sufficient. 122121

(D) The commission may, by a majority vote of those present 122122
at a meeting at which there is a quorum, adopt and amend bylaws 122123
and rules the commission, in its judgment, considers necessary and 122124
proper. The commission shall select one of its members as 122125
secretary, who shall keep a record of all its proceedings. 122126

Sec. 1123.03. The banking commission shall do all of the 122127
following: 122128

(A) Make recommendations to the deputy superintendent for 122129
banks and the superintendent of financial institutions on the 122130
business of banking; 122131

(B) Consider and make recommendations on any matter the 122132
superintendent or deputy superintendent submits to the commission 122133
for that purpose; 122134

(C) Pass upon and determine any matter the superintendent or 122135
deputy superintendent submits to the commission for determination; 122136

(D) Consider and determine whether to confirm the annual 122137
schedule of assessments proposed by the superintendent in 122138
accordance with section 1121.29 of the Revised Code; 122139

(E) Determine whether to increase the schedule of assessments 122140
as provided in division (A)(3) of section 1121.29 of the Revised 122141
Code; 122142

(F) Determine, as provided in division (D) of section 1121.12 122143
of the Revised Code, both of the following: 122144

(1) Whether there is reasonable cause to believe that there 122145
is a significant risk of imminent material harm to the bank; 122146

(2) Whether the examination of the bank holding company is 122147

necessary to fully determine the risk to the bank, or to determine 122148
how best to address the risk to the bank. 122149

Sec. 1125.01. (A) As used in this chapter, "court" means the 122150
court of common pleas of the county in which the principal place 122151
of business of a state bank, as set forth in its articles of 122152
incorporation, is located or of any other county determined by the 122153
superintendent of financial institutions to be appropriate under 122154
the circumstances. 122155

(B) The court shall have exclusive original jurisdiction of 122156
any action or proceeding relating to or arising out of the taking 122157
of possession of the property and business of a state bank under 122158
this chapter, whether before or after the bank is wound up and 122159
dissolved, as well as any action or other proceeding brought under 122160
this chapter. 122161

(C) Whenever the approval of the court is required for any 122162
act under this chapter, that approval may be given with or without 122163
a hearing held upon whatever notice, if any, the court may direct, 122164
unless otherwise provided in this chapter. At a hearing, the 122165
court, by order, may approve the actions petitioned. 122166

Sec. 1125.03. (A) A state bank may proceed with a voluntary 122167
liquidation and be closed only with both the consent of the 122168
superintendent of financial institutions and the prior approval of 122169
the shareholders or members of the bank by a vote as provided for 122170
in its articles of incorporation, if not less than a majority. 122171

(B) Prior to instituting a voluntary liquidation, a state 122172
bank shall submit to the superintendent an application for 122173
approval of its plan of voluntary liquidation and evidence 122174
satisfactory to the superintendent that the plan has been properly 122175
adopted by the bank and approved by its shareholders or members. 122176

(C) A state bank's plan of voluntary liquidation shall 122177

include provisions for all of the following:	122178
(1) The settlement of all debts and liabilities, including the claims of account holders, owed by the bank;	122179 122180
(2) The distribution of the bank's assets that remain after the settlement of debts and liabilities to all persons entitled to them;	122181 122182 122183
(3) The disposition or maintenance of any remaining or unclaimed funds, real or personal property, either tangible or intangible, or other assets, whether in trust or otherwise, including the contents of safe deposit boxes or vaults;	122184 122185 122186 122187
(4) The retention of the bank's records in accordance with section 1109.69 of the Revised Code;	122188 122189
(5) The date upon which the bank shall cease doing any banking business and surrender its banking license to the superintendent.	122190 122191 122192
(D) Upon receipt of a plan of voluntary liquidation, the superintendent shall make an examination of the bank and shall consent to or deny an application for approval of a plan based upon the superintendent's evaluation of whether or not the interests of the bank's depositors and creditors will suffer by the liquidation.	122193 122194 122195 122196 122197 122198
(E) The superintendent's consent to an application for approval of a plan of voluntary liquidation may be subject to any condition the superintendent determines appropriate under the circumstances.	122199 122200 122201 122202
Sec. 1125.04. (A) If the superintendent of financial institutions consents to a voluntary liquidation, the superintendent shall cause a certified copy of the consent to be filed in the office of the secretary of state, and the <u>state</u> bank to be liquidated shall do both of the following:	122203 122204 122205 122206 122207

(1) Publish a notice of the voluntary liquidation once a week 122208
for four consecutive weeks in a newspaper of general circulation 122209
in the county in which the bank's principal place of business is 122210
located; 122211

(2) Give written notice of the voluntary liquidation, either 122212
personally or by mail, to all known creditors of and all known 122213
claimants against the bank. 122214

(B) Compliance with the notice and publication requirements 122215
of division (A) of this section satisfies any duplicate or similar 122216
notice and publication requirements of Chapter 1701. of the 122217
Revised Code. 122218

Sec. 1125.05. (A) A voluntary liquidation of a state bank 122219
shall be conducted only with the continued supervision of the 122220
superintendent of financial institutions. The superintendent may 122221
conduct any additional examinations of the bank the superintendent 122222
considers necessary or appropriate. 122223

(B) If the superintendent has reason to conclude the 122224
liquidation of a state bank is not being safely or expeditiously 122225
conducted, the superintendent may take possession of the business 122226
and property of the bank in the same manner, with the same effect, 122227
and subject to the same rights accorded the bank as if the 122228
superintendent had taken possession under the receivership 122229
provisions of this chapter. The superintendent may proceed to 122230
liquidate the affairs of the bank in the same manner as otherwise 122231
provided in this chapter. 122232

Sec. 1125.06. Upon completion of a voluntary liquidation, the 122233
liquidated state bank shall submit to the superintendent of 122234
financial institutions all documents required under Chapter 1701. 122235
of the Revised Code for a dissolution. The superintendent shall 122236
consent to the dissolution, and shall cause a certified copy of 122237

the consent to be filed, along with the bank's dissolution 122238
documents, in the office of the secretary of state. 122239

Sec. 1125.09. The superintendent of financial institutions 122240
may appoint a conservator to take possession of the property and 122241
business of a state bank and to retain possession until the bank 122242
resumes business or a receiver is appointed, as provided for in 122243
this chapter, if the superintendent finds any one or more of the 122244
following conditions: 122245

(A) The bank is in an unsafe or unsound condition to continue 122246
the business of banking. 122247

(B) The bank is insolvent, in that it has ceased to pay its 122248
debts in the ordinary course of business, it is incapable of 122249
paying its debts as they mature, or it has liabilities in excess 122250
of its assets. 122251

(C) The bank has committed a violation of law that has caused 122252
or that threatens substantial injury to any of the public, the 122253
banking industry, or the bank's depositors or other creditors. 122254

(D) The bank has refused to submit its records of account, 122255
papers, or affairs to the inspection or examination of any federal 122256
agency or the superintendent. 122257

(E) The bank has failed to pay its deposits or obligations in 122258
accordance with the terms under which the deposits were taken or 122259
the obligations were incurred. 122260

(F) A majority of the board of directors of the bank or a 122261
majority of its shareholders or members has requested the 122262
superintendent to appoint a conservator to take possession of the 122263
bank. 122264

(G) Either all positions on the board of directors of the 122265
bank are vacant or all of the directors then in office are 122266
incapacitated or otherwise unable to perform their 122267

responsibilities. 122268

(H) The bank has violated any court order, statute, rule, or 122269
regulation, or its articles of incorporation, and the 122270
superintendent determines the continued control of its own affairs 122271
threatens injury to any of the public, the banking industry, or 122272
the bank's depositors or other creditors. 122273

(I) The bank's status as an insured institution has been 122274
terminated by the federal deposit insurance corporation. 122275

Sec. 1125.10. (A) If it appears to the superintendent of 122276
financial institutions that any one or more of the conditions set 122277
forth in section 1125.09 of the Revised Code exists as to any 122278
state bank, the superintendent may appoint a conservator, which 122279
appointment may include the superintendent, and thereafter may 122280
dismiss or replace the conservator as the superintendent 122281
determines necessary or advisable. The superintendent may fix the 122282
compensation to be paid the conservator and the amount of the bond 122283
or other security, if any, to be required. 122284

(B) The superintendent may, from time to time, appoint one or 122285
more special deputy superintendents as agent or agents to assist 122286
in the duties of conservatorship. 122287

(C) The superintendent, any special deputy superintendents, 122288
or a conservator may employ and procure whatever assistance or 122289
advice is necessary in the conservatorship of the bank, and, for 122290
that purpose, may retain officers or employees of the bank as 122291
needed. 122292

(D) The superintendent may terminate the conservatorship at 122293
any time, and may appoint a receiver for liquidation of the bank 122294
on any of the grounds provided in this chapter for appointment of 122295
a receiver. 122296

(E) All expenses of a conservatorship shall be paid out of 122297

the assets of the bank, and shall be a lien on the bank's assets, 122298
which lien shall be prior to any other lien. 122299

Sec. 1125.11. (A) Upon the appointment of a conservator, the 122300
superintendent of financial institutions shall file a certified 122301
copy of the certificate of appointment in the office of the 122302
secretary of state, and thereafter no person shall obtain a lien 122303
or charge upon any assets of the state bank for any payment, 122304
advance, clearance, or liability thereafter made or incurred, nor 122305
shall the directors, officers, or agents of the bank thereafter 122306
have authority to act on behalf of the bank or to convey, 122307
transfer, assign, pledge, mortgage, or encumber any of the bank's 122308
assets. 122309

(B) The filing of the certificate of appointment in 122310
accordance with this section shall not be a condition to either 122311
the superintendent's taking possession of the property and 122312
business of a state bank or appointing a conservator for a state 122313
bank. 122314

Sec. 1125.12. (A) A conservator, under the supervision of the 122315
superintendent of financial institutions and subject to any 122316
limitations imposed by the superintendent, shall have all of the 122317
following powers: 122318

(1) To take possession of all books, records of account, and 122319
assets of the state bank; 122320

(2) To have and exercise, in the name and on behalf of the 122321
bank, all the rights, powers, and authority of the officers and 122322
directors of the bank and all voting rights of its shareholders or 122323
members; 122324

(3) To collect all debts, claims, and judgments belonging to 122325
the bank and to take any other action, including the lending of 122326
money, necessary to the operation of the bank during the 122327

conservatorship;	122328
(4) To execute in the name of the bank any instrument	122329
necessary or proper to effectuate the conservator's powers or	122330
perform its duties as conservator;	122331
(5) To initiate, pursue, compromise, and defend litigation	122332
involving any right, claim, interest, or liability of the bank;	122333
(6) To exercise all fiduciary functions of the bank as of the	122334
date of appointment as conservator;	122335
(7) To borrow money as necessary in the operation of the	122336
bank, and to secure those borrowings by the pledge or mortgage of	122337
the assets of the bank;	122338
(8) To abandon or convey title to any holder of a deed of	122339
trust, mortgage, or similar lien against property in which the	122340
bank has an interest, whenever the conservator determines that	122341
continuing to claim that interest is burdensome and of no	122342
advantage to the bank or its account holders, creditors, or	122343
shareholders, <u>or members</u> ;	122344
(9) If done <u>in good faith</u> within the ordinary course of	122345
business or financial affairs of the bank and according to	122346
ordinary business terms, to sell any and all assets, to compromise	122347
any debt, claim, obligation, or judgment due to the bank, to	122348
discontinue any pending action or other proceeding, and to	122349
implement a restructuring of the bank in accordance with this	122350
chapter.	122351
(B) Title to any assets of the bank does not vest in the	122352
conservator.	122353
Sec. 1125.13. During the period of the conservatorship, all	122354
of the following apply:	122355
(A) The conservator may permit the <u>state</u> bank to continue to	122356
conduct its usual business, including the acceptance of deposits.	122357

(B) The obligations of the state bank shall continue to bear interest at the rate contracted.

(C) The conservator shall make whatever reports to the superintendent of financial institutions the superintendent may from time to time require.

Sec. 1125.14. (A) The conservator shall evaluate the business and assets of the state bank and, after conducting whatever investigations the circumstances may require, shall recommend to the superintendent of financial institutions that either the conservatorship of the bank be terminated or the superintendent appoint a receiver and the bank be liquidated as otherwise provided in this chapter. The conservator shall consult with the board of directors of the bank before making the recommendation.

(B) The conservator of the bank may submit a plan to the superintendent for approval to restructure the bank in a manner designed to return the bank to the control of its shareholders or members. As part of the plan, the conservator may take any steps the superintendent approves regarding the management, operations, or assets of the bank, including the sale of some or all of the bank's assets. The conservator shall consult with the board of directors of the bank regarding any proposed sale of all or substantially all of the bank's assets.

(C) The superintendent may require the conservator to submit the plan to the shareholders or members of the bank as provided in division (D) of this section or to submit a new or revised plan for consideration by the superintendent.

(D) If the conservator's plan is submitted to the shareholders or members pursuant to division (C) of this section, the superintendent shall designate the contents of notice of the vote that is to be forwarded from the conservator to the

shareholders or members and shall designate the date upon which 122389
notice is to be forwarded. The date of the shareholder or member 122390
vote shall be determined by the superintendent, but shall not 122391
occur earlier than seven days or later than forty-five days after 122392
the date of the notice. 122393

If the majority of the shareholders or members do not approve 122394
the plan, the superintendent may request submission of a new plan 122395
or proceed to appoint a receiver without regard to the grounds for 122396
appointment of a receiver as otherwise provided in this chapter. 122397
If the majority of the shareholders or members approve the plan, 122398
the superintendent may terminate the conservatorship, and the 122399
shareholders or members shall elect directors to manage the bank. 122400

(E) The superintendent, at any time, including after the date 122401
notice of a vote is provided to shareholders or members of the 122402
bank under division (D) of this section, may revoke a previously 122403
approved plan of the conservator and either provide for, or 122404
request submission of, a new plan or proceed with receivership 122405
under this chapter. 122406

Sec. 1125.17. This chapter provides the full and exclusive 122407
powers and procedures for the liquidation of state banks under the 122408
laws of this state, and no receiver or other liquidating agent 122409
shall be appointed for that purpose except as expressly provided 122410
in this chapter. 122411

Sec. 1125.18. The superintendent of financial institutions 122412
may take possession of the property and business of a state bank 122413
if the superintendent finds any one or more of the following 122414
conditions: 122415

(A) The bank is in an unsafe or unsound condition to continue 122416
the business of banking. 122417

(B) The bank is insolvent, in that it has ceased to pay its 122418

debts in the ordinary course of business, it is incapable of 122419
paying its debts as they mature, or it has liabilities in excess 122420
of its assets. 122421

(C) The bank has refused to submit its records or affairs to 122422
the inspection or examination of any federal bank regulatory 122423
agency or the superintendent. 122424

(D) The bank has failed to pay its deposits or obligations in 122425
accordance with the terms under which the deposits were taken or 122426
the obligations were incurred. 122427

(E) A majority of the board of directors of the bank has 122428
requested the superintendent to appoint a receiver to take 122429
possession of the bank for the benefit of account holders, 122430
creditors, ~~or~~ shareholders, or members. 122431

(F) The bank has violated any order of a court or of the 122432
superintendent, any statute, rule, or regulation, or its articles 122433
of incorporation, and the superintendent determines the continued 122434
control of its own affairs threatens injury to any of the public, 122435
the banking industry, or the bank's depositors or other creditors. 122436

(G) The bank's status as an insured institution has been 122437
terminated by the federal deposit insurance corporation. 122438

(H) The (1) In the case of a stock state bank, the bank has 122439
an impairment of paid-in capital. 122440

(2) In the case of a mutual state bank, the bank has an 122441
impairment of retained earnings. 122442

Sec. 1125.19. (A) Upon issuing a written finding that any one 122443
or more of the conditions set forth in section 1125.18 of the 122444
Revised Code for taking possession of a state bank exists and 122445
taking possession of the state bank, the superintendent of 122446
financial institutions shall file a certified copy of the finding 122447
and the notice of possession with the court. 122448

(B) Upon the appointment of a receiver, the superintendent 122449
shall file a certified copy of the certificate of appointment in 122450
the office of the secretary of state and with the court. 122451

(C) After the superintendent files the finding of the 122452
superintendent or the certificate of appointment of the receiver, 122453
whichever occurs first, no person shall obtain a lien or charge 122454
upon any assets of the bank for any payment, advance, clearance, 122455
or liability thereafter incurred, nor shall the directors, 122456
officers, or agents of the bank have authority to act on behalf of 122457
the bank or to convey, transfer, assign, pledge, mortgage, or 122458
encumber any assets of the bank. 122459

(D) Upon taking possession of the bank, the superintendent 122460
shall post or cause to be posted an appropriate notice of closing 122461
at the main entrance of each of the bank's banking offices. 122462

(E) Neither filing nor posting of notice in accordance with 122463
this section shall be a condition to either the superintendent's 122464
taking possession of the property and business of a state bank or 122465
appointing a receiver for a state bank. 122466

Sec. 1125.20. (A) If it appears to the superintendent of 122467
financial institutions that any one or more of the conditions set 122468
forth in section 1125.18 of the Revised Code exists as to any 122469
state bank, the superintendent shall tender appointment as 122470
receiver to the federal deposit insurance corporation if any 122471
deposits in the state bank are insured by the federal deposit 122472
insurance corporation, and may tender appointment as receiver to 122473
the federal deposit insurance corporation in any other case. Upon 122474
acceptance of the appointment as receiver, the federal deposit 122475
insurance corporation shall not be required to post a bond. In 122476
addition to the powers of a receiver set forth in this chapter, 122477
the federal deposit insurance corporation, as receiver, may 122478
exercise any other liquidation or receivership powers authorized 122479

by state or federal law for a receiver of a bank. 122480

(B) If the federal deposit insurance corporation declines to 122481
accept the tendered appointment or if the superintendent is not 122482
required to tender appointment as receiver to the federal deposit 122483
insurance corporation, the superintendent may appoint, and 122484
thereafter dismiss or replace, any other receiver, including the 122485
superintendent, the superintendent determines to be necessary or 122486
advisable. The superintendent may fix the compensation to be paid 122487
the receiver and the amount of the bond or other security, if any, 122488
to be required. 122489

(C) The superintendent may, from time to time, appoint one or 122490
more special deputy superintendents as agent or agents to assist 122491
in the duties of receivership or of liquidation and distribution. 122492
No agent so appointed shall be subject to section 1181.05 of the 122493
Revised Code. 122494

(D) The superintendent, any special deputy superintendents, 122495
or a receiver may employ and procure whatever assistance or advice 122496
is necessary in the receivership or liquidation and distribution 122497
of the assets of the bank, and, for that purpose, may retain 122498
officers or employees of the bank as needed. 122499

(E) All expenses of a receivership and liquidation shall be 122500
paid out of the assets of the bank, and shall be a lien on the 122501
bank's assets, which lien shall be prior to any other lien. 122502

Sec. 1125.21. Upon the superintendent of financial 122503
institutions' appointment of a receiver, title to all of the state 122504
bank's assets shall vest in the receiver without the execution of 122505
any instrument of conveyance, assignment, transfer, or 122506
endorsement. 122507

Sec. 1125.22. (A) A receiver shall have all of the following 122508
powers: 122509

- (1) To take possession of all books, records of account, and assets of the state bank; 122510
122511
- (2) To collect all debts, claims, and judgments belonging to the bank and to take any other action, including the lending of money, necessary to preserve and liquidate the assets of the bank; 122512
122513
122514
- (3) To execute in the name of the bank any instrument necessary or proper to effectuate the receiver's powers or perform its duties as receiver; 122515
122516
122517
- (4) To initiate, pursue, compromise, and defend litigation involving any right, claim, interest, or liability of the bank; 122518
122519
- (5) To exercise all fiduciary functions of the bank as of the date of appointment as receiver; 122520
122521
- (6) To borrow money as necessary in the liquidation of the bank, and to secure those borrowings by the pledge or mortgage of assets of the bank; 122522
122523
122524
- (7) To abandon or convey title to any holder of a deed of trust, mortgage, or similar lien against property in which the bank has an interest, whenever the receiver determines that continuing to claim that interest is burdensome and of no advantage to the bank or its account holders, creditors, ~~or~~ shareholders, or members; 122525
122526
122527
122528
122529
122530
- (8) To sell any and all assets, to compromise any debt, claim, obligation, or judgment due to the bank, to discontinue any pending action or other proceeding, and to sell or otherwise transfer all or a substantial portion of the assets or liabilities of the bank; 122531
122532
122533
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122535
- (9) To establish ancillary receiverships in any jurisdiction the receiver determines necessary; 122536
122537
- (10) To distribute assets in accordance with this chapter; 122538
- (11) To take any other action incident to the powers set 122539

forth in division (A) of this section. 122540

(B) Unless specifically indicated to the contrary, the powers 122541
conferred upon a receiver under this section may be exercised 122542
without court approval. However, nothing in this section shall be 122543
construed to prevent a receiver from obtaining court approval when 122544
the receiver determines approval is appropriate under the 122545
circumstances. 122546

Sec. 1125.23. (A) The receiver shall promptly cause notice of 122547
the claims procedure to be published once a month for two 122548
consecutive months in a local newspaper of general circulation and 122549
to be mailed to each person whose name appears as a creditor upon 122550
the books of the state bank, at the last address of record. 122551

(B)(1) All parties having claims of any kind against the 122552
bank, including prior judgments and claims of security, 122553
preference, priority, and offset, shall present their claims 122554
substantiated by legal proof to the receiver within one hundred 122555
eighty days after the date of the first publication of notice of 122556
the claims procedure or after actual receipt of notice of the 122557
claims procedure, whichever occurs first. 122558

(2) Within one hundred eighty days after receipt of a claim, 122559
the receiver shall notify the claimant in writing whether the 122560
claim has been allowed or disallowed. The receiver may reject any 122561
claim in whole or in part, or may reject any claim of security, 122562
preference, priority, or offset against the bank. Any claimant 122563
whose claim has been rejected by the receiver shall petition the 122564
court for a hearing on the claim within sixty days after the date 122565
the notice was mailed or be forever barred from asserting the 122566
rejected claim. 122567

(C) Any claims filed after the claim period and subsequently 122568
accepted by the receiver or allowed by the court, shall be 122569
entitled to share in the distribution of assets only to the extent 122570

of the undistributed assets in the hands of the receiver on the 122571
date the claims are accepted or allowed. 122572

Sec. 1125.24. (A) All claims against the state bank's estate 122573
and expenses, proved to the receiver's satisfaction or approved by 122574
the court, shall be paid in the following order: 122575

(1) Expenses of liquidation and receivership, including money 122576
borrowed under authority of division (A)(6) of section 1125.22 or 122577
division (A)(7) of section 1125.12 of the Revised Code and 122578
interest on it, and claims for fees and assessments due the 122579
superintendent of financial institutions; 122580

(2) Claims given priorities under other provisions of state 122581
or federal law; 122582

(3) Wages and, salaries, or commissions, including vacation, 122583
severance, and sick leave pay, of officers and employees earned 122584
during the one-month period preceding the date of the bank's 122585
closing in an amount, before applicable taxes and other 122586
withholdings, that does not exceed one thousand dollars for any 122587
one person; 122588

(4) Deposit obligations; 122589

(5) Other general liabilities; 122590

(6) Obligations subordinated to deposits and other general 122591
liabilities. 122592

(B) Interest shall be given the same priority as the claim on 122593
which it is based, but no interest shall be paid on any claim 122594
until the principal of all claims within the same class has been 122595
paid or provided for in full. 122596

(C) Any funds remaining after satisfying the requirements of 122597
divisions (A) and (B) of this section shall be paid to the 122598
shareholders or members. 122599

(D) Payment on claims shall be made pro rata among claims of 122600
the kind specified in each class set forth in division (A) of this 122601
section. 122602

(E) Subject to the approval of the court, the receiver may 122603
designate a separate class of claims consisting only of every 122604
unsecured claim that is less than, or reduced to, an amount the 122605
court approves for payment as reasonable and necessary for 122606
administrative convenience. 122607

(F) Subject to the approval of the court, the receiver may 122608
make periodic and interim liquidating dividends or payments. 122609

Sec. 1125.25. (A) Within one hundred days after the date of 122610
the closing of a state bank, a receiver may reject any executory 122611
contract to which the bank is a party without any further 122612
liability on the part of the bank or the receiver. The receiver's 122613
election to reject an executory contract creates no claim for 122614
compensation other than compensation accrued to the date of 122615
termination or for actual damages. 122616

(B) A receiver may ratify and assign any executory contract 122617
to which the bank is a party notwithstanding the existence of a 122618
provision in the contract permitting the termination of the 122619
executory contract, or prohibiting, conditioning, or requiring 122620
consent to any assignment of the executory contract, upon the 122621
insolvency of the bank or the appointment of a receiver. 122622

Sec. 1125.26. Whenever the federal deposit insurance 122623
corporation pays or makes available for payment the insured 122624
deposit liabilities of a state bank, the federal deposit insurance 122625
corporation, whether or not it acts as receiver, shall be 122626
subrogated to the extent of the payments to all rights of 122627
depositors against the bank. 122628

Sec. 1125.27. (A) The receiver may appoint a successor to all 122629
rights, obligations, assets, deposits, agreements, and trusts held 122630
by the closed state bank as trustee, administrator, executor, 122631
guardian, agent, or in any other fiduciary or representative 122632
capacity. The successor's duties and obligations commence upon 122633
appointment to the same extent they are binding upon the former 122634
bank and as though the successor had originally assumed the duties 122635
and obligations. Specifically, the successor shall succeed to and 122636
be entitled to administer all trusteeships, administrations, 122637
executorships, guardianships, agencies, and all other fiduciary or 122638
representative proceedings to which the closed bank is named or 122639
appointed in wills, whenever probated, or to which it is appointed 122640
by any other instrument, court order, or operation of law. 122641

(B) Within sixty days after appointment, the successor shall 122642
give written notice, insofar as practicable, to all interested 122643
parties named in the books and records of the bank or in trust 122644
documents held by it, that the successor has been appointed in 122645
accordance with state law. 122646

(C) Nothing in this section shall be construed to impair any 122647
right of the grantor or beneficiaries of trust assets to secure 122648
the appointment of a substituted trustee or manager. 122649

Sec. 1125.28. (A) The filing with the court of the finding of 122650
the superintendent of financial institutions or the certificate of 122651
appointment of the receiver, whichever occurs first, operates as 122652
an automatic stay from the date of the filing, subject to the 122653
court granting a motion for relief from the stay, applicable to 122654
all ~~entities~~ persons, of both of the following: 122655

(1) The commencement or continuation, including the issuance 122656
or employment of process, of a judicial, administrative, or other 122657
action or proceeding against the state bank that was or could have 122658

been commenced before the filing; 122659

(2) The enforcement against the bank of a judgment or other 122660
claim obtained before the filing, including claims of security, 122661
preference, priority, and offset. 122662

(B) Upon the filing with the court of the finding of the 122663
superintendent or the certificate of appointment of the receiver, 122664
whichever occurs first, any other pending judicial, 122665
administrative, or other action or proceeding against the bank 122666
shall, upon motion of the receiver, be consolidated into one 122667
action or transferred as a separate matter before the presiding 122668
judge of the court having jurisdiction of the receivership, 122669
subject, however, to the automatic stay provided in division (A) 122670
of this section. Subject to the receiver's option to have an 122671
action later consolidated or transferred, any action commenced 122672
after the superintendent's filing shall be filed as a separate 122673
matter before the presiding judge in the court having jurisdiction 122674
over the receivership. 122675

(C) The superintendent, prior to the appointment of a 122676
receiver, or the receiver, after its appointment, shall be the 122677
only party named in an action involving a state bank subject to 122678
this chapter. 122679

(D) Any action seeking to enjoin the superintendent's order 122680
appointing a receiver of a state bank shall be brought prior to 122681
the date the receiver sells all or substantially all of the assets 122682
of the bank, prior to the date the receiver transfers all or 122683
substantially all of the insured deposits to an assuming 122684
institution, or within ten days after the issuance of the order, 122685
whichever is earliest. 122686

Sec. 1125.29. (A) When a receiver has completed the 122687
liquidation of a state bank, the receiver shall, with notice to 122688
the superintendent of financial institutions, petition the court 122689

for an order declaring the bank properly wound up and dissolved. 122690

(B) After whatever notice and hearing, if any, the court may 122691
direct, the court may make an order declaring the bank properly 122692
wound up and dissolved. The order shall do both of the following, 122693
to the extent applicable: 122694

(1) Declare all of the following: 122695

(a) The bank has been properly wound up. 122696

(b) All known assets of the bank have been distributed 122697
according to the distribution priorities set forth in this 122698
chapter. 122699

(c) The bank is dissolved. 122700

(2) If there are known debts or liabilities, describe the 122701
provision made for their payment, setting forth whatever 122702
information may be necessary to enable the creditor or other 122703
person to whom payment is to be made to appear and claim payment 122704
of the debt or liability. 122705

(C) The order shall confirm a plan by the receiver for the 122706
disposition or maintenance of any remaining real or personal 122707
property or other assets, whether held in trust or otherwise and 122708
including the contents of safe deposit boxes or vaults, held by 122709
the bank for its account holders, creditors, lessees, ~~or~~ 122710
shareholders, or members. The plan shall include written notice to 122711
all known owners or beneficiaries of the assets, to be sent by 122712
first class mail to each individual's address as shown on the 122713
records of the bank. 122714

(D) The court may make whatever additional orders and grant 122715
whatever further relief it determines proper upon the evidence 122716
submitted. 122717

(E) Once the order is made declaring the bank dissolved, the 122718
corporate existence of the bank shall cease, except for purposes 122719

of any necessary additional winding up. 122720

(F) Once the order is made declaring the bank dissolved, the 122721
receiver shall promptly file a copy of the order, certified by the 122722
clerk of the court, with both the secretary of state and the 122723
superintendent. 122724

Sec. 1125.30. Subject to the approval of the court, the 122725
receiver may destroy the records of the state bank in accordance 122726
with section 1109.69 of the Revised Code after the receiver 122727
determines there is no further need for them. However, the 122728
receiver shall not destroy the records earlier than six months 122729
after the date the bank is declared dissolved by the court. 122730

Sec. 1125.33. (A) No damages may be awarded in a proceeding 122731
brought pursuant to this chapter challenging any action by the 122732
superintendent of financial institutions, special deputy 122733
superintendent, receiver, or conservator, or any employee of any 122734
of them, or any person retained for services under this chapter. 122735
Any action for damages shall be brought in the court as a separate 122736
action. 122737

(B) The superintendent, special deputy superintendent, 122738
receiver, conservator, or any employee of any of them, or any 122739
person retained for services under this chapter, is not subject to 122740
any civil liability or penalty, or to any criminal prosecution, 122741
for any error in judgment or discretion made in good faith in any 122742
action taken or omitted in an official capacity under this 122743
chapter. 122744

(C) The superintendent, special deputy superintendent, 122745
receiver, conservator, or any employee of any of them, or any 122746
person retained for services under this chapter, is not liable in 122747
damages for any action or failure to act unless it is proved by 122748
clear and convincing evidence in court that the action or failure 122749

to act involved an act or omission undertaken with deliberate 122750
intent to cause injury to any of the state bank, its shareholders, 122751
its members, its depositors, or its creditors, or undertaken with 122752
reckless disregard for the best interests of any of the bank, its 122753
shareholders, its members, its depositors, its creditors, or the 122754
public. 122755

Sec. 1181.01. The superintendent of financial institutions 122756
shall be the chief executive officer of the division of financial 122757
institutions. 122758

(A) The superintendent shall have at least five years of 122759
experience in the financial services industry or in the 122760
examination or regulation of financial institutions. 122761

(B) The superintendent shall appoint a deputy superintendent 122762
for banks, ~~a deputy superintendent for savings and loan~~ 122763
~~associations and savings banks, and a deputy superintendent for~~ 122764
~~credit unions. Each deputy superintendent who shall have possess~~ 122765
at least one of the following qualifications prior to the deputy 122766
superintendent's appointment: 122767

(1) Not less than five years of experience in that particular 122768
industry or at least five years of experience in the examination 122769
or regulation of banks, savings and loan associations, savings 122770
banks, or credit unions as a senior level officer in a bank, 122771
savings and loan association, or savings bank, a bank holding 122772
company, or a savings and loan holding company or as a senior 122773
level manager or senior professional with a primary business of, 122774
or professional focus on, auditing or providing professional 122775
advice to such institutions; 122776

(2) Not less than five years of experience as a senior level 122777
supervisor in the examination or regulation of banks, savings and 122778
loan associations, or savings banks; 122779

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (B)(1) and (2) of this section. 122780
122781
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(C) The superintendent shall appoint a deputy superintendent for credit unions, who shall possess at least one of the following qualifications prior to the deputy superintendent's appointment: 122783
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122785

(1) Not less than five years of experience as a senior level officer in a credit union or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to credit unions; 122786
122787
122788
122789

(2) Not less than five years of experience as a senior level supervisor in the examination or regulation of credit unions; 122790
122791

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (C)(1) and (2) of this section. 122792
122793
122794

(D) The superintendent shall also appoint a deputy superintendent for consumer finance, who shall ~~have~~ possess at least one of the following qualifications prior to the deputy superintendent's appointment: 122795
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122798

(1) Not less than five years of experience ~~in~~ as an owner, officer, or senior level manager of one or more ~~of the~~ consumer finance companies ~~regulated by the division or in the examination or regulation of banks, savings and loan associations, savings banks, credit unions, or consumer finance companies,~~ as a senior level manager of a mortgage banking affiliate of a bank, savings and loan association, savings bank, bank holding company, or savings and loan holding company, or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to consumer finance companies; 122799
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(2) Not less than five years of experience as a senior level 122810

supervisor in the examination or regulation of consumer finance 122811
companies; 122812

(3) Not less than a total of five years of experience in any 122813
combination of the positions described in divisions (D)(1) and (2) 122814
of this section. 122815

(E) The deputy superintendents appointed by the 122816
superintendent of financial institutions pursuant to this section 122817
shall serve in the unclassified civil service. 122818

Sec. 1181.02. The superintendent of financial institutions 122819
may appoint and employ such assistants, clerks, examiners, and 122820
other employees, and such professionals and agents, as the prompt 122821
execution of the duties of the superintendent's office requires, 122822
and may employ attorney examiners if the superintendent considers 122823
such assistants necessary. 122824

Sec. 1181.03. (A) Before entering upon the discharge of the 122825
duties of the office of the superintendent of financial 122826
institutions, the superintendent shall give bond to the state in 122827
the sum of one million dollars with sureties approved by the 122828
governor and conditioned on the faithful discharge of the official 122829
duties of the office. The bond, with the approval of the governor 122830
and with the superintendent's oath of office endorsed on it, shall 122831
be filed with the office of the secretary of state. 122832

(B) Before entering upon the discharge of the duties of their 122833
respective offices, the deputy superintendent for banks, ~~the~~ 122834
~~deputy superintendent for savings and loan associations and~~ 122835
~~savings banks,~~ the deputy superintendent for credit unions, and 122836
the deputy superintendent for consumer finance shall each give 122837
bond to the state in the sum of five hundred thousand dollars with 122838
sureties approved by the superintendent and conditioned on the 122839
faithful performance of their respective duties. The bonds shall 122840

be filed with the office of the secretary of state. 122841

(C) The superintendent shall require of each other employee 122842
and each agent of the division of financial institutions a bond, 122843
conditioned on the faithful performance of each employee's and 122844
agent's respective duties, in an amount not less than five 122845
thousand dollars that the superintendent determines to be 122846
acceptable. The bonds may, in the discretion of the 122847
superintendent, be individual, schedule, or blanket bonds. The 122848
bonds shall be filed with the office of the secretary of state. 122849

(D) The division shall pay the cost or premium of the bonds 122850
required by this section from funds appropriated to the division 122851
for that purpose. 122852

Sec. 1181.04. Neither the superintendent of financial 122853
institutions nor any employee, agent, or contractor of the 122854
division of financial institutions shall be liable in any civil, 122855
criminal, or administrative proceeding for any mistake of judgment 122856
or discretion in any action taken, or any omission made by the 122857
superintendent ~~or~~, employee, agent, or contractor if done in good 122858
faith within the scope of the person's official capacity as 122859
assigned by the superintendent. 122860

Sec. 1181.05. (A) As used in this section, "consumer finance 122861
company" means any person required to be licensed or registered 122862
under Chapter 1321., 1322., 4712., 4727., or 4728. or sections 122863
1315.21 to 1315.30 of the Revised Code. 122864

(B) Neither the superintendent of financial institutions nor 122865
any other employee of the division of financial institutions shall 122866
do any of the following: ~~be interested~~ have a business or 122867
investment interest, directly or indirectly, in any state bank, 122868
~~savings and loan association, savings bank~~ trust company, credit 122869
union, or consumer finance company, that is under the supervision 122870

of the superintendent of financial institutions or in any 122871
affiliate of any such financial institution or company; directly 122872
or indirectly borrow money from any such financial institution or 122873
company; serve as a director or officer of or be employed by any 122874
such financial institution or company; or own an equity interest 122875
in any such financial institution or company or in any of its 122876
affiliates. For purposes of this section, an equity interest does 122877
not include the ownership of an account in a mutual savings and 122878
loan association or in a savings bank that does not have permanent 122879
stock or the ownership of a share account in a credit union. 122880

(C) Subject to division (G) of this section, an employee of 122881
the division of financial institutions may retain any extension of 122882
credit that otherwise would be prohibited by division (B) of this 122883
section if both of the following apply: 122884

(1) The employee obtained the extension of credit prior to 122885
October 29, 1995, or the commencement of the employee's employment 122886
with the division, or as a result of a change in the employee's 122887
marital status, the consummation of a merger, acquisition, 122888
transfer of assets, or other change in corporate ownership beyond 122889
the employee's control, or the sale of the extension of credit in 122890
the secondary market or other business transaction beyond the 122891
employee's control. 122892

(2) The employee liquidates the extension of credit under its 122893
original terms and without renegotiation. 122894

If the employee chooses to retain the extension of credit, 122895
the employee shall immediately provide written notice of the 122896
retention to the employee's supervisor. Thereafter, the employee 122897
shall be disqualified from participating in any decision, 122898
examination, audit, or other action that may affect that 122899
particular creditor. 122900

(D) Subject to division (G) of this section, an employee of 122901

the division of financial institutions may retain any ownership of 122902
or beneficial interest in the securities of a financial 122903
institution or consumer finance company that is under the 122904
supervision of the division of financial institutions, or of a 122905
holding company or subsidiary of such a financial institution or 122906
company, which ownership or beneficial interest otherwise would be 122907
prohibited by division (B) of this section, if the ownership or 122908
beneficial interest is acquired by the employee through 122909
inheritance or gift, prior to October 29, 1995, or the 122910
commencement of the employee's employment with the division, or as 122911
a result of a change in the employee's marital status or the 122912
consummation of a merger, acquisition, transfer of assets, or 122913
other change in ~~corporate~~ ownership beyond the employee's control. 122914

If the employee chooses to retain the ownership or beneficial 122915
interest, the employee shall immediately provide written notice of 122916
the retention to the employee's supervisor. Thereafter, the 122917
employee shall be disqualified from participating in any decision, 122918
examination, audit, or other action that may affect the issuer of 122919
the securities. However, if the ownership of or beneficial 122920
interest in the securities and the subsequent disqualification 122921
required by this division impair the employee's ability to perform 122922
the employee's duties, the employee may be ordered to divest self 122923
of the ownership of or beneficial interest in the securities or to 122924
resign. 122925

(E) Notwithstanding division (B) of this section, an employee 122926
of the division of financial institutions may have an indirect 122927
interest in the securities of a financial institution or consumer 122928
finance company that is under the supervision of the division of 122929
financial institutions, which interest arises through ownership of 122930
or beneficial interest in the securities of a publicly held mutual 122931
fund or investment trust, if the employee owns or has a beneficial 122932
interest in less than five per cent of the securities of the 122933

mutual fund or investment trust, and the mutual fund or investment 122934
trust is not advised or sponsored by a financial institution or 122935
consumer finance company that is under the supervision of the 122936
division of financial institutions. If the mutual fund or 122937
investment trust is subsequently advised or sponsored by a 122938
financial institution or consumer finance company that is under 122939
the supervision of the division of financial institutions, the 122940
employee shall immediately provide written notice of the ownership 122941
of or beneficial interest in the securities to the employee's 122942
supervisor. Thereafter, the employee shall be disqualified from 122943
participating in any decision, examination, audit, or other action 122944
that may affect the financial institution or consumer finance 122945
company. However, if the ownership of or beneficial interest in 122946
the securities and the subsequent disqualification required by 122947
this division impair the employee's ability to perform the 122948
employee's duties, the employee may be ordered to divest self of 122949
the ownership of or beneficial interest in the securities or to 122950
resign. 122951

(F)(1) For purposes of this section, the interests of an 122952
employee's spouse or dependent child arising through the ownership 122953
or control of securities shall be considered the interests of the 122954
employee, unless the employee can demonstrate to the satisfaction 122955
of the superintendent that the interests are solely the financial 122956
interest and responsibility of the spouse or dependent child, the 122957
interests are not in any way derived from the income, assets, or 122958
activity of the employee, and any financial or economic benefit 122959
from the interests is for the personal use of the spouse or 122960
dependent child. 122961

(2) If an employee's spouse or dependent child obtains 122962
interests arising through the ownership or control of securities 122963
and, pursuant to division (F)(1) of this section, the interests 122964
are not considered the interests of the employee, the employee 122965

shall immediately provide written notice of the interests to the 122966
employee's supervisor. Thereafter, the employee shall be 122967
disqualified from participating in any decision, examination, 122968
audit, or other action that may affect the issuer of the 122969
securities. 122970

(G) For purposes of divisions (C) and (D) of this section, 122971
both of the following apply: 122972

(1) With respect to any employee of the former division of 122973
consumer finance who, on the first day of the first pay period 122974
commencing after ~~the effective date of this section~~ September 26, 122975
1996, becomes an employee of the division of financial 122976
institutions, the employee's employment with the division of 122977
financial institutions is deemed to commence on the first day of 122978
the first pay period commencing after ~~the effective date of this~~ 122979
~~section~~ September 26, 1996. 122980

(2) With respect to any employee who, on October 29, 1995, 122981
became an employee of the division of financial institutions, the 122982
employee may, notwithstanding divisions (C) and (D) of this 122983
section, retain any extension of credit by a consumer finance 122984
company that was obtained at any time prior to the first day of 122985
the first pay period commencing after ~~the effective date of this~~ 122986
~~section~~ September 26, 1996, or retain any ownership of or 122987
beneficial interest in the securities of a consumer finance 122988
company, or of a holding company or subsidiary of such a company, 122989
that was acquired at any time prior to the first day of the first 122990
pay period commencing after ~~the effective date of this section~~ 122991
September 26, 1996. If the employee chooses to retain the 122992
extension of credit or the ownership or beneficial interest, the 122993
employee shall comply with divisions (C) and (D) of this section. 122994

Sec. 1181.06. There is hereby created in the state treasury 122995
the financial institutions fund. The fund shall receive 122996

assessments on the banks fund established under section 1121.30 of 122997
the Revised Code, ~~the savings institutions fund established under~~ 122998
~~section 1181.18 of the Revised Code,~~ the credit unions fund 122999
established under section 1733.321 of the Revised Code, and the 123000
consumer finance fund established under section 1321.21 of the 123001
Revised Code in accordance with procedures prescribed by the 123002
superintendent of financial institutions and approved by the 123003
director of budget and management. Such assessments shall be in 123004
addition to any assessments on these funds required under division 123005
(G) of section 121.08 of the Revised Code. All operating expenses 123006
of the division of financial institutions shall be paid from the 123007
financial institutions fund. Money in the fund shall be used only 123008
for that purpose. 123009

Sec. 1181.07. The state shall furnish the superintendent of 123010
financial institutions suitable facilities for conducting the 123011
business of the superintendent's office at the seat of government 123012
and in any other ~~city of~~ location within the state where it is 123013
necessary to keep a resident examiner. 123014

Sec. 1181.10. The seal of the superintendent of financial 123015
institutions shall be ~~one and three fourths inches in diameter and~~ 123016
~~shall be~~ surrounded by the words: "The superintendent of financial 123017
institutions of the state of Ohio." 123018

The seal shall have engraved on it the coat of arms of the 123019
state, as described in section 5.04 of the Revised Code, and shall 123020
contain the words and devices mentioned in this section and no 123021
other. 123022

Sec. 1181.11. Copies of all certificates, records, and papers 123023
in the office of the superintendent of financial institutions, 123024
including the records of the banking commission, the former 123025
savings and loan associations and savings banks board, and the 123026

credit union council, duly certified by the superintendent or, in 123027
the absence of the superintendent, a deputy superintendent having 123028
jurisdiction over the records, and authenticated by the 123029
superintendent's seal of office, shall be evidence, in all courts 123030
of this state, of every matter which could be proved by the 123031
production of the original. 123032

Sec. 1181.21. (A) As used in this section, "consumer finance 123033
company" has the same meaning as in section 1181.05 of the Revised 123034
Code. 123035

(B) The superintendent of financial institutions shall see 123036
that the laws relating to consumer finance companies are executed 123037
and enforced. 123038

(C) The deputy superintendent for consumer finance shall be 123039
the principal supervisor of consumer finance companies. In that 123040
position the deputy superintendent for consumer finance shall, 123041
notwithstanding section 1321.421, division (A) of section 1321.76, 123042
and sections 1321.07, 1321.55, 1322.06, 4727.05, and 4728.05 of 123043
the Revised Code, be responsible for conducting examinations and 123044
preparing examination reports under those sections and under 123045
Chapter 4712. of the Revised Code. In addition, the deputy 123046
superintendent for consumer finance shall, notwithstanding 123047
sections 1315.27, 1321.10, 1321.43, 1321.54, 1321.77, 1322.12, 123048
4712.14, 4727.13, and 4728.10 of the Revised Code, have the 123049
authority to adopt rules and standards in accordance with those 123050
sections. In performing or exercising any of the examination, 123051
rule-making, or other regulatory functions, powers, or duties 123052
vested by this division in the deputy superintendent for consumer 123053
finance, the deputy superintendent for consumer finance shall be 123054
subject to the control of the superintendent of financial 123055
institutions and the director of commerce. 123056

Sec. 1181.25. The (A) Notwithstanding sections 1121.18, 123057
1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061, 123058
1733.32, 1733.327, and 4727.18 of the Revised Code, the 123059
superintendent of financial institutions may, in the 123060
superintendent's discretion, introduce into evidence or disclose, 123061
or authorize to be introduced into evidence or disclosed, 123062
information that, ~~under sections 1121.18, 1155.16, 1163.20,~~ 123063
~~1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061,~~ 123064
~~1733.32, 1733.327, and 4727.18 of the Revised Code,~~ is privileged, 123065
confidential, or otherwise not ~~public information or~~ a public 123066
record, ~~provided that the superintendent acts only as provided in~~ 123067
~~those sections or~~ in the following circumstances: 123068

~~(A) When in the opinion of~~ (1) In connection with any civil, 123069
criminal, or administrative investigation or examination conducted 123070
by the superintendent, ~~it is appropriate with regard to any~~ 123071
~~enforcement actions taken and decisions made by the superintendent~~ 123072
under Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. 123073
of the Revised Code or Title XI of the Revised Code or by any 123074
other financial institution regulatory authority, any state or 123075
federal attorney general or prosecuting attorney, or any local, 123076
state, or federal law enforcement agency; 123077

~~(B) When~~ (2) In connection with any civil or criminal 123078
litigation has been or administrative enforcement action initiated 123079
or to be initiated by the superintendent in furtherance of the 123080
powers, duties, and obligations imposed upon the superintendent by 123081
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 123082
the Revised Code or Title XI of the Revised Code; 123083

~~(C) When in the opinion of the superintendent, it is~~ 123084
~~appropriate with regard to enforcement actions taken or decisions~~ 123085
~~made by other financial institution regulatory authorities to whom~~ 123086
~~the superintendent has provided the information pursuant to~~ 123087

authority in (3) To administer licensing and registration under 123088
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 123089
the Revised Code or Title XI of the Revised Code through the 123090
nationwide mortgage licensing system and registry as defined in 123091
section 1322.01 of the Revised Code. 123092

(B) If the superintendent has reason to believe that any 123093
privileged, confidential, or other nonpublic information provided 123094
pursuant to this section may be disclosed by the intended 123095
recipient, the superintendent shall seek a protective order or 123096
enter into an agreement to protect that information. 123097

(C) All reports and other information made available under 123098
this chapter remain the property of the superintendent. Except as 123099
otherwise provided in this section, no person, agency, or other 123100
authority to whom the information is made available, or any 123101
officer, director, or employee thereof, shall disclose such 123102
information except in published statistical material that does not 123103
disclose, either directly or when used in conjunction with 123104
publicly available information, the affairs of any individual or 123105
entity. 123106

(D) The superintendent shall not be considered to have waived 123107
any privilege applicable to any information by transferring that 123108
information to, or permitting that information to be used by, any 123109
federal or state agency or any other person as permitted under 123110
this chapter or Chapter 1121. of the Revised Code. 123111

Sec. 1349.16. (A) As used in this section, "financial 123112
institution" includes every bank as defined in section 1101.01 of 123113
the Revised Code, ~~savings and loan association as defined in~~ 123114
~~section 1151.01 of the Revised Code, savings bank as defined in~~ 123115
~~section 1161.01 of the Revised Code,~~ and credit union organized or 123116
qualified as such under sections 1733.01 to 1733.45 of the Revised 123117
Code or the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 123118

U.S.C.A. 1752, as amended. 123119

(B) Before opening or authorizing signatory power over a 123120
checking account intended for personal, family, or household 123121
purposes, a financial institution: 123122

(1) Shall require the applicant to provide ~~his~~ the 123123
applicant's current address and a valid driver's or commercial 123124
driver's license or identification card issued by the registrar of 123125
motor vehicles or a deputy registrar under section 4507.50 of the 123126
Revised Code. If the applicant does not have a valid driver's or 123127
commercial driver's license or identification card, the applicant 123128
may provide an identification document that includes ~~his~~ the 123129
applicant's full name, birthdate, and signature. 123130

(2) May require the applicant to provide relevant information 123131
in addition to the information specified in division (B)(1) of 123132
this section. 123133

(C) Every person that issues or prints checks, bills of 123134
exchange, or other drafts for use with a checking account intended 123135
for personal, family, or household purposes opened on or after 123136
October 16, 1990 shall print the date on which the checking 123137
account was opened on the face of each check, bill of exchange, or 123138
other draft. 123139

(D) This section does not apply to temporary checks furnished 123140
at the time a checking account is opened. 123141

(E) This section does not create any civil cause of action 123142
against a financial institution, its directors, trustees, 123143
officers, employees, agents, representatives, or other persons 123144
acting on its behalf, or against any person that issues or prints 123145
checks, bills of exchange, or other drafts, for failure to comply 123146
with this section. 123147

Sec. 1509.07. (A)(1) Except as provided in division (A)(2) of 123148

this section, an owner of any well, except an exempt Mississippian well or an exempt domestic well, shall obtain liability insurance coverage from a company authorized to do business in this state in an amount of not less than one million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all the owner's wells in this state. However, if any well is located within an urbanized area, the owner shall obtain liability insurance coverage in an amount of not less than three million dollars for bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all of the owner's wells in this state.

(2) An owner of a horizontal well shall obtain liability insurance coverage from an insurer authorized to write such insurance in this state or from an insurer approved to write such insurance in this state under section 3905.33 of the Revised Code in an amount of not less than five million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the production operations of all the owner's wells in this state. The insurance policy shall include a reasonable level of coverage available for an environmental endorsement.

(3) An owner shall maintain the coverage required under division (A)(1) or (2) of this section until all the owner's wells are plugged and abandoned or are transferred to an owner who has obtained insurance as required under this section and who is not under a notice of material and substantial violation or under a suspension order. The owner shall provide proof of liability insurance coverage to the chief of the division of oil and gas resources management upon request. Upon failure of the owner to provide that proof when requested, the chief may order the

suspension of any outstanding permits and operations of the owner 123181
until the owner provides proof of the required insurance coverage. 123182

(B)(1) Except as otherwise provided in this section, an owner 123183
of any well, before being issued a permit under section 1509.06 of 123184
the Revised Code or before operating or producing from a well, 123185
shall execute and file with the division of oil and gas resources 123186
management a surety bond conditioned on compliance with the 123187
restoration requirements of section 1509.072, the plugging 123188
requirements of section 1509.12, the permit provisions of section 123189
1509.13 of the Revised Code, and all rules and orders of the chief 123190
relating thereto, in an amount set by rule of the chief. 123191

(2) The owner may deposit with the chief, instead of a surety 123192
bond, cash in an amount equal to the surety bond as prescribed 123193
pursuant to this section or negotiable certificates of deposit or 123194
irrevocable letters of credit, issued by any bank organized or 123195
transacting business in this state ~~or by any savings and loan~~ 123196
~~association as defined in section 1151.01 of the Revised Code,~~ 123197
having a cash value equal to or greater than the amount of the 123198
surety bond as prescribed pursuant to this section. Cash or 123199
certificates of deposit shall be deposited upon the same terms as 123200
those upon which surety bonds may be deposited. If certificates of 123201
deposit are deposited with the chief instead of a surety bond, the 123202
chief shall require the bank ~~or savings and loan association~~ that 123203
issued any such certificate to pledge securities of a cash value 123204
equal to the amount of the certificate that is in excess of the 123205
amount insured by any of the agencies and instrumentalities 123206
created under the "Federal Deposit Insurance Act," 64 Stat. 873 123207
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 123208
it, including at least the federal deposit insurance corporation, 123209
~~bank insurance fund, and savings association insurance fund.~~ The 123210
securities shall be security for the repayment of the certificate 123211
of deposit. 123212

Immediately upon a deposit of cash, certificates of deposit, 123213
or letters of credit with the chief, the chief shall deliver them 123214
to the treasurer of state who shall hold them in trust for the 123215
purposes for which they have been deposited. 123216

(3) Instead of a surety bond, the chief may accept proof of 123217
financial responsibility consisting of a sworn financial statement 123218
showing a net financial worth within this state equal to twice the 123219
amount of the bond for which it substitutes and, as may be 123220
required by the chief, a list of producing properties of the owner 123221
within this state or other evidence showing ability and intent to 123222
comply with the law and rules concerning restoration and plugging 123223
that may be required by rule of the chief. The owner of an exempt 123224
Mississippian well is not required to file scheduled updates of 123225
the financial documents, but shall file updates of those documents 123226
if requested to do so by the chief. The owner of a nonexempt 123227
Mississippian well shall file updates of the financial documents 123228
in accordance with a schedule established by rule of the chief. 123229
The chief, upon determining that an owner for whom the chief has 123230
accepted proof of financial responsibility instead of bond cannot 123231
demonstrate financial responsibility, shall order that the owner 123232
execute and file a bond or deposit cash, certificates of deposit, 123233
or irrevocable letters of credit as required by this section for 123234
the wells specified in the order within ten days of receipt of the 123235
order. If the order is not complied with, all wells of the owner 123236
that are specified in the order and for which no bond is filed or 123237
cash, certificates of deposit, or letters of credit are deposited 123238
shall be plugged. No owner shall fail or refuse to plug such a 123239
well. Each day on which such a well remains unplugged thereafter 123240
constitutes a separate offense. 123241

(4) The surety bond provided for in this section shall be 123242
executed by a surety company authorized to do business in this 123243
state. 123244

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the principal's or surety's attorney in fact, with a certified copy of the power of attorney attached thereto. The chief shall not approve a bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

All bonds shall be given in a form to be prescribed by the chief and shall run to the state as obligee.

(5) An owner of an exempt Mississippian well or an exempt domestic well, in lieu of filing a surety bond, cash in an amount equal to the surety bond, certificates of deposit, irrevocable letters of credit, or a sworn financial statement, may file a one-time fee of fifty dollars, which shall be deposited in the oil and gas well plugging fund created in section 1509.071 of the Revised Code.

(C) An owner, operator, producer, or other person shall not operate a well or produce from a well at any time if the owner, operator, producer, or other person has not satisfied the requirements established in this section.

Sec. 1509.225. (A) Before being issued a registration certificate under section 1509.222 of the Revised Code, an applicant shall execute and file with the division of oil and gas resources management a surety bond for fifteen thousand dollars to provide compensation for damage and injury resulting from transporters' violations of sections 1509.22, 1509.222, and 1509.223 of the Revised Code, all rules and orders of the chief of the division of oil and gas resources management relating thereto, and all terms and conditions of the registration certificate imposed thereunder. The applicant may deposit with the chief, in

lieu of a surety bond, cash in an amount equal to the surety bond 123276
as prescribed in this section, or negotiable certificates of 123277
deposit issued by any bank organized or transacting business in 123278
this state, ~~or certificates of deposit issued by any building and~~ 123279
~~loan association as defined in section 1151.01 of the Revised~~ 123280
~~Code,~~ having a cash value equal to or greater than the amount of 123281
the surety bond as prescribed in this section. Cash or 123282
certificates of deposit shall be deposited upon the same terms as 123283
those upon which surety bonds may be deposited. If certificates of 123284
deposit are deposited with the chief in lieu of a surety bond, the 123285
chief shall require the bank ~~or building and loan association~~ that 123286
issued any such certificate to pledge securities of a cash value 123287
equal to the amount of the certificate that is in excess of the 123288
amount insured by any of the agencies and instrumentalities 123289
created under the "Federal Deposit Insurance Act," 64 Stat. 873 123290
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 123291
it, including at least the federal deposit insurance corporation, 123292
~~bank insurance fund, and savings association insurance fund.~~ 123293

Such securities shall be security for the repayment of the 123294
certificate of deposit. Immediately upon a deposit of cash or 123295
certificates with the chief, the chief shall deliver it to the 123296
treasurer of state who shall hold it in trust for the purposes for 123297
which it has been deposited. 123298

(B) The surety bond provided for in this section shall be 123299
executed by a surety company authorized to do business in this 123300
state. The chief shall not approve any bond until it is personally 123301
signed and acknowledged by both principal and surety, or as to 123302
either by an attorney in fact, with a certified copy of the power 123303
of attorney attached thereto. The chief shall not approve the bond 123304
unless there is attached a certificate of the superintendent of 123305
insurance that the company is authorized to transact a fidelity 123306
and surety business in this state. All bonds shall be given in a 123307

form to be prescribed by the chief. 123308

(C) If a registered transporter is found liable for a 123309
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 123310
Code or a rule, order, or term or condition of a certificate 123311
involving, in any case, damage or injury to persons or property, 123312
or both, the court may order the forfeiture of any portion of the 123313
bond, cash, or other securities required by this section in full 123314
or partial payment of damages to the person to whom the damages 123315
are due. The treasurer of state and the chief shall deliver the 123316
bond or any cash or other securities deposited in lieu of bond, as 123317
specified in the court's order, to the person to whom the damages 123318
are due; however, execution against the bond, cash, or other 123319
securities, if necessary, is the responsibility of the person to 123320
whom the damages are due. The chief shall not release the bond, 123321
cash, or securities required by this section except by court order 123322
or until the registration is terminated. 123323

Sec. 1510.09. (A) There is hereby established a fund for any 123324
marketing program that is established by the technical advisory 123325
council under this chapter. The fund shall be in the custody of 123326
the treasurer of state, but shall not be part of the state 123327
treasury. Except as authorized in division (B) of this section, 123328
all money collected pursuant to section 1510.08 of the Revised 123329
Code for the marketing program shall be paid into the fund for the 123330
marketing program and shall be disbursed only pursuant to a 123331
voucher signed by the chairperson of the council for use in 123332
defraying the costs of administration of the marketing program and 123333
for carrying out sections 1510.02, 1510.03, and 1510.11 of the 123334
Revised Code. 123335

(B) In lieu of deposits in the fund established under 123336
division (A) of this section, the operating committee of a 123337
marketing program established under this chapter may deposit all 123338

money collected pursuant to section 1510.08 of the Revised Code 123339
with a bank ~~or a savings and loan association~~ as defined in 123340
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 123341
money collected pursuant to section 1510.08 of the Revised Code 123342
for the marketing program and deposited pursuant to this division 123343
also shall be used only in defraying the costs of administration 123344
of the marketing program and for carrying out sections 1510.02, 123345
1510.03, and 1510.11 of the Revised Code. 123346

(C) The operating committee shall establish a fiscal year for 123347
its marketing program, shall publish an activity and financial 123348
report within sixty days of the end of each fiscal year, and shall 123349
make the report available to each producer who pays an assessment 123350
or otherwise contributes to the marketing program that the 123351
committee administers and to other interested persons. 123352

(D) In addition to the report required by division (C) of 123353
this section, an operating committee that deposits money in 123354
accordance with division (B) of this section shall annually submit 123355
to the council a financial statement prepared by a certified 123356
public accountant holding valid certification from the Ohio board 123357
of accountancy issued pursuant to Chapter 4701. of the Revised 123358
Code. The operating committee shall file the financial statement 123359
with the council not more than one hundred fifty days after the 123360
end of each fiscal year. 123361

Sec. 1514.04. (A) Upon receipt of notification from the chief 123362
of the division of mineral resources management of the chief's 123363
intent to issue an order granting a surface or in-stream mining 123364
permit to the applicant, the applicant shall file a surety bond, 123365
cash, an irrevocable letter of credit, or certificates of deposit 123366
in the amount, unless otherwise provided by rule, of ten thousand 123367
dollars. If the amount of land to be affected is more than twenty 123368
acres, the applicant also shall file a surety bond, cash, an 123369

irrevocable letter of credit, or certificates of deposit in the amount of five hundred dollars per acre of land to be affected that exceeds twenty acres. Upon receipt of notification from the chief of the chief's intent to issue an order granting an amendment to a surface or in-stream mining permit, the applicant shall file a surety bond, cash, an irrevocable letter of credit, or certificates of deposit in the amount required in this division.

In the case of a surface mining permit, the bond shall be filed based on the number of acres estimated to be affected during the first year of operation under the permit. In the case of an amendment to a surface mining permit, the bond shall be filed based on the number of acres estimated to be affected during the balance of the period until the next anniversary date of the permit.

In the case of an in-stream mining permit, the bond shall be filed based on the number of acres of land within the limits of the in-stream mining permit for the entire permit period. In the case of an amendment to an in-stream mining permit, the bond shall be filed based on the number of any additional acres of land to be affected within the limits of the in-stream mining permit.

(B) A surety bond filed pursuant to this section and sections 1514.02 and 1514.03 of the Revised Code shall be upon the form that the chief prescribes and provides and shall be signed by the operator as principal and by a surety company authorized to transact business in the state as surety. The bond shall be payable to the state and shall be conditioned upon the faithful performance by the operator of all things to be done and performed by the operator as provided in this chapter and the rules and orders of the chief adopted or issued pursuant thereto.

The operator may deposit with the chief, in lieu of a surety

bond, cash in an amount equal to the surety bond as prescribed in 123401
this section, or an irrevocable letter of credit or negotiable 123402
certificates of deposit issued by any bank organized or 123403
transacting business in this state, ~~or an irrevocable letter of~~ 123404
~~credit or certificates of deposit issued by any savings and loan~~ 123405
~~association as defined in section 1151.01 of the Revised Code,~~ 123406
having a cash value equal to or greater than the amount of the 123407
surety bond as prescribed in this section. Cash or certificates of 123408
deposit shall be deposited upon the same terms as the terms upon 123409
which surety bonds may be deposited. If one or more certificates 123410
of deposit are deposited with the chief in lieu of a surety bond, 123411
the chief shall require the bank ~~or savings and loan association~~ 123412
that issued any such certificate to pledge securities of a cash 123413
value equal to the amount of the certificate, or certificates, 123414
that is in excess of the amount insured by the federal deposit 123415
insurance corporation. The securities shall be security for the 123416
repayment of the certificate of deposit. 123417

(C) Immediately upon a deposit of cash, a letter of credit, 123418
or certificates with the chief, the chief shall deliver it to the 123419
treasurer of state who shall hold it in trust for the purposes for 123420
which it has been deposited. The treasurer of state shall be 123421
responsible for the safekeeping of such deposits. An operator 123422
making a deposit of cash, a letter of credit, or certificates of 123423
deposit may withdraw and receive from the treasurer of state, on 123424
the written order of the chief, all or any part of the cash, 123425
letter of credit, or certificates in the possession of the 123426
treasurer of state, upon depositing with the treasurer of state 123427
cash, or an irrevocable letter of credit, or negotiable 123428
certificates of deposit issued by any bank organized or 123429
transacting business in this state, ~~or an irrevocable letter of~~ 123430
~~credit or certificates of deposit issued by any savings and loan~~ 123431
~~association,~~ equal in value to the value of the cash, letter of 123432
credit, or certificates withdrawn. An operator may demand and 123433

receive from the treasurer of state all interest or other income 123434
from any certificates as it becomes due. If certificates deposited 123435
with and in the possession of the treasurer of state mature or are 123436
called for payment by the issuer thereof, the treasurer of state, 123437
at the request of the operator who deposited them, shall convert 123438
the proceeds of the redemption or payment of the certificates into 123439
such other negotiable certificates of deposit issued by any bank 123440
organized or transacting business in this state, ~~such other~~ 123441
~~certificates of deposit issued by any savings and loan~~ 123442
~~association,~~ or cash, as may be designated by the operator. 123443

(D) A governmental agency, as defined in division (A) of 123444
section 1514.022 of the Revised Code, or a board or commission 123445
that derives its authority from a governmental agency shall not 123446
require a surface or in-stream mining operator to file a surety 123447
bond or any other form of financial assurance for the reclamation 123448
of land to be affected by a surface or in-stream mining operation 123449
authorized under this chapter. 123450

Sec. 1707.03. (A) As used in this section, "exempt" means 123451
that, except in the case of securities the right to buy, sell, or 123452
deal in which has been suspended or revoked under an existing 123453
order of the division of securities under section 1707.13 of the 123454
Revised Code or under a cease and desist order under division (G) 123455
of section 1707.23 of the Revised Code, transactions in securities 123456
may be carried on and completed without compliance with sections 123457
1707.08 to 1707.11 of the Revised Code. 123458

(B) A sale of securities made by or on behalf of a bona fide 123459
owner, neither the issuer nor a dealer, is exempt if the sale is 123460
made in good faith and not for the purpose of avoiding this 123461
chapter and is not made in the course of repeated and successive 123462
transactions of a similar character. Any sale of securities over a 123463
stock exchange that is lawfully conducted in this state and 123464

regularly open for public patronage and that has been established 123465
and operated for a period of at least five years prior to the sale 123466
at a commission not exceeding the commission regularly charged in 123467
such transactions also is exempt. 123468

(C) The sale of securities by executors, administrators, 123469
receivers, trustees, or anyone acting in a fiduciary capacity is 123470
exempt, where such relationship was created by law, by a will, or 123471
by judicial authority, and where such sales are subject to 123472
approval by, or are made in pursuance to authority granted by, any 123473
court of competent jurisdiction or are otherwise authorized and 123474
lawfully made by such fiduciary. 123475

(D) A sale to the issuer, to a dealer, or to an institutional 123476
investor is exempt. 123477

(E) A sale in good faith, and not for the purpose of avoiding 123478
this chapter, by a pledgee of a security pledged for a bona fide 123479
debt is exempt. 123480

(F) The sale at public auction by a corporation of shares of 123481
its stock because of delinquency in payment for the shares is 123482
exempt. 123483

(G)(1) The giving of any conversion right with, or on account 123484
of the purchase of, any security that is exempt, is the subject 123485
matter of an exempt transaction, has been registered by 123486
description, by coordination, or by qualification, or is the 123487
subject matter of a transaction that has been registered by 123488
description is exempt. 123489

(2) The giving of any subscription right, warrant, or option 123490
to purchase a security or right to receive a security upon 123491
exchange, which security is exempt at the time the right, warrant, 123492
or option to purchase or right to receive is given, is the subject 123493
matter of an exempt transaction, is registered by description, by 123494
coordination, or by qualification, or is the subject matter of a 123495

transaction that has been registered by description is exempt. 123496

(3) The giving of any subscription right or any warrant or 123497
option to purchase a security, which right, warrant, or option 123498
expressly provides that it shall not be exercisable except for a 123499
security that at the time of the exercise is exempt, is the 123500
subject matter of an exempt transaction, is registered by 123501
description, by coordination, or by qualification, or at such time 123502
is the subject matter of a transaction that has been registered by 123503
description is exempt. 123504

(H) The sale of notes, bonds, or other evidences of 123505
indebtedness that are secured by a mortgage lien upon real estate, 123506
leasehold estate other than oil, gas, or mining leasehold, or 123507
tangible personal property, or which evidence of indebtedness is 123508
due under or based upon a conditional-sale contract, if all such 123509
notes, bonds, or other evidences of indebtedness are sold to a 123510
single purchaser at a single sale, is exempt. 123511

(I) The delivery of securities by the issuer on the exercise 123512
of conversion rights, the sale of securities by the issuer on 123513
exercise of subscription rights or of warrants or options to 123514
purchase securities, the delivery of voting-trust certificates for 123515
securities deposited under a voting-trust agreement, the delivery 123516
of deposited securities on surrender of voting-trust certificates, 123517
and the delivery of final certificates on surrender of interim 123518
certificates are exempt; but the sale of securities on exercise of 123519
subscription rights, warrants, or options is not an exempt 123520
transaction unless those rights, warrants, or options when granted 123521
were the subject matter of an exempt transaction under division 123522
(G) of this section or were registered by description, by 123523
coordination, or by qualification. 123524

(J) The sale of securities by a bank, savings and loan 123525
association, savings bank, or credit union organized under the 123526
laws of the United States or of this state is exempt if at a 123527

profit to that seller of not more than two per cent of the total 123528
sale price of the securities. 123529

(K)(1) The distribution by a corporation of its securities to 123530
its security holders as a share dividend or other distribution out 123531
of earnings or surplus is exempt. 123532

(2) The exchange or distribution by the issuer of any of its 123533
securities or of the securities of any of the issuer's wholly 123534
owned subsidiaries exclusively with or to its existing security 123535
holders, if no commission or other remuneration is given directly 123536
or indirectly for soliciting the exchange, is exempt. 123537

(3) The sale of preorganization subscriptions for shares of 123538
stock of a corporation prior to the incorporation of the 123539
corporation is exempt, when the sale is evidenced by a written 123540
agreement, no remuneration is given, or promised, directly or 123541
indirectly, for or in connection with the sale of those 123542
securities, and no consideration is received, directly or 123543
indirectly, by any person from the purchasers of those securities 123544
until registration by qualification, by coordination, or by 123545
description of those securities is made under this chapter. 123546

(L) The issuance of securities in exchange for one or more 123547
bona fide outstanding securities, claims, or property interests, 123548
not including securities sold for a consideration payable in whole 123549
or in part in cash, under a plan of reorganization, 123550
recapitalization, or refinancing approved by a court pursuant to 123551
the Bankruptcy Act of the United States or to any other federal 123552
act giving any federal court jurisdiction over such plan of 123553
reorganization, or under a plan of reorganization approved by a 123554
court of competent jurisdiction of any state of the United States 123555
is exempt. As used in this division, "reorganization," 123556
"recapitalization," and "refinancing" have the same meanings as in 123557
section 1707.04 of the Revised Code. 123558

(M) A sale by a licensed dealer, acting either as principal 123559
or as agent, of securities issued and outstanding before the sale 123560
is exempt, unless the sale is of one or more of the following: 123561

(1) Securities constituting the whole or a part of an unsold 123562
allotment to or subscription by a dealer as an underwriter or 123563
other participant in the distribution of those securities by the 123564
issuer, whether that distribution is direct or through an 123565
underwriter, provided that, if the issuer is such by reason of 123566
owning one-fourth or more of those securities, the dealer has 123567
knowledge of this fact or reasonable cause to believe this fact; 123568

(2) Any class of shares issued by a corporation when the 123569
number of beneficial owners of that class is less than 123570
twenty-five, with the record owner of securities being deemed the 123571
beneficial owner for this purpose, in the absence of actual 123572
knowledge to the contrary; 123573

(3) Securities that within one year were purchased outside 123574
this state or within one year were transported into this state, if 123575
the dealer has knowledge or reasonable cause to believe, before 123576
the sale of those securities, that within one year they were 123577
purchased outside this state or within one year were transported 123578
into this state; but such a sale of those securities is exempt if 123579
any of the following occurs: 123580

(a) A recognized securities manual contains the names of the 123581
issuer's officers and directors, a balance sheet of the issuer as 123582
of a date within eighteen months, and a profit and loss statement 123583
for either the fiscal year preceding that date or the most recent 123584
year of operations; 123585

(b) Those securities, or securities of the same class, within 123586
one year were registered or qualified under section 1707.09 or 123587
1707.091 of the Revised Code, and that registration or 123588
qualification is in full force and effect; 123589

(c) The sale is made by a licensed dealer on behalf of the bona fide owner of those securities in accordance with division (B) of this section;

(d) Those securities were transported into Ohio in a transaction of the type described in division (L), (K), or (I) of this section, or in a transaction registered under division (A) of section 1707.06 of the Revised Code.

(N) For the purpose of this division and division (M) of this section, "underwriter" means any person who has purchased from an issuer with a view to, or sells for an issuer in connection with, the distribution of any security, or who participates directly or indirectly in any such undertaking or in the underwriting thereof, but "underwriter" does not include a person whose interest is limited to a discount, commission, or profit from the underwriter or from a dealer that is not in excess of the customary distributors' or sellers' discount, commission, or profit; and "issuer" includes any person or any group of persons acting in concert in the sale of such securities, owning beneficially one-fourth or more of the outstanding securities of the class involved in the transactions in question, with the record owner of securities being deemed the beneficial owner for this purpose, in the absence of actual knowledge to the contrary.

(O)(1) The sale of any equity security is exempt if all the following conditions are satisfied:

(a) The sale is by the issuer of the security.

(b) The total number of purchasers in this state of all securities issued or sold by the issuer in reliance upon this exemption during the period of one year ending with the date of the sale does not exceed ten. A sale of securities registered under this chapter or sold pursuant to an exemption under this chapter other than this exemption shall not be integrated with a

sale pursuant to this exemption in computing the number of 123621
purchasers under this exemption. 123622

(c) No advertisement, article, notice, or other communication 123623
published in any newspaper, magazine, or similar medium or 123624
broadcast over television or radio is used in connection with the 123625
sale, but the use of an offering circular or other communication 123626
delivered by the issuer to selected individuals does not destroy 123627
this exemption. 123628

(d) The issuer reasonably believes after reasonable 123629
investigation that the purchaser is purchasing for investment. 123630

(e) The aggregate commission, discount, and other 123631
remuneration, excluding legal, accounting, and printing fees, paid 123632
or given directly or indirectly does not exceed ten per cent of 123633
the initial offering price. 123634

(f) Any such commission, discount, or other remuneration for 123635
sales in this state is paid or given only to dealers or 123636
salespersons registered pursuant to this chapter. 123637

(2) For the purposes of division (0)(1) of this section, each 123638
of the following is deemed to be a single purchaser of a security: 123639
husband and wife, a child and its parent or guardian when the 123640
parent or guardian holds the security for the benefit of the 123641
child, a corporation, a limited liability company, a partnership, 123642
an association or other unincorporated entity, a joint-stock 123643
company, or a trust, but only if the corporation, limited 123644
liability company, partnership, association, entity, joint-stock 123645
company, or trust was not formed for the purpose of purchasing the 123646
security. 123647

(3) As used in division (0)(1) of this section, "equity 123648
security" means any stock or similar security of a corporation or 123649
any membership interest in a limited liability company; or any 123650
security convertible, with or without consideration, into such a 123651

security, or carrying any warrant or right to subscribe to or 123652
purchase such a security; or any such warrant or right; or any 123653
other security that the division considers necessary or 123654
appropriate, by such rules as it may prescribe in the public 123655
interest or for the protection of investors, to treat as an equity 123656
security. 123657

(P) The sale of securities representing interests in or under 123658
profit-sharing or participation agreements relating to oil or gas 123659
wells located in this state, or representing interests in or under 123660
oil or gas leases of real estate situated in this state, is exempt 123661
if the securities are issued by an individual, partnership, 123662
limited partnership, partnership association, syndicate, pool, 123663
trust or trust fund, or other unincorporated association and if 123664
each of the following conditions is complied with: 123665

(1) The beneficial owners of the securities do not, and will 123666
not after the sale, exceed five natural persons; 123667

(2) The securities constitute or represent interests in not 123668
more than one oil or gas well; 123669

(3) A certificate or other instrument in writing is furnished 123670
to each purchaser of the securities at or before the consummation 123671
of the sale, disclosing the maximum commission, compensation for 123672
services, cost of lease, and expenses with respect to the sale of 123673
such interests and with respect to the promotion, development, and 123674
management of the oil or gas well, and the total of that 123675
commission, compensation, costs, and expenses does not exceed 123676
twenty-five per cent of the aggregate interests in the oil or gas 123677
well, exclusive of any landowner's rental or royalty; 123678

(4) The sale is made in good faith and not for the purpose of 123679
avoiding this chapter. 123680

(Q) The sale of any security is exempt if all of the 123681
following conditions are satisfied: 123682

(1) The provisions of section 5 of the Securities Act of 1933 do not apply to the sale by reason of an exemption under section 4 (2) of that act. 123683
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123685

(2) The aggregate commission, discount, and other remuneration, excluding legal, accounting, and printing fees, paid or given directly or indirectly does not exceed ten per cent of the initial offering price. 123686
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123689

(3) Any such commission, discount, or other remuneration for sales in this state is paid or given only to dealers or salespersons registered under this chapter. 123690
123691
123692

(4) The issuer or dealer files with the division of securities, not later than sixty days after the sale, a report setting forth the name and address of the issuer, the total amount of the securities sold under this division, the number of persons to whom the securities were sold, the price at which the securities were sold, and the commissions or discounts paid or given. 123693
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(5) The issuer pays a filing fee of one hundred dollars for the first filing and fifty dollars for every subsequent filing during each calendar year. 123700
123701
123702

(R) A sale of a money order, travelers' check, or other instrument for the transmission of money by a person qualified to engage in such business under ~~section 1109.60~~ or Chapter 1315. of the Revised Code is exempt. 123703
123704
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123706

(S) A sale by a licensed dealer of securities that are in the process of registration under the Securities Act of 1933, unless exempt under that act, and that are in the process of registration, if registration is required under this chapter, is exempt, provided that no sale of that nature shall be consummated prior to the registration by description or qualification of the securities. 123707
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(T) The execution by a licensed dealer of orders for the purchase of any security is exempt, provided that the dealer acts only as agent for the purchaser, has made no solicitation of the order to purchase the security, has no interest in the distribution of the security, and delivers to the purchaser written confirmation of the transaction that clearly itemizes the dealer's commission. "Solicitation," as used in this division, means solicitation of the order for the specific security purchased and does not include general solicitations or advertisements of any kind.

(U) The sale insofar as the security holders of a person are concerned, where, pursuant to statutory provisions of the jurisdiction under which that person is organized or pursuant to provisions contained in its articles of incorporation, certificate of incorporation, partnership agreement, declaration of trust, trust indenture, or similar controlling instrument, there is submitted to the security holders, for their vote or consent, (1) a plan or agreement for a reclassification of securities of that person that involves the substitution of a security of that person for another security of that person, (2) a plan or agreement of merger or consolidation or a similar plan or agreement of acquisition in which the securities of that person held by the security holders will become or be exchanged for securities of any other person, or (3) a plan or agreement for a combination as defined in division (Q) of section 1701.01 of the Revised Code or a similar plan or agreement for the transfer of assets of that person to another person in consideration of the issuance of securities of any person, is exempt if, with respect to any of the foregoing transactions, either of the following conditions is satisfied:

(a) The securities to be issued to the security holders are effectively registered under sections 6 to 8 of the Securities Act

of 1933 and offered and sold in compliance with section 5 of that 123746
act; 123747

(b) At least twenty days prior to the date on which a meeting 123748
of the security holders is held or the earliest date on which 123749
corporate action may be taken when no meeting is held, there is 123750
submitted to the security holders, by that person, or by the 123751
person whose securities are to be issued in the transaction, 123752
information substantially equivalent to the information that would 123753
be required to be included in a proxy statement or information 123754
statement prepared by or on behalf of the management of an issuer 123755
subject to section 14(a) or 14(c) of the Securities Exchange Act 123756
of 1934. 123757

(V) The sale of any security is exempt if the division by 123758
rule finds that registration is not necessary or appropriate in 123759
the public interest or for the protection of investors. 123760

(W) Any offer or sale of securities made in reliance on the 123761
exemptions provided by Rule 505 of Regulation D made pursuant to 123762
the Securities Act of 1933 and the conditions and definitions 123763
provided by Rules 501 to 503 thereunder is exempt if the offer or 123764
sale satisfies all of the following conditions: 123765

(1) No commission or other remuneration is given, directly or 123766
indirectly, to any person for soliciting or selling to any person 123767
in this state in reliance on the exemption under this division, 123768
except to dealers licensed in this state. 123769

(2)(a) Unless the cause for disqualification is waived under 123770
division (W)(2)(b) of this section, no exemption under this 123771
section is available for the securities of an issuer unless the 123772
issuer did not know and in the exercise of reasonable care could 123773
not have known that any of the following applies to any of the 123774
persons described in Rule 262(a) to (c) of Regulation A under the 123775
Securities Act of 1933: 123776

(i) The person has filed an application for registration or 123777
qualification that is the subject of an effective order entered 123778
against the issuer, its officers, directors, general partners, 123779
controlling persons or affiliates thereof, pursuant to the law of 123780
any state within five years before the filing of a notice required 123781
under division (W)(3) of this section denying effectiveness to, or 123782
suspending or revoking the effectiveness of, the registration 123783
statement. 123784

(ii) The person has been convicted of any offense in 123785
connection with the offer, sale, or purchase of any security or 123786
franchise, or any felony involving fraud or deceit, including, but 123787
not limited to, forgery, embezzlement, fraud, theft, or conspiracy 123788
to defraud. 123789

(iii) The person is subject to an effective administrative 123790
order or judgment that was entered by a state securities 123791
administrator within five years before the filing of a notice 123792
required under division (W)(3) of this section and that prohibits, 123793
denies, or revokes the use of any exemption from securities 123794
registration, prohibits the transaction of business by the person 123795
as a dealer, or is based on fraud, deceit, an untrue statement of 123796
a material fact, or an omission to state a material fact. 123797

(iv) The person is subject to any order, judgment, or decree 123798
of any court entered within five years before the filing of a 123799
notice required under division (W)(3) of this section, 123800
temporarily, preliminarily, or permanently restraining or 123801
enjoining the person from engaging in or continuing any conduct or 123802
practice in connection with the offer, sale, or purchase of any 123803
security, or the making of any false filing with any state. 123804

(b)(i) Any disqualification under this division involving a 123805
dealer may be waived if the dealer is or continues to be licensed 123806
in this state as a dealer after notifying the commissioner of the 123807
act or event causing disqualification. 123808

(ii) The commissioner may waive any disqualification under this paragraph upon a showing of good cause that it is not necessary under the circumstances that use of the exemption be denied.

(3) Not later than five business days before the earlier of the date on which the first use of an offering document or the first sale is made in this state in reliance on the exemption under this division, there is filed with the commissioner a notice comprised of offering material in compliance with the requirements of Rule 502 of Regulation D under the Securities Act of 1933 and a fee of one hundred dollars. Material amendments to the offering document shall be filed with the commissioner not later than the date of their first use in this state.

(4) The aggregate commission, discount, and other remuneration paid or given, directly or indirectly, does not exceed twelve per cent of the initial offering price, excluding legal, accounting, and printing fees.

(X) Any offer or sale of securities made in reliance on the exemption provided in Rule 506 of Regulation D under the Securities Act of 1933, and in accordance with Rules 501 to 503 of Regulation D under the Securities Act of 1933, is exempt provided that all of the following apply:

(1) The issuer makes a notice filing with the division on form D of the securities and exchange commission within fifteen days of the first sale in this state;

(2) Any commission, discount, or other remuneration for sales of securities in this state is paid or given only to dealers or salespersons licensed under this chapter;

(3) The issuer pays a filing fee of one hundred dollars to the division; however, no filing fee shall be required to file amendments to the form D of the securities and exchange

commission. 123840

(Y) The offer or sale of securities by an issuer is exempt 123841
provided that all of the following apply: 123842

(1) The sale of securities is made only to persons who are, 123843
or who the issuer reasonably believes are, accredited investors as 123844
defined in Rule 501 of Regulation D under the Securities Act of 123845
1933. 123846

(2) The issuer reasonably believes that all purchasers are 123847
purchasing for investment and not with a view to or for sale in 123848
connection with a distribution of the security. Any resale of a 123849
security sold in reliance on this exemption within twelve months 123850
of sale shall be presumed to be with a view to distribution and 123851
not for investment, except a resale to which any of the following 123852
applies: 123853

(a) The resale is pursuant to a registration statement 123854
effective under section 1707.09 or 1707.091 of the Revised Code. 123855

(b) The resale is to an accredited investor, as defined in 123856
Rule 501 of Regulation D under the Securities Act of 1933. 123857

(c) The resale is to an institutional investor pursuant to 123858
the exemptions under division (B) or (D) of this section. 123859

(3) The exemption under this division is not available to an 123860
issuer that is in the development stage and that either has no 123861
specific business plan or purpose or has indicated that its 123862
business plan is to engage in a merger or acquisition with an 123863
unidentified company or companies, or other entities or persons. 123864

(4) The exemption under this division is not available to an 123865
issuer, if the issuer, any of the issuer's predecessors, any 123866
affiliated issuer, any of the issuer's directors, officers, 123867
general partners, or beneficial owners of ten per cent or more of 123868
any class of its equity securities, any of the issuer's promoters 123869

presently connected with the issuer in any capacity, any 123870
underwriter of the securities to be offered, or any partner, 123871
director, or officer of such underwriter: 123872

(a) Within the past five years, has filed a registration 123873
statement that is the subject of a currently effective 123874
registration stop order entered by any state securities 123875
administrator or the securities and exchange commission; 123876

(b) Within the past five years, has been convicted of any 123877
criminal offense in connection with the offer, purchase, or sale 123878
of any security, or involving fraud or deceit; 123879

(c) Is currently subject to any state or federal 123880
administrative enforcement order or judgment, entered within the 123881
past five years, finding fraud or deceit in connection with the 123882
purchase or sale of any security; 123883

(d) Is currently subject to any order, judgment, or decree of 123884
any court of competent jurisdiction, entered within the past five 123885
years, that temporarily, preliminarily, or permanently restrains 123886
or enjoins the party from engaging in or continuing to engage in 123887
any conduct or practice involving fraud or deceit in connection 123888
with the purchase or sale of any security. 123889

(5) Division (Y)(4) of this section is inapplicable if any of 123890
the following applies: 123891

(a) The party subject to the disqualification is licensed or 123892
registered to conduct securities business in the state in which 123893
the order, judgment, or decree creating the disqualification was 123894
entered against the party described in division (Y)(4) of this 123895
section. 123896

(b) Before the first offer is made under this exemption, the 123897
state securities administrator, or the court or regulatory 123898
authority that entered the order, judgment, or decree, waives the 123899
disqualification. 123900

(c) The issuer did not know and, in the exercise of reasonable care based on reasonable investigation, could not have known that a disqualification from the exemption existed under division (Y)(4) of this section.

(6) A general announcement of the proposed offering may be made by any means; however, the general announcement shall include only the following information, unless additional information is specifically permitted by the division by rule:

(a) The name, address, and telephone number of the issuer of the securities;

(b) The name, a brief description, and price of any security to be issued;

(c) A brief description of the business of the issuer;

(d) The type, number, and aggregate amount of securities being offered;

(e) The name, address, and telephone number of the person to contact for additional information; and

(f) A statement indicating all of the following:

(i) Sales will only be made to accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933;

(ii) No money or other consideration is being solicited or will be accepted by way of this general announcement;

(iii) The securities have not been registered with or approved by any state securities administrator or the securities and exchange commission and are being offered and sold pursuant to an exemption from registration.

(7) The issuer, in connection with an offer, may provide information in addition to the general announcement described in division (Y)(6) of this section, provided that either of the

following applies: 123931

(a) The information is delivered through an electronic 123932
database that is restricted to persons that are accredited 123933
investors as defined in Rule 501 of Regulation D under the 123934
Securities Act of 1933. 123935

(b) The information is delivered after the issuer reasonably 123936
believes that the prospective purchaser is an accredited investor 123937
as defined in Rule 501 of Regulation D under the Securities Act of 123938
1933. 123939

(8) No telephone solicitation shall be done, unless prior to 123940
placing the telephone call, the issuer reasonably believes that 123941
the prospective purchaser to be solicited is an accredited 123942
investor as defined in Rule 501 of Regulation D under the 123943
Securities Act of 1933. 123944

(9) Dissemination of the general announcement described in 123945
division (Y)(6) of this section to persons that are not accredited 123946
investors, as defined in Rule 501 of Regulation D under the 123947
Securities Act of 1933, does not disqualify the issuer from 123948
claiming an exemption under this division. 123949

(10) The issuer shall file with the division notice of the 123950
offering of securities within fifteen days after notice of the 123951
offering is made or a general announcement is made in this state. 123952
The filing shall be on forms adopted by the division and shall 123953
include a copy of the general announcement, if one is made 123954
regarding the proposed offering, and copies of any offering 123955
materials, circulars, or prospectuses. A filing fee of one hundred 123956
dollars also shall be included. 123957

Sec. 1901.31. The clerk and deputy clerks of a municipal 123958
court shall be selected, be compensated, give bond, and have 123959
powers and duties as follows: 123960

(A) There shall be a clerk of the court who is appointed or
elected as follows:

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton
county, Miami county, Montgomery county, Portage county, and Wayne
county municipal courts and through December 31, 2008, the
Cuyahoga Falls municipal court, if the population of the territory
equals or exceeds one hundred thousand at the regular municipal
election immediately preceding the expiration of the term of the
present clerk, the clerk shall be nominated and elected by the
qualified electors of the territory in the manner that is provided
for the nomination and election of judges in section 1901.07 of
the Revised Code.

The clerk so elected shall hold office for a term of six
years, which term shall commence on the first day of January
following the clerk's election and continue until the clerk's
successor is elected and qualified.

(b) In the Hamilton county municipal court, the clerk of
courts of Hamilton county shall be the clerk of the municipal
court and may appoint an assistant clerk who shall receive the
compensation, payable out of the treasury of Hamilton county in
semimonthly installments, that the board of county commissioners
prescribes. The clerk of courts of Hamilton county, acting as the
clerk of the Hamilton county municipal court and assuming the
duties of that office, shall receive compensation at one-fourth
the rate that is prescribed for the clerks of courts of common
pleas as determined in accordance with the population of the
county and the rates set forth in sections 325.08 and 325.18 of
the Revised Code. This compensation shall be paid from the county
treasury in semimonthly installments and is in addition to the
annual compensation that is received for the performance of the
duties of the clerk of courts of Hamilton county, as provided in
sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts, 123993
the clerks of courts of Portage county and Wayne county shall be 123994
the clerks, respectively, of the Portage county and Wayne county 123995
municipal courts and may appoint a chief deputy clerk for each 123996
branch that is established pursuant to section 1901.311 of the 123997
Revised Code and assistant clerks as the judges of the municipal 123998
court determine are necessary, all of whom shall receive the 123999
compensation that the legislative authority prescribes. The clerks 124000
of courts of Portage county and Wayne county, acting as the clerks 124001
of the Portage county and Wayne county municipal courts and 124002
assuming the duties of these offices, shall receive compensation 124003
payable from the county treasury in semimonthly installments at 124004
one-fourth the rate that is prescribed for the clerks of courts of 124005
common pleas as determined in accordance with the population of 124006
the county and the rates set forth in sections 325.08 and 325.18 124007
of the Revised Code. 124008

(d) In the Montgomery county and Miami county municipal 124009
courts, the clerks of courts of Montgomery county and Miami county 124010
shall be the clerks, respectively, of the Montgomery county and 124011
Miami county municipal courts. The clerks of courts of Montgomery 124012
county and Miami county, acting as the clerks of the Montgomery 124013
county and Miami county municipal courts and assuming the duties 124014
of these offices, shall receive compensation at one-fourth the 124015
rate that is prescribed for the clerks of courts of common pleas 124016
as determined in accordance with the population of the county and 124017
the rates set forth in sections 325.08 and 325.18 of the Revised 124018
Code. This compensation shall be paid from the county treasury in 124019
semimonthly installments and is in addition to the annual 124020
compensation that is received for the performance of the duties of 124021
the clerks of courts of Montgomery county and Miami county, as 124022
provided in sections 325.08 and 325.18 of the Revised Code. 124023

(e) Except as otherwise provided in division (A)(1)(e) of 124024

this section, in the Akron municipal court, candidates for 124025
election to the office of clerk of the court shall be nominated by 124026
primary election. The primary election shall be held on the day 124027
specified in the charter of the city of Akron for the nomination 124028
of municipal officers. Notwithstanding any contrary provision of 124029
section 3513.05 or 3513.257 of the Revised Code, the declarations 124030
of candidacy and petitions of partisan candidates and the 124031
nominating petitions of independent candidates for the office of 124032
clerk of the Akron municipal court shall be signed by at least 124033
fifty qualified electors of the territory of the court. 124034

The candidates shall file a declaration of candidacy and 124035
petition, or a nominating petition, whichever is applicable, not 124036
later than four p.m. of the ninetieth day before the day of the 124037
primary election, in the form prescribed by section 3513.07 or 124038
3513.261 of the Revised Code. The declaration of candidacy and 124039
petition, or the nominating petition, shall conform to the 124040
applicable requirements of section 3513.05 or 3513.257 of the 124041
Revised Code. 124042

If no valid declaration of candidacy and petition is filed by 124043
any person for nomination as a candidate of a particular political 124044
party for election to the office of clerk of the Akron municipal 124045
court, a primary election shall not be held for the purpose of 124046
nominating a candidate of that party for election to that office. 124047
If only one person files a valid declaration of candidacy and 124048
petition for nomination as a candidate of a particular political 124049
party for election to that office, a primary election shall not be 124050
held for the purpose of nominating a candidate of that party for 124051
election to that office, and the candidate shall be issued a 124052
certificate of nomination in the manner set forth in section 124053
3513.02 of the Revised Code. 124054

Declarations of candidacy and petitions, nominating 124055
petitions, and certificates of nomination for the office of clerk 124056

of the Akron municipal court shall contain a designation of the 124057
term for which the candidate seeks election. At the following 124058
regular municipal election, all candidates for the office shall be 124059
submitted to the qualified electors of the territory of the court 124060
in the manner that is provided in section 1901.07 of the Revised 124061
Code for the election of the judges of the court. The clerk so 124062
elected shall hold office for a term of six years, which term 124063
shall commence on the first day of January following the clerk's 124064
election and continue until the clerk's successor is elected and 124065
qualified. 124066

(f) Except as otherwise provided in division (A)(1)(f) of 124067
this section, in the Barberton municipal court, candidates for 124068
election to the office of clerk of the court shall be nominated by 124069
primary election. The primary election shall be held on the day 124070
specified in the charter of the city of Barberton for the 124071
nomination of municipal officers. Notwithstanding any contrary 124072
provision of section 3513.05 or 3513.257 of the Revised Code, the 124073
declarations of candidacy and petitions of partisan candidates and 124074
the nominating petitions of independent candidates for the office 124075
of clerk of the Barberton municipal court shall be signed by at 124076
least fifty qualified electors of the territory of the court. 124077

The candidates shall file a declaration of candidacy and 124078
petition, or a nominating petition, whichever is applicable, not 124079
later than four p.m. of the ninetieth day before the day of the 124080
primary election, in the form prescribed by section 3513.07 or 124081
3513.261 of the Revised Code. The declaration of candidacy and 124082
petition, or the nominating petition, shall conform to the 124083
applicable requirements of section 3513.05 or 3513.257 of the 124084
Revised Code. 124085

If no valid declaration of candidacy and petition is filed by 124086
any person for nomination as a candidate of a particular political 124087
party for election to the office of clerk of the Barberton 124088

municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g)(i) Through December 31, 2008, except as otherwise provided in division (A)(1)(g)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty

qualified electors of the territory of the court. 124121

The candidates shall file a declaration of candidacy and 124122
petition, or a nominating petition, whichever is applicable, not 124123
later than four p.m. of the ninetieth day before the day of the 124124
primary election, in the form prescribed by section 3513.07 or 124125
3513.261 of the Revised Code. The declaration of candidacy and 124126
petition, or the nominating petition, shall conform to the 124127
applicable requirements of section 3513.05 or 3513.257 of the 124128
Revised Code. 124129

If no valid declaration of candidacy and petition is filed by 124130
any person for nomination as a candidate of a particular political 124131
party for election to the office of clerk of the Cuyahoga Falls 124132
municipal court, a primary election shall not be held for the 124133
purpose of nominating a candidate of that party for election to 124134
that office. If only one person files a valid declaration of 124135
candidacy and petition for nomination as a candidate of a 124136
particular political party for election to that office, a primary 124137
election shall not be held for the purpose of nominating a 124138
candidate of that party for election to that office, and the 124139
candidate shall be issued a certificate of nomination in the 124140
manner set forth in section 3513.02 of the Revised Code. 124141

Declarations of candidacy and petitions, nominating 124142
petitions, and certificates of nomination for the office of clerk 124143
of the Cuyahoga Falls municipal court shall contain a designation 124144
of the term for which the candidate seeks election. At the 124145
following regular municipal election, all candidates for the 124146
office shall be submitted to the qualified electors of the 124147
territory of the court in the manner that is provided in section 124148
1901.07 of the Revised Code for the election of the judges of the 124149
court. The clerk so elected shall hold office for a term of six 124150
years, which term shall commence on the first day of January 124151
following the clerk's election and continue until the clerk's 124152

successor is elected and qualified. 124153

(ii) Division (A)(1)(g)(i) of this section shall have no 124154
effect after December 31, 2008. 124155

(h) Except as otherwise provided in division (A)(1)(h) of 124156
this section, in the Toledo municipal court, candidates for 124157
election to the office of clerk of the court shall be nominated by 124158
primary election. The primary election shall be held on the day 124159
specified in the charter of the city of Toledo for the nomination 124160
of municipal officers. Notwithstanding any contrary provision of 124161
section 3513.05 or 3513.257 of the Revised Code, the declarations 124162
of candidacy and petitions of partisan candidates and the 124163
nominating petitions of independent candidates for the office of 124164
clerk of the Toledo municipal court shall be signed by at least 124165
fifty qualified electors of the territory of the court. 124166

The candidates shall file a declaration of candidacy and 124167
petition, or a nominating petition, whichever is applicable, not 124168
later than four p.m. of the ninetieth day before the day of the 124169
primary election, in the form prescribed by section 3513.07 or 124170
3513.261 of the Revised Code. The declaration of candidacy and 124171
petition, or the nominating petition, shall conform to the 124172
applicable requirements of section 3513.05 or 3513.257 of the 124173
Revised Code. 124174

If no valid declaration of candidacy and petition is filed by 124175
any person for nomination as a candidate of a particular political 124176
party for election to the office of clerk of the Toledo municipal 124177
court, a primary election shall not be held for the purpose of 124178
nominating a candidate of that party for election to that office. 124179
If only one person files a valid declaration of candidacy and 124180
petition for nomination as a candidate of a particular political 124181
party for election to that office, a primary election shall not be 124182
held for the purpose of nominating a candidate of that party for 124183
election to that office, and the candidate shall be issued a 124184

certificate of nomination in the manner set forth in section 124185
3513.02 of the Revised Code. 124186

Declarations of candidacy and petitions, nominating 124187
petitions, and certificates of nomination for the office of clerk 124188
of the Toledo municipal court shall contain a designation of the 124189
term for which the candidate seeks election. At the following 124190
regular municipal election, all candidates for the office shall be 124191
submitted to the qualified electors of the territory of the court 124192
in the manner that is provided in section 1901.07 of the Revised 124193
Code for the election of the judges of the court. The clerk so 124194
elected shall hold office for a term of six years, which term 124195
shall commence on the first day of January following the clerk's 124196
election and continue until the clerk's successor is elected and 124197
qualified. 124198

(2)(a) Except for the Alliance, Auglaize county, Brown 124199
county, Columbiana county, Holmes county, Putnam county, Sandusky 124200
county, Lorain, Massillon, and Youngstown municipal courts, in a 124201
municipal court for which the population of the territory is less 124202
than one hundred thousand, the clerk shall be appointed by the 124203
court, and the clerk shall hold office until the clerk's successor 124204
is appointed and qualified. 124205

(b) In the Alliance, Lorain, Massillon, and Youngstown 124206
municipal courts, the clerk shall be elected for a term of office 124207
as described in division (A)(1)(a) of this section. 124208

(c) In the Auglaize county, Brown county, Holmes county, 124209
Putnam county, and Sandusky county municipal courts, the clerks of 124210
courts of Auglaize county, Brown county, Holmes county, Putnam 124211
county, and Sandusky county shall be the clerks, respectively, of 124212
the Auglaize county, Brown county, Holmes county, Putnam county, 124213
and Sandusky county municipal courts and may appoint a chief 124214
deputy clerk for each branch office that is established pursuant 124215
to section 1901.311 of the Revised Code, and assistant clerks as 124216

the judge of the court determines are necessary, all of whom shall 124217
receive the compensation that the legislative authority 124218
prescribes. The clerks of courts of Auglaize county, Brown county, 124219
Holmes county, Putnam county, and Sandusky county, acting as the 124220
clerks of the Auglaize county, Brown county, Holmes county, Putnam 124221
county, and Sandusky county municipal courts and assuming the 124222
duties of these offices, shall receive compensation payable from 124223
the county treasury in semimonthly installments at one-fourth the 124224
rate that is prescribed for the clerks of courts of common pleas 124225
as determined in accordance with the population of the county and 124226
the rates set forth in sections 325.08 and 325.18 of the Revised 124227
Code. 124228

(d) In the Columbiana county municipal court, the clerk of 124229
courts of Columbiana county shall be the clerk of the municipal 124230
court, may appoint a chief deputy clerk for each branch office 124231
that is established pursuant to section 1901.311 of the Revised 124232
Code, and may appoint any assistant clerks that the judges of the 124233
court determine are necessary. All of the chief deputy clerks and 124234
assistant clerks shall receive the compensation that the 124235
legislative authority prescribes. The clerk of courts of 124236
Columbiana county, acting as the clerk of the Columbiana county 124237
municipal court and assuming the duties of that office, shall 124238
receive in either biweekly installments or semimonthly 124239
installments, as determined by the payroll administrator, 124240
compensation payable from the county treasury at one-fourth the 124241
rate that is prescribed for the clerks of courts of common pleas 124242
as determined in accordance with the population of the county and 124243
the rates set forth in sections 325.08 and 325.18 of the Revised 124244
Code. 124245

(3) During the temporary absence of the clerk due to illness, 124246
vacation, or other proper cause, the court may appoint a temporary 124247
clerk, who shall be paid the same compensation, have the same 124248

authority, and perform the same duties as the clerk. 124249

(B) Except in the Hamilton county, Montgomery county, Miami 124250
county, Portage county, and Wayne county municipal courts, if a 124251
vacancy occurs in the office of the clerk of the Alliance, Lorain, 124252
Massillon, or Youngstown municipal court or occurs in the office 124253
of the clerk of a municipal court for which the population of the 124254
territory equals or exceeds one hundred thousand because the clerk 124255
ceases to hold the office before the end of the clerk's term or 124256
because a clerk-elect fails to take office, the vacancy shall be 124257
filled, until a successor is elected and qualified, by a person 124258
chosen by the residents of the territory of the court who are 124259
members of the county central committee of the political party by 124260
which the last occupant of that office or the clerk-elect was 124261
nominated. Not less than five nor more than fifteen days after a 124262
vacancy occurs, those members of that county central committee 124263
shall meet to make an appointment to fill the vacancy. At least 124264
four days before the date of the meeting, the chairperson or a 124265
secretary of the county central committee shall notify each such 124266
member of that county central committee by first class mail of the 124267
date, time, and place of the meeting and its purpose. A majority 124268
of all such members of that county central committee constitutes a 124269
quorum, and a majority of the quorum is required to make the 124270
appointment. If the office so vacated was occupied or was to be 124271
occupied by a person not nominated at a primary election, or if 124272
the appointment was not made by the committee members in 124273
accordance with this division, the court shall make an appointment 124274
to fill the vacancy. A successor shall be elected to fill the 124275
office for the unexpired term at the first municipal election that 124276
is held more than one hundred thirty-five days after the vacancy 124277
occurred. 124278

(C)(1) In a municipal court, other than the Auglaize county, 124279
the Brown county, the Columbiana county, the Holmes county, the 124280

Putnam county, the Sandusky county, and the Lorain municipal 124281
courts, for which the population of the territory is less than one 124282
hundred thousand, the clerk of the municipal court shall receive 124283
the annual compensation that the presiding judge of the court 124284
prescribes, if the revenue of the court for the preceding calendar 124285
year, as certified by the auditor or chief fiscal officer of the 124286
municipal corporation in which the court is located or, in the 124287
case of a county-operated municipal court, the county auditor, is 124288
equal to or greater than the expenditures, including any debt 124289
charges, for the operation of the court payable under this chapter 124290
from the city treasury or, in the case of a county-operated 124291
municipal court, the county treasury for that calendar year, as 124292
also certified by the auditor or chief fiscal officer. If the 124293
revenue of a municipal court, other than the Auglaize county, the 124294
Brown county, the Columbiana county, the Putnam county, the 124295
Sandusky county, and the Lorain municipal courts, for which the 124296
population of the territory is less than one hundred thousand for 124297
the preceding calendar year as so certified is not equal to or 124298
greater than those expenditures for the operation of the court for 124299
that calendar year as so certified, the clerk of a municipal court 124300
shall receive the annual compensation that the legislative 124301
authority prescribes. As used in this division, "revenue" means 124302
the total of all costs and fees that are collected and paid to the 124303
city treasury or, in a county-operated municipal court, the county 124304
treasury by the clerk of the municipal court under division (F) of 124305
this section and all interest received and paid to the city 124306
treasury or, in a county-operated municipal court, the county 124307
treasury in relation to the costs and fees under division (G) of 124308
this section. 124309

(2) In a municipal court, other than the Hamilton county, 124310
Montgomery county, Miami county, Portage county, and Wayne county 124311
municipal courts, for which the population of the territory is one 124312
hundred thousand or more, and in the Lorain municipal court, the 124313

clerk of the municipal court shall receive annual compensation in 124314
a sum equal to eighty-five per cent of the salary of a judge of 124315
the court. 124316

(3) The compensation of a clerk described in division (C)(1) 124317
or (2) of this section and of the clerk of the Columbiana county 124318
municipal court is payable in either semimonthly installments or 124319
biweekly installments, as determined by the payroll administrator, 124320
from the same sources and in the same manner as provided in 124321
section 1901.11 of the Revised Code, except that the compensation 124322
of the clerk of the Carroll county municipal court is payable in 124323
biweekly installments. 124324

(D) Before entering upon the duties of the clerk's office, 124325
the clerk of a municipal court shall give bond of not less than 124326
six thousand dollars to be determined by the judges of the court, 124327
conditioned upon the faithful performance of the clerk's duties. 124328

(E) The clerk of a municipal court may do all of the 124329
following: administer oaths, take affidavits, and issue executions 124330
upon any judgment rendered in the court, including a judgment for 124331
unpaid costs; issue, sign, and attach the seal of the court to all 124332
writs, process, subpoenas, and papers issuing out of the court; 124333
and approve all bonds, sureties, recognizances, and undertakings 124334
fixed by any judge of the court or by law. The clerk may refuse to 124335
accept for filing any pleading or paper submitted for filing by a 124336
person who has been found to be a vexatious litigator under 124337
section 2323.52 of the Revised Code and who has failed to obtain 124338
leave to proceed under that section. The clerk shall do all of the 124339
following: file and safely keep all journals, records, books, and 124340
papers belonging or appertaining to the court; record the 124341
proceedings of the court; perform all other duties that the judges 124342
of the court may prescribe; and keep a book showing all receipts 124343
and disbursements, which book shall be open for public inspection 124344
at all times. 124345

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be prepaid by the party demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court. The clerk shall on or before the twentieth day of the month following the month in which they are collected disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects. Subject to sections 307.515 and 4511.193 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court and except for the Hamilton county, Lawrence county, and Ottawa county municipal courts, the clerk shall pay all fines received for violation of municipal ordinances into the treasury of the municipal corporation the ordinance of which was violated and shall pay all fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the township the resolution

of which was violated. Subject to sections 1901.024 and 4511.193 124379
of the Revised Code, in the Hamilton county, Lawrence county, and 124380
Ottawa county municipal courts, the clerk shall pay fifty per cent 124381
of the fines received for violation of municipal ordinances and 124382
fifty per cent of the fines received for violation of township 124383
resolutions adopted pursuant to section 503.52 or 503.53 or 124384
Chapter 504. of the Revised Code into the treasury of the county. 124385
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 124386
Code and to any other section of the Revised Code that requires a 124387
specific manner of disbursement of any moneys received by a 124388
municipal court, the clerk shall pay all fines collected for the 124389
violation of state laws into the county treasury. Except in a 124390
county-operated municipal court, the clerk shall pay all costs and 124391
fees the disbursement of which is not otherwise provided for in 124392
the Revised Code into the city treasury. The clerk of a 124393
county-operated municipal court shall pay the costs and fees the 124394
disbursement of which is not otherwise provided for in the Revised 124395
Code into the county treasury. Moneys deposited as security for 124396
costs shall be retained pending the litigation. The clerk shall 124397
keep a separate account of all receipts and disbursements in civil 124398
and criminal cases, which shall be a permanent public record of 124399
the office. On the expiration of the term of the clerk, the clerk 124400
shall deliver the records to the clerk's successor. The clerk 124401
shall have other powers and duties as are prescribed by rule or 124402
order of the court. 124403

(G) All moneys paid into a municipal court shall be noted on 124404
the record of the case in which they are paid and shall be 124405
deposited in a state or national bank, ~~or a domestic savings and~~ 124406
~~loan association,~~ as defined in section ~~1151.01~~ 1101.01 of the 124407
Revised Code, that is selected by the clerk. Any interest received 124408
upon the deposits shall be paid into the city treasury, except 124409
that, in a county-operated municipal court, the interest shall be 124410
paid into the treasury of the county in which the court is 124411

located. 124412

On the first Monday in January of each year, the clerk shall 124413
make a list of the titles of all cases in the court that were 124414
finally determined more than one year past in which there remains 124415
unclaimed in the possession of the clerk any funds, or any part of 124416
a deposit for security of costs not consumed by the costs in the 124417
case. The clerk shall give notice of the moneys to the parties who 124418
are entitled to the moneys or to their attorneys of record. All 124419
the moneys remaining unclaimed on the first day of April of each 124420
year shall be paid by the clerk to the city treasurer, except 124421
that, in a county-operated municipal court, the moneys shall be 124422
paid to the treasurer of the county in which the court is located. 124423
The treasurer shall pay any part of the moneys at any time to the 124424
person who has the right to the moneys upon proper certification 124425
of the clerk. 124426

(H) Deputy clerks of a municipal court other than the Carroll 124427
county municipal court may be appointed by the clerk and shall 124428
receive the compensation, payable in either biweekly installments 124429
or semimonthly installments, as determined by the payroll 124430
administrator, out of the city treasury, that the clerk may 124431
prescribe, except that the compensation of any deputy clerk of a 124432
county-operated municipal court shall be paid out of the treasury 124433
of the county in which the court is located. The judge of the 124434
Carroll county municipal court may appoint deputy clerks for the 124435
court, and the deputy clerks shall receive the compensation, 124436
payable in biweekly installments out of the county treasury, that 124437
the judge may prescribe. Each deputy clerk shall take an oath of 124438
office before entering upon the duties of the deputy clerk's 124439
office and, when so qualified, may perform the duties appertaining 124440
to the office of the clerk. The clerk may require any of the 124441
deputy clerks to give bond of not less than three thousand 124442
dollars, conditioned for the faithful performance of the deputy 124443

clerk's duties. 124444

(I) For the purposes of this section, whenever the population 124445
of the territory of a municipal court falls below one hundred 124446
thousand but not below ninety thousand, and the population of the 124447
territory prior to the most recent regular federal census exceeded 124448
one hundred thousand, the legislative authority of the municipal 124449
corporation may declare, by resolution, that the territory shall 124450
be considered to have a population of at least one hundred 124451
thousand. 124452

(J) The clerk or a deputy clerk shall be in attendance at all 124453
sessions of the municipal court, although not necessarily in the 124454
courtroom, and may administer oaths to witnesses and jurors and 124455
receive verdicts. 124456

Sec. 2335.25. Each clerk of a court of record, the sheriff, 124457
and the prosecuting attorney shall enter in a journal or cashbook, 124458
provided at the expense of the county, an accurate account of all 124459
moneys collected or received in ~~his~~ the clerk's, sheriff's, or 124460
prosecuting attorney's official capacity, on the days of the 124461
receipt, and in the order of time so received, with a minute of 124462
the date and suit, or other matter, on account of which the money 124463
was received. The cashbook shall be a public record of the office, 124464
and shall, on the expiration of the term of each such officer, be 124465
delivered to ~~his~~ the officer's successor ~~in office~~. The clerk 124466
shall be the receiver of all moneys payable into ~~his~~ the clerk's 124467
office, whether collected by public officers of court or tendered 124468
by other persons, and, on request, shall pay the moneys to the 124469
persons entitled to receive them. 124470

The clerk of the court of common pleas or of the county court 124471
may deposit moneys payable into ~~his~~ the clerk's office in a bank 124472
~~or a building and loan association~~, as defined in section ~~1151.01~~ 124473
1101.01 of the Revised Code, subject to section 131.11 of the 124474

Revised Code. Any interest received upon the deposits shall be 124475
paid into the treasury of the county for which the clerk performs 124476
~~his~~ official duties. 124477

Sec. 3351.07. (A) For the purposes of this chapter, "approved 124478
lender" means any bank as defined in section 1101.01 of the 124479
Revised Code, ~~any domestic savings and loan association as defined~~ 124480
~~in section 1151.01 of the Revised Code,~~ any credit union as 124481
defined in section 1733.01 of the Revised Code, any federal credit 124482
union established pursuant to federal law, any insurance company 124483
organized or authorized to do business in this state, any pension 124484
fund eligible under the "Higher Education Amendments of 1968," 82 124485
Stat. 1026, 20 U.S.C.A. 1085, as amended, the secondary market 124486
operation designated under division (B) of this section, or any 124487
secondary market operation established pursuant to the "Education 124488
Amendments of 1972," 86 Stat. 261, 20 U.S.C.A. 1071, as amended, 124489
or under the laws of any state. 124490

(B) The governor may designate one nonprofit corporation 124491
secondary market operation to be the single nonprofit private 124492
agency designated by the state under the "Higher Education Act of 124493
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(D), as amended. A 124494
designation in effect on ~~the effective date of this amendment~~ 124495
October 16, 2009, expires December 31, 2009. Each designation 124496
after ~~the effective date of this amendment~~ October 16, 2009, shall 124497
be made by competitive selection and shall be valid for one year. 124498
The controlling board shall not waive the competitive selection 124499
requirement. 124500

(C) The nonprofit corporation designated by the governor 124501
under division (B) of this section as the private agency secondary 124502
market operation shall be considered to be an agency of the state, 124503
in accordance with section 435(d)(1)(F) of the "Higher Education 124504
Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(F), as 124505

amended, exclusively for the purpose of functioning as a secondary 124506
student loan market. The corporation shall be considered a state 124507
agency only for the purposes of this division and no other 124508
division or section of the Revised Code regarding state agencies 124509
shall apply to the corporation. No liability or obligation 124510
incurred by the corporation shall be considered to be a liability 124511
or debt of the state, nor shall the state be construed to act as 124512
guarantor of any debt of the corporation. 124513

(D) The nonprofit corporation designated under division (B) 124514
of this section shall designate a separate nonprofit corporation 124515
to operate exclusively for charitable and educational purposes, 124516
complementing and supplementing the designating corporation's 124517
secondary market operation for student loans authorized under the 124518
"Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085, 124519
as amended, and promoting the general health and welfare of the 124520
state, the public interest, and a public purpose through improving 124521
student assistance programs by expanding access to higher 124522
education financing programs for students and families in need of 124523
student financial aid. In furtherance of such purposes, the 124524
separate nonprofit corporation may do all of the following: 124525

(1) Assist educational institutions in establishing financial 124526
aid programs to help students obtain an economical education; 124527

(2) Encourage financial institutions to increase educational 124528
opportunities by making funds available to both students and 124529
educational institutions; 124530

(3) Make available financial aid that supplements the 124531
financial assistance provided by eligible and approved lenders 124532
under state and federal programs; 124533

(4) Develop and administer programs that do all of the 124534
following: 124535

(a) Provide financial aid and incidental student financial 124536

aid information to students and their parents or other persons 124537
responsible for paying educational costs of those students at 124538
educational institutions; 124539

(b) Provide financial aid and information relating to it to 124540
and through educational institutions, enabling those institutions 124541
to assist students financially in obtaining an education and fully 124542
expanding their intellectual capacity and skills; 124543

(c) Better enable financial institutions to participate in 124544
student loan programs and other forms of financial aid, assisting 124545
students and educational institutions to increase education 124546
excellence and accessibility. 124547

(E) The nonprofit corporation designated under authority of 124548
division (D) of this section shall do both of the following: 124549

(1) Establish the criteria, standards, terms, and conditions 124550
for participation by students, parents, educational institutions, 124551
and financial institutions in that corporation's programs; 124552

(2) Provide the governor a report of its programs and a copy 124553
of its audited financial statements not later than one hundred 124554
eighty days after the end of each fiscal year of the corporation. 124555

No liability, obligation, or debt incurred by the corporation 124556
designated under authority of division (D) of this section or by 124557
any person under that corporation's programs shall be, or be 124558
considered to be, a liability, obligation, or debt of, or a pledge 124559
of the faith and credit of, the state, any political subdivision 124560
of the state, or any state-supported or state-assisted institution 124561
of higher education, nor shall the state or any political 124562
subdivision of the state or any state-supported or state-assisted 124563
institution of higher education be or be construed to act as an 124564
obligor under or guarantor of any liability, obligation, or debt 124565
of that corporation or of any person under that corporation's 124566
programs or incur or be construed to have incurred any other 124567

liability, obligation, or debt as a result of any acts of the corporation. 124568
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(F) The nonprofit corporation designated under authority of division (D) of this section shall not be deemed to qualify by reason of the designation as a guarantor or an eligible lender under sections 435(d) and (j) of the "Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d) and (j), as amended. 124570
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Sec. 3767.41. (A) As used in this section: 124575

(1) "Building" means, except as otherwise provided in this division, any building or structure that is used or intended to be used for residential purposes. "Building" includes, but is not limited to, a building or structure in which any floor is used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and in which the other floors are used, or designed and intended to be used, for residential purposes. "Building" does not include any building or structure that is occupied by its owner and that contains three or fewer residential units. 124576
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(2)(a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. 124587
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(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard: 124595
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(i) Each building on the site is structurally sound, secure, 124599
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 124600

(ii) Each building's domestic water, electrical system, 124601
elevators, emergency power, fire protection, HVAC, and sanitary 124602
system is free of health and safety hazards, functionally 124603
adequate, operable, and in good repair, as defined in 24 C.F.R. 124604
5.703(c); 124605

(iii) Each dwelling unit within the building is structurally 124606
sound, habitable, and in good repair, and all areas and aspects of 124607
the dwelling unit are free of health and safety hazards, 124608
functionally adequate, operable, and in good repair, as defined in 124609
24 C.F.R. 5.703(d)(1); 124610

(iv) Where applicable, the dwelling unit has hot and cold 124611
running water, including an adequate source of potable water, as 124612
defined in 24 C.F.R. 5.703(d)(2); 124613

(v) If the dwelling unit includes its own sanitary facility, 124614
it is in proper operating condition, usable in privacy, and 124615
adequate for personal hygiene, and the disposal of human waste, as 124616
defined in 24 C.F.R. 5.703(d)(3); 124617

(vi) The common areas are structurally sound, secure, and 124618
functionally adequate for the purposes intended. The basement, 124619
garage, carport, restrooms, closets, utility, mechanical, 124620
community rooms, daycare, halls, corridors, stairs, kitchens, 124621
laundry rooms, office, porch, patio, balcony, and trash collection 124622
areas are free of health and safety hazards, operable, and in good 124623
repair. All common area ceilings, doors, floors, HVAC, lighting, 124624
smoke detectors, stairs, walls, and windows, to the extent 124625
applicable, are free of health and safety hazards, operable, and 124626
in good repair, as defined in 24 C.F.R. 5.703(e); 124627

(vii) All areas and components of the housing are free of 124628
health and safety hazards. These areas include, but are not 124629

limited to, air quality, electrical hazards, elevators, 124630
emergency/fire exits, flammable materials, garbage and debris, 124631
handrail hazards, infestation, and lead-based paint, as defined in 124632
24 C.F.R. 5.703(f). 124633

(3) "Abate" or "abatement" in connection with any building 124634
means the removal or correction of any conditions that constitute 124635
a public nuisance and the making of any other improvements that 124636
are needed to effect a rehabilitation of the building that is 124637
consistent with maintaining safe and habitable conditions over its 124638
remaining useful life. "Abatement" does not include the closing or 124639
boarding up of any building that is found to be a public nuisance. 124640

(4) "Interested party" means any owner, mortgagee, 124641
lienholder, tenant, or person that possesses an interest of record 124642
in any property that becomes subject to the jurisdiction of a 124643
court pursuant to this section, and any applicant for the 124644
appointment of a receiver pursuant to this section. 124645

(5) "Neighbor" means any owner of property, including, but 124646
not limited to, any person who is purchasing property by land 124647
installment contract or under a duly executed purchase contract, 124648
that is located within five hundred feet of any property that 124649
becomes subject to the jurisdiction of a court pursuant to this 124650
section, and any occupant of a building that is so located. 124651

(6) "Tenant" has the same meaning as in section 5321.01 of 124652
the Revised Code. 124653

(7) "Subsidized housing" means a property consisting of more 124654
than four dwelling units that, in whole or in part, receives 124655
project-based assistance pursuant to a contract under any of the 124656
following federal housing programs: 124657

(a) The new construction or substantial rehabilitation 124658
program under section 8(b)(2) of the "United States Housing Act of 124659
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 124660

that program was in effect immediately before the first day of 124661
October, 1983; 124662

(b) The moderate rehabilitation program under section 8(e)(2) 124663
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 124664
Stat. 888, 42 U.S.C. 1437f(e)(2); 124665

(c) The loan management assistance program under section 8 of 124666
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 124667
Stat. 888, 42 U.S.C. 1437f; 124668

(d) The rent supplement program under section 101 of the 124669
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 124670
79 Stat. 667, 12 U.S.C. 1701s; 124671

(e) Section 8 of the "United States Housing Act of 1937," 124672
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following 124673
conversion from assistance under section 101 of the "Housing and 124674
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 124675
12 U.S.C. 1701s; 124676

(f) The program of supportive housing for the elderly under 124677
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 124678
Stat. 654, 12 U.S.C. 1701q; 124679

(g) The program of supportive housing for persons with 124680
disabilities under section 811 of the "National Affordable Housing 124681
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 124682

(h) The rental assistance program under section 521 of the 124683
"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 124684
551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 124685
1490a. 124686

(8) "Project-based assistance" means the assistance is 124687
attached to the property and provides rental assistance only on 124688
behalf of tenants who reside in that property. 124689

(9) "Landlord" has the same meaning as in section 5321.01 of 124690

the Revised Code. 124691

(B)(1)(a) In any civil action to enforce any local building, 124692
housing, air pollution, sanitation, health, fire, zoning, or 124693
safety code, ordinance, resolution, or regulation applicable to 124694
buildings, that is commenced in a court of common pleas, municipal 124695
court, housing or environmental division of a municipal court, or 124696
county court, or in any civil action for abatement commenced in a 124697
court of common pleas, municipal court, housing or environmental 124698
division of a municipal court, or county court, by a municipal 124699
corporation or township in which the building involved is located, 124700
by any neighbor, tenant, or by a nonprofit corporation that is 124701
duly organized and has as one of its goals the improvement of 124702
housing conditions in the county or municipal corporation in which 124703
the building involved is located, if a building is alleged to be a 124704
public nuisance, the municipal corporation, township, neighbor, 124705
tenant, or nonprofit corporation may apply in its complaint for an 124706
injunction or other order as described in division (C)(1) of this 124707
section, or for the relief described in division (C)(2) of this 124708
section, including, if necessary, the appointment of a receiver as 124709
described in divisions (C)(2) and (3) of this section, or for both 124710
such an injunction or other order and such relief. The municipal 124711
corporation, township, neighbor, tenant, or nonprofit corporation 124712
commencing the action is not liable for the costs, expenses, and 124713
fees of any receiver appointed pursuant to divisions (C)(2) and 124714
(3) of this section. 124715

(b) Prior to commencing a civil action for abatement when the 124716
property alleged to be a public nuisance is subsidized housing, 124717
the municipal corporation, township, neighbor, tenant, or 124718
nonprofit corporation commencing the action shall provide the 124719
landlord of that property with written notice that specifies one 124720
or more defective conditions that constitute a public nuisance as 124721
that term applies to subsidized housing and states that if the 124722

landlord fails to remedy the condition within sixty days of the 124723
service of the notice, a claim pursuant to this section may be 124724
brought on the basis that the property constitutes a public 124725
nuisance in subsidized housing. Any party authorized to bring an 124726
action against the landlord shall make reasonable attempts to 124727
serve the notice in the manner prescribed in the Rules of Civil 124728
Procedure to the landlord or the landlord's agent for the property 124729
at the property's management office, or at the place where the 124730
tenants normally pay or send rent. If the landlord is not the 124731
owner of record, the party bringing the action shall make a 124732
reasonable attempt to serve the owner. If the owner does not 124733
receive service the person bringing the action shall certify the 124734
attempts to serve the owner. 124735

(2)(a) In a civil action described in division (B)(1) of this 124736
section, a copy of the complaint and a notice of the date and time 124737
of a hearing on the complaint shall be served upon the owner of 124738
the building and all other interested parties in accordance with 124739
the Rules of Civil Procedure. If certified mail service, personal 124740
service, or residence service of the complaint and notice is 124741
refused or certified mail service of the complaint and notice is 124742
not claimed, and if the municipal corporation, township, neighbor, 124743
tenant, or nonprofit corporation commencing the action makes a 124744
written request for ordinary mail service of the complaint and 124745
notice, or uses publication service, in accordance with the Rules 124746
of Civil Procedure, then a copy of the complaint and notice shall 124747
be posted in a conspicuous place on the building. 124748

(b) The judge in a civil action described in division (B)(1) 124749
of this section shall conduct a hearing at least twenty-eight days 124750
after the owner of the building and the other interested parties 124751
have been served with a copy of the complaint and the notice of 124752
the date and time of the hearing in accordance with division 124753
(B)(2)(a) of this section. 124754

(c) In considering whether subsidized housing is a public nuisance, the judge shall construe the standards set forth in division (A)(2)(b) of this section in a manner consistent with department of housing and urban development and judicial interpretations of those standards. The judge shall deem that the property is not a public nuisance if during the twelve months prior to the service of the notice that division (B)(1)(b) of this section requires, the department of housing and urban development's real estate assessment center issued a score of seventy-five or higher out of a possible one hundred points pursuant to its regulations governing the physical condition of multifamily properties pursuant to 24 C.F.R. part 200, subpart P, and since the most recent inspection, there has been no significant change in the property's conditions that would create a serious threat to the health, safety, or welfare of the property's tenants.

(C)(1) If the judge in a civil action described in division (B)(1) of this section finds at the hearing required by division (B)(2) of this section that the building involved is a public nuisance, if the judge additionally determines that the owner of the building previously has not been afforded a reasonable opportunity to abate the public nuisance or has been afforded such an opportunity and has not refused or failed to abate the public nuisance, and if the complaint of the municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action requested the issuance of an injunction as described in this division, then the judge may issue an injunction requiring the owner of the building to abate the public nuisance or issue any other order that the judge considers necessary or appropriate to cause the abatement of the public nuisance. If an injunction is issued pursuant to this division, the owner of the building involved shall be given no more than thirty days from the date of the entry of the judge's order to comply with the injunction,

unless the judge, for good cause shown, extends the time for compliance. 124788
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(2) If the judge in a civil action described in division 124790
(B)(1) of this section finds at the hearing required by division 124791
(B)(2) of this section that the building involved is a public 124792
nuisance, if the judge additionally determines that the owner of 124793
the building previously has been afforded a reasonable opportunity 124794
to abate the public nuisance and has refused or failed to do so, 124795
and if the complaint of the municipal corporation, township, 124796
neighbor, tenant, or nonprofit corporation commencing the action 124797
requested relief as described in this division, then the judge 124798
shall offer any mortgagee, lienholder, or other interested party 124799
associated with the property on which the building is located, in 124800
the order of the priority of interest in title, the opportunity to 124801
undertake the work and to furnish the materials necessary to abate 124802
the public nuisance. Prior to selecting any interested party, the 124803
judge shall require the interested party to demonstrate the 124804
ability to promptly undertake the work and furnish the materials 124805
required, to provide the judge with a viable financial and 124806
construction plan for the rehabilitation of the building as 124807
described in division (D) of this section, and to post security 124808
for the performance of the work and the furnishing of the 124809
materials. 124810

If the judge determines, at the hearing, that no interested 124811
party is willing or able to undertake the work and to furnish the 124812
materials necessary to abate the public nuisance, or if the judge 124813
determines, at any time after the hearing, that any party who is 124814
undertaking corrective work pursuant to this division cannot or 124815
will not proceed, or has not proceeded with due diligence, the 124816
judge may appoint a receiver pursuant to division (C)(3) of this 124817
section to take possession and control of the building. 124818

(3)(a) The judge in a civil action described in division 124819

(B)(1) of this section shall not appoint any person as a receiver 124820
unless the person first has provided the judge with a viable 124821
financial and construction plan for the rehabilitation of the 124822
building involved as described in division (D) of this section and 124823
has demonstrated the capacity and expertise to perform the 124824
required work and to furnish the required materials in a 124825
satisfactory manner. An appointed receiver may be a financial 124826
institution that possesses an interest of record in the building 124827
or the property on which it is located, a nonprofit corporation as 124828
described in divisions (B)(1) and (C)(3)(b) of this section, 124829
including, but not limited to, a nonprofit corporation that 124830
commenced the action described in division (B)(1) of this section, 124831
or any other qualified property manager. 124832

(b) To be eligible for appointment as a receiver, no part of 124833
the net earnings of a nonprofit corporation shall inure to the 124834
benefit of any private shareholder or individual. Membership on 124835
the board of trustees of a nonprofit corporation appointed as a 124836
receiver does not constitute the holding of a public office or 124837
employment within the meaning of sections 731.02 and 731.12 or any 124838
other section of the Revised Code and does not constitute a direct 124839
or indirect interest in a contract or expenditure of money by any 124840
municipal corporation. A member of a board of trustees of a 124841
nonprofit corporation appointed as a receiver shall not be 124842
disqualified from holding any public office or employment, and 124843
shall not forfeit any public office or employment, by reason of 124844
membership on the board of trustees, notwithstanding any law to 124845
the contrary. 124846

(D) Prior to ordering any work to be undertaken, or the 124847
furnishing of any materials, to abate a public nuisance under this 124848
section, the judge in a civil action described in division (B)(1) 124849
of this section shall review the submitted financial and 124850
construction plan for the rehabilitation of the building involved 124851

and, if it specifies all of the following, shall approve that plan:

(1) The estimated cost of the labor, materials, and any other development costs that are required to abate the public nuisance;

(2) The estimated income and expenses of the building and the property on which it is located after the furnishing of the materials and the completion of the repairs and improvements;

(3) The terms, conditions, and availability of any financing that is necessary to perform the work and to furnish the materials;

(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance.

(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership.

(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge.

The judge may empower the receiver to do any or all of the following:

(1) Take possession and control of the building and the property on which it is located, operate and manage the building

and the property, establish and collect rents and income, lease 124882
and rent the building and the property, and evict tenants; 124883

(2) Pay all expenses of operating and conserving the building 124884
and the property, including, but not limited to, the cost of 124885
electricity, gas, water, sewerage, heating fuel, repairs and 124886
supplies, custodian services, taxes and assessments, and insurance 124887
premiums, and hire and pay reasonable compensation to a managing 124888
agent; 124889

(3) Pay pre-receivership mortgages or installments of them 124890
and other liens; 124891

(4) Perform or enter into contracts for the performance of 124892
all work and the furnishing of materials necessary to abate, and 124893
obtain financing for the abatement of, the public nuisance; 124894

(5) Pursuant to court order, remove and dispose of any 124895
personal property abandoned, stored, or otherwise located in or on 124896
the building and the property that creates a dangerous or unsafe 124897
condition or that constitutes a violation of any local building, 124898
housing, air pollution, sanitation, health, fire, zoning, or 124899
safety code, ordinance, or regulation; 124900

(6) Obtain mortgage insurance for any receiver's mortgage 124901
from any agency of the federal government; 124902

(7) Enter into any agreement and do those things necessary to 124903
maintain and preserve the building and the property and comply 124904
with all local building, housing, air pollution, sanitation, 124905
health, fire, zoning, or safety codes, ordinances, resolutions, 124906
and regulations; 124907

(8) Give the custody of the building and the property, and 124908
the opportunity to abate the nuisance and operate the property, to 124909
its owner or any mortgagee or lienholder of record; 124910

(9) Issue notes and secure them by a mortgage bearing 124911

interest, and upon terms and conditions, that the judge approves. 124912
When sold or transferred by the receiver in return for valuable 124913
consideration in money, material, labor, or services, the notes or 124914
certificates shall be freely transferable. Any mortgages granted 124915
by the receiver shall be superior to any claims of the receiver. 124916
Priority among the receiver's mortgages shall be determined by the 124917
order in which they are recorded. 124918

(G) A receiver appointed pursuant to this section is not 124919
personally liable except for misfeasance, malfeasance, or 124920
nonfeasance in the performance of the functions of the office of 124921
receiver. 124922

(H)(1) The judge in a civil action described in division 124923
(B)(1) of this section may assess as court costs, the expenses 124924
described in division (F)(2) of this section, and may approve 124925
receiver's fees to the extent that they are not covered by the 124926
income from the property. Subject to that limitation, a receiver 124927
appointed pursuant to divisions (C)(2) and (3) of this section is 124928
entitled to receive fees in the same manner and to the same extent 124929
as receivers appointed in actions to foreclose mortgages. 124930

(2)(a) Pursuant to the police powers vested in the state, all 124931
expenditures of a mortgagee, lienholder, or other interested party 124932
that has been selected pursuant to division (C)(2) of this section 124933
to undertake the work and to furnish the materials necessary to 124934
abate a public nuisance, and any expenditures in connection with 124935
the foreclosure of the lien created by this division, is a first 124936
lien upon the building involved and the property on which it is 124937
located and is superior to all prior and subsequent liens or other 124938
encumbrances associated with the building or the property, 124939
including, but not limited to, those for taxes and assessments, 124940
upon the occurrence of both of the following: 124941

(i) The prior approval of the expenditures by, and the entry 124942
of a judgment to that effect by, the judge in the civil action 124943

described in division (B)(1) of this section; 124944

(ii) The recordation of a certified copy of the judgment 124945
entry and a sufficient description of the property on which the 124946
building is located with the county recorder in the county in 124947
which the property is located within sixty days after the date of 124948
the entry of the judgment. 124949

(b) Pursuant to the police powers vested in the state, all 124950
expenses and other amounts paid in accordance with division (F) of 124951
this section by a receiver appointed pursuant to divisions (C)(2) 124952
and (3) of this section, the amounts of any notes issued by the 124953
receiver in accordance with division (F) of this section, all 124954
mortgages granted by the receiver in accordance with that 124955
division, the fees of the receiver approved pursuant to division 124956
(H)(1) of this section, and any amounts expended in connection 124957
with the foreclosure of a mortgage granted by the receiver in 124958
accordance with division (F) of this section or with the 124959
foreclosure of the lien created by this division, are a first lien 124960
upon the building involved and the property on which it is located 124961
and are superior to all prior and subsequent liens or other 124962
encumbrances associated with the building or the property, 124963
including, but not limited to, those for taxes and assessments, 124964
upon the occurrence of both of the following: 124965

(i) The approval of the expenses, amounts, or fees by, and 124966
the entry of a judgment to that effect by, the judge in the civil 124967
action described in division (B)(1) of this section; or the 124968
approval of the mortgages in accordance with division (F)(9) of 124969
this section by, and the entry of a judgment to that effect by, 124970
that judge; 124971

(ii) The recordation of a certified copy of the judgment 124972
entry and a sufficient description of the property on which the 124973
building is located, or, in the case of a mortgage, the 124974
recordation of the mortgage, a certified copy of the judgment 124975

entry, and such a description, with the county recorder of the 124976
county in which the property is located within sixty days after 124977
the date of the entry of the judgment. 124978

(c) Priority among the liens described in divisions (H)(2)(a) 124979
and (b) of this section shall be determined as described in 124980
division (I) of this section. Additionally, the creation pursuant 124981
to this section of a mortgage lien that is prior to or superior to 124982
any mortgage of record at the time the mortgage lien is so 124983
created, does not disqualify the mortgage of record as a legal 124984
investment under Chapter 1107. or ~~1151.~~ or any other chapter of 124985
the Revised Code. 124986

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 124987
and (3) of this section files with the judge in the civil action 124988
described in division (B)(1) of this section a report indicating 124989
that the public nuisance has been abated, if the judge confirms 124990
that the receiver has abated the public nuisance, and if the 124991
receiver or any interested party requests the judge to enter an 124992
order directing the receiver to sell the building and the property 124993
on which it is located, the judge may enter that order after 124994
holding a hearing as described in division (I)(2) of this section 124995
and otherwise complying with that division. 124996

(2)(a) The receiver or interested party requesting an order 124997
as described in division (I)(1) of this section shall cause a 124998
notice of the date and time of a hearing on the request to be 124999
served on the owner of the building involved and all other 125000
interested parties in accordance with division (B)(2)(a) of this 125001
section. The judge in the civil action described in division 125002
(B)(1) of this section shall conduct the scheduled hearing. At the 125003
hearing, if the owner or any interested party objects to the sale 125004
of the building and the property, the burden of proof shall be 125005
upon the objecting person to establish, by a preponderance of the 125006
evidence, that the benefits of not selling the building and the 125007

property outweigh the benefits of selling them. If the judge 125008
determines that there is no objecting person, or if the judge 125009
determines that there is one or more objecting persons but no 125010
objecting person has sustained the burden of proof specified in 125011
this division, the judge may enter an order directing the receiver 125012
to offer the building and the property for sale upon terms and 125013
conditions that the judge shall specify. 125014

(b) In any sale of subsidized housing that is ordered 125015
pursuant to this section, the judge shall specify that the 125016
subsidized housing not be conveyed unless that conveyance complies 125017
with applicable federal law and applicable program contracts for 125018
that housing. Any such conveyance shall be subject to the 125019
condition that the purchaser enter into a contract with the 125020
department of housing and urban development or the rural housing 125021
service of the federal department of agriculture under which the 125022
property continues to be subsidized housing and the owner 125023
continues to operate that property as subsidized housing unless 125024
the secretary of housing and urban development or the 125025
administrator of the rural housing service terminates that 125026
property's contract prior to or upon the conveyance of the 125027
property. 125028

(3) If a sale of a building and the property on which it is 125029
located is ordered pursuant to divisions (I)(1) and (2) of this 125030
section and if the sale occurs in accordance with the terms and 125031
conditions specified by the judge in the judge's order of sale, 125032
then the receiver shall distribute the proceeds of the sale and 125033
the balance of any funds that the receiver may possess, after the 125034
payment of the costs of the sale, in the following order of 125035
priority and in the described manner: 125036

(a) First, in satisfaction of any notes issued by the 125037
receiver pursuant to division (F) of this section, in their order 125038
of priority; 125039

(b) Second, any unreimbursed expenses and other amounts paid 125040
in accordance with division (F) of this section by the receiver, 125041
and the fees of the receiver approved pursuant to division (H)(1) 125042
of this section; 125043

(c) Third, all expenditures of a mortgagee, lienholder, or 125044
other interested party that has been selected pursuant to division 125045
(C)(2) of this section to undertake the work and to furnish the 125046
materials necessary to abate a public nuisance, provided that the 125047
expenditures were approved as described in division (H)(2)(a) of 125048
this section and provided that, if any such interested party 125049
subsequently became the receiver, its expenditures shall be paid 125050
prior to the expenditures of any of the other interested parties 125051
so selected; 125052

(d) Fourth, the amount due for delinquent taxes, assessments, 125053
charges, penalties, and interest owed to this state or a political 125054
subdivision of this state, provided that, if the amount available 125055
for distribution pursuant to division (I)(3)(d) of this section is 125056
insufficient to pay the entire amount of those taxes, assessments, 125057
charges, penalties, and interest, the proceeds and remaining funds 125058
shall be paid to each claimant in proportion to the amount of 125059
those taxes, assessments, charges, penalties, and interest that 125060
each is due. 125061

(e) The amount of any pre-receivership mortgages, liens, or 125062
other encumbrances, in their order of priority. 125063

(4) Following a distribution in accordance with division 125064
(I)(3) of this section, the receiver shall request the judge in 125065
the civil action described in division (B)(1) of this section to 125066
enter an order terminating the receivership. If the judge 125067
determines that the sale of the building and the property on which 125068
it is located occurred in accordance with the terms and conditions 125069
specified by the judge in the judge's order of sale under division 125070
(I)(2) of this section and that the receiver distributed the 125071

proceeds of the sale and the balance of any funds that the receiver possessed, after the payment of the costs of the sale, in accordance with division (I)(3) of this section, and if the judge approves any final accounting required of the receiver, the judge may terminate the receivership.

(J)(1) A receiver appointed pursuant to divisions (C)(2) and (3) of this section may be discharged at any time in the discretion of the judge in the civil action described in division (B)(1) of this section. The receiver shall be discharged by the judge as provided in division (I)(4) of this section, or when all of the following have occurred:

(a) The public nuisance has been abated;

(b) All costs, expenses, and approved fees of the receivership have been paid;

(c) Either all receiver's notes issued and mortgages granted pursuant to this section have been paid, or all the holders of the notes and mortgages request that the receiver be discharged.

(2) If a judge in a civil action described in division (B)(1) of this section determines that, and enters of record a declaration that, a public nuisance has been abated by a receiver, and if, within three days after the entry of the declaration, all costs, expenses, and approved fees of the receivership have not been paid in full, then, in addition to the circumstances specified in division (I) of this section for the entry of such an order, the judge may enter an order directing the receiver to sell the building involved and the property on which it is located. Any such order shall be entered, and the sale shall occur, only in compliance with division (I) of this section.

(K) The title in any building, and in the property on which it is located, that is sold at a sale ordered under division (I) or (J)(2) of this section shall be incontestable in the purchaser

and shall be free and clear of all liens for delinquent taxes, 125103
assessments, charges, penalties, and interest owed to this state 125104
or any political subdivision of this state, that could not be 125105
satisfied from the proceeds of the sale and the remaining funds in 125106
the receiver's possession pursuant to the distribution under 125107
division (I)(3) of this section. All other liens and encumbrances 125108
with respect to the building and the property shall survive the 125109
sale, including, but not limited to, a federal tax lien notice 125110
properly filed in accordance with section 317.09 of the Revised 125111
Code prior to the time of the sale, and the easements and 125112
covenants of record running with the property that were created 125113
prior to the time of the sale. 125114

(L)(1) Nothing in this section shall be construed as a 125115
limitation upon the powers granted to a court of common pleas, a 125116
municipal court or a housing or environmental division of a 125117
municipal court under Chapter 1901. of the Revised Code, or a 125118
county court under Chapter 1907. of the Revised Code. 125119

(2) The monetary and other limitations specified in Chapters 125120
1901. and 1907. of the Revised Code upon the jurisdiction of 125121
municipal and county courts, and of housing or environmental 125122
divisions of municipal courts, in civil actions do not operate as 125123
limitations upon any of the following: 125124

(a) Expenditures of a mortgagee, lienholder, or other 125125
interested party that has been selected pursuant to division 125126
(C)(2) of this section to undertake the work and to furnish the 125127
materials necessary to abate a public nuisance; 125128

(b) Any notes issued by a receiver pursuant to division (F) 125129
of this section; 125130

(c) Any mortgage granted by a receiver in accordance with 125131
division (F) of this section; 125132

(d) Expenditures in connection with the foreclosure of a 125133

mortgage granted by a receiver in accordance with division (F) of this section; 125134
125135

(e) The enforcement of an order of a judge entered pursuant to this section; 125136
125137

(f) The actions that may be taken pursuant to this section by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance. 125138
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(3) A judge in a civil action described in division (B)(1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this section. 125143
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(4) Nothing in this section shall be construed to limit or prohibit a municipal corporation or township that has filed with the superintendent of insurance a certified copy of an adopted resolution, ordinance, or regulation authorizing the procedures described in divisions (C) and (D) of section 3929.86 of the Revised Code from receiving insurance proceeds under section 3929.86 of the Revised Code. 125147
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Sec. 4303.293. (A) Any person making application concerning a permit to conduct a business for which a permit is required under this chapter shall list on the application the name and address of each person having a legal or beneficial interest in the ownership of the business, including contracts for purchase on an installment basis. If any person is a corporation or limited liability company, the applicant shall list the names of each officer of the corporation; the names of each officer of the limited liability company, if the limited liability company has officers, and the names of the managing members of the company or the managers of the company, if the management of the company is 125154
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not reserved to its members; the names of each person owning or 125165
controlling five per cent or more of the capital stock of the 125166
corporation; and the names of each person owning or controlling 125167
five per cent or more of either the voting interests or membership 125168
interests in the limited liability company. If any person is a 125169
partnership or association, the applicant shall list the names of 125170
each partner or member of the association. Any person having a 125171
legal or beneficial interest in the ownership of the business, 125172
other than a bank as defined in section 1101.01 of the Revised 125173
Code ~~or a building and loan association as defined in section~~ 125174
~~1151.01 of the Revised Code~~, shall notify the division of liquor 125175
control of the interest, including contracts for purchase on an 125176
installment basis, occurring after the application for, or the 125177
issuance of, the permit. The notification shall be given within 125178
fifteen days of the change. Whenever the person to whom a permit 125179
has been issued is a corporation or limited liability company and 125180
any transfer of that corporation's stock or that limited liability 125181
company's membership interests is proposed such that, following 125182
the transfer, the owner of the majority or plurality of shares of 125183
stock in the corporation would change or the owner of the majority 125184
or plurality of the limited liability company's membership 125185
interests would change, the proposed transfer of stock or 125186
membership interests shall be considered a proposed transfer of 125187
ownership of the permit, and application shall be made to the 125188
division of liquor control for a transfer of ownership. The 125189
application shall be subject to the notice and hearing 125190
requirements of section 4303.26 of the Revised Code and to the 125191
restrictions imposed by section 4303.29 and division (A)(1) of 125192
section 4303.292 of the Revised Code. 125193

(B) Whoever violates this section is guilty of a misdemeanor 125194
of the first degree. 125195

Sec. 5814.01. As used in sections 5814.01 to 5814.10 of the 125196

Revised Code, unless the context otherwise requires:	125197
(A) "Benefit plan" means any plan of an employer for the benefit of any employee, any plan for the benefit of any partner, or any plan for the benefit of a proprietor, and includes, but is not limited to, any pension, retirement, death benefit, deferred compensation, employment agency, stock bonus, option, or profit-sharing contract, plan, system, account, or trust.	125198 125199 125200 125201 125202 125203
(B) "Broker" means a person that is lawfully engaged in the business of effecting transactions in securities for the account of others. A "broker" includes a financial institution that effects such transactions and a person who is lawfully engaged in buying and selling securities for the person's own account, through a broker or otherwise, as a part of a regular business.	125204 125205 125206 125207 125208 125209
(C) "Court" means the probate court.	125210
(D) "The custodial property" includes:	125211
(1) All securities, money, life or endowment insurance policies, annuity contracts, benefit plans, real estate, tangible and intangible personal property, proceeds of a life or endowment insurance policy, an annuity contract, or a benefit plan, and other types of property under the supervision of the same custodian for the same minor as a consequence of a transfer or transfers made to the minor, a gift or gifts made to the minor, or a purchase made by the custodian for the minor, in a manner prescribed in sections 5814.01 to 5814.10 of the Revised Code;	125212 125213 125214 125215 125216 125217 125218 125219 125220
(2) The income from the custodial property;	125221
(3) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, or other disposition of the securities, money, life or endowment insurance policies, annuity contracts, benefit plans, real estate, tangible and intangible personal property, proceeds of a life or endowment	125222 125223 125224 125225 125226

insurance policy, an annuity contract, or a benefit plan, other types of property, and income. 125227
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(E) "Custodian" or "successor custodian" means a person so designated in a manner prescribed in sections 5814.01 to 5814.10 of the Revised Code. 125229
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(F) "Financial institution" means any bank, as defined in section 1101.01 of the Revised Code, ~~any building and loan association, as defined in section 1151.01,~~ any credit union as defined in section 1733.01 of the Revised Code, and any federal credit union, as defined in the "Federal Credit Union Act," 73 Stat. 628 (1959), 12 U.S.C.A. 1752, as amended. 125232
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(G) "Guardian of the minor" includes the general guardian, guardian, tutor, or curator of the property, estate, or person of a minor. 125238
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(H) "Issuer" means a person who places or authorizes the placing of the person's name on a security, other than as a transfer agent, to evidence that it represents a share, participation, or other interest in the person's property or in an enterprise, or to evidence the person's duty or undertaking to perform an obligation that is evidenced by the security, or who becomes responsible for or in place of any such person. 125241
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(I) "Legal representative" of a person means the executor, administrator, general guardian, guardian, committee, conservator, tutor, or curator of the person's property or estate. 125248
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(J) "Member of the minor's family" means a parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt of the minor, whether of the whole or half blood, or by adoption. 125251
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(K)(1) Except as provided in division (K)(2) of this section, "minor" means an individual who has not attained the age of twenty-one years. 125254
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(2) When used with reference to the beneficiary for whose benefit custodial property is held or is to be held, "minor" means an individual who has not attained the age at which the custodian is required under section 5814.09 of the Revised Code to transfer the custodial property to the beneficiary.

(L) "Security" includes any note, stock, treasury stock, common trust fund, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under an oil, gas, or mining title or lease, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. A "security" does not include a security of which the donor or transferor is the issuer. A security is in "registered form" when it specifies a person who is entitled to it or to the rights that it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(M) "Transfer" means a disposition, other than a gift, by a person who is eighteen years of age or older that creates custodial property under sections 5814.01 to 5814.10 of the Revised Code.

(N) "Transfer agent" means a person who acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities, in the issue of new securities, or in the cancellation of surrendered securities.

(O) "Transferor" means a person who is eighteen years of age or older, who makes a transfer.

(P) "Trust company" means a financial institution that is 125288
authorized to exercise trust powers. 125289

(Q) "Administrator" includes an "administrator with the will 125290
annexed. 125291

Section 130.22. That existing sections 102.02, 109.572, 125292
111.15, 119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 125293
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1181.25, 1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 125320
1901.31, 2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 of the 125321
Revised Code are hereby repealed. 125322

Section 130.23. That sections 1105.06, 1107.01, 1109.60, 125323
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1165.30, 1165.33, 1181.16, 1181.17, and 1181.18 of the Revised 125370
Code are hereby repealed. 125371

Section 130.24. Notwithstanding section 1123.01 of the 125372
Revised Code, as amended by this act, both of the following apply: 125373

(A) The appointed members who are serving on the Banking 125374
Commission as of the effective date of this section shall serve 125375
until the end of the term for which the member was appointed. The 125376
terms of office set forth in division (B) of that section and the 125377
qualifications for membership set forth in division (D) of that 125378
section shall first apply to the members appointed on or after the 125379
effective date of this section. 125380

(B) The Banking Commission shall, on the effective date of 125381
this section, additionally consist of the six members appointed to 125382

the Savings and Loan Associations and Savings Banks Board under 125383
section 1181.16 of the Revised Code. Each such member shall serve 125384
until the end of the term for which the member was appointed. 125385

Section 130.25. CASH TRANSFER FROM SAVINGS INSTITUTIONS FUND 125386

On the effective date of this section, or as soon as possible 125387
thereafter, the Director of Budget and Management, upon the 125388
written request of the Director of Commerce, may transfer the cash 125389
balance in the Savings Institutions Fund (Fund 5450) to the Banks 125390
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 125391
hereby abolished. 125392

Section 130.26. Sections 130.21, 130.22, 130.23, 130.24, 125393
130.25, and 130.26 of this act, except for sections 135.182, 125394
1121.24, 1121.29, 1121.30, and 1123.03 of the Revised Code, take 125395
effect January 1, 2018. Sections 135.182, 1121.24, 1121.29, 125396
1121.30, and 1123.03 of the Revised Code, as amended or enacted by 125397
Sections 130.21 and 130.22 of this act, take effect at the 125398
earliest time permitted by law. 125399

Section 130.27. Section 1121.02 of the Revised Code is 125400
presented in this act as a composite of the section as amended by 125401
both Am. Sub. H.B. 538 and Am. Sub. S.B. 293 of the 121st General 125402
Assembly. The General Assembly, applying the principle stated in 125403
division (B) of section 1.52 of the Revised Code that amendments 125404
are to be harmonized if reasonably capable of simultaneous 125405
operation, finds that the composite is the resulting version of 125406
the section in effect prior to the effective date of the section 125407
as presented in this act. 125408

Section 135.10. That sections 173.501, 173.521, 173.542, 125409
1347.08, 2317.54, 4715.36, 5101.60, 5101.99, 5123.61, and 5126.31 125410
be amended; sections 5101.61 (5101.63), 5101.611 (5101.64), 125411

5101.612 (5101.631), 5101.62 (5101.65), 5101.622 (5101.652), 125412
5101.63 (5101.651), 5101.64 (5101.66), 5101.65 (5101.68), 5101.66 125413
(5101.681), 5101.67 (5101.682), 5101.68 (5101.69), 5101.69 125414
(5101.70), 5101.691 (5101.701), 5101.692 (5101.702), 5101.70 125415
(5101.71), 5101.71 (5101.61), and 5101.72 (5101.611) be amended 125416
for the purpose of adopting new section numbers as indicated in 125417
parentheses; and new section 5101.62 and sections 5101.632, 125418
5101.73, 5101.74, and 5101.741 of the Revised Code be enacted to 125419
read as follows: 125420

Sec. 173.501. (A) As used in this section: 125421

"Nursing facility" has the same meaning as in section 5165.01 125422
of the Revised Code. 125423

"PACE provider" has the same meaning as in the "Social 125424
Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3). 125425

(B) The department of aging shall establish a home first 125426
component of the PACE program under which eligible individuals may 125427
be enrolled in the PACE program in accordance with this section. 125428
An individual is eligible for the PACE program's home first 125429
component if both of the following apply: 125430

(1) The individual has been determined to be eligible for the 125431
PACE program. 125432

(2) At least one of the following applies: 125433

(a) The individual has been admitted to a nursing facility. 125434

(b) A physician has determined and documented in writing that 125435
the individual has a medical condition that, unless the individual 125436
is enrolled in home and community-based services such as the PACE 125437
program, will require the individual to be admitted to a nursing 125438
facility within thirty days of the physician's determination. 125439

(c) The individual has been hospitalized and a physician has 125440
determined and documented in writing that, unless the individual 125441

is enrolled in home and community-based services such as the PACE 125442
program, the individual is to be transported directly from the 125443
hospital to a nursing facility and admitted. 125444

(d) Both of the following apply: 125445

(i) The individual is the subject of a report made under 125446
section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, 125447
neglect, or exploitation or such a report referred to a county 125448
department of job and family services under section 5126.31 of the 125449
Revised Code or has made a request to a county department for 125450
protective services as defined in section 5101.60 of the Revised 125451
Code. 125452

(ii) A county department of job and family services and an 125453
area agency on aging have jointly documented in writing that, 125454
unless the individual is enrolled in home and community-based 125455
services such as the PACE program, the individual should be 125456
admitted to a nursing facility. 125457

(C) Each month, the department of aging shall identify 125458
individuals who are eligible for the home first component of the 125459
PACE program. When the department identifies such an individual, 125460
the department shall notify the PACE provider serving the area in 125461
which the individual resides. The PACE provider shall determine 125462
whether the PACE program is appropriate for the individual and 125463
whether the individual would rather participate in the PACE 125464
program than continue or begin to reside in a nursing facility. If 125465
the PACE provider determines that the PACE program is appropriate 125466
for the individual and the individual would rather participate in 125467
the PACE program than continue or begin to reside in a nursing 125468
facility, the PACE provider shall so notify the department of 125469
aging. On receipt of the notice from the PACE provider, the 125470
department of aging shall approve the individual's enrollment in 125471
the PACE program in accordance with priorities established in 125472
rules adopted under section 173.50 of the Revised Code. 125473

Sec. 173.521. (A) Unless the medicaid-funded component of the PASSPORT program is terminated pursuant to division (C) of section 173.52 of the Revised Code, the department shall establish a home first component of the PASSPORT program under which eligible individuals may be enrolled in the medicaid-funded component of the PASSPORT program in accordance with this section. An individual is eligible for the PASSPORT program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the medicaid-funded component of the PASSPORT program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the PASSPORT program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.

(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the PASSPORT program, the individual is to be transported directly from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, neglect, or exploitation or such a report referred to a county department of job and family services under section 5126.31 of the Revised Code or has made a request to a county department for protective services as defined in section 5101.60 of the Revised

Code. 125504

(ii) A county department of job and family services and an 125505
area agency on aging have jointly documented in writing that, 125506
unless the individual is enrolled in home and community-based 125507
services such as the PASSPORT program, the individual should be 125508
admitted to a nursing facility. 125509

(B) Each month, each area agency on aging shall identify 125510
individuals residing in the area that the agency serves who are 125511
eligible for the home first component of the PASSPORT program. 125512
When an area agency on aging identifies such an individual, the 125513
agency shall notify the long-term care consultation program 125514
administrator serving the area in which the individual resides. 125515
The administrator shall determine whether the PASSPORT program is 125516
appropriate for the individual and whether the individual would 125517
rather participate in the PASSPORT program than continue or begin 125518
to reside in a nursing facility. If the administrator determines 125519
that the PASSPORT program is appropriate for the individual and 125520
the individual would rather participate in the PASSPORT program 125521
than continue or begin to reside in a nursing facility, the 125522
administrator shall so notify the department of aging. On receipt 125523
of the notice from the administrator, the department shall approve 125524
the individual's enrollment in the medicaid-funded component of 125525
the PASSPORT program regardless of the unified waiting list 125526
established under section 173.55 of the Revised Code, unless the 125527
enrollment would cause the component to exceed any limit on the 125528
number of individuals who may be enrolled in the component as set 125529
by the United States secretary of health and human services in the 125530
PASSPORT waiver. 125531

Sec. 173.542. (A) Unless the medicaid-funded component of the 125532
assisted living program is terminated pursuant to division (C) of 125533
section 173.54 of the Revised Code, the department of aging shall 125534

establish a home first component of the assisted living program 125535
under which eligible individuals may be enrolled in the 125536
medicaid-funded component of the assisted living program in 125537
accordance with this section. An individual is eligible for the 125538
assisted living program's home first component if both of the 125539
following apply: 125540

(1) The individual has been determined to be eligible for the 125541
medicaid-funded component of the assisted living program. 125542

(2) At least one of the following applies: 125543

(a) The individual has been admitted to a nursing facility. 125544

(b) A physician has determined and documented in writing that 125545
the individual has a medical condition that, unless the individual 125546
is enrolled in home and community-based services such as the 125547
assisted living program, will require the individual to be 125548
admitted to a nursing facility within thirty days of the 125549
physician's determination. 125550

(c) The individual has been hospitalized and a physician has 125551
determined and documented in writing that, unless the individual 125552
is enrolled in home and community-based services such as the 125553
assisted living program, the individual is to be transported 125554
directly from the hospital to a nursing facility and admitted. 125555

(d) Both of the following apply: 125556

(i) The individual is the subject of a report made under 125557
section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, 125558
neglect, or exploitation or such a report referred to a county 125559
department of job and family services under section 5126.31 of the 125560
Revised Code or has made a request to a county department for 125561
protective services as defined in section 5101.60 of the Revised 125562
Code. 125563

(ii) A county department of job and family services and an 125564

area agency on aging have jointly documented in writing that, 125565
unless the individual is enrolled in home and community-based 125566
services such as the assisted living program, the individual 125567
should be admitted to a nursing facility. 125568

(B) Each month, each area agency on aging shall identify 125569
individuals residing in the area that the area agency on aging 125570
serves who are eligible for the home first component of the 125571
assisted living program. When an area agency on aging identifies 125572
such an individual and determines that there is a vacancy in a 125573
residential care facility participating in the medicaid-funded 125574
component of the assisted living program that is acceptable to the 125575
individual, the agency shall notify the long-term care 125576
consultation program administrator serving the area in which the 125577
individual resides. The administrator shall determine whether the 125578
assisted living program is appropriate for the individual and 125579
whether the individual would rather participate in the assisted 125580
living program than continue or begin to reside in a nursing 125581
facility. If the administrator determines that the assisted living 125582
program is appropriate for the individual and the individual would 125583
rather participate in the assisted living program than continue or 125584
begin to reside in a nursing facility, the administrator shall so 125585
notify the department of aging. On receipt of the notice from the 125586
administrator, the department shall approve the individual's 125587
enrollment in the medicaid-funded component of the assisted living 125588
program regardless of the unified waiting list established under 125589
section 173.55 of the Revised Code, unless the enrollment would 125590
cause the component to exceed any limit on the number of 125591
individuals who may participate in the component as set by the 125592
United States secretary of health and human services in the 125593
assisted living waiver. 125594

Sec. 1347.08. (A) Every state or local agency that maintains 125595
a personal information system, upon the request and the proper 125596

identification of any person who is the subject of personal 125597
information in the system, shall: 125598

(1) Inform the person of the existence of any personal 125599
information in the system of which the person is the subject; 125600

(2) Except as provided in divisions (C) and (E)(2) of this 125601
section, permit the person, the person's legal guardian, or an 125602
attorney who presents a signed written authorization made by the 125603
person, to inspect all personal information in the system of which 125604
the person is the subject; 125605

(3) Inform the person about the types of uses made of the 125606
personal information, including the identity of any users usually 125607
granted access to the system. 125608

(B) Any person who wishes to exercise a right provided by 125609
this section may be accompanied by another individual of the 125610
person's choice. 125611

(C)(1) A state or local agency, upon request, shall disclose 125612
medical, psychiatric, or psychological information to a person who 125613
is the subject of the information or to the person's legal 125614
guardian, unless a physician, psychiatrist, or psychologist 125615
determines for the agency that the disclosure of the information 125616
is likely to have an adverse effect on the person, in which case 125617
the information shall be released to a physician, psychiatrist, or 125618
psychologist who is designated by the person or by the person's 125619
legal guardian. 125620

(2) Upon the signed written request of either a licensed 125621
attorney at law or a licensed physician designated by the inmate, 125622
together with the signed written request of an inmate of a 125623
correctional institution under the administration of the 125624
department of rehabilitation and correction, the department shall 125625
disclose medical information to the designated attorney or 125626

physician as provided in division (C) of section 5120.21 of the Revised Code. 125627
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(D) If an individual who is authorized to inspect personal information that is maintained in a personal information system requests the state or local agency that maintains the system to provide a copy of any personal information that the individual is authorized to inspect, the agency shall provide a copy of the personal information to the individual. Each state and local agency may establish reasonable fees for the service of copying, upon request, personal information that is maintained by the agency. 125629
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(E)(1) This section regulates access to personal information that is maintained in a personal information system by persons who are the subject of the information, but does not limit the authority of any person, including a person who is the subject of personal information maintained in a personal information system, to inspect or have copied, pursuant to section 149.43 of the Revised Code, a public record as defined in that section. 125638
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(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code. 125645
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(F) This section does not apply to any of the following: 125653

(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code; 125654
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(2) Information contained in the putative father registry 125657

established by section 3107.062 of the Revised Code, regardless of 125658
whether the information is held by the department of job and 125659
family services or, pursuant to section 3111.69 of the Revised 125660
Code, the office of child support in the department or a child 125661
support enforcement agency; 125662

(3) Papers, records, and books that pertain to an adoption 125663
and that are subject to inspection in accordance with section 125664
3107.17 of the Revised Code; 125665

(4) Records specified in division (A) of section 3107.52 of 125666
the Revised Code; 125667

(5) Records that identify an individual described in division 125668
(A)(1) of section 3721.031 of the Revised Code, or that would tend 125669
to identify such an individual; 125670

(6) Files and records that have been expunged under division 125671
(D)(1) or (2) of section 3721.23 of the Revised Code; 125672

(7) Records that identify an individual described in division 125673
(A)(1) of section 3721.25 of the Revised Code, or that would tend 125674
to identify such an individual; 125675

(8) Records that identify an individual described in division 125676
(A)(1) of section 5165.88 of the Revised Code, or that would tend 125677
to identify such an individual; 125678

(9) Test materials, examinations, or evaluation tools used in 125679
an examination for licensure as a nursing home administrator that 125680
the board of executives of long-term services and supports 125681
administers under section 4751.04 of the Revised Code or contracts 125682
under that section with a private or government entity to 125683
administer; 125684

(10) Information contained in a database established and 125685
maintained pursuant to section 5101.13 of the Revised Code; 125686

(11) Information contained in a database established and 125687

maintained pursuant to section ~~5101.612~~ 5101.631 of the Revised Code. 125688
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Sec. 2317.54. No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program. 125690
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Written consent to a surgical or medical procedure or course of procedures shall, to the extent that it fulfills all the requirements in divisions (A), (B), and (C) of this section, be presumed to be valid and effective, in the absence of proof by a preponderance of the evidence that the person who sought such consent was not acting in good faith, or that the execution of the consent was induced by fraudulent misrepresentation of material facts, or that the person executing the consent was not able to communicate effectively in spoken and written English or any other language in which the consent is written. Except as herein provided, no evidence shall be admissible to impeach, modify, or limit the authorization for performance of the procedure or procedures set forth in such written consent. 125699
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(A) The consent sets forth in general terms the nature and purpose of the procedure or procedures, and what the procedures are expected to accomplish, together with the reasonably known risks, and, except in emergency situations, sets forth the names of the physicians who shall perform the intended surgical procedures. 125712
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(B) The person making the consent acknowledges that such 125718

disclosure of information has been made and that all questions 125719
asked about the procedure or procedures have been answered in a 125720
satisfactory manner. 125721

(C) The consent is signed by the patient for whom the 125722
procedure is to be performed, or, if the patient for any reason 125723
including, but not limited to, competence, minority, or the fact 125724
that, at the latest time that the consent is needed, the patient 125725
is under the influence of alcohol, hallucinogens, or drugs, lacks 125726
legal capacity to consent, by a person who has legal authority to 125727
consent on behalf of such patient in such circumstances, including 125728
either of the following: 125729

(1) The parent, whether the parent is an adult or a minor, of 125730
the parent's minor child; 125731

(2) An adult whom the parent of the minor child has given 125732
written authorization to consent to a surgical or medical 125733
procedure or course of procedures for the parent's minor child. 125734

Any use of a consent form that fulfills the requirements 125735
stated in divisions (A), (B), and (C) of this section has no 125736
effect on the common law rights and liabilities, including the 125737
right of a physician to obtain the oral or implied consent of a 125738
patient to a medical procedure, that may exist as between 125739
physicians and patients on July 28, 1975. 125740

As used in this section the term "hospital" has the same 125741
meaning as in section 2305.113 of the Revised Code; "home health 125742
agency" has the same meaning as in section ~~5101.61~~ 3701.881 of the 125743
Revised Code; "ambulatory surgical facility" has the meaning as in 125744
division (A) of section 3702.30 of the Revised Code; and "hospice 125745
care program" and "pediatric respite care program" have the same 125746
meanings as in section 3712.01 of the Revised Code. The provisions 125747
of this division apply to hospitals, doctors of medicine, doctors 125748
of osteopathic medicine, and doctors of podiatric medicine. 125749

Sec. 4715.36. As used in this section and sections 4715.361 125750
to 4715.374 of the Revised Code: 125751

(A) "Accredited dental hygiene school" means a dental hygiene 125752
school accredited by the American dental association commission on 125753
dental accreditation or a dental hygiene school whose educational 125754
standards are recognized by the American dental association 125755
commission on dental accreditation and approved by the state 125756
dental board. 125757

(B) "Authorizing dentist" means a dentist who authorizes a 125758
dental hygienist to perform dental hygiene services under section 125759
4715.365 of the Revised Code. 125760

(C) "Clinical evaluation" means a diagnosis and treatment 125761
plan formulated for an individual patient by a dentist. 125762

(D) "Dentist" means an individual licensed under this chapter 125763
to practice dentistry. 125764

(E) "Dental hygienist" means an individual licensed under 125765
this chapter to practice as a dental hygienist. 125766

(F) "Dental hygiene services" means the prophylactic, 125767
preventive, and other procedures that dentists are authorized by 125768
this chapter and rules of the state dental board to assign to 125769
dental hygienists, except for procedures while a patient is 125770
anesthetized, definitive root planing, definitive subgingival 125771
curettage, the administration of local anesthesia, and the 125772
procedures specified in rules adopted by the board as described in 125773
division (C)(4) of section 4715.22 of the Revised Code. 125774

(G) "Facility" means any of the following: 125775

(1) A health care facility, as defined in section 4715.22 of 125776
the Revised Code; 125777

(2) A state correctional institution, as defined in section 125778
2967.01 of the Revised Code; 125779

- (3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center; 125780
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- (4) A residential facility licensed under section 5123.19 of the Revised Code; 125784
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- (5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code; 125786
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- (6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code; 125790
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- (7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code; 125794
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- (8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code; 125797
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- (9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code; 125799
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- (10) A foster home, as defined in section 5103.02 of the Revised Code; 125801
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- (11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code; 125803
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- (12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section ~~5101.61~~ 3701.881 of the Revised Code; 125805
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- (13) A dispensary; 125808
- (14) A health care facility, such as a clinic or hospital, of 125809

the United States department of veterans affairs; 125810

(15) The residence of one or more individuals enrolled in a 125811
home and community-based services medicaid waiver component, as 125812
defined in section 5166.01 of the Revised Code; 125813

(16) A facility operated by the board of health of a city or 125814
general health district or the authority having the duties of a 125815
board of health under section 3709.05 of the Revised Code; 125816

(17) A women, infants, and children clinic; 125817

(18) A mobile dental unit located at any location listed in 125818
divisions (G)(1) to (17) of this section; 125819

(19) Any other location, as specified by the state dental 125820
board in rules adopted under section 4715.372 of the Revised Code, 125821
that is in an area designated as a dental health resource shortage 125822
area pursuant to section 3702.87 of the Revised Code and provides 125823
health care services to individuals who are medicaid recipients 125824
and to indigent and uninsured persons, as defined in section 125825
2305.234 of the Revised Code. 125826

Sec. 5101.60. As used in sections 5101.60 to ~~5101.71~~ 5101.73 125827
of the Revised Code: 125828

(A) "Abandonment" means desertion of an adult by a caretaker 125829
without having made provision for transfer of the adult's care. 125830

(B) "Abuse" means the infliction upon an adult by self or 125831
others of injury, unreasonable confinement, intimidation, or cruel 125832
punishment with resulting physical harm, pain, or mental anguish. 125833

~~(B)~~(C) "Adult" means any person sixty years of age or older 125834
within this state who is handicapped by the infirmities of aging 125835
or who has a physical or mental impairment which prevents the 125836
person from providing for the person's own care or protection, and 125837
who resides in an independent living arrangement. ~~An "independent~~ 125838
~~living arrangement" is a domicile of a person's own choosing,~~ 125839

~~including, but not limited to, a private home, apartment, trailer, or rooming house. An "independent living arrangement" includes a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, but does not include other institutions or facilities licensed by the state or facilities in which a person resides as a result of voluntary, civil, or criminal commitment.~~

~~(C)(D) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.~~

~~(E) "Caretaker" means the person assuming the primary responsibility for the care of an adult ~~on~~ by any of the following means:~~

~~(1) On a voluntary basis, ~~by~~ i~~

~~(2) By contract, ~~through~~ i~~

~~(3) Through receipt of payment for care, ~~as~~ i~~

~~(4) As a result of a family relationship, ~~or~~ by i~~

~~(5) By order of a court of competent jurisdiction.~~

~~(D)(F) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.99 of the Revised Code.~~

~~(G) "Court" means the probate court in the county where an adult resides.~~

~~(E)(H) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person.~~

~~(F)(I) "Emergency services" means protective services~~

furnished to an adult in an emergency. 125870

~~(G)~~(J) "Exploitation" means the unlawful or improper act of a 125871
~~caretaker~~ person using, in one or more transactions, an adult or 125872
an adult's resources for monetary or personal benefit, profit, or 125873
gain when the ~~caretaker~~ person obtained or exerted control over 125874
the adult or the adult's resources in any of the following ways: 125875

(1) Without the adult's consent or the consent of the person 125876
authorized to give consent on the adult's behalf; 125877

(2) Beyond the scope of the express or implied consent of the 125878
adult or the person authorized to give consent on the adult's 125879
behalf; 125880

(3) By deception; 125881

(4) By threat; 125882

(5) By intimidation. 125883

~~(H)~~(K) "In need of protective services" means an adult known 125884
or suspected to be suffering from abuse, neglect, or exploitation 125885
to an extent that either life is endangered or physical harm, 125886
mental anguish, or mental illness results or is likely to result. 125887

~~(I)~~(L) "Incapacitated person" means a person who is impaired 125888
for any reason to the extent that the person lacks sufficient 125889
understanding or capacity to make and carry out reasonable 125890
decisions concerning the person's self or resources, with or 125891
without the assistance of a caretaker. Refusal to consent to the 125892
provision of services shall not be the sole determinative that the 125893
person is incapacitated. ~~"Reasonable decisions" are decisions made~~ 125894
~~in daily living which facilitate the provision of food, shelter,~~ 125895
~~clothing, and health care necessary for life support.~~ 125896

~~(J)~~(M) "Independent living arrangement" means a domicile of a 125897
person's own choosing, including, but not limited to, a private 125898
home, apartment, trailer, or rooming house. "Independent living 125899

arrangement" includes a residential facility licensed under 125900
section 5119.22 of the Revised Code that provides accommodations, 125901
supervision, and personal care services for three to sixteen 125902
unrelated adults, but does not include any other institution or 125903
facility licensed by the state or a facility in which a person 125904
resides as a result of voluntary, civil, or criminal commitment. 125905

(N) "Mental illness" means a substantial disorder of thought, 125906
mood, perception, orientation, or memory that grossly impairs 125907
judgment, behavior, capacity to recognize reality, or ability to 125908
meet the ordinary demands of life. 125909

~~(K)~~(O) "Neglect" means any of the failure following: 125910

(1) Failure of an adult to provide for self the goods or 125911
services necessary to avoid physical harm, mental anguish, or 125912
mental illness ~~or the failure;~~ 125913

(2) Failure of a caretaker to provide such goods or services; 125914
125915

(3) Abandonment. 125916

~~(L)~~(P) "Outpatient health facility" means a facility where 125917
medical care and preventive, diagnostic, therapeutic, 125918
rehabilitative, or palliative items or services are provided to 125919
outpatients by or under the direction of a physician or dentist. 125920

(Q) "Peace officer" means a peace officer as defined in 125921
section 2935.01 of the Revised Code. 125922

~~(M)~~(R) "Physical harm" means bodily pain, injury, impairment, 125923
or disease suffered by an adult. 125924

~~(N)~~(S) "Protective services" means services provided by the 125925
county department of job and family services or its designated 125926
agency to an adult who has been determined by evaluation to 125927
require such services for the prevention, correction, or 125928
discontinuance of an act of as well as conditions resulting from 125929

abuse, neglect, or exploitation. Protective services may include, 125930
but are not limited to, case work services, medical care, mental 125931
health services, legal services, fiscal management, home health 125932
care, homemaker services, housing-related services, guardianship 125933
services, and placement services as well as the provision of such 125934
commodities as food, clothing, and shelter. 125935

~~(O)~~(T) "Reasonable decisions" means decisions made in daily 125936
living that facilitate the provision of food, shelter, clothing, 125937
and health care necessary for life support. 125938

(U) "Senior service provider" means a person who provides 125939
care or specialized services to an adult, except that it does not 125940
include the state long-term care ombudsman or a regional long-term 125941
care ombudsman. 125942

(V) "Working day" means Monday, Tuesday, Wednesday, Thursday, 125943
and Friday, except when such day is a holiday as defined in 125944
section 1.14 of the Revised Code. 125945

Sec. ~~5101.71~~ 5101.61. (A) The county departments of job and 125946
family services shall implement sections 5101.60 to 5101.71 of the 125947
Revised Code. ~~The department of job and family services shall 125948~~
~~provide a program of ongoing, comprehensive, formal training 125949~~
~~regarding the implementation of sections 5101.60 to 5101.71 of the 125950~~
~~Revised Code and require all adult protective services caseworkers 125951~~
~~and their supervisors to undergo the training. Training shall not 125952~~
~~be limited to the procedures for implementing section 5101.62 of 125953~~
~~the Revised Code. The department of job and family services shall 125954~~
~~adopt any rules it deems necessary regarding the training. 125955~~

(B) The director of job and family services may adopt rules 125956
in accordance with section 111.15 of the Revised Code to carry out 125957
the purposes of sections 5101.60 to 5101.71 of the Revised Code. 125958
The rules adopted pursuant to this division may include a 125959
requirement that the county departments provide on forms 125960

prescribed by the rules a plan of proposed expenditures, and a 125961
report of actual expenditures, of funds necessary to implement 125962
sections 5101.60 to 5101.71 of the Revised Code and other 125963
requirements for intake procedures, investigations, case 125964
management, and the provision of protective services. 125965

Sec. ~~5101.72~~ 5101.611. The department of job and family 125966
services may reimburse county departments of job and family 125967
services, local law enforcement agencies, and county prosecutors 125968
for all or part of the costs they incur in implementing sections 125969
5101.60 to ~~5101.71~~ 5101.73 of the Revised Code. The director of 125970
job and family services shall adopt internal management rules in 125971
accordance with section 111.15 of the Revised Code that provide 125972
for reimbursement of county departments of job and family 125973
services, local law enforcement agencies, and county prosecutors 125974
under this section. 125975

The director shall adopt internal management rules in 125976
accordance with section 111.15 of the Revised Code that do both of 125977
the following: 125978

(A) Implement sections 5101.60 to 5101.71 of the Revised 125979
Code; 125980

(B) Require the county departments, local law enforcement 125981
agencies, and county prosecutors to collect and submit to the 125982
department, or ensure that a designated agency collects and 125983
submits to the department, data concerning the implementation of 125984
sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code. 125985

Sec. 5101.62. The department of job and family services shall 125986
do all of the following: 125987

(A) Provide a program of ongoing, comprehensive, formal 125988
training on the implementation of sections 5101.60 to 5101.73 of 125989
the Revised Code and require all protective services caseworkers 125990

<u>and their supervisors to undergo the training;</u>	125991
<u>(B) Develop and make available educational materials for</u>	125992
<u>individuals who are required under section 5101.63 of the Revised</u>	125993
<u>Code to make reports of abuse, neglect, and exploitation;</u>	125994
<u>(C) Facilitate ongoing cooperation among state agencies on</u>	125995
<u>issues pertaining to the abuse, neglect, or exploitation of</u>	125996
<u>adults.</u>	125997
Sec. 5101.61 5101.63. (A) As used in this section:	125998
(1) "Senior service provider" means any person who provides	125999
care or services to a person who is an adult as defined in	126000
division (B) of section 5101.60 of the Revised Code.	126001
(2) "Ambulatory health facility" means a nonprofit, public or	126002
proprietary freestanding organization or a unit of such an agency	126003
or organization that:	126004
(a) Provides preventive, diagnostic, therapeutic,	126005
rehabilitative, or palliative items or services furnished to an	126006
outpatient or ambulatory patient, by or under the direction of a	126007
physician or dentist in a facility which is not a part of a	126008
hospital, but which is organized and operated to provide medical	126009
care to outpatients;	126010
(b) Has health and medical care policies which are developed	126011
with the advice of, and with the provision of review of such	126012
policies, an advisory committee of professional personnel,	126013
including one or more physicians, one or more dentists, if dental	126014
care is provided, and one or more registered nurses;	126015
(c) Has a medical director, a dental director, if dental care	126016
is provided, and a nursing director responsible for the execution	126017
of such policies, and has physicians, dentists, nursing, and	126018
ancillary staff appropriate to the scope of services provided;	126019
(d) Requires that the health care and medical care of every	126020

~~patient be under the supervision of a physician, provides for 126021
medical care in a case of emergency, has in effect a written 126022
agreement with one or more hospitals and other centers or clinics, 126023
and has an established patient referral system to other resources, 126024
and a utilization review plan and program; 126025~~

~~(e) Maintains clinical records on all patients; 126026~~

~~(f) Provides nursing services and other therapeutic services 126027
in accordance with programs and policies, with such services 126028
supervised by a registered professional nurse, and has a 126029
registered professional nurse on duty at all times of clinical 126030
operations; 126031~~

~~(g) Provides approved methods and procedures for the 126032
dispensing and administration of drugs and biologicals; 126033~~

~~(h) Has established an accounting and record keeping system 126034
to determine reasonable and allowable costs; 126035~~

~~(i) "Ambulatory health facilities" also includes an 126036
alcoholism treatment facility approved by the joint commission on 126037
accreditation of healthcare organizations as an alcoholism 126038
treatment facility or certified by the department of mental health 126039
and addiction services, and such facility shall comply with other 126040
provisions of this division not inconsistent with such 126041
accreditation or certification. 126042~~

~~(3) "Community mental health facility" means a facility which 126043
provides community mental health services and is included in the 126044
comprehensive mental health plan for the alcohol, drug addiction, 126045
and mental health service district in which it is located. 126046~~

~~(4) "Community mental health service" means services, other 126047
than inpatient services, provided by a community mental health 126048
facility. 126049~~

~~(5) "Home health agency" means an institution or a distinct 126050~~

~~part of an institution operated in this state which:~~ 126051

~~(a) Is primarily engaged in providing home health services;~~ 126052

~~(b) Has home health policies which are established by a group~~ 126053
~~of professional personnel, including one or more duly licensed~~ 126054
~~doctors of medicine or osteopathy and one or more registered~~ 126055
~~professional nurses, to govern the home health services it~~ 126056
~~provides and which includes a requirement that every patient must~~ 126057
~~be under the care of a duly licensed doctor of medicine or~~ 126058
~~osteopathy;~~ 126059

~~(c) Is under the supervision of a duly licensed doctor of~~ 126060
~~medicine or doctor of osteopathy or a registered professional~~ 126061
~~nurse who is responsible for the execution of such home health~~ 126062
~~policies;~~ 126063

~~(d) Maintains comprehensive records on all patients;~~ 126064

~~(e) Is operated by the state, a political subdivision, or an~~ 126065
~~agency of either, or is operated not for profit in this state and~~ 126066
~~is licensed or registered, if required, pursuant to law by the~~ 126067
~~appropriate department of the state, county, or municipality in~~ 126068
~~which it furnishes services; or is operated for profit in this~~ 126069
~~state, meets all the requirements specified in divisions (A)(5)(a)~~ 126070
~~to (d) of this section, and is certified under Title XVIII of the~~ 126071
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as~~ 126072
~~amended.~~ 126073

~~(6) "Home health service" means the following items and~~ 126074
~~services, provided, except as provided in division (A)(6)(g) of~~ 126075
~~this section, on a visiting basis in a place of residence used as~~ 126076
~~the patient's home:~~ 126077

~~(a) Nursing care provided by or under the supervision of a~~ 126078
~~registered professional nurse;~~ 126079

~~(b) Physical, occupational, or speech therapy ordered by the~~ 126080

patient's attending physician;	126081
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	126082 126083 126084
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	126085 126086 126087
(e) Medical supplies and the use of medical appliances;	126088
(f) Medical services of interns and residents in training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	126089 126090 126091 126092
(g) Any of the foregoing items and services which:	126093
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	126094 126095 126096
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	126097 126098 126099 126100 126101
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care facility, or home for	126102 126103 126104 126105 126106 126107 126108 126109 126110

~~the aging, as defined in section 3721.01 of the Revised Code, any 126111
senior service provider, any peace officer, coroner, member of the 126112
clergy, any employee of a community mental health facility, and 126113
any person engaged in professional counseling, social work, or 126114
marriage and family therapy (1) Any individual listed in division 126115
(A)(2) of this section having reasonable cause to believe that an 126116
adult is being abused, neglected, or exploited, or is in a 126117
condition which is the result of abuse, neglect, or exploitation 126118
shall immediately report such belief to the county department of 126119
job and family services. This section does not apply to employees 126120
of any hospital or public hospital as defined in section 5122.01 126121
of the Revised Code. 126122~~

(2) All of the following are subject to division (A)(1) of 126123
this section: 126124

(a) An attorney admitted to the practice of law in this 126125
state; 126126

(b) An individual authorized under Chapter 4731. of the 126127
Revised Code to practice medicine and surgery, osteopathic 126128
medicine and surgery, or podiatric medicine and surgery; 126129

(c) An individual licensed under Chapter 4734. of the Revised 126130
Code as a chiropractor; 126131

(d) An individual licensed under Chapter 4715. of the Revised 126132
Code as a dentist; 126133

(e) An individual licensed under Chapter 4723. of the Revised 126134
Code as a registered nurse or licensed practical nurse; 126135

(f) An individual licensed under Chapter 4732. of the Revised 126136
Code as a psychologist; 126137

(g) An individual licensed under Chapter 4757. of the Revised 126138
Code as a social worker, independent social worker, professional 126139
counselor, professional clinical counselor, marriage and family 126140

<u>therapist, or independent marriage and family therapist;</u>	126141
<u>(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;</u>	126142
	126143
<u>(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;</u>	126144
	126145
	126146
<u>(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;</u>	126147
	126148
<u>(k) An employee of an outpatient health facility;</u>	126149
<u>(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;</u>	126150
	126151
<u>(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;</u>	126152
	126153
<u>(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;</u>	126154
	126155
<u>(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;</u>	126156
	126157
	126158
	126159
<u>(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;</u>	126160
	126161
	126162
	126163
<u>(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;</u>	126164
	126165
<u>(r) An agent of a county humane society organized under section 1717.05 of the Revised Code;</u>	126166
	126167
<u>(s) An individual who is a firefighter for a lawfully constituted fire department;</u>	126168
	126169

<u>(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;</u>	126170 126171 126172
<u>(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;</u>	126173 126174 126175
<u>(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;</u>	126176 126177
<u>(w) A peace officer;</u>	126178
<u>(x) A coroner;</u>	126179
<u>(y) A member of the clergy;</u>	126180
<u>(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;</u>	126181 126182 126183
<u>(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;</u>	126184 126185
<u>(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;</u>	126186 126187
<u>(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;</u>	126188 126189 126190
<u>(dd) An investment adviser, as defined in section 1707.01 of the Revised Code;</u>	126191 126192
<u>(ee) A financial planner accredited by a national accreditation agency;</u>	126193 126194
<u>(ff) Any other individual who is a senior service provider.</u>	126195
(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports <u>a report</u> to be made of such belief to the <u>county</u>	126196 126197 126198

department of job and family services. 126199

(C) The reports made under this section shall be made orally 126200
or in writing except that oral reports shall be followed by a 126201
written report if a written report is requested by the department. 126202
Written reports shall include: 126203

(1) The name, address, and approximate age of the adult who 126204
is the subject of the report; 126205

(2) The name and address of the individual responsible for 126206
the adult's care, if any individual is, and if the individual is 126207
known; 126208

(3) The nature and extent of the alleged abuse, neglect, or 126209
exploitation of the adult; 126210

(4) The basis of the reporter's belief that the adult has 126211
been abused, neglected, or exploited. 126212

(D) Any person with reasonable cause to believe that an adult 126213
is suffering abuse, neglect, or exploitation who makes a report 126214
pursuant to this section or who testifies in any administrative or 126215
judicial proceeding arising from such a report, or any employee of 126216
the state or any of its subdivisions who is discharging 126217
responsibilities under section ~~5101.62~~ 5101.65 of the Revised Code 126218
shall be immune from civil or criminal liability on account of 126219
such investigation, report, or testimony, except liability for 126220
perjury, unless the person has acted in bad faith or with 126221
malicious purpose. 126222

(E) No employer or any other person with the authority to do 126223
so shall ~~discharge~~ do any of the following as a result of an 126224
employee's having filed a report under this section: 126225

(1) Discharge, demote, transfer, or prepare a negative work 126226
performance evaluation, ~~or reduce;~~ 126227

(2) Reduce benefits, pay, or work privileges, ~~or take;~~ 126228

(3) Take any other action detrimental to an employee or in 126229
any way retaliate against ~~an~~ the employee ~~as a result of the~~ 126230
~~employee's having filed a report under this section.~~ 126231

(F) The written or oral report provided for in this section 126232
and the investigatory report provided for in section ~~5101.62~~ 126233
5101.65 of the Revised Code are confidential and are not public 126234
records, as defined in section 149.43 of the Revised Code. In 126235
accordance with rules adopted by the department of job and family 126236
services, information contained in the report shall upon request 126237
be made available to the adult who is the subject of the report 126238
and to legal counsel for the adult. If it determines that there is 126239
a risk of harm to a person who makes a report under this section 126240
or to the adult who is the subject of the report, the county 126241
department of job and family services may redact the name and 126242
identifying information related to the person who made the report. 126243

(G) The county department of job and family services shall be 126244
available to receive the written or oral report provided for in 126245
this section twenty-four hours a day and seven days a week. 126246

Sec. ~~5101.612~~ 5101.631. (A) The department of job and family 126247
services shall establish and maintain a uniform statewide 126248
automated adult protective services information system. The 126249
information system shall contain records regarding all of the 126250
following: 126251

(1) All reports of abuse, neglect, or exploitation of adults 126252
made to county departments of job and family services under 126253
section ~~5101.61~~ 5101.63 of the Revised Code; 126254

(2) Investigations conducted under section ~~5101.62~~ 5101.65 of 126255
the Revised Code; 126256

(3) Protective services provided to adults pursuant to 126257
sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code; 126258

(4) Any other information related to adults in need of protective services that state or federal law, regulation, or rule requires the department or a county department to maintain.

(B) The department shall plan implementation of the information system on a county-by-county basis. The department shall promptly notify all county departments of the initiation and completion of statewide implementation of the information system.

(C)(1) The department shall, upon request, release information in the information system to county departments conducting investigations pursuant to section 5101.65 of the Revised Code and to local law enforcement agencies conducting criminal investigations. The department may release information in the information system to law enforcement agencies through the Ohio law enforcement gateway established under section 109.57 of the Revised Code. Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes authorized by this section and rules adopted by the department.

(2) Except as provided in division (C)(3)(1) of this section and in rules adopted by the department pursuant to that division+

~~(1) The information contained in or obtained from the information system is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code.~~

~~(2) No, no~~ person shall knowingly do either of the following:

(a) Access or use information contained in the information system;

(b) Disclose information obtained from the information system.

~~(3) Information contained in the information system may be~~

~~accessed or used only in a manner, to the extent, and for the~~ 126289
~~purposes, authorized by rules adopted by the department.~~ 126290

Sec. 5101.632. Each entity that employs or is responsible for 126291
licensing or regulating the individuals required under section 126292
5101.63 of the Revised Code to make reports of abuse, neglect, or 126293
exploitation of adults shall ensure that the individuals have 126294
access to the educational materials developed under division (B) 126295
of section 5101.62 of the Revised Code. 126296

~~Sec. 5101.611~~ 5101.64. (A) If a county department of job and 126297
family services knows or has reasonable cause to believe that the 126298
subject of a report made under section ~~5101.61~~ 5101.63 of the 126299
Revised Code or of an investigation conducted under ~~sections~~ 126300
~~5101.62 to 5101.64~~ section 5101.65 of the Revised Code is an 126301
individual with a developmental disability as defined in section 126302
5126.01 of the Revised Code, the county department shall refer the 126303
case to the county board of developmental disabilities of that 126304
county for review pursuant to section 5126.31 of the Revised Code. 126305

If a county board of developmental disabilities refers a case 126306
to the county department of job and family services in accordance 126307
with section 5126.31, the county department of job and family 126308
services shall proceed with the case in accordance with sections 126309
5101.60 to 5101.71 of the Revised Code. 126310

(B) If a county department of job and family services knows 126311
or has reasonable cause to believe that the subject of a report 126312
made under section ~~5101.61~~ 5101.63 of the Revised Code or of an 126313
investigation conducted under ~~sections 5101.62 to 5101.64~~ section 126314
5101.65 of the Revised Code is a resident of a long-term care 126315
facility, as defined in section 173.14 of the Revised Code, the 126316
department shall refer the case to the office of the state 126317
long-term care ombudsman program for review pursuant to section 126318

173.19 of the Revised Code. 126319

If the state ombudsman or regional long-term care ombudsman 126320
program refers a case to the county department of job and family 126321
services in accordance with rules adopted pursuant to section 126322
173.20 of the Revised Code, the county department shall proceed 126323
with the case in accordance with sections 5101.60 to 5101.71 of 126324
the Revised Code. 126325

(C) If a county department of job and family services knows 126326
or has reasonable cause to believe that the subject of a report 126327
made under section ~~5101.61~~ 5101.63 of the Revised Code or of an 126328
investigation conducted under ~~sections 5101.62 to 5101.64~~ section 126329
5101.65 of the Revised Code is a resident of a nursing home, as 126330
defined in section 3721.01 of the Revised Code, and has allegedly 126331
been abused, neglected, or exploited by an employee of the nursing 126332
home, the department shall refer the case to the department of 126333
health for investigation pursuant to section 3721.031 of the 126334
Revised Code. 126335

(D) If a county department of job and family services knows 126336
or has reasonable cause to believe that the subject of a report 126337
made under section ~~5101.61~~ 5101.63 of the Revised Code or of an 126338
investigation conducted under ~~sections 5101.62 to 5101.64~~ section 126339
5101.65 of the Revised Code is a child, as defined in section 126340
5153.01 of the Revised Code, the department shall refer the case 126341
to the public children services agency of that county. 126342

(E) If a county department of job and family services knows 126343
or has reasonable cause to believe that the subject of a report 126344
made under section 5101.63 of the Revised Code or of an 126345
investigation conducted under section 5101.65 of the Revised Code 126346
is being or has been criminally exploited, the department shall 126347
notify a local law enforcement agency with jurisdiction over the 126348
area where the subject resides. 126349

(F) A referral by the county department of job and family services of a case to another public regulatory agency or investigatory entity pursuant to this section shall be made in accordance with rules adopted by the department of job and family services.

Sec. ~~5101.62~~ 5101.65. The county department of job and family services or its designee shall be responsible for the investigation of all reports provided for in section 173.20 or ~~5101.61~~ 5101.63 and all cases referred to it under section 5126.31 of the Revised Code and for evaluating the need for and, to the extent of available funds, providing or arranging for the provision of protective services.

Investigation of the report provided for in section ~~5101.61~~ 5101.63 or a case referred to the department under section 5126.31 of the Revised Code shall be initiated within twenty-four hours after the department receives the report or case if any emergency exists; otherwise investigation shall be initiated within three working days.

Investigation of the need for protective services shall include a face-to-face visit with the adult who is the subject of the report, preferably in the adult's residence, and consultation with the person who made the report, if feasible, and agencies or persons who have information about the adult's alleged abuse, neglect, or exploitation.

The department shall give written notice of the intent of the investigation and an explanation of the notice in language reasonably understandable to the adult who is the subject of the investigation, at the time of the initial interview with that person.

Upon completion of the investigation, the department shall determine from its findings whether or not the adult who is the

subject of the report is in need of protective services. No adult 126381
shall be determined to be abused, neglected, or in need of 126382
protective services for the sole reason that, in lieu of medical 126383
treatment, the adult relies on or is being furnished spiritual 126384
treatment through prayer alone in accordance with the tenets and 126385
practices of a church or religious denomination of which the adult 126386
is a member or adherent. The department shall write a report which 126387
confirms or denies the need for protective services and states why 126388
it reached this conclusion. 126389

Sec. ~~5101.63~~ 5101.651. If, during the course of an 126390
investigation conducted under section ~~5101.62~~ 5101.65 of the 126391
Revised Code, any person, including the adult who is the subject 126392
of the investigation, denies or obstructs access to the residence 126393
of the adult, the county department of job and family services may 126394
file a petition in court for a temporary restraining order to 126395
prevent the interference or obstruction. The court shall issue a 126396
temporary restraining order to prevent the interference or 126397
obstruction if it finds there is reasonable cause to believe that 126398
the adult is being or has been abused, neglected, or exploited and 126399
access to the person's residence has been denied or obstructed. 126400
Such a finding is prima-facie evidence that immediate and 126401
irreparable injury, loss, or damage will result, so that notice is 126402
not required. After obtaining an order restraining the obstruction 126403
of or interference with the access of the protective services 126404
representative, the representative may be accompanied to the 126405
residence by a peace officer. 126406

Sec. ~~5101.622~~ 5101.652. The county department of job and 126407
family services may enter into an agreement or contract with 126408
another person or government entity to perform the following 126409
duties: 126410

(A) In accordance with division (G) of section ~~5101.61~~ 126411

5101.63 of the Revised Code, receive reports made under that section; 126412
126413

(B) Perform the county department's duties under section 126414
~~5101.62~~ 5101.65 of the Revised Code; 126415

(C) Petition the court pursuant to section ~~5101.65~~ 5101.68 or 126416
~~5101.69~~ 5101.70 of the Revised Code for an order authorizing the 126417
provision of protective services. 126418

Sec. ~~5101.64~~ 5101.66. Any person who requests or consents to 126419
receive protective services shall receive such services only after 126420
an investigation and determination of a need for protective 126421
services, ~~which.~~ The investigation shall be performed in the same 126422
manner as the investigation of a report pursuant to ~~sections~~ 126423
~~5101.62 and 5101.63~~ section 5101.65 of the Revised Code. If the 126424
person withdraws consent, the protective services shall be 126425
terminated. 126426

Sec. ~~5101.65~~ 5101.68. If the county department of job and 126427
family services determines that an adult is in need of protective 126428
services and is an incapacitated person, the department may 126429
petition the court for an order authorizing the provision of 126430
protective services. If the adult is in need of protective 126431
services as a result of exploitation, the county prosecutor may 126432
file the petition. The petition shall state the specific facts 126433
alleging the abuse, neglect, or exploitation and shall include a 126434
proposed protective service plan. Any plan for protective services 126435
shall be specified in the petition. 126436

Sec. ~~5101.66~~ 5101.681. Notice of a petition for the provision 126437
of court-ordered protective services as provided for in section 126438
~~5101.65~~ 5101.68 of the Revised Code shall be personally served 126439
upon the adult who is the subject of the petition at least five 126440
working days prior to the date set for the hearing as provided in 126441

section ~~5101.67~~ 5101.682 of the Revised Code. Notice shall be 126442
given either orally ~~and~~ or in writing in language reasonably 126443
understandable to the adult. The notice shall include the names of 126444
all petitioners, the basis of the belief that protective services 126445
are needed, the rights of the adult in the court proceedings, and 126446
the consequences of a court order for protective services. The 126447
adult shall be informed of ~~his~~ the right to counsel and ~~his~~ the 126448
right to appointed counsel if ~~he~~ the adult is indigent and if 126449
appointed counsel is requested. Written notice by certified mail 126450
shall also be given to the adult's guardian, legal counsel, 126451
caretaker, and spouse, if any, or if ~~he~~ the adult has none of 126452
these, to ~~his~~ the adult's adult children or next of kin, if any, 126453
or to any other person as the court may require. The adult who is 126454
the subject of the petition may not waive notice as provided in 126455
this section. 126456

Sec. ~~5101.67~~ 5101.682. (A) The court shall hold a hearing on 126457
the petition as provided in section ~~5101.65~~ 5101.68 of the Revised 126458
Code within fourteen days after its filing. The adult who is the 126459
subject of the petition shall have the right to be present at the 126460
hearing, present evidence, and examine and cross-examine 126461
witnesses. The adult shall be represented by counsel unless the 126462
right to counsel is knowingly waived. If the adult is indigent, 126463
the court shall appoint counsel to represent the adult. If the 126464
court determines that the adult lacks the capacity to waive the 126465
right to counsel, the court shall appoint counsel to represent the 126466
adult's interests. 126467

(B) If the court finds, on the basis of clear and convincing 126468
evidence, that the adult has been abused, neglected, or exploited, 126469
is in need of protective services, and is incapacitated, and no 126470
person authorized by law or by court order is available to give 126471
consent, it shall issue an order requiring the provision of 126472
protective services only if they are available locally. 126473

(C) If the court orders placement under this section it shall 126474
give consideration to the choice of residence of the adult. The 126475
court may order placement in settings which have been approved by 126476
the department of job and family services as meeting at least 126477
minimum community standards for safety, security, and the 126478
requirements of daily living. The court shall not order an 126479
institutional placement unless it has made a specific finding 126480
entered in the record that no less restrictive alternative can be 126481
found to meet the needs of the individual. No individual may be 126482
committed to a hospital or public hospital as defined in section 126483
5122.01 of the Revised Code pursuant to this section. 126484

(D) The placement of an adult pursuant to court order as 126485
provided in this section shall not be changed unless the court 126486
authorized the transfer of placement after finding compelling 126487
reasons to justify the transfer. Unless the court finds that an 126488
emergency exists, the court shall notify the adult of a transfer 126489
at least thirty days prior to the actual transfer. 126490

(E) A court order provided for in this section shall remain 126491
in effect for no longer than six months. Thereafter, the county 126492
department of job and family services shall review the adult's 126493
need for continued services and, if the department determines that 126494
there is a continued need, it shall apply for a renewal of the 126495
order for additional periods of no longer than one year each. The 126496
adult who is the subject of the court-ordered services may 126497
petition for modification of the order at any time. 126498

Sec. ~~5101.68~~ 5101.69. (A) If an adult has consented to the 126499
provision of protective services but any other person refuses to 126500
allow such provision, the county department of ~~human~~ job and 126501
family services or the county prosecutor may petition the court 126502
for a temporary restraining order to restrain the person from 126503
interfering with the provision of protective services for the 126504

adult. 126505

(B) The petition shall state specific facts sufficient to 126506
demonstrate the need for protective services, the consent of the 126507
adult, and the refusal of some other person to allow the provision 126508
of these services. 126509

(C) Notice of the petition shall be given in language 126510
reasonably understandable to the person alleged to be interfering 126511
with the provision of services; 126512

(D) The court shall hold a hearing on the petition within 126513
fourteen days after its filing. If the court finds that the 126514
protective services are necessary, that the adult has consented to 126515
the ~~provisions~~ provision of such services, and that the person who 126516
is the subject of the petition has prevented such provision, the 126517
court shall issue a temporary restraining order to restrain the 126518
person from interfering with the provision of protective services 126519
to the adult. 126520

Sec. ~~5101.69~~ 5101.70. (A) Upon petition by the county 126521
department of job and family services ~~or its, the department's~~ 126522
designee, or the county prosecutor, the court may issue an order 126523
authorizing the provision of protective services on an emergency 126524
basis to an adult. The petition for any emergency order shall 126525
include all of the following: 126526

(1) The name, age, and address of the adult in need of 126527
protective services; 126528

(2) The nature of the emergency; 126529

(3) The proposed protective services; 126530

(4) The petitioner's reasonable belief, together with facts 126531
supportive thereof, as to the existence of the circumstances 126532
described in divisions (D)(1) to (3) of this section; 126533

(5) Facts showing the petitioner's attempts to obtain the 126534

adult's consent to the protective services. 126535

(B) Notice of the filing and contents of the petition 126536
provided for in division (A) of this section, the rights of the 126537
person in the hearing provided for in division (C) of this 126538
section, and the possible consequences of a court order, shall be 126539
given to the adult. Notice shall also be given to the spouse of 126540
the adult or, if the adult has none, to the adult's adult children 126541
or next of kin, and the adult's guardian, if any, if the 126542
guardian's whereabouts are known. The notice shall be given in 126543
language reasonably understandable to its recipients at least 126544
twenty-four hours prior to the hearing provided for in this 126545
section. The court may waive the twenty-four hours' notice 126546
requirement upon a showing that both of the following are the 126547
case: 126548

(1) Immediate and irreparable physical harm or immediate and 126549
irreparable financial harm to the adult or others will result from 126550
the twenty-four hour delay; 126551

(2) Reasonable attempts have been made to notify the adult, 126552
the adult's spouse, or, if the adult has none, the adult's adult 126553
children or next of kin, if any, and the adult's guardian, if any, 126554
if the guardian's whereabouts are known. 126555

Notice of the court's determination shall be given to all 126556
persons receiving notice of the filing of the petition provided 126557
for in this division. 126558

(C) Upon receipt of a petition for an order for emergency 126559
services, the court shall hold a hearing no sooner than 126560
twenty-four and no later than seventy-two hours after the notice 126561
provided for in division (B) of this section has been given, 126562
unless the court has waived the notice. The adult who is the 126563
subject of the petition shall have the right to be present at the 126564
hearing, present evidence, and examine and cross-examine 126565

witnesses. 126566

(D) The court shall issue an order authorizing the provision 126567
of protective services on an emergency basis if it finds, on the 126568
basis of clear and convincing evidence, all of the following: 126569

(1) The adult is an incapacitated person; 126570

(2) An emergency exists; 126571

(3) No person authorized by law or court order to give 126572
consent for the adult is available or willing to consent to 126573
emergency services. 126574

(E) In issuing an emergency order, the court shall adhere to 126575
the following limitations: 126576

(1) The court shall order only such protective services as 126577
are necessary and available locally to remove the conditions 126578
creating the emergency, and the court shall specifically designate 126579
those protective services the adult shall receive; 126580

(2) The court shall not order any change of residence under 126581
this section unless the court specifically finds that a change of 126582
residence is necessary; 126583

(3) The court may order emergency services only for fourteen 126584
days. The county department ~~or its~~, the department's designee, or 126585
the county prosecutor may petition the court for a renewal of the 126586
order for a fourteen-day period upon a showing that continuation 126587
of the order is necessary to remove the emergency. 126588

(4) In its order the court shall authorize the director of 126589
the county department, the director's designee, or a 126590
representative of the department's designee to give consent for 126591
the person for the approved emergency services until the 126592
expiration of the order; 126593

(5) The court shall not order a person to a hospital or 126594
public hospital as defined in section 5122.01 of the Revised Code. 126595

(F) If the county department or its designee determines that the adult continues to need protective services after the order provided for in division (D) of this section has expired, the county department ~~or its,~~ the department's designee, or the county prosecutor may petition the court for an order to continue protective services, pursuant to section ~~5101.65~~ 5101.68 of the Revised Code. After the filing of the petition, the county department or its designee may continue to provide protective services pending a hearing by the court.

Sec. ~~5101.691~~ 5101.701. (A) A court, through a probate judge or a magistrate under the direction of a probate judge, may issue by telephone an ex parte emergency order authorizing the provision of protective services, including the relief available under division (B) of section ~~5101.692~~ 5101.702 of the Revised Code, to an adult on an emergency basis if all of the following are the case:

(1) The court receives notice from the county department of job and family services, an authorized employee of the county department, the department's designee, or an authorized employee of the department's designee, that the county department, designee, or employee believes an emergency order is needed as described in this section.

(2) There is reasonable cause to believe that the adult is incapacitated.

(3) There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, immediate and irreparable financial harm, or death.

(B)(1) The judge or magistrate shall journalize any order issued under this section.

(2) An order issued under this section shall be in effect for

not longer than twenty-four hours, except that if the day 126626
following the day on which the order is issued is not a working 126627
day, the order shall remain in effect until the next working day. 126628

(C)(1) Except as provided in division (C)(2) of this section, 126629
not later than twenty-four hours after an order is issued under 126630
this section, a petition shall be filed with the court in 126631
accordance with division (A) of section ~~5101.69~~ 5101.70 of the 126632
Revised Code. 126633

(2) If the day following the day on which the order was 126634
issued is not a working day, the petition shall be filed with the 126635
court on the next working day. 126636

(3) Except as provided in section ~~5101.692~~ 5101.702 of the 126637
Revised Code, proceedings on the petition shall be conducted in 126638
accordance with section ~~5101.69~~ 5101.70 of the Revised Code. 126639

Sec. ~~5101.692~~ 5101.702. (A) If an order is issued pursuant to 126640
section ~~5101.691~~ 5101.701 of the Revised Code, the court shall 126641
hold a hearing not later than twenty-four hours after the issuance 126642
to determine whether there is probable cause for the order, except 126643
that if the day following the day on which the order is issued is 126644
not a working day, the court shall hold the hearing on the next 126645
working day. 126646

(B) At the hearing, the court: 126647

(1) Shall determine whether protective services are the least 126648
restrictive alternative available for meeting the adult's needs; 126649

(2) May issue temporary orders to protect the adult from 126650
immediate and irreparable physical harm or immediate and 126651
irreparable financial harm, including, but not limited to, 126652
temporary protection orders, evaluations, and orders requiring a 126653
party to vacate the adult's place of residence or legal 126654
settlement; 126655

(3) May order emergency services; 126656

(4) May freeze the financial assets of the adult. 126657

(C) A temporary order issued pursuant to division (B)(2) of 126658
this section is effective for thirty days. The court may renew the 126659
order for an additional thirty-day period. 126660

Information contained in the order may be entered into the 126661
law enforcement automated data system. 126662

Sec. ~~5101.70~~ 5101.71. (A) If it appears that an adult in need 126663
of protective services has the financial means sufficient to pay 126664
for such services, the county department of job and family 126665
services shall make an evaluation regarding such means. If the 126666
evaluation establishes that the adult has such financial means, 126667
the department shall initiate procedures for reimbursement 126668
pursuant to rules ~~promulgated by the department~~ adopted under 126669
section 5101.61 of the Revised Code. If the evaluation establishes 126670
that the adult does not have such financial means, the services 126671
shall be provided in accordance with the policies and procedures 126672
established by the department of job and family services for the 126673
provision of welfare assistance. An adult shall not be required to 126674
pay for court-ordered protective services unless the court 126675
determines ~~upon a showing by the department~~ that the adult is 126676
financially able to pay and the court orders the adult to pay. 126677

(B) Whenever the county department of job and family services 126678
or the county prosecutor has petitioned the court to authorize the 126679
provision of protective services and the adult who is the subject 126680
of the petition is indigent, the court shall appoint legal 126681
counsel. 126682

Sec. 5101.73. If, during the course of an investigation by a 126683
local law enforcement agency of criminal exploitation, any person, 126684
including the adult who is the alleged victim, denies or obstructs 126685

access to the residence of the adult, the county prosecutor may 126686
file a petition in court for a temporary restraining order to 126687
prevent the interference or obstruction. The court shall issue a 126688
temporary restraining order to prevent the interference or 126689
obstruction if it finds there is reasonable cause to believe that 126690
the adult is being or has been abused, neglected, or exploited and 126691
access to the person's residence has been denied or obstructed. 126692
Such a finding is prima facie evidence that immediate and 126693
irreparable injury, loss, or damage will result, so that notice is 126694
not required. After obtaining an order restraining the obstruction 126695
of or interference with the access of the local law enforcement 126696
agency representative, the representative may be accompanied to 126697
the residence by a peace officer. 126698

Sec. 5101.74. (A) There is hereby created the elder abuse 126699
commission. The commission shall consist of the following members: 126700

(1) The following members, appointed by the attorney general: 126701

(a) One representative of the AARP; 126702

(b) One representative of the buckeye state sheriffs' 126703
association; 126704

(c) One representative of the county commissioners' 126705
association of Ohio; 126706

(d) One representative of the Ohio association of area 126707
agencies on aging; 126708

(e) One representative of the board of nursing; 126709

(f) One representative of the Ohio coalition for adult 126710
protective services; 126711

(g) One person who represents the interests of elder abuse 126712
victims; 126713

(h) One person who represents the interests of elderly 126714

<u>persons;</u>	126715
<u>(i) One representative of the Ohio domestic violence network;</u>	126716
<u>(j) One representative of the Ohio prosecuting attorneys</u> <u>association;</u>	126717 126718
<u>(k) One representative of the Ohio victim witness</u> <u>association;</u>	126719 126720
<u>(l) One representative of the Ohio association of chiefs of</u> <u>police;</u>	126721 126722
<u>(m) One representative of the Ohio association of probate</u> <u>judges;</u>	126723 126724
<u>(n) One representative of the Ohio job and family services</u> <u>directors' association;</u>	126725 126726
<u>(o) One representative of the Ohio bankers league;</u>	126727
<u>(p) One representative of the Ohio credit union league;</u>	126728
<u>(q) Two representatives of national organizations that focus</u> <u>on elder abuse or sexual violence.</u>	126729 126730
<u>(2) The following ex officio members:</u>	126731
<u>(a) The attorney general or the attorney general's designee;</u>	126732
<u>(b) The chief justice of the supreme court of Ohio or the</u> <u>chief justice's designee;</u>	126733 126734
<u>(c) The governor or the governor's designee;</u>	126735
<u>(d) The director of aging or the director's designee;</u>	126736
<u>(e) The director of job and family services or the director's</u> <u>designee;</u>	126737 126738
<u>(f) The director of health or the director's designee;</u>	126739
<u>(g) The director of mental health and addiction services or</u> <u>the director's designee;</u>	126740 126741

<u>(h) The director of developmental disabilities or the director's designee;</u>	126742
	126743
<u>(i) The superintendent of insurance or the superintendent's designee;</u>	126744
	126745
<u>(j) The director of public safety or the director's designee;</u>	126746
<u>(k) The state long-term care ombudsman or the ombudsman's designee;</u>	126747
	126748
<u>(l) One member of the house of representatives, appointed by the speaker of the house of representatives;</u>	126749
	126750
<u>(m) One member of the senate, appointed by the president of the senate.</u>	126751
	126752
<u>(B) Members who are appointed shall serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointments.</u>	126753
	126754
	126755
<u>(C) All members of the commission shall serve as voting members. The attorney general shall select from among the appointed members a chairperson. The commission shall meet at the call of the chairperson, but not less than four times per year. Special meetings may be called by the chairperson and shall be called by the chairperson at the request of the attorney general. The commission may establish its own quorum requirements and procedures regarding the conduct of meetings and other affairs.</u>	126756
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	126762
	126763
<u>(D) Members shall serve without compensation, but may be reimbursed for mileage and other actual and necessary expenses incurred in the performance of their official duties.</u>	126764
	126765
	126766
<u>(E) Sections 101.82 to 101.87 of the Revised Code do not apply to the elder abuse commission.</u>	126767
	126768
<u>Sec. 5101.741. (A) The elder abuse commission shall formulate and recommend strategies on all of the following:</u>	126769
	126770

<u>(1) Increasing awareness of and improving education on elder abuse;</u>	126771
	126772
<u>(2) Increasing research on elder abuse;</u>	126773
<u>(3) Improving policy, funding, and programming related to elder abuse;</u>	126774
	126775
<u>(4) Improving the judicial response to elder abuse victims;</u>	126776
<u>(5) Identifying ways to coordinate statewide efforts to address elder abuse.</u>	126777
	126778
<u>(B) The commission shall review current funding of adult protective services and shall report on the cost to the state and county departments of job and family services of implementing its recommendations.</u>	126779
	126780
	126781
	126782
<u>(C) The commission shall prepare and issue a biennial report on a plan of action that may be used by local communities to aid in the development of efforts to combat elder abuse. The report shall include the commission's findings and recommendations made under divisions (A) and (B) of this section.</u>	126783
	126784
	126785
	126786
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<u>(D) The attorney general may adopt rules as necessary for the commission to carry out its duties. The rules shall be adopted in accordance with section 111.15 of the Revised Code.</u>	126788
	126789
	126790
Sec. 5101.99. (A) Whoever violates division (A) or (B) of section 5101.61 <u>5101.63</u> of the Revised Code shall be fined not more than five hundred dollars.	126791
	126792
	126793
(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.	126794
	126795
(C) Whoever violates section 5101.133 or division (C)(2) of section 5101.612 <u>5101.631</u> of the Revised Code is guilty of a misdemeanor of the fourth degree.	126796
	126797
	126798

Sec. 5123.61. (A) As used in this section: 126799

(1) "Law enforcement agency" means the state highway patrol, 126800
the police department of a municipal corporation, or a county 126801
sheriff. 126802

(2) "Abuse" has the same meaning as in section 5123.50 of the 126803
Revised Code, except that it includes a misappropriation, as 126804
defined in that section. 126805

(3) "Neglect" has the same meaning as in section 5123.50 of 126806
the Revised Code. 126807

(B) The department of developmental disabilities shall 126808
establish a registry office for the purpose of maintaining reports 126809
of abuse, neglect, and other major unusual incidents made to the 126810
department under this section and reports received from county 126811
boards of developmental disabilities under section 5126.31 of the 126812
Revised Code. The department shall establish committees to review 126813
reports of abuse, neglect, and other major unusual incidents. 126814

(C)(1) Any person listed in division (C)(2) of this section, 126815
having reason to believe that an individual with a developmental 126816
disability has suffered or faces a substantial risk of suffering 126817
any wound, injury, disability, or condition of such a nature as to 126818
reasonably indicate abuse or neglect of that individual, shall 126819
immediately report or cause reports to be made of such information 126820
to the entity specified in this division. Except as provided in 126821
section 5120.173 of the Revised Code or as otherwise provided in 126822
this division, the person making the report shall make it to a law 126823
enforcement agency or to the county board of developmental 126824
disabilities. If the report concerns a resident of a facility 126825
operated by the department of developmental disabilities the 126826
report shall be made either to a law enforcement agency or to the 126827
department. If the report concerns any act or omission of an 126828
employee of a county board of developmental disabilities, the 126829

report immediately shall be made to the department and to the county board.

(2) All of the following persons are required to make a report under division (C)(1) of this section:

(a) Any physician, including a hospital intern or resident, any dentist, podiatrist, chiropractor, practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, hospital administrator or employee of a hospital, nurse licensed under Chapter 4723. of the Revised Code, employee of an ~~ambulatory~~ outpatient health facility as defined in section ~~5101.61~~ 5101.60 of the Revised Code, employee of a home health agency, employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, or employee of a community mental health facility;

(b) Any school teacher or school authority, licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, psychologist, attorney, peace officer, coroner, or residents' rights advocate as defined in section 3721.10 of the Revised Code;

(c) A superintendent, board member, or employee of a county board of developmental disabilities; an administrator, board member, or employee of a residential facility licensed under section 5123.19 of the Revised Code; an administrator, board member, or employee of any other public or private provider of services to an individual with a developmental disability, or any developmental disabilities employee, as defined in section 5123.50 of the Revised Code;

(d) A member of a citizen's advisory council established at

an institution or branch institution of the department of 126861
developmental disabilities under section 5123.092 of the Revised 126862
Code; 126863

(e) A member of the clergy who is employed in a position that 126864
includes providing specialized services to an individual with a 126865
developmental disability, while acting in an official or 126866
professional capacity in that position, or a person who is 126867
employed in a position that includes providing specialized 126868
services to an individual with a developmental disability and who, 126869
while acting in an official or professional capacity, renders 126870
spiritual treatment through prayer in accordance with the tenets 126871
of an organized religion. 126872

(3)(a) The reporting requirements of this division do not 126873
apply to employees of the Ohio protection and advocacy system. 126874

(b) An attorney or physician is not required to make a report 126875
pursuant to division (C)(1) of this section concerning any 126876
communication the attorney or physician receives from a client or 126877
patient in an attorney-client or physician-patient relationship, 126878
if, in accordance with division (A) or (B) of section 2317.02 of 126879
the Revised Code, the attorney or physician could not testify with 126880
respect to that communication in a civil or criminal proceeding, 126881
except that the client or patient is deemed to have waived any 126882
testimonial privilege under division (A) or (B) of section 2317.02 126883
of the Revised Code with respect to that communication and the 126884
attorney or physician shall make a report pursuant to division 126885
(C)(1) of this section, if both of the following apply: 126886

(i) The client or patient, at the time of the communication, 126887
is an individual with a developmental disability. 126888

(ii) The attorney or physician knows or suspects, as a result 126889
of the communication or any observations made during that 126890
communication, that the client or patient has suffered or faces a 126891

substantial risk of suffering any wound, injury, disability, or 126892
condition of a nature that reasonably indicates abuse or neglect 126893
of the client or patient. 126894

(4) Any person who fails to make a report required under 126895
division (C) of this section and who is a developmental 126896
disabilities employee, as defined in section 5123.50 of the 126897
Revised Code, shall be eligible to be included in the registry 126898
regarding misappropriation, abuse, neglect, or other specified 126899
misconduct by developmental disabilities employees established 126900
under section 5123.52 of the Revised Code. 126901

(D) The reports required under division (C) of this section 126902
shall be made forthwith by telephone or in person and shall be 126903
followed by a written report. The reports shall contain the 126904
following: 126905

(1) The names and addresses of the individual with a 126906
developmental disability and the individual's custodian, if known; 126907

(2) The age of the individual with a developmental 126908
disability; 126909

(3) Any other information that would assist in the 126910
investigation of the report. 126911

(E) When a physician performing services as a member of the 126912
staff of a hospital or similar institution has reason to believe 126913
that an individual with a developmental disability has suffered 126914
injury, abuse, or physical neglect, the physician shall notify the 126915
person in charge of the institution or that person's designated 126916
delegate, who shall make the necessary reports. 126917

(F) Any person having reasonable cause to believe that an 126918
individual with a developmental disability has suffered or faces a 126919
substantial risk of suffering abuse or neglect may report or cause 126920
a report to be made of that belief to the entity specified in this 126921
division. Except as provided in section 5120.173 of the Revised 126922

Code or as otherwise provided in this division, the person making 126923
the report shall make it to a law enforcement agency or the county 126924
board of developmental disabilities. If the individual is a 126925
resident of a facility operated by the department of developmental 126926
disabilities, the report shall be made to a law enforcement agency 126927
or to the department. If the report concerns any act or omission 126928
of an employee of a county board of developmental disabilities, 126929
the report immediately shall be made to the department and to the 126930
county board. 126931

(G)(1) Upon the receipt of a report concerning the possible 126932
abuse or neglect of an individual with a developmental disability, 126933
the law enforcement agency shall inform the county board of 126934
developmental disabilities or, if the individual is a resident of 126935
a facility operated by the department of developmental 126936
disabilities, the department. 126937

(2) On receipt of a report under this section that includes 126938
an allegation of action or inaction that may constitute a crime 126939
under federal law or the law of this state, the department of 126940
developmental disabilities shall notify the law enforcement 126941
agency. 126942

(3) When a county board of developmental disabilities 126943
receives a report under this section that includes an allegation 126944
of action or inaction that may constitute a crime under federal 126945
law or the law of this state, the superintendent of the board or 126946
an individual the superintendent designates under division (H) of 126947
this section shall notify the law enforcement agency. The 126948
superintendent or individual shall notify the department of 126949
developmental disabilities when it receives any report under this 126950
section. 126951

(4) When a county board of developmental disabilities 126952
receives a report under this section and believes that the degree 126953
of risk to the person is such that the report is an emergency, the 126954

superintendent of the board or an employee of the board the 126955
superintendent designates shall attempt a face-to-face contact 126956
with the individual with a developmental disability who allegedly 126957
is the victim within one hour of the board's receipt of the 126958
report. 126959

(H) The superintendent of the board may designate an 126960
individual to be responsible for notifying the law enforcement 126961
agency and the department when the county board receives a report 126962
under this section. 126963

(I) An adult with a developmental disability about whom a 126964
report is made may be removed from the adult's place of residence 126965
only by law enforcement officers who consider that the adult's 126966
immediate removal is essential to protect the adult from further 126967
injury or abuse or in accordance with the order of a court made 126968
pursuant to section 5126.33 of the Revised Code. 126969

(J) A law enforcement agency shall investigate each report of 126970
abuse or neglect it receives under this section. In addition, the 126971
department, in cooperation with law enforcement officials, shall 126972
investigate each report regarding a resident of a facility 126973
operated by the department to determine the circumstances 126974
surrounding the injury, the cause of the injury, and the person 126975
responsible. The investigation shall be in accordance with the 126976
memorandum of understanding prepared under section 5126.058 of the 126977
Revised Code. The department shall determine, with the registry 126978
office which shall be maintained by the department, whether prior 126979
reports have been made concerning an adult with a developmental 126980
disability or other principals in the case. If the department 126981
finds that the report involves action or inaction that may 126982
constitute a crime under federal law or the law of this state, it 126983
shall submit a report of its investigation, in writing, to the law 126984
enforcement agency. If the individual with a developmental 126985
disability is an adult, with the consent of the adult, the 126986

department shall provide such protective services as are necessary 126987
to protect the adult. The law enforcement agency shall make a 126988
written report of its findings to the department. 126989

If the individual with a developmental disability is an adult 126990
and is not a resident of a facility operated by the department, 126991
the county board of developmental disabilities shall review the 126992
report of abuse or neglect in accordance with sections 5126.30 to 126993
5126.33 of the Revised Code and the law enforcement agency shall 126994
make the written report of its findings to the county board. 126995

(K) Any person or any hospital, institution, school, health 126996
department, or agency participating in the making of reports 126997
pursuant to this section, any person participating as a witness in 126998
an administrative or judicial proceeding resulting from the 126999
reports, or any person or governmental entity that discharges 127000
responsibilities under sections 5126.31 to 5126.33 of the Revised 127001
Code shall be immune from any civil or criminal liability that 127002
might otherwise be incurred or imposed as a result of such actions 127003
except liability for perjury, unless the person or governmental 127004
entity has acted in bad faith or with malicious purpose. 127005

(L) No employer or any person with the authority to do so 127006
shall discharge, demote, transfer, prepare a negative work 127007
performance evaluation, reduce pay or benefits, terminate work 127008
privileges, or take any other action detrimental to an employee or 127009
retaliate against an employee as a result of the employee's having 127010
made a report under this section. This division does not preclude 127011
an employer or person with authority from taking action with 127012
regard to an employee who has made a report under this section if 127013
there is another reasonable basis for the action. 127014

(M) Reports made under this section are not public records as 127015
defined in section 149.43 of the Revised Code. Information 127016
contained in the reports on request shall be made available to the 127017
individual who is the subject of the report, to the individual's 127018

legal counsel, and to agencies authorized to receive information 127019
in the report by the department or by a county board of 127020
developmental disabilities. 127021

(N) Notwithstanding section 4731.22 of the Revised Code, the 127022
physician-patient privilege shall not be a ground for excluding 127023
evidence regarding the injuries or physical neglect of an 127024
individual with a developmental disability or the cause thereof in 127025
any judicial proceeding resulting from a report submitted pursuant 127026
to this section. 127027

Sec. 5126.31. (A) A county board of developmental 127028
disabilities shall review reports of abuse and neglect made under 127029
section 5123.61 of the Revised Code and reports referred to it 127030
under section ~~5101.61~~ 5101.64 of the Revised Code to determine 127031
whether the individual who is the subject of the report is an 127032
adult with a developmental disability in need of services to deal 127033
with the abuse or neglect. The county board shall give notice of 127034
each report to the registry office of the department of 127035
developmental disabilities established pursuant to section 5123.61 127036
of the Revised Code on the first working day after receipt of the 127037
report. If the report alleges that there is a substantial risk to 127038
the adult of immediate physical harm or death, the county board 127039
shall initiate review within twenty-four hours of its receipt of 127040
the report. If the county board determines that the individual is 127041
sixty years of age or older but does not have a developmental 127042
disability, it shall refer the case to the county department of 127043
job and family services. If the county board determines that the 127044
individual is an adult with a developmental disability, it shall 127045
continue its review of the case. 127046

(B) For each review over which the county board retains 127047
responsibility under division (A) of this section, it shall do all 127048
of the following: 127049

(1) Give both written and oral notice of the purpose of the review to the adult and, if any, to the adult's legal counsel or caretaker, in simple and clear language;

(2) Visit the adult, in the adult's residence if possible, and explain the notice given under division (B)(1) of this section;

(3) Request from the registry office any prior reports concerning the adult or other principals in the case;

(4) Consult, if feasible, with the person who made the report under section ~~5101.61~~ 5101.63 or 5123.61 of the Revised Code and with any agencies or persons who have information about the alleged abuse or neglect;

(5) Cooperate fully with the law enforcement agency responsible for investigating the report and for filing any resulting criminal charges and, on request, turn over evidence to the agency;

(6) Determine whether the adult needs services, and prepare a written report stating reasons for the determination. No adult shall be determined to be abused, neglected, or in need of services for the sole reason that, in lieu of medical treatment, the adult relies on or is being furnished spiritual treatment through prayer alone in accordance with the tenets and practices of a church or religious denomination of which the adult is a member or adherent.

(C) The county board shall arrange for the provision of services for the prevention, correction or discontinuance of abuse or neglect or of a condition resulting from abuse or neglect for any adult who has been determined to need the services and consents to receive them. These services may include, but are not limited to, service and support administration, fiscal management, medical, mental health, home health care, homemaker, legal, and

residential services and the provision of temporary accommodations 127081
and necessities such as food and clothing. The services do not 127082
include acting as a guardian, trustee, or protector as defined in 127083
section 5123.55 of the Revised Code. If the provision of 127084
residential services would require expenditures by the department 127085
of developmental disabilities, the county board shall obtain the 127086
approval of the department prior to arranging the residential 127087
services. 127088

To arrange services, the county board shall: 127089

(1) Develop an individualized service plan identifying the 127090
types of services required for the adult, the goals for the 127091
services, and the persons or agencies that will provide them; 127092

(2) In accordance with rules established by the director of 127093
developmental disabilities, obtain the consent of the adult or the 127094
adult's guardian to the provision of any of these services and 127095
obtain the signature of the adult or guardian on the 127096
individualized service plan. An adult who has been found 127097
incompetent under Chapter 2111. of the Revised Code may consent to 127098
services. If the county board is unable to obtain consent, it may 127099
seek, if the adult is incapacitated, a court order pursuant to 127100
section 5126.33 of the Revised Code authorizing the board to 127101
arrange these services. 127102

(D) The county board shall ensure that the adult receives the 127103
services arranged by the board from the provider and shall have 127104
the services terminated if the adult withdraws consent. 127105

(E) On completion of a review, the county board shall submit 127106
a written report to the registry office established under section 127107
5123.61 of the Revised Code. If the report includes a finding that 127108
an individual with a developmental disability is a victim of 127109
action or inaction that may constitute a crime under federal law 127110
or the law of this state, the board shall submit the report to the 127111

law enforcement agency responsible for investigating the report. 127112
 Reports prepared under this section are not public records as 127113
 defined in section 149.43 of the Revised Code. 127114

Section 135.11. That existing sections 173.501, 173.521, 127115
 173.542, 1347.08, 2317.54, 4715.36, 5101.60, 5101.61, 5101.611, 127116
 5101.612, 5101.62, 5101.622, 5101.63, 5101.64, 5101.65, 5101.66, 127117
 5101.67, 5101.68, 5101.69, 5101.691, 5101.692, 5101.70, 5101.71, 127118
 5101.72, 5101.99, 5123.61, and 5126.31 and section 5101.621 of the 127119
 Revised Code are hereby repealed. 127120

Section 135.12. Sections 135.10 and 135.11 of this act take 127121
 effect one year after the effective date of this act. 127122

Section 201.10. Except as otherwise provided in this act, all 127123
 appropriation items in this act are appropriated out of any moneys 127124
 in the state treasury to the credit of the designated fund that 127125
 are not otherwise appropriated. For all appropriations made in 127126
 this act, the amounts in the first column are for fiscal year 2018 127127
 and the amounts in the second column are for fiscal year 2019. 127128
 127129

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 127130

Dedicated Purpose Fund Group					127131
4J80 889601 CPA Education	\$	325,000	\$	325,000	127132
Assistance					
4K90 889609 Operating Expenses	\$	1,141,957	\$	1,236,965	127133
TOTAL DPF Dedicated Purpose Fund					127134
Group	\$	1,466,957	\$	1,561,965	127135
TOTAL ALL BUDGET FUND GROUPS	\$	1,466,957	\$	1,561,965	127136

Section 205.10. ADJ ADJUTANT GENERAL 127138
 General Revenue Fund 127139

GRF	745401	Ohio Military Reserve	\$	12,123	\$	12,123	127140
GRF	745404	Air National Guard	\$	1,812,069	\$	1,812,069	127141
GRF	745407	National Guard	\$	394,000	\$	394,000	127142
		Benefits					
GRF	745409	Central	\$	2,768,392	\$	2,768,392	127143
		Administration					
GRF	745499	Army National Guard	\$	3,687,577	\$	3,687,577	127144
TOTAL GRF		General Revenue Fund	\$	8,674,161	\$	8,674,161	127145
		Dedicated Purpose Fund Group					127146
5340	745612	Property Operations	\$	900,000	\$	900,000	127147
		Management					
5360	745605	Marksmanship	\$	128,600	\$	128,600	127148
		Activities					
5360	745620	Camp Perry and	\$	871,400	\$	871,400	127149
		Buckeye Inn					
		Operations					
5370	745604	Ohio National Guard	\$	190,000	\$	190,000	127150
		Facilities					
		Maintenance					
5LY0	745626	Military Medal of	\$	5,000	\$	5,000	127151
		Distinction					
5RV0	745630	Ohio Military	\$	1,000,000	\$	1,000,000	127152
		Facilities Support					
5U80	745613	Community Match	\$	350,000	\$	350,000	127153
		Armories					
TOTAL DPF		Dedicated Purpose Fund	\$	3,445,000	\$	3,445,000	127154
		Group					
		Federal Fund Group					127155
3420	745616	Army National Guard	\$	26,202,215	\$	26,202,215	127156
		Service Agreement					
3E80	745628	Air National Guard	\$	16,107,196	\$	16,107,196	127157
		Operations and					

	Maintenance				
3R80	745603	Counter Drug	\$	15,000	\$ 15,000 127158
		Operations			
TOTAL FED	Federal Fund Group		\$	42,324,411	\$ 42,324,411 127159
TOTAL ALL BUDGET FUND GROUPS			\$	54,443,572	\$ 54,443,572 127160

Section 205.20. NATIONAL GUARD BENEFITS 127162

The foregoing appropriation item 745407, National Guard 127163
 Benefits, shall be used for purposes of sections 5919.31 and 127164
 5919.33 of the Revised Code, and for administrative costs of the 127165
 associated programs. 127166

If necessary, in order to pay benefits in a timely manner 127167
 pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 127168
 Adjutant General may request the Director of Budget and Management 127169
 transfer appropriation from any appropriation item used by the 127170
 Adjutant General to appropriation item 745407, National Guard 127171
 Benefits. Such amounts are hereby appropriated. The Adjutant 127172
 General may subsequently seek Controlling Board approval to 127173
 restore the appropriation in the appropriation item from which 127174
 such a transfer was made. 127175

For active duty members of the Ohio National Guard who died 127176
 after October 7, 2001, while performing active duty, the death 127177
 benefit, pursuant to section 5919.33 of the Revised Code, shall be 127178
 paid to the beneficiary or beneficiaries designated on the 127179
 member's Servicemembers' Group Life Insurance Policy. 127180

STATE ACTIVE DUTY COSTS 127181

Of the foregoing appropriation item 745409, Central 127182
 Administration, \$50,000 in each fiscal year shall be used for the 127183
 purpose of paying expenses related to state active duty of members 127184
 of the Ohio organized militia, in accordance with a proclamation 127185
 of the Governor. Expenses include, but are not limited to, the 127186
 cost of equipment, supplies, and services, as determined by the 127187

Adjutant General's Department. On June 1 of each fiscal year, if 127188
it is determined by the Adjutant General that any portion of this 127189
\$50,000 in that fiscal year will not be used for state active duty 127190
expenses, those amounts may be encumbered by the Adjutant General 127191
for maintenance expenses. If before the end of that fiscal year, 127192
state active duty expenses occur, these encumbrances should be 127193
canceled by the Adjutant General to pay for expenses related to 127194
state active duty. 127195

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE OHIO 127196
MILITARY FACILITIES FUND 127197

On July 1 of each fiscal year, or as soon as possible 127198
thereafter, the Director of Budget and Management shall transfer 127199
\$1,000,000 cash from the General Revenue Fund to the Ohio Military 127200
Facilities Fund (Fund 5RV0). 127201

The foregoing appropriation item 745630, Ohio Military 127202
Facilities Support, shall be used by the Ohio Military Facilities 127203
Commission exclusively to finance or assist in the financing of 127204
infrastructure capital improvements at Wright-Patterson Air Force 127205
Base in preparation for future federal Defense Base Closure and 127206
Realignment Commission (BRAC) actions. 127207

CYBER RANGE 127208

The Adjutant General's Department, in conjunction and 127209
collaboration with the Department of Administrative Services, the 127210
Department of Public Safety, the Department of Higher Education, 127211
and the Department of Education shall establish and maintain a 127212
cyber range. The Adjutant General's Department may work with 127213
federal agencies to assist in accomplishing this objective. The 127214
cyber range shall: (1) provide cyber training and education to 127215
K-12 students, higher education students, Ohio National Guardsmen, 127216
federal employees, and state and local government employees, and 127217
(2) provide for emergency preparedness exercises and training. The 127218

state agencies identified in this paragraph may procure any 127219
 necessary goods and services including, but not limited to, 127220
 contracted services, hardware, networking services, maintenance 127221
 costs, and the training and management costs of a cyber range. 127222
 These state agencies shall determine the amount of funds each 127223
 agency will contribute from available funds and appropriations 127224
 enacted herein in order to establish and maintain a cyber range. 127225

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 127226

General Revenue Fund 127227

GRF	100413	Enterprise Data Center	\$	7,564,900	\$	7,564,300	127228
		Solutions Lease Rental					
		Payments					
GRF	100414	MARCS Lease Rental	\$	6,764,700	\$	6,766,800	127229
		Payments					
GRF	100415	OAKS Lease Rental	\$	15,251,600	\$	15,344,800	127230
		Payments					
GRF	100416	STARS Lease Rental	\$	8,664,100	\$	8,628,500	127231
		Payments					
GRF	100447	Administrative	\$	98,017,500	\$	91,862,900	127232
		Buildings Lease Rental					
		Bond Payments					
GRF	100452	Lean Ohio	\$	1,000,000	\$	1,000,000	127233
GRF	100456	State IT Services	\$	1,770,736	\$	1,770,736	127234
GRF	100457	Equal Opportunity	\$	2,212,396	\$	2,212,396	127235
		Services					
GRF	100459	Ohio Business Gateway	\$	3,988,358	\$	3,988,358	127236
GRF	100461	Pay For Success	\$	500,000	\$	500,000	127237
		Contracting					
GRF	100469	Aronoff Center	\$	270,000	\$	270,000	127238
		Building Maintenance					
GRF	130321	State Agency Support	\$	20,000,000	\$	20,000,000	127239

Services

TOTAL GRF General Revenue Fund	\$	166,004,290	\$	159,908,790	127240
Dedicated Purpose Fund Group					127241
5L70 100610 Professional Development	\$	1,650,000	\$	1,650,000	127242
5MV0 100662 Theater Equipment Maintenance	\$	50,000	\$	50,000	127243
5NM0 100663 911 Program	\$	505,421	\$	505,421	127244
5V60 100619 Employee Educational Development	\$	900,000	\$	900,000	127245
TOTAL DPF Dedicated Purpose Fund Group	\$	3,105,421	\$	3,105,421	127246
Internal Service Activity Fund Group					127247
1120 100616 DAS Administration	\$	7,900,000	\$	7,900,000	127248
1150 100632 Central Service Agency	\$	1,227,255	\$	975,025	127249
1170 100644 General Services Division - Operating	\$	12,000,000	\$	12,000,000	127250
1220 100637 Fleet Management	\$	9,750,000	\$	11,000,000	127251
1250 100622 Human Resources Division - Operating	\$	16,500,000	\$	16,500,000	127252
1250 100657 Benefits Communication	\$	615,521	\$	615,521	127253
1280 100620 Office of Collective Bargaining	\$	4,100,000	\$	4,200,000	127254
1300 100606 Risk Management Reserve	\$	12,763,978	\$	12,763,978	127255
1320 100631 DAS Building Management	\$	51,384,799	\$	51,384,799	127256
1330 100607 IT Services Delivery	\$	127,132,306	\$	126,732,306	127257
1880 100649 Equal Opportunity Division - Operating	\$	1,219,082	\$	1,264,515	127258
2100 100612 State Printing	\$	26,000,000	\$	26,000,000	127259
2290 100630 IT Governance	\$	33,457,000	\$	31,977,000	127260

2290 100640	Consolidated IT Purchases	\$ 15,078,000	\$ 15,348,000	127261
4270 100602	Investment Recovery	\$ 1,662,341	\$ 1,662,341	127262
4N60 100617	Major IT Purchases	\$ 120,000,000	\$ 120,000,000	127263
5C20 100605	MARCS Administration	\$ 20,015,704	\$ 21,319,640	127264
5EB0 100635	OAKS Support Organization	\$ 27,500,000	\$ 31,000,000	127265
5EB0 100656	OAKS Updates and Developments	\$ 6,357,000	\$ 6,357,000	127266
5JQ0 100658	Professionals Licensing System	\$ 990,000	\$ 4,234,482	127267
5KZ0 100659	Building Improvement	\$ 4,391,700	\$ 2,558,281	127268
5LJ0 100661	IT Development	\$ 9,000,000	\$ 9,000,000	127269
5PC0 100665	Enterprise Applications	\$ 83,436,960	\$ 85,391,790	127270
TOTAL ISA	Internal Service Activity			127271
Fund Group		\$ 592,481,646	\$ 600,184,678	127272
Federal Fund Group				127273
3AJ0 100623	Information Technology Grants	\$ 2,487,909	\$ 740,493	127274
TOTAL FED	Federal Fund Group	\$ 2,487,909	\$ 740,493	127275
TOTAL ALL BUDGET FUND GROUPS		\$ 764,079,266	\$ 763,939,382	127276

Section 207.20. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL PAYMENTS 127278
127279

The foregoing appropriation item 100413, Enterprise Data Center Solutions Lease Rental Payments, shall be used for payments during the period from July 1, 2017, through June 30, 2019, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of S.B. 310 of the 131st General Assembly, with respect to financing the costs associated with the acquisition, development, installation, and implementation of the Enterprise Data Center Solutions information

technology initiative. If it is determined that additional 127288
appropriations are necessary for this purpose, the amounts are 127289
hereby appropriated. 127290

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 127291

The foregoing appropriation item 100414, MARCS Lease Rental 127292
Payments, shall be used for payments during the period from July 127293
1, 2017, through June 30, 2019, pursuant to leases and agreements 127294
entered into under Chapter 125. of the Revised Code, as 127295
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 127296
General Assembly, with respect to financing the costs associated 127297
with the acquisition, development, installation, and 127298
implementation of the Multi-Agency Radio Communications System 127299
(MARCS) upgrade. If it is determined that additional 127300
appropriations are necessary for this purpose, the amounts are 127301
hereby appropriated. 127302

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 127303

The foregoing appropriation item 100415, OAKS Lease Rental 127304
Payments, shall be used for payments during the period from July 127305
1, 2017, through June 30, 2019, pursuant to leases and agreements 127306
entered into under Chapter 125. of the Revised Code, as 127307
supplemented by Section 701.20 of S.B. 310 of the 131st General 127308
Assembly and other prior acts of the General Assembly, with 127309
respect to financing the costs associated with the acquisition, 127310
development, installation, and implementation of the Ohio 127311
Administrative Knowledge System. If it is determined that 127312
additional appropriations are necessary for this purpose, the 127313
amounts are hereby appropriated. 127314

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 127315
PAYMENTS 127316

The foregoing appropriation item 100416, STARS Lease Rental 127317
Payments, shall be used for payments during the period from July 127318

1, 2017, through June 30, 2019, pursuant to leases and agreements 127319
entered into under Chapter 125. of the Revised Code, as 127320
supplemented by Section 701.30 of S.B. 310 of the 131st General 127321
Assembly and other prior acts of the General Assembly, with 127322
respect to financing the costs associated with the acquisition, 127323
development, installation, and implementation of the State 127324
Taxation Accounting and Revenue System (STARS). If it is 127325
determined that additional appropriations are necessary for this 127326
purpose, the amounts are hereby appropriated. 127327

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 127328

The foregoing appropriation item 100447, Administrative 127329
Buildings Lease Rental Bond Payments, shall be used to meet all 127330
payments during the period from July 1, 2017, through June 30, 127331
2019, by the Department of Administrative Services pursuant to 127332
leases and agreements under Chapters 152. and 154. of the Revised 127333
Code. These appropriations are the source of funds pledged for 127334
bond service charges on related obligations issued under Chapters 127335
152. and 154. of the Revised Code. 127336

PAY FOR SUCCESS CONTRACTING 127337

The foregoing appropriation item 100461, Pay For Success 127338
Contracting, shall be used by the Director of Administrative 127339
Services for the Pay For Success Contracting Program created in 127340
section 125.66 of the Revised Code. 127341

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 127342

The Director of Administrative Services, in consultation with 127343
the Multi-Agency Radio Communication System (MARCS) Steering 127344
Committee and the Director of Budget and Management, shall 127345
determine the share of debt service payments attributable to 127346
spending for MARCS components that are not specific to any one 127347
agency and that shall be charged to the Public Safety - Highway 127348
Purposes Fund (Fund 5TM0). Such share of debt service payments 127349

shall be calculated for MARCS capital disbursements made beginning 127350
July 1, 1997. Within thirty days of any payment made from 127351
appropriation item 100447, Administrative Buildings Lease Rental 127352
Bond Payments, the Director of Administrative Services shall 127353
certify to the Director of Budget and Management the amount of 127354
this share. The Director of Budget and Management shall transfer 127355
such amounts to the General Revenue Fund from the Public Safety - 127356
Highway Purposes Fund (Fund 5TM0) established in section 4501.06 127357
of the Revised Code. 127358

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 127359
FUND 127360

Following the conveyance of the Michael V. DiSalle Government 127361
Center pursuant to Section 753.20 of Am. Sub. H.B. 64 of the 131st 127362
General Assembly, the Director of Budget and Management may adjust 127363
FY 2018 and FY 2019 General Revenue Fund appropriations of the 127364
Department of Administrative Services and other state agencies to 127365
reflect accurately the rental amounts agencies will pay the lessor 127366
of the Michael V. DiSalle Government Center for space that is 127367
supported by the General Revenue Fund and that heretofore was paid 127368
by the Department of Administrative Services. Total General 127369
Revenue Fund appropriations may decrease but may not increase as a 127370
result of the appropriation adjustments made under this section. 127371

The foregoing appropriation item 130321, State Agency Support 127372
Services, also may be used to provide funding for the cost of 127373
property appraisals or building studies that the Department of 127374
Administrative Services may be required to obtain for property 127375
that is being sold by the state or property under consideration to 127376
be renovated or purchased by the state. 127377

Notwithstanding section 125.28 of the Revised Code, the 127378
foregoing appropriation item 130321, State Agency Support 127379
Services, also may be used to pay the operating expenses of state 127380
facilities maintained by the Department of Administrative Services 127381

that are not billed to building tenants, or other costs associated 127382
with the Voinovich Center in Youngstown, Ohio. These expenses may 127383
include, but are not limited to, the costs for vacant space and 127384
space undergoing renovation, and the rent expenses of tenants that 127385
are relocated because of building renovations. These payments may 127386
be processed by the Department of Administrative Services through 127387
intrastate transfer vouchers and placed into the Building 127388
Management Fund (Fund 1320). 127389

At least once per year, the portion of appropriation item 127390
130321, State Agency Support Services, that is not used for the 127391
regular expenses of the appropriation item may be processed by the 127392
Department of Administrative Services through intrastate transfer 127393
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 127394

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 127395

Upon the request of the Director of Administrative Services, 127396
the Director of Budget and Management may transfer unobligated 127397
cash in the MARCS Administration Fund (Fund 5C20) to the General 127398
Revenue Fund to reimburse the General Revenue Fund for lease 127399
rental payments made on behalf of the MARCS upgrade. 127400

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 127401

The foregoing appropriation item 100610, Professional 127402
Development, shall be used to make payments from the Professional 127403
Development Fund (Fund 5L70) under section 124.182 of the Revised 127404
Code. If it is determined by the Director of Budget and Management 127405
that additional amounts are necessary, the amounts are hereby 127406
appropriated. 127407

911 PROGRAM 127408

The foregoing appropriation item 100663, 911 Program, shall 127409
be used by the Department of Administrative Services to pay the 127410
administrative and marketing and educational costs of the 127411

Statewide Emergency Services Internet Protocol Network program. 127412

EMPLOYEE EDUCATIONAL DEVELOPMENT 127413

The foregoing appropriation item 100619, Employee Educational 127414
Development, shall be used to make payments from the Employee 127415
Educational Development Fund (Fund 5V60) under section 124.86 of 127416
the Revised Code. The fund shall be used to pay the costs of 127417
administering educational programs under existing collective 127418
bargaining agreements with District 1199, the Health Care and 127419
Social Service Union, Service Employees International Union; State 127420
Council of Professional Educators; Ohio Education Association and 127421
National Education Association; the Fraternal Order of Police Ohio 127422
Labor Council, Unit 2; and the Ohio State Troopers Association, 127423
Units 1 and 15. 127424

If it is determined by the Director of Budget and Management 127425
that additional amounts are necessary, the amounts are hereby 127426
appropriated. 127427

Section 207.40. CENTRAL SERVICE AGENCY FUND 127428

The foregoing appropriation item 100632, Central Service 127429
Agency, shall be used to purchase the equipment, products, and 127430
services that are needed to maintain existing automated 127431
applications for the professional licensing boards and the Casino 127432
Control Commission to support board licensing functions in fiscal 127433
year 2018 until these functions are replaced by the Ohio 127434
Professionals Licensing System. The Department of Administrative 127435
Services shall establish charges for recovering the costs of 127436
carrying out these functions. The charges shall be billed to the 127437
professional licensing boards and the Casino Control Commission, 127438
and deposited via intrastate transfer vouchers to the credit of 127439
the Central Service Agency Fund (Fund 1150). 127440

Upon implementation of the replacement Ohio Professionals 127441

Licensing System and the decommissioning of the existing automated 127442
applications, the Director of Budget and Management may transfer 127443
any cash balances that remain in the Central Service Agency Fund 127444
(Fund 1150) and that are attributable to the operation of the 127445
existing automated applications to the Professions Licensing 127446
System Fund (Fund 5JQ0). 127447

GENERAL SERVICE CHARGES 127448

The Department of Administrative Services, with the approval 127449
of the Director of Budget and Management, shall establish charges 127450
for recovering the costs of administering the programs funded by 127451
the General Services Fund (Fund 1170) and the State Printing Fund 127452
(Fund 2100). 127453

COLLECTIVE BARGAINING ARBITRATION EXPENSES 127454

The Department of Administrative Services may seek 127455
reimbursement from state agencies for the actual costs and 127456
expenses the Department incurs in the collective bargaining 127457
arbitration process. The reimbursements shall be processed through 127458
intrastate transfer vouchers and credited to the Collective 127459
Bargaining Fund (Fund 1280). 127460

EQUAL OPPORTUNITY PROGRAM 127461

The Department of Administrative Services, with the approval 127462
of the Director of Budget and Management, shall establish charges 127463
for recovering the costs of administering the activities supported 127464
by the State EEO Fund (Fund 1880). These charges shall be 127465
deposited to the credit of Fund 1880 upon payment made by state 127466
agencies, state-supported or state-assisted institutions of higher 127467
education, and tax-supported agencies, municipal corporations, and 127468
other political subdivisions of the state, for services rendered. 127469

CONSOLIDATED IT PURCHASES 127470

The foregoing appropriation item 100640, Consolidated IT 127471

Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase.

INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

MAJOR IT PURCHASES CHARGES

The Department of Administrative Services may bill agencies for actual expenditures made for major IT purchases if those expenditures are not recovered as part of the information technology services rates the Department charges and deposits into the Information Technology Fund (Fund 1330) created in section 125.15 of the Revised Code. These charges shall be deposited to the credit of the Major IT Purchases Fund (Fund 4N60).

PROFESSIONS LICENSING SYSTEM

The foregoing appropriation item, 100658, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to develop and maintain a replacement automated licensing system for the professional licensing boards.

Upon request by the Director of Administrative Services, the Director of Budget and Management may transfer up to \$14,000,000 in cash during the FY 2018-FY 2019 biennium from the Occupational Licensing and Regulatory Fund (Fund 4K90), the State Medical Board

Operating Fund (Fund 5C60), and the Casino Control Commission - 127503
Operating Fund (Fund 5HS0), to the Professions Licensing System 127504
Fund (Fund 5JQ0). The amount transferred from each fund shall be 127505
in proportion to the number of current licenses issued by the 127506
licensing boards and commissions that use each fund, and for the 127507
Casino Control Commission, the number of current and anticipated 127508
licenses. The transferred amounts shall be used by the Director of 127509
Administrative Services for the initial acquisition and 127510
development of the Professions Licensing System. The transferred 127511
amounts are hereby appropriated to appropriation item 100658, 127512
Professionals Licensing System. The unobligated, unexpended amount 127513
of the cash transferred in FY 2018 is hereby reappropriated for 127514
the same purpose in FY 2019. 127515

Effective with the implementation of the replacement 127516
licensing system, the Department of Administrative Services shall 127517
establish charges for recovering the costs of ongoing maintenance 127518
of the system that are not otherwise recovered under section 127519
125.18 of the Revised Code. The charges shall be billed to state 127520
agencies, boards, and commissions using the state's enterprise 127521
electronic licensing system and deposited via intrastate transfer 127522
vouchers to the credit of the Professions Licensing System Fund 127523
(Fund 5JQ0), which is hereby created in the state treasury. 127524

Notwithstanding any provision of the Revised Code to the 127525
contrary, the Department of Administrative Services may assess a 127526
transaction fee to an individual who uses the state's enterprise 127527
electronic licensing system operated by the Department to apply 127528
for or renew a license or registration in an amount determined by 127529
the Department not to exceed three dollars and fifty cents. The 127530
Director of Administrative Services may collect the fee or require 127531
a state agency for which the system is being operated to collect 127532
the fee. Amounts received under this division shall be deposited 127533
in the Professions Licensing System Fund (Fund 5JQ0) and used to 127534

operate the electronic licensing system. 127535

BUILDING IMPROVEMENT FUND 127536

The foregoing appropriation item 100659, Building 127537
Improvement, shall be used to make payments from the Building 127538
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 127539
required in facilities maintained by the Department of 127540
Administrative Services. The Department of Administrative Services 127541
shall conduct or contract for regular assessments of these 127542
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 127543
the cost of the repairs and improvements that are recommended to 127544
occur within the next five years, with the following exception 127545
described below. 127546

Upon request of the Director of Administrative Services, the 127547
Director of Budget and Management may permit a cash transfer from 127548
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 127549
of operating and maintaining facilities managed by the Department 127550
of Administrative Services that are not charged to tenants during 127551
the same fiscal year. 127552

Should the cash balance in Fund 1320 be determined to be 127553
sufficient, the Director of Administrative Services may request 127554
that the Director of Budget and Management transfer cash from Fund 127555
1320 to 5KZ0 in an amount equal to the initial cash transfer made 127556
under this section plus applicable interest. 127557

INFORMATION TECHNOLOGY DEVELOPMENT 127558

The foregoing appropriation item 100661, IT Development, 127559
shall be used by the Department of Administrative Services to pay 127560
the costs of modernizing the state's information technology 127561
management and investment practices away from a limited, 127562
agency-specific focus in favor of a statewide methodology 127563
supporting development of enterprise solutions. 127564

Notwithstanding any provision of law to the contrary, the 127565

Department of Administrative Services, with the approval of the 127566
Director of Budget and Management, may charge state agencies an 127567
information technology development assessment based on state 127568
agencies' information technology expenditures or other 127569
methodology. The revenue from this assessment shall be deposited 127570
into the Information Technology Development Fund (Fund 5LJ0), 127571
which is hereby created. 127572

ENTERPRISE APPLICATIONS 127573

The foregoing appropriation item 100665, Enterprise 127574
Applications, shall be used for the operation and management of 127575
information technology applications that support state agencies' 127576
objectives. Charges billed to benefiting agencies shall be 127577
deposited to the credit of the Enterprise Application Fund (Fund 127578
5PC0), which is hereby created in the state treasury. 127579

CASH TRANSFER TO THE MARCS ADMINISTRATION FUND FROM THE GRF 127580

Upon the request of the Director of Administrative Services, 127581
the Director of Budget and Management shall transfer up to 127582
\$1,000,000 in cash in each fiscal year from the General Revenue 127583
Fund to the MARCS Administration Fund (Fund 5C20) to reduce or 127584
eliminate MARCS subscriber fees paid by villages, townships, 127585
municipal corporations, counties, and regional public safety and 127586
first response agencies classified as Tier 1 subscribers by the 127587
MARCS Steering Committee. 127588

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 127589

The Director of Administrative Services shall determine and 127590
implement strategies that benefit the enterprise by improving 127591
efficiency, reducing costs or enhancing capacity of information 127592
technology (IT) services. Such improvements and efficiencies may 127593
result in the consolidation and transfer of such services. As 127594
determined to be necessary for successful implementation of this 127595

section and notwithstanding any provision of law to the contrary, 127596
the Director of Administrative Services may request the Director 127597
of Budget and Management to consolidate or transfer IT-specific 127598
budget authority between agencies or within an agency as necessary 127599
to implement enterprise IT cost containment strategies and related 127600
efficiencies. Once the Director of Budget and Management is 127601
satisfied that the proposed initiative is cost advantageous to the 127602
enterprise, the Director of Budget and Management may transfer 127603
appropriations, funds and cash as needed to implement the proposed 127604
initiative. The establishment of any new fund or additional 127605
appropriation as a result of this section shall be subject to 127606
Controlling Board approval. 127607

The Director of Budget and Management and the Director of 127608
Administrative Services may transfer any employees, assets, and 127609
liabilities, including, but not limited to, records, contracts, 127610
and agreements in order to facilitate the improvements determined 127611
in accordance with this section. 127612

Section 207.60. PAY FOR SUCCESS CONTRACTING PROGRAM 127613

(A) As used in this section, "social service intermediary" 127614
has the same meaning as in section 125.66 of the Revised Code. 127615

(B) Not later than six months after the effective date of 127616
this section, the Director of Administrative Services shall, in 127617
consultation with the Department of Health and as part of the Pay 127618
for Success Contracting Program established under section 125.66 127619
of the Revised Code, contract with one or more social service 127620
intermediaries to administer one or two pilot projects intended to 127621
do both of the following: 127622

(1) Reduce the incidence of infant mortality, low-birthweight 127623
births, premature births, and stillbirths in the urban and rural 127624
communities of this state that are specified by the Director of 127625
Health under section 3701.142 of the Revised Code; 127626

(2) Promote equity in birth outcomes among infants of
different races in this state. 127627
127628

Section 209.10. AGE DEPARTMENT OF AGING 127629

General Revenue Fund 127630

GRF 490321 Operating Expenses \$ 1,500,000 \$ 1,500,000 127631

GRF 490410 Long-Term Care \$ 470,286 \$ 470,286 127632

Ombudsman

GRF 490411 Senior Community \$ 6,997,038 \$ 6,997,038 127633

Services

GRF 490414 Alzheimer's Respite \$ 2,495,245 \$ 2,495,245 127634

GRF 490506 National Senior \$ 237,792 \$ 237,792 127635

Service Corps

GRF 656423 Long-Term Care Budget \$ 3,500,000 \$ 3,500,000 127636

- State

TOTAL GRF General Revenue Fund \$ 15,200,361 \$ 15,200,361 127637

Dedicated Purpose Fund Group 127638

4800 490606 Senior Community \$ 372,523 \$ 372,523 127639

Outreach and
Education

4C40 490609 Regional Long-Term \$ 1,000,000 \$ 1,000,000 127640

Care Ombudsman
Program

5BA0 490620 Ombudsman Support \$ 1,500,000 \$ 1,500,000 127641

5K90 490613 Long-Term Care \$ 1,350,000 \$ 1,350,000 127642

Consumers Guide

5MT0 490627 Board of Executives \$ 800,000 \$ 800,000 127643

of Long-Term Services
and Supports

5T40 656625 Health Care Grants - \$ 200,000 \$ 200,000 127644

State

5TI0 656624 Provider \$ 120,000 \$ 120,000 127645

Certification				
5W10	490616	Resident Services	\$	344,700 \$ 344,700 127646
Coordinator Program				
TOTAL DPF Dedicated Purpose				127647
Fund Group			\$	5,687,223 \$ 5,687,223 127648
Federal Fund Group				127649
3220	490618	Federal Aging Grants	\$	8,700,000 \$ 8,700,000 127650
3C40	656623	Long Term Care Budget	\$	3,500,000 \$ 3,500,000 127651
- Federal				
3M40	490612	Federal Independence	\$	58,655,080 \$ 58,655,080 127652
Services				
TOTAL FED Federal Fund Group			\$	70,855,080 \$ 70,855,080 127653
TOTAL ALL BUDGET FUND GROUPS			\$	91,742,664 \$ 91,742,664 127654

Section 209.20. LONG-TERM CARE 127656

Pursuant to an interagency agreement, the Department of 127657
 Medicaid may designate the Department of Aging to perform 127658
 assessments under section 5165.04 of the Revised Code. The 127659
 Department of Aging shall provide long-term care consultations 127660
 under section 173.42 of the Revised Code to assist individuals in 127661
 planning for their long-term health care needs. 127662

The Department of Aging shall administer the Medicaid 127663
 waiver-funded PASSPORT Home Care Program, the Assisted Living 127664
 Program, and PACE as delegated by the Department of Medicaid in an 127665
 interagency agreement. 127666

PERFORMANCE-BASED REIMBURSEMENT 127667

The Department of Aging may design and utilize a payment 127668
 method for PASSPORT administrative agency operations that includes 127669
 a pay-for-performance incentive component that is earned by a 127670
 PASSPORT administrative agency when defined consumer and policy 127671
 outcomes are achieved. 127672

Section 209.30. MYCARE OHIO 127673

The authority of the Office of the State Long Term Care 127674
Ombudsman as described in sections 173.14 to 173.28 of the Revised 127675
Code extends to MyCare Ohio during the period of the federal 127676
financial alignment demonstration program. 127677

SENIOR COMMUNITY SERVICES 127678

The foregoing appropriation item 490411, Senior Community 127679
Services, may be used for programs, services, and activities 127680
designated by the Department of Aging, including, but not limited 127681
to, home-delivered and congregate meals, transportation services, 127682
personal care services, respite services, adult day services, home 127683
repair, care coordination, prevention and disease self-management, 127684
and decision support systems. The Department may also use these 127685
funds to provide grants to community organizations to support and 127686
expand evidence-based/informed programming. Service priority shall 127687
be given to low income, frail, and/or cognitively impaired persons 127688
60 years of age and over. 127689

NATIONAL SENIOR SERVICE CORPS 127690

The foregoing appropriation item 490506, National Senior 127691
Service Corps, may be used by the Department of Aging to fund 127692
grants to organizations that receive federal funds from the 127693
Corporation for National and Community Service to support the 127694
following Senior Corps programs: the Foster Grandparents Program, 127695
the Senior Companion Program, and the Retired Senior Volunteer 127696
Program. A recipient of these grant funds shall use the funds to 127697
support priorities established by the Department and the Ohio 127698
State Office of the Corporation for National and Community 127699
Service. Neither the Department nor any area agencies on aging 127700
that are involved in the distribution of these funds to 127701
lower-tiered grant recipients may use any portion of these funds 127702
to cover administrative costs. 127703

Section 209.40. BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 127704
127705

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it. 127706
127707
127708
127709
127710

Section 209.50. ASSISTED LIVING PROGRAM WORKGROUP 127711

(A) There is hereby established a workgroup to conduct a review of the Medicaid-funded and state-funded components of the Assisted Living Program. The workgroup shall consist of all of the following: 127712
127713
127714
127715

(1) Two members of the House of Representatives appointed by the Speaker from among the chairpersons of the following standing committees of the House: 127716
127717
127718

(a) The Aging and Long-Term Care Committee; 127719

(b) The Health Committee; 127720

(c) The Finance Subcommittee on Health and Human Services. 127721

(2) One member of the House of Representatives appointed by the Minority Leader of the House from among the members of the minority party serving on any of the standing committees specified in division (A)(1) of this section; 127722
127723
127724
127725

(3) Two members of the Senate appointed by the Senate President from among the chairpersons of the following standing committees of the Senate: 127726
127727
127728

(a) The Health, Human Services, and Medicaid Committee; 127729

(b) The full Finance Committee; 127730

(c) The Finance - Health and Medicaid Subcommittee. 127731

(4) One member of the Senate appointed by the Minority Leader of the Senate from among the members of the minority party serving on any of the standing committees specified in division (A)(3) of this section;	127732 127733 127734 127735
(5) The Executive Director of the Office of Health Transformation;	127736 127737
(6) The Medicaid Director;	127738
(7) The Director of Aging;	127739
(8) The Director of Health;	127740
(9) One representative of each of the following organizations, appointed by the chief executive of the organization:	127741 127742 127743
(a) Leadingage Ohio;	127744
(b) The Ohio Assisted Living Association;	127745
(c) The Ohio Association of Area Agencies on Aging;	127746
(d) The Ohio Health Care Association.	127747
(B) Appointments to the workgroup shall be made not later than sixty days after the effective date of this section. A member of the workgroup may designate another individual to serve on the workgroup in the member's place for one or more sessions. Members shall serve without compensation or reimbursement, except to the extent that serving on the workgroup is part of their usual job duties.	127748 127749 127750 127751 127752 127753 127754
(C) The Medicaid Director and Director of Aging shall serve as co-chairpersons of the workgroup. The Departments of Medicaid and Aging shall provide the workgroup any administrative assistance the workgroup needs.	127755 127756 127757 127758
(D) In conducting a review of the Assisted Living Program, the workgroup shall do both of the following:	127759 127760

(1) Identify potential barriers to enrollment in the Program 127761
and providers' participation in the Program, including barriers 127762
related to all of the following: 127763

(a) Payment rates for assisted living services provided under 127764
the Program; 127765

(b) The tier levels to which enrollees are assigned under the 127766
Program and the use of the tier levels in setting the Program's 127767
payment rates; 127768

(c) The statutory and administrative requirements that 127769
providers must meet to participate in the Program; 127770

(d) Other issues the workgroup determines are barriers. 127771

(2) Determine the feasibility and desirability of making 127772
community-based services that are similar to assisted living 127773
services available under other programs that the Department of 127774
Aging currently administers or under a new program. 127775

(E) Each state agency and advocacy organization represented 127776
on the workgroup shall make available to the workgroup any 127777
relevant federal or state data concerning, or assessments of, 127778
providers of assisted living services that the agency or 127779
organization possesses and is needed for the workgroup to complete 127780
its review. The workgroup shall use the data and assessments only 127781
for the purpose of its review. 127782

(F)(1) The workgroup shall complete a report of its review 127783
not later than July 1, 2018. The report shall include the 127784
workgroup's recommendations regarding assisted living services. 127785
The workgroup may not recommend that different types of facilities 127786
be allowed to be providers under the Assisted Living Program in 127787
addition to residential care facilities licensed under Chapter 127788
3721. of the Revised Code. If the workgroup recommends that a new 127789
program be created, the workgroup shall include all of the 127790
following in the report: 127791

(a) A name for the new program and its services that distinguishes them from the Assisted Living Program and assisted living services;

(b) Potential sources of funding for the new program that do not reduce any current or future federal or state funds available for the Assisted Living Program;

(c) A determination of whether a new Medicaid waiver would be needed for the new program.

(2) The workgroup shall submit the report to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report also shall be made available to the public.

(G) On submission of the report, the workgroup shall cease to exist.

Section 209.60. PAYMENT RATES FOR ASSISTED LIVING PROGRAM

As used in this section, "Assisted Living program" has the same meaning as in section 173.51 of the Revised Code.

Both of the following apply to assisted living services provided under the Medicaid-funded component of the Assisted Living program during the period beginning July 1, 2017, and ending June 30, 2019:

(A) A new rate-setting methodology for the services shall not be established or implemented.

(B) The Medicaid payment rates for the services shall not exceed the Medicaid payment rates for the services in effect on June 30, 2017.

Section 209.70. PAYMENT RATES FOR PERSONAL CARE AIDE SERVICES UNDER THE PASSPORT PROGRAM

As used in this section, "PASSPORT program" has the same meaning as in section 173.51 of the Revised Code. 127821
 127822

Both of the following apply to the Medicaid payment rates for personal care aide services provided under the Medicaid-funded component of the PASSPORT program during the period beginning July 1, 2017, and ending June 30, 2019: 127823
 127824
 127825
 127826

(A) The rates shall not be restructured. 127827

(B) The rates shall not exceed the Medicaid payment rates for those services in effect on June 30, 2017. 127828
 127829

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 127830

General Revenue Fund 127831

GRF 700401 Animal Health Programs \$ 3,635,383 \$ 3,733,443 127832

GRF 700403 Dairy Division \$ 1,186,843 \$ 1,186,843 127833

GRF 700404 Ohio Proud \$ 19,700 \$ 49,250 127834

GRF 700406 Consumer Protection \$ 1,193,796 \$ 1,326,771 127835

Lab

GRF 700407 Food Safety \$ 1,305,698 \$ 1,305,698 127836

GRF 700409 Farmland Preservation \$ 75,029 \$ 75,029 127837

GRF 700410 Plant Industry \$ 147,750 \$ 147,750 127838

GRF 700412 Weights and Measures \$ 211,871 \$ 605,871 127839

GRF 700415 Poultry Inspection \$ 596,389 \$ 596,389 127840

GRF 700418 Livestock Regulation \$ 757,752 \$ 1,151,752 127841

Program

GRF 700424 Livestock Testing and \$ 91,106 \$ 91,106 127842

Inspections

GRF 700426 Dangerous and \$ 808,909 \$ 808,909 127843

Restricted Animals

GRF 700427 High Volume Breeder \$ 908,672 \$ 1,253,422 127844

Kennel Control

GRF 700428 Soil and Water \$ 3,564,715 \$ 3,564,715 127845

		Division				
GRF 700499	Meat Inspection	\$	4,499,034	\$	4,499,034	127846
	Program - State Share					
GRF 700501	County Agricultural Societies	\$	385,544	\$	385,544	127847
GRF 700509	Soil and Water District Support	\$	2,632,929	\$	3,432,929	127848
TOTAL GRF	General Revenue Fund	\$	22,021,120	\$	24,214,455	127849
	Dedicated Purpose Fund Group					127850
4900 700651	License Plates - Sustainable Agriculture	\$	17,500	\$	17,500	127851
4940 700612	Agricultural Commodity Marketing Program	\$	253,000	\$	253,000	127852
4960 700626	Ohio Grape Industries	\$	1,100,000	\$	1,100,000	127853
4970 700627	Grain Warehouse Program	\$	450,000	\$	450,000	127854
4C90 700605	Commercial Feed and Seed	\$	1,975,571	\$	1,975,571	127855
4D20 700609	Auction Education	\$	50,000	\$	50,000	127856
4E40 700606	Utility Radiological Safety	\$	140,176	\$	140,176	127857
4P70 700610	Food Safety Inspection	\$	993,743	\$	993,743	127858
4R00 700636	Ohio Proud Marketing	\$	60,500	\$	30,500	127859
4R20 700637	Dairy Industry Inspection	\$	1,852,950	\$	1,852,950	127860
4T60 700611	Poultry and Meat Inspection	\$	160,000	\$	160,000	127861
5780 700620	Ride Inspection	\$	1,351,974	\$	1,351,974	127862
5B80 700629	Auctioneers	\$	361,450	\$	361,450	127863
5BV0 700660	Heidelberg Water	\$	250,000	\$	250,000	127864

		Quality Lab					
5BV0	700661	Soil and Water	\$	8,600,000	\$	8,000,000	127865
		Districts					
5FC0	700648	Plant Pest Program	\$	1,400,000	\$	1,400,000	127866
5H20	700608	Metrology Lab and	\$	1,175,000	\$	925,000	127867
		Scale Certification					
5L80	700604	Livestock Management	\$	500,000	\$	332,000	127868
		Program					
5MA0	700657	Dangerous and	\$	19,000	\$	19,000	127869
		Restricted Animals					
5MR0	700658	High Volume Breeders	\$	626,415	\$	320,000	127870
		and Kennels					
5MS0	700659	Captive Deer	\$	40,000	\$	40,000	127871
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000	127872
6520	700634	Animal, Consumer, and	\$	5,305,734	\$	5,066,896	127873
		ATL Labs					
6690	700635	Pesticide,	\$	5,200,000	\$	5,200,000	127874
		Fertilizer, and Lime					
		Inspection Program					
TOTAL DPF	Dedicated Purpose						127875
Fund Group			\$	32,398,013	\$	30,804,760	127876
Internal Service Activity	Fund Group						127877
5DA0	700644	Laboratory	\$	1,204,626	\$	1,204,626	127878
		Administration					
		Support					
5GH0	700655	Administrative	\$	5,374,048	\$	5,374,048	127879
		Support					
TOTAL ISA	Internal Service Activity						127880
Fund Group			\$	6,578,674		6,578,674	127881
Capital Projects	Fund Group						127882
7057	700632	Clean Ohio	\$	610,000	\$	610,000	127883
		Agricultural Easement					

Operating			
TOTAL CPF Capital Projects Fund	\$	610,000	\$ 610,000 127884
Group			
Federal Fund Group			127885
3260 700618 Meat Inspection	\$	5,194,424	\$ 5,194,424 127886
Program - Federal			
Share			
3360 700617 Ohio Farm Loan -	\$	360,000	\$ 360,000 127887
Revolving			
3820 700601 Federal Cooperative	\$	7,000,000	\$ 7,000,000 127888
Contracts			
3AB0 700641 Agricultural Easement	\$	350,000	\$ 350,000 127889
3J40 700607 Federal	\$	1,209,234	\$ 1,209,234 127890
Administrative			
Programs			
3R20 700614 Federal Plant	\$	6,095,972	\$ 6,095,972 127891
Industry			
TOTAL FED Federal Fund Group	\$	20,209,630	\$ 20,209,630 127892
TOTAL ALL BUDGET FUND GROUPS	\$	81,817,437	\$ 82,417,519 127893
Section 211.20. DANGEROUS AND RESTRICTED WILD ANIMALS			127895
The foregoing appropriation item 700426, Dangerous and			127896
Restricted Animals, shall be used to administer the Dangerous and			127897
Restricted Wild Animal Permitting Program.			127898
COUNTY AGRICULTURAL SOCIETIES			127899
The foregoing appropriation item 700501, County Agricultural			127900
Societies, shall be used to reimburse county and independent			127901
agricultural societies for expenses related to Junior Fair			127902
activities.			127903
SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE			127904
BASIN			127905

Of the foregoing appropriation item 700509, Soil and Water District Support, \$350,000 in each fiscal year shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin in complying with provisions of Sub. S.B. 1 of the 131st General Assembly. The Department shall approve a soil and water district's application for funding under the program if the application demonstrates that funding will be used for, but not limited to, providing technical assistance, developing applicable nutrient or manure management plans, hiring and training of soil and water conservation district staff on best conservation practices, or other activities the Director determines appropriate to assist farmers in the Western Lake Erie Basin in complying with the provisions of Sub. S.B. 1 of the 131st General Assembly.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.08 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.08 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY				127938
Dedicated Purpose Fund Group				127939
4Z90	898602	Small Business	\$ 400,000 \$	400,000 127940
Ombudsman				
5700	898601	Operating Expenses	\$ 200,000 \$	200,000 127941
5A00	898603	Small Business	\$ 450,000 \$	450,000 127942
Assistance				
TOTAL DPF	Dedicated Purpose Fund		\$ 1,050,000 \$	1,050,000 127943
Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 1,050,000 \$	1,050,000 127944
 Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT				127946
AUTHORITY TRUST ACCOUNT				127947
Notwithstanding any other provision of law to the contrary,				127948
the Air Quality Development Authority may reimburse the Air				127949
Quality Development Authority trust account established under				127950
section 3706.10 of the Revised Code from all operating funds of				127951
the agency for expenses pertaining to the administration and				127952
shared costs incurred by the Air Quality Development Authority in				127953
the execution of responsibilities as prescribed in Chapter 3706.				127954
of the Revised Code. The reimbursement shall be made by voucher				127955
and completed in accordance with the administrative indirect costs				127956
allocation plan approved by the Office of Budget and Management.				127957
 Section 215.10. ARC ARCHITECTS BOARDS				127958
Dedicated Purpose Fund Group				127959
4K90	891609	Operating	\$ 576,916 \$	604,765 127960
TOTAL DPF	Dedicated Purpose Fund			127961
Group				\$ 576,916 \$ 604,765 127962
TOTAL ALL BUDGET FUND GROUPS			\$ 576,916 \$	604,765 127963
 Section 217.10. ART OHIO ARTS COUNCIL				127965

General Revenue Fund					127966	
GRF 370321	Operating Expenses	\$	1,848,129	\$	1,848,129	127967
GRF 370502	State Program	\$	12,755,750	\$	12,755,750	127968
	Subsidies					
TOTAL GRF	General Revenue Fund	\$	14,603,879	\$	14,603,879	127969
	Dedicated Purpose Fund Group					127970
4600 370602	Arts Council Program	\$	325,000	\$	325,000	127971
	Support					
4B70 370603	Percent for Art	\$	225,000	\$	225,000	127972
	Acquisitions					
TOTAL DPF	Dedicated Purpose Fund	\$	550,000	\$	550,000	127973
	Group					
	Federal Fund Group					127974
3140 370601	Federal Support	\$	1,250,000	\$	1,250,000	127975
TOTAL FED	Federal Fund Group	\$	1,250,000	\$	1,250,000	127976
TOTAL ALL BUDGET FUND GROUPS		\$	16,403,879	\$	16,403,879	127977
	FEDERAL SUPPORT					127978
	Notwithstanding any provision of law to the contrary, the					127979
	foregoing appropriation item 370601, Federal Support, shall be					127980
	used by the Ohio Arts Council for subsidies only, and not for its					127981
	administrative costs, unless the Council is required to use a					127982
	portion of the funds for administrative costs under conditions of					127983
	the federal grant.					127984
	Section 219.10. ATH ATHLETIC COMMISSION					127985
	Dedicated Purpose Fund Group					127986
4K90 175609	Operating Expenses	\$	326,525	\$	326,525	127987
TOTAL DPF	Dedicated Purpose Fund	\$	326,525	\$	326,525	127988
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	326,525	\$	326,525	127989
	Section 221.10. AGO ATTORNEY GENERAL					127991

		General Revenue Fund					127992
GRF	055321	Operating Expenses	\$	43,114,169	\$	43,114,169	127993
GRF	055405	Law-Related Education	\$	70,000	\$	70,000	127994
GRF	055406	BCIRS Lease Rental	\$	3,255,800	\$	3,161,000	127995
		Payments					
GRF	055411	County Sheriffs' Pay	\$	903,000	\$	949,000	127996
		Supplement					
GRF	055415	County Prosecutors'	\$	1,078,000	\$	1,132,000	127997
		Pay Supplement					
GRF	055501	Rape Crisis Centers	\$	1,500,000	\$	1,500,000	127998
TOTAL GRF		General Revenue Fund	\$	49,920,969	\$	49,926,169	127999
		Dedicated Purpose Fund Group					128000
1060	055612	Attorney General	\$	65,318,182	\$	61,818,182	128001
		Operating					
4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291	128002
4170	055621	Domestic Violence	\$	25,000	\$	25,000	128003
		Shelter					
4180	055615	Charitable	\$	8,286,000	\$	8,286,000	128004
		Foundations					
4190	055623	Claims Section	\$	57,439,892	\$	57,439,892	128005
4200	055603	Attorney General	\$	2,432,925	\$	2,432,925	128006
		Antitrust					
4210	055617	Police Officers'	\$	2,944,355	\$	1,500,000	128007
		Training Academy Fee					
4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289	128008
4Y70	055608	Title Defect Recision	\$	613,751	\$	613,751	128009
4Z20	055609	BCI Asset Forfeiture	\$	2,500,000	\$	2,500,000	128010
		and Cost					
		Reimbursement					
5900	055633	Peace Officer Private	\$	95,325	\$	95,325	128011
		Security Training					
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000	128012

		Enforcement					
5L50	055619	Law Enforcement	\$	9,377,803	\$	0	128013
		Assistance Program					
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409	128014
		Training - Casino					
5MP0	055657	Peace Officer	\$	325,000	\$	325,000	128015
		Training Commission					
5TL0	055659	Organized Crime Law	\$	100,000	\$	100,000	128016
		Enforcement Trust					
5TW0	055602	Domestic Violence	\$	100,000	\$	100,000	128017
		Program					
6310	055637	Consumer Protection	\$	9,276,000	\$	9,276,000	128018
		Enforcement					
6590	055641	Solid and Hazardous	\$	328,728	\$	328,728	128019
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,650,000	\$	2,650,000	128020
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF		Dedicated Purpose Fund					128021
Group			\$	190,890,950	\$	176,568,792	128022
		Internal Service Activity Fund Group					128023
1950	055660	Workers' Compensation	\$	8,778,072	\$	8,778,072	128024
		Section					
TOTAL ISA		Internal Service Activity	\$	8,778,072	\$	8,778,072	128025
Fund Group							
		Holding Account Fund Group					128026
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	128027
		Account					
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	128028
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	128029

R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000	128030
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000	128031
TOTAL HLD Holding Account							128032
Fund Group			\$	8,250,000	\$	8,250,000	128033
Federal Fund Group							128034
3060	055620	Medicaid Fraud Control	\$	8,961,419	\$	8,961,419	128035
3830	055634	Crime Victims Assistance	\$	70,000,000	\$	70,000,000	128036
3E50	055638	Attorney General Pass-Through Funds	\$	2,320,999	\$	2,320,999	128037
3FV0	055656	Crime Victim Compensation	\$	3,155,000	\$	3,155,000	128038
3R60	055613	Attorney General Federal Funds	\$	2,799,999	\$	2,799,999	128039
TOTAL FED Federal Fund Group			\$	87,237,417	\$	87,237,417	128040
TOTAL ALL BUDGET FUND GROUPS			\$	345,077,408	\$	330,760,450	128041

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 128043
 SCIENCE 128044

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 128045
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COUNTY SHERIFFS' PAY SUPPLEMENT 128052

The foregoing appropriation item 055411, County Sheriffs' Pay 128053

Supplement, shall be used for the purpose of supplementing the 128054
annual compensation of county sheriffs as required by section 128055
325.06 of the Revised Code. 128056

At the request of the Attorney General, the Director of 128057
Budget and Management may transfer appropriation from 128058
appropriation item 055321, Operating Expenses, to appropriation 128059
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 128060
transferred shall be used to supplement the annual compensation of 128061
county sheriffs as required by section 325.06 of the Revised Code. 128062

COUNTY PROSECUTORS' PAY SUPPLEMENT 128063

The foregoing appropriation item 055415, County Prosecutors' 128064
Pay Supplement, shall be used for the purpose of supplementing the 128065
annual compensation of certain county prosecutors as required by 128066
section 325.111 of the Revised Code. 128067

At the request of the Attorney General, the Director of 128068
Budget and Management may transfer appropriation from 128069
appropriation item 055321, Operating Expenses, to appropriation 128070
item 055415, County Prosecutors' Pay Supplement. Any appropriation 128071
so transferred shall be used to supplement the annual compensation 128072
of county prosecutors as required by section 325.111 of the 128073
Revised Code. 128074

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 128075
PURPOSES/CONTINGENCIES FUND TO THE ATTORNEY GENERAL REIMBURSEMENT 128076
FUND 128077

On July 1, 2017, or as soon as possible thereafter, the 128078
Director of Budget and Management shall transfer \$3,500,000 cash 128079
from the Controlling Board Emergency Purposes/Contingencies Fund 128080
(Fund 5KM0) to the Attorney General Reimbursement Fund (Fund 128081
1060). 128082

ATTORNEY GENERAL OPERATING 128083

Of the foregoing appropriation item 055612, Attorney General 128084
Operating, \$2,000,000 in fiscal year 2018 shall be used by the 128085
Attorney General to fund criminal laboratory case work primarily 128086
related to opioid or other criminal cases submitted to the Bureau 128087
of Criminal Investigation. 128088

Of the foregoing appropriation item 055612, Attorney General 128089
Operating, \$1,500,000 in fiscal year 2018 shall be used to support 128090
each public forensic laboratory in Ohio that is accredited in 128091
chemistry by The American Society of Crime Laboratory 128092
Directors/Laboratory Accreditation Board (ASCLD/LAB) or ANSI-ASQ 128093
National Accreditation Board (ANAB) to perform chemistry 128094
laboratory work. The Attorney General shall distribute the funds 128095
directly to such laboratories based on the recommendation of the 128096
Forensic Science Institute of Ohio, provided that no accredited 128097
laboratory shall receive less than \$100,000. 128098

DOMESTIC VIOLENCE PROGRAM 128099

On July 1 of each fiscal year, or as soon as possible 128100
thereafter, the Director of Budget and Management shall transfer 128101
\$100,000 cash from the General Revenue Fund to the Domestic 128102
Violence Program Fund (Fund 5TW0). 128103

The foregoing appropriation item 055602, Domestic Violence 128104
Program, shall be used as described in section 109.46 of the 128105
Revised Code. 128106

WORKERS' COMPENSATION SECTION 128107

The Workers' Compensation Fund (Fund 1950) is entitled to 128108
receive quarterly payments from the Bureau of Workers' 128109
Compensation and the Ohio Industrial Commission to fund legal 128110
services provided to the Bureau of Workers' Compensation and the 128111
Ohio Industrial Commission during the fiscal year. 128112

In addition, the Bureau of Workers' Compensation shall 128113
transfer payments for the support of the Workers' Compensation 128114

Fraud Unit.	128115
All amounts shall be mutually agreed upon by the Attorney	128116
General, the Bureau of Workers' Compensation, and the Ohio	128117
Industrial Commission.	128118
GENERAL HOLDING ACCOUNT	128119
The foregoing appropriation item 055631, General Holding	128120
Account, shall be used to distribute moneys under the terms of	128121
relevant court orders or other settlements received in a variety	128122
of cases involving the Office of the Attorney General. If it is	128123
determined that additional amounts are necessary for this purpose,	128124
the amounts are hereby appropriated.	128125
ANTITRUST SETTLEMENTS	128126
The foregoing appropriation item 055632, Antitrust	128127
Settlements, shall be used to distribute moneys under the terms of	128128
relevant court orders or other out of court settlements in	128129
antitrust cases or antitrust matters involving the Office of the	128130
Attorney General. If it is determined that additional amounts are	128131
necessary for this purpose, the amounts are hereby appropriated.	128132
CONSUMER FRAUDS	128133
The foregoing appropriation item 055630, Consumer Frauds,	128134
shall be used for distribution of moneys from court-ordered	128135
judgments against sellers in actions brought by the Office of the	128136
Attorney General under sections 1334.08 and 4549.48 and division	128137
(B) of section 1345.07 of the Revised Code. These moneys shall be	128138
used to provide restitution to consumers victimized by the fraud	128139
that generated the court-ordered judgments. If it is determined	128140
that additional amounts are necessary for this purpose, the	128141
amounts are hereby appropriated.	128142
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	128143
The foregoing appropriation item 055601, Organized Crime	128144

Commission Distributions, shall be used by the Organized Crime 128145
Investigations Commission, as provided by section 177.011 of the 128146
Revised Code, to reimburse political subdivisions for the expenses 128147
the political subdivisions incur when their law enforcement 128148
officers participate in an organized crime task force. If it is 128149
determined that additional amounts are necessary for this purpose, 128150
the amounts are hereby appropriated. 128151

COLLECTION PAYMENT REDISTRIBUTION 128152

The foregoing appropriation item 055650, Collection Payment 128153
Redistribution, shall be used for the purpose of allocating the 128154
revenue where debtors mistakenly paid the client agencies instead 128155
of the Attorney General's Collections Enforcement Section. If it 128156
is determined that additional amounts are necessary for this 128157
purpose, the amounts are hereby appropriated. 128158

Section 223.10. AUD AUDITOR OF STATE 128159

General Revenue Fund 128160

GRF	070321	Operating Expenses	\$	29,728,875	\$	29,728,875	128161
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GRF	070403	Fiscal	\$	821,905	\$	821,905	128162
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Watch/Emergency
Technical Assistance

GRF	070409	School District	\$	1,000,000	\$	1,000,000	128163
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Performance Audits

TOTAL GRF	General Revenue Fund	\$	31,550,780	\$	31,550,780	128164
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Dedicated Purpose Fund Group 128165

1090	070601	Public Audit Expense	\$	10,803,057	\$	10,803,057	128166
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- Intrastate

4220	070602	Public Audit Expense	\$	37,306,649	\$	38,806,649	128167
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- Local Government

5840	070603	Training Program	\$	483,564	\$	483,564	128168
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5JZ0	070606	LEAP Revolving Loans	\$	410,952	\$	410,952	128169
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6750	070605	Uniform Accounting	\$	3,398,351	\$	3,398,351	128170
		Network					
TOTAL DPF Dedicated Purpose Fund							128171
Group			\$	52,402,573	\$	53,902,573	128172
TOTAL ALL BUDGET FUND GROUPS							128173
SCHOOL DISTRICT PERFORMANCE AUDITS							128174
The foregoing appropriation item 070409, School District							128175
Performance Audits, shall be used by the Auditor of State, in							128176
consultation with the Department of Education and the Office of							128177
Budget and Management, for expenses incurred in the Auditor of							128178
State's role relating to fiscal caution, fiscal watch, and fiscal							128179
emergency activities pursuant to section 3316.042 of the Revised							128180
Code.							128181
Section 225.10. BRB BOARD OF BARBER EXAMINERS							128182
Dedicated Purpose Fund Group							128183
4K90	877609	Operating Expenses	\$	433,805	\$	0	128184
TOTAL DPF Dedicated Purpose Fund							128185
Group							
TOTAL ALL BUDGET FUND GROUPS							128186
Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT							128188
General Revenue Fund							128189
GRF	042321	Budget Development	\$	3,153,203	\$	3,193,580	128190
		and Implementation					
GRF	042416	Office of Health	\$	408,206	\$	422,004	128191
		Transformation					
GRF	042420	Ohio Institute of	\$	738,750	\$	738,750	128192
		Technology					
GRF	042425	Shared Services	\$	1,359,300	\$	1,305,125	128193
		Development					
GRF	042435	Gubernatorial	\$	0	\$	221,625	128194

Transition			
TOTAL GRF General Revenue Fund	\$	5,659,459	\$ 5,881,084 128195
Internal Service Activity Fund Group			128196
1050 042603 Financial Management	\$	15,624,379	\$ 16,044,968 128197
1050 042620 Shared Services	\$	7,326,179	\$ 7,493,986 128198
Operating			
TOTAL ISA Internal Service Activity			128199
Fund Group	\$	22,950,558	\$ 23,538,954 128200
Fiduciary Fund Group			128201
5EH0 042604 Forgery Recovery	\$	30,000	\$ 30,000 128202
TOTAL FID Fiduciary Fund Group	\$	30,000	\$ 30,000 128203
Federal Fund Group			128204
3CM0 042606 Office of Health	\$	414,422	\$ 428,430 128205
Transformation - Federal			
TOTAL FED Federal Fund Group	\$	414,422	\$ 428,430 128206
TOTAL ALL BUDGET FUND GROUPS	\$	29,054,439	\$ 29,878,468 128207

Section 229.20. AUDIT COSTS 128209

All centralized audit costs associated with either Single 128210
 Audit Schedules or financial statements prepared in conformance 128211
 with generally accepted accounting principles for the state shall 128212
 be paid from the foregoing appropriation item 042603, Financial 128213
 Management. 128214

Costs associated with the audit of the Auditor of State shall 128215
 be paid from the foregoing appropriation item 042321, Budget 128216
 Development and Implementation. 128217

SHARED SERVICES 128218

The foregoing appropriation items 042425, Shared Services 128219
 Development, and 042620, Shared Services Operating, shall be used 128220
 by the Director of Budget and Management to support the Shared 128221

Services program pursuant to division (D) of section 126.21 of the Revised Code. 128222
128223

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies for services rendered using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050). 128224
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INTERNAL AUDIT 128232

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program pursuant to section 126.45 of the Revised Code in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies reviewed by the program using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050. 128233
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FORGERY RECOVERY 128241

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated. 128242
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Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 128251

General Revenue Fund					128252
GRF 874100	Personal Services	\$	2,719,226	\$	2,663,160
GRF 874320	Maintenance and	\$	1,389,932	\$	1,389,932
	Equipment				
TOTAL GRF	General Revenue Fund	\$	4,109,158	\$	4,053,092
Dedicated Purpose Fund Group					128256
2080 874601	Underground Parking	\$	3,805,165	\$	3,940,446
	Garage Operations				
4G50 874603	Capitol Square	\$	6,000	\$	6,000
	Education Center and				
	Arts				
TOTAL DPF	Dedicated Purpose				128259
Fund Group		\$	3,811,165	\$	3,946,446
Internal Service Activity Fund Group					128261
4S70 874602	Statehouse Gift	\$	775,000	\$	775,000
	Shop/Events				
TOTAL ISA	Internal Service Activity				128263
Fund Group		\$	775,000	\$	775,000
TOTAL ALL BUDGET FUND GROUPS		\$	8,695,323	\$	8,774,538

MAINTENANCE AND EQUIPMENT 128266

On July 1, 2017, or as soon as possible thereafter, the 128267
Executive Director of the Capitol Square Review and Advisory Board 128268
may certify to the Director of Budget and Management an amount up 128269
to the unexpended, unencumbered balance of the foregoing 128270
appropriation item 874320, Maintenance and Equipment, at the end 128271
of fiscal year 2017 to be reappropriated to fiscal year 2018. The 128272
amount certified is hereby appropriated to the same appropriation 128273
item for fiscal year 2018. 128274

On July 1, 2018, or as soon as possible thereafter, the 128275
Executive Director of the Capitol Square Review and Advisory Board 128276
may certify to the Director of Budget and Management an amount up 128277

to the unexpended, unencumbered balance of the foregoing 128278
 appropriation item 874320, Maintenance and Equipment, at the end 128279
 of fiscal year 2018 to be reappropriated to fiscal year 2019. The 128280
 amount certified is hereby appropriated to the same appropriation 128281
 item for fiscal year 2019. 128282

UNDERGROUND PARKING GARAGE FUND 128283

Notwithstanding division (G) of section 105.41 of the Revised 128284
 Code and any other provision to the contrary, moneys in the 128285
 Underground Parking Garage Fund (Fund 2080) may be used for 128286
 personnel and operating costs related to the operations of the 128287
 Statehouse and the Statehouse Underground Parking Garage. 128288

HOUSE AND SENATE PARKING REIMBURSEMENT 128289

On July 1 of each fiscal year, or as soon as possible 128290
 thereafter, the Director of Budget and Management shall transfer 128291
 \$500,000 cash from the General Revenue Fund to the Underground 128292
 Parking Garage Fund (Fund 2080). The amounts transferred under 128293
 this section shall be used to reimburse the Capitol Square Review 128294
 and Advisory Board for legislative parking costs. 128295

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 128296
 SCHOOLS 128297

Dedicated Purpose Fund Group				128298
4K90 233601 Operating Expenses	\$	540,260	\$ 540,260	128299
TOTAL DPF Dedicated Purpose Fund Group	\$	540,260	\$ 540,260	128300
TOTAL ALL BUDGET FUND GROUPS	\$	540,260	\$ 540,260	128301

Section 233.20. The State Board of Career Colleges and 128303
 Schools shall refund all student disclosure course fees charged to 128304
 schools by the Board under paragraph (B) of rule 3332-1-22.1 of 128305
 the Administrative Code and collected since January 2017. Private 128306
 career schools, as defined in section 3332.01 of the Revised Code, 128307

shall refund the respective amount received under this section to 128308
each student who paid the fee. 128309

Section 235.10. CAC CASINO CONTROL COMMISSION 128310

Dedicated Purpose Fund Group 128311

5HS0 955321 Operating Expenses \$ 13,327,155 \$ 13,659,745 128312

5NU0 955601 Casino Commission \$ 250,000 \$ 250,000 128313

Enforcement

TOTAL DPF Dedicated Purpose Fund \$ 13,577,155 \$ 13,909,745 128314

Group

TOTAL ALL BUDGET FUND GROUPS \$ 13,577,155 \$ 13,909,745 128315

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 128317

Dedicated Purpose Fund Group 128318

4K90 930609 Operating Expenses \$ 547,999 \$ 561,739 128319

TOTAL DPF Dedicated Purpose Fund \$ 547,999 \$ 561,739 128320

Group

TOTAL ALL BUDGET FUND GROUPS \$ 547,999 \$ 561,739 128321

Section 239.10. CHR STATE CHIROPRACTIC BOARD 128323

Dedicated Purpose Fund Group 128324

4K90 878609 Operating Expenses \$ 646,000 \$ 646,700 128325

TOTAL DPF Dedicated Purpose Fund \$ 646,000 \$ 646,700 128326

Group

TOTAL ALL BUDGET FUND GROUPS \$ 646,000 \$ 646,700 128327

Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION 128329

General Revenue Fund 128330

GRF 876321 Operating Expenses \$ 5,039,359 \$ 5,599,288 128331

TOTAL GRF General Revenue Fund \$ 5,039,359 \$ 5,599,288 128332

Internal Service Activity Fund Group 128333

2170	876604	Operations Support	\$	4,000	\$	4,000	128334
TOTAL ISA Internal Service Activity							128335
Fund Group			\$	4,000	\$	4,000	128336
Federal Fund Group							128337
3340	876601	Federal Programs	\$	3,581,649	\$	3,319,965	128338
TOTAL FED Federal Special Revenue							128339
Fund Group			\$	3,581,649	\$	3,319,965	128340
TOTAL ALL BUDGET FUND GROUPS							128341

Section 243.10. COM DEPARTMENT OF COMMERCE 128343

Dedicated Purpose Fund Group							128344
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	128345
Recovery							
4H90	800608	Cemeteries	\$	343,249	\$	295,244	128346
4X20	800619	Financial Institutions	\$	1,717,044	\$	1,717,044	128347
5430	800602	Unclaimed	\$	7,984,977	\$	7,984,977	128348
Funds-Operating							
5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	128349
5440	800612	Banks	\$	9,677,471	\$	9,677,471	128350
5460	800610	Fire Marshal	\$	17,297,687	\$	17,297,687	128351
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	128352
5470	800603	Real Estate	\$	69,655	\$	69,655	128353
Education/Research							
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	128354
5490	800614	Real Estate	\$	3,750,000	\$	3,584,329	128355
5500	800617	Securities	\$	5,216,985	\$	5,284,994	128356
5520	800604	Credit Union	\$	3,600,000	\$	3,675,000	128357
5530	800607	Consumer Finance	\$	4,548,563	\$	4,628,963	128358
5560	800615	Industrial Compliance	\$	30,500,000	\$	30,237,983	128359
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	128360
Departments							
5FW0	800616	Financial Literacy	\$	190,000	\$	190,000	128361

Education				
5GK0	800609	Securities Investor	\$ 682,150	\$ 682,150 128362
Education/Enforcement				
5HV0	800641	Cigarette Enforcement	\$ 27,324	\$ 27,324 128363
5LC0	800644	Liquor JobsOhio	\$ 276,817	\$ 276,817 128364
Extraordinary Allowance				
5LN0	800645	Liquor Operating	\$ 8,810,087	\$ 8,352,353 128365
Services				
5LP0	800646	Liquor Regulatory	\$ 9,562,022	\$ 9,067,080 128366
Operating Expenses				
5SJ0	800648	Volunteer Peace	\$ 50,000	\$ 50,000 128367
Officers' Dependent Fund				
5SY0	800650	Medical Marijuana	\$ 1,121,279	\$ 1,135,692 128368
Control Program				
5X60	800623	Video Service	\$ 412,693	\$ 412,693 128369
6530	800629	UST Registration/Permit	\$ 2,301,714	\$ 2,301,714 128370
Fee				
6A40	800630	Real Estate	\$ 778,175	\$ 722,672 128371
Appraiser-Operating				
TOTAL DPF Dedicated Purpose				128372
Fund Group			\$ 184,502,892	\$ 183,256,842 128373
Internal Service Activity Fund Group				128374
1630	800620	Division of	\$ 8,043,364	\$ 8,043,364 128375
Administration				
1630	800637	Information Technology	\$ 9,780,626	\$ 9,540,704 128376
TOTAL ISA Internal Service Activity				128377
Fund Group			\$ 17,823,990	\$ 17,584,068 128378
Federal Fund Group				128379
3480	800622	Underground Storage	\$ 1,186,180	\$ 1,186,180 128380
Tanks				
3480	800624	Leaking Underground	\$ 1,950,000	\$ 1,950,000 128381

Storage Tanks

TOTAL FED Federal Fund Group	\$	3,136,180	\$	3,136,180	128382
TOTAL ALL BUDGET FUND GROUPS	\$	205,463,062	\$	203,977,090	128383

Section 243.20. UNCLAIMED FUNDS PAYMENTS 128385

The foregoing appropriation item 800625, Unclaimed 128386
Funds-Claims, shall be used to pay claims under section 169.08 of 128387
the Revised Code. If it is determined by the Director of Commerce 128388
that additional appropriation amounts are necessary to make such 128389
payments, the Director of Commerce may request that the Director 128390
of Budget and Management increase such amounts. Such amounts are 128391
hereby appropriated. 128392

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 128393

The foregoing appropriation item 800631, Real Estate 128394
Appraiser Recovery, shall be used to pay settlements, judgments, 128395
and court orders under section 4763.16 of the Revised Code. If it 128396
is determined by the Director of Commerce that additional 128397
appropriation amounts are necessary to make such payments, the 128398
Director of Commerce may request that the Director of Budget and 128399
Management increase such amounts. Such amounts are hereby 128400
appropriated. 128401

The foregoing appropriation item 800611, Real Estate 128402
Recovery, shall be used to pay settlements, judgments, and court 128403
orders under section 4735.12 of the Revised Code. If it is 128404
determined by the Director of Commerce that additional 128405
appropriation amounts are necessary to make such payments, the 128406
Director of Commerce may request that the Director of Budget and 128407
Management increase such amounts. Such amounts are hereby 128408
appropriated. 128409

FIRE DEPARTMENT GRANTS 128410

(A) The foregoing appropriation item 800639, Fire Department 128411

Grants, shall be used to make annual grants to the following 128412
eligible recipients: volunteer fire departments, fire departments 128413
that serve one or more small municipalities or small townships, 128414
joint fire districts comprised of fire departments that primarily 128415
serve small municipalities or small townships, local units of 128416
government responsible for such fire departments, and local units 128417
of government responsible for the provision of fire protection 128418
services for small municipalities or small townships. For the 128419
purposes of these grants, a private fire company, as that phrase 128420
is defined in section 9.60 of the Revised Code, that is providing 128421
fire protection services under a contract to a political 128422
subdivision of the state, is an additional eligible recipient for 128423
a training grant. 128424

Eligible recipients that consist of small municipalities or 128425
small townships that all intend to contract with the same fire 128426
department or private fire company for fire protection services 128427
may jointly apply and be considered for a grant. If a joint 128428
applicant is awarded a grant, the State Fire Marshal shall, if 128429
feasible, proportionately award the grant and any equipment 128430
purchased with grant funds to each of the joint applicants based 128431
upon each applicant's contribution to and demonstrated need for 128432
fire protection services. For the purpose of this grant program, 128433
an eligible recipient or any firefighting entity that is 128434
contracted to serve an eligible recipient may only file, be listed 128435
as joint applicant, or be designated as a service provider on one 128436
grant application per fiscal year. 128437

If the grant awarded to joint applicants is an equipment 128438
grant and the equipment to be purchased cannot be readily 128439
distributed or possessed by multiple recipients, each of the joint 128440
applicants shall be awarded by the State Fire Marshal an ownership 128441
interest in the equipment so purchased in proportion to each 128442
applicant's contribution to and demonstrated need for fire 128443

protection services. The joint applicants shall then mutually 128444
agree on how the equipment is to be maintained, operated, stored, 128445
or disposed of. If, for any reason, the joint applicants cannot 128446
agree as to how jointly owned equipment is to be maintained, 128447
operated, stored, or disposed of or any of the joint applicants no 128448
longer maintain a contract with the same fire protection service 128449
provider as the other applicants, then the joint applicants shall, 128450
with the assistance of the State Fire Marshal, mutually agree as 128451
to how the jointly owned equipment is to be maintained, operated, 128452
stored, disposed of, or owned. If the joint applicants cannot 128453
agree how the grant equipment is to be maintained, operated, 128454
stored, disposed of, or owned, the State Fire Marshal may, in its 128455
discretion, require all of the equipment acquired by the joint 128456
applicants with grant funds to be returned to the State Fire 128457
Marshal. The State Fire Marshal may then award the returned 128458
equipment to any eligible recipients. For this paragraph only, an 128459
"equipment grant" also includes a MARCS Grant. 128460

(B) Except as otherwise provided in this section, the grants 128461
shall be used by recipients to purchase firefighting or rescue 128462
equipment or gear or similar items, to provide full or partial 128463
reimbursement for the documented costs of firefighter training, 128464
or, at the discretion of the State Fire Marshal, to cover fire 128465
department costs for providing fire protection services in that 128466
grant recipient's jurisdiction. 128467

(1) Of the foregoing appropriation item 800639, Fire 128468
Department Grants, up to \$1,000,000 per fiscal year may be used to 128469
pay for the State Fire Marshal's costs of providing firefighter I 128470
certification classes or other firefighter classes approved by the 128471
State Fire Marshal at no cost to selected students attending the 128472
Ohio Fire Academy or other class providers approved by the State 128473
Fire Marshal. The State Fire Marshal may establish the 128474
qualifications and selection processes for students to attend such 128475

classes by written policy, and such students shall be considered 128476
eligible recipients of fire department grants for the purposes of 128477
this portion of the grant program. 128478

(2) Of the foregoing appropriation item 800639, Fire 128479
Department Grants, up to \$3,000,000 in each fiscal year may be 128480
used for MARCS Grants. MARCS Grants may be used for the payment of 128481
user access fees by the eligible recipient to access MARCS. 128482

For purposes of this section, a MARCS Grant is a grant for 128483
systems, equipment, or services that are a part of, integrated 128484
into, or otherwise interoperable with the Multi-Agency Radio 128485
Communication System (MARCS) operated by the state. 128486

MARCS Grant awards may be up to \$50,000 in each fiscal year 128487
per eligible recipient. Each eligible recipient may only apply, as 128488
a separate entity or as a part of a joint application, for one 128489
MARCS Grant per fiscal year. The State Fire Marshal may give a 128490
preference in the awarding of MARCS Grants to grants that will 128491
enhance the overall interoperability and effectiveness of 128492
emergency communication networks in the geographic region that 128493
includes and that is adjacent to the applicant. Eligible 128494
recipients that are or were awarded fire department grants that 128495
are not MARCS Grants may also apply for and receive MARCS Grants 128496
in accordance with criteria for the awarding of grant funds 128497
established by the State Fire Marshal. 128498

(3) Grant awards for firefighting or rescue equipment or gear 128499
or for fire department costs of providing fire protection services 128500
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 128501
fiscal year if an eligible entity serves a jurisdiction in which 128502
the Governor declared a natural disaster during the preceding or 128503
current fiscal year in which the grant was awarded. In addition to 128504
any grant funds awarded for rescue equipment or gear, or for fire 128505
department costs associated with the provision of fire protection 128506
services, an eligible entity may receive a grant for up to \$15,000 128507

per fiscal year for full or partial reimbursement of the 128508
documented costs of firefighter training. For each fiscal year, 128509
the State Fire Marshal shall determine the total amounts to be 128510
allocated for each eligible purpose. 128511

(C) The grants shall be administered by the State Fire 128512
Marshal in accordance with rules the State Fire Marshal adopts as 128513
part of the state fire code adopted pursuant to section 3737.82 of 128514
the Revised Code that are necessary for the administration and 128515
operation of the grant program. The rules may further define the 128516
entities eligible to receive grants and establish criteria for the 128517
awarding and expenditure of grant funds, including methods the 128518
State Fire Marshal may use to verify the proper use of grant funds 128519
or to obtain reimbursement for or the return of equipment for 128520
improperly used grant funds. To the extent consistent with this 128521
section and until the rules are updated, the existing rules in the 128522
state fire code adopted pursuant to section 3737.82 of the Revised 128523
Code for fire department grants under this section apply to MARCS 128524
Grants. Any amounts in appropriation item 800639, Fire Department 128525
Grants, in excess of the amount allocated for these grants may be 128526
used for the administration of the grant program. 128527

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 128528

Upon the written request of the Director of Commerce, the 128529
Director of Budget and Management may transfer up to \$500,000 in 128530
cash from the Real Estate Recovery Fund (Fund 5480) and up to 128531
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 128532
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 128533
5490) during the biennium ending June 30, 2019. 128534

SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND 128535

Upon the written request of the Director of Commerce, the 128536
Director of Budget and Management may transfer up to \$300,000 in 128537
cash from the State Fire Marshal Fund (Fund 5460) to the Small 128538

Government Fire Department Services Revolving Loan Fund (Fund 128539
5F10) during the biennium ending June 30, 2019. 128540

Of the foregoing appropriation item 800635, Small Government 128541
Fire Departments, \$150,000 in fiscal year 2018 shall be used to 128542
provide a loan for fire training center equipment to a fire 128543
training center that received an appropriation in S.B. 310 of the 128544
131st General Assembly. 128545

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 128546

Dedicated Purpose Fund Group 128547

5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 128548

TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 128549

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093 128550

Section 247.10. CEB CONTROLLING BOARD 128552

Internal Service Activity Fund Group 128553

5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000 128554

Emergency

Purposes/Contingencies

TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000 128555

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000 128556

Section 247.20. FEDERAL SHARE 128558

In transferring appropriations to or from appropriation items 128559
that have federal shares identified in this act, the Controlling 128560
Board shall add or subtract corresponding amounts of federal 128561
matching funds at the percentages indicated by the state and 128562
federal division of the appropriations in this act. Such changes 128563
are hereby appropriated. 128564

DISASTER SERVICES 128565

The Disaster Services Fund (Fund 5E20) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash used for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve cash transfers from Fund 5E20 to any fund used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These cash transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the cash to fund the State Disaster Relief Program for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

Section 249.10. COS COSMETOLOGY AND BARBER BOARD

Dedicated Purpose Fund Group				128589	
4K90 879609 Operating Expenses	\$	4,462,105	\$	5,348,760	128591
TOTAL DPF Dedicated Purpose Fund Group	\$	4,462,105	\$	5,348,760	128592
TOTAL ALL BUDGET FUND GROUPS	\$	4,462,105	\$	5,348,760	128593

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE

128595

AND FAMILY THERAPIST BOARD				128596
Dedicated Purpose Fund Group				128597
4K90 899609 Operating Expenses	\$	1,518,224	\$ 1,625,312	128598
TOTAL DPF Dedicated Purpose Fund Group	\$	1,518,224	\$ 1,625,312	128599
TOTAL ALL BUDGET FUND GROUPS	\$	1,518,224	\$ 1,625,312	128600

Section 253.10. CLA COURT OF CLAIMS 128602

General Revenue Fund				128603
GRF 015321 Operating Expenses	\$	2,536,419	\$ 2,536,419	128604
GRF 015403 Public Records	\$	518,700	\$ 539,280	128605
Adjudication				
TOTAL GRF General Revenue Fund	\$	3,055,119	\$ 3,075,699	128606
Dedicated Purpose Fund Group				128607
5K20 015603 CLA Victims of Crime	\$	462,515	\$ 480,463	128608
TOTAL DPF Dedicated Purpose Fund Group	\$	462,515	\$ 480,463	128609
TOTAL ALL BUDGET FUND GROUPS	\$	3,517,634	\$ 3,556,162	128610

PUBLIC RECORDS ADJUDICATION 128611

The foregoing appropriation item 015403, Public Records Adjudication, shall be used by the Court of Claims to perform its duties and responsibilities as directed by S.B. 321 of the 131st General Assembly. 128612
128613
128614
128615

Section 255.10. DEN STATE DENTAL BOARD 128616

Dedicated Purpose Fund Group				128617
4K90 880609 Operating Expenses	\$	1,754,868	\$ 1,830,082	128618
TOTAL DPF Dedicated Purpose Fund Group	\$	1,754,868	\$ 1,830,082	128619
TOTAL ALL BUDGET FUND GROUPS	\$	1,754,868	\$ 1,830,082	128620

Section 257.10. BDP BOARD OF DEPOSIT				128622
Dedicated Purpose Fund Group				128623
4M20 974601	Board of Deposit	\$ 1,876,000	\$ 1,876,000	128624
TOTAL DPF Dedicated Purpose Fund				128625
Group				
TOTAL ALL BUDGET FUND GROUPS				128626
BOARD OF DEPOSIT EXPENSE FUND				128627
Upon receiving certification of expenses from the Treasurer				128628
of State, the Director of Budget and Management shall transfer				128629
cash from the Investment Earnings Redistribution Fund (Fund 6080)				128630
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund				128631
shall be used pursuant to section 135.02 of the Revised Code to				128632
pay for any and all necessary expenses of the Board of Deposit or				128633
for banking charges and fees required for the operation of the				128634
State of Ohio Regular Account.				128635
Section 259.10. DEV DEVELOPMENT SERVICES AGENCY				128636
General Revenue Fund				128637
GRF 195402	Coal Research and	\$ 230,884	\$ 230,884	128638
Development Program				
GRF 195405	Minority Business	\$ 1,696,358	\$ 1,696,358	128639
Development				
GRF 195415	Business Development	\$ 3,258,564	\$ 3,258,564	128640
Services				
GRF 195426	Redevelopment	\$ 837,250	\$ 1,083,500	128641
Assistance				
GRF 195453	Technology Programs	\$ 14,524,956	\$ 14,274,956	128642
and Grants				
GRF 195454	Small Business and	\$ 3,750,066	\$ 3,750,066	128643
Export Assistance				
GRF 195455	Appalachia Assistance	\$ 5,662,518	\$ 5,662,518	128644

GRF	195497	CDBG Operating Match	\$	1,037,402	\$	1,037,402	128645
GRF	195503	Local Development Projects	\$	150,000	\$	150,000	128646
GRF	195537	Ohio-Israel Agricultural Initiative	\$	250,000	\$	250,000	128647
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	6,319,500	\$	7,820,600	128648
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	87,015,000	\$	95,039,900	128649
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	11,092,900	\$	12,380,400	128650
TOTAL GRF		General Revenue Fund	\$	135,825,398	\$	146,635,148	128651
		Dedicated Purpose Fund Group					128652
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	128653
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000	128654
4F20	195639	State Special Projects	\$	102,104	\$	102,104	128655
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	128656
4W10	195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000	128657
5CG0	195679	Alternative Fuel Transportation	\$	2,000,000	\$	2,000,000	128658

5HR0	195622	Defense Development Assistance	\$	1,250,000	\$	1,250,000	128659
5HR0	195662	Incumbent Workforce Training Vouchers	\$	1,250,000	\$	1,250,000	128660
5JR0	195635	Tax Incentives Operating	\$	800,000	\$	800,000	128661
5KN0	195640	Local Government Innovation	\$	5,275,000	\$	5,275,000	128662
5KP0	195645	Historic Rehabilitation Operating	\$	1,000,000	\$	1,000,000	128663
5M40	195659	Low Income Energy Assistance (USF)	\$	370,000,000	\$	370,000,000	128664
5M50	195660	Advanced Energy Loan Programs	\$	10,000,000	\$	10,000,000	128665
5MH0	195644	SiteOhio Administration	\$	25,000	\$	25,000	128666
5MJ0	195683	TourismOhio Administration	\$	10,000,000	\$	10,000,000	128667
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	128668
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	128669
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	128670
6460	195638	Low- and Moderate-Income Housing Programs	\$	53,000,000	\$	53,000,000	128671
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	128672
TOTAL	DPF	Dedicated Purpose Fund Group	\$	463,977,571	\$	463,977,571	128673

Internal Service Activity Fund Group				128674
1350	195684	Development Services	\$ 10,800,000 \$	10,800,000 128675
		Operations		
6850	195636	Development Services	\$ 700,000 \$	700,000 128676
		Reimbursable		
		Expenditures		
TOTAL ISA Internal Service Activity Fund Group				\$ 11,500,000 \$ 11,500,000 128677
Facilities Establishment Fund Group				128678
5S90	195628	Capital Access Loan	\$ 2,500,000 \$	2,500,000 128679
		Program		
7009	195664	Innovation Ohio	\$ 5,000,000 \$	5,000,000 128680
7010	195665	Research and	\$ 5,000,000 \$	5,000,000 128681
		Development		
7037	195615	Facilities	\$ 25,000,000 \$	25,000,000 128682
		Establishment		
TOTAL FCE Facilities Establishment Fund Group				\$ 37,500,000 \$ 37,500,000 128683
Bond Research and Development Fund Group				128684
7011	195686	Third Frontier Tax	\$ 750,000 \$	750,000 128685
		Exempt - Operating		
7011	195687	Third Frontier	\$ 20,000,000 \$	20,000,000 128686
		Research and		
		Development Projects		
7014	195620	Third Frontier	\$ 1,710,000 \$	1,710,000 128687
		Taxable - Operating		
7014	195692	Research and	\$ 90,850,250 \$	90,850,250 128688
		Development Taxable		
		Bond Projects		
TOTAL BRD Bond Research and Development Fund Group				\$ 113,310,250 \$ 113,310,250 128689
Capital Projects Fund Group				128690

7003	195663	Clean Ohio Revitalization Operating	\$	600,000	\$	0	128691
TOTAL CPF Capital Projects Fund							
Group							
							128692
Federal Fund Group							128693
3080	195603	Housing Assistance Programs	\$	12,000,000	\$	12,000,000	128694
3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	128695
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	128696
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	128697
3080	195671	Brownfield Redevelopment	\$	3,000,000	\$	3,000,000	128698
3080	195672	Manufacturing Extension Partnership	\$	5,500,000	\$	5,500,000	128699
3080	195675	Procurement Technical Assistance	\$	750,000	\$	750,000	128700
3080	195696	State Trade and Export Promotion	\$	800,000	\$	800,000	128701
3350	195610	Energy Programs	\$	200,000	\$	200,000	128702
3AE0	195643	Workforce Development Initiatives	\$	800,000	\$	800,000	128703
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445	128704
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	128705
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	128706
3K90	195611	Home Energy	\$	175,000,000	\$	175,000,000	128707

	Assistance Block				
	Grant				
3K90	195614	HEAP Weatherization	\$ 25,000,000	\$ 25,000,000	128708
3L00	195612	Community Services	\$ 28,000,000	\$ 28,000,000	128709
	Block Grant				
3V10	195601	HOME Program	\$ 25,000,000	\$ 25,000,000	128710
TOTAL	FED	Federal Fund Group	\$ 373,226,779	\$ 373,226,779	128711
TOTAL	ALL BUDGET FUND GROUPS		\$ 1,135,939,998	\$ 1,146,149,748	128712

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 128714

The foregoing appropriation item 195402, Coal Research and 128715
Development Program, shall be used for the operating expenses of 128716
the Community Services Division in support of the Ohio Coal 128717
Development Office. 128718

MINORITY BUSINESS DEVELOPMENT 128719

The foregoing appropriation item 195405, Minority Business 128720
Development, shall be used to support the activities of the 128721
Minority Business Development Division, including providing grants 128722
to local nonprofit organizations to support economic development 128723
activities that promote minority business development, in 128724
conjunction with local organizations funded through appropriation 128725
item 195454, Small Business and Export Assistance. 128726

BUSINESS DEVELOPMENT SERVICES 128727

The foregoing appropriation item 195415, Business Development 128728
Services, shall be used for the operating expenses of the Business 128729
Services Division and the regional economic development offices. 128730

REDEVELOPMENT ASSISTANCE 128731

The foregoing appropriation item 195426, Redevelopment 128732
Assistance, shall be used to fund the costs of administering the 128733
energy, redevelopment, and other revitalization programs that may 128734
be implemented by the Development Services Agency, and may be used 128735

to match federal grant funding.	128736
TECHNOLOGY PROGRAMS AND GRANTS	128737
Of the foregoing appropriation item 195453, Technology	128738
Programs and Grants, up to \$547,341 in each fiscal year shall be	128739
used for operating expenses incurred in administering the Ohio	128740
Third Frontier pursuant to sections 184.10 to 184.20 of the	128741
Revised Code; up to \$10,500,000 in each fiscal year shall be used	128742
pursuant to sections 122.28 to 122.36 of the Revised Code, of	128743
which not more than ten per cent shall be used for operating	128744
expenses incurred in administering the program.	128745
SMALL BUSINESS AND EXPORT ASSISTANCE	128746
The foregoing appropriation item 195454, Small Business and	128747
Export Assistance, may be used to provide a range of business	128748
assistance, including grants to local organizations to support	128749
economic development activities that promote small business	128750
development, entrepreneurship, and exports of Ohio's goods and	128751
services, in conjunction with local organizations funded through	128752
appropriation item 195405, Minority Business Development. The	128753
foregoing appropriation item shall also be used as matching funds	128754
for grants from the United States Small Business Administration	128755
and other federal agencies, pursuant to Public Law No. 96-302 as	128756
amended by Public Law No. 98-395, and regulations and policy	128757
guidelines for the programs pursuant thereto.	128758
Of the foregoing appropriation item 195454, Small Business	128759
and Export Assistance, \$250,000 in each fiscal year shall be	128760
allocated to Lumos Innovation.	128761
APPALACHIA ASSISTANCE	128762
The foregoing appropriation item 195455, Appalachia	128763
Assistance, may be used for the administrative costs of planning	128764
and liaison activities for the Governor's Office of Appalachia, to	128765
provide financial assistance to projects in Ohio's Appalachian	128766

counties, to support four local development districts, and to pay 128767
dues for the Appalachian Regional Commission. These funds may be 128768
used to match federal funds from the Appalachian Regional 128769
Commission. Programs funded through the foregoing appropriation 128770
item shall be identified and recommended by the local development 128771
districts and approved by the Governor's Office of Appalachia. The 128772
Development Services Agency shall conduct compliance and 128773
regulatory review of the programs recommended by the local 128774
development districts. Moneys allocated under the foregoing 128775
appropriation item may be used to fund projects including, but not 128776
limited to, those designated by the local development districts as 128777
community investment and rapid response projects. 128778

Of the foregoing appropriation item 195455, Appalachia 128779
Assistance, in each fiscal year, \$170,000 shall be allocated to 128780
the Ohio Valley Regional Development Commission, \$170,000 shall be 128781
allocated to the Ohio Mid-Eastern Government Association, \$170,000 128782
shall be allocated to the Buckeye Hills-Hocking Valley Regional 128783
Development District, and \$70,000 shall be allocated to the 128784
Eastgate Regional Council of Governments. Local development 128785
districts receiving funding under this section shall use the funds 128786
for the implementation and administration of programs and duties 128787
under section 107.21 of the Revised Code. 128788

Of the foregoing appropriation item 195455, Appalachia 128789
Assistance, \$100,000 in each fiscal year shall be allocated to the 128790
iBELIEVE Foundation to provide opportunities for Appalachian youth 128791
to develop twenty-first century skills, including leadership, 128792
communication, and problem-solving for college access and 128793
retention. 128794

CDBG OPERATING MATCH 128795

The foregoing appropriation item 195497, CDBG Operating 128796
Match, shall be used as matching funds for grants from the United 128797
States Department of Housing and Urban Development pursuant to the 128798

Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.	128799 128800
LOCAL DEVELOPMENT PROJECTS	128801
The foregoing appropriation item 195503, Local Development Projects, shall be allocated to Cleveland Neighborhood Progress to support the Community Financial Centers Pilot Program.	128802 128803 128804
OHIO-ISRAEL AGRICULTURAL INITIATIVE	128805
The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative.	128806 128807 128808
Of the foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, \$50,000 in each fiscal year shall be used to support the Cleantech component of the Ohio-Israel Agricultural Initiative.	128809 128810 128811 128812
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	128813 128814
The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.07 of the Revised Code.	128815 128816 128817 128818 128819
THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	128820 128821
The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.10 of the Revised Code.	128822 128823 128824 128825 128826 128827
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT	128828

SERVICE	128829
The foregoing appropriation item 195912, Job Ready Site	128830
Development General Obligation Bond Debt Service, shall be used to	128831
pay all debt service and related financing costs during the period	128832
from July 1, 2017, through June 30, 2019, on obligations issued	128833
under sections 151.01 and 151.11 of the Revised Code.	128834
Section 259.30. MINORITY BUSINESS BONDING FUND	128835
Notwithstanding Chapters 122., 169., and 175. of the Revised	128836
Code, the Director of Development Services may, upon the	128837
recommendation of the Minority Development Financing Advisory	128838
Board, pledge up to \$10,000,000 in the fiscal year 2018-fiscal	128839
year 2019 biennium of unclaimed funds administered by the Director	128840
of Commerce and allocated to the Minority Business Bonding Program	128841
under section 169.05 of the Revised Code.	128842
If needed for the payment of losses arising from the Minority	128843
Business Bonding Program, the Director of Budget and Management	128844
may, at the request of the Director of Development Services,	128845
request that the Director of Commerce transfer unclaimed funds	128846
that have been reported by holders of unclaimed funds under	128847
section 169.05 of the Revised Code to the Minority Bonding Fund	128848
(Fund 4490). The transfer of unclaimed funds shall only occur	128849
after proceeds of the initial transfer of \$2,700,000 by the	128850
Controlling Board to the Minority Business Bonding Program have	128851
been used for that purpose. If expenditures are required for	128852
payment of losses arising from the Minority Business Bonding	128853
Program, such expenditures shall be made from appropriation item	128854
195658, Minority Business Bonding Contingency in the Minority	128855
Business Bonding Fund, and such amounts are hereby appropriated.	128856
BUSINESS ASSISTANCE PROGRAMS	128857
The foregoing appropriation item 195649, Business Assistance	128858

Programs, shall be used for administrative expenses associated 128859
with the operation of loan incentives within the Office of 128860
Strategic Business Investments. 128861

STATE SPECIAL PROJECTS 128862

The State Special Projects Fund (Fund 4F20), may be used for 128863
the deposit of private-sector funds from utility companies and for 128864
the deposit of other miscellaneous state funds. State moneys so 128865
deposited may also be used to match federal grants and to support 128866
low-income energy assistance programs. 128867

MINORITY BUSINESS ENTERPRISE LOAN 128868

All repayments from the Minority Development Financing 128869
Advisory Board Loan Program shall be deposited in the State 128870
Treasury to the credit of the Minority Business Enterprise Loan 128871
Fund (Fund 4W10). 128872

DEFENSE DEVELOPMENT ASSISTANCE 128873

The foregoing appropriation item 195622, Defense Development 128874
Assistance, shall be allocated to Development Projects, Inc., for 128875
economic development programs and the creation of new jobs to 128876
leverage and support mission gains at Department of Defense and 128877
related facilities in Ohio by working with future base realignment 128878
and closure activities and ongoing Department of Defense 128879
efficiency and partnership initiatives, assisting efforts to 128880
secure Department of Defense support contracts for Ohio companies, 128881
assessing and supporting regional job training and workforce 128882
development needs generated by the Department of Defense and the 128883
Ohio aerospace industry, promoting technology transfer to Ohio 128884
businesses, and for expanding job training and economic 128885
development programs in human performance and cyber security 128886
related initiatives. 128887

On July 1, 2018, or as soon as possible thereafter, the 128888
Director of Development Services may request that the Director of 128889

Budget and Management reappropriate any expended, unencumbered 128890
balance of the prior fiscal year's appropriation to the foregoing 128891
appropriation item 195622, Defense Development Assistance, for 128892
fiscal year 2019. The Director of Budget and Management may 128893
request additional information necessary for evaluating the 128894
request, and the Director of Development Services shall provide 128895
the requested information to the Director of Budget and 128896
Management. Based on the information provided by the Director of 128897
Development Services, the Director of Budget and Management shall 128898
determine the amount to be reappropriated, and that amount is 128899
hereby reappropriated for fiscal year 2019. 128900

INCUMBENT WORKFORCE TRAINING VOUCHERS 128901

The foregoing appropriation item 195662, Incumbent Workforce 128902
Training Vouchers, shall be used to support the Incumbent 128903
Workforce Training Voucher Program. 128904

The Incumbent Workforce Training Voucher Program shall 128905
conform to guidelines for the operation of the program, including, 128906
but not limited to, the following: 128907

(A) A requirement that a training voucher under the program 128908
shall not exceed \$6,000 per worker per year; 128909

(B) A provision for an employer of an eligible employee to 128910
apply for a voucher on behalf of the eligible employee; 128911

(C) A provision for an eligible employee to apply directly 128912
for a training voucher with the pre-approval of the employee's 128913
employer; and 128914

(D) A requirement that an employee participating in the 128915
program, or the employee's employer, shall pay for not less than 128916
thirty-three per cent of the training costs under the program. 128917

On July 1, 2018, or as soon as possible thereafter, the 128918
Director of Development Services may request that the Director of 128919

Budget and Management reappropriate any expended, unencumbered 128920
balance of the prior fiscal year's appropriation to the foregoing 128921
appropriation item 195662, Incumbent Workforce Training Vouchers, 128922
for fiscal year 2019. The Director of Budget and Management may 128923
request additional information necessary for evaluating the 128924
request, and the Director of Development Services shall provide 128925
the requested information to the Director of Budget and 128926
Management. Based on the information provided by the Director of 128927
Development Services, the Director of Budget and Management shall 128928
determine the amount to be reappropriated, and that amount is 128929
hereby reappropriated for fiscal year 2019. 128930

TAX INCENTIVES OPERATING 128931

On July 1, 2017, or as soon as possible thereafter, the 128932
Director of Budget and Management shall transfer \$700,000 cash 128933
from Fund 5MK0 to Fund 5JR0. 128934

LOCAL GOVERNMENT INNOVATION FUND 128935

The foregoing appropriation item 195640, Local Government 128936
Innovation, shall be used for the purposes of making loans and 128937
grants to political subdivisions under the Local Government 128938
Innovation Program in accordance with sections 189.01 to 189.10 of 128939
the Revised Code. Of the foregoing appropriation item 195640, 128940
Local Government Innovation, up to \$275,000 in each fiscal year 128941
shall be used for administrative costs. 128942

ADVANCED ENERGY LOAN PROGRAMS 128943

The foregoing appropriation item 195660, Advanced Energy Loan 128944
Programs, shall be used to provide financial assistance to 128945
customers for eligible advanced energy projects for residential, 128946
commercial, and industrial business, local government, educational 128947
institution, nonprofit, and agriculture customers. The 128948
appropriation item may be used to match federal grant funding and 128949
to pay for the program's administrative costs as provided in 128950

sections 4928.61 to 4928.63 of the Revised Code and rules adopted 128951
by the Director of Development Services. 128952

On July 1, 2017, or as soon as possible thereafter, the 128953
Director of Budget and Management shall transfer cash in an amount 128954
equal to the unexpended, unencumbered balance of the Advanced 128955
Energy Research and Development Taxable Fund (Fund 7004), from 128956
Fund 7004 to the Advanced Energy Fund (Fund 5M50). 128957

TRAVEL AND TOURISM COOPERATIVE PROJECTS 128958

The foregoing appropriation item 195690, Travel and Tourism 128959
Cooperative Projects, shall be used for the marketing and 128960
promotion of travel and tourism in Ohio. The Travel and Tourism 128961
Cooperative Projects Fund (Fund 5W50) shall consist solely of 128962
leveraged private sector paid advertising dollars received in 128963
tourism marketing assistance and co-op programs. 128964

VOLUME CAP ADMINISTRATION 128965

The foregoing appropriation item 195654, Volume Cap 128966
Administration, shall be used for expenses related to the 128967
administration of the Volume Cap Program. Revenues received by the 128968
Volume Cap Administration Fund (Fund 6170) shall consist of 128969
application fees, forfeited deposits, and interest earned from the 128970
custodial account held by the Treasurer of State. 128971

Section 259.40. DEVELOPMENT SERVICES OPERATIONS 128972

The Director of Development Services may assess offices of 128973
the agency for the cost of central service operations. An 128974
assessment shall contain the characteristics of administrative 128975
ease and uniform application. A division's payments shall be 128976
credited to the Supportive Services Fund (Fund 1350) using an 128977
intrastate transfer voucher. 128978

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 128979

The foregoing appropriation item 195636, Development Services 128980

Reimbursable Expenditures, shall be used for reimbursable costs 128981
incurred by the agency. Revenues to the General Reimbursement Fund 128982
(Fund 6850) shall consist of moneys charged for administrative 128983
costs that are not central service costs and repayments of loans, 128984
including the interest thereon, made from the Water and Sewer Fund 128985
(Fund 4440). 128986

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 128987

The foregoing appropriation item 195628, Capital Access Loan 128988
Program, shall be used for operating, program, and administrative 128989
expenses of the program. Funds of the Capital Access Loan Program 128990
shall be used to assist participating financial institutions in 128991
making program loans to eligible businesses that face barriers in 128992
accessing working capital and obtaining fixed-asset financing. 128993

The Director of Budget and Management may transfer an amount 128994
not to exceed \$1,000,000 cash in each fiscal year from the 128995
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 128996
Access Loan Fund (Fund 5S90). 128997

INNOVATION OHIO 128998

The foregoing appropriation item 195664, Innovation Ohio, 128999
shall be used to provide for Innovation Ohio purposes, including 129000
loan guarantees and loans under Chapter 166. and particularly 129001
sections 166.12 to 166.16 of the Revised Code. 129002

RESEARCH AND DEVELOPMENT 129003

The foregoing appropriation item 195665, Research and 129004
Development, shall be used to provide for research and development 129005
purposes, including loans, under Chapter 166. and particularly 129006
sections 166.17 to 166.21 of the Revised Code. 129007

FACILITIES ESTABLISHMENT 129008

The foregoing appropriation item 195615, Facilities 129009
Establishment, shall be used for the purposes of the Facilities 129010

Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code. 129011
Code. 129012

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 129013

Notwithstanding Chapter 166. of the Revised Code, an amount 129014
not to exceed \$3,500,000 in cash in each fiscal year may be 129015
transferred from the Facilities Establishment Fund (Fund 7037) to 129016
the Business Assistance Fund (Fund 4510). The transfer is subject 129017
to Controlling Board approval under division (B) of section 166.03 129018
of the Revised Code. 129019

Notwithstanding Chapter 166. of the Revised Code, the 129020
Director of Budget and Management may transfer an amount not to 129021
exceed \$2,000,000 in cash in each fiscal year from the Facilities 129022
Establishment Fund (Fund 7037) to the Minority Business Enterprise 129023
Loan Fund (Fund 4W10). 129024

Notwithstanding Chapter 166. of the Revised Code, the 129025
Director of Budget and Management may transfer an amount not to 129026
exceed \$2,000,000 in cash in each fiscal year from the Facilities 129027
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 129028
(Fund 5S90). 129029

Section 259.60. THIRD FRONTIER OPERATING COSTS 129030

The foregoing appropriation items 195686, Third Frontier Tax 129031
Exempt - Operating, and 195620, Third Frontier Taxable - 129032
Operating, shall be used for operating expenses incurred by the 129033
Development Services Agency in administering projects pursuant to 129034
sections 184.10 to 184.20 of the Revised Code. Operating expenses 129035
paid from appropriation item 195686 shall be limited to the 129036
administration of projects funded from the Third Frontier Research 129037
& Development Fund (Fund 7011) and operating expenses paid from 129038
appropriation item 195620 shall be limited to the administration 129039
of projects funded from the Third Frontier Research & Development 129040

Taxable Bond Project Fund (Fund 7014).	129041
THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS	129042
	129043
The foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, shall be used by the Development Services Agency to fund selected projects which may include the Ohio Tech Internship Program. Eligible costs are those costs of research and development projects to which the proceeds of the Third Frontier Research & Development Fund (Fund 7011) and the Research & Development Taxable Bond Project Fund (Fund 7014) are to be applied.	129044
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TRANSFERS OF THIRD FRONTIER APPROPRIATIONS	129053
The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.	129054
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In fiscal year 2019, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2019. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to	129060
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be reappropriated, and those amounts are hereby reappropriated for 129072
fiscal year 2019. 129073

Section 259.70. CLEAN OHIO REVITALIZATION OPERATING 129074

The foregoing appropriation item 195663, Clean Ohio 129075
Revitalization Operating, shall be used by the Development 129076
Services Agency in administering Clean Ohio Revitalization Fund 129077
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 129078
Revised Code. 129079

Section 259.80. HEAP WEATHERIZATION 129080

Not later than April 1, 2018, the Director of Development 129081
Services shall submit a completed waiver request in accordance 129082
with section 96.83 of Title 45 of the Code of Federal Regulations 129083
to the United States Department of Health and Human Services and 129084
any other applicable federal agencies for the state to expend 129085
twenty-five per cent of federal Low-Income Home Energy Assistance 129086
Program funds from the Home Energy Assistance Block Grant for 129087
weatherization services as allowed by section 96.83(a) of Title 45 129088
of the Code of Federal Regulations to the United States Department 129089
of Health and Human Services. 129090

Upon approval of the necessary waiver from the federal 129091
government and not sooner than July 1, 2018, twenty-five per cent 129092
of the federal funds deposited to the credit of the Home Energy 129093
Assistance Block Grant Fund (Fund 3K90) shall be expended from 129094
appropriation item 195614, HEAP Weatherization, to provide home 129095
weatherization services in the state as determined by the Director 129096
of Development Services. This procedure shall be repeated by the 129097
Director of Development Services in FY 2019 by following the same 129098
deadlines but in the year 2019. 129099

Section 259.90. The Development Services Agency, the 129100

Department of Mental Health and Addiction Services, and the Ohio State University shall collaborate to develop a web site and an application for mobile devices that provide resources and information regarding opioid addiction treatment services.

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Section 259.100. LAKES IN ECONOMIC DISTRESS REVOLVING LOAN PROGRAM

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On July 1, 2017, or as soon as possible thereafter, the Director of Development Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 195546, Lakes in Economic Distress Revolving Loan Program, to be reappropriated in fiscal year 2018. The amount certified is hereby reappropriated to the foregoing appropriation item in fiscal year 2018 for the same purpose or to support stormwater drainage infrastructure improvements at the Buckeye Lake Dam or a stormwater drainage study at the Buckeye Lake Dam.

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On July 1, 2017, or as soon as possible thereafter, the Director of Development Services shall certify to the Director of Budget and Management the amount equaling the unexpended, unencumbered balance of the portion of the foregoing appropriation item 195407, Travel and Tourism, that was earmarked for grants to assist businesses and other entities adversely affected due to economic circumstances that result in the declaration of a lake as an area under economic distress by the Director of Natural Resources pursuant to section 122.641 of the Revised Code. The amount certified is hereby reappropriated to the foregoing appropriation item in fiscal year 2018 for the same purpose.

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Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES
General Revenue Fund

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GRF	320412	Protective Services	\$	2,381,923	\$	2,381,923	129130
GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$	20,323,000	\$	19,426,900	129131
GRF	322420	Screening & Early Identification	\$	330,999	\$	330,999	129132
GRF	322421	Part C Early Intervention	\$	10,943,260	\$	10,943,260	129133
GRF	322422	Multi System Youth	\$	1,000,000	\$	1,000,000	129134
GRF	322451	Family Support Services	\$	5,843,767	\$	5,843,767	129135
GRF	322501	County Boards Subsidies	\$	43,487,041	\$	43,487,041	129136
GRF	322507	County Board Case Management	\$	2,462,500	\$	2,462,500	129137
GRF	322508	Employment First Initiative	\$	2,766,237	\$	2,766,237	129138
GRF	322509	Community Supports & Rental Assistance	\$	738,750	\$	738,750	129139
GRF	653321	Medicaid Program Support - State	\$	7,654,859	\$	7,654,859	129140
GRF	653407	Medicaid Services	\$	581,525,649	\$	581,525,649	129141
TOTAL GRF		General Revenue Fund	\$	679,457,985	\$	678,561,885	129142
		Dedicated Purpose Fund Group					129143
5GE0	320606	Central Office Operating Expenses	\$	13,339,487	\$	13,339,487	129144
5QM0	320607	System Transformation Supports	\$	1,000,000	\$	0	129145
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	129146
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	129147

5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	129148
4890	653632	Developmental Centers	\$	10,718,092	\$	10,718,092	129149
		Direct Care Services					
5EV0	653627	Medicaid Program	\$	1,500,000	\$	1,500,000	129150
		Support					
5GE0	653606	ICF/IID and Waiver	\$	28,848,468	\$	39,614,603	129151
		Match					
5S20	653622	Medicaid	\$	20,032,154	\$	20,032,154	129152
		Administration &					
		Oversight					
5Z10	653624	County Board Waiver	\$	340,210,215	\$	374,726,690	129153
		Match					
TOTAL DPF		Dedicated Purpose Fund	\$	417,798,416	\$	462,081,026	129154
		Group					
		Internal Service Activity Fund Group					129155
1520	653609	DC and Residential	\$	17,000,000	\$	9,000,000	129156
		Facilities Operating					
		Services					
TOTAL ISA		Internal Service Activity	\$	17,000,000	\$	9,000,000	129157
		Fund Group					
		Federal Fund Group					129158
3250	322612	Community Social	\$	27,677,572	\$	27,677,572	129159
		Service Programs					
3A40	653654	Medicaid Services	\$	1,668,184,149	\$	1,718,457,466	129160
3A40	653655	Medicaid Support	\$	61,000,000	\$	62,000,000	129161
3A50	320613	Developmental	\$	3,324,187	\$	3,324,187	129162
		Disabilities Council					
TOTAL FED		Federal Fund Group	\$	1,760,185,908	\$	1,811,459,225	129163
TOTAL ALL BUDGET		FUND GROUPS	\$	2,874,442,309	\$	2,961,102,136	129164
		Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES					129166
		LEASE-RENTAL BOND PAYMENTS					129167

The foregoing appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Developmental Disabilities under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

Section 261.30. SCREENING AND EARLY IDENTIFICATION

At the discretion of the Director of Developmental Disabilities, the foregoing appropriation item 322420, Screening and Early Identification, shall be used for professional and program development related to early identification/screening and intervention for children with autism and other complex developmental disabilities and their families.

Of the foregoing appropriation item 322420, Screening and Early Identification, \$30,000 in each fiscal year shall be distributed to the Preble County Board of Developmental Disabilities for the Play and Language for Autistic Youngsters Project.

Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY

The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2018 and fiscal year 2019:

(A) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of

county boards. A county board shall use not more than seven per 129198
cent of its subsidy for administrative costs. 129199

(B) The appropriation item may be used to distribute funds to 129200
county boards for the purpose of addressing economic hardships and 129201
to promote efficiency of operations. In consultation with 129202
representatives of county boards, the Director shall determine the 129203
amount of funds to distribute for these purposes and the criteria 129204
for distributing the funds. 129205

Section 261.50. STATE SUBSIDY TO COUNTY DD BOARDS 129206

(A) Except as provided in the section of this act titled 129207
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 129208
appropriation item 322501, County Boards Subsidies, shall be used 129209
for the following purposes: 129210

(1) To provide a subsidy to county boards of developmental 129211
disabilities in quarterly installments and allocated according to 129212
a formula developed by the Director of Developmental Disabilities 129213
in consultation with representatives of county boards. Except as 129214
provided in section 5126.0511 of the Revised Code or in division 129215
(B) of this section, county boards shall use the subsidy for early 129216
childhood services and adult services provided under section 129217
5126.05 of the Revised Code, service and support administration 129218
provided under section 5126.15 of the Revised Code, or supported 129219
living as defined in section 5126.01 of the Revised Code. 129220

(2) To provide funding, as determined necessary by the 129221
Director, for residential services, including room and board, and 129222
support service programs that enable individuals with 129223
developmental disabilities to live in the community. 129224

(3) To distribute funds to county boards of developmental 129225
disabilities to address economic hardships and promote efficiency 129226
of operations. The Director shall determine, in consultation with 129227

representatives of county boards, the amount of funds to 129228
distribute for these purposes and the criteria for distributing 129229
the funds. 129230

(B) In collaboration with the county's family and children 129231
first council, a county board of developmental disabilities may 129232
transfer portions of funds received under this section, to a 129233
flexible funding pool in accordance with the section of this act 129234
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 129235

Section 261.60. EMPLOYMENT FIRST INITIATIVE 129236

The foregoing appropriation item 322508, Employment First 129237
Initiative, shall be used to increase employment opportunities for 129238
individuals with developmental disabilities through the Employment 129239
First Initiative in accordance with section 5123.022 of the 129240
Revised Code. 129241

Of the foregoing appropriation item, 322508, Employment First 129242
Initiative, the Director of Developmental Disabilities shall 129243
transfer, in each fiscal year, to the Opportunities for Ohioans 129244
with Disabilities Agency an amount agreed upon by the Director of 129245
Developmental Disabilities and the Executive Director of the 129246
Opportunities for Ohioans with Disabilities Agency. The transfer 129247
shall be made via an intrastate transfer voucher. The transferred 129248
funds shall be used to support the Employment First Initiative. 129249
The Opportunities for Ohioans with Disabilities Agency shall use 129250
the funds transferred as state matching funds to obtain available 129251
federal grant dollars for vocational rehabilitation services. Any 129252
federal match dollars received by the Opportunities for Ohioans 129253
with Disabilities Agency shall be used for the initiative. The 129254
Director of Developmental Disabilities and the Executive Director 129255
of the Opportunities for Ohioans with Disabilities Agency shall 129256
enter into an interagency agreement in accordance with section 129257
3304.181 of the Revised Code that will specify the 129258

responsibilities of each agency under the initiative. Under the 129259
interagency agreement, the Opportunities for Ohioans with 129260
Disabilities Agency shall retain responsibility for eligibility 129261
determination, order of selection, plan approval, plan amendment, 129262
and release of vendor payments. 129263

The remainder of appropriation item 322508, Employment First 129264
Initiative, shall be used to develop a long-term, sustainable 129265
system that places individuals with developmental disabilities in 129266
community employment, as defined in section 5123.022 of the 129267
Revised Code. 129268

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 129269

The foregoing appropriation item 322509, Community Supports 129270
and Rental Assistance, may be used by the Director of 129271
Developmental Disabilities to provide funding to county boards of 129272
developmental disabilities for rental assistance to individuals 129273
with developmental disabilities receiving home and community-based 129274
services as defined in section 5123.01 of the Revised Code 129275
pursuant to section 5124.60 of the Revised Code or section 5124.69 129276
of the Revised Code and individuals with developmental 129277
disabilities who enroll in a Medicaid waiver component providing 129278
home and community-based services after receiving preadmission 129279
counseling pursuant to section 5124.68 of the Revised Code. The 129280
Director shall establish the methodology for determining the 129281
amount and distribution of such funding. 129282

Section 261.80. MEDICAID SERVICES 129283

(A) As used in this section: 129284

(1) "Home and community-based services" has the same meaning 129285
as in section 5123.01 of the Revised Code. 129286

(2) "ICF/IID services" has the same meaning as in section 129287
5124.01 of the Revised Code. 129288

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	129289 129290 129291
(1) Home and community-based services;	129292
(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	129293 129294 129295 129296
(3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	129297 129298 129299 129300
(4) ICF/IID services;	129301
(5) Up to \$3,000,000 in each fiscal year shall be used to increase employment opportunities for Medicaid-eligible individuals with developmental disabilities through the Employment First Initiative;	129302 129303 129304 129305
(6) Up to \$14,000,000 in each fiscal year may be used to distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations, notwithstanding section 5126.18 of the Revised Code. The Director of Developmental Disabilities shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds; and	129306 129307 129308 129309 129310 129311 129312 129313
(7) Other programs as identified by the Director of Developmental Disabilities.	129314 129315
Section 261.90. CENTRAL OFFICE OPERATING EXPENSES	129316
Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided	129317 129318

to the Ohio Center for Autism and Low Incidence to establish a 129319
lifespan autism hub to support families and professionals. 129320

Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT 129321
SERVICES 129322

Any county funds received by the Department of Developmental 129323
Disabilities from county boards of developmental disabilities for 129324
active treatment shall be deposited in the Developmental 129325
Disabilities Operating Fund (Fund 4890). 129326

Section 261.110. SYSTEM TRANSFORMATION SUPPORTS 129327

The foregoing appropriation item 320607, System 129328
Transformation Supports, may be used by the Director of 129329
Developmental Disabilities as follows: 129330

(A) To purchase one or more residential facility beds for the 129331
purpose of reducing the number of beds that are certified for 129332
participation in Medicaid as ICF/IID beds in Ohio. The Director 129333
shall establish priorities for the purchase of beds which may 129334
include beds located in a building in which a nursing facility is 129335
also located and beds which are in a residential facility of 129336
sixteen beds or greater. The purchase price of a bed shall be the 129337
price the Director determines is reasonable based on the 129338
established priorities. Division (B) of section 127.16 of the 129339
Revised Code shall not apply to a purchase made under this 129340
section. 129341

(B) To fund other system transformation initiatives 129342
identified by the Director. 129343

Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS 129344

The foregoing appropriation item 322612, Community Social 129345
Service Programs, may be used by the Director of Developmental 129346
Disabilities to purchase one or more residential facility beds for 129347

the purpose of reducing the number of beds that are certified for participation in Medicaid as ICF/IID beds in Ohio. The Director shall establish priorities for the purchase of beds which may include beds located in a building in which a nursing facility is also located and beds which are in a residential facility of sixteen beds or greater. The purchase price of a bed shall be the price the Director determines is reasonable based on the established priorities. Division (B) of section 127.16 of the Revised Code shall not apply to a purchase made under this section.

Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES 129358

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2018 and fiscal year 2019 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 129370

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the

Department in an amount equal to the amount owed the Department 129378
that the county board did not pay. Transfers under this section 129379
shall be made using an intrastate transfer voucher. 129380

Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 129381

Developmental centers of the Department of Developmental 129382
Disabilities may provide services to persons with developmental 129383
disabilities living in the community or to providers of services 129384
to these persons. The Department may develop a method for recovery 129385
of all costs associated with the provision of these services. 129386

Section 261.160. ODODD INNOVATIVE PILOT PROJECTS 129387

(A) In fiscal year 2018 and fiscal year 2019, the Director of 129388
Developmental Disabilities may authorize the continuation or 129389
implementation of one or more innovative pilot projects that, in 129390
the judgment of the Director, are likely to assist in promoting 129391
the objectives of Chapter 5123. or 5126. of the Revised Code. 129392
Subject to division (B) of this section and notwithstanding any 129393
provision of Chapters 5123. and 5126. of the Revised Code and any 129394
rule adopted under either chapter, a pilot project authorized by 129395
the Director may be continued or implemented in a manner 129396
inconsistent with one or more provisions of either chapter or one 129397
or more rules adopted under either chapter. Before authorizing a 129398
pilot program, the Director shall consult with entities interested 129399
in the issue of developmental disabilities, including the Ohio 129400
Provider Resource Association, Ohio Association of County Boards 129401
of Developmental Disabilities, Ohio Health Care Association/Ohio 129402
Centers for Intellectual Disabilities, the Values and Faith 129403
Alliance, and ARC of Ohio. 129404

(B) The Director may not authorize a pilot project to be 129405
implemented in a manner that would cause the state to be out of 129406
compliance with any requirements for a program funded in whole or 129407

in part with federal funds.	129408
Section 261.165. FISCAL YEAR 2018 AND FISCAL YEAR 2019	129409
MEDICAID RATES FOR ICFs/IID IN PEER GROUPS 1 AND 2	129410
(A) As used in this section:	129411
(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.	129412 129413 129414 129415 129416
(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.	129417 129418
(B)(1) This section applies to each ICF/IID that is in peer group 1 or peer group 2 and to which any of the following applies:	129419 129420
(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2017, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2018 or fiscal year 2019.	129421 129422 129423 129424
(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2018 or fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2018 or fiscal year 2019.	129425 129426 129427 129428 129429 129430 129431
(c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2018 or fiscal year 2019.	129432 129433 129434
(2) This section does not apply to an ICF/IID in peer group 3.	129435 129436

(3) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal year 2018 and fiscal year 2019 by ICFs/IID subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.

(C)(1) Except as otherwise provided in this section, the provider of an ICF/IID to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2018 and fiscal year 2019, the total per Medicaid day rate determined for the ICF/IID under division (C)(2) or (3) of this section.

(2) Except in the case of a new ICF/IID, the fiscal year 2018 and fiscal year 2019 total per Medicaid day rate for an ICF/IID to which this section applies shall be the ICF/IID's total per Medicaid day rate determined for the ICF/IID in accordance with Chapter 5124. of the Revised Code for the fiscal years with the following modifications:

(a) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.17 of the Revised Code, shall be reduced by 50%.

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 131st General Assembly.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$3.69;

(ii) In the case of an ICF/IID in peer group 2, \$3.19.

(e) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be an amount the Department shall determine in accordance with division (E) of this section.

(f) In place of the inflation adjustment otherwise calculated under division (D)(1) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.

(g) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from the following calendar year shall be multiplied by 1.014:

(i) For the fiscal year 2018 rate, calendar year 2016;

(ii) For the fiscal year 2019 rate, calendar year 2017.

(h) After all of the modifications specified in divisions (C)(2)(a) to (g) of this section have been made, the ICF/IID's total per Medicaid day rate shall be increased by 3.04% to reflect direct support personnel costs.

(3) The fiscal year 2018 and fiscal year 2019 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate

determined for the ICF/IID in accordance with section 5124.151 of 129498
the Revised Code for the fiscal years with the following 129499
modifications: 129500

(a) In place of the amount determined under division (B)(1) 129501
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129502
per Medicaid day rate for capital costs shall be the median rate 129503
for all ICFs/IID determined under section 5124.17 of the Revised 129504
Code with the modification made under division (C)(2)(a) of this 129505
section. 129506

(b) In place of the amount determined under division 129507
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 129508
cost or resident assessment data for the new ICF/IID, the new 129509
ICF/IID's initial per Medicaid day rate for direct care costs 129510
shall be determined as follows: 129511

(i) Determine the median of the costs per case-mix units of 129512
each peer group; 129513

(ii) Multiply the median determined under division 129514
(C)(3)(a)(i) of this section by the median annual average case-mix 129515
score for the new ICF/IID's peer group for calendar year 2016 (in 129516
the case of the fiscal year 2018 rate) and calendar year 2017 (in 129517
the case of the fiscal year 2019 rate); 129518

(iii) Multiply the product determined under division 129519
(C)(3)(a)(ii) of this section by 1.014. 129520

(c) In place of the amount determined under division (B)(3) 129521
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129522
per Medicaid day rate for indirect care costs shall be the amount 129523
of the maximum rate for indirect costs determined for the 129524
ICF/IID's peer group under division (E) of this section. 129525

(d) In place of the amount determined under division (B)(4) 129526
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129527
per Medicaid day rate for other protected costs shall be 115% of 129528

the median rate for ICFs/IID determined under section 5124.23 of 129529
the Revised Code with the modification made under division 129530
(C)(2)(g) of this section. 129531

(e) After all of the modifications specified in divisions 129532
(C)(3)(a) to (d) of this section have been made, the new ICF/IID's 129533
initial total per Medicaid day rate shall be increased by 3.04% to 129534
reflect direct support personnel costs. 129535

(D) A new ICF/IID's initial total modified per Medicaid day 129536
rate for fiscal year 2018 or fiscal year 2019 as determined under 129537
division (C)(3) of this section shall be adjusted at the 129538
applicable time specified in division (D) of section 5124.151 of 129539
the Revised Code. If the adjustment affects the ICF/IID's rate for 129540
ICF/IID services provided during fiscal year 2018 or fiscal year 129541
2019, the modifications specified in division (C)(2) of this 129542
section apply to the adjustment. 129543

(E) In determining the amount of the maximum rate for 129544
indirect costs for the purposes of divisions (C)(2)(e) and 129545
(C)(3)(c) of this section, the Department shall strive to the 129546
greatest extent possible to do both of the following: 129547

(1) Avoid rate reductions under division (F)(1) of this 129548
section; 129549

(2) Have the amount so determined result in payment of all 129550
desk-reviewed, actual, allowable indirect care costs for the same 129551
percentage of Medicaid days for ICFs/IID in peer group 1 as for 129552
ICFs/IID in peer group 2 as of July 1, 2017, based on Medicaid 129553
days for May 2017 in the case of the fiscal year 2018 rate and as 129554
of July 1, 2018, based on Medicaid days for May 2018 in the case 129555
of the fiscal year 2019 rate. 129556

(F)(1) If the mean total per Medicaid day rate for all 129557
ICFs/IID to which this section applies, as determined under 129558
division (C) of this section as of the first day of the fiscal 129559

year for which the rate is being determined and weighted by 129560
Medicaid days for May of the fiscal year immediately preceding the 129561
fiscal year for which the rate is being determined is other than 129562
the amount determined under division (F)(2) of this section, the 129563
Department shall adjust, for the fiscal year for which the rate is 129564
being determined, the total per Medicaid day rate for each ICF/IID 129565
to which this section applies by a percentage that is equal to the 129566
percentage by which the mean total per Medicaid day rate is 129567
greater or less than the amount determined under division (F)(2) 129568
of this section. 129569

(2) The amount to be used for the purpose of division (F)(1) 129570
of this section shall be not less than \$290.10. The Department, in 129571
its sole discretion, may use a larger amount for the purpose of 129572
that division. In determining whether to use a larger amount, the 129573
Department may consider any of the following: 129574

(a) The reduction in the total Medicaid-certified capacity of 129575
all ICFs/IID that occurs in the fiscal year immediately preceding 129576
the fiscal year for which the rate is being determined, and the 129577
reduction that is projected to occur in the fiscal year for which 129578
the rate is being determined, as a result of either of the 129579
following: 129580

(i) A downsizing pursuant to a plan approved by the 129581
Department under section 5123.042 of the Revised Code; 129582

(ii) A conversion of beds to providing home and 129583
community-based services under the Individual Options waiver 129584
pursuant to section 5124.60 or 5124.61 of the Revised Code. 129585

(b) The increase in Medicaid payments made for ICF/IID 129586
services provided during the fiscal year immediately preceding the 129587
fiscal year for which the rate is being determined, and the 129588
increase that is projected to occur in the fiscal year for which 129589
the rate is being determined, as a result of the modifications to 129590

the payment rates made under section 5124.101 of the Revised Code;	129591
(c) The total reduction in the number of ICF/IID beds that occurs pursuant to section 5124.67 of the Revised Code;	129592 129593
(d) Other factors the Department determines to be relevant.	129594
(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.	129595 129596 129597 129598 129599 129600
Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES	129601
(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.	129602 129603 129604
(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:	129605 129606 129607 129608
(1) Medicaid covers the ICF/IID services.	129609
(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:	129610 129611
(a) The Medicaid recipient is eligible for the ICF/IID services;	129612 129613
(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.	129614 129615 129616 129617
(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or	129618 129619

supported by a county board of developmental disabilities. 129620

(4) The provider of the ICF/IID services has a valid Medicaid 129621
provider agreement for the services for the time that the services 129622
are provided. 129623

(C) When required by division (B) of this section to pay the 129624
nonfederal share of a claim, the Director of Developmental 129625
Disabilities shall use the following funds to pay the claim: 129626

(1) Funds available from appropriation item 322501, County 129627
Boards Subsidies, that the Director allocates to the county board 129628
that initiated or supported the Medicaid certification of the 129629
ICF/IID that provided the ICF/IID services for which the claim is 129630
made; 129631

(2) If the amount of funds used pursuant to division (C)(1) 129632
of this section is insufficient to pay the claim in full, an 129633
amount of funds that are needed to make up the difference and 129634
available from amounts the Director allocates to other county 129635
boards from appropriation item 322501, County Boards Subsidies. 129636

Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 129637
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 129638

(A) As used in this section: 129639

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 129640
that converted some or all of its beds to providing home and 129641
community-based services under the IO Waiver pursuant to section 129642
5124.60 of the Revised Code. 129643

(2) "Developmental center" and "ICF/IID" have the same 129644
meanings as in section 5124.01 of the Revised Code. 129645

(3) "IO Waiver" means the Medicaid waiver component, as 129646
defined in section 5166.01 of the Revised Code, known as 129647
Individual Options. 129648

(4) "Medicaid provider" has the same meaning as in section 129649
5164.01 of the Revised Code. 129650

(5) "Public hospital" has the same meaning as in section 129651
5122.01 of the Revised Code. 129652

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 129653
whom all of the following apply: 129654

(a) The enrollee resided in a developmental center, converted 129655
facility, or public hospital immediately before enrolling in the 129656
IO Wavier. 129657

(b) The enrollee did not receive before July 1, 2011, routine 129658
homemaker/personal care services from the Medicaid provider that 129659
is to be paid the Medicaid rate authorized by this section for 129660
providing such services to the enrollee during the period 129661
specified in division (C) of this section. 129662

(c) The Director of Developmental Disabilities has determined 129663
that the enrollee's special circumstances (including the 129664
enrollee's diagnosis, service needs, or length of stay at the 129665
developmental center, converted facility, or public hospital) 129666
warrants paying the Medicaid rate authorized by this section. 129667

(B) The total Medicaid payment rate for each fifteen minutes 129668
of routine homemaker/personal care services that a Medicaid 129669
provider provides to a qualifying IO enrollee during the period 129670
specified in division (C) of this section shall be fifty-two cents 129671
higher than the Medicaid payment rate in effect on the day the 129672
services are provided for each fifteen minutes of routine 129673
homemaker/personal care services that a Medicaid provider provides 129674
to an IO enrollee who is not a qualifying IO enrollee. 129675

(C) Division (B) of this section applies to the first twelve 129676
months, consecutive or otherwise, that a Medicaid provider, during 129677
the period beginning July 1, 2017, and ending June 30, 2019, 129678
provides routine homemaker/personal care services to a qualifying 129679

IO enrollee. 129680

(D) Of the foregoing appropriation items 653407, Medicaid 129681
 Services, and 653654, Medicaid Services, portions shall be used to 129682
 pay the Medicaid payment rate determined in accordance with this 129683
 section for routine homemaker/personal care services provided to 129684
 qualifying IO enrollees. 129685

Section 261.220. UPDATING AUTHORIZING STATUTE CITATIONS 129686

As used in this section, "authorizing statute" means a 129687
 Revised Code section or provision of a Revised Code section that 129688
 is cited in the Ohio Administrative Code as the statute that 129689
 authorizes the adoption of a rule. 129690

The Director of Developmental Disabilities is not required to 129691
 amend any rule for the sole purpose of updating the citation in 129692
 the Ohio Administrative Code to the rule's authorizing statute to 129693
 reflect that this act renumbers the authorizing statute or 129694
 relocates it to another Revised Code section. Such citations shall 129695
 be updated as the Director amends the rules for other purposes. 129696

Section 263.10. OBD OHIO BOARD OF DIETETICS 129697

Dedicated Purpose Fund Group				129698
4K90 860609 Operating Expenses	\$	234,381	\$ 0	129699
TOTAL DPF Dedicated Purpose Fund	\$	234,381	\$ 0	129700
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	234,381	\$ 0	129701

Section 265.10. EDU DEPARTMENT OF EDUCATION 129703

General Revenue Fund				129704
GRF 200321 Operating Expenses	\$	14,753,021	\$ 14,753,021	129705
GRF 200408 Early Childhood	\$	67,768,341	\$ 67,768,341	129706
Education				

GRF 200420	Information Technology Development and Support	\$ 3,886,773	\$ 3,886,773	129707
GRF 200421	Alternative Education Programs	\$ 5,655,543	\$ 3,246,396	129708
GRF 200422	School Management Assistance	\$ 2,120,015	\$ 2,156,544	129709
GRF 200424	Policy Analysis	\$ 437,716	\$ 437,716	129710
GRF 200426	Ohio Educational Computer Network	\$ 15,957,000	\$ 15,957,000	129711
GRF 200427	Academic Standards	\$ 3,897,436	\$ 3,897,436	129712
GRF 200437	Student Assessment	\$ 59,159,287	\$ 59,225,042	129713
GRF 200439	Accountability/Report Cards	\$ 6,500,000	\$ 6,600,000	129714
GRF 200442	Child Care Licensing	\$ 1,852,200	\$ 1,887,863	129715
GRF 200446	Education Management Information System	\$ 7,974,367	\$ 8,020,414	129716
GRF 200448	Educator Preparation	\$ 1,560,384	\$ 1,560,384	129717
GRF 200455	Community Schools and Choice Programs	\$ 4,535,845	\$ 4,685,028	129718
GRF 200465	Education Technology Resources	\$ 5,179,107	\$ 5,179,107	129719
GRF 200471	Office of Innovation	\$ 738,750	\$ 738,750	129720
GRF 200502	Pupil Transportation	\$ 549,238,753	\$ 529,629,809	129721
GRF 200505	School Lunch Match	\$ 8,963,500	\$ 8,963,500	129722
GRF 200511	Auxiliary Services	\$ 150,594,178	\$ 150,594,178	129723
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$ 68,034,790	\$ 68,034,790	129724
GRF 200540	Special Education Enhancements	\$ 152,350,000	\$ 152,350,000	129725
GRF 200545	Career-Technical Education Enhancements	\$ 10,978,066	\$ 9,912,892	129726

GRF 200550	Foundation Funding	\$ 6,835,528,851	\$ 6,976,812,828	129727
GRF 200566	Literacy Improvement	\$ 738,750	\$ 1,231,250	129728
GRF 200572	Adult Education Programs	\$ 7,533,216	\$ 8,702,475	129729
GRF 200573	EdChoice Expansion	\$ 37,824,000	\$ 46,984,500	129730
GRF 200574	Half-Mill Maintenance Equalization	\$ 18,715,000	\$ 18,912,000	129731
GRF 200576	Adaptive Sports Program	\$ 50,000	\$ 50,000	129732
GRF 200597	Education Program Support	\$ 3,050,000	\$ 3,050,000	129733
GRF 657401	Medicaid in Schools	\$ 295,500	\$ 295,500	129734
TOTAL GRF	General Revenue Fund	\$ 8,045,870,389	\$ 8,175,523,537	129735
	Dedicated Purpose Fund Group			129736
4520 200638	Charges and Reimbursements	\$ 1,000,000	\$ 1,000,000	129737
4540 200610	High School Equivalency	\$ 1,187,065	\$ 0	129738
4550 200608	Commodity Foods	\$ 16,000,000	\$ 16,000,000	129739
4L20 200681	Teacher Certification and Licensure	\$ 16,002,297	\$ 16,002,297	129740
5980 200659	Auxiliary Services Reimbursement	\$ 2,930,000	\$ 2,930,000	129741
5H30 200687	School District Solvency Assistance	\$ 8,000,000	\$ 8,000,000	129742
5KX0 200691	Ohio School Sponsorship Program	\$ 828,600	\$ 828,600	129743
5MM0 200677	Child Nutrition Refunds	\$ 550,000	\$ 550,000	129744
5U20 200685	National Education Statistics	\$ 150,000	\$ 150,000	129745
6200 200615	Educational Improvement Grants	\$ 500,000	\$ 500,000	129746

TOTAL DPF Dedicated Purpose Fund Group	\$	47,147,962	\$	45,960,897	129747
Internal Service Activity Fund Group					129748
1380 200606 Information Technology Development and Support	\$	7,047,645	\$	7,047,645	129749
4R70 200695 Indirect Operational Support	\$	7,856,766	\$	7,856,766	129750
4V70 200633 Interagency Program Support	\$	500,000	\$	500,000	129751
TOTAL ISA Internal Service Activity Fund Group	\$	15,404,411	\$	15,404,411	129752
State Lottery Fund Group					129753
7017 200612 Foundation Funding	\$	1,085,060,000	\$	1,100,660,000	129754
7017 200629 Community Connectors	\$	8,000,000	\$	8,000,000	129755
7017 200648 Straight A Fund	\$	5,000,000	\$	5,000,000	129756
7017 200684 Community School Facilities	\$	18,000,000	\$	18,000,000	129757
TOTAL SLF State Lottery Fund Group	\$	1,116,060,000	\$	1,131,660,000	129758
Federal Fund Group					129759
3670 200607 School Food Services	\$	10,080,635	\$	10,280,635	129760
3700 200624 Education of Exceptional Children	\$	2,000,000	\$	2,000,000	129761
3AF0 657601 Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	129762
3AN0 200671 School Improvement Grants	\$	25,000,000	\$	25,000,000	129763
3C50 200661 Early Childhood Education	\$	12,555,000	\$	12,555,000	129764
3D20 200667 Math Science Partnerships	\$	7,000,000	\$	7,000,000	129765

3EH0	200620	Migrant Education	\$	2,500,000	\$	2,500,000	129766
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	129767
3GE0	200674	Summer Food Service Program	\$	14,856,635	\$	14,856,635	129768
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,677,340	\$	4,677,340	129769
3HF0	200649	Federal Education Grants	\$	6,364,327	\$	6,364,327	129770
3L60	200617	Federal School Lunch	\$	394,612,000	\$	406,450,000	129771
3L70	200618	Federal School Breakfast	\$	142,688,750	\$	154,103,850	129772
3L80	200619	Child/Adult Food Programs	\$	106,913,755	\$	106,913,755	129773
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900	129774
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	129775
3M20	200680	Individuals with Disabilities Education Act	\$	445,000,000	\$	445,000,000	129776
3T40	200613	Public Charter Schools	\$	14,200,000	\$	14,200,000	129777
3Y20	200688	21st Century Community Learning Centers	\$	47,500,000	\$	47,500,000	129778
3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000	129779
3Y70	200689	English Language Acquisition	\$	10,101,411	\$	10,101,411	129780
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000	129781
3Z20	200690	State Assessments	\$	11,500,000	\$	11,500,000	129782
3Z30	200645	Consolidated Federal	\$	10,168,964	\$	10,168,964	129783

Grant Administration

TOTAL FED Federal Fund Group	\$ 2,004,032,717	\$ 2,027,485,817	129784
TOTAL ALL BUDGET FUND GROUPS	\$11,228,515,479	\$11,396,034,662	129785

Section 265.20. OPERATING EXPENSES 129787

A portion of the foregoing appropriation item 200321, 129788
Operating Expenses, shall be used by the Department of Education 129789
to provide matching funds related to career-technical education 129790
under 20 U.S.C. 2321. 129791

EARLY CHILDHOOD EDUCATION 129792

The Department of Education shall distribute the foregoing 129793
appropriation item 200408, Early Childhood Education, to pay the 129794
costs of early childhood education programs. The Department shall 129795
distribute such funds directly to qualifying providers. 129796

(A) As used in this section: 129797

(1) "Provider" means a city, local, exempted village, or 129798
joint vocational school district; an educational service center; a 129799
community school sponsored by an exemplary sponsor; a chartered 129800
nonpublic school; an early childhood education child care provider 129801
licensed under Chapter 5104. of the Revised Code that participates 129802
in and meets at least the third highest tier of the Step Up to 129803
Quality program established pursuant to section 5104.29 of the 129804
Revised Code; or a combination of entities described in this 129805
paragraph. 129806

(2) In the case of a city, local, or exempted village school 129807
district or early childhood education child care provider licensed 129808
under Chapter 5104. of the Revised Code, "new eligible provider" 129809
means a provider that did not receive state funding for Early 129810
Childhood Education in the previous fiscal year or demonstrates a 129811
need for early childhood programs as defined in division (D) of 129812
this section. 129813

(3) In the case of a community school, "new eligible provider" means any of the following: 129814
129815

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year; 129816
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(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria: 129822
129823

(i) It has received, on its most recent report card, either of the following: 129824
129825

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 129826
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(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 129831
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(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code. 129835
129836

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year. 129837
129838

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori 129839
129840
129841
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Internationale as its primary method of instruction, as authorized 129844
by division (A) of section 3314.06 of the Revised Code, that did 129845
not receive state funding for Early Childhood Education in the 129846
previous year or demonstrates a need for early childhood programs 129847
as defined in division (D) of this section. 129848

(4)(a) "Eligible child" means a child who is at least four 129849
years of age as of the district entry date for kindergarten, is 129850
not of the age to be eligible for kindergarten, and whose family 129851
earns not more than two hundred per cent of the federal poverty 129852
guidelines as defined in division (A)(3) of section 5101.46 of the 129853
Revised Code. Children with an Individualized Education Program 129854
and where the Early Childhood Education program is the least 129855
restrictive environment may be enrolled on their fourth birthday. 129856

(b) If funds remain in the program once awards have been made 129857
for all eligible children under division (A)(4)(a) of this 129858
section, a child who is at least three years of age as of the 129859
district entry date for kindergarten, is not of age to be eligible 129860
for kindergarten, and whose family earns not more than two hundred 129861
per cent of the federal poverty guidelines shall be considered an 129862
eligible child. 129863

(5) "Early learning program standards" means early learning 129864
program standards for school readiness developed by the Department 129865
to assess the operation of early learning and development 129866
programs. 129867

(6) "Early learning and development programs" has the same 129868
meaning as section 5104.29 of the Revised Code. 129869

(B) In each fiscal year, up to two per cent of the total 129870
appropriation may be used by the Department for program support 129871
and technical assistance. The Department shall distribute the 129872
remainder of the appropriation in each fiscal year to serve 129873
eligible children. 129874

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2018, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 263.20 of Am. Sub. H.B. 64 of the 131st General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2019, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers to support early learning and development programs operating in smaller communities and early learning and development programs that are either rated in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code at the third highest tier or higher or comply with division (H)(1) of this section.

(a) The Department shall distribute the new or remaining

funds to existing providers of early childhood education programs 129907
or any new eligible providers to serve additional eligible 129908
children based on community economic disadvantage, limited access 129909
to high quality preschool or childcare services, and demonstration 129910
of high quality preschool services as determined by the Department 129911
using the following weighted factors to rank the quality of 129912
programs: 129913

(i) The program's Step Up to Quality program rating under 129914
section 5104.29 of the Revised Code; 129915

(ii) The program's compliance with rules adopted by the 129916
Department; 129917

(iii) The program's use of collaborative practices. 129918

In order to determine where in the state there is limited 129919
access to high quality preschool and childcare services, the 129920
Department shall identify the number of preschool and childcare 129921
services that are rated three stars or higher in the Step Up to 129922
Quality program established pursuant to section 5104.29 of the 129923
Revised Code by service delivery area school district. 129924

(b) The Department shall assess the effectiveness of programs 129925
that receive funds under division (E) of this section using the 129926
following factors: 129927

(i) The percentage of kindergarteners who attended the 129928
program and who perform above the emerging readiness level on the 129929
kindergarten readiness assessment administered under section 129930
3301.0715 of the Revised Code; 129931

(ii) The percentage of third graders who attended the program 129932
and who score proficient or higher on the reading portion of the 129933
English language arts assessment prescribed in division (A)(1)(a) 129934
of section 3301.0710 of the Revised Code; 129935

(iii) The performance of children attending the program on 129936

the early learning assessment required under the Step Up to Quality program under section 5104.29 of the Revised Code. 129937
129938

(2) Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section. 129939
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(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program. 129946
129947
129948

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved provider shall administer and use such property and funds for the purposes specified. 129949
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(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early 129960
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childhood education program shall propose and implement a 129969
corrective action plan that has been approved by the Department. 129970
The approved corrective action plan shall be signed by the chief 129971
executive officer and the executive of the official governing body 129972
of the provider. The corrective action plan shall include a 129973
schedule for monitoring by the Department. Such monitoring may 129974
include monthly reports, inspections, a timeline for correction of 129975
deficiencies, and technical assistance to be provided by the 129976
Department or obtained by the early childhood education program. 129977
The Department may withhold funding pending corrective action. If 129978
an early childhood education program fails to satisfactorily 129979
complete a corrective action plan, the Department may deny 129980
expansion funding to the program or withdraw all or part of the 129981
funding to the program and establish a new eligible provider 129982
through a selection process established by the Department. 129983

(H)(1) If the early childhood education program is licensed 129984
by the Department of Education and is not highly rated, as 129985
determined by the Director of Job and Family Services, under the 129986
Step Up to Quality program established pursuant to section 5104.29 129987
of the Revised Code, the program shall do all of the following: 129988

(a) Meet teacher qualification requirements prescribed by 129989
section 3301.311 of the Revised Code; 129990

(b) Align curriculum to the early learning content standards 129991
developed by the Department; 129992

(c) Meet any child or program assessment requirements 129993
prescribed by the Department; 129994

(d) Require teachers, except teachers enrolled and working to 129995
obtain a degree pursuant to section 3301.311 of the Revised Code, 129996
to attend a minimum of twenty hours every two years of 129997
professional development as prescribed by the Department; 129998

(e) Document and report child progress as prescribed by the 129999

Department;	130000
(f) Meet and report compliance with the early learning program standards as prescribed by the Department;	130001 130002
(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code.	130003 130004
(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.	130005 130006 130007 130008 130009
(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.	130010 130011 130012 130013 130014 130015 130016 130017 130018 130019 130020 130021 130022 130023 130024 130025 130026 130027 130028 130029 130030

(J) Each provider shall develop a sliding fee scale based on 130031
family incomes and shall charge families who earn more than two 130032
hundred per cent of the federal poverty guidelines, as defined in 130033
division (A)(3) of section 5101.46 of the Revised Code, for the 130034
early childhood education program. 130035

The Department shall conduct an annual survey of each 130036
provider to determine whether the provider charges families 130037
tuition or fees, the amount families are charged relative to 130038
family income levels, and the number of families and students 130039
charged tuition and fees for the early childhood program. 130040

(K) If an early childhood education program voluntarily 130041
waives its right for funding, or has its funding eliminated for 130042
not meeting financial standards or the early learning program 130043
standards, the provider shall transfer control of title to 130044
property, equipment, and remaining supplies obtained through the 130045
program to providers designated by the Department and return any 130046
unexpended funds to the Department along with any reports 130047
prescribed by the Department. The funding made available from a 130048
program that waives its right for funding or has its funding 130049
eliminated or reduced may be used by the Department for new grant 130050
awards or expansion grants. The Department may award new grants or 130051
expansion grants to eligible providers who apply. The eligible 130052
providers who apply must do so in accordance with the selection 130053
process established by the Department. 130054

(L) Eligible expenditures for the Early Childhood Education 130055
Program shall be claimed each fiscal year to help meet the state's 130056
TANF maintenance of effort requirement. The Superintendent of 130057
Public Instruction and the Director of Job and Family Services 130058
shall enter into an interagency agreement to carry out the 130059
requirements under this division, which shall include developing 130060
reporting guidelines for these expenditures. 130061

(M)(1) The Department of Education and the Department of Job 130062

and Family Services shall continue to work toward establishing the 130063
following in common between early childhood education programs and 130064
publicly funded child care: 130065

(a) An application; 130066

(b) Program eligibility; 130067

(c) Funding; 130068

(d) An attendance policy; 130069

(e) An attendance tracking system. 130070

(2) In accordance with section 5104.34 of the Revised Code, 130071
eligible families may receive publicly funded child care beyond 130072
the standard early childhood schedule defined in division (I) of 130073
this section. 130074

(3) All providers, agencies, and school districts 130075
participating in the early childhood education program or 130076
providing care to eligible families beyond the standard early 130077
childhood schedule shall follow the common policies established 130078
under this division. 130079

EARLY CHILDHOOD EDUCATION PARENT CHOICE DEMONSTRATION PILOT 130080
PROGRAM 130081

Of the foregoing appropriation item 200408, Early Childhood 130082
Education, a portion in each fiscal year may be used by the 130083
Department of Education to establish a pilot program that employs 130084
one or more parent choice models to deliver early childhood 130085
education to eligible children. 130086

If the Department establishes any such pilot program, the 130087
Department shall designate one or more geographical areas within 130088
the state in which to operate the pilot program. The Department 130089
may consider designating areas with multiple providers of 130090
high-quality early childhood education programs that have a 130091
capacity to serve additional eligible children for the purpose of 130092

identifying potential obstacles to implementing a parent choice 130093
model. Each parent participating in the pilot program may choose 130094
an early childhood education program from among all providers 130095
within the designated area. 130096

The Department shall establish procedures for implementation 130097
of the pilot program, including a process for parents to apply for 130098
the program. Except as otherwise provided in the Department's 130099
procedures, the Department and providers shall operate in 130100
accordance with this section in implementing the pilot program. 130101
However, the Department may expand the definition of "eligible 130102
child" to include in the pilot program a child who is at least 130103
three years of age as of the district entry date for kindergarten 130104
and has one or more additional risk factors including, but not 130105
limited to, "exited Help Me Grow Home Visiting," "exited Early 130106
Intervention and not eligible for preschool special education," or 130107
currently placed in foster care, so long as the child meets all 130108
other eligibility requirements of this section. 130109

The Department of Education shall collaborate with the 130110
departments of Job and Family Services, Developmental 130111
Disabilities, Health, and Mental Health and Addiction Services, as 130112
needed, in establishing any pilot program. The Department of 130113
Education also may select a non-state entity, which may include an 130114
educational service center, a county department of job and family 130115
services, a childcare resource and referral agency, or a county 130116
family and children first council established under section 121.37 130117
of the Revised Code, to partner with the Department on the pilot 130118
program. 130119

As part of the pilot program, the Department may set aside a 130120
portion of the funds for an evaluation of the pilot program. 130121

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 130122
SUPPORT 130123

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

Section 265.40. ALTERNATIVE EDUCATION PROGRAMS

Of the foregoing appropriation item 200421, Alternative Education Programs, \$500,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.

Of the foregoing appropriation item 200421, Alternative Education Programs, up to \$350,000 in each fiscal year may be used to support the clearinghouse for the identification of and intervention for at-risk students required under section 3301.28 of the Revised Code.

The remainder of appropriation item 200421, Alternative Education Programs, shall be used for implementation grants and for competitive matching grants to school districts for alternative educational programs for at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are truant or disruptive, or those on probation

or on parole from a Department of Youth Services facility. Grants 130155
shall be awarded only to programs in which the grant will not 130156
serve as the program's primary source of funding. Grants may be 130157
awarded for one or two years, and the Department of Education may 130158
limit awards to programs that utilize evidence-based strategies 130159
that meet the standard of strong, moderate, or promising evidence, 130160
as defined by the Every Student Succeeds Act. These grants shall 130161
be administered by the Department of Education. 130162

The Department of Education may waive compliance with any 130163
minimum education standard established under section 3301.07 of 130164
the Revised Code for any alternative school that receives a grant 130165
under this section on the grounds that the waiver will enable the 130166
program to more effectively educate students enrolled in the 130167
alternative school. 130168

Of the foregoing appropriation item 200421, Alternative 130169
Education Programs, a portion may be used for program 130170
administration, monitoring, technical assistance, support, 130171
research, and evaluation. 130172

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 130173

The foregoing appropriation item 200422, School Management 130174
Assistance, shall be used by the Department of Education to 130175
provide fiscal technical assistance and inservice education for 130176
school district management personnel and to administer, monitor, 130177
and implement the fiscal caution, fiscal watch, and fiscal 130178
emergency provisions under Chapter 3316. of the Revised Code. 130179

Section 265.60. POLICY ANALYSIS 130180

The foregoing appropriation item 200424, Policy Analysis, 130181
shall be used by the Department of Education to support a system 130182
of administrative, statistical, and legislative education 130183
information to be used for policy analysis. Staff supported by 130184

this appropriation shall administer the development of reports, 130185
analyses, and briefings to inform education policymakers of 130186
current trends in education practice, efficient and effective use 130187
of resources, and evaluation of programs to improve education 130188
results. A portion of these funds shall be used to maintain a 130189
longitudinal database to support the assessment of the impact of 130190
policies and programs on Ohio's education and workforce 130191
development systems. The research efforts supported by this 130192
appropriation item shall be used to supply information and 130193
analysis of data to and in consultation with the General Assembly 130194
and other state policymakers, including the Office of Budget and 130195
Management and the Legislative Service Commission. 130196

Of the foregoing appropriation item, 200424, Policy Analysis, 130197
a portion may be used by the Department to support the development 130198
and implementation of an evidence-based clearinghouse to support 130199
school improvement strategies as part of the Every Student 130200
Succeeds Act. 130201

The Department may use funding from this appropriation item 130202
to purchase or contract for the development of software systems or 130203
contract for policy studies that will assist in the provision and 130204
analysis of policy-related information. Funding from this 130205
appropriation item also may be used to monitor and enhance quality 130206
assurance for research-based policy analysis and program 130207
evaluation to enhance the effective use of education information 130208
to inform education policymakers. 130209

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 130210

The foregoing appropriation item 200426, Ohio Educational 130211
Computer Network, shall be used by the Department of Education to 130212
maintain a system of information technology throughout Ohio and to 130213
provide technical assistance for such a system in support of the 130214
P-16 State Education Technology Plan developed under section 130215

3353.09 of the Revised Code. 130216

Of the foregoing appropriation item 200426, Ohio Educational 130217
Computer Network, up to \$10,000,000 in each fiscal year shall be 130218
used by the Department to support connection of all public school 130219
buildings and participating chartered nonpublic schools to the 130220
state's education network, to each other, and to the Internet. In 130221
each fiscal year, the Department shall use these funds to assist 130222
information technology centers or school districts with the 130223
operational costs associated with this connectivity. The 130224
Department shall develop a formula and guidelines for the 130225
distribution of these funds to information technology centers or 130226
individual school districts. As used in this section, "public 130227
school building" means a school building of any city, local, 130228
exempted village, or joint vocational school district, any 130229
community school established under Chapter 3314. of the Revised 130230
Code, any college preparatory boarding school established under 130231
Chapter 3328. of the Revised Code, any STEM school established 130232
under Chapter 3326. of the Revised Code, any educational service 130233
center building used for instructional purposes, the Ohio School 130234
for the Deaf and the Ohio School for the Blind, high schools 130235
chartered by the Ohio Department of Youth Services, or high 130236
schools operated by Ohio Department of Rehabilitation and 130237
Corrections' Ohio Central School System. 130238

Of the foregoing appropriation item 200426, Ohio Educational 130239
Computer Network, up to \$5,000,000 in each fiscal year shall be 130240
used, through a formula and guidelines devised by the Department, 130241
to support the activities of designated information technology 130242
centers, as defined by State Board of Education rules, to provide 130243
school districts and chartered nonpublic schools with 130244
computer-based student and teacher instructional and 130245
administrative information services, including approved 130246
computerized financial accounting, to ensure the effective 130247

operation of local automated administrative and instructional 130248
systems, and to monitor and support the quality of data submitted 130249
to the Department. 130250

The remainder of appropriation item 200426, Ohio Educational 130251
Computer Network, shall be used to support the work of the 130252
development, maintenance, and operation of a network of uniform 130253
and compatible computer-based information and instructional 130254
systems as well as the teacher student linkage/roster verification 130255
process and the eTranscript/student records exchange initiative. 130256
This technical assistance shall include, but not be restricted to, 130257
development and maintenance of adequate computer software systems 130258
to support network activities. In order to improve the efficiency 130259
of network activities, the Department and information technology 130260
centers may jointly purchase equipment, materials, and services 130261
from funds provided under this appropriation for use by the 130262
network and, when considered practical by the Department, may 130263
utilize the services of appropriate state purchasing agencies. 130264

Section 265.80. ACADEMIC STANDARDS 130265

The foregoing appropriation item 200427, Academic Standards, 130266
shall be used by the Department of Education to develop and 130267
communicate to school districts academic content standards and 130268
curriculum models and to develop professional development programs 130269
and other tools on the new content standards and model curriculum. 130270
The Department shall utilize educational service centers, 130271
consistent with requirements of section 3312.01 of the Revised 130272
Code, in the development and delivery of professional development 130273
programs supported under this section. 130274

Section 265.90. STUDENT ASSESSMENT 130275

Of the foregoing appropriation item 200437, Student 130276
Assessment, up to \$2,760,000 in each fiscal year may be used to 130277

support the assessments required under section 3301.0715 of the Revised Code. 130278
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The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. The funds may also be used to update and develop diagnostic assessments administered under sections 3301.079, 3301.0715, and 3313.608 of the Revised Code. 130280
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DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT ASSESSMENT 130289
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In fiscal year 2018 and fiscal year 2019, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act for assessments of student performance, the Superintendent may recommend the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment, to the Director of Budget and Management. If the Director determines that such a reallocation is required, the Director may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment. 130291
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Section 265.100. ACCOUNTABILITY/REPORT CARDS 130304

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year may be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in 130305
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the use of data as it relates to improving student achievement. 130309
This training may include teacher and administrator professional 130310
development in the use of data to improve instruction and student 130311
learning, and teacher and administrator training in understanding 130312
teacher value-added reports and how they can be used as a 130313
component in measuring teacher and administrator effectiveness. A 130314
portion of this funding shall be provided to educational service 130315
centers to support training and professional development under 130316
this section consistent with section 3312.01 of the Revised Code. 130317

The remainder of appropriation item 200439, 130318
Accountability/Report Cards, shall be used by the Department of 130319
Education to incorporate a statewide value-added progress 130320
dimension into performance ratings for school districts and for 130321
the development of an accountability system that includes the 130322
preparation and distribution of school report cards, funding and 130323
expenditure accountability reports under sections 3302.03 and 130324
3302.031 of the Revised Code, the development and maintenance of 130325
teacher value-added reports, the teacher student linkage/roster 130326
verification process, and the performance management section of 130327
the Department's web site required by section 3302.26 of the 130328
Revised Code. 130329

CHILD CARE LICENSING 130330

The foregoing appropriation item 200442, Child Care 130331
Licensing, shall be used by the Department of Education to license 130332
and to inspect preschool and school-age child care programs under 130333
sections 3301.52 to 3301.59 of the Revised Code. 130334

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 130335

The foregoing appropriation item 200446, Education Management 130336
Information System, shall be used by the Department of Education 130337
to improve the Education Management Information System (EMIS). 130338

Of the foregoing appropriation item 200446, Education 130339
Management Information System, up to \$725,000 in each fiscal year 130340
shall be distributed to designated information technology centers 130341
for costs relating to processing, storing, and transferring data 130342
for the effective operation of the EMIS. These costs may include, 130343
but are not limited to, personnel, hardware, software development, 130344
communications connectivity, professional development, and support 130345
services, and to provide services to participate in the State 130346
Education Technology Plan developed under section 3353.09 of the 130347
Revised Code. 130348

Of the foregoing appropriation item 200446, Education 130349
Management Information System, up to \$400,000 in each fiscal year 130350
shall be used to support grants to information technology centers 130351
to provide professional development opportunities to district and 130352
school personnel related to the EMIS, with a focus placed on data 130353
submission and data quality. 130354

The remainder of appropriation item 200446, Education 130355
Management Information System, shall be used to develop and 130356
support the data definitions and standards adopted by the 130357
Education Management Information System Advisory Board, including 130358
the ongoing development and maintenance of the data dictionary and 130359
data warehouse. In addition, such funds shall be used to support 130360
the development and implementation of data standards; the design, 130361
development, and implementation of a new data exchange system; and 130362
responsibilities related to the school report cards prescribed by 130363
section 3302.03 of the Revised Code and value-added progress 130364
dimension calculations. 130365

Any provider of software meeting the standards approved by 130366
the Education Management Information System Advisory Board shall 130367
be designated as an approved vendor and may enter into contracts 130368
with local school districts, community schools, STEMS schools, 130369
information technology centers, or other educational entities for 130370

the purpose of collecting and managing data required under Ohio's 130371
education management information system (EMIS) laws. On an annual 130372
basis, the Department shall convene an advisory group of school 130373
districts, community schools, and other education-related entities 130374
to review EMIS data definitions and data format standards. The 130375
advisory group shall recommend changes and enhancements based upon 130376
surveys of its members, education agencies in other states, and 130377
current industry practices, to reflect best practices, align with 130378
federal initiatives, and meet the needs of school districts. 130379

School districts, STEM schools, and community schools not 130380
implementing a uniform set of data definitions and data format 130381
standards for EMIS purposes shall have all EMIS funding withheld 130382
until they are in compliance. 130383

Section 265.120. EDUCATOR PREPARATION 130384

Of the foregoing appropriation item 200448, Educator 130385
Preparation, up to \$500,000 in each fiscal year may be used by the 130386
Department of Education to monitor and support Ohio's State System 130387
of Support, as defined by the Every Student Succeeds Act. 130388

Of the foregoing appropriation item 200448, Educator 130389
Preparation, up to \$100,000 in each fiscal year may be used by the 130390
Department to support the Educator Standards Board under section 130391
3319.61 of the Revised Code and reforms under sections 3302.042, 130392
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 130393
3319.58 of the Revised Code. 130394

The remainder of the foregoing appropriation item 200448, 130395
Educator Preparation, may be used for implementation of teacher 130396
and principal evaluation systems, including incorporation of 130397
student growth as a metric in those systems, and teacher 130398
value-added reports. 130399

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 130400

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for operation of the school choice programs.

Of the foregoing appropriation item 200455, Community Schools and Choice Programs, a portion in each fiscal year may be used by the Department for developing and conducting training sessions for community schools and sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code, and other schools participating in school choice programs.

Section 265.140. EDUCATION TECHNOLOGY RESOURCES

Of the foregoing appropriation item 200465, Education Technology Resources, up to \$2,500,000 in each fiscal year shall be used for the Union Catalog and InfoOhio Network and to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards in all public schools. Consideration shall be given by the Department of Education to coordinating the allocation of these moneys with the efforts of Libraries Connect Ohio, whose members include OhioLINK, the Ohio Public Information Network, and the State Library of Ohio.

Of the foregoing appropriation item 200465, Education Technology Resources, up to \$1,778,879 in each fiscal year shall be used by the Department to provide grants to educational television stations working with partner education technology centers to provide Ohio public schools with instructional resources and services, with priority given to resources and services aligned with state academic content standards. Such resources and services shall be based upon the advice and approval of the Department, based on a formula developed in consultation with Ohio's educational television stations and educational

technology centers. 130432

The remainder of the foregoing appropriation item 200465, 130433
Education Technology Resources, may be used to support training, 130434
technical support, guidance, and assistance with compliance 130435
reporting to school districts and public libraries applying for 130436
federal E-Rate funds; for oversight and guidance of school 130437
district technology plans; and for support to district technology 130438
personnel. Funds may also be used to support the 130439
eTranscript/student records exchange initiative between the 130440
Department of Education and the Department of Higher Education, 130441
the internet safety training for teachers and administrators 130442
required under the "Protecting Children in the 21st Century Act," 130443
Pub. L. No. 110-385, 122 Stat. 4096 (2008), and a program of study 130444
for students in grades kindergarten through eight aligned to state 130445
and national standards that, at a minimum, includes a focus on 130446
online safety skills such as safety with personally identifiable 130447
information, social media platforms, cyber-bullying prevention, 130448
digital identity theft, hacking, and plagiarism. Such a program of 130449
study shall provide the electronic data necessary for E-rate 130450
compliance reporting at the student, classroom, and district 130451
levels. 130452

Section 265.150. PUPIL TRANSPORTATION 130453

Of the foregoing appropriation item 200502, Pupil 130454
Transportation, up to \$838,930 in each fiscal year may be used by 130455
the Department of Education for training prospective and 130456
experienced school bus drivers in accordance with training 130457
programs prescribed by the Department. 130458

Of the foregoing appropriation item 200502, Pupil 130459
Transportation, up to \$60,469,220 in each fiscal year may be used 130460
by the Department for special education transportation 130461
reimbursements to school districts and county DD boards for 130462

transportation operating costs as provided in divisions (C) and 130463
(F) of section 3317.024 of the Revised Code. 130464

Of the foregoing appropriation item 200502, Pupil 130465
Transportation, up to \$2,500,000 in each fiscal year may be used 130466
by the Department to reimburse school districts that make payments 130467
to parents in lieu of transportation under section 3327.02 of the 130468
Revised Code and whose transportation is not funded under division 130469
(C) of section 3317.024 of the Revised Code. If the parent, 130470
guardian, or other person in charge of a pupil accepts the offer 130471
of payment in lieu of providing transportation, the school 130472
district shall pay that parent, guardian, or other person an 130473
amount that shall be not less than \$250 and not more than the 130474
amount determined by the Department as the average cost of pupil 130475
transportation for the previous school year. Payment may be 130476
prorated if the time period involved is only a part of the school 130477
year. 130478

The remainder of the foregoing appropriation item 200502, 130479
Pupil Transportation, shall be used to distribute the amounts 130480
calculated for transportation aid under divisions (E), (F), and 130481
(G) of section 3317.0212 of the Revised Code and division (D)(2) 130482
of section 3314.091 of the Revised Code. 130483

Section 265.160. SCHOOL LUNCH MATCH 130484

The foregoing appropriation item 200505, School Lunch Match, 130485
shall be used to provide matching funds to obtain federal funds 130486
for the school lunch program. 130487

Any remaining appropriation after providing matching funds 130488
for the school lunch program may be used to partially reimburse 130489
school buildings within school districts that are required to have 130490
a school breakfast program under section 3313.813 of the Revised 130491
Code, at a rate decided by the Department. 130492

Section 265.170. AUXILIARY SERVICES 130493

Of the foregoing appropriation item 200511, Auxiliary 130494
Services, up to \$2,600,000 in each fiscal year may be used for 130495
payment of the College Credit Plus Program for nonpublic secondary 130496
school participants. The Department of Education shall distribute 130497
these funds according to rule 3333-1-65.8 of the Administrative 130498
Code, adopted by the Department of Higher Education pursuant to 130499
division (A) of section 3365.071 of the Revised Code. 130500

The remainder of the foregoing appropriation item 200511, 130501
Auxiliary Services, shall be used by the Department for the 130502
purpose of implementing section 3317.06 of the Revised Code. 130503

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 130504

The foregoing appropriation item 200532, Nonpublic 130505
Administrative Cost Reimbursement, shall be used by the Department 130506
of Education for the purpose of implementing section 3317.063 of 130507
the Revised Code. Notwithstanding section 3317.063 of the Revised 130508
Code, payments made by the Department for this purpose shall not 130509
exceed four hundred five dollars per student for each school year. 130510

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 130511

Of the foregoing appropriation item 200540, Special Education 130512
Enhancements, up to \$33,000,000 in each fiscal year shall be used 130513
to fund special education and related services at county boards of 130514
developmental disabilities for eligible students under section 130515
3317.20 of the Revised Code and at institutions for eligible 130516
students under section 3317.201 of the Revised Code. If necessary, 130517
the Department of Education shall proportionately reduce the 130518
amount calculated for each county board of developmental 130519
disabilities and institution so as not to exceed the amount 130520
appropriated in each fiscal year. 130521

Of the foregoing appropriation item 200540, Special Education 130522
Enhancements, up to \$1,350,000 in each fiscal year shall be used 130523
for parent mentoring programs. 130524

Of the foregoing appropriation item 200540, Special Education 130525
Enhancements, up to \$3,000,000 in each fiscal year may be used for 130526
school psychology interns. 130527

Of the foregoing appropriation item 200540, Special Education 130528
Enhancements, the Department shall transfer \$3,000,000 in each 130529
fiscal year to the Opportunities for Ohioans with Disabilities 130530
Agency. The transfer shall be made via an intrastate transfer 130531
voucher. The transferred funds shall be used by the Opportunities 130532
for Ohioans with Disabilities Agency as state matching funds to 130533
draw down available federal funding for vocational rehabilitation 130534
services. Total project funding shall be used to hire dedicated 130535
vocational rehabilitation counselors who shall work directly with 130536
school districts to provide transition services for students with 130537
disabilities. Services shall include vocational rehabilitation 130538
services such as person-centered career planning, summer work 130539
experiences, job placement, and retention services for mutually 130540
eligible students with disabilities. 130541

The Superintendent of Public Instruction and the Executive 130542
Director of the Opportunities for Ohioans with Disabilities Agency 130543
shall enter into an interagency agreement that shall specify the 130544
responsibilities of each agency under the program. Under the 130545
interagency agreement, the Opportunities for Ohioans with 130546
Disabilities Agency shall retain responsibility for all 130547
nondelegable functions, including eligibility and order of 130548
selection determination, individualized plan for employment (IPE) 130549
approval, IPE amendments, case closure, and release of vendor 130550
payments. 130551

Of the foregoing appropriation item 200540, Special Education 130552
Enhancements, up to \$2,000,000 in each fiscal year shall be used 130553

by the Department of Education to build capacity to deliver a 130554
regional system of training, support, coordination, and direct 130555
service for secondary transition services for students with 130556
disabilities beginning at fourteen years of age. These special 130557
education enhancements shall support all students with 130558
disabilities, regardless of partner agency eligibility 130559
requirements, to provide stand-alone direct secondary transition 130560
services by school districts. Secondary transition services shall 130561
include, but not be limited to, job exploration counseling, 130562
work-based learning experiences, counseling on opportunities for 130563
enrollment in comprehensive transition or post-secondary 130564
educational programs at institutions of higher education, 130565
workplace readiness training to develop occupational skills, 130566
social skills and independent living skills, and instruction in 130567
self-advocacy. Regional training shall support the expansion of 130568
transition to work endorsement opportunities for middle school and 130569
secondary level special education intervention specialists in 130570
order to develop the necessary skills and competencies to meet the 130571
secondary transition needs of students with disabilities beginning 130572
at fourteen years of age. 130573

The remainder of appropriation item 200540, Special Education 130574
Enhancements, shall be distributed by the Department of Education 130575
to school districts and institutions, as defined in section 130576
3323.091 of the Revised Code, for preschool special education 130577
funding under section 3317.0213 of the Revised Code. 130578

The Department may reimburse school districts and 130579
institutions for services provided by instructional assistants, 130580
related services, as defined in rule 3301-51-11 of the 130581
Administrative Code, physical therapy services provided by a 130582
licensed physical therapist or physical therapist assistant under 130583
the supervision of a licensed physical therapist, as required 130584
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 130585

Administrative Code, and occupational therapy services provided by 130586
a licensed occupational therapist or occupational therapy 130587
assistant under the supervision of a licensed occupational 130588
therapist, as required under Chapter 4755. of the Revised Code and 130589
Chapter 4755-7 of the Administrative Code. Nothing in this section 130590
authorizes occupational therapy assistants or physical therapist 130591
assistants to generate or manage their own caseloads. 130592

The Department shall require school districts, educational 130593
service centers, county DD boards, and institutions serving 130594
preschool children with disabilities to adhere to Ohio's early 130595
learning program standards, participate in the Step Up to Quality 130596
program established pursuant to section 5104.29 of the Revised 130597
Code, and document child progress using research-based indicators 130598
prescribed by the Department and report results annually. The 130599
reporting dates and method shall be determined by the Department. 130600
Effective July 1, 2018, all programs shall be rated through the 130601
Step Up to Quality program. 130602

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 130603

Of the foregoing appropriation item 200545, Career-Technical 130604
Education Enhancements, up to \$1,000,000 in each fiscal year shall 130605
be used to support career connections activities. This may 130606
include, but shall not be limited to, development and promotion of 130607
career pathways. 130608

Of the foregoing appropriation item 200545, Career-Technical 130609
Education Enhancements, up to \$2,563,568 in each fiscal year shall 130610
be used to fund secondary career-technical education at 130611
institutions, the Ohio School for the Deaf, and the Ohio State 130612
School for the Blind using a grant-based methodology, 130613
notwithstanding section 3317.05 of the Revised Code. 130614

Of the foregoing appropriation item 200545, Career-Technical 130615
Education Enhancements, up to \$1,872,948 in fiscal year 2018 and 130616

\$936,474 in fiscal year 2019 shall be used by the Department of 130617
Education to fund competitive grants to tech prep consortia that 130618
expand the number of students enrolled in tech prep programs. 130619
These grant funds shall be used to directly support expanded tech 130620
prep programs provided to students enrolled in school districts, 130621
including joint vocational school districts, and affiliated higher 130622
education institutions. This support may include the purchase of 130623
equipment. 130624

Of the foregoing appropriation item 200545, Career-Technical 130625
Education Enhancements, up to \$3,100,850 in each fiscal year shall 130626
be used by the Department to support existing High Schools That 130627
Work (HSTW) sites, develop and support new sites, fund technical 130628
assistance, and support regional centers and middle school 130629
programs. The purpose of HSTW is to combine challenging academic 130630
courses and modern career-technical studies to raise the academic 130631
achievement of students. HSTW provides intensive technical 130632
assistance, focused staff development, targeted assessment 130633
services, and ongoing communications and networking opportunities. 130634

Of the foregoing appropriation item 200545, Career-Technical 130635
Education Enhancements, up to \$600,000 in each fiscal year shall 130636
be used by the Department to enable students in agricultural 130637
programs to enroll in a fifth quarter of instruction based on the 130638
agricultural education model of delivering work-based learning 130639
through supervised agricultural experience. The Department shall 130640
determine eligibility criteria and the reporting process for the 130641
Agriculture 5th Quarter Project and shall fund as many programs as 130642
possible given the set-aside. The eligibility criteria developed 130643
by the Department shall allow these funds to support supervised 130644
agricultural experience that occurs anytime outside of the regular 130645
school day. 130646

Of the foregoing appropriation item 200545, Career-Technical 130647
Education Enhancements, up to \$550,000 in each fiscal year may be 130648

used to support career planning and reporting through the Ohio Means Jobs web site. 130649
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Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,000,000 in each fiscal year shall be used to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an industry-recognized credential or receive a journeyman certification recognized by the United States Department of Labor. The educating entity shall be required to inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The Department of Education shall work with the Department of Higher Education and the Governor's Office of Workforce Transformation to develop a schedule for reimbursement based on the Department of Education's list of industry-recognized credentials, the time it takes to earn the credential, and the cost to obtain the credential. The educating entity shall pay for the cost of the credential for an economically disadvantaged student and may claim and receive reimbursement. The educating entity may claim reimbursement based on the Department of Education's reimbursement schedule up to six months after the student has graduated from high school. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded. 130651
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Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$162,200 in fiscal year 2018 and up to \$162,000 in fiscal year 2019 shall be distributed to the Cleveland Municipal School District and the Cincinnati City School District to be used for a VoAg program in one at-risk nonvocational school in each district. The amount distributed to the Cleveland Municipal School District shall be equal to \$78,600 130674
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in fiscal year 2018 and \$78,500 in fiscal year 2019 minus the 130681
funding allocated to the district under division (A)(8) of section 130682
3317.022 of the Revised Code for the students participating in the 130683
program. The amount distributed to the Cincinnati City School 130684
District shall be equal to \$83,600 in fiscal year 2018 and \$83,500 130685
in fiscal year 2019 minus the funding allocated to the district 130686
under division (A)(8) of section 3317.022 of the Revised Code for 130687
the students participating in the program. 130688

Of the foregoing appropriation item 200545, Career-Technical 130689
Education Enhancements, \$128,500 in fiscal year 2018 shall be used 130690
to support the Ottawa County Business Advisory Council's Career 130691
Development Roadmap Program. 130692

Section 265.210. FOUNDATION FUNDING 130693

Of the foregoing appropriation item 200550, Foundation 130694
Funding, up to \$40,000,000 in each fiscal year shall be used to 130695
provide additional state aid to school districts, joint vocational 130696
school districts, community schools, and STEM schools for special 130697
education students under division (C)(3) of section 3314.08, 130698
section 3317.0214, division (B) of section 3317.16, and section 130699
3326.34 of the Revised Code, except that the Controlling Board may 130700
increase these amounts if presented with such a request from the 130701
Department of Education at the final meeting of the fiscal year. 130702

Of the foregoing appropriation item 200550, Foundation 130703
Funding, up to \$3,800,000 in each fiscal year shall be used to 130704
fund gifted education at educational service centers. The 130705
Department shall distribute the funding through the unit-based 130706
funding methodology in place under division (L) of section 130707
3317.024, division (E) of section 3317.05, and divisions (A), (B), 130708
and (C) of section 3317.053 of the Revised Code as they existed 130709
prior to fiscal year 2010. 130710

Of the foregoing appropriation item 200550, Foundation 130711

Funding, up to \$39,000,000 in each fiscal year shall be reserved 130712
to fund the state reimbursement of educational service centers 130713
under the section of this act entitled "EDUCATIONAL SERVICE 130714
CENTERS FUNDING." 130715

Of the foregoing appropriation item 200550, Foundation 130716
Funding, up to \$8,198,297 in each fiscal year shall be distributed 130717
to educational service centers for School Improvement Initiatives 130718
and for the provision of technical assistance to schools and 130719
districts. The Department may distribute these funds through a 130720
competitive grant process. 130721

Of the foregoing appropriation item 200550, Foundation 130722
Funding, up to \$10,000,000 in each fiscal year shall be reserved 130723
for payments under section 3317.028 of the Revised Code. If this 130724
amount is not sufficient, the Department shall prorate the payment 130725
amounts so that the aggregate amount allocated in this paragraph 130726
is not exceeded. 130727

Of the foregoing appropriation item 200550, Foundation 130728
Funding, up to \$28,600,000 in fiscal year 2018 and up to 130729
\$26,400,000 in fiscal year 2019 shall be used to support school 130730
choice programs. 130731

Of the portion of the funds distributed to the Cleveland 130732
Municipal School District under this section, up to \$15,400,000 in 130733
fiscal year 2018 and \$17,600,000 in fiscal year 2019 shall be used 130734
to operate the school choice program in the Cleveland Municipal 130735
School District under sections 3313.974 to 3313.979 of the Revised 130736
Code. Notwithstanding divisions (B) and (C) of section 3313.978 130737
and division (C) of section 3313.979 of the Revised Code, up to 130738
\$1,000,000 in each fiscal year of this amount shall be used by the 130739
Cleveland Municipal School District to provide tutorial assistance 130740
as provided in division (H) of section 3313.974 of the Revised 130741
Code. The Cleveland Municipal School District shall report the use 130742
of these funds in the district's three-year continuous improvement 130743

plan as described in section 3302.04 of the Revised Code in a 130744
manner approved by the Department. 130745

Of the foregoing appropriation item 200550, Foundation 130746
Funding, up to \$1,500,000 in each fiscal year may be used for 130747
payment of the College Credit Plus Program for students instructed 130748
at home pursuant to section 3321.04 of the Revised Code. 130749

Of the foregoing appropriation item 200550, Foundation 130750
Funding, an amount shall be available in each fiscal year to be 130751
paid to joint vocational school districts in accordance with 130752
division (A) of section 3317.16 of the Revised Code, and the 130753
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 130754
VOCATIONAL SCHOOL DISTRICTS." 130755

Of the foregoing appropriation item 200550, Foundation 130756
Funding, up to \$700,000 in each fiscal year shall be used by the 130757
Department for a program to pay for educational services for youth 130758
who have been assigned by a juvenile court or other authorized 130759
agency to any of the facilities described in division (A) of the 130760
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 130761

Of the foregoing appropriation item 200550, Foundation 130762
Funding, a portion may be used to pay college-preparatory boarding 130763
schools the per pupil boarding amount pursuant to section 3328.34 130764
of the Revised Code. 130765

Of the foregoing appropriation item 200550, Foundation 130766
Funding, up to \$2,000,000 in each fiscal year shall be used for 130767
the Bright New Leaders for Ohio Schools Program created and 130768
implemented by the nonprofit corporation incorporated pursuant to 130769
section 3319.271 of the Revised Code, to provide an alternative 130770
path for individuals to receive training and development in the 130771
administration of primary and secondary education and leadership, 130772
enable those individuals to earn degrees and obtain licenses in 130773
public school administration, and promote the placement of those 130774

individuals in public schools that have a poverty percentage 130775
greater than fifty per cent. 130776

Of the foregoing appropriation item 200550, Foundation 130777
Funding, a portion in each fiscal year shall be used to pay 130778
community schools and STEM schools the amounts calculated for the 130779
graduation and third-grade reading bonuses under sections 3314.085 130780
and 3326.41 of the Revised Code. 130781

Of the foregoing appropriation item 200550, Foundation 130782
Funding, up to \$2,000,000 in each fiscal year may be used by the 130783
Department for duties and activities related to the establishment 130784
of academic distress commissions under section 3302.10 of the 130785
Revised Code. A portion of the funds may be used as matching funds 130786
for any monetary contributions made by a school district for which 130787
an academic distress commission is established or by the 130788
district's local community to support innovative education 130789
programs or a high-quality school accelerator as provided for in 130790
section 3302.10 of the Revised Code. 130791

The remainder of appropriation item 200550, Foundation 130792
Funding, shall be used to distribute the amounts calculated for 130793
formula aid under section 3317.022 of the Revised Code, the 130794
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 130795
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, and the section of 130796
this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED 130797
VILLAGE SCHOOL DISTRICTS." 130798

Appropriation items 200502, Pupil Transportation, 200540, 130799
Special Education Enhancements, and 200550, Foundation Funding, 130800
other than specific set-asides, are collectively used in each 130801
fiscal year to pay state formula aid obligations for school 130802
districts, community schools, STEM schools, college preparatory 130803
boarding schools, and joint vocational school districts under this 130804
act. The first priority of these appropriation items, with the 130805
exception of specific set-asides, is to fund state formula aid 130806

obligations. It may be necessary to reallocate funds among these 130807
appropriation items or use excess funds from other general revenue 130808
fund appropriation items in the Department of Education's budget 130809
in each fiscal year in order to meet state formula aid 130810
obligations. If it is determined that it is necessary to transfer 130811
funds among these appropriation items or to transfer funds from 130812
other General Revenue Fund appropriations in the Department's 130813
budget to meet state formula aid obligations, the Superintendent 130814
of Public Instruction shall seek approval from the Director of 130815
Budget and Management to transfer funds as needed. 130816

The Superintendent of Public Instruction shall make payments, 130817
transfers, and deductions, as authorized by Title XXXIII of the 130818
Revised Code in amounts substantially equal to those made in the 130819
prior year, or otherwise, at the discretion of the Superintendent, 130820
until at least the effective date of the amendments and enactments 130821
made to Title XXXIII by this act. Any funds paid to districts or 130822
schools under this section shall be credited toward the annual 130823
funds calculated for the district or school after the changes made 130824
to Title XXXIII in this act are effective. Upon the effective date 130825
of changes made to Title XXXIII in this act, funds shall be 130826
calculated as an annual amount. 130827

**Section 265.220. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 130828
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 130829**

(A) The Department of Education shall distribute funds within 130830
appropriation item 200550, Foundation Funding, for temporary 130831
transitional aid in each fiscal year to each qualifying city, 130832
local, and exempted village school district. 130833

(1) For fiscal years 2018 and 2019, the Department shall pay 130834
temporary transitional aid to each city, local, and exempted 130835
village school district according to the following formula: 130836

(The district's transitional aid guarantee base x the district's 130837

transitional aid guarantee base percentage) - the district's	130838
foundation funding for the guarantee	130839
If the computation made under this division results in a	130840
negative number, the district's funding under this division shall	130841
be zero.	130842
(2) As used in this section, "foundation funding for the	130843
guarantee" for each city, local, and exempted village school	130844
district, for fiscal year 2018, equals the sum of the following	130845
amounts for that fiscal year:	130846
(a) The opportunity grant under division (A)(1) of section	130847
3317.022 of the Revised Code;	130848
(b) Targeted assistance funds under division (A)(2) of	130849
section 3317.022 of the Revised Code;	130850
(c) Additional state aid for special education and related	130851
services under division (A)(3) of section 3317.022 of the Revised	130852
Code;	130853
(d) Kindergarten through third grade literacy funds under	130854
division (A)(4) of section 3317.022 of the Revised Code;	130855
(e) Economically disadvantaged funds under division (A)(5) of	130856
section 3317.022 of the Revised Code;	130857
(f) Limited English proficiency funds under division (A)(6)	130858
of section 3317.022 of the Revised Code;	130859
(g) Gifted identification and unit funds under division	130860
(A)(7) of section 3317.022 of the Revised Code;	130861
(h) Capacity aid funds under division (A)(10) of section	130862
3317.022 of the Revised Code;	130863
(i) Transportation funds under divisions (E) and (F) of	130864
section 3317.0212 of the Revised Code and division (D)(2) of	130865
section 3314.091 of the Revised Code;	130866
(j) Transportation supplement funds under division (G) of	130867

section 3317.0212 of the Revised Code.	130868
(3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	130869
	130870
	130871
	130872
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	130873
	130874
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	130875
	130876
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	130877
	130878
	130879
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	130880
	130881
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	130882
	130883
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	130884
	130885
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	130886
	130887
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	130888
	130889
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	130890
	130891
	130892
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	130893
	130894
(4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district,	130895
	130896

for fiscal year 2018, equals the sum of the following amounts	130897
computed for the district for fiscal year 2017 after any	130898
reductions made for fiscal year 2017 under division (B) of Section	130899
263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:	130900
(a) The opportunity grant under division (A)(1) of section	130901
3317.022 of the Revised Code;	130902
(b) Targeted assistance funds under division (A)(2) of	130903
section 3317.022 of the Revised Code;	130904
(c) Additional state aid for special education and related	130905
services under division (A)(3) of section 3317.022 of the Revised	130906
Code;	130907
(d) Kindergarten through third grade literacy funds under	130908
division (A)(4) of section 3317.022 of the Revised Code;	130909
(e) Economically disadvantaged funds under division (A)(5) of	130910
section 3317.022 of the Revised Code;	130911
(f) Limited English proficiency funds under division (A)(6)	130912
of section 3317.022 of the Revised Code;	130913
(g) Gifted identification and unit funds under division	130914
(A)(7) of section 3317.022 of the Revised Code;	130915
(h) Capacity aid funds under division (A)(10) of section	130916
3317.022 of the Revised Code;	130917
(i) Transportation funds under divisions (E) and (F) of	130918
section 3317.0212 of the Revised Code and division (D)(2) of	130919
section 3314.091 of the Revised Code;	130920
(j) Transportation supplement funds under division (G) of	130921
section 3317.0212 of the Revised Code;	130922
(k) Temporary transitional aid under division (A) of Section	130923
263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.	130924
(5) As used in this section, the "transitional aid guarantee	130925

base" for each city, local, and exempted village school district, 130926
for fiscal year 2019, equals the transitional aid guarantee base 130927
for fiscal year 2018 computed for the district pursuant to 130928
division (A)(4) of this section. 130929

(6) The "transitional aid guarantee base percentage" for each 130930
city, local, and exempted village school district, for fiscal 130931
years 2018 and 2019, shall be computed as follows: 130932

(a) Calculate each district's total ADM percentage change in 130933
accordance with the following formula: 130934

(The district's total ADM for fiscal year 2016 / the district's 130935
total ADM for fiscal year 2011) - 1 130936

For purposes of this calculation, "total ADM for fiscal year 130937
2011" means the lesser of the following: 130938

(i) The average daily membership used to derive formula ADM 130939
for funding purposes in fiscal year 2011; 130940

(ii) The district's average daily membership reported in 130941
October 2010 under division (A) of the version of section 3317.03 130942
of the Revised Code in effect for that fiscal year, and as 130943
verified by the Superintendent of Public Instruction and adjusted 130944
if so ordered under division (K) of that section. 130945

(b) Determine the district's transitional aid guarantee base 130946
percentage as follows: 130947

(i) If the district's total ADM percentage change calculated 130948
in division (A)(6)(a) of this section equals a decrease of ten per 130949
cent or more, then the district's transitional aid guarantee base 130950
percentage shall be equal to ninety-five per cent. 130951

(ii) If the district's total ADM percentage change calculated 130952
in division (A)(6)(a) of this section equals a decrease of less 130953
than ten per cent but more than five per cent, then the district's 130954
transitional aid guarantee base percentage shall be equal to the 130955

district's total ADM percentage change calculated in division 130956
(A)(6)(a) of this section plus one hundred five per cent. 130957

(iii) If the district's total ADM percentage change 130958
calculated in division (A)(6)(a) of this section equals a decrease 130959
of five per cent or less, no change, or an increase of any amount, 130960
then the district's transitional aid guarantee base percentage 130961
shall be equal to one hundred per cent. 130962

(7) The Department of Education shall adjust, as necessary, 130963
the transitional aid guarantee base of any local school district 130964
that participates in the establishment of a joint vocational 130965
school district that begins receiving payments under section 130966
3317.16 of the Revised Code for fiscal year 2018 or fiscal year 130967
2019 but does not receive payments for the prior fiscal year. The 130968
Department shall adjust any such local school district's guarantee 130969
base according to the amounts received by the district in the 130970
prior fiscal year for career-technical education students who 130971
attend the newly established joint vocational school district. 130972

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 130973
in fiscal years 2018 and 2019, no city, local, or exempted village 130974
school district shall be allocated foundation funding subject to 130975
the limitation for the current fiscal year that is greater than 130976
1.055 times the district's limitation base for the current fiscal 130977
year, except as provided in division (B)(8) of this section. 130978

(2) As used in this section, "foundation funding subject to 130979
the limitation" for each city, local, and exempted village school 130980
district, for fiscal year 2018, equals the sum of the following 130981
amounts for that fiscal year: 130982

(a) The opportunity grant under division (A)(1) of section 130983
3317.022 of the Revised Code; 130984

(b) Targeted assistance funds under division (A)(2) of 130985
section 3317.022 of the Revised Code; 130986

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	130987 130988 130989
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	130990 130991
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	130992 130993
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	130994 130995
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	130996 130997
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	130998 130999
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	131000 131001 131002
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	131003 131004
(k) Temporary transitional aid under division (A) of this section.	131005 131006
(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	131007 131008 131009 131010
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	131011 131012
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	131013 131014
(c) Additional state aid for special education and related	131015

services under division (A)(3) of section 3317.022 of the Revised Code;	131016 131017
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	131018 131019
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	131020 131021
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	131022 131023
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	131024 131025
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	131026 131027
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	131028 131029 131030
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	131031 131032
(k) Temporary transitional aid under division (A) of this section.	131033 131034
(4) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:	131035 131036 131037 131038 131039 131040
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	131041 131042
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	131043 131044

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	131045 131046 131047
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	131048 131049
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	131050 131051
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	131052 131053
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	131054 131055
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	131056 131057
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	131058 131059 131060
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	131061 131062
(k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.	131063 131064
(5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section:	131065 131066 131067 131068 131069
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	131070 131071
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	131072 131073

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	131074 131075 131076
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	131077 131078
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	131079 131080
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	131081 131082
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	131083 131084
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	131085 131086
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	131087 131088 131089
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	131090 131091
(k) Temporary transitional aid under division (A) of this section;	131092 131093
(l) The cap offset amount computed under the section of this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."	131094 131095 131096
(6) The Department of Education shall adjust, as necessary, the limitation base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The Department shall adjust any such local school district's limitation base according	131097 131098 131099 131100 131101 131102 131103

to the amounts received by the district in the prior fiscal year 131104
for career-technical education students who attend the newly 131105
established joint vocational school district. 131106

(7) For fiscal year 2018 and fiscal year 2019, the Department 131107
shall reduce a district's payments under divisions (A)(1), (2), 131108
(4), (5), (6), (7), and (10) of section 3317.022 of the Revised 131109
Code proportionately as necessary in order to comply with this 131110
division. If those amounts are insufficient, the Department shall 131111
proportionately reduce a district's payments under division (A)(3) 131112
of section 3317.022 of the Revised Code and divisions (E), (F), 131113
and (G) of section 3317.0212 of the Revised Code. 131114

(8)(a) For purposes of division (B)(8) of this section, 131115
"eligible school district" shall have the same meaning as in 131116
division (F)(1) of section 3317.017 of the Revised Code. 131117

(b) Notwithstanding any provision of law to the contrary, an 131118
eligible school district shall not be allocated foundation funding 131119
subject to the limitation in the current fiscal year that is 131120
greater than the greater of the amounts described in divisions 131121
(B)(8)(b)(i) and (ii) of this section: 131122

(i) The amount calculated for the district for the current 131123
fiscal year under division (B)(1) of this section; 131124

(ii) The lesser of the amounts described in divisions 131125
(B)(8)(b)(ii)(I) and (II) of this section: 131126

(I) The district's foundation funding subject to the 131127
limitation for the current fiscal year; 131128

(II) The district's limitation base for the current fiscal 131129
year plus the district's taxes charged and payable against all 131130
property on the tax list of real and public utility property for 131131
tax year 2015 minus the district's taxes charged and payable 131132
against all property on the tax list of real and public utility 131133
property for tax year 2016. 131134

Section 265.230. TEMPORARY TRANSITIONAL AID FOR JOINT	131135
VOCATIONAL SCHOOL DISTRICTS	131136
(A) The Department of Education shall distribute funds within	131137
appropriation item 200550, Foundation Funding, for temporary	131138
transitional aid in each fiscal year to each qualifying joint	131139
vocational school district.	131140
(1) For fiscal years 2018 and 2019, the Department shall pay	131141
temporary transitional aid to each joint vocational school	131142
district according to the following formula:	131143
(The district's transitional aid guarantee base x the district's	131144
transitional aid guarantee base percentage) - the district's	131145
foundation funding for the guarantee	131146
If the computation made under this division results in a	131147
negative number, the district's funding under this division shall	131148
be zero.	131149
(2) As used in this section, "foundation funding for the	131150
guarantee" for each joint vocational school district, for fiscal	131151
year 2018, equals the sum of the following amounts for that fiscal	131152
year:	131153
(a) The opportunity grant under division (A)(1) of section	131154
3317.16 of the Revised Code;	131155
(b) Additional state aid for special education and related	131156
services under division (A)(2) of section 3317.16 of the Revised	131157
Code;	131158
(c) Economically disadvantaged funds under division (A)(3) of	131159
section 3317.16 of the Revised Code;	131160
(d) Limited English proficiency funds under division (A)(4)	131161
of section 3317.16 of the Revised Code.	131162
(3) As used in this section, "foundation funding for the	131163
guarantee" for each joint vocational school district, for fiscal	131164

year 2019, equals the sum of the following amounts for that fiscal year: 131165
131166

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code; 131167
131168

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 131169
131170
131171

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 131172
131173

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code. 131174
131175

(4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly: 131176
131177
131178
131179
131180
131181

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code; 131182
131183

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 131184
131185
131186

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 131187
131188

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 131189
131190

(e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly. 131191
131192

(5) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 131193
131194

2019, equals the transitional aid guarantee base for fiscal year 131195
2018 computed for the district pursuant to division (A)(4) of this 131196
section. 131197

(6) The "transitional aid guarantee base percentage" for a 131198
joint vocational school district, for fiscal year 2018 and fiscal 131199
year 2019, shall be computed as follows: 131200

(a) Calculate each district's formula ADM percentage change 131201
in accordance with the following formula: 131202

(The district's formula ADM for fiscal year 2016 / the district's 131203
formula ADM for fiscal year 2011) - 1 131204

(b) Determine the district's transitional aid guarantee base 131205
percentage as follows: 131206

(i) If the district's formula ADM percentage change 131207
calculated in division (A)(6)(a) of this section equals a decrease 131208
of ten per cent or more, then the district's transitional aid 131209
guarantee base percentage shall be equal to ninety-five per cent. 131210

(ii) If the district's formula ADM percentage change 131211
calculated in division (A)(6)(a) of this section equals a decrease 131212
of less than ten per cent but more than five per cent, then the 131213
district's transitional aid guarantee base percentage shall be 131214
equal to the district's formula ADM percentage change calculated 131215
in division (A)(6)(a) of this section plus one hundred five per 131216
cent. 131217

(iii) If the district's formula ADM percentage change 131218
calculated in division (A)(6)(a) of this section equals a decrease 131219
of five per cent or less, no change, or an increase of any amount, 131220
then the district's transitional aid guarantee base percentage 131221
shall be equal to one hundred per cent. 131222

(7) The Department of Education shall establish, as 131223
necessary, the transitional aid guarantee base of any joint 131224
vocational school district that begins receiving payments under 131225

section 3317.16 of the Revised Code for fiscal year 2018 or fiscal 131226
year 2019 but does not receive such payments for the prior fiscal 131227
year. The Department shall establish any such joint vocational 131228
school district's guarantee base as an amount equal to the 131229
absolute value of the sum of the associated adjustments of any 131230
local school district's guarantee bases under division (A)(7) of 131231
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 131232
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 131233

(B)(1) Notwithstanding division (A) of section 3317.16 of the 131234
Revised Code in fiscal years 2018 and 2019, no joint vocational 131235
school district shall be allocated foundation funding subject to 131236
the limitation for the current fiscal year that is greater than 131237
1.055 times the district's limitation base for the current fiscal 131238
year. 131239

(2) As used in this section, "foundation funding subject to 131240
the limitation" for each joint vocational school district, for 131241
fiscal year 2018, equals the sum of the following amounts for that 131242
fiscal year: 131243

(a) The opportunity grant under division (A)(1) of section 131244
3317.16 of the Revised Code; 131245

(b) Additional state aid for special education and related 131246
services under division (A)(2) of section 3317.16 of the Revised 131247
Code; 131248

(c) Economically disadvantaged funds under division (A)(3) of 131249
section 3317.16 of the Revised Code; 131250

(d) Limited English proficiency funds under division (A)(4) 131251
of section 3317.16 of the Revised Code; 131252

(e) Temporary transitional aid under division (A) of this 131253
section. 131254

(3) As used in this section, "foundation funding subject to 131255

the limitation" for each joint vocational school district, for	131256
fiscal year 2019, equals the sum of the following amounts for that	131257
fiscal year:	131258
(a) The opportunity grant under division (A)(1) of section	131259
3317.16 of the Revised Code;	131260
(b) Additional state aid for special education and related	131261
services under division (A)(2) of section 3317.16 of the Revised	131262
Code;	131263
(c) Economically disadvantaged funds under division (A)(3) of	131264
section 3317.16 of the Revised Code;	131265
(d) Limited English proficiency funds under division (A)(4)	131266
of section 3317.16 of the Revised Code;	131267
(e) Temporary transitional aid under division (A) of this	131268
section.	131269
(4) As used in this section, the "limitation base" for each	131270
joint vocational school district, for fiscal year 2018, equals the	131271
sum of the following amounts computed for the district for fiscal	131272
year 2017 after any reductions made for fiscal year 2017 under	131273
division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st	131274
General Assembly:	131275
(a) The opportunity grant under division (A)(1) of section	131276
3317.16 of the Revised Code;	131277
(b) Additional state aid for special education and related	131278
services under division (A)(2) of section 3317.16 of the Revised	131279
Code;	131280
(c) Economically disadvantaged funds under division (A)(3) of	131281
section 3317.16 of the Revised Code;	131282
(d) Limited English proficiency funds under division (A)(4)	131283
of section 3317.16 of the Revised Code;	131284
(e) Temporary transitional aid under division (A) of Section	131285

263.240 of Am. Sub. H.B. 64 of the 131st General Assembly. 131286

(5) As used in this section, the "limitation base" for each 131287
joint vocational school district, for fiscal year 2019, equals the 131288
sum of the following amounts computed for the district for fiscal 131289
year 2018 after any reductions made for fiscal year 2018 under 131290
division (B) of this section: 131291

(a) The opportunity grant under division (A)(1) of section 131292
3317.16 of the Revised Code; 131293

(b) Additional state aid for special education and related 131294
services under division (A)(2) of section 3317.16 of the Revised 131295
Code; 131296

(c) Economically disadvantaged funds under division (A)(3) of 131297
section 3317.16 of the Revised Code; 131298

(d) Limited English proficiency funds under division (A)(4) 131299
of section 3317.16 of the Revised Code; 131300

(e) Temporary transitional aid under division (A) of this 131301
section. 131302

(6) The Department of Education shall establish, as 131303
necessary, the limitation base of any joint vocational school 131304
district that begins receiving payments under section 3317.16 of 131305
the Revised Code for fiscal year 2018 or fiscal year 2019 but does 131306
not receive such payments for the prior fiscal year. The 131307
Department shall establish any such joint vocational school 131308
district's limitation base as an amount equal to the absolute 131309
value of the sum of the associated adjustments of any local school 131310
district's limitation base under division (B)(6) of the section of 131311
this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 131312
EXEMPTED VILLAGE SCHOOL DISTRICTS." 131313

(7) For fiscal year 2018 and fiscal year 2019, the Department 131314
shall reduce a district's payments under divisions (A)(1), (3), 131315

and (4) of section 3317.16 of the Revised Code proportionately as 131316
necessary in order to comply with this division. If those amounts 131317
are insufficient, the Department shall proportionately reduce a 131318
district's payments under division (A)(2) of section 3317.16 of 131319
the Revised Code. 131320

Section 265.233. CAP OFFSET AMOUNT FOR CITY, LOCAL, AND 131321
EXEMPTED VILLAGE SCHOOL DISTRICTS 131322

(A) For purposes of this section: 131323

(1) A district's "combined state aid for fiscal year 2017" 131324
means the sum of: 131325

(a) The sum of the district's payments for fiscal year 2017 131326
under sections 3317.022 and 3317.0212 of the Revised Code after 131327
any amounts are added or subtracted under Section 263.230 of Am. 131328
Sub. H.B. 64 of the 131st General Assembly; 131329

(b) The district's payments under division (C)(1) of section 131330
5709.92 of the Revised Code for fiscal year 2017. 131331

(2) A district's "combined state aid for fiscal year 2018" 131332
means the sum of: 131333

(a) The sum of the district's payments for fiscal year 2018 131334
under sections 3317.022 and 3317.0212 of the Revised Code after 131335
any amounts are added or subtracted under the section of this act 131336
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 131337
VILLAGE SCHOOL DISTRICTS"; 131338

(b) The district's payments under division (C)(2) of section 131339
5709.92 of the Revised Code for fiscal year 2018. 131340

(3) An "eligible school district" is a city, local, or 131341
exempted village school district that meets both of the following 131342
criteria: 131343

(a) The sum of the amounts calculated for the school district 131344

under section 3317.022 and 3317.0212 of the Revised Code is 131345
limited by division (B)(1) of the section of this act entitled 131346
"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 131347
SCHOOL DISTRICTS" for fiscal year 2018; 131348

(b) The district's combined state aid for fiscal year 2017 131349
minus the district's combined state aid for fiscal year 2018 is 131350
greater than zero. 131351

(B) For fiscal year 2018, the Department of Education shall 131352
compute and pay a cap offset amount to each eligible school 131353
district equal to the lesser of the amounts calculated in 131354
divisions (B)(1) and (2) of this section: 131355

(1) The district's combined state aid for fiscal year 2017 131356
minus the district's combined state aid for fiscal year 2018; 131357

(2) The absolute value of the difference between the sum of 131358
the amounts calculated under sections 3317.022 and 3317.0212 of 131359
the Revised Code for the district before and after application of 131360
the limitation under division (B)(1) of the section of this act 131361
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 131362
VILLAGE SCHOOL DISTRICTS" for fiscal year 2018. 131363

Section 265.240. LITERACY IMPROVEMENT 131364

The foregoing appropriation item 200566, Literacy 131365
Improvement, shall be used by the Department of Education to 131366
support early literacy activities to align state, local, and 131367
federal efforts in order to bolster all students' reading success. 131368
Funds shall be distributed to educational service centers to 131369
establish and support regional literacy professional development 131370
teams. A portion of the funds may be used by the Department for 131371
program administration, monitoring, technical assistance, support, 131372
research, and evaluation. 131373

Section 265.250. ADULT EDUCATION PROGRAMS 131374

The foregoing appropriation item 200572, Adult Education Programs, shall be used in each fiscal year to make payments to institutions participating in the Adult Diploma Pilot Program under section 3313.902 of the Revised Code; to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code; and to pay career-technical planning districts for the amounts reimbursed to students, as prescribed in this section.

Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education for the first time for application fees, examination fees, or both, in excess of \$40, up to a maximum reimbursement per individual of \$80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be reimbursed to the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under section 3313.902 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction.

Of the foregoing appropriation item 200572, Adult Education Programs, a portion may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education.

Section 265.260. EDCHOICE EXPANSION

The foregoing appropriation item 200573, EdChoice Expansion, shall be used to provide for the scholarships awarded under the expansion of the educational choice program established under section 3310.032 of the Revised Code. The number of scholarships awarded under the expansion of the educational choice program shall not exceed the number that can be funded with the appropriations made by the General Assembly for this purpose.

HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

ADAPTIVE SPORTS PROGRAM

The foregoing appropriation item 200576, Adaptive Sports Program, shall be used by the Department of Education, in collaboration with the Adaptive Sports Program of Ohio, to fund adaptive sports programs in school districts across the state.

Section 265.270. EDUCATION PROGRAM SUPPORT

Of the foregoing appropriation item 200597, Education Program Support, \$2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members at select Ohio universities, train and develop first-year and second-year teachers in the Teach for America program in Ohio, and expand alumni support and networking within the state.

Of the foregoing appropriation item 200597, Education Program 131436
Support, \$500,000 in each fiscal year shall be used as matching 131437
funds to support efforts by the Accelerate Great Schools 131438
public-private partnership to increase the number of 131439
high-performing schools in Cincinnati, to attract and develop 131440
excellent school leaders and teachers, and to engage families and 131441
communities in fostering educational improvement. 131442

Of the foregoing appropriation item 200597, Education Program 131443
Support, \$250,000 in each fiscal year shall be distributed to The 131444
Childhood League Center to provide intensive early intervention 131445
and educational services in Franklin County, to support the Play 131446
and Language for Autistic Youngsters (PLAY) Project in underserved 131447
counties, and to provide services and training for providers and 131448
families. 131449

Of the foregoing appropriation item 200597, Education Program 131450
Support, up to \$150,000 in each fiscal year shall be used for a 131451
pilot program to demonstrate that cognitive artificial 131452
intelligence can create a comprehensive learning solution to 131453
improve student performance and reduce academic performance gaps 131454
in a district severely challenged by poverty and other at-risk 131455
demographic factors. 131456

Of the foregoing appropriation item 200597, Education Program 131457
Support, \$50,000 in each fiscal year shall be used to prepare 131458
students for careers in culinary arts and restaurant management 131459
under the Ohio ProStart school restaurant program. 131460

Of the foregoing appropriation item 200597, Education Program 131461
Support, \$100,000 in each fiscal year shall support the Supporting 131462
Partnerships to Assure Ready Kids (SPARK) program in Ohio. 131463

Section 265.280. MEDICAID IN SCHOOLS PROGRAM 131464

The foregoing appropriation item, 657401, Medicaid in Schools 131465

Program, shall be used by the Department of Education to support 131466
the Medicaid in Schools Program. 131467

Section 265.290. HIGH SCHOOL EQUIVALENCY 131468

The foregoing appropriation item 200610, High School 131469
Equivalency, shall be used in conjunction with appropriation item 131470
200572, Adult Education Programs. 131471

Section 265.300. TEACHER CERTIFICATION AND LICENSURE 131472

The foregoing appropriation item 200681, Teacher 131473
Certification and Licensure, shall be used by the Department of 131474
Education in each year of the biennium to administer and support 131475
teacher certification and licensure activities. Notwithstanding 131476
section 3319.51 of the Revised Code, a portion of the foregoing 131477
appropriation may also be used for implementation of teacher and 131478
principal evaluation systems, including incorporation of student 131479
growth as a metric in those systems, and teacher value-added 131480
reports. 131481

Section 265.310. AUXILIARY SERVICES REIMBURSEMENT 131482

Notwithstanding section 3317.064 of the Revised Code, if the 131483
unexpended, unencumbered cash balance is sufficient, the Treasurer 131484
of State shall remit \$1,500,000 in fiscal year 2018 within thirty 131485
days after the effective date of this section, and \$1,500,000 in 131486
fiscal year 2019 by August 1, 2018, from the Auxiliary Services 131487
Personnel Unemployment Compensation Fund to the Auxiliary Services 131488
Reimbursement Fund (Fund 5980) used by the Department of 131489
Education. 131490

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 131491

(A) Of the foregoing appropriation item 200687, School 131492
District Solvency Assistance, \$5,000,000 in each fiscal year shall 131493

be allocated to the School District Shared Resource Account and 131494
\$5,000,000 in each fiscal year shall be allocated to the 131495
Catastrophic Expenditures Account. These funds shall be used to 131496
provide assistance and grants to school districts to enable them 131497
to remain solvent under section 3316.20 of the Revised Code. 131498
Assistance and grants shall be subject to approval by the 131499
Controlling Board. Except as provided under division (C) of this 131500
section, any required reimbursements from school districts for 131501
solvency assistance shall be made to the appropriate account in 131502
the School District Solvency Assistance Fund (Fund 5H30). 131503

(B) Notwithstanding any provision of law to the contrary, 131504
upon the request of the Superintendent of Public Instruction, the 131505
Director of Budget and Management may make transfers to the School 131506
District Solvency Assistance Fund (Fund 5H30) from any fund used 131507
by the Department of Education or the General Revenue Fund to 131508
maintain sufficient cash balances in Fund 5H30 in fiscal years 131509
2018 and 2019. Any cash transferred is hereby appropriated. The 131510
transferred cash may be used by the Department to provide 131511
assistance and grants to school districts to enable them to remain 131512
solvent and to pay unforeseeable expenses of a temporary or 131513
emergency nature that the school district is unable to pay from 131514
existing resources. The Director shall notify the members of the 131515
Controlling Board of any such transfers. 131516

(C) If the cash balance of the School District Solvency 131517
Assistance Fund (Fund 5H30) is insufficient to pay solvency 131518
assistance in fiscal years 2018 and 2019, at the request of the 131519
Superintendent of Public Instruction, and with the approval of the 131520
Controlling Board, the Director of Budget and Management may 131521
transfer cash from the Lottery Profits Education Reserve Fund 131522
(Fund 7018) to Fund 5H30 to provide assistance and grants to 131523
school districts to enable them to remain solvent and to pay 131524
unforeseeable expenses of a temporary nature that they are unable 131525

to pay from existing resources under section 3316.20 of the Revised Code. Such transfers are hereby appropriated to appropriation item 200670, School District Solvency Assistance - Lottery. Any required reimbursements from school districts for solvency assistance granted from appropriation item 200670, School District Solvency Assistance - Lottery, shall be made to Fund 7018.

Section 265.330. LOTTERY PROFITS EDUCATION FUND

The foregoing appropriation item 200612, Foundation Funding, shall be used in conjunction with appropriation item 200550, Foundation Funding, to provide state foundation payments to school districts.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding, and appropriation item 200612, Foundation Funding. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

COMMUNITY CONNECTORS PROGRAM

The foregoing appropriation item 200629, Community Connectors, shall be used by the Superintendent of Public Instruction to create the Community Connectors Grant Program. The Superintendent shall develop guidelines for the grants. The program shall award competitive matching grants to provide funding for local networks of volunteers and organizations to sponsor career advising and mentoring for students in eligible school districts. Each grant award shall match up to three times the funds allocated to the project by the local network. Eligible school districts are those with a high percentage of students in poverty, a high number of students not graduating on time, and

other criteria as determined by the Superintendent. Eligible 131557
school districts shall partner with members of the business 131558
community, civic organizations, or the faith-based community to 131559
provide sustainable career advising and mentoring services. Upon 131560
the request of the Superintendent of Public Instruction and the 131561
approval of the Director of Budget and Management, an amount equal 131562
to the unexpended, unencumbered portion of the foregoing 131563
appropriation item 200629, Community Connectors, at the end of 131564
fiscal year 2018 is hereby reappropriated to the Department for 131565
the same purpose for fiscal year 2019. 131566

Notwithstanding any provision of law to the contrary, grants 131567
awarded under this section may be used by grant recipients for 131568
grant-related expenses for a period not to exceed three years from 131569
the date of the award, according to guidelines established by the 131570
Superintendent. 131571

STRAIGHT A FUND 131572

Of the foregoing appropriation 200648, Straight A Fund, up to 131573
\$500,000 in each fiscal year shall be used for the Bright New 131574
Leaders for Ohio Schools Program. These funds shall be used in 131575
conjunction with the amount earmarked for the Program from the 131576
foregoing appropriation item 200550, Foundation Funding. 131577

The remainder of the foregoing appropriation item 200648, 131578
Straight A Fund, shall be used by the Department to make 131579
competitive grants in accordance with the section of this act 131580
entitled "STRAIGHT A PROGRAM." 131581

COMMUNITY SCHOOL FACILITIES 131582

The foregoing appropriation item 200684, Community School 131583
Facilities, shall be used to pay each community school established 131584
under Chapter 3314. of the Revised Code and each STEM school 131585
established under Chapter 3326. of the Revised Code an amount 131586
equal to \$25 in each fiscal year for each full-time equivalent 131587

pupil in an internet- or computer-based community school and \$200 131588
in each fiscal year for each full-time equivalent pupil in all 131589
other community or STEM schools for assistance with the cost 131590
associated with facilities. If the amount appropriated is not 131591
sufficient, the Department shall prorate the amounts so that the 131592
aggregate amount appropriated is not exceeded. 131593

Section 265.340. STRAIGHT A PROGRAM 131594

(A) The Straight A Program is hereby created for fiscal years 131595
2018 and 2019 to provide grants to city, local, exempted village, 131596
and joint vocational school districts, educational service 131597
centers, community schools established under Chapter 3314., STEM 131598
schools established under Chapter 3326., college-preparatory 131599
boarding schools established under Chapter 3328. of the Revised 131600
Code, individual school buildings, education consortia (which may 131601
represent a partnership among school districts, school buildings, 131602
community schools, STEM schools, institutions of higher education, 131603
educational service centers, county boards of developmental 131604
disabilities that provide special education and related services 131605
to children with disabilities, businesses, nonprofit 131606
organizations, or innovation incubators), institutions of higher 131607
education, and private or governmental entities partnering with 131608
one or more of the educational entities identified in this 131609
division for projects that aim to achieve significant advancement 131610
in one or more of the following goals: 131611

(1) Increased student achievement or, in the case of an 131612
educational service center, increased student achievement in the 131613
educational service center's client school districts or other 131614
schools or school districts that are members of the consortium; 131615

(2) Spending reduction in the five-year fiscal forecast 131616
required under section 5705.391 of the Revised Code or positive 131617
performance on other fiscal measures established by the governing 131618

board created under division (B)(1) of this section for the 131619
purpose of redirecting the cost savings to support educational 131620
programming; 131621

(3) Use of a shared services delivery model that demonstrates 131622
increased efficiency and effectiveness, long-term sustainability, 131623
and scalability; 131624

(4) New career and job pathways for underserved students from 131625
rural and urban areas that enhance access to employment in 131626
high-demand fields, including software and mobile application 131627
development, through innovative programs and partnerships between 131628
schools, institutions of higher education, and employers. 131629

(B)(1) Grants shall be awarded by a nine-member governing 131630
board consisting of the Superintendent of Public Instruction, or 131631
the Superintendent's designee, four members appointed by the 131632
Governor, two members appointed by the Speaker of the House of 131633
Representatives, and two members appointed by the President of the 131634
Senate. The Department of Education shall provide administrative 131635
support to the board. No member shall be compensated for the 131636
member's service on the board. 131637

(2) The board shall select grant advisors with fiscal 131638
expertise, education expertise, workforce development expertise, 131639
and technology or high-demand careers expertise. These advisors 131640
shall evaluate proposals from grant applicants and advise the 131641
staff administering the program. No advisor shall be compensated 131642
for this service. 131643

(3) The board shall issue an annual report to the Governor, 131644
the Speaker of the House of Representatives, the President of the 131645
Senate, and the chairpersons of the House and Senate committees 131646
that primarily deal with education regarding the types of grants 131647
awarded, the grant recipients, and the effectiveness of the grant 131648
program. 131649

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals. The timeline shall include an initial application period of at least sixty days in duration. The board may establish any additional guidelines for applications it considers necessary. The board also shall designate allowable uses of grant funds.

(5) With the approval of the board, the Department of Education shall establish a system for evaluating and scoring the grant applications received under this section.

(6) When determining whether to award grants from among two or more applicants of similar score, as determined by the board, the board shall award grants to applicants that demonstrate cost savings, as reflected in the goal described in division (A)(2) of this section, or demonstrate new career and job pathways for underserved students from rural and urban areas, as reflected in the goal described in division (A)(4) of this section, over applicants that do not demonstrate cost savings or demonstrate new career and job pathways for underserved students from rural and urban areas.

(C) The board may award the following types of grants to achieve one or more of the goals specified in division (A) of this section:

(1) Innovation grants, which shall be used to implement a new idea or modification to existing processes;

(2) Replication grants, which shall be used to replicate a project implemented by an existing or previous grantee that the board has designated as successful and suitable for replication, in accordance with criteria established by the board.

(D) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact; 131681
131682
131683

(2) An explanation of how the project will be self-sustaining. 131684
131685

(3) A description of quantifiable results of the project that can be benchmarked. 131686
131687

(4) If the project is aimed at achieving the goal described in division (A)(2) of this section, a description of the educational programming that the cost savings obtained from the project will be used to support. 131688
131689
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131691

(5) If grant funds will be used to purchase technology, equipment, or other capital assets, an explanation of how the purchase will benefit students and promote their educational success. 131692
131693
131694
131695

If an education consortium described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, STEM school, institution of higher education, or educational service center that is a member of the consortium and shall so indicate on the grant application. In order for an educational service center to be the lead applicant on a grant application, at least one of the educational service center's client school districts shall also be included on the grant application as a member of the consortium. 131696
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(E)(1) The board shall issue a timely decision of "yes," "no," "hold," or "edit" for each application. In making its decision, the board shall consider whether the project has the capability of being replicated in other school districts and schools or creates something that can be used in other districts and schools. A grant awarded under this section shall not exceed \$1,000,000, unless the applicant is an education consortium 131705
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described in division (A) of this section. 131712

(2) If the board issues a "hold" or "edit" decision for an 131713
application, it shall, upon returning the application to the 131714
applicant, specify the process for reconsideration of the 131715
application. An applicant may work with the grant advisors and 131716
staff to modify or improve a grant application. 131717

(F) Upon deciding to award a grant to an applicant, the board 131718
shall enter into a grant agreement with the applicant that 131719
includes all of the following: 131720

(1) The content of the applicant's proposal as outlined under 131721
division (C) of this section; 131722

(2) The project's deliverables and a timetable for their 131723
completion; 131724

(3) Conditions for receiving grant funding, which may include 131725
authority for the applicant to use the first year of the grant for 131726
planning purposes; 131727

(4) Conditions for receiving funding in future years if the 131728
contract is a multi-year contract; 131729

(5) A provision specifying that funding will be returned to 131730
the board if the applicant fails to implement the agreement. 131731

(6) A provision specifying that the agreement may be amended 131732
by mutual agreement between the board and the applicant; 131733

(7) If determined beneficial by the board, designation of an 131734
existing or previous grantee to act as a mentor for the applicant 131735
during the first year of the grant. If so designated, the 131736
agreement shall require the applicant to pay a portion of the 131737
grant to the grantee for serving as a mentor. 131738

(G) Each grant awarded under this section shall be subject to 131739
approval by the Controlling Board prior to execution of the grant 131740
agreement. 131741

(H) As used in this section, "client school district" has the same meaning as in section 3311.0510 of the Revised Code.

(I) At the discretion of the board, a portion of appropriation item 200648, Straight A Fund, may be used by the Department of Education to administer the Straight A Program.

(J) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Straight A Fund governing board.

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2018 and fiscal year 2019.

(C) On July 15, 2017, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,030,000,000 in fiscal year 2017.

(D) On July 15, 2018, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,092,060,000 in fiscal year 2018.

(E) Notwithstanding any provision of law to the contrary, in

fiscal year 2018 and fiscal year 2019, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING

As used in this section, "high-performing educational service center" means an educational service center designated as such pursuant to rule 3301-105-01 of the Administrative Code.

As used in this section, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

In each fiscal year, the Department of Education shall pay the governing board of each high-performing educational service center state funds equal to twenty-five dollars times its student count, and to the governing board of each other center, state funds equal to twenty-three dollars times its student count.

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department shall prorate the payment amounts by reducing the per-pupil amount paid for students in the educational service center's student count attributable to a "big-eight school district," as defined in section 3314.02 of the Revised Code, so that the appropriation is not exceeded.

Notwithstanding any provision of law to the contrary, a school district that has not entered into an agreement for services with an educational service center as of June 30, 2017, shall be prohibited from entering into such an agreement during the period from July 1, 2017, through June 30, 2019.

Section 265.370. On July 1, 2017, or as soon as possible thereafter, the Superintendent of Public Instruction shall certify

to the Director of Budget and Management the unexpended, 131802
unencumbered cash balances of the Neglected and Delinquent 131803
Education Fund (Fund 3090), the Advanced Placement Fund (Fund 131804
3EK0), the Miscellaneous Nutrition Grants Fund (Fund 3GF0), the 131805
School Climate Transformation Fund (Fund 3GP0), the Project Aware 131806
Fund (Fund 3GQ0), the JAVITS Gifted and Talented Students Fund 131807
(Fund 3GZ0), and the Head Start Collaboration Project Fund (Fund 131808
3H90). Upon receipt of certification from the Superintendent, the 131809
Director may transfer the cash balances of those funds to the 131810
Department of Education Federal Education Grants Fund (Fund 3HF0). 131811

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 131812
ASSESSMENT OF EDUCATION PROGRESS 131813

The General Assembly intends for the Superintendent of Public 131814
Instruction to provide for school district participation in the 131815
administration of the National Assessment of Education Progress in 131816
accordance with section 3301.27 of the Revised Code. Each school 131817
and school district selected for participation by the 131818
Superintendent shall participate. 131819

Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 131820
STUDENTS 131821

(A) As used in this section: 131822

(1) "IEP" has the same meaning as in section 3323.01 of the 131823
Revised Code. 131824

(2) "SBH student" means a student receiving special education 131825
and related services for severe behavior disabilities pursuant to 131826
an IEP. 131827

(B) This section applies only to a community school 131828
established under Chapter 3314. of the Revised Code that in each 131829
of fiscal years 2018 and 2019 enrolls a number of SBH students 131830

equal to at least fifty per cent of the total number of students 131831
enrolled in the school in the applicable fiscal year. 131832

(C) In addition to any state foundation payments made, in 131833
each of fiscal years 2018 and 2019, the Department of Education 131834
shall pay to a community school to which this section applies a 131835
subsidy equal to the difference between the aggregate amount 131836
calculated and paid in that fiscal year to the community school 131837
for special education and related services additional weighted 131838
costs for the SBH students enrolled in the school and the 131839
aggregate amount that would have been calculated for the school 131840
for special education and related services additional weighted 131841
costs for those same students in fiscal year 2001. If the 131842
difference is a negative number, the amount of the subsidy shall 131843
be zero. 131844

(D) The amount of any subsidy paid to a community school 131845
under this section shall not be deducted from the school district 131846
in which any of the students enrolled in the community school are 131847
entitled to attend school under section 3313.64 or 3313.65 of the 131848
Revised Code. The amount of any subsidy paid to a community school 131849
under this section shall be paid from funds appropriated to the 131850
Department in appropriation item 200550, Foundation Funding. 131851

Section 265.400. EARMARK ACCOUNTABILITY 131852

At the request of the Superintendent of Public Instruction, 131853
any entity that receives a budget earmark under the Department of 131854
Education shall submit annually to the chairpersons of the 131855
committees of the House of Representatives and the Senate 131856
primarily concerned with education and education funding and to 131857
the Department a report that includes a description of the 131858
services supported by the funds, a description of the results 131859
achieved by those services, an analysis of the effectiveness of 131860
the program, and an opinion as to the program's applicability to 131861

other school districts. For an earmarked entity that received 131862
state funds from an earmark in the prior fiscal year, no funds 131863
shall be provided by the Department to an earmarked entity for a 131864
fiscal year until its report for the prior fiscal year has been 131865
submitted. 131866

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 131867

A community school established under Chapter 3314. of the 131868
Revised Code that was open for operation as a community school as 131869
of May 1, 2005, may operate from or in any home, as defined in 131870
section 3313.64 of the Revised Code, located in the state, 131871
regardless of when the community school's operations from or in a 131872
particular home began. 131873

Section 265.420. USE OF VOLUNTEERS 131874

The Department of Education may utilize the services of 131875
volunteers to accomplish any of the purposes of the Department. 131876
The Superintendent of Public Instruction shall approve for what 131877
purposes volunteers may be used and for these purposes may 131878
recruit, train, and oversee the services of volunteers. The 131879
Superintendent may reimburse volunteers for necessary and 131880
appropriate expenses in accordance with state guidelines and may 131881
designate volunteers as state employees for the purpose of motor 131882
vehicle accident liability insurance under section 9.83 of the 131883
Revised Code, for immunity under section 9.86 of the Revised Code, 131884
and for indemnification from liability incurred in the performance 131885
of their duties under section 9.87 of the Revised Code. 131886

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 131887
REIMBURSEMENTS 131888

(A) Except as expressly required under a court judgment not 131889
subject to further appeals, or a settlement agreement with a 131890

school district executed on or before June 1, 2009, in the case of 131891
a school district for which the formula ADM for fiscal year 2005, 131892
as reported for that fiscal year under division (A) of section 131893
3317.03 of the Revised Code, was reduced based on enrollment 131894
reports for community schools, made under section 3314.08 of the 131895
Revised Code, regarding students entitled to attend school in the 131896
district, which reduction of formula ADM resulted in a reduction 131897
of foundation funding or transitional aid funding for fiscal year 131898
2005, 2006, or 2007, no school district, except a district named 131899
in the court's judgment or the settlement agreement, shall have a 131900
legal claim for reimbursement of the amount of such reduction in 131901
foundation funding or transitional aid funding, and the state 131902
shall not have liability for reimbursement of the amount of such 131903
reduction in foundation funding or transitional aid funding. 131904

(B) As used in this section: 131905

(1) "Community school" means a community school established 131906
under Chapter 3314. of the Revised Code. 131907

(2) "Entitled to attend school" means entitled to attend 131908
school in a school district under section 3313.64 or 3313.65 of 131909
the Revised Code. 131910

(3) "Foundation funding" means payments calculated for the 131911
respective fiscal year under Chapter 3317. of the Revised Code. 131912

(4) "Transitional aid funding" means payments calculated for 131913
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 131914
of the 125th General Assembly, as subsequently amended; Section 131915
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 131916
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 131917
of the 127th General Assembly. 131918

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 131919

In collaboration with the County Family and Children First 131920

Council, a city, local, or exempted village school district, 131921
community school, STEM school, joint vocational school district, 131922
educational service center, or county board of developmental 131923
disabilities that receives allocations from the Department of 131924
Education from appropriation item 200550, Foundation Funding, or 131925
appropriation item 200540, Special Education Enhancements, may 131926
transfer portions of those allocations to a flexible funding pool 131927
authorized by the Section of this act entitled "FAMILY AND 131928
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 131929
maintenance of effort or for federal or state funding matching 131930
requirements shall not be transferred unless the allocation may 131931
still be used to meet such requirements. 131932

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 131933

(A) As used in this section: 131934

(1) The following are "participating residential treatment 131935
centers": 131936

(a) Private residential treatment facilities that have 131937
entered into a contract with the Department of Youth Services to 131938
provide services to children placed at the facility by the 131939
Department and which, in fiscal year 2018 or fiscal year 2019 or 131940
both, the Department pays through appropriation item 470401, 131941
RECLAIM Ohio; 131942

(b) Abraxas, in Shelby; 131943

(c) Paint Creek, in Bainbridge; 131944

(d) F.I.R.S.T., in Mansfield. 131945

(2) "Education program" means an elementary or secondary 131946
education program or a special education program and related 131947
services. 131948

(3) "Served child" means any child receiving an education 131949
program pursuant to division (B) of this section. 131950

(4) "School district responsible for tuition" means a city, 131951
exempted village, or local school district that, if tuition 131952
payment for a child by a school district is required under law 131953
that existed in fiscal year 1998, is the school district required 131954
to pay that tuition. 131955

(5) "Residential child" means a child who resides in a 131956
participating residential treatment center and who is receiving an 131957
educational program under division (B) of this section. 131958

(B) A youth who is a resident of the state and has been 131959
assigned by a juvenile court or other authorized agency to a 131960
residential treatment facility specified in division (A) of this 131961
section shall be enrolled in an approved educational program 131962
located in or near the facility. Approval of the educational 131963
program shall be contingent upon compliance with the criteria 131964
established for such programs by the Department of Education. The 131965
educational program shall be provided by a school district or 131966
educational service center, or by the residential facility itself. 131967
Maximum flexibility shall be given to the residential treatment 131968
facility to determine the provider. In the event that a voluntary 131969
agreement cannot be reached and the residential facility does not 131970
choose to provide the educational program, the educational service 131971
center in the county in which the facility is located shall 131972
provide the educational program at the treatment center to 131973
children under twenty-two years of age residing in the treatment 131974
center. 131975

(C) Any school district responsible for tuition for a 131976
residential child shall, notwithstanding any conflicting provision 131977
of the Revised Code regarding tuition payment, pay tuition for the 131978
child for fiscal year 2018 and fiscal year 2019 to the education 131979
program provider and in the amount specified in this division. If 131980
there is no school district responsible for tuition for a 131981
residential child and if the participating residential treatment 131982

center to which the child is assigned is located in the city, 131983
exempted village, or local school district that, if the child were 131984
not a resident of that treatment center, would be the school 131985
district where the child is entitled to attend school under 131986
sections 3313.64 and 3313.65 of the Revised Code, that school 131987
district, notwithstanding any conflicting provision of the Revised 131988
Code, shall pay tuition for the child for fiscal year 2018 and 131989
fiscal year 2019 under this division unless that school district 131990
is providing the educational program to the child under division 131991
(B) of this section. 131992

A tuition payment under this division shall be made to the 131993
school district, educational service center, or residential 131994
treatment facility providing the educational program to the child. 131995

The amount of tuition paid shall be: 131996

(1) The amount of tuition determined for the district under 131997
division (A) of section 3317.08 of the Revised Code; 131998

(2) In addition, for any student receiving special education 131999
pursuant to an individualized education program as defined in 132000
section 3323.01 of the Revised Code, a payment for excess costs. 132001
This payment shall equal the actual cost to the school district, 132002
educational service center, or residential treatment facility of 132003
providing special education and related services to the student 132004
pursuant to the student's individualized education program, minus 132005
the tuition paid for the child under division (C)(1) of this 132006
section. 132007

A school district paying tuition under this division shall 132008
not include the child for whom tuition is paid in the district's 132009
average daily membership certified under division (A) of section 132010
3317.03 of the Revised Code. 132011

(D) In each of fiscal years 2018 and 2019, the Department of 132012
Education shall reimburse, from appropriations made for the 132013

purpose, a school district, educational service center, or 132014
residential treatment facility, whichever is providing the 132015
service, that has demonstrated that it is in compliance with the 132016
funding criteria for each served child for whom a school district 132017
must pay tuition under division (C) of this section. The amount of 132018
the reimbursement shall be the amount appropriated for this 132019
purpose divided by the full-time equivalent number of children for 132020
whom reimbursement is to be made. 132021

(E) Funds provided to a school district, educational service 132022
center, or residential treatment facility under this section shall 132023
be used to supplement, not supplant, funds from other public 132024
sources for which the school district, service center, or 132025
residential treatment facility is entitled or eligible. 132026

(F) The Department of Education shall track the utilization 132027
of funds provided to school districts, educational service 132028
centers, and residential treatment facilities under this section 132029
and monitor the effect of the funding on the educational programs 132030
they provide in participating residential treatment facilities. 132031
The Department shall monitor the programs for educational 132032
accountability. 132033

Section 265.460. (A) The Superintendent of Public Instruction 132034
may form partnerships with Ohio's business community, including 132035
the Ohio Business Roundtable, to create and implement initiatives 132036
that connect students with the business community in an effort to 132037
increase student engagement and job readiness through internships, 132038
work study, and site-based learning experiences. 132039

(B) If the Superintendent forms a partnership pursuant to 132040
division (A) of this section, the initiatives created and 132041
implemented through that partnership shall do all of the 132042
following: 132043

(1) Support the career connection learning strategies 132044

described in division (B)(2) of section 3301.079 of the Revised Code; 132045
132046

(2) Provide an opportunity for students to earn high school credit toward graduation or to meet curriculum requirements in accordance with divisions (J)(1) and (2) of section 3313.603 of the Revised Code; 132047
132048
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132050

(3) Inform the development of student success plans pursuant to division (C) of section 3313.6020 of the Revised Code. 132051
132052

Section 265.470. The Department of Education shall provide assistance to the State Board of Education for the purposes of updating the statewide plan on subject area competency, including credit by examination, pursuant to division (J)(2) of section 3313.603 of the Revised Code, to reduce barriers to student participation in credit flexibility options. 132053
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Upon completion, the Department shall inform students, parents, and schools of the updated plan. 132059
132060

Section 265.480. The Department of Education shall conduct a study to determine the appropriate amounts of funding for each category and sub-category of students identified as gifted under Chapter 3324. of the Revised Code, as well as the most appropriate method for funding gifted education courses and programs. The study shall include, but not be limited to, costs for effective and appropriate identification, staffing, professional development, technology, materials, and supplies at the district level. The Department shall emphasize adequate funding and delivery of services for smaller, rural school districts, including statewide support needed for this population. 132061
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Not later than May 1, 2018, the Department shall issue a report of its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of 132072
132073
132074

Representatives, the Director and members of the Joint Education 132075
 Oversight Committee, and the members of the primary and secondary 132076
 education committees of the Senate and the House of 132077
 Representatives. 132078

Section 265.490. Upon receipt of federal funds under Title 132079
 IV, Part A, Student Support and Academic Enrichment Grants, and 132080
 after payments are made pursuant to education programs included in 132081
 this block grant program, the Department shall direct any unused 132082
 funds to cover all or part of the cost of Advanced Placement tests 132083
 and International Baccalaureate registration and exam fees for 132084
 low-income students. 132085

Section 267.10. ELC OHIO ELECTIONS COMMISSION 132086

General Revenue Fund 132087

GRF 051321	Operating Expenses	\$	418,613	\$	435,221	132088
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TOTAL GRF	General Revenue Fund	\$	418,613	\$	435,221	132089
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Dedicated Purpose Fund Group 132090

4P20 051601	Operating Support	\$	199,460	\$	199,460	132091
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TOTAL DPF	Dedicated Purpose Fund	\$	199,460	\$	199,460	132092
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	618,073	\$	634,681	132093
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Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 132095

DIRECTORS 132096

Dedicated Purpose Fund Group 132097

4K90 881609	Operating Expenses	\$	791,253	\$	843,973	132098
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TOTAL DPF	Dedicated Purpose Fund	\$	791,253	\$	843,973	132099
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	791,253	\$	843,973	132100
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Section 271.10. PAY EMPLOYEE BENEFITS FUNDS 132102

Fiduciary Fund Group					132103
1240 995673	Payroll Deductions	\$ 760,000,000	\$ 780,000,000		132104
8060 995666	Accrued Leave Fund	\$ 70,000,000	\$ 71,930,634		132105
8070 995667	Disability Fund	\$ 22,136,000	\$ 22,689,000		132106
8080 995668	State Employee Health Benefit Fund	\$ 842,858,402	\$ 926,309,037		132107
8090 995669	Dependent Care Spending Account	\$ 3,406,139	\$ 3,484,478		132108
8100 995670	Life Insurance Investment Fund	\$ 1,632,004	\$ 1,700,545		132109
8110 995671	Parental Leave Benefit Fund	\$ 3,952,606	\$ 4,084,972		132110
8130 995672	Health Care Spending Account	\$ 11,043,565	\$ 11,341,741		132111
TOTAL FID	Fiduciary Fund Group	\$ 1,715,028,716	\$ 1,821,540,407		132112
TOTAL ALL BUDGET FUND GROUPS		\$ 1,715,028,716	\$ 1,821,540,407		132113

Section 271.20. PAYROLL DEDUCTION FUND 132115

The foregoing appropriation item 995673, Payroll Deductions, 132116
shall be used to make payments from the Payroll Deduction Fund 132117
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 132118
is determined by the Director of Budget and Management that 132119
additional amounts are necessary, the amounts are hereby 132120
appropriated. 132121

ACCRUED LEAVE LIABILITY FUND 132122

The foregoing appropriation item 995666, Accrued Leave Fund, 132123
shall be used to make payments from the Accrued Leave Liability 132124
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 132125
If it is determined by the Director of Budget and Management that 132126
additional amounts are necessary, the amounts are hereby 132127
appropriated. 132128

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 132129

The foregoing appropriation item 995667, Disability Fund, 132130
shall be used to make payments from the State Employee Disability 132131
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 132132
Revised Code. If it is determined by the Director of Budget and 132133
Management that additional amounts are necessary, the amounts are 132134
hereby appropriated. 132135

STATE EMPLOYEE HEALTH BENEFIT FUND 132136

The foregoing appropriation item 995668, State Employee 132137
Health Benefit Fund, shall be used to make payments from the State 132138
Employee Health Benefit Fund (Fund 8080) pursuant to section 132139
124.87 of the Revised Code. If it is determined by the Director of 132140
Budget and Management that additional amounts are necessary, the 132141
amounts are hereby appropriated. 132142

DEPENDENT CARE SPENDING FUND 132143

The foregoing appropriation item 995669, Dependent Care 132144
Spending Account, shall be used to make payments from the 132145
Dependent Care Spending Fund (Fund 8090) to employees eligible for 132146
dependent care expenses pursuant to section 124.822 of the Revised 132147
Code. If it is determined by the Director of Budget and Management 132148
that additional amounts are necessary, the amounts are hereby 132149
appropriated. 132150

LIFE INSURANCE INVESTMENT FUND 132151

The foregoing appropriation item 995670, Life Insurance 132152
Investment Fund, shall be used to make payments from the Life 132153
Insurance Investment Fund (Fund 8100) for the costs and expenses 132154
of the state's life insurance benefit program pursuant to section 132155
125.212 of the Revised Code. If it is determined by the Director 132156
of Budget and Management that additional amounts are necessary, 132157
the amounts are hereby appropriated. 132158

PARENTAL LEAVE BENEFIT FUND 132159

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD

General Revenue Fund					132177
GRF 125321 Operating Expenses	\$	3,804,336	\$	3,828,961	132178
TOTAL GRF General Revenue Fund	\$	3,804,336	\$	3,828,961	132179
Dedicated Purpose Fund Group					132180
5720 125603 Training and Publications	\$	141,000	\$	131,000	132181
TOTAL DPF Dedicated Purpose Fund Group	\$	141,000	\$	131,000	132182
TOTAL ALL BUDGET FUND GROUPS	\$	3,945,336	\$	3,959,961	132183

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS

Dedicated Purpose Fund Group					132186
4K90 892609 Operating Expenses	\$	1,123,966	\$	1,227,821	132187

TOTAL DPF Dedicated Purpose Fund Group	\$	1,123,966	\$	1,227,821	132188
TOTAL ALL BUDGET FUND GROUPS	\$	1,123,966	\$	1,227,821	132189
Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY					132191
General Revenue Fund					132192
GRF 715502 Auto Emissions	\$	9,778,253	\$	9,770,800	132193
E-Check Program					
TOTAL GRF General Revenue Fund	\$	9,778,253	\$	9,770,800	132194
Dedicated Purpose Fund Group					132195
4D50 715618 Recycled State Materials	\$	50,000	\$	50,000	132196
4J00 715638 Underground Injection Control	\$	408,004	\$	408,004	132197
4K20 715648 Clean Air - Non Title V	\$	4,205,800	\$	4,896,690	132198
4K30 715649 Solid Waste	\$	13,130,050	\$	13,130,050	132199
4K40 715650 Surface Water Protection	\$	9,990,000	\$	10,705,000	132200
4K50 715651 Drinking Water Protection	\$	7,512,528	\$	7,797,557	132201
4P50 715654 Cozart Landfill	\$	10,000	\$	10,000	132202
4R50 715656 Scrap Tire Management	\$	2,277,786	\$	2,277,786	132203
4R90 715658 Voluntary Action Program	\$	963,847	\$	948,139	132204
4T30 715659 Clean Air - Title V Permit Program	\$	9,860,800	\$	9,944,120	132205
5000 715608 Immediate Removal Special Account	\$	825,710	\$	825,509	132206
5030 715621 Hazardous Waste Facility Management	\$	4,853,470	\$	4,980,458	132207
5050 715623 Hazardous Waste	\$	11,406,593	\$	11,787,426	132208

		Cleanup					
5050	715698	Response and	\$	3,750,000	\$	3,750,000	132209
		Investigations					
5320	715646	Recycling and Litter	\$	4,698,000	\$	4,698,000	132210
		Control					
5410	715670	Site Specific Cleanup	\$	2,283,719	\$	2,285,357	132211
5420	715671	Risk Management	\$	214,826	\$	214,826	132212
		Reporting					
5860	715637	Scrap Tire Market	\$	1,000,000	\$	1,000,000	132213
		Development					
5BC0	715622	Local Air Pollution	\$	1,999,172	\$	1,999,172	132214
		Control					
5BC0	715624	Surface Water	\$	5,731,967	\$	5,731,967	132215
5BC0	715672	Air Pollution Control	\$	6,000,000	\$	6,000,000	132216
5BC0	715673	Drinking and Ground	\$	3,324,235	\$	3,324,235	132217
		Water					
5BC0	715676	Assistance and	\$	1,812,000	\$	1,862,000	132218
		Prevention					
5BC0	715677	Laboratory	\$	2,500,000	\$	2,500,000	132219
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	132220
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	132221
		Agencies					
5BC0	715692	Administration	\$	13,302,000	\$	13,302,000	132222
5BC0	715694	Environmental	\$	100,000	\$	100,000	132223
		Resource Coordination					
5BT0	715679	C&DD Groundwater	\$	320,000	\$	320,000	132224
		Monitoring					
5BY0	715681	Auto Emissions Test	\$	1,344,450	\$	1,367,016	132225
5H40	715664	Groundwater Support	\$	302,489	\$	302,489	132226
5PZ0	715696	Drinking Water Loan	\$	800,000	\$	800,000	132227
		Fee					
5Y30	715685	Surface Water	\$	500,000	\$	500,000	132228
		Improvement					

6440	715631	Emergency Response	\$	332,403	\$	352,430	132229
		Radiological Safety					
6760	715642	Water Pollution	\$	2,137,237	\$	2,061,832	132230
		Control Loan					
		Administration					
6760	715699	Water Quality	\$	2,725,000	\$	2,725,000	132231
		Administration					
6780	715635	Air Toxic Release	\$	133,636	\$	76,437	132232
6790	715636	Emergency Planning	\$	2,747,391	\$	2,747,391	132233
6960	715643	Air Pollution Control	\$	950,400	\$	1,001,800	132234
		Administration					
6990	715644	Water Pollution	\$	750,000	\$	457,100	132235
		Control					
		Administration					
6A10	715645	Environmental	\$	1,100,000	\$	1,100,000	132236
		Education					
TOTAL DPF Dedicated Purpose Fund			\$	128,120,391	\$	130,106,669	132237
Group							
Internal Service Activity Fund Group							132238
1990	715602	Laboratory Services	\$	705,239	\$	705,239	132239
2190	715604	Central Support	\$	6,814,000	\$	6,858,000	132240
		Indirect					
4A10	715640	Operating Expenses	\$	1,350,000	\$	1,350,000	132241
TOTAL ISA Internal Service Activity			\$	8,869,239	\$	8,913,239	132242
Fund Group							
Capital Projects Fund Group							132243
5S10	715607	Clean Ohio	\$	363,700	\$	0	132244
		Revitalization					
		Operating					
TOTAL CPF Capital Projects Fund			\$	363,700	\$	0	132245
Group							
Federal Fund Group							132246

3530	715612	Public Water Supply	\$	2,113,020	\$	2,113,020	132247
3570	715619	Air Pollution Control	\$	6,140,203	\$	6,140,203	132248
		- Federal					
3620	715605	Underground Injection	\$	102,859	\$	102,859	132249
		Control - Federal					
3BU0	715684	Water Quality	\$	14,183,989	\$	14,183,989	132250
		Protection					
3CS0	715688	Federal NRD	\$	200,000	\$	200,000	132251
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	2,900,000	\$	2,900,000	132252
		Operating					
3F30	715632	Federally Supported	\$	5,250,000	\$	5,250,000	132253
		Cleanup and Response					
3T30	715669	Drinking Water State	\$	2,809,470	\$	2,809,470	132254
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	450,000	\$	450,000	132255
TOTAL FED		Federal Fund Group	\$	34,149,541	\$	34,149,541	132256
TOTAL ALL BUDGET FUND GROUPS			\$	181,281,124	\$	182,940,249	132257

Section 277.20. AREAWIDE PLANNING AGENCIES 132259

The Director of Environmental Protection Agency may award 132260
grants from appropriation item 715687, Areawide Planning Agencies, 132261
to areawide planning agencies engaged in areawide water quality 132262
management and planning activities in accordance with Section 208 132263
of the "Federal Clean Water Act," 33 U.S.C. 1288. 132264

CASH TRANSFER TO THE TITLE V CLEAN AIR FUND FROM THE SMALL 132265
BUSINESS ASSISTANCE FUND 132266

On July 1, 2017, or as soon as possible thereafter, the 132267
Director of Budget and Management may transfer \$1,500,000 cash 132268
from the Small Business Assistance Fund (Fund 5A00) used by the 132269
Air Quality Development Authority to the Title V Clean Air Fund 132270
(Fund 4T30) used by the Environmental Protection Agency. 132271

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP 132272
TIRE MANAGEMENT FUND 132273

The Director of Budget and Management, in consultation with 132274
the Director of Environmental Protection, shall establish a 132275
schedule of cash transfers totaling up to \$3,000,000 from the 132276
Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test 132277
Fund (Fund 5BY0) during the period from July 1, 2017, to June 30, 132278
2019. 132279

TRANSFER OF ASBESTOS ABATEMENT LICENSURE AND CERTIFICATION 132280
PROGRAM 132281

On January 1, 2018, the Asbestos Abatement Licensure and 132282
Certification Program is transferred from the Department of Health 132283
to the Environmental Protection Agency. For the purposes of the 132284
transfer, all of the following apply: 132285

(A) All rules, orders, and determinations of the Department 132286
related to the Program shall continue in effect as the rules, 132287
orders, and determinations of the Agency until rules for the 132288
Program are adopted and become effective for the Agency. If 132289
necessary to ensure the integrity of the numbering system of the 132290
Administrative Code, the Director of the Legislative Service 132291
Commission shall renumber the rules to reflect their transfer to 132292
the Agency. 132293

Any licenses, certificates, permits, registrations, 132294
approvals, or endorsements issued before January 1, 2018, by the 132295
Department of Health related to the Program shall continue in 132296
effect as if issued by the Agency. 132297

(B) Any business commenced but not completed by the Director 132298
of Health relating to the Program on the effective date of the 132299
amendment of the statutes governing the Program by this act shall 132300
be completed by the Director of Environmental Protection. Any 132301
validation, cure, right, privilege, remedy, obligation, or 132302

liability is not lost or impaired solely by reason of the transfer 132303
required by this act and shall be administered by the Director of 132304
Environmental Protection in accordance with this act. 132305

(C) All of the orders and determinations of the Director of 132306
Health relating to the Program continue in effect as orders and 132307
determinations of the Director of Environmental Protection until 132308
modified or rescinded by the Director of Environmental Protection. 132309

(D) Subject to the layoff provisions of sections 124.321 to 132310
124.328 of the Revised Code or the applicable collective 132311
bargaining agreement, all of the employees of the Department of 132312
Health working full-time for the Program are transferred to the 132313
Agency and retain their same positions. The Director of 132314
Environmental Protection may assign, reassign, classify, 132315
reclassify, transfer, reduce, promote, or demote any employees 132316
transferred from the Department who are not subject to Chapter 132317
4117. of the Revised Code. 132318

Any employment records and actions, including personnel 132319
actions, disciplinary actions, performance improvement plans, and 132320
performance evaluations transfer with the employee. Absent 132321
authorization from the employee, the Department is not to transfer 132322
to the Agency any medical documentation regarding the employee in 132323
its possession. These employees will be subject to the policies, 132324
procedures, and work rules of the Agency. 132325

(E) All equipment and assets relating to the Program are 132326
transferred from the Department to the Agency. 132327

(F) Whenever the Department or Director of Health, in 132328
relation to the Program, is referred to in any law, contract, or 132329
other document, the reference shall be deemed to refer to the 132330
Agency or its Director, whichever is appropriate in context. 132331

(G) Any action or proceeding pending on the effective date of 132332
the amendment of the statutes governing the Program by this act is 132333

not affected by the transfer of the functions of that Program by 132334
this act and shall be prosecuted or defended in the name of the 132335
Director of Environmental Protection or the Agency, whichever is 132336
appropriate in context. In all such actions and proceedings, the 132337
Director of Environmental Protection or the Agency, whichever is 132338
appropriate in context, upon application to the court, shall be 132339
substituted as a party. 132340

(H) The Directors of Health and Environmental Protection may 132341
enter into a memorandum of understanding in order to facilitate 132342
the transfer of the Program. 132343

(I) On January 1, 2018, or as soon as possible thereafter, 132344
the Director of Budget and Management may transfer up to \$400,000 132345
cash from the General Operations Fund (Fund 4700) used by the 132346
Department to the Non-Title V Clean Air Fund (Fund 4K20) created 132347
in section 3704.035 of the Revised Code and used by the Agency. 132348
Upon completion of the transfer, the Director of Budget and 132349
Management shall cancel any existing encumbrances against Fund 132350
4700 appropriation item 440647, Fee Supported Programs, related to 132351
the Program, and reestablish them against Fund 4K20, appropriation 132352
item 715648, Clean Air - Non-Title V. The reestablished 132353
encumbrance amounts are hereby appropriated. 132354

CLEAN OHIO REVITALIZATION OPERATING 132355

On July 1, 2018, or as soon as possible thereafter, the 132356
Director of Environmental Protection may request that the Director 132357
of Budget and Management reappropriate any unexpended, 132358
unencumbered balance of the prior fiscal year's appropriation to 132359
the foregoing appropriation item 715607, Clean Ohio Revitalization 132360
Operating, for fiscal year 2019. The Director of Budget and 132361
Management may request additional information necessary for 132362
evaluating the request, and the Director of Environmental 132363
Protection shall provide the requested information to the Director 132364
of Budget and Management. Based on the information provided by the 132365

Director of Environmental Protection, the Director of Budget and 132366
 Management shall determine the amount to be reappropriated, and 132367
 those amounts are hereby reappropriated for fiscal year 2019. 132368

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 132369

General Revenue Fund 132370

GRF 172321 Operating Expenses \$ 611,308 \$ 611,308 132371

TOTAL GRF General Revenue Fund \$ 611,308 \$ 611,308 132372

TOTAL ALL BUDGET FUND GROUPS \$ 611,308 \$ 611,308 132373

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 132375

General Revenue Fund 132376

GRF 935401 Statehouse News \$ 319,665 \$ 319,665 132377

Bureau

GRF 935402 Ohio Government \$ 1,430,308 \$ 1,430,308 132378

Telecommunications

Services

GRF 935410 Content Development, \$ 3,897,738 \$ 3,897,738 132379

Acquisition, and

Distribution

GRF 935430 Broadcast Education \$ 3,736,111 \$ 3,736,111 132380

Operating

TOTAL GRF General Revenue Fund \$ 9,383,822 \$ 9,383,822 132381

Dedicated Purpose Fund Group 132382

5FK0 935608 Media Services \$ 95,000 \$ 95,000 132383

TOTAL DPF Dedicated Purpose Fund \$ 95,000 \$ 95,000 132384

Group

Internal Service Activity Fund Group 132385

4F30 935603 Affiliate Services \$ 4,000 \$ 4,000 132386

4T20 935605 Government \$ 7,000 \$ 7,000 132387

Television/Telecommunications

Operating

TOTAL ISA Internal Service Activity				132388	
Fund Group	\$	11,000	\$	11,000	132389
TOTAL ALL BUDGET FUND GROUPS	\$	9,489,822	\$	9,489,822	132390

Section 281.20. STATEHOUSE NEWS BUREAU 132392

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 132393
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 132396

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 132397
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 132404

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. 132405
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132408
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Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$992,978 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. The programming shall be targeted to the needs of the one-third lowest capacity school districts as determined by the district's state share index calculated by the Department of Education. 132410
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Of the foregoing appropriation item 935410, Content 132419
 Development, Acquisition, and Distribution, up to \$2,614,284 in 132420
 each fiscal year shall be distributed by the Broadcast Educational 132421
 Media Commission to Ohio's qualified public educational television 132422
 stations and educational radio stations to support their 132423
 operations. The funds shall be distributed pursuant to an 132424
 allocation formula used by the Ohio Educational Telecommunications 132425
 Network Commission unless a substitute formula is developed by the 132426
 Broadcast Educational Media Commission in consultation with Ohio's 132427
 qualified public educational television stations and educational 132428
 radio stations. 132429

Of the foregoing appropriation item 935410, Content 132430
 Development, Acquisition, and Distribution, up to \$290,476 in each 132431
 fiscal year shall be distributed by the Broadcast Educational 132432
 Media Commission to Ohio's qualified radio reading services to 132433
 support their operations. The funds shall be distributed pursuant 132434
 to an allocation formula used by the Ohio Educational 132435
 Telecommunications Network Commission unless a substitute formula 132436
 is developed by the Broadcast Educational Media Commission in 132437
 consultation with Ohio's qualified radio reading services. 132438

Section 283.10. ETH OHIO ETHICS COMMISSION 132439

General Revenue Fund				132440
GRF 146321 Operating Expenses	\$	1,435,386	\$ 1,698,446	132441
TOTAL GRF General Revenue Fund	\$	1,435,386	\$ 1,698,446	132442
Dedicated Purpose Fund Group				132443
4M60 146601 Operating Support	\$	862,026	\$ 650,000	132444
TOTAL DPF Dedicated Purpose Fund	\$	862,026	\$ 650,000	132445
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	2,297,412	\$ 2,348,446	132446

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 132448

General Revenue Fund					132449
GRF 723403 Junior Fair Subsidy	\$	375,000	\$	375,000	132450
TOTAL GRF General Revenue Fund	\$	375,000	\$	375,000	132451
Dedicated Purpose Fund Group					132452
4N20 723602 Ohio State Fair	\$	375,000	\$	375,000	132453
Harness Racing					
5060 723601 Operating Expenses	\$	14,413,166	\$	14,913,166	132454
5060 723604 Grounds Maintenance	\$	300,000	\$	300,000	132455
and Repairs					
TOTAL DPF Dedicated Purpose Fund	\$	15,088,166	\$	15,588,166	132456
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	15,463,166	\$	15,963,166	132457
STATE FAIR RESERVE					132458
The General Manager of the Expositions Commission, in					132459
consultation with the Director of Budget and Management, may					132460
submit a request to the Controlling Board to use available amounts					132461
in the State Fair Reserve Fund (Fund 6400) if revenues from either					132462
the 2017 or the 2018 Ohio State Fair are unexpectedly low.					132463
On July 1 of each fiscal year, or as soon as possible					132464
thereafter, the Director of Budget and Management, in consultation					132465
with the General Manager of the Expositions Commission, may					132466
determine that the Ohio Expositions Fund (Fund 5060) has a cash					132467
balance in excess of the anticipated operating costs of the					132468
Exposition Commission in that fiscal year. Notwithstanding section					132469
991.04 of the Revised Code, the Director of Budget and Management					132470
may transfer an amount up to the excess cash from Fund 5060 to					132471
Fund 6400 in each fiscal year.					132472
GROUPS MAINTENANCE AND REPAIRS					132473
The foregoing appropriation item 723604, Grounds Maintenance					132474
and Repairs, shall be used for maintenance and repairs on the					132475
grounds of the Ohio Expo Center.					132476

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION				132477
General Revenue Fund				132478
GRF	230321	Operating Expenses	\$ 6,500,000 \$ 6,500,000	132479
GRF	230401	Cultural Facilities	\$ 30,500,000 \$ 32,431,200	132480
Lease Rental Bond Payments				
GRF	230458	State Construction Management Services	\$ 1,750,000 \$ 1,500,000	132481
GRF	230908	Common Schools General Obligation Bond Debt Service	\$ 373,134,900 \$ 402,025,700	132482
TOTAL GRF	General Revenue Fund		\$ 411,884,900 \$ 442,456,900	132483
Internal Service Activity Fund Group				132484
1310	230639	State Construction Management Operations	\$ 8,500,000 \$ 8,750,000	132485
TOTAL ISA	Internal Service Activity Fund Group		\$ 8,500,000 \$ 8,750,000	132486
TOTAL ALL BUDGET FUND GROUPS			\$ 420,384,900 \$ 451,206,900	132487
Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND				132489
PAYMENTS				132490
The foregoing appropriation item 230401, Cultural Facilities				132491
Lease Rental Bond Payments shall be used to meet all payments				132492
during the period from July 1, 2017, through June 30, 2019, by the				132493
Ohio Facilities Construction Commission under the primary leases				132494
and agreements for cultural and sports facilities made under				132495
Chapters 152. and 154. of the Revised Code. These appropriations				132496
are the source of funds pledged for bond service charges on				132497
related obligations issued under Chapters 152. and 154. of the				132498
Revised Code.				132499
COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE				132500

The foregoing appropriation item 230908, Common Schools 132501
General Obligation Bond Debt Service, shall be used to pay all 132502
debt service and related financing costs during the period from 132503
July 1, 2017, through June 30, 2019, on obligations issued under 132504
sections 151.01 and 151.03 of the Revised Code. 132505

Section 287.30. COMMUNITY PROJECT ADMINISTRATION 132506

The foregoing appropriation item 230458, State Construction 132507
Management Services, shall be used by the Ohio Facilities 132508
Construction Commission in administering Cultural and Sports 132509
Facilities Building Fund (Fund 7030) projects pursuant to section 132510
123.201 of the Revised Code. 132511

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 132512

At the request of the Executive Director of the Ohio 132513
Facilities Construction Commission, the Director of Budget and 132514
Management may cancel encumbrances for school district projects 132515
from a previous biennium if the district has not raised its local 132516
share of project costs within thirteen months of receiving 132517
Controlling Board approval under section 3318.05 or 3318.41 of the 132518
Revised Code. The Executive Director of the Ohio Facilities 132519
Construction Commission shall certify the amounts of the canceled 132520
encumbrances to the Director of Budget and Management on a 132521
quarterly basis. The amounts of the canceled encumbrances are 132522
hereby appropriated. 132523

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 132524
APPROPRIATIONS 132525

On July 1, 2017, or as soon as possible thereafter, the 132526
Executive Director of the Ohio Facilities Construction Commission 132527
shall certify to the Director of Budget and Management the amount 132528
of cash receipts and related investment income, irrevocable 132529
letters of credit from a bank, or certification of the 132530

availability of funds that have been received from a county or a 132531
municipal corporation for deposit into the Capital Donations Fund 132532
(Fund 5A10) and that are related to an anticipated project. These 132533
amounts are hereby appropriated to appropriation item C37146, 132534
Capital Donations. Prior to certifying these amounts to the 132535
Director, the Executive Director shall make a written agreement 132536
with the participating entity on the necessary cash flows required 132537
for the anticipated construction or equipment acquisition project. 132538

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 132539
MAINTENANCE LEVY 132540

The Ohio Facilities Construction Commission shall amend the 132541
project agreement between the Commission and a school district 132542
that is participating in the Accelerated Urban School Building 132543
Assistance Program on the effective date of this section, if the 132544
Commission determines that it is necessary to do so in order to 132545
comply with division (B)(3)(c) of section 3318.38 of the Revised 132546
Code. 132547

Section 287.60. Notwithstanding any other provision of law to 132548
the contrary, the Ohio Facilities Construction Commission may 132549
determine the amount of funding available for disbursement in a 132550
given fiscal year for any project approved under sections 3318.01 132551
to 3318.20 of the Revised Code in order to keep aggregate state 132552
capital spending within approved limits and may take actions 132553
including, but not limited to, determining the schedule for design 132554
or bidding of approved projects, to ensure appropriate and 132555
supportable cash flow. 132556

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 132557
DISTRICT 132558

Notwithstanding division (B) of section 3318.40 of the 132559
Revised Code, the Ohio Facilities Construction Commission may 132560

provide assistance to at least one joint vocational school 132561
 district each fiscal year for the acquisition of classroom 132562
 facilities in accordance with sections 3318.40 to 3318.45 of the 132563
 Revised Code. 132564

Section 289.10. GOV OFFICE OF THE GOVERNOR 132565

General Revenue Fund 132566

GRF 040321	Operating Expenses	\$	2,894,068	\$	2,894,068	132567
TOTAL GRF	General Revenue Fund	\$	2,894,068	\$	2,894,068	132568

Internal Service Activity Fund Group 132569

5AK0 040607	Government Relations	\$	313,870	\$	313,870	132570
TOTAL ISA	Internal Service Activity					132571
Fund Group		\$	313,870	\$	313,870	132572
TOTAL ALL BUDGET FUND GROUPS		\$	3,207,938	\$	3,207,938	132573

GOVERNMENT RELATIONS 132574

A portion of the foregoing appropriation item 040607, 132575
 Government Relations, may be used to support Ohio's membership in 132576
 national or regional associations. 132577

The Office of the Governor may charge any state agency of the 132578
 executive branch using an intrastate transfer voucher such amounts 132579
 necessary to defray the costs incurred for the conduct of 132580
 governmental relations associated with issues that can be 132581
 attributed to the agency. Amounts collected shall be deposited in 132582
 the Government Relations Fund (Fund 5AK0). 132583

Section 291.10. DOH DEPARTMENT OF HEALTH 132584

General Revenue Fund 132585

GRF 440413	Local Health	\$	1,500,000	\$	1,500,000	132586
	Departments					
GRF 440416	Mothers and Children	\$	4,361,595	\$	4,361,595	132587
	Safety Net Services					

GRF 440431	Free Clinic Safety Net Services	\$	430,766	\$	430,766	132588
GRF 440438	Breast and Cervical Cancer Screening	\$	648,695	\$	648,695	132589
GRF 440444	AIDS Prevention and Treatment	\$	2,489,621	\$	3,489,621	132590
GRF 440451	Public Health Laboratory	\$	3,700,430	\$	3,700,430	132591
GRF 440452	Child and Family Health Services Match	\$	589,938	\$	589,938	132592
GRF 440453	Health Care Quality Assurance	\$	5,110,548	\$	5,110,548	132593
GRF 440454	Environmental Health/Radiation Protection	\$	1,191,289	\$	1,191,289	132594
GRF 440459	Help Me Grow	\$	20,289,198	\$	20,289,198	132595
GRF 440465	FQHC Primary Care Workforce Initiative	\$	2,381,749	\$	2,381,749	132596
GRF 440472	Alcohol Testing	\$	950,000	\$	950,000	132597
GRF 440473	Tobacco Prevention Cessation and Enforcement	\$	1,000,000	\$	1,000,000	132598
GRF 440474	Infant Vitality	\$	7,009,938	\$	7,009,938	132599
GRF 440477	Emergency Preparation and Response	\$	1,970,000	\$	1,970,000	132600
GRF 440482	Chronic Disease/Health Promotion	\$	3,725,984	\$	3,725,984	132601
GRF 440483	Infectious Disease Prevention and Control	\$	5,081,659	\$	5,081,659	132602
GRF 440505	Medically Handicapped Children	\$	10,512,451	\$	10,512,451	132603
GRF 440507	Targeted Health Care Services-Over 21	\$	1,074,058	\$	1,074,058	132604

GRF 654453	Medicaid - Health Care	\$	3,644,500	\$	3,644,500	132605
	Quality Assurance					
TOTAL GRF	General Revenue Fund	\$	77,662,419	\$	78,662,419	132606
	Highway Safety Fund Group					132607
4T40 440603	Child Highway Safety	\$	300,000	\$	300,000	132608
TOTAL HSF	Highway Safety Fund Group	\$	300,000	\$	300,000	132609
	Dedicated Purpose Fund Group					132610
4700 440647	Fee Supported	\$	26,630,900	\$	26,678,120	132611
	Programs					
4710 440619	Certificate of Need	\$	878,433	\$	878,433	132612
4730 440622	Lab Operating	\$	6,900,000	\$	6,900,000	132613
	Expenses					
4770 440627	Medically Handicapped	\$	2,500,000	\$	2,500,000	132614
	Children Audit					
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039	132615
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$	1,032,824	132616
	Control					
4G00 440636	Heirloom Birth	\$	15,000	\$	15,000	132617
	Certificate					
4G00 440637	Birth Certificate	\$	15,000	\$	15,000	132618
	Surcharge					
4L30 440609	HIV Care and	\$	17,500,000	\$	17,500,000	132619
	Miscellaneous					
	Expenses					
4P40 440628	Ohio Physician Loan	\$	700,000	\$	700,000	132620
	Repayment					
4V60 440641	Save Our Sight	\$	2,750,000	\$	2,750,000	132621
5B50 440616	Quality, Monitoring,	\$	736,194	\$	736,194	132622
	and Inspection					
5BX0 440656	Tobacco Use	\$	4,500,000	\$	4,500,000	132623
	Prevention					
5CN0 440645	Choose Life	\$	150,000	\$	60,000	132624

5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	132625
5ED0	440651	Smoke Free Indoor Air	\$	500,000	\$	500,000	132626
5G40	440639	Adoption Services	\$	20,000	\$	20,000	132627
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000	132628
5QH0	440661	Dental Hygienist Resource Shortage Area	\$	5,000	\$	5,000	132629
5QJ0	440662	Dental Hygienist Loan Repayments	\$	135,000	\$	135,000	132630
5SH0	440520	Children's Wish Grant Program	\$	150,000	\$	150,000	132631
5Z70	440624	Ohio Dentist Loan Repayment	\$	200,000	\$	200,000	132632
6100	440626	Radiation Emergency Response	\$	1,210,000	\$	1,300,000	132633
6660	440607	Medically Handicapped Children - County Assessments	\$	21,739,617	\$	21,739,617	132634
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000	132635
TOTAL DPF		Dedicated Purpose Fund Group	\$	92,929,007	\$	92,976,227	132636
		Internal Service Activity Fund Group					132637
1420	440646	Agency Health Services	\$	3,750,000	\$	3,750,000	132638
2110	440613	Central Support Indirect Costs	\$	25,000,000	\$	25,000,000	132639
TOTAL ISA		Internal Service Activity Fund Group	\$	28,750,000	\$	28,750,000	132640
		Holding Account Fund Group					132641
R014	440631	Vital Statistics	\$	44,986	\$	44,986	132642
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	132643

		Reconciliation, and				
		Audit Settlements				
TOTAL HLD	Group	Holding Account Fund	\$	64,986	\$	64,986 132644
Federal Fund Group						132645
3200 440601	Maternal Child Health	Block Grant	\$	23,500,000	\$	23,500,000 132646
3870 440602	Preventive Health	Block Grant	\$	8,000,000	\$	8,000,000 132647
3890 440604	Women, Infants, and	Children	\$	230,000,000	\$	230,000,000 132648
3910 440606	Medicare Survey and	Certification	\$	16,000,000	\$	16,000,000 132649
3920 440618	Federal Public Health	Programs	\$	88,198,791	\$	88,198,791 132650
3GD0 654601	Medicaid Program	Support	\$	23,630,029	\$	24,340,949 132651
3GN0 440660	Public Health	Emergency Preparedness	\$	25,000,000	\$	25,000,000 132652
TOTAL FED	Federal Fund Group		\$	414,328,820	\$	415,039,740 132653
TOTAL ALL BUDGET FUND GROUPS			\$	614,035,232	\$	615,793,372 132654

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 132656

Of the foregoing appropriation item 440416, Mothers and 132657
 Children Safety Net Services, \$200,000 in each fiscal year shall 132658
 be used to assist families with hearing impaired children under 132659
 twenty-one years of age in purchasing hearing aids and hearing 132660
 assistive technology. The Director of Health shall adopt rules 132661
 governing the distribution of these funds, including rules that do 132662
 both of the following: (1) establish eligibility criteria to 132663
 include families with incomes at or below four hundred per cent of 132664
 the federal poverty guidelines as defined in section 5101.46 of 132665

the Revised Code, and (2) develop a sliding scale of disbursements 132666
under this section based on family income. The Director may adopt 132667
other rules as necessary to implement this section. Rules adopted 132668
under this section shall be adopted in accordance with Chapter 132669
119. of the Revised Code. 132670

AIDS PREVENTION AND TREATMENT 132671

The foregoing appropriation item 440444, AIDS Prevention and 132672
Treatment, shall be used to administer educational and other 132673
prevention initiatives. 132674

FQHC PRIMARY CARE WORKFORCE INITIATIVE 132675

The foregoing appropriation item 440465, FQHC Primary Care 132676
Workforce Initiative, shall be provided to the Ohio Association of 132677
Community Health Centers to administer the FQHC Primary Care 132678
Workforce Initiative. The Initiative shall provide medical, 132679
dental, behavioral health, physician assistant, and advanced 132680
practice nursing students with clinical rotations through 132681
federally qualified health centers. 132682

TOBACCO PREVENTION CESSATION AND ENFORCEMENT 132683

Of the foregoing appropriation item 440473, Tobacco 132684
Prevention Cessation and Enforcement, \$500,000 in each fiscal year 132685
shall be used to award grants in accordance with the section of 132686
this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 132687

INFANT VITALITY 132688

The foregoing appropriation item 440474, Infant Vitality, 132689
shall be used to fund a multi-pronged population health approach 132690
to address infant mortality. This approach may include the 132691
following: increasing awareness; supporting data collection; 132692
analysis and interpretation to inform decision-making and ensure 132693
accountability; targeting resources where the need is greatest; 132694
and implementing quality improvement science and programming that 132695

is evidence-based or based on emerging practices. Measurable 132696
interventions may include activities related to safe sleep, 132697
community engagement, Centering Pregnancy, newborn screening, safe 132698
birth spacing, gestational diabetes, smoking cessation, 132699
breastfeeding, care coordination, and progesterone. 132700

EMERGENCY PREPARATION AND RESPONSE 132701

The foregoing appropriation item 440477, Emergency 132702
Preparation and Response, shall be used to support public health 132703
emergency preparedness and response efforts at the state level or 132704
at a regional sub-level within the state, and may also be used to 132705
support data infrastructure projects related to public health 132706
emergency preparedness/response. 132707

CHRONIC DISEASE/HEALTH PROMOTION 132708

Of the foregoing appropriation item 440482, Chronic 132709
Disease/Health Promotion, \$250,000 in each fiscal year shall be 132710
made available to organizations that are exempt from federal 132711
income taxation under section 501(c)(3) of the Internal Revenue 132712
Code of 1986, as amended, that are providing the Diabetes 132713
Prevention Program. The Diabetes Prevention Program means the 132714
evidence-based program recognized by the U.S. Centers for Disease 132715
Control and Prevention that has been proven to prevent or delay 132716
the onset of type 2 diabetes by fifty per cent. An organization 132717
meeting the criteria may receive up to \$40,000 per year to assist 132718
in the expansion of the Diabetes Prevention Program to additional 132719
communities in the state. 132720

TARGETED HEALTH CARE SERVICES-OVER 21 132721

The foregoing appropriation item 440507, Targeted Health Care 132722
Services-Over 21, shall be used to administer the Cystic Fibrosis 132723
Program and to implement the Hemophilia Insurance Premium Payment 132724
Program. The Department of Health shall expend \$100,000 in each 132725
fiscal year to implement the Hemophilia Insurance Premium Payment 132726

Program.	132727
The foregoing appropriation item 440507, Targeted Health Care	132728
Services-Over 21, shall also be used to provide essential	132729
medications and to pay the copayments for drugs approved by the	132730
Department of Health and covered by Medicare Part D that are	132731
dispensed to Bureau for Children with Medical Handicaps (BCMH)	132732
participants for the Cystic Fibrosis Program.	132733
The Department shall expend all of these funds.	132734
FEE SUPPORTED PROGRAMS	132735
Of the foregoing appropriation item 440647, Fee Supported	132736
Programs, \$2,160,000 in each fiscal year shall be used to	132737
distribute subsidies to local health departments on a per capita	132738
basis.	132739
CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE CENTRAL	132740
SUPPORT INDIRECT COSTS FUND	132741
On July 1, 2018, or as soon as possible thereafter, the	132742
Director of Budget and Management may transfer up to \$400,000 cash	132743
from the General Operations Fund (Fund 4700) to the Central	132744
Support Indirect Costs Fund (Fund 2110). Any transferred cash is	132745
hereby appropriated.	132746
MEDICALLY HANDICAPPED CHILDREN AUDIT	132747
The Medically Handicapped Children Audit Fund (Fund 4770)	132748
shall receive revenue from audits of hospitals and recoveries from	132749
third-party payers. Moneys may be expended for payment of audit	132750
settlements and for costs directly related to obtaining recoveries	132751
from third-party payers and for encouraging Medically Handicapped	132752
Children's Program recipients to apply for third-party benefits.	132753
Moneys also may be expended for payments for diagnostic and	132754
treatment services on behalf of medically handicapped children, as	132755
defined in division (A) of section 3701.022 of the Revised Code,	132756

and Ohio residents who are twenty-one or more years of age and who 132757
are suffering from cystic fibrosis or hemophilia. Moneys may also 132758
be expended for administrative expenses incurred in operating the 132759
Medically Handicapped Children's Program. 132760

GENETICS SERVICES 132761

The foregoing appropriation item 440608, Genetics Services, 132762
shall be used by the Department of Health to administer programs 132763
authorized by sections 3701.501 and 3701.502 of the Revised Code. 132764
None of these funds shall be used to counsel or refer for 132765
abortion, except in the case of a medical emergency. 132766

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 132767

The foregoing appropriation item 440607, Medically 132768
Handicapped Children - County Assessments, shall be used to make 132769
payments under division (F) of section 3701.023 of the Revised 132770
Code. 132771

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 132772

(A) The Department of Health shall create the Moms Quit for 132773
Two Grant Program. Recognizing the significant health risks posed 132774
to women and their children by tobacco use during and after 132775
pregnancy, the Department shall award grants to private, nonprofit 132776
entities or government entities that demonstrate the ability to 132777
deliver evidence-based tobacco cessation interventions to women 132778
who reside in communities that have the highest incidence of 132779
infant mortality, as determined by the Director of Health, and who 132780
are pregnant or live with children. Funds awarded under this 132781
section shall not be used to provide tobacco cessation 132782
interventions to women who are eligible for Medicaid. The 132783
Department may adopt any rules it considers necessary to 132784
administer the Program. 132785

(B) The Department shall create a grant application and 132786

develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to women living with children. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

(D) Not later than December 31, 2017, the Department shall evaluate the program and prepare a report describing its findings and make a recommendation on whether the Program should be continued. The Department shall provide a copy of the report to the Governor and General Assembly. The copy to the General Assembly shall be provided in accordance with section 101.68 of the Revised Code. The Department also shall make the report available to the public on the Department's internet web site.

Section 291.40. WIC VENDOR CONTRACTS

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) During fiscal year 2018 and fiscal year 2019, the Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information; 132818
 132819

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application; 132820
 132821

(3) Completes the required in-person training within forty-five days of submitting the complete application. 132822
 132823

(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region. 132824
 132825
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 132829

Section 291.60. CENTRAL INTAKE AND REFERRAL SYSTEM FOR HOME VISITING AND PART C EARLY INTERVENTION SERVICES 132830
 132831

The Department of Health and Department of Developmental Disabilities shall immediately rescind any request for proposals that they have issued for a person or governmental entity to operate the central intake and referral system that must be created and implemented under section 3701.611 of the Revised Code. The departments shall issue a new request for proposals in accordance with section 3701.611 of the Revised Code, as amended by this act. 132832
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Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 132840

Dedicated Purpose Fund Group				132841
4610 372601 Operating Expenses	\$	12,500	\$ 12,500	132842
TOTAL DPF Dedicated Purpose Fund Group	\$	12,500	\$ 12,500	132843
TOTAL ALL BUDGET FUND GROUPS	\$	12,500	\$ 12,500	132844

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 132846

General Revenue Fund				132847
GRF 148321 Operating Expenses	\$	425,289	\$ 425,289	132848
TOTAL GRF General Revenue Fund	\$	425,289	\$ 425,289	132849
Dedicated Purpose Fund Group				132850
6010 148602 Special Initiatives	\$	24,558	\$ 24,558	132851
TOTAL DPF Dedicated Purpose				132852
Fund Group	\$	24,558	\$ 24,558	132853
TOTAL ALL BUDGET FUND GROUPS	\$	449,847	\$ 449,847	132854

Section 297.10. OHS OHIO HISTORY CONNECTION 132856

General Revenue Fund				132857
GRF 360501 Education and Collections	\$	4,155,712	\$ 4,155,712	132858
GRF 360502 Site and Museum Operations	\$	5,851,970	\$ 5,851,970	132859
GRF 360504 Ohio Preservation Office	\$	285,650	\$ 285,650	132860
GRF 360505 National Afro-American Museum	\$	492,500	\$ 492,500	132861
GRF 360506 Hayes Presidential Center	\$	492,500	\$ 492,500	132862
GRF 360508 State Historical Grants	\$	500,000	\$ 500,000	132863
GRF 360509 Outreach and Partnership	\$	157,989	\$ 157,989	132864
TOTAL GRF General Revenue Fund	\$	11,936,321	\$ 11,936,321	132865
Dedicated Purpose Fund Group				132866
5KL0 360602 Ohio History Tax Check-off	\$	150,000	\$ 150,000	132867
5PD0 360603 Ohio History License Plate	\$	10,000	\$ 10,000	132868
TOTAL DPF Dedicated Purpose Fund	\$	160,000	\$ 160,000	132869

Partnership, \$70,000 in each fiscal year shall be distributed to 132899
the Ohio World War I Centennial Working Group. 132900

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES 132901

General Revenue Fund 132902

GRF 025321 Operating Expenses \$ 23,756,565 \$ 23,756,565 132903

TOTAL GRF General Revenue Fund \$ 23,756,565 \$ 23,756,565 132904

Internal Service Activity Fund Group 132905

1030 025601 House of \$ 1,433,664 \$ 1,433,664 132906

Representatives

Reimbursement

4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849 132907

TOTAL Internal Service Activity 132908

Fund Group \$ 1,471,513 \$ 1,471,513 132909

TOTAL ALL BUDGET FUND GROUPS \$ 25,228,078 \$ 25,228,078 132910

OPERATING EXPENSES 132911

On July 1, 2017, or as soon as possible thereafter, the Chief 132912
Administrative Officer of the House of Representatives may certify 132913
to the Director of Budget and Management an amount up to the 132914
unexpended, unencumbered balance of the foregoing appropriation 132915
item 025321, Operating Expenses, at the end of fiscal year 2017 to 132916
be reappropriated to fiscal year 2018. The amount certified is 132917
hereby reappropriated to the same appropriation item for fiscal 132918
year 2018. 132919

On July 1, 2018, or as soon as possible thereafter, the Chief 132920
Administrative Officer of the House of Representatives may certify 132921
to the Director of Budget and Management an amount up to the 132922
unexpended, unencumbered balance of the foregoing appropriation 132923
item 025321, Operating Expenses, at the end of fiscal year 2018 to 132924
be reappropriated to fiscal year 2019. The amount certified is 132925
hereby reappropriated to the same appropriation item for fiscal 132926

year 2019.				132927
HOUSE REIMBURSEMENT				132928
If it is determined by the Chief Administrative Officer of				132929
the House of Representatives that additional appropriations are				132930
necessary for the foregoing appropriation item 025601, House				132931
Reimbursement, the amounts are hereby appropriated.				132932
Section 301.10. HFA OHIO HOUSING FINANCE AGENCY				132933
Dedicated Purpose Fund Group				132934
5AZ0 997601 Housing Finance Agency	\$	12,176,000	\$	12,176,000 132935
Personal Services				
TOTAL DPF Dedicated Purpose Fund	\$	12,176,000	\$	12,176,000 132936
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	12,176,000	\$	12,176,000 132937
Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL				132939
General Revenue Fund				132940
GRF 965321 Operating Expenses	\$	1,380,557	\$	1,380,557 132941
TOTAL GRF General Revenue Fund	\$	1,380,557	\$	1,380,557 132942
Internal Service Activity Fund Group				132943
5FA0 965603 Deputy Inspector	\$	400,000	\$	400,000 132944
General for ODOT				
5FT0 965604 Deputy Inspector	\$	425,000	\$	425,000 132945
General for BWC/OIC				
TOTAL ISA Internal Service Activity				132946
Fund Group	\$	825,000	\$	825,000 132947
TOTAL ALL BUDGET FUND GROUPS	\$	2,205,557	\$	2,205,557 132948
Section 305.10. INS DEPARTMENT OF INSURANCE				132950
Dedicated Purpose Fund Group				132951
5540 820601 Operating Expenses -	\$	180,000	\$	180,000 132952

		OSHIIP				
5540	820606	Operating Expenses	\$	26,737,840	\$	26,737,840 132953
5550	820605	Examination	\$	8,127,549	\$	8,127,549 132954
5PT0	820613	Captive Insurance	\$	850,000	\$	850,000 132955
		Regulation & Supervision				
TOTAL DPF	Dedicated Purpose					132956
Fund Group			\$	35,895,389	\$	35,895,389 132957
Federal Fund Group						132958
3U50	820602	OSHIIP Operating Grant	\$	2,793,150	\$	2,793,150 132959
TOTAL FED	Federal Fund Group		\$	2,793,150	\$	2,793,150 132960
TOTAL ALL BUDGET FUND GROUPS			\$	38,688,539	\$	38,688,539 132961
		MARKET CONDUCT EXAMINATION				132962
		When conducting a market conduct examination of any insurer				132963
		doing business in this state, the Superintendent of Insurance may				132964
		assess the costs of the examination against the insurer. The				132965
		Superintendent may enter into consent agreements to impose				132966
		administrative assessments or fines for conduct discovered that				132967
		may be violations of statutes or rules administered by the				132968
		Superintendent. All costs, assessments, or fines collected shall				132969
		be deposited to the credit of the Department of Insurance				132970
		Operating Fund (Fund 5540).				132971
		EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES				132972
		The Director of Budget and Management, at the request of the				132973
		Superintendent of Insurance, may transfer cash from the Department				132974
		of Insurance Operating Fund (Fund 5540), established by section				132975
		3901.021 of the Revised Code, to the Superintendent's Examination				132976
		Fund (Fund 5550), established by section 3901.071 of the Revised				132977
		Code, only for expenses incurred in examining domestic fraternal				132978
		benefit societies as required by section 3921.28 of the Revised				132979
		Code.				132980

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION 132981
AND SUPERVISION 132982

When funds from captive insurance company application fees, 132983
reimbursements from captive insurance companies for examinations, 132984
and other sources have accrued to the Captive Insurance Regulation 132985
and Supervision Fund (Fund 5PT0) in such amounts as are deemed 132986
sufficient to sustain operations, the Director of Budget and 132987
Management, in consultation with the Superintendent of Insurance, 132988
shall establish a schedule for repaying the amounts previously 132989
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 132990
Fund 5540. 132991

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 132992

General Revenue Fund 132993

GRF 600321 Program Support \$ 29,500,000 \$ 29,500,000 132994

GRF 600410 TANF State Maintenance \$ 150,593,630 \$ 150,593,630 132995
of Effort

GRF 600413 Child Care \$ 83,461,739 \$ 83,461,739 132996
State/Maintenance of
Effort

GRF 600416 Information Technology \$ 67,115,048 \$ 67,556,647 132997
Projects

GRF 600420 Child Support Programs \$ 6,678,500 \$ 6,678,500 132998

GRF 600421 Family Assistance \$ 3,151,323 \$ 3,151,323 132999
Programs

GRF 600423 Families and Children \$ 16,719,491 \$ 16,719,491 133000
Programs

GRF 600445 Unemployment Insurance \$ 21,167,170 \$ 21,167,170 133001
Administration

GRF 600502 Child Support - Local \$ 23,456,891 \$ 23,456,891 133002

GRF 600503 Job and Family Services \$ 2,000,000 \$ 2,000,000 133003
Program Support

GRF 600511	Disability Financial Assistance	\$	3,988,186	\$	0	133004
GRF 600521	Family Assistance - Local	\$	45,440,760	\$	45,440,760	133005
GRF 600523	Family and Children Services	\$	64,918,993	\$	64,918,993	133006
GRF 600528	Adoption Services	\$	29,369,773	\$	29,369,773	133007
GRF 600533	Child, Family, and Community Protection Services	\$	28,500,000	\$	28,500,000	133008
GRF 600534	Adult Protective Services	\$	2,890,000	\$	2,890,000	133009
GRF 600535	Early Care and Education	\$	141,285,241	\$	141,285,241	133010
GRF 600541	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	133011
GRF 600546	Healthy Food Financing Initiative	\$	250,000	\$	250,000	133012
GRF 655425	Medicaid Program Support	\$	7,000,000	\$	7,000,000	133013
GRF 655522	Medicaid Program Support - Local	\$	37,693,950	\$	37,693,950	133014
GRF 655523	Medicaid Program Support - Local Transportation	\$	43,080,495	\$	0	133015
TOTAL GRF	General Revenue Fund	\$	809,261,190	\$	762,634,108	133016
	Dedicated Purpose Fund Group					133017
1980 600647	Children's Trust Fund	\$	5,000,000	\$	5,000,000	133018
4A80 600658	Public Assistance Activities	\$	26,000,000	\$	26,000,000	133019
4A90 600607	Unemployment Compensation Administration Fund	\$	14,000,000	\$	14,000,000	133020

4E70	600604	Family and Children Services Collections	\$	650,000	\$	650,000	133021
4F10	600609	Family and Children Activities	\$	708,000	\$	708,000	133022
5DM0	600633	Audit Settlements and Contingency	\$	5,000,000	\$	5,000,000	133023
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	133024
5HC0	600695	Unemployment Compensation Interest	\$	1,000,000	\$	1,000,000	133025
5KT0	600696	Early Childhood Education	\$	20,000,000	\$	20,000,000	133026
5NG0	600660	Victims of Human Trafficking	\$	100,000	\$	100,000	133027
5RX0	600699	Workforce Development Projects	\$	2,000,000	\$	2,000,000	133028
5RY0	600698	Human Services Project	\$	2,500,000	\$	2,750,000	133029
5U60	600663	Family and Children Support	\$	3,000,000	\$	3,000,000	133030
TOTAL DPF		Dedicated Purpose Fund Group	\$	80,458,000	\$	80,708,000	133031
		Internal Service Activity Fund Group					133032
5HL0	600602	State and County Shared Services	\$	2,000,000	\$	2,000,000	133033
TOTAL ISA		Internal Service Activity Fund Group	\$	2,000,000	\$	2,000,000	133034
		Fiduciary Fund Group					133035
1920	600646	Child Support Intercept - Federal	\$	110,000,000	\$	110,000,000	133036
5830	600642	Child Support Intercept - State	\$	14,000,000	\$	14,000,000	133037
5B60	600601	Food Assistance	\$	1,000,000	\$	1,000,000	133038

Intercept			
TOTAL FID Fiduciary Fund Group	\$	125,000,000	\$ 125,000,000 133039
Holding Account Fund Group			133040
R012 600643 Refunds and Audit	\$	500,000	\$ 500,000 133041
Settlements			
TOTAL HLD Holding Account Fund	\$	500,000	\$ 500,000 133042
Group			
Federal Fund Group			133043
3270 600606 Child Welfare	\$	27,500,000	\$ 27,500,000 133044
3310 600615 Veterans Programs	\$	7,000,000	\$ 7,000,000 133045
3310 600624 Employment Services	\$	26,000,000	\$ 26,000,000 133046
Programs			
3310 600686 Workforce Programs	\$	5,800,000	\$ 5,800,000 133047
3840 600610 Food Assistance	\$	145,000,000	\$ 145,000,000 133048
Programs			
3850 600614 Refugee Services	\$	12,000,000	\$ 12,000,000 133049
3950 600616 Federal Discretionary	\$	1,500,000	\$ 1,500,000 133050
Grants			
3960 600620 Social Services Block	\$	42,000,000	\$ 42,000,000 133051
Grant			
3970 600626 Child Support -	\$	175,000,000	\$ 175,000,000 133052
Federal			
3980 600627 Adoption Program -	\$	175,000,000	\$ 175,000,000 133053
Federal			
3A20 600641 Emergency Food	\$	4,000,000	\$ 4,000,000 133054
Distribution			
3AW0 600675 Fatherhood Commission	\$	3,000,000	\$ 3,000,000 133055
3D30 600648 Children's Trust Fund	\$	2,000,000	\$ 2,000,000 133056
Federal			
3F01 655624 Medicaid Program	\$	180,000,000	\$ 172,491,905 133057
Support - Federal			
3H70 600617 Child Care Federal	\$	231,000,000	\$ 232,000,000 133058

3N00 600628	Foster Care Program - Federal	\$ 240,000,000	\$ 240,000,000	133059
3S50 600622	Child Support Projects	\$ 534,050	\$ 534,050	133060
3V00 600688	Workforce Innovation and Opportunity Act Programs	\$ 108,000,000	\$ 108,000,000	133061
3V40 600632	Trade Programs	\$ 15,000,000	\$ 15,000,000	133062
3V40 600678	Federal Unemployment Programs	\$ 85,814,212	\$ 80,814,212	133063
3V40 600679	Unemployment Compensation Review Commission - Federal	\$ 5,000,000	\$ 5,000,000	133064
3V60 600689	TANF Block Grant	\$ 836,437,504	\$ 848,935,211	133065
TOTAL FED	Federal Fund Group	\$ 2,327,585,766	\$ 2,328,575,378	133066
TOTAL ALL BUDGET	FUND GROUPS	\$ 3,344,804,956	\$ 3,299,417,486	133067

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 133069

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 133070
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(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 133074
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(C) In fiscal year 2018, the foregoing appropriation item 655523, Medicaid Program Support - Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program. 133078
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(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure 133082
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county administrative funds are expended from the proper 133085
appropriation item: 133086

(1) Appropriation item 600521, Family Assistance - Local, and 133087
appropriation item 655522, Medicaid Program Support - Local; and 133088

(2) Appropriation item 655523, Medicaid Program Support - 133089
Local Transportation, and appropriation item 655522, Medicaid 133090
Program Support - Local. 133091

(E) If receipts credited to the Medicaid Program Support Fund 133092
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 133093
(Fund 3840) exceed the amounts appropriated, the Director of Job 133094
and Family Services shall request the Director of Budget and 133095
Management to authorize expenditures from those funds in excess of 133096
the amounts appropriated. Upon approval of the Director of Budget 133097
and Management, the additional amounts are hereby appropriated. 133098

Section 307.25. KINSHIP CAREGIVER CHILD CARE PROGRAM 133099

Of the foregoing appropriation item 600689, TANF Block Grant, 133100
\$10,000,000 in each fiscal year shall be used to support a kinship 133101
caregiver child care program. Under the program, public children 133102
services agencies shall receive an allocation through which child 133103
care assistance may be made available to kinship caregivers. The 133104
Director of Job and Family Services shall develop rules to 133105
implement the program and demonstrate outcomes. 133106

Section 307.30. NAME OF FOOD STAMP PROGRAM 133107

The Director of Job and Family Services is not required to 133108
amend rules regarding the Food Stamp Program to change the name of 133109
the program to the Supplemental Nutrition Assistance Program. The 133110
Director may refer to the program as the Food Stamp Program, the 133111
Supplemental Nutrition Assistance Program, or the Food Assistance 133112
Program in rules and documents of the Department of Job and Family 133113
Services. 133114

Section 307.35. HEALTHY FOOD FINANCING INITIATIVE 133115

The foregoing appropriation item 600546, Healthy Food 133116
Financing Initiative, shall be used by the Director of Job and 133117
Family Services to support healthy food access in underserved 133118
communities in urban and rural Low and Moderate Income Areas, as 133119
defined by either the United States Department of Agriculture 133120
(USDA), as identified in the USDA's Food Access Research Atlas, or 133121
through a methodology that has been adopted for use by another 133122
governmental or philanthropic healthy food initiative. 133123

The Director of Job and Family Services, in cooperation with 133124
the Director of Health and with the approval of the Director of 133125
the Governor's Office of Health Transformation, shall contract 133126
with the Finance Fund Capital Corporation to administer a Healthy 133127
Food Financing Initiative. The Finance Fund Capital Corporation 133128
shall demonstrate a capacity to administer grant and loan programs 133129
in accordance with state and federal rules and accounting 133130
principles, and shall partner with one or more entities with 133131
demonstrable experience in healthy food access-related policy 133132
matters. 133133

The Director of Job and Family Services shall, not later than 133134
December 31, 2018, provide to the Governor, Speaker of the House 133135
of Representatives, President of the Senate, and Minority Leaders 133136
of the House of Representatives and Senate a written progress 133137
report on the Healthy Food Financing Initiative, including, but 133138
not limited to, state funds granted or loaned, the number of new 133139
or retained jobs associated with related projects, the health 133140
impact of the initiative and the number and location of healthy 133141
food access projects established or in development. 133142

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 133143

Of the foregoing appropriation items 600410, TANF State 133144

Maintenance of Effort, 600658, Public Assistance Activities, and 133145
600689, TANF Block Grant, a total of \$16,550,000 in each fiscal 133146
year shall be used to provide funds to the Ohio Association of 133147
Food Banks to purchase and distribute food products. 133148

Notwithstanding section 5101.46 of the Revised Code and any 133149
other provision in this bill, including funds designated for the 133150
Ohio Association of Food Banks in this section, in fiscal year 133151
2018 and fiscal year 2019, the Director of Job and Family Services 133152
shall provide assistance from eligible funds to the Ohio 133153
Association of Food Banks in an amount not less than \$19,050,000 133154
in each fiscal year. 133155

Eligible nonfederal expenditures made by member food banks of 133156
the Association shall be counted by the Department of Job and 133157
Family Services toward the TANF maintenance of effort requirements 133158
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 133159
shall enter into an agreement with the Ohio Association of Food 133160
Banks, in accordance with sections 5101.80 and 5101.801 of the 133161
Revised Code, to carry out the requirements under this section. 133162

Section 307.45. UNAFFILIATED FOOD BANKS 133163

Of the foregoing appropriation item 600689, TANF Block Grant, 133164
\$500,000 in each fiscal year shall be provided to food banks or 133165
food pantries unaffiliated with the Ohio Association of Food 133166
Banks. 133167

Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 133168

The foregoing appropriation item 600658, Public Assistance 133169
Activities, shall be used by the Department of Job and Family 133170
Services to meet the TANF maintenance of effort requirements of 42 133171
U.S.C. 609(a)(7). When the state is assured that it will meet the 133172
maintenance of effort requirement, the Department of Job and 133173
Family Services may use funds from appropriation item 600658, 133174

Public Assistance Activities, to support public assistance 133175
activities. 133176

Section 307.60. FOOD STAMPS TRANSFER 133177

On July 1, 2017, or as soon as possible thereafter, the 133178
Director of Budget and Management may transfer up to \$1,000,000 133179
cash from the Supplemental Nutrition Assistance Program Fund (Fund 133180
3840), to the Food Assistance Fund (Fund 5ES0). 133181

Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND 133182
COMMUNITY INITIATIVES 133183

Of the foregoing appropriation item 600689, TANF Block Grant, 133184
up to \$6,540,000 in each fiscal year shall be used, in accordance 133185
with sections 5101.80 and 5101.801 of the Revised Code, to provide 133186
support to programs or organizations that provide services that 133187
align with the mission and goals of the Governor's Office of 133188
Faith-Based and Community Initiatives, as outlined in section 133189
107.12 of the Revised Code, and that further at least one of the 133190
four purposes of the TANF program, as specified in 42 U.S.C. 601. 133191

Section 307.80. INDEPENDENT LIVING INITIATIVE 133192

Of the foregoing appropriation item 600689, TANF Block Grant, 133193
up to \$2,000,000 in each fiscal year shall be used, in accordance 133194
with sections 5101.80 and 5101.801 of the Revised Code, to support 133195
the Independent Living Initiative, including life skills training 133196
and work supports for older children in foster care and those who 133197
have recently aged out of foster care. 133198

Section 307.90. OHIO COMMISSION ON FATHERHOOD 133199

Of the foregoing appropriation item 600689, TANF Block Grant, 133200
\$1,000,000 in each fiscal year shall be provided to the Ohio 133201
Commission on Fatherhood. 133202

Section 307.93. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 133203

Of the foregoing appropriation item 600689, TANF Block Grant, 133204
\$1,000,000 in each fiscal year shall be provided, in accordance 133205
with sections 5101.80 and 5101.801 of the Revised Code, to the 133206
Ohio Alliance of Boys and Girls Clubs to provide after-school and 133207
summer programs that protect at-risk children and enable youth to 133208
become responsible adults. 133209

Section 307.100. FAMILIES AND CHILDREN PROGRAMS 133210

Of the foregoing appropriation item 600423, Families and 133211
Children Programs, \$2,000,000 in each fiscal year shall be used by 133212
the Office of Families and Children to fund Predictive Analytics 133213
to use current and historical data to predict future outcomes and 133214
behaviors in high-risk foster care children. 133215

Of the foregoing appropriation item 600423, Families and 133216
Children Programs, \$750,000 in each fiscal year shall be used to 133217
support the Star House Youth Drop-In Center to provide services 133218
for homeless youth. 133219

Section 307.110. FAMILY AND CHILDREN SERVICES 133220

Of the foregoing appropriation item 600523, Family and 133221
Children Services, up to \$3,200,000 shall be used to match 133222
eligible federal Title IV-B ESSA funds and federal Title IV-E 133223
Chafee funds allocated to public children services agencies. 133224

Of the foregoing appropriation item 600523, Family and 133225
Children Services, \$150,000 in each fiscal year shall be provided 133226
to children's crisis care facilities as defined in section 5103.13 133227
of the Revised Code. The Director of Job and Family Services shall 133228
allocate funds based on the number of children at each facility. A 133229
children's crisis care facility may decline to receive funds 133230
provided under this section. A children's crisis care facility 133231

that accepts funds provided under this section shall use the funds 133232
in accordance with section 5103.13 of the Revised Code and the 133233
rules as defined in rule 5101:2-9-36 of the Administrative Code. 133234

Of the foregoing appropriation item, 600523, Family and 133235
Children Services, not less than \$60,040,010 in each fiscal year 133236
shall be provided to public children services agencies. Of that 133237
amount, \$8,800,000 in each fiscal year shall be used to provide an 133238
initial allocation of \$100,000 to each county and the remainder 133239
shall be provided using the formula in section 5101.14 of the 133240
Revised Code. 133241

Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 133242

In collaboration with the county family and children first 133243
council, a county department of job and family services or public 133244
children services agency that receives an allocation from the 133245
Department of Job and Family Services from the foregoing 133246
appropriation item 600523, Family and Children Services, or 133247
600533, Child, Family, and Community Protection Services, may 133248
transfer a portion of either or both allocations to a flexible 133249
funding pool as authorized by the section of this act titled 133250
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 133251

Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION 133252
SERVICES 133253

(A) The foregoing appropriation item 600533, Child, Family, 133254
and Community Protection Services, shall be distributed to county 133255
departments of job and family services. County departments shall 133256
use the funds distributed to them under this section as follows, 133257
in accordance with the written plan of cooperation entered into 133258
under section 307.983 of the Revised Code: 133259

(1) To assist individuals in achieving or maintaining 133260
self-sufficiency, including by reducing or preventing dependency 133261

among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines; 133262
133263

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program; 133264
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(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application; 133267
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(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs. 133271
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(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation. 133277
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Section 307.140. FAMILY AND CHILDREN ACTIVITIES 133284

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities. 133285
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133287

Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 133288

Notwithstanding section 5101.073 of the Revised Code, the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 133289
133290

consist of earned federal revenue the final disposition of which 133291
is unknown. 133292

Section 307.160. ADOPTION ASSISTANCE LOAN 133293

The Department of Job and Family Services may use the State 133294
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 133295
of adoption assistance loans pursuant to section 3107.018 of the 133296
Revised Code. The amounts of any adoption assistance loans are 133297
hereby appropriated. 133298

Section 307.170. EARLY CHILDHOOD EDUCATION 133299

Of the foregoing appropriation item 600696, Early Childhood 133300
Education, not less than \$13,000,000 in each fiscal year shall be 133301
used to implement the Department of Job and Family Service's 2016 133302
Ohio Child Care Market Rate Survey for licensed child care 133303
programs that are rated in the quality rating and improvement 133304
system. In implementing the survey for rated programs, the 133305
Department shall do both of the following: 133306

(A) Ensure that reimbursement rates for each rating tier are 133307
not lower than the reimbursement rates for each corresponding 133308
rating tier that were in effect on December 31, 2016; 133309

(B) Place all counties included in the survey in the 133310
reimbursement category in which they are designated in the survey. 133311

The remainder of appropriation item 600696, Early Childhood 133312
Education, shall be used to fund the changes made to reimbursement 133313
rate categories and increases to enhanced rates that were made in 133314
the FY 2016-FY 2017 biennium. 133315

Section 307.180. CASH TRANSFER FROM THE UNEMPLOYMENT 133316
INSURANCE SUPPORT - OTHER SOURCES FUND TO THE UNEMPLOYMENT 133317
COMPENSATION ADMINISTRATION FUND 133318

On July 1, 2017, or as soon as possible thereafter, the 133319
Director of Job and Family Services shall certify to the Director 133320
of Budget and Management the cash balance of the Unemployment 133321
Insurance Support - Other Sources Fund (Fund 5KU0). Upon 133322
certification, the Director of Budget and Management may transfer 133323
the amount certified to the Unemployment Compensation 133324
Administration Fund (Fund 4A90). 133325

Section 307.190. VICTIMS OF HUMAN TRAFFICKING 133326

The foregoing appropriation item 600660, Victims of Human 133327
Trafficking, shall be used to provide treatment, care, 133328
rehabilitation, education, housing, and assistance for victims of 133329
trafficking in persons as specified in section 5101.87 of the 133330
Revised Code. If receipts credited to the Victims of Human 133331
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 133332
the fund, the Director of Job and Family Services may request the 133333
Director of Budget and Management to authorize expenditures from 133334
the fund in excess of the amounts appropriated. Upon the approval 133335
of the Director of Budget and Management, the additional amounts 133336
are hereby appropriated. 133337

Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 133338

The Fiduciary Fund Group and Holding Account Fund Group shall 133339
be used to hold revenues until the appropriate fund is determined 133340
or until the revenues are directed to the appropriate governmental 133341
agency other than the Department of Job and Family Services. Any 133342
Department of Job and Family Services refunds or reconciliations 133343
received or held by the Department of Medicaid shall be 133344
transferred or credited to the Refunds and Audit Settlement Fund 133345
(Fund R012). If receipts credited to the Support Intercept - 133346
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 133347
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 133348

Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 307.210. COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT PROGRAM

During the period that begins July 1, 2017, and ends on the effective date of the enactment by this act of section 5116.01 of the Revised Code, the Comprehensive Case Management and Employment Program created under Section 305.190 of Am. Sub. H.B. 64 of the 131st General Assembly shall continue in operation as enacted by that act with the following modification: the minimum age for participation in the program is reduced to fourteen. Beginning with the effective date of section 5116.01 of the Revised Code, as enacted by this act, the Comprehensive Case Management and Employment Program shall begin operation in accordance with Chapter 5116. of the Revised Code.

Section 307.220. JOB AND FAMILY SERVICES PROGRAM SUPPORT

The foregoing appropriation item 600503, Job and Family Services Program Support, shall be used by the Director of Job and Family Services, in collaboration with the Chancellor of Higher Education, as state match for the Supplemental Nutrition Assistance Program Employment and Training program funded by the United States Department of Agriculture's Food and Nutrition Service. Moneys shall be used to fund programs that provide nondegree credit short-term certificates.

The Director of Job and Family Services, in collaboration

with the Chancellor of Higher Education, shall do the following: 133379

(A) Convene a skills-based Supplemental Nutrition Assistance 133380
Program Employment and Training program planning committee to 133381
develop a plan for the expansion of the program, which shall at 133382
least include representatives of community colleges, local 133383
workforce development boards, and nonprofit organizations that 133384
provide employment and training services for low-income 133385
individuals; 133386

(B) Identify workforce development, adult basic education, 133387
and higher education programs and resources that could serve as 133388
potential providers of education, training, and support services; 133389

(C) Identify resources that could be reimbursed by funds from 133390
the United States Department of Agriculture and develop guidance 133391
on leveraging eligible state, local, and philanthropic resources 133392
to qualify for Supplemental Nutrition Assistance Program 133393
Employment and Training program federal match. The guidance shall 133394
include a description of the process to participate in the 133395
Supplemental Nutrition Assistance Program Employment and Training 133396
program, and a description of a system of tracking participant 133397
eligibility, enrollment, continued participation, and outcomes. 133398

(D) Incorporate the plan to expand a skills-based 133399
Supplemental Nutrition Assistance Program Employment and Training 133400
program into the annual state Supplemental Nutrition Assistance 133401
Program Employment and Training plan submitted to the United 133402
States Department of Agriculture. 133403

Section 307.230. HEALTHIER BUCKEYE GRANT PILOT PROGRAM 133404

The Director of Job and Family Services shall permit 133405
individuals and organizations receiving grant awards under the 133406
Healthier Buckeye Grant Pilot Program established under Section 133407
305.30 of Am. Sub. H.B. 64 of the 131st General Assembly to expend 133408

those grant awards through December 31, 2017. 133409

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 133410

General Revenue Fund 133411

GRF 029321 Operating Expenses \$ 504,569 \$ 504,569 133412

TOTAL GRF General Revenue Fund \$ 504,569 \$ 504,569 133413

TOTAL ALL BUDGET FUND GROUPS \$ 504,569 \$ 504,569 133414

OPERATING GUIDANCE 133415

The Legislative Service Commission shall act as fiscal agent 133416
for the Joint Committee on Agency Rule Review. Members of the 133417
Committee shall be paid in accordance with section 101.35 of the 133418
Revised Code. 133419

OPERATING EXPENSES 133420

On July 1, 2017, or as soon as possible thereafter, the 133421
Executive Director of the Joint Committee on Agency Rule Review 133422
may certify to the Director of Budget and Management an amount up 133423
to the unexpended, unencumbered balance of the foregoing 133424
appropriation item 029321, Operating Expenses, at the end of 133425
fiscal year 2017 to be reappropriated to fiscal year 2018. The 133426
amount certified is hereby reappropriated to the same 133427
appropriation item for fiscal year 2018. 133428

On July 1, 2018, or as soon as possible thereafter, the 133429
Executive Director of the Joint Committee on Agency Rule Review 133430
may certify to the Director of Budget and Management an amount up 133431
to the unexpended, unencumbered balance of the foregoing 133432
appropriation item 029321, Operating Expenses, at the end of 133433
fiscal year 2018 to be reappropriated to fiscal year 2019. The 133434
amount certified is hereby reappropriated to the same 133435
appropriation item for fiscal year 2019. 133436

Section 311.10. JEO JOINT EDUCATION OVERSIGHT COMMITTEE 133437

General Revenue Fund				133438
GRF 047321 Operating Expenses	\$	350,000	\$ 350,000	133439
TOTAL GRF General Revenue Fund	\$	350,000	\$ 350,000	133440
TOTAL ALL BUDGET FUND GROUPS	\$	350,000	\$ 350,000	133441

OPERATING EXPENSES 133442

The foregoing appropriation item 047321, Operating Expenses, 133443
shall be used to support expenses related to the Joint Education 133444
Oversight Committee under section 103.45 to 103.50 of the Revised 133445
Code. 133446

On July 1, 2018, or as soon as possible thereafter, the Joint 133447
Education Oversight Committee may certify to the Director of 133448
Budget and Management an amount up to the unexpended, unencumbered 133449
balance of the foregoing appropriation item 047321, Operating 133450
Expenses, at the end of fiscal year 2018 to be reappropriated to 133451
fiscal year 2019. The amount certified is hereby reappropriated to 133452
the same appropriation item for fiscal year 2019. 133453

Section 311.20. (A) The Joint Education Oversight Committee, 133454
established under section 103.45 of the Revised Code, shall 133455
develop legislative recommendations for creating a joint 133456
transportation district pilot program, under which: 133457

(1) At least two school districts may create a joint 133458
transportation district for the purpose of sharing school 133459
transportation services; 133460

(2) The member districts of the joint transportation district 133461
shall adopt staggered starting and ending times for the school 133462
day. 133463

(B) Not later than six months after the effective date of 133464
this section, the Joint Education Oversight Committee shall submit 133465
its recommendations to the General Assembly in accordance with 133466
section 101.68 of the Revised Code. 133467

Section 313.10.	JMO JOINT MEDICAID OVERSIGHT COMMITTEE				133468	
General Revenue Fund					133469	
GRF 048321	Operating Expenses	\$	346,085	\$	510,760	133470
TOTAL GRF	General Revenue Fund	\$	346,085	\$	510,760	133471
TOTAL ALL BUDGET FUND GROUPS		\$	346,085	\$	510,760	133472
OPERATING EXPENSES						133473
The foregoing appropriation item 048321, Operating Expenses,						133474
shall be used to support expenses related to the Joint Medicaid						133475
Oversight Committee created by section 103.41 of the Revised Code.						133476
On July 1, 2017, or as soon as possible thereafter, the						133477
Executive Director of the Joint Medicaid Oversight Committee may						133478
certify to the Director of Budget and Management an amount up to						133479
the unexpended, unencumbered balance of the foregoing						133480
appropriation item 048321, Operating Expenses, at the end of						133481
fiscal year 2017 to be reappropriated to fiscal year 2018. The						133482
amount certified is hereby reappropriated to the same						133483
appropriation item for fiscal year 2018.						133484
On July 1, 2018, or as soon as possible thereafter, the						133485
Executive Director of the Joint Medicaid Oversight Committee may						133486
certify to the Director of Budget and Management an amount up to						133487
the unexpended, unencumbered balance of the foregoing						133488
appropriation item 048321, Operating Expenses, at the end of						133489
fiscal year 2018 to be reappropriated to fiscal year 2019. The						133490
amount certified is hereby reappropriated to the same						133491
appropriation item for fiscal year 2019.						133492
The Legislative Service Commission shall act as fiscal agent						133493
for the Joint Medicaid Oversight Committee.						133494
Section 313.20.	HEALTH COVERAGE STUDIES					133495
(A) The Joint Medicaid Oversight Committee shall enter into a						133496

contract with an entity to conduct a study to determine whether a high-risk pool is an appropriate mechanism for providing health coverage to uninsured residents of this state.

The contract shall require the entity to prepare a report of its findings from the study. Not later than one year after the effective date of this section, the entity shall submit a copy of its report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.

(B)(1) The Joint Medicaid Oversight Committee shall enter into a contract with an entity to conduct a study to determine the feasibility of simultaneously implementing both of the following in this state:

(a) A plan that is similar to the Healthy Indiana Plan established under the laws of the state of Indiana;

(b) A high-risk pool that provides health coverage to uninsured residents of this state.

(2) The contract entered into under division (B)(1) of this section shall require the entity to prepare a report of its findings from the study. Not later than one year after the effective date of this section, the entity shall submit a copy of its report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund					133520
GRF 018321	Operating Expenses	\$	794,859	\$	794,859
TOTAL GRF	General Revenue Fund	\$	794,859	\$	794,859
Dedicated Purpose Fund Group					133523
4030 018601	Ohio Jury	\$	408,282	\$	431,346
	Instructions				
TOTAL DPF	Dedicated Purpose Fund	\$	408,282	\$	431,346

GRF	005409	Ohio Courts	\$	3,350,000	\$	3,350,000	133553
		Technology Initiative					
TOTAL GRF		General Revenue Fund	\$	166,111,608	\$	174,504,475	133554
		Dedicated Purpose Fund Group					133555
4C80	005605	Attorney Services	\$	8,166,646	\$	8,122,279	133556
5HT0	005617	Court Interpreter	\$	8,670	\$	9,537	133557
		Certification					
5SP0	005626	Civil Justice Grant	\$	350,000	\$	350,000	133558
		Program					
5T80	005609	Grants and Awards	\$	6,000	\$	6,000	133559
6720	005601	Continuing Judicial	\$	100,000	\$	100,000	133560
		Education					
6A80	005606	Supreme Court	\$	1,457,461	\$	1,477,098	133561
		Admissions					
TOTAL DPF		Dedicated Purpose Fund	\$	10,088,777	\$	10,064,914	133562
		Group					
		Fiduciary Fund Group					133563
5JY0	005620	County Law Library	\$	357,500	\$	357,500	133564
		Resources Boards					
TOTAL FID		Fiduciary Fund Group	\$	357,500	\$	357,500	133565
		Federal Fund Group					133566
3J00	005603	Federal Grants	\$	1,705,708	\$	1,528,315	133567
TOTAL FED		Federal Fund Group	\$	1,705,708	\$	1,528,315	133568
TOTAL ALL BUDGET FUND GROUPS			\$	178,263,593	\$	186,455,204	133569

Section 317.20. LAW-RELATED EDUCATION 133571

The foregoing appropriation item 005406, Law-Related 133572
Education, shall be distributed directly to the Ohio Center for 133573
Law-Related Education for the purposes of providing continuing 133574
citizenship education activities to primary and secondary 133575
students, expanding delinquency prevention programs, increasing 133576
activities for at-risk youth, and accessing additional public and 133577

private money for new programs. 133578

OHIO COURTS TECHNOLOGY INITIATIVE 133579

The foregoing appropriation item 005409, Ohio Courts 133580
Technology Initiative, shall be used to fund an initiative by the 133581
Supreme Court to facilitate the exchange of information and 133582
warehousing of data by and between Ohio courts and other justice 133583
system partners through the creation of an Ohio Courts Network, 133584
the delivery of technology services to courts throughout the 133585
state, including the provision of hardware, software, and the 133586
development and implementation of educational and training 133587
programs for judges and court personnel, and operation of the 133588
Commission on Technology and the Courts by the Supreme Court for 133589
the promulgation of statewide rules, policies, and uniform 133590
standards, and to aid in the orderly adoption and comprehensive 133591
use of technology in Ohio courts. 133592

ATTORNEY SERVICES 133593

The Attorney Services Fund (Fund 4C80) shall consist of money 133594
received by the Supreme Court (The Judiciary) pursuant to the 133595
Rules for the Government of the Bar of Ohio. In addition to 133596
funding other activities considered appropriate by the Supreme 133597
Court, the foregoing appropriation item 005605, Attorney Services, 133598
may be used to compensate employees and to fund appropriate 133599
activities of the following offices established by the Supreme 133600
Court: the Office of Disciplinary Counsel, the Board of 133601
Commissioners on Grievances and Discipline, the Clients' Security 133602
Fund, and the Attorney Services Division. If it is determined by 133603
the Administrative Director of the Supreme Court that additional 133604
appropriations are necessary, the amounts are hereby appropriated. 133605

No money in Fund 4C80 shall be transferred to any other fund 133606
by the Director of Budget and Management or the Controlling Board. 133607
Interest earned on money in Fund 4C80 shall be credited to the 133608

fund. 133609

COURT INTERPRETER CERTIFICATION 133610

The Court Interpreter Certification Fund (Fund 5HT0) shall 133611
consist of money received by the Supreme Court (The Judiciary) 133612
pursuant to Rules 80 through 87 of the Rules of Superintendence 133613
for the Courts of Ohio. The foregoing appropriation item 005617, 133614
Court Interpreter Certification, shall be used to provide 133615
training, to provide the written examination, and to pay language 133616
experts to rate, or grade, the oral examinations of those applying 133617
to become certified court interpreters. If it is determined by the 133618
Administrative Director that additional appropriations are 133619
necessary, the amounts are hereby appropriated. 133620

No money in Fund 5HT0 shall be transferred to any other fund 133621
by the Director of Budget and Management or the Controlling Board. 133622
Interest earned on money in Fund 5HT0 shall be credited to the 133623
fund. 133624

CIVIL JUSTICE PROGRAM 133625

The Civil Justice Program Fund (Fund 5SP0) shall consist of 133626
(1) \$50 voluntary donations made as part of the biennium attorney 133627
registration process and (2) \$150 increase in the *pro hac vice* 133628
fees for out-of-state attorneys pursuant to Government of the Bar 133629
Rule amendments. The foregoing appropriation item 005626, Civil 133630
Justice Program, shall be used by the Supreme Court of Ohio for 133631
grants to not-for-profit organizations and agencies dedicated to 133632
providing civil legal aid to underserved populations, to fund 133633
innovative programs directed at this purpose, and to increase 133634
access to judicial service to that population. 133635

No money in Fund 5SP0 shall be transferred to any other fund 133636
by the Director of Budget and Management or the Controlling Board. 133637
Interest earned on money in Fund 5SP0 shall be credited to the 133638
fund. 133639

GRANTS AND AWARDS 133640

The Grants and Awards Fund (Fund 5T80) shall consist of 133641
grants and other money awarded to the Supreme Court (The 133642
Judiciary) by the State Justice Institute, the Division of 133643
Criminal Justice Services, or other entities. The foregoing 133644
appropriation item 005609, Grants and Awards, shall be used in a 133645
manner consistent with the purpose of the grant or award. If it is 133646
determined by the Administrative Director of the Supreme Court 133647
that additional appropriations are necessary, the amounts are 133648
hereby appropriated. 133649

No money in Fund 5T80 shall be transferred to any other fund 133650
by the Director of Budget and Management or the Controlling Board. 133651
Interest earned on money in Fund 5T80 shall be credited or 133652
transferred to the General Revenue Fund. 133653

JUDICIARY/SUPREME COURT EDUCATION 133654

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 133655
consist of fees paid for attending judicial and public education 133656
on the law, reimbursement of costs for judicial and public 133657
education on the law, and other gifts and grants received for the 133658
purpose of judicial and public education on the law. The foregoing 133659
appropriation item 005601, Judiciary/Supreme Court Education, 133660
shall be used to pay expenses for judicial education courses for 133661
judges, court personnel, and those who serve the courts, and for 133662
public education on the law. If it is determined by the 133663
Administrative Director of the Supreme Court that additional 133664
appropriations are necessary, the amounts are hereby appropriated. 133665

No money in Fund 6720 shall be transferred to any other fund 133666
by the Director of Budget and Management or the Controlling Board. 133667
Interest earned on money in Fund 6720 shall be credited to the 133668
fund. 133669

SUPREME COURT ADMISSIONS 133670

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6A80 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARD

The Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant to section 307.515 of the Revised Code into a county's law library resources fund and forwarded by that county's treasurer for deposit in the state treasury pursuant to division (E)(1) of section 3375.481 of the Revised Code. The foregoing appropriation item 005620, County Law Library Resources Board, shall be used for the operation of the Statewide Consortium of County Law Library Resources Boards. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 5JY0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5JY0 shall be credited to the fund.

FEDERAL GRANTS

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

Section 319.10. LEC LAKE ERIE COMMISSION

Dedicated Purpose Fund Group					133717
4C00 780601 Lake Erie Protection	\$	568,000	\$	571,000	133718
TOTAL DPF Dedicated Purpose Fund Group	\$	568,000	\$	571,000	133720
TOTAL ALL BUDGET FUND GROUPS	\$	568,000	\$	571,000	133721

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.

Fund	Fund Name	User	FY 2018	FY 2019	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	133729
6690	Pesticide,	Department of	\$25,000	\$25,000	133730

	Fertilizer and Lime	Agriculture			
4700	General Operations	Department of	\$25,000	\$25,000	133731
		Health			
1570	Central Support	Department of	\$25,000	\$25,000	133732
	Indirect	Natural Resources			

On July 1, 2017, or as soon as possible thereafter, the 133733
 Director of Budget and Management may transfer \$25,000 cash from a 133734
 fund used by the Development Services Agency, as specified by the 133735
 Director of Development Services, to Fund 4C00. 133736

On July 1, 2018, or as soon as possible thereafter, the 133737
 Director of Budget and Management may transfer \$25,000 cash from a 133738
 fund used by the Development Services Agency, as specified by the 133739
 Director of Development Services, to Fund 4C00. 133740

TRANSFER CASH FROM AND ABOLISH THE LAKE ERIE RESOURCES FUND 133741

On July 1, 2017, or as soon as possible thereafter, the 133742
 Director of Environmental Protection shall certify to the Director 133743
 of Budget and Management the cash balance in the Lake Erie 133744
 Resources Fund (Fund 5D80). The Director of Budget and Management 133745
 may transfer the certified cash amount from Fund 5D80 to the Lake 133746
 Erie Protection Fund (Fund 4C00). Upon completion of the transfer, 133747
 the Director of Budget and Management shall cancel any existing 133748
 encumbrances against appropriation item 780602, Lake Erie 133749
 Resources, and reestablish them against appropriation item 780601, 133750
 Lake Erie Protection. The reestablished encumbrance amounts are 133751
 hereby appropriated and Fund 5D80 is abolished. 133752

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 133753

	General Revenue Fund				133754
GRF 028321	Legislative Ethics	\$	541,750	\$ 541,750	133755
	Committee				
TOTAL GRF	General Revenue Fund	\$	541,750	\$ 541,750	133756

Dedicated Purpose Fund Group					133757
4G70 028601 Joint Legislative	\$	150,000	\$	150,000	133758
Ethics Committee					
5HN0 028602 Investigations and	\$	10,000	\$	10,000	133759
Financial Disclosure					
TOTAL DPF Dedicated Purpose Fund	\$	160,000	\$	160,000	133760
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	701,750	\$	701,750	133761
LEGISLATIVE ETHICS COMMITTEE					133762
On July 1, 2017, or as soon as possible thereafter, the					133763
Legislative Inspector General of the Joint Legislative Ethics					133764
Committee may certify to the Director of Budget and Management an					133765
amount up to the unexpended, unencumbered balance of the foregoing					133766
appropriation item 028321, Legislative Ethics Committee, at the					133767
end of fiscal year 2017 to be reappropriated to fiscal year 2018.					133768
The amount certified is hereby reappropriated to the same					133769
appropriation item for fiscal year 2018.					133770
On July 1, 2018, or as soon as possible thereafter, the					133771
Legislative Inspector General of the Joint Legislative Ethics					133772
Committee may certify to the Director of Budget and Management an					133773
amount up to the unexpended, unencumbered balance of the foregoing					133774
appropriation item 028321, Legislative Ethics Committee, at the					133775
end of fiscal year 2018 to be reappropriated to fiscal year 2019.					133776
The amount certified is hereby reappropriated to the same					133777
appropriation item for fiscal year 2019.					133778
Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION					133779
General Revenue Fund					133780
GRF 035321 Operating Expenses	\$	17,000,000	\$	17,000,000	133781
GRF 035402 Legislative Fellows	\$	1,070,000	\$	1,070,000	133782
GRF 035405 Correctional	\$	453,932	\$	453,932	133783

		Institution Inspection Committee				
GRF	035407	Legislative Task Force on Redistricting	\$	394,000	\$	394,000 133784
GRF	035409	National Associations	\$	475,000	\$	475,000 133785
GRF	035410	Legislative Information Systems	\$	8,569,500	\$	8,569,500 133786
GRF	035501	Litigation	\$	250,000	\$	250,000 133787
TOTAL GRF		General Revenue Fund	\$	28,212,432	\$	28,212,432 133788
		Dedicated Purpose Fund Group				133789
4100	035601	Sale of Publications	\$	10,000	\$	10,000 133790
TOTAL DPF		Dedicated Purpose Fund Group	\$	10,000	\$	10,000 133791
TOTAL ALL BUDGET FUND GROUPS			\$	28,222,432	\$	28,222,432 133792

Section 323.20. OPERATING EXPENSES 133794

On July 1, 2017, or as soon as possible thereafter, the 133795
 Director of the Legislative Service Commission may certify to the 133796
 Director of Budget and Management an amount up to the unexpended, 133797
 unencumbered balance of the foregoing appropriation item 035321, 133798
 Operating Expenses, at the end of fiscal year 2017 to be 133799
 reappropriated to fiscal year 2018. The amount certified is hereby 133800
 reappropriated to the same appropriation item for fiscal year 133801
 2018. 133802

On July 1, 2018, or as soon as possible thereafter, the 133803
 Director of the Legislative Service Commission may certify to the 133804
 Director of Budget and Management an amount up to the unexpended, 133805
 unencumbered balance of the foregoing appropriation item 035321, 133806
 Operating Expenses, at the end of fiscal year 2018 to be 133807
 reappropriated to fiscal year 2019. The amount certified is hereby 133808
 reappropriated to the same appropriation item for fiscal year 133809
 2019. 133810

LEGISLATIVE TASK FORCE ON REDISTRICTING 133811

An amount equal to the unexpended, unencumbered balance of 133812
the foregoing appropriation item 035407, Legislative Task Force on 133813
Redistricting, at the end of fiscal year 2017 is hereby 133814
reappropriated to the Legislative Service Commission for the same 133815
purpose for fiscal year 2018. 133816

An amount equal to the unexpended, unencumbered balance of 133817
the foregoing appropriation item 035407, Legislative Task Force on 133818
Redistricting, at the end of fiscal year 2018 is hereby 133819
reappropriated to the Legislative Service Commission for the same 133820
purpose for fiscal year 2019. 133821

LEGISLATIVE INFORMATION SYSTEMS 133822

On July 1, 2017, or as soon as possible thereafter, the 133823
Director of the Legislative Service Commission may certify to the 133824
Director of Budget and Management an amount up to the unexpended, 133825
unencumbered balance of the foregoing appropriation item 035410, 133826
Legislative Information Systems, at the end of fiscal year 2017 to 133827
be reappropriated to fiscal year 2018. The amount certified is 133828
hereby reappropriated to the same appropriation item for fiscal 133829
year 2018. 133830

On July 1, 2018, or as soon as possible thereafter, the 133831
Director of the Legislative Service Commission may certify to the 133832
Director of Budget and Management an amount up to the unexpended, 133833
unencumbered balance of the foregoing appropriation item 035410, 133834
Legislative Information Systems, at the end of fiscal year 2018 to 133835
be reappropriated to fiscal year 2019. The amount certified is 133836
hereby reappropriated to the same appropriation item for fiscal 133837
year 2019. 133838

LITIGATION 133839

The foregoing appropriation item 035501, Litigation, shall be 133840
used for any lawsuit in which the General Assembly is a party 133841

because a legal or constitutional challenge is made against the 133842
Ohio Constitution or an act of the General Assembly. The 133843
chairperson and vice-chairperson of the Legislative Service 133844
Commission shall both approve the use of the appropriated moneys. 133845

An amount equal to the unexpended, unencumbered balance of 133846
the foregoing appropriation item 035501, Litigation, at the end of 133847
fiscal year 2017 is hereby reappropriated to the Legislative 133848
Service Commission for the same purpose for fiscal year 2018. 133849

An amount equal to the unexpended, unencumbered balance of 133850
the foregoing appropriation item 035501, Litigation, at the end of 133851
fiscal year 2018 is hereby reappropriated to the Legislative 133852
Service Commission for the same purpose for fiscal year 2019. 133853

Section 325.10. LIB STATE LIBRARY BOARD 133854

General Revenue Fund 133855

GRF	350321	Operating Expenses	\$	4,500,000	\$	4,500,000	133856
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GRF	350401	Ohioana Rental	\$	120,114	\$	120,114	133857
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Payments

GRF	350502	Regional Library	\$	500,000	\$	500,000	133858
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Systems

TOTAL GRF	General Revenue Fund	\$	5,120,114	\$	5,120,114	133859
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Dedicated Purpose Fund Group 133860

4590	350603	Services for	\$	4,190,834	\$	4,190,834	133861
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Libraries

4S40	350604	Ohio Public Library	\$	5,689,788	\$	5,689,788	133862
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Information Network

5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	133863
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TOTAL DPF	Dedicated Purpose					133864
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Fund Group	\$	11,154,816	\$	11,154,816	133865
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Internal Service Activity Fund 133866

1390	350602	Services for State	\$	8,000	\$	8,000	133867
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Agencies

TOTAL ISA Internal Service Activity				133868
Fund Group	\$	8,000	\$ 8,000	133869
Federal Fund Group				133870
3130 350601 LSTA Federal	\$	5,350,000	\$ 5,350,000	133871
TOTAL FED Federal Fund Group	\$	5,350,000	\$ 5,350,000	133872
TOTAL ALL BUDGET FUND GROUPS	\$	21,632,930	\$ 21,632,930	133873

Section 325.20. OHIOANA RENTAL PAYMENTS 133875

The foregoing appropriation item 350401, Ohioana Rental 133876
 Payments, shall be used to pay the rental expenses of the Martha 133877
 Kinney Cooper Ohioana Library Association under section 3375.61 of 133878
 the Revised Code. 133879

REGIONAL LIBRARY SYSTEMS 133880

The foregoing appropriation item 350502, Regional Library 133881
 Systems, shall be used to support regional library systems 133882
 eligible for funding under sections 3375.83 and 3375.90 of the 133883
 Revised Code. 133884

OHIO PUBLIC LIBRARY INFORMATION NETWORK 133885

(A) The foregoing appropriation item 350604, Ohio Public 133886
 Library Information Network, shall be used for an information 133887
 telecommunications network linking public libraries in the state 133888
 and such others as may participate in the Ohio Public Library 133889
 Information Network (OPLIN). 133890

The Ohio Public Library Information Network Board of Trustees 133891
 created under section 3375.65 of the Revised Code may make 133892
 decisions regarding use of the foregoing appropriation item 133893
 350604, Ohio Public Library Information Network. 133894

(B) The OPLIN Board shall research and assist or advise local 133895
 libraries with regard to emerging technologies and methods that 133896
 may be effective means to control access to obscene and illegal 133897

materials. The OPLIN Director shall provide written reports upon 133898
request within ten days to the Governor, the Speaker and Minority 133899
Leader of the House of Representatives, and the President and 133900
Minority Leader of the Senate on any steps being taken by OPLIN 133901
and public libraries in the state to limit and control such 133902
improper usage as well as information on technological, legal, and 133903
law enforcement trends nationally and internationally affecting 133904
this area of public access and service. 133905

(C) The Ohio Public Library Information Network, INFOhio, and 133906
OhioLINK shall, to the extent feasible, coordinate and cooperate 133907
in their purchase or other acquisition of the use of electronic 133908
databases for their respective users and shall contribute funds in 133909
an equitable manner to such effort. 133910

LIBRARY FOR THE BLIND 133911

The foregoing appropriation item 350605, Library for the 133912
Blind, shall be used for the statewide Talking Book Program to 133913
assist the blind and disabled. 133914

TRANSFER TO OPLIN TECHNOLOGY FUND 133915

Notwithstanding sections 5747.03 and 5747.47 of the Revised 133916
Code and any other provision of law to the contrary, in accordance 133917
with a schedule established by the Director of Budget and 133918
Management, the Director of Budget and Management shall transfer 133919
\$3,689,788 cash in each fiscal year from the Public Library Fund 133920
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 133921

TRANSFER TO LIBRARY FOR THE BLIND FUND 133922

Notwithstanding sections 5747.03 and 5747.47 of the Revised 133923
Code and any other provision of law to the contrary, in accordance 133924
with a schedule established by the Director of Budget and 133925
Management, the Director of Budget and Management shall transfer 133926
\$1,274,194 cash in each fiscal year from the Public Library Fund 133927
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 133928

Section 327.10. LCO LIQUOR CONTROL COMMISSION				133929
Dedicated Purpose Fund Group				133930
5LP0 970601 Commission Operating	\$	844,553	\$	851,269
Expenses				133931
TOTAL DPF Dedicated Purpose Fund	\$	844,553	\$	851,269
Group				133932
TOTAL ALL BUDGET FUND GROUPS	\$	844,553	\$	851,269
				133933
Section 329.10. LOT STATE LOTTERY COMMISSION				133935
State Lottery Fund Group				133936
7044 950321 Operating Expenses	\$	50,000,000	\$	50,000,000
7044 950402 Advertising Contracts	\$	25,800,000	\$	25,800,000
7044 950403 Gaming Contracts	\$	68,258,704	\$	68,917,884
7044 950601 Direct Prize Payments	\$	142,307,278	\$	142,949,268
7044 950605 Problem Gambling	\$	3,300,000	\$	3,300,000
8710 950602 Annuity Prizes	\$	81,000,000	\$	81,000,000
TOTAL SLF State Lottery Fund				133943
Group	\$	370,665,982	\$	371,967,152
TOTAL ALL BUDGET FUND GROUPS	\$	370,665,982	\$	371,967,152
				133945
OPERATING EXPENSES				133946
Notwithstanding sections 127.14 and 131.35 of the Revised				133947
Code, the Controlling Board may, at the request of the State				133948
Lottery Commission, authorize expenditures from the State Lottery				133949
Fund in excess of the amounts appropriated, up to a maximum of 10				133950
per cent of anticipated total revenue accruing from the sale of				133951
lottery products. Upon the approval of the Controlling Board, the				133952
additional amounts are hereby appropriated.				133953
DIRECT PRIZE PAYMENTS				133954
Any amounts, in addition to the amounts appropriated in				133955
appropriation item 950601, Direct Prize Payments, that the				133956
Director of the State Lottery Commission determines to be				133957

necessary to fund prizes are hereby appropriated. 133958

ANNUITY PRIZES 133959

Upon request of the State Lottery Commission, the Director of 133960
Budget and Management may transfer cash from the State Lottery 133961
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 133962
an amount sufficient to fund deferred prizes. The Treasurer of 133963
State, from time to time, shall credit the Deferred Prizes Trust 133964
Fund (Fund 8710) the pro rata share of interest earned by the 133965
Treasurer of State on invested balances. 133966

Any amounts, in addition to the amounts appropriated in 133967
appropriation item 950602, Annuity Prizes, that the Director of 133968
the State Lottery Commission determines to be necessary to fund 133969
deferred prizes and interest earnings are hereby appropriated. 133970

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 133971

Estimated transfers from the State Lottery Fund (Fund 7044) 133972
to the Lottery Profits Education Fund (Fund 7017) are to be 133973
\$1,092,060,000 in fiscal year 2018 and \$1,117,660,000 in fiscal 133974
year 2019. In fiscal year 2018, the Director of Budget and 133975
Management shall transfer not less than twenty-six and one-half 133976
per cent of total revenue accruing from the sale of traditional 133977
lottery tickets from the State Lottery Fund (Fund 7044) to the 133978
Lottery Profits Education Fund (Fund 7017). In fiscal year 2019, 133979
the Director of Budget and Management shall transfer not less than 133980
twenty-seven per cent of total revenue accruing from the sale of 133981
traditional lottery tickets from the State Lottery Fund (Fund 133982
7044) to the Lottery Profits Education Fund (Fund 7017). Transfers 133983
by the Director of Budget and Management to the Lottery Profits 133984
Education Fund shall be administered as the statutes direct. 133985

Section 331.10. MHC MANUFACTURED HOMES COMMISSION 133986

Dedicated Purpose Fund Group 133987

4K90	996609	Operating Expenses	\$	135,000	\$	135,000	133988
5MC0	996610	Manufactured Homes Regulation	\$	315,000	\$	315,000	133989
TOTAL DPF Dedicated Purpose Fund			\$	450,000	\$	450,000	133990
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	450,000	\$	450,000	133991

Section 333.10. MCD DEPARTMENT OF MEDICAID 133993

General Revenue Fund							133994
GRF	651425	Medicaid Program	\$	189,312,968	\$	205,754,197	133995
Support - State							
GRF	651525	Medicaid Health Care Services					133996
		State	\$	3,810,129,706	\$	3,881,584,294	133997
		Federal	\$	9,013,875,845	\$	9,118,223,313	133998
		Medicaid Health Care Services Total	\$	2,824,005,551	\$	2,999,807,607	133999
GRF	651526	Medicare Part D	\$	440,611,628	\$	479,694,803	134000
TOTAL GRF General Revenue Fund							134001
		State	\$	4,440,054,302	\$	4,567,033,294	134002
		Federal	\$	9,013,875,845	\$	9,118,223,313	134003
		GRF Total	\$	13,453,930,147	\$	13,685,256,607	134004
Dedicated Purpose Fund Group							134005
4E30	651605	Resident Protection Fund	\$	4,878,000	\$	4,878,000	134006
5AJ0	651631	Money Follows the Person	\$	12,760,900	\$	12,373,500	134007
5DL0	651639	Medicaid Services - Recoveries	\$	774,381,570	\$	722,709,203	134008
5DL0	651685	Medicaid Recoveries - Program Support	\$	36,146,571	\$	41,328,516	134009
5FX0	651638	Medicaid Services -	\$	12,000,000	\$	12,000,000	134010

		Payment Withholding					
5GF0	651656	Medicaid Services -	\$	619,104,791	\$	647,635,236	134011
		Hospital Upper					
		Payment Limit					
5KC0	651682	Health Care Grants -	\$	5,000,000	\$	5,000,000	134012
		State					
5R20	651608	Medicaid Services -	\$	405,666,000	\$	405,666,000	134013
		Long Term					
5SC0	651683	Medicaid Services -	\$	15,000,000	\$	15,000,000	134014
		Physician UPL					
5TN0	651684	Medicaid Services -	\$	593,195,389	\$	660,893,005	134015
		HIC Fee					
6510	651649	Medicaid Services -	\$	238,057,429	\$	199,250,372	134016
		Hospital Care					
		Assurance Program					
TOTAL DPF		Dedicated Purpose Fund	\$	2,716,190,650	\$	2,726,733,832	134017
		Group					
		Holding Account Fund Group					134018
R055	651644	Refunds and	\$	1,000,000	\$	1,000,000	134019
		Reconciliations					
TOTAL HLD		Holding Account Fund	\$	1,000,000	\$	1,000,000	134020
		Group					
		Federal Fund Group					134021
3ER0	651603	Medicaid Health and	\$	61,896,000	\$	61,896,000	134022
		Transformation					
		Technology					
3F00	651623	Medicaid Services -	\$	2,390,806,106	\$	2,577,826,559	134023
		Federal					
3F00	651624	Medicaid Program	\$	610,000,000	\$	685,000,000	134024
		Support - Federal					
3FA0	651680	Health Care Grants -	\$	38,658,704	\$	38,664,967	134025
		Federal					

3G50 651655 Medicaid Interagency	\$ 125,651,597	\$ 125,701,597	134026
Pass Through			
TOTAL FED Federal Fund Group	\$ 3,227,012,407	\$ 3,489,089,123	134027
TOTAL ALL BUDGET FUND GROUPS	\$19,398,133,204	\$19,902,079,562	134028

Section 333.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 134030

(A) Until July 1, 2019, the Medicaid Director has the 134031
authority to establish, change, and abolish positions for the 134032
Department of Medicaid, and to assign, reassign, classify, 134033
reclassify, transfer, reduce, promote, or demote all employees of 134034
the Department of Medicaid who are not subject to Chapter 4117. of 134035
the Revised Code. 134036

(B) The authority granted under division (A) of this section 134037
includes assigning or reassigning an exempt employee, as defined 134038
in section 124.152 of the Revised Code, to a bargaining unit 134039
classification if the Medicaid Director determines that the 134040
bargaining unit classification is the proper classification for 134041
that employee. The actions of the Medicaid Director shall be 134042
consistent with the requirements of 5 C.F.R. 900.603 for those 134043
employees subject to such requirements. If an employee in the E-1 134044
pay range is to be assigned, reassigned, classified, reclassified, 134045
transferred, reduced, or demoted to a position in a lower 134046
classification under this section, the Medicaid Director, or in 134047
the case of a transfer outside the Department of Medicaid, the 134048
Director of Administrative Services, shall assign the employee to 134049
the appropriate classification and place the employee in Step X. 134050
The employee shall not receive any increase in compensation until 134051
the maximum rate of pay for that classification exceeds the 134052
employee's compensation. 134053

(C) Actions taken by the Medicaid Director and Director of 134054
Administrative Services pursuant to this section are not subject 134055
to appeal to the State Personnel Board of Review. 134056

(D) A portion of the foregoing appropriation items 651425, 134057
Medicaid Program Support - State, 651603, Medicaid Health and 134058
Transformation Technology, 651624, Medicaid Program Support - 134059
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 134060
Interagency Pass-Through, 651605, Resident Protection Fund, 134061
651631, Money Follows the Person, 651682, Health Care Grants - 134062
State, and 651654, Medicaid Program Support, may be used to pay 134063
for costs associated with the administration of the Medicaid 134064
program, including the assignment, reassignment, classification, 134065
reclassification, transfer, reduction, promotion, or demotion of 134066
employees authorized by this section. 134067

Section 333.30. For fiscal years 2018 and 2019, the Director 134068
of Budget and Management may transfer appropriation between 134069
appropriation item 651425, Medicaid Program Support - State, and 134070
appropriation item 655425, Medicaid Program Support. Any 134071
appropriation so transferred shall be used to resolve funding 134072
issues resulting from the transfer of medical assistance programs 134073
from the Department of Job and Family Services to the Department 134074
of Medicaid. 134075

Section 333.33. CASH TRANSFERS TO THE HEALTH AND HUMAN 134076
SERVICES FUND 134077

On July 1, 2017, or as soon as possible thereafter, the 134078
Director of Budget and Management shall transfer \$57,885,768 cash 134079
from the General Revenue Fund to the Health and Human Services 134080
Fund. 134081

Upon Controlling Board authorization of expenditures under 134082
division (B) of the section of this act titled "HEALTH AND HUMAN 134083
SERVICES FUND CONTINUED" during fiscal year 2018, the Director of 134084
Budget and Management may transfer up to \$26,309,868 cash from the 134085
Support and Recoveries Fund (Fund 5DL0), and up to \$196,226,296 134086

cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 134087
Health and Human Services Fund. 134088

On July 1, 2018, or as soon as possible thereafter, the 134089
Director of Budget and Management shall transfer \$68,661,704 cash 134090
from the General Revenue Fund to the Health and Human Services 134091
Fund. 134092

Upon Controlling Board authorization of expenditures under 134093
division (B) of the section of this act titled "HEALTH AND HUMAN 134094
SERVICES FUND CONTINUED" during fiscal year 2019, the Director of 134095
Budget and Management may transfer up to \$34,667,668 cash from the 134096
Support and Recoveries Fund (Fund 5DL0), and up to \$226,841,369 134097
cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 134098
Health and Human Services Fund. 134099

Section 333.34. HEALTH AND HUMAN SERVICES FUND CONTINUED 134100

(A) The Health and Human Services Fund created under Section 134101
751.40 of Am. Sub. H.B. 64 of the 131st General Assembly shall 134102
continue to exist during the 2018-2019 fiscal biennium. 134103

(B) Not more than once every six months during the 2018-2019 134104
fiscal biennium, the Medicaid Director may request the Controlling 134105
Board to authorize expenditure from the Health and Human Services 134106
Fund in an amount necessary to pay for the costs of the Medicaid 134107
program. The amount per request may not exceed the amount of such 134108
costs for six months. The Controlling Board may authorize the 134109
expenditure if both of the following requirements are met: 134110

(1) The United States Congress has not amended on or after 134111
the effective date of this section the federal law governing the 134112
federal medical assistance percentage in a manner that reduces the 134113
percentage. 134114

(2) The Controlling Board is satisfied with both of the 134115
following: 134116

(a) Any changes, other than a change described in division	134117
(B)(1) of this section, made on or after the effective date of	134118
this section by the United States Congress to federal law	134119
governing health and human services issues;	134120
(b) The progress made by the executive branch of the	134121
government of this state in all of the following:	134122
(i) Obtaining an innovative waiver regarding health insurance	134123
coverage in this state as required by section 3901.052 of the	134124
Revised Code and subsequently implementing the waiver;	134125
(ii) Obtaining a federal Medicaid waiver for the Healthy Ohio	134126
Program established under section 5166.40 of the Revised Code and	134127
subsequently implementing the Program;	134128
(iii) Enforcing state law that requires health care providers	134129
to give cost estimates to patients before rendering health care	134130
services to the patients.	134131
Section 333.40. MEDICAID HEALTH CARE SERVICES	134132
The foregoing appropriation item 651525, Medicaid Health Care	134133
Services, shall not be limited by section 131.33 of the Revised	134134
Code.	134135
Section 333.50. MANAGED CARE PERFORMANCE PAYMENT PROGRAM	134136
At the beginning of each quarter, or as soon as possible	134137
thereafter, the Medicaid Director shall certify to the Director of	134138
Budget and Management the amount withheld in accordance with	134139
section 5167.30 of the Revised Code for purposes of the Managed	134140
Care Performance Payment Program.	134141
Section 333.53. MEDICAID MANAGED CARE QUALITY PAYMENT FUND	134142
There is hereby created in the state treasury the Medicaid	134143
Managed Care Quality Payment Fund. The Department of Medicaid	134144

shall use money in the fund only to make performance payments 134145
under the Managed Care Performance Payment Program established 134146
under section 5167.30 of the Revised Code to Medicaid managed care 134147
organizations that meet the program's performance standards and 134148
only if the unencumbered balance of the Managed Care Performance 134149
Payment Fund created under section 5162.60 is zero at the time 134150
such a performance payment is to be made. 134151

The Medicaid Managed Care Quality Payment Fund shall be 134152
abolished July 1, 2019. When the fund is abolished, the Director 134153
of Budget and Management may transfer the fund's unencumbered 134154
balance to the General Revenue Fund or Budget Stabilization Fund. 134155

On July 1, 2017, or as soon as possible thereafter, the 134156
Director of Budget and Management shall transfer \$20,000,000 cash 134157
from the General Revenue Fund to the Medicaid Managed Care Quality 134158
Payment Fund (Fund 5TX0). On July 1, 2018, or as soon as possible 134159
thereafter, the Director of Budget and Management shall transfer 134160
\$20,000,000 cash from the General Revenue Fund to Fund 5TX0. 134161

If the amount of quality payments earned by Medicaid managed 134162
care organizations under section 5167.30 of the Revised Code 134163
exceed \$103,500,000 in fiscal year 2018, and \$103,900,000 in 134164
fiscal year 2019, the Medicaid Director may certify to the 134165
Director of Budget and Management the amount of quality payments 134166
earned that exceed this amount. Upon receipt of this 134167
certification, the Director of Budget and Management shall 134168
transfer the amount certified from the Medicaid Managed Care 134169
Quality Payment Fund (Fund 5TX0) to the General Revenue Fund. The 134170
amount certified, and its corresponding federal share, is hereby 134171
appropriated to appropriation item 651525, Medicaid/Health Care 134172
Services. 134173

Section 333.60. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 134174
CARE 134175

(A) As used in this section:	134176
(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	134177 134178
(2) "Integrated Care Delivery System" and "ICDS" have the same meaning as section 5164.01 of the Revised Code.	134179 134180
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	134181 134182
(B) For fiscal year 2018 and fiscal year 2019, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Integrated Care Delivery System.	134183 134184 134185 134186
(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:	134187 134188 134189 134190
(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to ICDS participants by Medicaid managed care organizations;	134191 134192 134193 134194
(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants.	134195 134196 134197
(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to ICDS participants.	134198 134199 134200 134201 134202 134203 134204
(2) Each Medicaid managed care organization shall agree to	134205

the withholding as a condition of receiving or maintaining its 134206
Medicaid provider agreement with the Department. 134207

(3) When the amount is established and each time the amount 134208
is modified thereafter, the Department shall certify the amount to 134209
the Director of Budget and Management and begin withholding the 134210
amount from each premium the Department pays to a Medicaid managed 134211
care organization for an ICDS participant. 134212

(E) A Medicaid managed care organization subject to this 134213
section is not subject to section 5167.30 of the Revised Code for 134214
premium payments attributed to ICDS participants during fiscal 134215
year 2018 and fiscal year 2019. 134216

Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM 134217

The Director of Budget and Management may authorize 134218
additional expenditures from appropriation item 651623, Medicaid 134219
Services - Federal, appropriation item 651525, Medicaid Health 134220
Care Services, and appropriation item 651656, Medicaid Services - 134221
Hospital/UPL, in order to implement the programs authorized by 134222
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 134223
authorized are hereby appropriated. 134224

Section 333.80. MEDICARE PART D 134225

The foregoing appropriation item 651526, Medicare Part D, may 134226
be used by the Department of Medicaid for the implementation and 134227
operation of the Medicare Part D requirements contained in the 134228
"Medicare Prescription Drug, Improvement, and Modernization Act of 134229
2003," Pub. L. No. 108-173, as amended. Upon the request of the 134230
Department of Medicaid, the Director of Budget and Management may 134231
transfer the state share of appropriations between appropriation 134232
item 651525, Medicaid Health Care Services, and appropriation item 134233
651526, Medicare Part D. If the state share of appropriation item 134234
651525, Medicaid Health Care Services, is adjusted, the Director 134235

of Budget and Management shall adjust the federal share 134236
accordingly. The Department of Medicaid shall provide notification 134237
to the Controlling Board of any transfers at the next scheduled 134238
Controlling Board meeting. 134239

Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES 134240
FUND 134241

Of the amount received by the Department of Medicaid during 134242
fiscal year 2018 and fiscal year 2019 from the first installment 134243
of assessments paid under section 5168.06 of the Revised Code and 134244
intergovernmental transfers made under section 5168.07 of the 134245
Revised Code, the Medicaid Director shall deposit \$350,000 in each 134246
fiscal year into the state treasury to the credit of the Health 134247
Care Services Support and Recoveries Fund (Fund 5DL0). 134248

Section 333.100. HOSPITAL CARE ASSURANCE MATCH 134249

If receipts credited to the Health Care Federal Fund (Fund 134250
3F00) exceed the amounts appropriated from the fund for making the 134251
hospital care assurance program distribution, the Medicaid 134252
Director may request the Director of Budget and Management to 134253
authorize expenditures from the fund in excess of the amounts 134254
appropriated. Upon the approval of the Director of Budget and 134255
Management, the additional amounts are hereby appropriated. 134256

The foregoing appropriation item 651649, Medicaid Services - 134257
Health Care Assurance Program, shall be used by the Department of 134258
Medicaid for distributing the state share of all hospital care 134259
assurance program funds to hospitals under section 5168.09 of the 134260
Revised Code. If receipts credited to the Hospital Care Assurance 134261
Program Fund (Fund 6510) exceed the amounts appropriated from the 134262
fund for making the hospital care assurance program distribution, 134263
the Medicaid Director may request the Director of Budget and 134264
Management to authorize expenditures from the fund in excess of 134265

the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.110. REFUNDS AND RECONCILIATION FUND

If receipts credited to the Refunds and Reconciliation Fund exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation line 651525, Medicaid Health

Care Services, within the Department of Medicaid, and the Medicaid 134295
Program Support Fund (3F01) appropriation line 655624, Medicaid 134296
Program Support - Federal, within the Department of Job and Family 134297
Services. The Director of Medicaid shall transmit to the Medicaid 134298
Program Support Fund (3F01) the federal funds which the Department 134299
of Medicaid, as the state's sole point of contact with the federal 134300
government for Medicaid reimbursements, has drawn for this 134301
transaction. 134302

Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 134303
SYSTEM IMPLEMENTATION 134304

Upon the request of the Medicaid Director, the Director of 134305
Budget and Management may transfer up to \$5,000,000 of state share 134306
appropriations in each fiscal year between General Revenue Fund 134307
appropriation item 651525, Medicaid Health Care Services, within 134308
the Department of Medicaid, and 655522, Medicaid Program Support - 134309
Local, within the Department of Job and Family Services. If such a 134310
transfer occurs, the Director of Budget and Management shall 134311
adjust, using the federal reimbursement rate, the federal share 134312
appropriations of General Revenue Fund appropriation item 651525, 134313
Medicaid Health Care Services, within the Department of Medicaid, 134314
and the Medicaid Program Support Fund (Fund 3F01) appropriation 134315
item 655624, Medicaid Program Support - Federal, within the 134316
Department of Job and Family Services. The Director of Medicaid 134317
shall transmit to the Medicaid Program Support Fund (3F01) the 134318
federal funds which the Department of Medicaid, as the state's 134319
sole point of contact with the federal government for Medicaid 134320
reimbursements, has drawn for this transaction. 134321

Any increase in funding shall be provided to county 134322
departments of job and family services and shall only be used for 134323
costs related to transitioning to a new public assistance 134324
eligibility determination system. These funds shall not be used 134325

for existing and ongoing operating expenses. The Medicaid Director 134326
shall establish criteria for distributing these funds and for 134327
county departments of job and family services to submit allowable 134328
expenses. 134329

County departments of job and family services shall comply 134330
with new roles, processes, and responsibilities related to the new 134331
eligibility determination system. County departments of job and 134332
family services shall report to the Ohio Department of Job and 134333
Family Services and the Ohio Department of Medicaid, on a schedule 134334
determined by the Medicaid Director, how the funds were used. 134335

Section 333.150. MEDICAID PROGRAM SUPPORT -LOCAL 134336
TRANSPORTATION 134337

If the Department of Job and Family Services continues to 134338
administer the Medicaid transportation program in fiscal year 134339
2019, upon request of the Director of Job and Family Services, the 134340
Director of Budget and Management may transfer up to \$45,100,000 134341
in appropriation from appropriation item 651525, Medicaid Health 134342
Care Services, to appropriation item 655523, Medicaid Program 134343
Support-Local Transportation. Any appropriation so transferred 134344
shall be used by the Department of Job and Family Services to 134345
continue to administer the Medicaid transportation program. 134346

Section 333.160. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 134347

For the period beginning July 1, 2017, and ending on the 134348
effective date of the enactment by this act of section 5164.10 of 134349
the Revised Code, the Medicaid program may continue to cover state 134350
plan home and community-based services in the same manner that it 134351
covered the services during fiscal year 2016 and fiscal year 2017 134352
under Section 327.190 of Am. Sub. H.B. 64 of the 131st General 134353
Assembly. Beginning with the effective date of the enactment by 134354
this act of section 5164.10 of the Revised Code, the Medicaid 134355

program may cover state plan home and community-based services in 134356
accordance with that section. 134357

Section 333.163. PAYMENT RATES FOR PERSONAL CARE AIDE 134358
SERVICES UNDER THE OHIO HOME CARE PROGRAM AND STATE PLAN HCBS 134359

(A) As used in this section: 134360

(1) "Ohio Home Care program" has the same meaning as in 134361
section 5166.11 of the Revised Code. 134362

(2) "State plan home and community-based services" has the 134363
same meaning as in section 5164.01 of the Revised Code. 134364

(B) Both of the following apply to the Medicaid payment rates 134365
for personal care aide services provided under the Ohio Home Care 134366
program or as part of state plan home and community-based services 134367
during the period beginning July 1, 2017, and ending June 30, 134368
2019: 134369

(1) The rates shall not be restructured. 134370

(2) The rates shall not exceed the Medicaid payment rates for 134371
those services in effect on June 30, 2017. 134372

Section 333.165. FISCAL YEAR 2018 AND FISCAL YEAR 2019 CAP ON 134373
NURSING FACILITY PAYMENTS 134374

(A) As used in this section: 134375

(1) "Consulting organizations" means all of the following 134376
organizations: 134377

(a) LeadingAge Ohio; 134378

(b) The Academy of Senior Health Sciences; 134379

(c) The Ohio Health Care Association. 134380

(2) "Integrated care delivery system" has the same meaning as 134381
in section 5164.01 of the Revised Code. 134382

(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 134383
134384

(4) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 134385
134386

(B) The total amount of payments made by the Department of Medicaid under the fee-for-service component of the Medicaid program in accordance with Chapter 5165. of the Revised Code, and by Medicaid managed care organizations under the Integrated Care Delivery System, for nursing facility services provided during fiscal year 2018 and fiscal year 2019 shall not exceed the following: 134387
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(1) For fiscal year 2018, \$2,659,167,368; 134394

(2) For fiscal year 2019, \$2,664,485,703. 134395

(C)(1) The Department, in conjunction with the consulting organizations, shall do all of the following: 134396
134397

(a) Monitor the payments made under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System for nursing facility services provided during fiscal year 2018 and fiscal year 2019; 134398
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134401

(b) Beginning with the calendar quarter ending December 31, 2017, and each calendar quarter thereafter during fiscal year 2018 and fiscal year 2019, project whether the total amount of payments to be made for the fiscal year will exceed the applicable amount specified in division (B) of this section; 134402
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(c) If the total amount of payments to be made for fiscal year 2018 or fiscal year 2019 is projected under division (C)(1)(b) of this section to exceed the applicable amount specified in division (B) of this section, determine the percentage by which each nursing facility's rate under the fee-for-service component of the Medicaid program and the 134407
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Integrated Care Delivery System needs to be reduced for the 134413
immediately following calendar quarter to ensure that the total 134414
amount of the payments to be made for the fiscal year will equal 134415
the applicable amount specified in division (B) of this section. 134416

(2) For the purpose of division (C)(1)(a) of this section, 134417
the Department shall provide to the consulting organizations data 134418
about the payments on a monthly basis. 134419

(D) If a rate reduction is needed to ensure that the total 134420
amount of payments made under the fee-for-service component of the 134421
Medicaid program and the Integrated Care Delivery System for 134422
nursing facility services provided during fiscal year 2018 or 134423
fiscal year 2019 equals the applicable amount specified in 134424
division (B) of this section, each nursing facility's rate shall 134425
be reduced by the percentage determined under division (C)(1)(c) 134426
of this section. The reduction shall take effect on the first day 134427
of the immediately following calendar quarter. The Department 134428
shall notify the consulting organizations of the percentage 134429
reduction at least thirty days before it is to take effect. 134430

Section 333.180. MEDICAID PAYMENT RATES FOR NONINSTITUTIONAL 134431
PROVIDERS 134432

Notwithstanding section 5164.70 of the Revised Code as in 134433
effect on June 30, 2017, the Department of Medicaid may establish 134434
Medicaid payment rates for services provided by a Medicaid 134435
provider, other than a hospital, nursing facility, or intermediate 134436
care facility for individuals with intellectual disabilities, that 134437
may exceed the authorized payment limits for the same service 134438
under the Medicare Program. Such rates may take effect for dates 134439
of service on or after July 1, 2017. A portion of the foregoing 134440
appropriation items 651525, Medicaid/Health Care Services, 651603, 134441
Medicaid Health Information Technology, 651623, Medicaid Services 134442
- Federal, 651624, Medicaid Program Support - Federal, 651680, 134443

Health Care Grants - Federal, and 651682, Health Care Grants - 134444
State, may be used to pay for Medicaid services and costs 134445
associated with the administration of the Medicaid Program, 134446
including the establishment and payment of rates in accordance 134447
with this section. 134448

Section 333.200. TRANSFER OF OHIO ACCESS SUCCESS PROJECT 134449
ENROLLEES 134450

(A) As used in this section: 134451

(1) "Helping Ohioans Move, Expanding Choice program" means 134452
the component of the Medicaid program authorized by section 134453
5164.90 of the Revised Code. 134454

(2) "Home and community-based Medicaid waiver component" has 134455
the same meaning as in section 5166.01 of the Revised Code. 134456

(3) "Ohio Access Success Project" means the program 134457
established under section 5166.35 of the Revised Code. 134458

(B) Before January 1, 2019, the Department of Medicaid shall 134459
transfer all Medicaid recipients who are enrolled in the Ohio 134460
Access Success Project to the following: 134461

(1) Except as provided in division (B)(2) of this section, 134462
the Helping Ohioans Move, Expanding Choice program; 134463

(2) If the Helping Ohioans Move, Expanding Choice program is 134464
integrated into a home and community-based services Medicaid 134465
waiver component, the same or another home and community-based 134466
services Medicaid waiver component. 134467

Section 333.220. PATIENT-CENTERED MEDICAL HOME PROGRAM 134468

The Department of Medicaid's patient-centered medical home 134469
program, also known as the Comprehensive Primary Care Program, is 134470
hereby abolished. 134471

Section 333.230. NURSING FACILITY BED CONVERSION PILOT	134472
PROGRAM	134473
(A) As used in this section:	134474
(1) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	134475 134476
(2) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code.	134477 134478
(B) The Department of Medicaid shall operate a pilot program during fiscal years 2018 and 2019 under which the owners of nursing facilities located in Cuyahoga County may voluntarily cease to use one or more of the nursing facilities' beds for nursing facility services and instead begin to use those beds for substance use disorder treatment services. To so convert the use of a bed, all of the following requirements must be met:	134479 134480 134481 134482 134483 134484 134485
(1) The bed so converted cannot be occupied by an individual receiving nursing facility services or be needed for an individual seeking such services;	134486 134487 134488
(2) The Department of Health must do the following:	134489
(a) If other beds in the nursing facility will continue to be used for nursing facility services after the bed is converted, reduce the nursing facility's Medicaid certified capacity and the corresponding nursing home licensed capacity by the bed being converted;	134490 134491 134492 134493 134494
(b) If no beds in the nursing facility will continue to be used for nursing facility services after the bed is converted, terminate the nursing facility's Medicaid certification and nursing home license.	134495 134496 134497 134498
(3) The substance use disorder treatment services for which the bed is to be used must satisfy the applicable standards for certification under section 5119.36 of the Revised Code and, if	134499 134500 134501

the owner of the bed seeks state or federal funds or funds 134502
administered by a board of alcohol, drug addiction, and mental 134503
health services to pay for the services, be certified under that 134504
section. 134505

(C) The Department of Health and Department of Mental Health 134506
and Addiction Services shall assist the Department of Medicaid 134507
with the operation of the pilot program. 134508

(D) Not later than October 1, 2019, the Department of 134509
Medicaid shall complete a report about the pilot program. The 134510
report shall include the Department's recommendations about making 134511
the pilot program a permanent and statewide program. The 134512
Department shall submit the report to the Governor, General 134513
Assembly, and Joint Medicaid Oversight Committee. The copy to the 134514
General Assembly shall be submitted in accordance with section 134515
101.68 of the Revised Code. The Department also shall make the 134516
report available to the public. 134517

Section 333.240. PAYMENT RATES FOR HOSPITAL SERVICES 134518

(A) The Medicaid payment rate for a hospital service provided 134519
during the period beginning July 1, 2017, and ending June 30, 134520
2019, shall equal the rate that was in effect for the same type of 134521
hospital service on January 1, 2017, except as provided in 134522
division (B) of this section and for any change in that rate that 134523
occurs as a result of any rebasing or recalibration of hospital 134524
payment rates by the Department of Medicaid on July 1, 2017. 134525

(B) If the Department of Medicaid determines at any time 134526
after January 1, 2018, that the total amount projected for making 134527
Medicaid payments for hospital services in accordance with 134528
division (A) of this section could exceed \$6,900,000,000 in fiscal 134529
year 2018 or \$6,900,000,000 in fiscal year 2019, the Department 134530
shall reduce the Medicaid payment rates for hospital services as 134531
necessary to remain within those limitations for each fiscal year. 134532

Section 333.260. BEHAVIORAL HEALTH REDESIGN	134533
(A) As used in this section:	134534
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	134535 134536
(2) "Community behavioral health services" means both of the following:	134537 134538
(a) Alcohol and drug addiction services provided by a community addiction services provider;	134539 134540
(b) Mental health services provided by a community mental health services provider.	134541 134542
(3) "Community mental health services provider" has the same meaning as in section 5119.01 of the Revised Code.	134543 134544
(B) None of the following changes to the Medicaid program's coverage of community behavioral health services may be implemented before January 1, 2018:	134545 134546 134547
(1) Aligning billing codes for the services to national standards;	134548 134549
(2) Redefining mental health pharmacologic management and substance use disorder medical/somatic services as medical services;	134550 134551 134552
(3) Separating and repricing the services and providing for lower acuity service coordination and support services;	134553 134554
(4) Requiring practitioners who are employed by a community addiction services provider or community mental health services provider and render the services to obtain a Medicaid provider agreement and be reported on Medicaid claims for the services;	134555 134556 134557 134558
(5) Requiring community addiction services providers and community mental health services providers to submit claims for the services to a third party responsible for some or all of the	134559 134560 134561

costs of the services before the providers submit Medicaid claims 134562
for the services. 134563

Section 333.270. STUDY COMMITTEE REGARDING MEDICAID MANAGED 134564
CARE 134565

(A) There is hereby established the Medicaid Managed Care 134566
Long-Term Services and Supports Study Committee. The study 134567
committee shall examine the merits of including in the care 134568
management system established under section 5167.03 of the Revised 134569
Code home and community-based services available under Medicaid 134570
waiver components and nursing facility services. All of the 134571
following shall serve as members of the study committee: 134572

(1) The chairperson of the Finance Subcommittee on Health and 134573
Human Services of the House of Representatives; 134574

(2) The chairperson of the Aging and Long-Term Care Committee 134575
of the House of Representatives; 134576

(3) The chairperson of the Finance - Health and Medicaid 134577
Subcommittee of the Senate; 134578

(4) The chairperson of the Health, Human Services, and 134579
Medicaid Committee of the Senate; 134580

(5) The Executive Director of the Office of Health 134581
Transformation or the Executive Director's designee; 134582

(6) The Medicaid Director or the Director's designee; 134583

(7) The Director of Aging or the Director's designee; 134584

(8) The Director of Health or the Director's designee; 134585

(9) The State Long-Term Care Ombudsman or the Ombudsman's 134586
designee; 134587

(10) One representative of each of the following 134588
organizations, as appointed by the chief executive of the 134589
organization: 134590

(a) Leadingage Ohio;	134591
(b) The Academy of Senior Health Sciences;	134592
(c) The Ohio Aging Advocacy Coalition;	134593
(d) The Ohio Assisted Living Association;	134594
(e) The Ohio Association of Health Plans;	134595
(f) The Ohio Association of Area Agencies on Aging;	134596
(g) The Ohio Council for Home Care and Hospice;	134597
(h) The Ohio Health Care Association;	134598
(i) The Ohio Olmstead Task Force;	134599
(j) The Universal Health Care Action Network Ohio;	134600
(k) AARP Ohio.	134601
(B) Appointments to the study committee shall be made not later than thirty days after the effective date of this section.	134602 134603
Members of the study committee shall serve without compensation or reimbursement, except to the extent that serving on the study committee is part of their usual job duties.	134604 134605 134606
(C) The Speaker of the House of Representatives shall appoint one of the members described in divisions (A)(1) and (2) of this section as the study committee's co-chairperson and the President of the Senate shall appoint one of the members described in divisions (A)(3) and(4) of this section as the committee's co-chairperson. The Department of Medicaid shall provide the study committee any administrative assistance the study committee needs.	134607 134608 134609 134610 134611 134612 134613
(D) In conducting the examination required by division (A) of this section, the study committee shall do all of the following:	134614 134615
(1) Consider available information about the home and community-based services Medicaid waiver component created as part of the Integrated Care Delivery System pursuant to section 5166.16 of the Revised Code and the Medicaid program's coverage of nursing	134616 134617 134618 134619

facility services, including all of the following:	134620
(a) Information contained in reports required by section 5162.134 of the Revised Code;	134621 134622
(b) Information contained in any evaluations of the Integrated Care Delivery System completed by entities under contract with the United States Department of Health and Human Services;	134623 134624 134625 134626
(c) Other available information the study committee determines to be appropriate.	134627 134628
(2) Estimate the costs that the state, Medicaid managed care organizations, providers, and Medicaid recipients would incur;	134629 134630
(3) Address any redundancies in rules governing home and community-based services available under Medicaid waiver components and nursing facility services and the terms and conditions of contracts with Medicaid managed care organizations;	134631 134632 134633 134634
(4) Estimate the projected benefits that Medicaid recipients would realize, including benefits that would result from changes to any of the following:	134635 134636 134637
(a) Health care services available to, or utilized by, the recipients;	134638 134639
(b) The recipients' health outcomes;	134640
(c) Other quality indicators.	134641
(5) Consider policies and procedures that are intended to promote efficient implementation and administration of including the services in the care management system;	134642 134643 134644
(6) Recommend systems that can be used in either Medicaid managed care long-term care services and supports or fee-for-services Medicaid to reward providers of long-term care services and supports that meet specified quality measures.	134645 134646 134647 134648

(E) The study committee shall complete a report not later than June 30, 2020. The report shall include the study committee's recommendations regarding costs, benefits, and policies. The report shall be submitted to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report also shall be made available to the public.

(F) On submission of its report, the study committee shall cease to exist.

(G) Section 809.10 of this act does not apply to this section.

Section 333.280. GENERAL ASSEMBLY'S INTENT REGARDING MEDICAID

It is the intent of the General Assembly to use the Healthy Ohio Program, as defined in section 5166.40 of the Revised Code, as a model for making medical assistance available to the state's qualifying residents if the United States Congress transforms the Medicaid program into a federal block grant.

Section 333.290. COLUMBUS, OHIO MEDICAID PILOT PROGRAM

(A) During fiscal year 2018, the Department of Medicaid shall operate a pilot program in Columbus, Ohio, under which the Department contracts with an entity to establish a software program that a Medicaid recipient residing in Columbus, Ohio, without charge to the recipient, may install on a portable electronic device for the following purposes:

(1) To remind the recipient of an appointment with a Medicaid provider;

(2) To help the recipient, through the use of geolocation, obtain transportation to the appointment as follows:

(a) By locating available public transportation that is not more than a five-minute walk from the recipient's location; 134678
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(b) If no available public transportation is so identified, 134680
 by arranging an available rideshare service. 134681

(B) The Department shall make the software program available 134682
 without charge to Medicaid providers that are located in Columbus, 134683
 Ohio, and request it. A Medicaid provider may explain to Medicaid 134684
 recipients residing in Columbus, Ohio, what the program does and 134685
 how it is operated and, on request, help the recipient install the 134686
 program on a portable electronic device. 134687

Section 335.10. MED STATE MEDICAL BOARD 134688

Dedicated Purpose Fund Group 134689

5C60 883609 Operating Expenses \$ 10,163,504 \$ 11,064,757 134690

TOTAL DPF Dedicated Purpose Fund \$ 10,163,504 \$ 11,064,757 134691

Group

TOTAL ALL BUDGET FUND GROUPS \$ 10,163,504 \$ 11,064,757 134692

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 134694

SERVICES 134695

General Revenue Fund 134696

GRF 336321 Central \$ 14,823,353 \$ 14,823,353 134697

Administration

GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 134698

GRF 336405 Family and Children \$ 1,386,000 \$ 1,386,000 134699

First

GRF 336406 Prevention and \$ 3,368,659 \$ 3,368,659 134700

Wellness

GRF 336412 Hospital Services \$ 219,206,280 \$ 223,849,644 134701

GRF 336415 Mental Health \$ 20,323,000 \$ 19,426,900 134702

Facilities Lease

Rental Bond Payments

GRF	336421	Continuum of Care Services	\$	99,089,846	\$	99,089,846	134703
GRF	336422	Criminal Justice Services	\$	14,116,418	\$	15,116,418	134704
GRF	336423	Addiction Services Partnership with Corrections	\$	25,500,000	\$	25,500,000	134705
GRF	336424	Recovery Housing	\$	1,000,000	\$	2,500,000	134706
GRF	336425	Specialized Docket Support	\$	5,000,000	\$	5,000,000	134707
GRF	336501	Drug Addiction Prevention	\$	5,000,000	\$	5,000,000	134708
GRF	336502	Opioid Addiction Hubs	\$	2,200,000	\$	0	134709
GRF	336504	Community Innovations	\$	5,850,000	\$	9,250,000	134710
GRF	336506	Court Costs	\$	1,284,210	\$	1,284,210	134711
GRF	336510	Residential State Supplement	\$	16,002,875	\$	16,002,875	134712
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	134713
GRF	652321	Medicaid Support	\$	1,250,367	\$	1,250,367	134714
TOTAL GRF		General Revenue Fund	\$	438,351,008	\$	445,798,272	134715
		Dedicated Purpose Fund Group					134716
2320	336621	Family and Children First	\$	410,113	\$	410,113	134717
4750	336623	Statewide Treatment and Prevention	\$	20,450,000	\$	15,550,000	134718
4850	336632	Mental Health Operating	\$	2,611,733	\$	2,611,733	134719
5AU0	336615	Behavioral Health Care	\$	7,850,000	\$	7,850,000	134720
5JL0	336629	Problem Gambling and	\$	6,267,609	\$	6,267,609	134721

		Casino Addiction					
5T90	336641	Problem Gambling	\$	1,495,000	\$	1,495,000	134722
		Services					
6320	336616	Community Capital	\$	350,000	\$	350,000	134723
		Replacement					
6890	336640	Education and	\$	150,000	\$	150,000	134724
		Conferences					
TOTAL DPF		Dedicated Purpose Fund	\$	39,584,455	\$	34,684,455	134725
Group							
Internal Service Activity Fund Group							134726
1490	336609	Hospital Operating	\$	22,749,000	\$	22,790,000	134727
		Expenses					
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	134728
1500	336620	Special Education	\$	150,000	\$	150,000	134729
1510	336601	Ohio Pharmacy	\$	70,302,017	\$	70,302,017	134730
		Services					
4P90	336604	Community Mental	\$	1,250,000	\$	250,000	134731
		Health Projects					
TOTAL ISA		Internal Service Activity	\$	99,951,017	\$	98,992,017	134732
Fund Group							
Federal Fund Group							134733
3240	336605	Medicaid/Medicare	\$	17,500,000	\$	17,500,000	134734
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000	134735
3A70	336612	Social Services Block	\$	8,450,000	\$	8,450,000	134736
		Grant					
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	134737
3A90	336614	Mental Health Block	\$	17,058,470	\$	17,058,470	134738
		Grant					
3G40	336618	Substance Abuse Block	\$	65,865,756	\$	65,865,756	134739
		Grant					
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000	134740
3N80	336639	Administrative	\$	1,000,000	\$	1,000,000	134741

		Reimbursement				
3B10	652635	Community Medicaid	\$	5,000,000	\$	5,000,000 134742
		Legacy Costs				
3B10	652636	Community Medicaid	\$	6,000,000	\$	6,000,000 134743
		Legacy Support				
TOTAL FED	Federal Fund Group		\$	142,384,226	\$	142,384,226 134744
TOTAL ALL BUDGET FUND GROUPS			\$	720,270,706	\$	721,858,970 134745

Section 337.20. RESIDENT TRAINEES 134747

Of the foregoing appropriation item 336402, Resident 134748
 Trainees, up to \$155,172 in each fiscal year shall be used to 134749
 assist with workforce recruitment and retention by supporting 134750
 community behavioral health centers in the provision of clinical 134751
 oversight and supervision of practitioners working toward their 134752
 independent licensure. 134753

Of the foregoing appropriation item 336402, Resident 134754
 Trainees, up to \$155,172 in each fiscal year shall be used to 134755
 support residency programs for psychiatrists, advanced practice 134756
 nurses, and physician assistants who engage in the public 134757
 behavioral health system. 134758

Of the foregoing appropriation item 336402, Resident 134759
 Trainees, up to \$139,656 in each fiscal year may be used to fund 134760
 residencies and traineeship programs in psychiatry, psychology, 134761
 nursing, and social work at state universities and teaching 134762
 hospitals. 134763

Section 337.30. PREVENTION AND WELLNESS 134764

The foregoing appropriation item 336406, Prevention and 134765
 Wellness, shall be used as follows: 134766

(A) Up to \$500,000 in each fiscal year shall be used to 134767
 support evidence-based prevention in school settings. 134768

(B) Up to \$1,500,000 in each fiscal year shall be distributed 134769

to boards of alcohol, drug addiction, and mental health services 134770
to purchase the provision of evidence-based prevention services 134771
from providers certified by the Department of Mental Health and 134772
Addiction Services. 134773

(C) Up to \$500,000 in each fiscal year shall be used to 134774
support suicide prevention efforts. 134775

Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 134776
PAYMENTS 134777

The foregoing appropriation item 336415, Mental Health 134778
Facilities Lease Rental Bond Payments, shall be used to meet all 134779
payments during the period from July 1, 2017, through June 30, 134780
2019, by the Department of Mental Health and Addiction Services 134781
under leases and agreements made under section 154.20 of the 134782
Revised Code. These appropriations are the source of funds pledged 134783
for bond service charges on obligations issued pursuant to Chapter 134784
154. of the Revised Code. 134785

Section 337.50. CONTINUUM OF CARE SERVICES 134786

(A) As used in this section: 134787

(1) "State or local correctional facility" means any of the 134788
following: 134789

(a) A "state correctional institution," as defined in section 134790
2967.01 of the Revised Code; 134791

(b) A "local correctional facility," as defined in section 134792
2903.13 of the Revised Code; 134793

(c) A correctional facility that is privately operated and 134794
managed pursuant to section 9.06 of the Revised Code. 134795

(2) "State psychiatric hospital regions" means the six 134796
districts into which the Department of Mental Health and Addiction 134797
Services has divided the state pursuant to division (B)(2) of 134798

section 5119.14 of the Revised Code. 134799

(B) Except as otherwise provided in this section, the 134800
foregoing appropriation item 336421, Continuum of Care Services, 134801
shall be used as follows: 134802

(1) A portion of this appropriation shall be allocated to 134803
boards of alcohol, drug addiction, and mental health services in 134804
accordance with a distribution methodology determined by the 134805
Director of Mental Health and Addiction Services for the boards to 134806
purchase mental health and addiction services permitted under 134807
Chapter 340. of the Revised Code. Boards may use a portion of the 134808
funds allocated: 134809

(a) To provide subsidized support for psychotropic medication 134810
needs of indigent citizens in the community to reduce unnecessary 134811
hospitalization due to lack of medication; and 134812

(b) To provide subsidized support for medication-assisted 134813
treatment costs. 134814

(2) A portion of this appropriation may be distributed to 134815
boards of alcohol, drug addiction, and mental health services, 134816
community addiction and/or mental health services providers, 134817
courts, or other governmental entities to provide specific grants 134818
in support of initiatives concerning mental health and addiction 134819
services. 134820

(C) Of the foregoing appropriation item 336421, Continuum of 134821
Care Services, \$12,000,000 in each fiscal year shall be allocated 134822
by the Department of Mental Health and Addiction Services to 134823
boards of alcohol, drug addiction, and mental health services as 134824
follows: 134825

(1) Each board shall receive \$75,000 in each fiscal year for 134826
each of the counties that are part of the board's service 134827
district. 134828

(2) Each board shall receive a percentage of the remaining amount of the \$12,000,000 in each fiscal year to be determined as follows:	134829 134830 134831
(a) Determine the sum of the following:	134832
(i) The state's total population as of January 1, 2017;	134833
(ii) The average number of opioid overdose deaths that occurred in the state during the immediately preceding three fiscal years.	134834 134835 134836
(b) Determine the sum of the following:	134837
(i) The population of the board's service district as of January 1, 2017;	134838 134839
(ii) The average number of opioid overdose deaths that occurred in the board's service district during the immediately preceding three fiscal years.	134840 134841 134842
(c) Determine the percentage that the sum determined under division (C)(2)(b) of this section is of the sum determined under division (C)(2)(a) of this section.	134843 134844 134845
(D) Of the foregoing appropriation item 336421, Continuum of Care Services, \$9,000,0000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, nine acute substance use disorder stabilization centers. There shall be one center located in each of the following:	134846 134847 134848 134849 134850 134851 134852 134853 134854
(1) Cuyahoga County;	134855
(2) Franklin County;	134856
(3) Hamilton County;	134857

(4) One of the counties that is part of the Appalachian state psychiatric hospital region; 134858
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(5) One of the counties that is part of the Heartland state psychiatric hospital region; 134860
134861

(6) One of the counties, other than Cuyahoga County, that is part of the Northcoast state psychiatric hospital region; 134862
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(7) One of the counties that is part of the Northwest state psychiatric hospital region; 134864
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(8) One of the counties, other than Hamilton County, that is part of the Summit state psychiatric hospital region; 134866
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(9) One of the counties, other than Franklin County, that is part of the Twin Valley state psychiatric hospital region. 134868
134869

(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$6,000,0000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, six mental health crisis stabilization centers. There shall be one center located in each state psychiatric hospital region. 134870
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(F) Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in each fiscal year shall be allocated to the Chardon School District to be used for program-related activities. 134879
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(G) Boards of alcohol, drug addiction, and mental health services shall ensure that each acute substance use disorder stabilization center and mental health crisis stabilization center established and administered under divisions (D) and (E) of this section complies with all of the following: 134883
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(1) It admits individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

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(2) It admits individuals before and after the individuals are confined in state or local correctional facilities.

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(3) It has a Medicaid provider agreement.

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(4) It is located in a building constructed for another purpose before the effective date of this section.

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(5) It admits individuals who have been identified as needing the stabilization services provided by the center.

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(6) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

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Section 337.60. CRIMINAL JUSTICE SERVICES 134901

The foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through boards of alcohol, drug addiction, and mental health services to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

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The foregoing appropriation item 336422, Criminal Justice Services, may also be used to:

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(A) Provide forensic monitoring and tracking of individuals on conditional release;

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(B) Provide forensic training;	134917
(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;	134918 134919 134920
(D) Provide specialized re-entry services to offenders leaving prisons and jails;	134921 134922
(E) Provide specific grants in support of addiction services alternatives to incarceration;	134923 134924
(F) Support therapeutic communities; and	134925
(G) Support specialty dockets and expand or create new certified court programs.	134926 134927
Section 337.70. MEDICATION-ASSISTED TREATMENT IN SPECIALIZED DOCKET PROGRAMS FOR DRUGS	134928 134929
(A) As used in this section:	134930
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	134931 134932
(2) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.	134933 134934 134935 134936 134937 134938 134939
(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	134940 134941
(4) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.	134942 134943
(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide addiction treatment, which may	134944 134945

include medication-assisted treatment and recovery supports, to 134946
persons who are eligible to participate in a medication-assisted 134947
treatment drug court program and are selected under this section 134948
to be participants in a MAT drug court program because of their 134949
dependence on opioids, alcohol, or both. 134950

(2) The Department shall conduct its program in collaboration 134951
with those courts of Allen, Butler, Clermont, Clinton, Columbiana, 134952
Coshocton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, Hardin, 134953
Highland, Hocking, Jackson, Lake, Lorain, Lucas, Mahoning, Marion, 134954
Medina, Mercer, Montgomery, Muskingum, Ottawa, Richland, Ross, 134955
Stark, Summit, Trumbull, Tuscarawas, Union, and Warren counties 134956
that are conducting MAT drug court programs. If in any of these 134957
counties there is no court conducting a MAT drug court program, 134958
the Department shall conduct its program in collaboration with a 134959
court that is conducting a MAT drug court program in another 134960
county. 134961

(3) In addition to conducting its program in accordance with 134962
division (B)(2) of this section, the Department may conduct its 134963
program in collaboration with any other court that is conducting a 134964
MAT drug court program. 134965

(C) In conducting its program, the Department shall 134966
collaborate with the Supreme Court, the Department of 134967
Rehabilitation and Correction, and any agency of the state that 134968
the Department of Mental Health and Addiction Services determines 134969
may be of assistance in accomplishing the objectives of the 134970
Department's program. The Department may collaborate with the 134971
boards of alcohol, drug addiction, and mental health services and 134972
with local law enforcement agencies that serve the counties in 134973
which a court participating in the Department's program is 134974
located. 134975

(D)(1) A MAT drug court program participating in the 134976
Department's program shall select the persons who are to be its 134977

participants for purposes of the Department's program. To be 134978
selected, a person must be a criminal offender or involved in a 134979
family drug or dependency court. A person shall not be selected to 134980
be a participant unless the person meets the legal and clinical 134981
eligibility criteria for the MAT drug court program and is an 134982
active participant in the MAT drug court program. 134983

(2) The total number of persons participating in the 134984
Department's program at any time shall not exceed one thousand 134985
five hundred, subject to available funding, except that the 134986
Department may authorize the maximum number to be exceeded in 134987
circumstances that the Department considers to be appropriate. 134988

(3) After a MAT drug court program enrolls a person as a 134989
participant for purposes of the Department's program, the 134990
participant shall comply with all requirements of the MAT drug 134991
court program. 134992

(E) The addiction treatment and recovery supports provided 134993
under the Department's program in collaboration with a MAT drug 134994
court program shall be provided by a community addiction services 134995
provider. The provider shall do all of the following: 134996

(1) Provide treatment based on an integrated service delivery 134997
model that consists of the coordination of care between a 134998
prescriber and the community addiction services provider; 134999

(2) Conduct professional, comprehensive substance abuse and 135000
mental health diagnostic assessments of a person under 135001
consideration for selection as a program participant to determine 135002
whether the person would benefit from substance abuse treatment 135003
and monitoring; 135004

(3) Determine, based on the assessment described in division 135005
(E)(2) of this section, the treatment needs of the program 135006
participants served by the community addiction services provider; 135007

(4) Develop, for program participants served by the community 135008

addiction services provider, individualized goals and objectives; 135009

(5) Provide access to the long-acting antagonist therapies, 135010
partial agonist therapies, or both, that are included in the 135011
program's medication-assisted treatment; 135012

(6) Provide other types of therapies, including psychosocial 135013
therapies, for both substance abuse and any disorders that are 135014
considered by the community addiction services provider to be 135015
co-occurring disorders; 135016

(7) Monitor program compliance through the use of regular 135017
drug testing, including urinalysis, of the program participants 135018
served by the community addiction services provider; 135019

(8) Provide access to time-limited recovery supports that 135020
help eliminate barriers to treatment and are specific to the 135021
participant's needs, including assistance with housing, 135022
transportation, child care, job training, obtaining a driver's 135023
license or state identification card, and any other matter 135024
considered relevant by the provider. 135025

(F) In the case of medication-assisted treatment provided 135026
under the Department's program, all of the following conditions 135027
apply: 135028

(1) A drug may be used only if the drug has been approved by 135029
the United States Food and Drug Administration for use in treating 135030
dependence on opioids, alcohol, or both, or for preventing relapse 135031
into the use of opioids, alcohol, or both. 135032

(2) One or more drugs may be used, but each drug that is used 135033
must constitute long-acting antagonist therapy or partial agonist 135034
therapy. 135035

(3) If a drug constituting partial agonist therapy is used, 135036
the program shall provide safeguards to minimize abuse and 135037
diversion of the drug, including such safeguards as routine drug 135038

testing of program participants. 135039

(G) It is anticipated and expected that MAT drug court 135040
programs will expand their ability to serve more drug court 135041
participants as a result of increased access to commercial or 135042
publicly funded health insurance. In order to ensure that funds 135043
appropriated to support the Department's program are used in the 135044
most efficient manner with a goal of enrolling the maximum number 135045
of participants, the Medicaid Director, in collaboration with 135046
major Ohio health care plans, shall develop plans consistent with 135047
this division. There shall be no prior authorizations or step 135048
therapy for medication-assisted treatment for program 135049
participants. The plans developed under this division shall ensure 135050
all of the following: 135051

(1) The development of an efficient and timely process for 135052
review of eligibility for health benefits for all persons selected 135053
to participate in the program; 135054

(2) A rapid conversion to reimbursement for all health care 135055
services by the participant's health care plan following approval 135056
for coverage of health care benefits; 135057

(3) The development of a consistent benefit package that 135058
provides ready access to and reimbursement for essential health 135059
care services including, but not limited to, primary health care 135060
services, alcohol and opioid detoxification services, appropriate 135061
psychosocial services, and medication for long-acting injectable 135062
antagonist therapies and partial agonist therapies; 135063

(4) The development of guidelines that require the provision 135064
of all treatment services, including medication, with minimal 135065
administrative barriers and within a time frame that meets the 135066
requirements of individual patient care plans. 135067

(H) Upon completion of the report required by division (J) of 135068
Section 331.90 of Am. Sub. H.B. 64 of the 131st General Assembly, 135069

the research institution that prepared the report shall submit the 135070
report to the Governor, Chief Justice of the Supreme Court, 135071
President of the Senate, Speaker of the House of Representatives, 135072
Director of Mental Health and Addiction Services, Director of 135073
Rehabilitation and Correction, and any state agency that the 135074
Department of Mental Health and Addiction Services collaborates 135075
with in conducting the program. 135076

(I) Not later than ninety days after the effective date of 135077
this section, the Department of Mental Health and Addiction 135078
Services shall select a research institution to evaluate the 135079
Department's program, as conducted in fiscal year 2018 and fiscal 135080
year 2019. To be selected, a research institution must have 135081
experience in evaluating multiple court systems across 135082
jurisdictions, in both rural and urban regions, experience in 135083
evaluating the use of agonist and antagonist therapies in MAT drug 135084
court programs, a record of producing material for scientific 135085
publications, expertise in health economics, and experience with 135086
patient issues involving ethics and consent. In addition, the 135087
institution must have an internal review board. 135088

The research institution selected shall prepare a report of 135089
its findings from the evaluation of the Department's program. The 135090
institution shall complete its report not later than December 31, 135091
2019. On completion, the institution shall submit the report to 135092
the Governor, Chief Justice of the Supreme Court, President of the 135093
Senate, Speaker of the House of Representatives, Department of 135094
Mental Health and Addiction Services, Department of Rehabilitation 135095
and Correction, and any other state agency that the Department of 135096
Mental Health and Addiction Services collaborates with in 135097
conducting its program. 135098

(J) Of the foregoing appropriation item 336422, Criminal 135099
Justice Services, up to \$8,000,000 in each fiscal year shall be 135100
used to support medication-assisted treatment for drug court 135101

specialized docket programs.	135102
Section 337.71. PILOT PROGRAM FOR SUPPORT OF MENTAL HEALTH	135103
COURTS	135104
(A) As used in this section:	135105
(1) "Certified mental health court program" means a session	135106
of any of the following that holds initial or final certification	135107
from the Supreme Court of Ohio as a specialized docket program for	135108
mental health: a common pleas court, municipal court, or county	135109
court or a division of any of those courts.	135110
(2) "Community mental health services provider," "mental	135111
health services," and "recovery supports" have the same meanings	135112
as in section 5119.01 of the Revised Code.	135113
(3) "Prescriber" has the same meaning as in section 4729.01	135114
of the Revised Code.	135115
(B) During fiscal year 2018 and fiscal year 2019, the	135116
Department of Mental Health and Addiction Services shall conduct a	135117
pilot program to provide mental health services and recovery	135118
supports to persons who are offenders within the criminal justice	135119
system, eligible to participate in a certified mental health court	135120
program, and selected to be participants in the pilot program	135121
because of their mental health conditions. The purpose of the	135122
program is to reduce recidivism into criminal behavior by	135123
assisting the selected participants in addressing their mental	135124
health service needs, including by providing access to drugs that	135125
are used to treat mental health conditions.	135126
(C) The Department shall conduct the pilot program in the	135127
courts of Cuyahoga, Franklin, and Warren counties that are	135128
conducting certified mental health court programs. If in any of	135129
these counties there is no court conducting a certified mental	135130
health court program, the Department shall conduct the pilot	135131

program in a court that is conducting a certified mental health 135132
court program in another county. 135133

The Department may conduct the pilot program in any court 135134
that is conducting a certified mental health court program in any 135135
other county. 135136

(D) In conducting the pilot program, the Department shall 135137
collaborate with the Supreme Court of Ohio, the Department of 135138
Rehabilitation and Correction, and any other state agency that it 135139
determines may be of assistance in accomplishing the objectives of 135140
the pilot program. In addition, the Department may collaborate 135141
with the boards of alcohol, drug addiction, and mental health 135142
services and local law enforcement agencies that serve the 135143
counties in which the courts participating in the pilot program 135144
are located. 135145

(E) Not later than sixty days after the effective date of 135146
this section, the Department shall develop a plan for evaluating 135147
the pilot program. The evaluation plan shall include performance 135148
measures that reflect the purpose of the pilot program. 135149

(F) Services and supports may be provided under the pilot 135150
program only by a community mental health services provider. In 135151
providing the services and supports, a community mental health 135152
services provider shall do all of the following: 135153

(1) Use an integrated service delivery model that consists of 135154
the coordination of care between a prescriber and the community 135155
mental health services provider; 135156

(2) Conduct assessments of persons under consideration for 135157
selection as pilot program participants to determine whether they 135158
would benefit from participation; 135159

(3) Based on the assessments, determine the mental health 135160
service needs of the participants served by the provider; 135161

(4) Develop individualized goals and objectives for the participants served by the provider; 135162
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(5) As part of the mental health services included in the pilot program, provide access to drugs that are used to treat mental health conditions, including federally approved drugs that are known as atypical antipsychotics and are administered or dispensed in a long-acting injectable form; 135164
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(6) As part of the recovery supports included in the pilot program, provide supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter considered relevant by the provider; 135169
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(7) Address any disorders that are considered by the provider to be co-occurring disorders; 135175
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(8) Monitor compliance of the pilot program participants being served by the provider. 135177
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(G) The Department shall prepare a report of the findings obtained from the pilot program. The report shall include data derived from the performance measures used in the pilot program. 135179
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Not later than six months after the conclusion of the pilot program, the Department shall complete its report. On completion, the Department shall submit the report to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, Department of Rehabilitation and Correction, and any other state agency the Department of Mental Health and Addiction Services collaborates with in conducting the pilot program. 135182
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(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$700,000 in each fiscal year shall be used for the pilot program established under this section for the 135190
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support of certified mental health court programs. 135193

Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 135194
CORRECTIONS 135195

Any business commenced but not completed by July 1, 2015, by 135196
the Department of Rehabilitation and Correction regarding recovery 135197
services shall be completed by the Department of Mental Health and 135198
Addiction Services. No validation, cure, right, privilege, remedy, 135199
obligation, or liability is lost or impaired by reason of the 135200
transfer required by this section and shall be administered by the 135201
Department of Mental Health and Addiction Services. Any rules, 135202
orders, and determinations pertaining to the Bureau of Recovery 135203
Services continue in effect as rules, orders, and determinations 135204
of the Department of Mental Health and Addiction Services until 135205
modified or rescinded by the Department of Mental Health and 135206
Addiction Services. If necessary to ensure the integrity of the 135207
numbering of the Administrative Code, the Director of the 135208
Legislative Service Commission shall renumber the numbers to 135209
reflect their transfer to the Department of Mental Health and 135210
Addiction Services. 135211

Subject to the lay-off provisions of sections 124.321 to 135212
124.382 of the Revised Code, all employees of the Bureau of 135213
Recovery Services are hereby transferred to the Department of 135214
Mental Health and Addiction Services and retain their positions 135215
and all of their benefits. 135216

Wherever the Bureau of Recovery Services is referred to in 135217
any law, contract, or other document, the reference shall be 135218
deemed to refer to the Department of Mental Health and Addiction 135219
Services or its director, as appropriate. 135220

Any business commenced but not completed under appropriation 135221
item 505321, Institution Medical Services, pertaining to the 135222
Bureau of Recovery Services, shall be completed under 135223

appropriation item 336423, Addiction Services Partnership with
Corrections, in the same manner, and with the same effect, as if
completed with regard to appropriation item 505321, Institution
Medical Services.

Section 337.90. RECOVERY HOUSING 135228

The foregoing appropriation item 336424, Recovery Housing,
shall be used to expand and support access to recovery housing as
defined in section 340.01 of the Revised Code and in accordance
with section 340.034 of the Revised Code. For expenditures that
are capital in nature, the Department of Mental Health and
Addiction Services shall develop procedures to administer these
funds in a manner that is consistent with current community
capital assistance guidelines.

Section 337.100. SPECIALIZED DOCKET SUPPORT 135237

(A) The foregoing appropriation item 336425, Specialized
Docket Support, shall be used to defray a portion of the annual
payroll costs associated with the specialized docket of a common
pleas court, municipal court, county court, juvenile court, or
family court that meets all of the eligibility requirements in
division (B) of this section, including a family dependency
treatment docket. The foregoing appropriation item 336425,
Specialized Docket Support, may also be used to defray costs
associated with treatment services and recovery supports for
participants.

(B) To be eligible, the specialized docket must have received
Supreme Court of Ohio final certification and include participants
with behavioral health needs in its target population.

(C) Of the foregoing appropriation item 336425, Specialized
Docket Support, the Department of Mental Health and Addiction
Services shall use up to one per cent of the funds appropriated in

each fiscal year to pay the cost it incurs in administering the 135254
duties established in this section. 135255

(D) The Department, in consultation with the Supreme Court of 135256
Ohio, may adopt funding distribution methodology, guidelines, and 135257
procedures as necessary to carry out the purposes of this section. 135258

Section 337.110. COMMUNITY INNOVATIONS 135259

The foregoing appropriation item 336504, Community 135260
Innovations, may be used by the Department of Mental Health and 135261
Addiction Services to make targeted investments in programs, 135262
projects, or systems operated by or under the authority of other 135263
state agencies, governmental entities, or private not-for-profit 135264
agencies that impact, or are impacted by, the operations and 135265
functions of the Department, with the goal of achieving a net 135266
reduction in expenditure of state general revenue funds and/or 135267
improved outcomes for Ohio citizens without a net increase in 135268
state general revenue fund spending. 135269

The Director shall identify and evaluate programs, projects, 135270
or systems proposed or operated, in whole or in part, outside of 135271
the authority of the Department, where targeted investment of 135272
these funds in the program, project, or system is expected to 135273
decrease demand for the Department or other resources funded with 135274
state general revenue funds, and/or to measurably improve outcomes 135275
for Ohio citizens with mental illness or with alcohol, drug, or 135276
gambling addictions. The Director shall have discretion to 135277
transfer money from the appropriation item to other state 135278
agencies, governmental entities, or private not-for-profit 135279
agencies in amounts, and subject to conditions, that the Director 135280
determines most likely to achieve state savings and/or improved 135281
outcomes. Distribution of moneys from this appropriation item 135282
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 135283
the Revised Code. 135284

The Department shall enter into an agreement with each 135285
recipient of community innovation funds, identifying: allowable 135286
expenditure of the funds; other commitment of funds or other 135287
resources to the program, project, or system; expected state 135288
savings and/or improved outcomes and proposed mechanisms for 135289
measurement of such savings or outcomes; and required reporting 135290
regarding expenditure of funds and savings or outcomes achieved. 135291

Of the foregoing appropriation item 336504, Community 135292
Innovations, up to \$3,000,000 in fiscal year 2018 and \$4,000,000 135293
in fiscal year 2019 shall be used to provide funding for community 135294
projects across the state that focus on support for families, 135295
assisting families in avoiding crisis, and crisis intervention. 135296

Of the foregoing appropriation item 336504, Community 135297
Innovations, up to \$500,000 in fiscal year 2018 and \$750,000 in 135298
fiscal year 2019 shall be used to enhance access to naloxone 135299
across the state for county health departments to then disperse 135300
through a grant program to local law enforcement, emergency 135301
personnel, and first responders. If local law enforcement, 135302
emergency personnel, and first responders are not making use of 135303
the naloxone grant funds, the county health department may use 135304
grant funding to provide naloxone through a Project DAWN program 135305
within the county. 135306

Of the foregoing appropriation item 336504, Community 135307
Innovations, up to \$850,000 in fiscal year 2018 and \$2,000,000 in 135308
fiscal year 2019 shall be used to support projects that assist 135309
local communities in implementing a full continuum of care, 135310
including workforce development, as described in division (A)(1) 135311
of section 340.03 of the Revised Code. 135312

Section 337.120. RESIDENTIAL STATE SUPPLEMENT 135313

(A) The foregoing appropriation item 336510, Residential 135314
State Supplement, may be used by the Department of Mental Health 135315

and Addiction Services to provide training for residential 135316
facilities providing accommodations, supervision, and personal 135317
care services to three to sixteen unrelated adults with mental 135318
illness and to make payments to residential state supplement 135319
recipients. 135320

(B) The Department of Mental Health and Addiction Services 135321
shall adopt rules establishing eligibility criteria and payment 135322
amounts under section 5119.41 of the Revised Code. 135323

Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 135324
CONSULTATION 135325

The foregoing appropriation item 336511, Early Childhood 135326
Mental Health Counselors and Consultation, shall be used to 135327
promote identification and intervention for early childhood mental 135328
health and to enhance healthy social emotional development in 135329
order to reduce preschool to third grade classroom expulsions. 135330
Funds shall be used by the Department of Mental Health and 135331
Addiction Services to support early childhood mental health 135332
credentialed counselors and consultation services, as well as 135333
administration and workforce development for the program. 135334

Section 337.133. DRUG ADDICTION PREVENTION 135335

The foregoing appropriation item 336501, Drug Addiction 135336
Prevention, shall be used to create public service announcements, 135337
a 24-hour hotline that is available statewide, a web site, and 135338
other materials to provide the public with information concerning 135339
the dangers and impacts of drug addiction and resources available 135340
for treatment. 135341

Section 337.135. OPIOID ADDICTION HUBS 135342

The foregoing appropriation item 336502, Opioid Addiction 135343
Hubs, shall be used for the County Hub Program to Combat Opioid 135344

Addiction established in section 305.40 of the Revised Code. The 135345
Department of Mental Health and Addiction Services shall 135346
distribute these funds equally among all counties. 135347

Section 337.140. MEDICAID SUPPORT 135348

The foregoing appropriation item 652321, Medicaid Support, 135349
shall be used to fund specified Medicaid Services as delegated by 135350
the state's single agency responsible for the Medicaid Program. 135351

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 135352

A portion of appropriation item 336629, Problem Gambling and 135353
Casino Addiction, shall be allocated to boards of alcohol, drug 135354
addiction, and mental health services in accordance with a 135355
distribution methodology determined by the Director of Mental 135356
Health and Addiction Services. 135357

Section 337.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 135358
POOL 135359

A county family and children first council may establish and 135360
operate a flexible funding pool in order to assure access to 135361
needed services by families, children, and older adults in need of 135362
protective services. The operation of the flexible funding pools 135363
shall be subject to the following restrictions: 135364

(A) The county council shall establish and operate the 135365
flexible funding pool in accordance with formal guidance issued by 135366
the Family and Children First Cabinet Council; 135367

(B) The county council shall produce an annual report on its 135368
use of the pooled funds. The annual report shall conform to a 135369
format prescribed in the formal guidance issued by the Family and 135370
Children First Cabinet Council; 135371

(C) Unless otherwise restricted, funds transferred to the 135372

flexible funding pool may include state general revenues allocated 135373
to local entities to support the provision of services to families 135374
and children; 135375

(D) The amounts transferred to the flexible funding pool 135376
shall be limited to amounts that can be redirected without 135377
impairing the achievement of the objectives for which the initial 135378
allocation is designated; and 135379

(E) Each amount transferred to the flexible funding pool from 135380
a specific allocation shall be approved for transfer by the 135381
director of the local agency that was the original recipient of 135382
the allocation. 135383

Section 337.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT 135384

The designation of administering agency for federal aid shall 135385
be held jointly by the Department of Mental Health and Addiction 135386
Services and the Department of Medicaid for determining 135387
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 135388
Department of Mental Health and Addiction Services remains the 135389
designated agency for all other purposes established by 42 U.S.C. 135390
300x et seq. and section 5119.32 of the Revised Code. 135391

Section 337.180. ACCESS SUCCESS II PROGRAM 135392

To the extent cash is available, the Director of Budget and 135393
Management may transfer cash from the Money Follows the Person 135394
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 135395
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 135396
by the Department of Mental Health and Addiction Services. The 135397
transferred cash is hereby appropriated. 135398

The Department of Mental Health and Addiction Services shall 135399
use the transferred funds to administer the Access Success II 135400
Program to help non-Medicaid patients in any hospital established, 135401
controlled, or supervised by the Department under Chapter 5119. of 135402

the Revised Code to transition from inpatient status to a 135403
community setting. 135404

Section 337.190. CASH TRANSFER FROM THE INDIGENT DRIVERS 135405
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 135406
FUND 135407

On a schedule determined by the Director of Budget and 135408
Management, the Director of Mental Health and Addiction Services 135409
shall certify to the Director of Budget and Management the amount 135410
of excess license reinstatement fees that are available pursuant 135411
to division (F)(2)(c) of section 4511.191 of the Revised Code to 135412
be transferred from the Indigent Drivers Alcohol Treatment Fund 135413
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 135414
4750). Upon certification, the Director of Budget and Management 135415
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 135416
to the Statewide Treatment and Prevention Fund. 135417

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 135418

General Revenue Fund 135419

GRF 149321	Operating Expenses	\$	654,939	\$	654,939	135420
GRF 149501	Demonstration Grants	\$	865,790	\$	865,790	135421
GRF 149502	Lupus Program	\$	94,560	\$	94,560	135422
GRF 149503	Infant Mortality	\$	985,000	\$	985,000	135423

Health Grants

TOTAL GRF General Revenue Fund \$ 2,600,289 \$ 2,600,289 135424

Dedicated Purpose Fund Group 135425

4C20 149601	Minority Health	\$	50,000	\$	50,000	135426
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Conference

TOTAL DPF Dedicated Purpose Fund \$ 50,000 \$ 50,000 135427

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,650,289 \$ 2,650,289 135428

Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD				135430
Dedicated Purpose Fund Group				135431
4K90 865601	Operating Expenses	\$ 587,371	\$ 604,593	135432
TOTAL DPF Dedicated Purpose Fund Group				135433
TOTAL ALL BUDGET FUND GROUPS				135434
 Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES				135436
General Revenue Fund				135437
GRF 725401	Division of Wildlife-Operating Subsidy	\$ 1,773,000	\$ 1,773,000	135438
GRF 725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$ 39,002,200	\$ 44,442,400	135439
GRF 725456	Canal Lands	\$ 132,975	\$ 132,975	135440
GRF 725505	Healthy Lake Erie Program	\$ 788,000	\$ 985,000	135441
GRF 725507	Coal and Mine Safety Programs	\$ 2,773,178	\$ 2,773,178	135442
GRF 725903	Natural Resources General Obligation Bond Debt Service	\$ 25,450,300	\$ 19,317,800	135443
GRF 727321	Division of Forestry	\$ 2,714,253	\$ 4,684,253	135444
GRF 729321	Office of Information Technology	\$ 182,529	\$ 182,529	135445
GRF 730321	Parks and Recreation	\$ 30,579,551	\$ 30,596,130	135446
GRF 736321	Division of Engineering	\$ 2,065,632	\$ 2,049,052	135447
GRF 737321	Division of Water Resources	\$ 961,167	\$ 1,201,458	135448

GRF	738321	Office of Real Estate and Land Management	\$	731,311	\$	731,311	135449
GRF	741321	Division of Natural Areas and Preserves	\$	1,001,398	\$	1,251,748	135450
TOTAL GRF	General Revenue Fund		\$	108,155,494	\$	110,120,834	135451
Dedicated Purpose Fund Group							135452
2270	725406	Parks Projects Personnel	\$	850,000	\$	900,000	135453
4300	725671	Canal Lands	\$	924,919	\$	927,128	135454
4S90	725622	NatureWorks Personnel	\$	800,000	\$	800,000	135455
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	135456
5090	725602	State Forest	\$	9,695,418	\$	8,009,525	135457
5110	725646	Ohio Geological Mapping	\$	3,922,925	\$	3,818,039	135458
5120	725605	State Parks Operations	\$	31,000,000	\$	31,000,000	135459
5140	725606	Lake Erie Shoreline	\$	2,125,649	\$	1,681,699	135460
5160	725620	Water Management	\$	2,864,291	\$	2,878,291	135461
5180	725643	Oil and Gas Regulation and Safety	\$	19,444,876	\$	19,444,876	135462
5180	725677	Oil and Gas Well Plugging	\$	3,000,000	\$	3,000,000	135463
5210	725627	Off-Road Vehicle Trails	\$	350,000	\$	350,000	135464
5220	725656	Natural Areas and Preserves	\$	650,000	\$	546,973	135465
5290	725639	Mining Regulation and Safety	\$	4,764,897	\$	4,499,705	135466
5310	725648	Reclamation Forfeiture	\$	5,315,262	\$	217,471	135467
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	135468
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	135469

5HK0	725625	Ohio Nature Preserves	\$	55,162	\$	1,000	135470
5MF0	725635	Ohio Geology License	\$	5,000	\$	5,000	135471
		Plate					
5MW0	725604	Natural Resources	\$	2,000,000	\$	2,000,000	135472
		Special Purposes					
5P20	725634	Wildlife Boater Angler	\$	4,000,000	\$	4,000,000	135473
		Administration					
5TD0	725514	Park Maintenance	\$	1,356,000	\$	1,356,000	135474
6150	725661	Dam Safety	\$	1,155,691	\$	1,155,691	135475
6970	725670	Submerged Lands	\$	717,155	\$	717,155	135476
7015	740401	Division of Wildlife	\$	60,000,000	\$	60,000,000	135477
		Conservation					
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	135478
7086	739401	Watercraft Operations	\$	21,228,023	\$	21,228,023	135479
8150	725636	Cooperative Management	\$	650,000	\$	650,000	135480
		Projects					
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	135481
8170	725655	Wildlife Conservation	\$	2,000,000	\$	2,000,000	135482
		Checkoff					
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	135483
		Research					
8190	725685	Ohio River Management	\$	140,000	\$	140,000	135484
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	135485
TOTAL	DPF	Dedicated Purpose Fund	\$	189,021,824	\$	181,333,132	135486
		Group					
		Internal Service Activity Fund Group					135487
1550	725601	Departmental Projects	\$	1,523,950	\$	1,629,913	135488
1550	725676	Hocking Hills State	\$	500,000	\$	500,000	135489
		Park Lodge					
1570	725651	Central Support	\$	5,632,162	\$	5,632,162	135490
		Indirect					
2040	725687	Information Services	\$	5,791,238	\$	5,791,238	135491
2050	725696	Human Resource Direct	\$	2,698,048	\$	2,735,732	135492

		Services				
2230	725665	Law Enforcement	\$	2,664,717	\$	2,827,473 135493
		Administration				
5100	725631	Maintenance -	\$	249,611	\$	249,611 135494
		State-owned				
		Residences				
6350	725664	Fountain Square	\$	3,647,224	\$	3,768,109 135495
		Facilities Management				
TOTAL ISA Internal Service Activity						135496
Fund Group			\$	22,706,950	\$	23,134,238 135497
Capital Projects Fund Group						135498
7061	725405	Clean Ohio Trail	\$	301,796	\$	301,796 135499
		Operating				
TOTAL CPF Capital Projects Fund			\$	301,796	\$	301,796 135500
Group						
Fiduciary Fund Group						135501
4M80	725675	FOP Contract	\$	20,219	\$	20,219 135502
TOTAL FID Fiduciary Fund Group			\$	20,219	\$	20,219 135503
Holding Account Fund Group						135504
R017	725659	Performance Cash Bond	\$	528,993	\$	528,993 135505
		Refunds				
R043	725624	Forestry	\$	2,100,000	\$	2,100,000 135506
TOTAL HLD Holding Account						135507
Fund Group			\$	2,628,993	\$	2,628,993 135508
Federal Fund Group						135509
3320	725669	Federal Mine Safety	\$	265,000	\$	265,000 135510
		Grant				
3B30	725640	Federal Forest	\$	350,000	\$	350,000 135511
		Pass-Thru				
3B40	725641	Federal Flood	\$	350,000	\$	350,000 135512
		Pass-Thru				
3B50	725645	Federal Abandoned	\$	12,541,621	\$	15,465,471 135513

		Mine Lands					
3B60	725653	Federal Land and	\$	950,634	\$	950,634	135514
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	1,986,569	\$	1,697,242	135515
		Regulatory					
3P10	725632	Geological Survey -	\$	160,000	\$	160,000	135516
		Federal					
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	135517
3P30	725650	Coastal Management -	\$	1,905,150	\$	1,905,150	135518
		Federal					
3P40	725660	Federal - Soil and	\$	601,000	\$	608,000	135519
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	1,200,000	\$	1,200,000	135520
		Abatement/Treatment					
3Z50	725657	Federal Recreation	\$	1,600,000	\$	1,600,000	135521
		and Trails					
TOTAL FED	Federal Fund Group		\$	22,056,974	\$	24,698,497	135522
TOTAL ALL	BUDGET FUND GROUPS		\$	344,892,250	\$	342,237,709	135523

Section 343.20. PARK MAINTENANCE 135525

The foregoing appropriation item 725514, Park Maintenance, 135526
shall be used by the Department of Natural Resources to pay the 135527
costs of projects supported by the State Park Maintenance Fund 135528
(Fund 5TD0) under section 1501.08 of the Revised Code. 135529

On July 1, 2017, or as soon as possible thereafter, the 135530
Director of Natural Resources shall certify the amount of five 135531
percent of the average of the previous five years of deposits in 135532
the State Park Fund (Fund 5120) to the Director of Budget and 135533
Management. The Director of Budget and Management may transfer up 135534
to \$1,500,000 from Fund 5120 to the State Park Maintenance Fund 135535
(Fund 5TD0). 135536

Section 343.30. CENTRAL SUPPORT INDIRECT FUND 135537

The Department of Natural Resources, with approval of the 135538
Director of Budget and Management, shall use a methodology for 135539
determining each division's payments into the Central Support 135540
Indirect Fund (Fund 1570). The methodology used shall contain the 135541
characteristics of administrative ease and uniform application in 135542
compliance with federal grant requirements. It may include direct 135543
cost charges for specific services provided. Payments to Fund 1570 135544
shall be made using an intrastate transfer voucher. 135545

The foregoing appropriation item 725401, Division of 135546
Wildlife-Operating Subsidy, shall be used to pay the direct and 135547
indirect costs of the Division of Wildlife. 135548

Section 343.40. PARKS AND RECREATIONAL FACILITIES LEASE 135549
RENTAL BOND PAYMENTS 135550

The foregoing appropriation item 725413, Parks and 135551
Recreational Facilities Lease Rental Bond Payments, shall be used 135552
to meet all payments during the period from July 1, 2017, through 135553
June 30, 2019, by the Department of Natural Resources pursuant to 135554
leases and agreements made under section 154.22 of the Revised 135555
Code. These appropriations are the source of funds pledged for 135556
bond service charges on related obligations issued under Chapter 135557
154. of the Revised Code. 135558

HEALTHY LAKE ERIE PROGRAM 135559

The foregoing appropriation item 725505, Healthy Lake Erie 135560
Program, shall be used by the Director of Natural Resources, in 135561
support of (1) conservation measures in the Western Lake Erie 135562
Basin as determined by the Director; (2) funding assistance for 135563
soil testing, winter cover crops, edge of field testing, tributary 135564
monitoring, animal waste abatement; and (3) any additional efforts 135565
to reduce nutrient runoff as the Director may decide. The Director 135566

shall give priority to recommendations that encourage farmers to 135567
adopt agricultural production guidelines commonly known as 4R 135568
nutrient stewardship practices. 135569

COAL AND MINE SAFETY PROGRAM 135570

The foregoing appropriation item 725507, Coal and Mine Safety 135571
Program, shall be used for the administration of the Mine Safety 135572
Program and the Coal Regulation Program. 135573

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 135574

The foregoing appropriation item 725903, Natural Resources 135575
General Obligation Bond Debt Service, shall be used to pay all 135576
debt service and related financing costs during the period July 1, 135577
2017, through June 30, 2019, on obligations issued under sections 135578
151.01 and 151.05 of the Revised Code. 135579

Section 343.50. OIL AND GAS WELL PLUGGING 135580

The foregoing appropriation item 725677, Oil and Gas Well 135581
Plugging, shall be used exclusively for the purposes of plugging 135582
wells and to properly restore the land surface of idle and orphan 135583
oil and gas wells pursuant to section 1509.071 of the Revised 135584
Code. This appropriation item shall not be used for salaries, 135585
maintenance, equipment, or other administrative purposes, except 135586
for those costs directly attributed to the plugging of an idle or 135587
orphan well. This appropriation item shall not be used to transfer 135588
cash to any other fund or appropriation item. 135589

WELL LOG FILING FEES 135590

The Chief of the Division of Water Resources shall deposit 135591
fees forwarded to the Division pursuant to section 1521.05 of the 135592
Revised Code into the Water Management Fund (Fund 5160) for the 135593
purposes described in that section. 135594

PARKS CAPITAL EXPENSES FUND 135595

The Director of Natural Resources shall submit to the 135596
Director of Budget and Management the estimated design, 135597
engineering, and planning costs of capital-related work to be done 135598
by Department of Natural Resources staff for parks projects within 135599
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 135600
Director of Budget and Management approves the estimated costs, 135601
the Director may release appropriations from Fund 7035 135602
appropriation item C725E6, Project Planning, for those purposes. 135603
Upon release of the appropriations, the Department of Natural 135604
Resources shall pay for these expenses from the Parks Capital 135605
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 135606
reimbursed by Fund 7035 using an intrastate transfer voucher. 135607

NATUREWORKS CAPITAL EXPENSES FUND 135608

The Department of Natural Resources shall submit to the 135609
Director of Budget and Management the estimated design, planning, 135610
and engineering costs of capital-related work to be done by 135611
Department of Natural Resources staff for each capital improvement 135612
project within the Ohio Parks and Natural Resources Fund (Fund 135613
7031). If the Director of Budget and Management approves the 135614
estimated costs, the Director may release appropriations from Fund 135615
7031 appropriation item C725E5, Project Planning, for those 135616
purposes. Upon release of the appropriations, the Department of 135617
Natural Resources shall pay for these expenses from the Capital 135618
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 135619
reimbursed by Fund 7031 using an intrastate transfer voucher. 135620

Section 343.60. HUMAN RESOURCES DIRECT SERVICE 135621

The foregoing appropriation item 725696, Human Resources 135622
Direct Service, shall be used to cover the cost of support, 135623
coordination, and oversight of the Department of Natural 135624
Resources' human resources functions. The Human Resources 135625
Chargeback Fund (Fund 2050) shall consist of cash transferred to 135626

it via intrastate transfer voucher from other funds as determined 135627
by the Director of Natural Resources and the Director of Budget 135628
and Management. 135629

LAW ENFORCEMENT ADMINISTRATION 135630

The foregoing appropriation item 725665, Law Enforcement 135631
Administration, shall be used to cover the cost of support, 135632
coordination, and oversight of the Department of Natural 135633
Resources' law enforcement functions. The Law Enforcement 135634
Administration Fund (Fund 2230) shall consist of cash transferred 135635
to it via intrastate transfer voucher from other funds as 135636
determined by the Director of Natural Resources and the Director 135637
of Budget and Management. 135638

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 135639

The foregoing appropriation item 725664, Fountain Square 135640
Facilities Management, shall be used for payment of repairs, 135641
renovation, utilities, property management, and building 135642
maintenance expenses for the Fountain Square complex and the 135643
Department of Natural Resources grounds at the Ohio Expo Center. 135644
Cash transferred by intrastate transfer vouchers from various 135645
department funds and rental income received by the Department of 135646
Natural Resources shall be deposited into the Fountain Square 135647
Facilities Management Fund (Fund 6350). 135648

Section 343.70. CLEAN OHIO TRAIL OPERATING EXPENSES 135649

The foregoing appropriation item 725405, Clean Ohio Trail 135650
Operating, shall be used by the Department of Natural Resources in 135651
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 135652
to section 1519.05 of the Revised Code. 135653

Section 345.10. NUR STATE BOARD OF NURSING 135654

Dedicated Purpose Fund Group 135655

4K90	884609	Operating Expenses	\$	8,909,895	\$	9,317,358	135656
5AC0	884602	Nurse Education Grant Program	\$	1,518,500	\$	1,518,500	135657
5P80	884601	Nursing Special Issues	\$	2,000	\$	2,000	135658
TOTAL DPF Dedicated Purpose Fund Group							135659
			\$	10,430,395	\$	10,837,858	135660
TOTAL ALL BUDGET FUND GROUPS			\$	10,430,395	\$	10,837,858	135661

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,
AND ATHLETIC TRAINERS BOARD

Dedicated Purpose Fund Group							135663
							135664
Dedicated Purpose Fund Group							135665
4K90	890609	Operating Expenses	\$	996,053	\$	1,059,477	135666
TOTAL DPF Dedicated Purpose Fund Group							135667
TOTAL ALL BUDGET FUND GROUPS			\$	996,053	\$	1,059,477	135668

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH
DISABILITIES AGENCY

General Revenue Fund							135670
							135671
General Revenue Fund							135672
GRF	415402	Independent Living Council	\$	248,220	\$	248,220	135673
GRF	415406	Assistive Technology	\$	26,219	\$	26,219	135674
GRF	415431	Brain Injury	\$	124,668	\$	124,668	135675
GRF	415506	Services for Individuals with Disabilities	\$	15,580,444	\$	15,580,444	135676
GRF	415508	Services for the Deaf	\$	27,580	\$	27,580	135677
TOTAL GRF General Revenue Fund							135678
			\$	16,007,131	\$	16,007,131	135679
Dedicated Purpose Fund Group							135679
4670	415609	Business Enterprise Operating Expenses	\$	1,555,368	\$	1,555,368	135680

4680	415618	Third Party Services Funding	\$	12,300,000	\$	12,300,000	135681
4L10	415619	Services for Rehabilitation	\$	3,575,191	\$	3,575,191	135682
TOTAL DPF Dedicated Purpose							135683
Fund Group			\$	17,430,559	\$	17,430,559	135684
Internal Service Activity Fund Group							135685
4W50	415606	Program Management	\$	12,486,502	\$	12,785,665	135686
TOTAL ISA Internal Service Activity							135687
Fund Group			\$	12,486,502	\$	12,785,665	135688
Federal Fund Group							135689
3170	415620	Disability Determination	\$	82,228,048	\$	82,932,645	135690
3790	415616	Federal - Vocational Rehabilitation	\$	115,837,977	\$	117,416,322	135691
3GH0	415602	Personal Care Assistance	\$	3,139,040	\$	3,139,040	135692
3GH0	415604	Community Centers for the Deaf	\$	1,022,000	\$	1,022,000	135693
3GH0	415613	Independent Living	\$	627,128	\$	627,128	135694
3L10	415608	Social Security Special Program Assistance	\$	7,000,000	\$	8,000,000	135695
3L40	415615	Federal - Supported Employment	\$	1,000,000	\$	1,000,000	135696
3L40	415617	Vocational Rehabilitation Programs	\$	1,778,721	\$	1,778,721	135697
TOTAL FED Federal Fund Group			\$	212,632,914	\$	215,915,856	135698
TOTAL ALL BUDGET FUND GROUPS			\$	258,557,106	\$	262,139,211	135699
INDEPENDENT LIVING							135700
The foregoing appropriation item 415402, Independent Living							135701

Council, shall be used to support the state independent living 135702
programs and centers under Title VII of the Independent Living 135703
Services and Centers for Independent Living of the Rehabilitation 135704
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 135705

Of the foregoing appropriation item 415402, Independent 135706
Living Council, \$67,662 in each fiscal year shall be used as state 135707
matching funds for vocational rehabilitation innovation and 135708
expansion activities. 135709

Of the foregoing appropriation item 415402, Independent 135710
Living Council, \$43,800 in each fiscal year shall be provided to 135711
the Easter Seals in Lima, Ohio, to create a loan program for 135712
durable medical equipment. 135713

ASSISTIVE TECHNOLOGY 135714

The total amount of the foregoing appropriation item 415406, 135715
Assistive Technology, shall be provided to Assistive Technology of 135716
Ohio to provide grants and assistive technology services for 135717
people with disabilities in the State of Ohio. 135718

BRAIN INJURY 135719

The foregoing appropriation item 415431, Brain Injury, shall 135720
be provided to The Ohio State University College of Medicine to 135721
support the Brain Injury Program established under section 3335.60 135722
of the Revised Code. 135723

SERVICES FOR THE DEAF 135724

The foregoing appropriation item 415508, Services for the 135725
Deaf, shall be used to provide grants to community centers for the 135726
deaf. 135727

Section 355.10. ODB OHIO OPTICAL DISPENSERS BOARD 135728

Dedicated Purpose Fund Group 135729
4K90 894609 Program Support \$ 235,768 \$ 0 135730

TOTAL DPF Dedicated Purpose Fund	\$	235,768	\$	0	135731
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	235,768	\$	0	135732
Section 357.10.					135734
OPT STATE BOARD OF OPTOMETRY					
Dedicated Purpose Fund Group					135735
4K90 885609 Program Support	\$	227,394	\$	0	135736
TOTAL DPF Dedicated Purpose Fund	\$	227,394	\$	0	135737
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	227,394	\$	0	135738
Section 359.10.					135740
OPP STATE BOARD OF ORTHOTICS, PROSTHETICS,					
AND PEDORTHICS					135741
Dedicated Purpose Fund Group					135742
4K90 973609 Operating Expenses	\$	122,574	\$	0	135743
TOTAL DPF Dedicated Purpose Fund	\$	122,574	\$	0	135744
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	122,574	\$	0	135745
Section 361.10.					135746
PEN PENSION SUBSIDIES					
General Revenue Fund					135747
GRF 090524 Police and Fire	\$	3,000	\$	3,000	135748
Disability Pension					
Fund					
GRF 090534 Police and Fire Ad	\$	42,000	\$	42,000	135749
Hoc Cost of Living					
GRF 090554 Police and Fire	\$	355,000	\$	355,000	135750
Survivor Benefits					
GRF 090575 Police and Fire Death	\$	20,000,000	\$	20,000,000	135751
Benefits					
TOTAL GRF General Revenue Fund	\$	20,400,000	\$	20,400,000	135752
TOTAL ALL BUDGET FUND GROUPS	\$	20,400,000	\$	20,400,000	135753

POLICE AND FIRE DEATH BENEFIT FUND				135754
The foregoing appropriation item 090575, Police and Fire				135755
Death Benefits, shall be disbursed quarterly by the Treasurer of				135756
State at the beginning of each quarter of each fiscal year to the				135757
Board of Trustees of the Ohio Police and Fire Pension Fund. The				135758
Treasurer of State shall certify such amounts quarterly to the				135759
Director of Budget and Management. By the twentieth day of June of				135760
each fiscal year, the Board of Trustees of the Ohio Police and				135761
Fire Pension Fund shall certify to the Treasurer of State the				135762
amount disbursed in the current fiscal year to make the payments				135763
required by section 742.63 of the Revised Code and shall return to				135764
the Treasurer of State moneys received from this appropriation				135765
item but not disbursed.				135766
Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK				135767
RELEASE COMPENSATION BOARD				135768
Dedicated Purpose Fund Group				135769
6910 810632 Petroleum Underground	\$	1,433,220	\$ 1,461,073	135770
Storage Tank Release				
Compensation Board -				
Operating				
TOTAL DPF Dedicated Purpose Fund	\$	1,433,220	\$ 1,461,073	135771
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,433,220	\$ 1,461,073	135772
Section 367.10. PRX STATE BOARD OF PHARMACY				135774
Dedicated Purpose Fund Group				135775
4A50 887605 Drug Law Enforcement	\$	150,000	\$ 150,000	135776
4K90 887609 Operating Expenses	\$	8,460,214	\$ 8,717,387	135777
5SG0 887612 Drug Database	\$	200,000	\$ 200,000	135778
5SY0 887613 Medical Marijuana	\$	1,455,700	\$ 1,335,200	135779
Control Program				

TOTAL DPF Dedicated Purpose Fund Group	\$	10,265,914	\$	10,402,587	135780
Federal Fund Group					135781
3EB0 887608 2008	\$	50,000	\$	0	135782
Developing/Enhancing PMP					
3HD0 887614 Pharmacy Federal Grants	\$	350,001	\$	350,000	135783
TOTAL FED Federal Fund Group	\$	400,001	\$	350,000	135784
TOTAL ALL BUDGET FUND GROUPS	\$	10,665,915	\$	10,752,587	135785
Section 369.10. PSY STATE BOARD OF PSYCHOLOGY					135787
Dedicated Purpose Fund Group					135788
4K90 882609 Operating Expenses	\$	624,880	\$	659,900	135789
TOTAL DPF Dedicated Purpose Fund Group	\$	624,880	\$	659,900	135790
TOTAL ALL BUDGET FUND GROUPS	\$	624,880	\$	659,900	135792
Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION					135794
General Revenue Fund					135795
GRF 019401 State Legal Defense Services	\$	3,885,087	\$	4,106,983	135796
GRF 019403 Multi-County: State Share	\$	2,058,370	\$	2,079,410	135797
GRF 019404 Trumbull County - State Share	\$	553,340	\$	548,413	135798
GRF 019405 Training Account	\$	50,000	\$	50,000	135799
GRF 019501 County Reimbursement	\$	30,066,220	\$	31,188,211	135800
TOTAL GRF General Revenue Fund	\$	36,613,017	\$	37,973,017	135801
Dedicated Purpose Fund Group					135802
1010 019607 Juvenile Legal Assistance	\$	207,351	\$	204,756	135803

4060	019603	Training and Publications	\$	25,000	\$	25,000	135804
4070	019604	County Representation	\$	407,613	\$	413,815	135805
4080	019605	Client Payments	\$	789,868	\$	807,884	135806
4C70	019601	Multi-County: County Share	\$	2,558,173	\$	2,662,641	135807
4N90	019613	Gifts and Grants	\$	10,530	\$	10,530	135808
4X70	019610	Trumbull County - County Share	\$	685,699	\$	698,234	135809
5740	019606	Civil Legal Aid	\$	17,760,000	\$	17,760,000	135810
5CX0	019617	Civil Case Filing Fee	\$	556,331	\$	533,722	135811
5DY0	019618	Indigent Defense Support - County Share	\$	32,868,000	\$	32,868,000	135812
5DY0	019619	Indigent Defense Support - State Office	\$	7,167,143	\$	7,212,874	135813
TOTAL DPF Dedicated Purpose							135814
Fund Group			\$	63,035,708	\$	63,197,456	135815
Federal Fund Group							135816
3GJ0	019622	Byrne Memorial Grant	\$	7,766	\$	0	135817
3S80	019608	Federal Representation	\$	37,845	\$	38,315	135818
TOTAL FED Federal Fund Group							135819
TOTAL ALL BUDGET FUND GROUPS			\$	99,694,336	\$	101,208,788	135820
INDIGENT DEFENSE OFFICE							135821
The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.							135822 135823 135824
MULTI-COUNTY OFFICE							135825
The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to							135826 135827

support the Office of the Ohio Public Defender's Multi-County	135828
Branch Office Program.	135829
TRAINING ACCOUNT	135830
The foregoing appropriation item 019405, Training Account,	135831
shall be used by the Ohio Public Defender to provide legal	135832
training programs at no cost for private appointed counsel who	135833
represents at least one indigent defendant at no cost, state and	135834
county public defenders, and attorneys who contract with the Ohio	135835
Public Defender to provide indigent defense services.	135836
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID	135837
FUND	135838
On July 1 of each fiscal year, or as soon as possible	135839
thereafter, the Director of Budget and Management shall transfer	135840
\$10,000 cash from the General Revenue Fund to the Legal Aid Fund	135841
(Fund 5740). The transferred cash shall be distributed by the Ohio	135842
Legal Assistance Foundation to Ohio's civil legal aid societies	135843
for the sole purpose of providing legal services for economically	135844
disadvantaged individuals.	135845
FEDERAL REPRESENTATION	135846
The foregoing appropriation item 019608, Federal	135847
Representation, shall be used to support representation provided	135848
by the Ohio Public Defender in federal court cases.	135849
Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY	135850
General Revenue Fund	135851
GRF 763403 EMA Operating \$ 4,366,944 \$ 4,789,493	135852
GRF 763510 Lake County Regional \$ 250,000 \$ 250,000	135853
Response Facility	
GRF 767420 Investigative Unit \$ 11,794,084 \$ 12,158,534	135854
Operating	
GRF 768425 Justice Program \$ 713,717 \$ 1,016,677	135855

		Services				
GRF	769406	Homeland Security -	\$	2,626,618	\$	2,741,493 135856
		Operating				
TOTAL GRF		General Revenue Fund	\$	19,751,363	\$	20,956,197 135857
		Dedicated Purpose Fund Group				135858
4P60	768601	Justice Program	\$	330,000	\$	210,000 135859
		Services				
4V30	763662	EMA Service and	\$	751,000	\$	751,000 135860
		Reimbursements				
5BK0	768687	Criminal Justice	\$	550,000	\$	400,000 135861
		Services - Operating				
5BK0	768689	Family Violence	\$	1,550,000	\$	1,550,000 135862
		Shelter Programs				
5ET0	768625	Drug Law Enforcement	\$	7,000,000	\$	7,000,000 135863
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946 135864
		Services Law				
		Enforcement Support				
5ML0	769635	Infrastructure	\$	100,000	\$	100,000 135865
		Protection				
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000 135866
5RS0	768621	Community Police	\$	1,000,000	\$	1,000,000 135867
		Relations				
5Y10	767696	Ohio Investigative	\$	20,000	\$	20,000 135868
		Unit Continuing				
		Professional Training				
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000 135869
		Contraband, and				
		Forfeiture				
6570	763652	Utility Radiological	\$	1,258,624	\$	1,258,624 135870
		Safety				
6810	763653	SARA Title III Hazmat	\$	273,629	\$	273,629 135871
		Planning				
8500	767628	Investigative Unit	\$	175,000	\$	175,000 135872

		Salvage		
TOTAL DPF Dedicated Purpose Fund Group		\$ 15,759,199	\$ 15,489,199	135873
Federal Fund Group				135874
3290 763645	Federal Mitigation Program	\$ 7,960,000	\$ 7,200,000	135875
3370 763609	Federal Disaster Relief	\$ 20,019,000	\$ 18,017,000	135876
3390 763647	Emergency Management Assistance and Training	\$ 49,600,000	\$ 44,700,000	135877
3FK0 768615	Justice Assistance Grants - FFY11	\$ 100,000	\$ 100,000	135878
3FP0 767620	Ohio Investigative Unit Justice Contraband	\$ 55,000	\$ 55,000	135879
3FY0 768616	Justice Assistance Grants - FFY12	\$ 100,000	\$ 100,000	135880
3FZ0 768617	Justice Assistance Grants - FFY13	\$ 400,000	\$ 400,000	135881
3GA0 768618	Justice Assistance Grants - FFY14	\$ 900,000	\$ 900,000	135882
3GL0 768619	Justice Assistance Grants - FFY15	\$ 12,500,000	\$ 12,500,000	135883
3GT0 767691	Investigative Unit Federal Equity Share	\$ 300,000	\$ 300,000	135884
3GU0 769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$ 1,400,000	\$ 1,400,000	135885
3GU0 769631	Homeland Security Disaster Grants	\$ 1,400,000	\$ 1,400,000	135886
3L50 768604	Justice Program	\$ 10,500,000	\$ 10,500,000	135887
3N50 763644	U.S. Department of	\$ 31,672	\$ 31,672	135888

Energy Agreement

TOTAL FED Federal Fund Group	\$	105,265,672	\$	97,603,672	135889
TOTAL ALL BUDGET FUND GROUPS	\$	140,776,234	\$	134,049,068	135890

Section 373.20. LAKE COUNTY REGIONAL RESPONSE FACILITY 135892

The foregoing appropriation item 763510, Lake County Regional 135893
Response Facility, shall be distributed directly to the city of 135894
Mentor for the purpose of constructing the Lake County Regional 135895
Response Facility. 135896

STATE DISASTER RELIEF 135897

The State Disaster Relief Fund (Fund 5330) may accept 135898
transfers of cash or appropriations from Controlling Board 135899
appropriation items for the Ohio Emergency Management Agency 135900
disaster response costs and disaster program management costs, and 135901
may also be used for the following purposes: 135902

(A) To accept transfers of cash or appropriations from 135903
Controlling Board appropriation items for Ohio Emergency 135904
Management Agency public assistance and mitigation program match 135905
costs to reimburse eligible local governments and private 135906
nonprofit organizations for costs related to disasters; 135907

(B) To accept transfers of cash to reimburse the costs 135908
associated with Emergency Management Assistance Compact (EMAC) 135909
deployments; 135910

(C) To accept disaster related reimbursement from federal, 135911
state, and local governments. The Director of Budget and 135912
Management may transfer cash from reimbursements received by this 135913
fund to other funds of the state from which transfers were 135914
originally approved by the Controlling Board. 135915

(D) To accept transfers of cash or appropriations from 135916
Controlling Board appropriation items to fund the State Disaster 135917
Relief Program, for disasters that qualify for the program by 135918

written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

COMMUNITY POLICE RELATIONS

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a database on use of force and officer involved shootings, a public awareness campaign, and state-provided assistance with policy-making and manuals.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO				135949
Dedicated Purpose Fund Group				135950
4A30	870614	Grade Crossing Protection Devices-State	\$ 750,000 \$ 1,000,000	135951
4L80	870617	Pipeline Safety-State	\$ 331,992 \$ 331,992	135952
5610	870606	Power Siting Board	\$ 581,000 \$ 581,000	135953
5F60	870622	Utility and Railroad Regulation	\$ 31,826,624 \$ 31,826,624	135954
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$ 85,000	135955
5LT0	870640	Intrastate Registration	\$ 195,000 \$ 195,000	135956
5LT0	870641	Unified Carrier Registration	\$ 450,000 \$ 450,000	135957
5LT0	870642	Hazardous Materials Registration	\$ 775,000 \$ 775,000	135958
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$ 292,000 \$ 292,000	135959
5LT0	870644	Hazardous Materials Civil Forfeiture	\$ 898,800 \$ 898,800	135960
5LT0	870645	Motor Carrier Enforcement	\$ 4,750,000 \$ 4,750,000	135961
5Q50	870626	Telecommunications Relay Service	\$ 3,500,000 \$ 3,500,000	135962
5QR0	870646	Underground Facilities Protection	\$ 50,000 \$ 50,000	135963
5QS0	870647	Underground Facilities Administration	\$ 316,000 \$ 316,000	135964
TOTAL DPF		Dedicated Purpose Fund Group	\$ 44,801,416 \$ 45,051,416	135965
Federal Fund Group				135966

3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	135967
3500	870608	Motor Carrier Safety	\$	6,250,000	\$	6,250,000	135968
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000	135969
		Information					
		Systems/Networks					
TOTAL FED	Federal Fund Group		\$	6,947,959	\$	6,947,959	135970
TOTAL ALL BUDGET FUND GROUPS			\$	51,749,375	\$	51,999,375	135971

Section 377.10. PWC PUBLIC WORKS COMMISSION 135973

General Revenue Fund 135974

GRF	150904	Conservation General	\$	37,500,000	\$	40,500,000	135975
		Obligation Bond Debt					
		Service					

GRF	150907	Infrastructure	\$	227,005,100	\$	220,142,200	135976
		Improvement General					
		Obligation Bond Debt					
		Service					

TOTAL GRF	General Revenue Fund		\$	264,505,100	\$	260,642,200	135977
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Capital Projects Fund Group 135978

7038	150321	State Capital	\$	880,952	\$	880,952	135979
		Improvements Program					
		- Operating Expenses					

7056	150403	Clean Ohio	\$	296,051	\$	296,051	135980
		Conservation					
		Operating					

TOTAL CPF	Capital Projects Fund		\$	1,177,003	\$	1,177,003	135981
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Group

TOTAL ALL BUDGET FUND GROUPS			\$	265,682,103	\$	261,819,203	135982
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Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 135984

SERVICE 135985

The foregoing appropriation item 150904, Conservation General 135986

Obligation Bond Debt Service, shall be used to pay all debt 135987
service and related financing costs during the period from July 1, 135988
2017, through June 30, 2019, at the times they are required to be 135989
made for obligations issued under sections 151.01 and 151.09 of 135990
the Revised Code. 135991

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 135992
SERVICE 135993

The foregoing appropriation item 150907, Infrastructure 135994
Improvement General Obligation Bond Debt Service, shall be used to 135995
pay all debt service and related financing costs during the period 135996
from July 1, 2017, through June 30, 2019, at the times they are 135997
required to be made for obligations issued under sections 151.01 135998
and 151.08 of the Revised Code. 135999

CLEAN OHIO CONSERVATION OPERATING 136000

The foregoing appropriation item 150403, Clean Ohio 136001
Conservation Operating, shall be used by the Ohio Public Works 136002
Commission in administering Clean Ohio Conservation Fund (Fund 136003
7056) projects pursuant to sections 164.20 to 164.27 of the 136004
Revised Code. 136005

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 136006

The foregoing appropriation item 150321, State Capital 136007
Improvements Program - Operating Expenses, shall be used by the 136008
Ohio Public Works Commission to administer the State Capital 136009
Improvement Program under sections 164.01 to 164.16 of the Revised 136010
Code. 136011

DISTRICT ADMINISTRATION COSTS 136012

The Director of the Public Works Commission is authorized to 136013
create a District Administration Costs Program from proceeds of 136014
the Capital Improvements Fund and Local Transportation Improvement 136015
Program Fund. The program shall be used to provide for the direct 136016

costs of district administration of the nineteen public works 136017
districts. Districts choosing to participate in the program shall 136018
only expend State Capital Improvements Fund moneys for State 136019
Capital Improvements Fund costs and Local Transportation 136020
Improvement Program Fund moneys for Local Transportation 136021
Improvement Program Fund costs. The District Administration Costs 136022
Program account shall not exceed \$1,235,000 per fiscal year. Each 136023
public works district may be eligible for up to \$65,000 per fiscal 136024
year from its district allocation as provided in sections 164.08 136025
and 164.14 of the Revised Code. 136026

The Director, by rule, shall define allowable and 136027
nonallowable costs for the purpose of the District Administration 136028
Costs Program. Nonallowable costs include indirect costs, elected 136029
official salaries and benefits, and project-specific costs. No 136030
district public works committee may participate in the District 136031
Administration Costs Program without the approval of those costs 136032
by the district public works committee under section 164.04 of the 136033
Revised Code. 136034

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 136035

The Director of the Public Works Commission is authorized to 136036
create a District Administration Costs Program for districts 136037
represented by natural resource assistance councils. This program 136038
shall be funded from proceeds of the Clean Ohio Conservation Fund. 136039
The program shall be used by natural resource assistance councils 136040
in order to provide for administration costs of the nineteen 136041
natural resource assistance councils for the direct costs of 136042
council administration. Councils choosing to participate in this 136043
program may be eligible for up to \$15,000 per fiscal year from its 136044
district allocation as provided in section 164.27 of the Revised 136045
Code. The director shall define allowable and nonallowable costs 136046
for the purpose of the District Administration Costs Program. 136047
Nonallowable costs include indirect costs, elected official 136048

salaries and benefits, and project-specific costs. 136049

Section 379.10. RAC STATE RACING COMMISSION 136050

Dedicated Purpose Fund Group 136051

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 136052

Development

5630 875602 Standardbred \$ 1,550,000 \$ 1,550,000 136053

Development

5650 875604 Racing Commission \$ 3,743,995 \$ 3,770,948 136054

Operating

5JK0 875610 Horse Racing \$ 8,512,095 \$ 8,512,095 136055

Development-Casino

5NL0 875611 Revenue \$ 8,000,000 \$ 8,000,000 136056

Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 23,206,090 \$ 23,233,043 136057

Group

Fiduciary Fund Group 136058

5C40 875607 Simulcast Horse \$ 9,000,000 \$ 9,000,000 136059

Racing Purse

TOTAL FID Fiduciary Fund Group \$ 9,000,000 \$ 9,000,000 136060

Holding Account Fund Group 136061

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 136062

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 136063

Group

TOTAL ALL BUDGET FUND GROUPS \$ 32,306,090 \$ 32,333,043 136064

Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION 136066

General Revenue Fund 136067

GRF 235321 Operating Expenses \$ 5,650,000 \$ 5,650,000 136068

GRF 235402 Sea Grants \$ 294,761 \$ 294,761 136069

GRF 235406 Articulation and \$ 1,983,979 \$ 1,983,979 136070

Transfer

GRF 235408	Midwest Higher Education Compact	\$	113,275	\$	113,275	136071
GRF 235414	Grants and Scholarship Administration	\$	831,089	\$	831,089	136072
GRF 235417	Technology Maintenance and Operations	\$	4,540,735	\$	4,540,735	136073
GRF 235428	Appalachian New Economy Partnership	\$	1,477,500	\$	1,477,500	136074
GRF 235438	Choose Ohio First Scholarship	\$	16,424,568	\$	16,424,568	136075
GRF 235443	Adult Basic and Literacy Education - State	\$	7,192,880	\$	7,192,880	136076
GRF 235444	Ohio Technical Centers	\$	16,730,936	\$	16,898,246	136077
GRF 235474	Area Health Education Centers Program Support	\$	886,500	\$	886,500	136078
GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000	136079
GRF 235500	Short-Term Certificates	\$	0	\$	5,000,000	136080
GRF 235501	State Share of Instruction	\$	1,979,416,550	\$	1,979,416,550	136081
GRF 235502	Student Support Services	\$	623,479	\$	623,479	136082
GRF 235504	War Orphans Scholarships	\$	8,077,000	\$	8,372,500	136083
GRF 235507	OhioLINK	\$	6,117,847	\$	6,117,847	136084
GRF 235508	Air Force Institute of Technology	\$	1,714,691	\$	1,714,691	136085
GRF 235510	Ohio Supercomputer Center	\$	4,802,984	\$	4,802,984	136086
GRF 235511	Cooperative Extension	\$	24,110,186	\$	24,110,186	136087

	Service					
GRF 235514	Central State	\$	11,685,516	\$	11,685,516	136088
	Supplement					
GRF 235515	Case Western Reserve	\$	1,931,628	\$	0	136089
	University School of					
	Medicine					
GRF 235519	Family Practice	\$	2,849,567	\$	0	136090
GRF 235520	Shawnee State	\$	2,537,456	\$	2,537,456	136091
	Supplement					
GRF 235525	Geriatric Medicine	\$	469,936	\$	0	136092
GRF 235526	Primary Care	\$	1,350,000	\$	0	136093
	Residencies					
GRF 235528	Clinical Teaching	\$	0	\$	37,046,995	136094
GRF 235533	Higher Education	\$	6,287,500	\$	500,000	136095
	Program Support					
GRF 235535	Ohio Agricultural	\$	36,861,470	\$	36,861,470	136096
	Research and					
	Development Center					
GRF 235536	The Ohio State	\$	8,702,047	\$	0	136097
	University Clinical					
	Teaching					
GRF 235537	University of	\$	7,157,316	\$	0	136098
	Cincinnati Clinical					
	Teaching					
GRF 235538	University of Toledo	\$	5,578,740	\$	0	136099
	Clinical Teaching					
GRF 235539	Wright State	\$	2,710,260	\$	0	136100
	University Clinical					
	Teaching					
GRF 235540	Ohio University	\$	2,620,091	\$	0	136101
	Clinical Teaching					
GRF 235541	Northeast Ohio Medical	\$	2,694,760	\$	0	136102
	University Clinical					

	Teaching				
GRF 235546	Central State	\$	1,415,462	\$	1,415,462 136103
	Agricultural Research and Development				
GRF 235548	Central State	\$	1,326,771	\$	1,326,771 136104
	Cooperative Extension Services				
GRF 235552	Capital Component	\$	6,350,817	\$	1,584,491 136105
GRF 235555	Library Depositories	\$	1,296,308	\$	1,296,308 136106
GRF 235556	Ohio Academic Resources Network	\$	3,124,931	\$	3,124,931 136107
GRF 235558	Long-term Care Research	\$	292,770	\$	0 136108
GRF 235559	Central State University - Agriculture Education	\$	250,000	\$	250,000 136109
GRF 235563	Ohio College Opportunity Grant	\$	98,000,000	\$	99,000,000 136110
GRF 235572	The Ohio State University Clinic Support	\$	689,880	\$	0 136111
GRF 235591	Co-Op Internship Program	\$	700,000	\$	700,000 136112
GRF 235599	National Guard Scholarship Program	\$	19,109,000	\$	19,109,000 136113
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	269,425,600	\$	297,094,600 136114
TOTAL GRF	General Revenue Fund	\$	2,577,156,786	\$	2,600,734,770 136115
	Dedicated Purpose Fund Group				136116
2200 235614	Program Approval and Reauthorization	\$	664,562	\$	664,562 136117
4560 235603	Sales and Services	\$	199,250	\$	199,250 136118

4E80	235602	Higher Educational Facility Commission Administration	\$	50,000	\$	50,000	136119
5D40	235675	Conference/Special Purposes	\$	791,503	\$	791,503	136120
5FR0	235650	State and Non-Federal Grants and Award	\$	500,000	\$	500,000	136121
5JC0	235550	Accelerated Completion in Technical Studies	\$	2,500,000	\$	2,500,000	136122
5JC0	235654	Federal Research Network	\$	3,500,000	\$	3,500,000	136123
5NH0	235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$	250,000	\$	250,000	136124
5P30	235663	Variable Savings Plan	\$	7,250,000	\$	7,250,000	136125
5RA0	235616	Workforce and Higher Education Programs	\$	3,000,000	\$	3,000,000	136126
5TF0	235566	Completion and Retention for Education Success	\$	425,000	\$	875,000	136127
5TF0	235600	Finish for Your Future Scholarship Program	\$	2,000,000	\$	4,000,000	136128
5TF0	235653	College Ready Transition Courses	\$	500,000	\$	1,000,000	136129
6450	235664	Guaranteed Savings Plan	\$	1,061,886	\$	1,061,886	136130
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	136131
TOTAL	DPF	Dedicated Purpose Fund Group	\$	23,583,521	\$	26,533,521	136132
		Bond Research and Development Fund Group					136133

7011	235634	Research Incentive	\$	8,000,000	\$	8,000,000	136134
		Third Frontier					
TOTAL BRD		Bond Research and	\$	8,000,000	\$	8,000,000	136135
		Development Fund Group					
		Federal Fund Group					136136
3120	235611	Gear-up Grant	\$	2,000,000	\$	2,000,000	136137
3120	235612	Carl D. Perkins	\$	1,350,000	\$	1,350,000	136138
		Grant/Plan					
		Administration					
3120	235617	Improving Teacher	\$	2,800,000	\$	2,800,000	136139
		Quality Grant					
3120	235641	Adult Basic and	\$	16,400,000	\$	16,600,000	136140
		Literacy Education -					
		Federal					
3BG0	235651	Gear Up Grant	\$	1,250,000	\$	1,250,000	136141
		Scholarships					
3H20	235608	Human Services	\$	375,000	\$	375,000	136142
		Project					
3N60	235658	John R. Justice	\$	60,000	\$	60,000	136143
		Student Loan					
		Repayment Program					
TOTAL FED		Federal Fund Group	\$	24,235,000	\$	24,435,000	136144
TOTAL ALL		BUDGET FUND GROUPS	\$	2,632,975,307	\$	2,659,703,291	136145

Section 381.20. SEA GRANTS 136147

The foregoing appropriation item 235402, Sea Grants, shall be 136148
used to match federal dollars and leverage additional support by 136149
The Ohio State University's Sea Grant program, including Stone 136150
Laboratory, for research, education, and outreach to enhance the 136151
economic value, public utilization, and responsible management of 136152
Lake Erie and Ohio's coastal resources. 136153

Section 381.30. ARTICULATION AND TRANSFER 136154

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education.

The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH). 136184
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Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other priorities of the Chancellor of Higher Education. 136186
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Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year shall be used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH. 136199
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TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT LINE ITEM TRANSFER 136205
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On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management, upon request by the Chancellor of Higher Education, shall cancel any existing encumbrances against appropriation item 235483, Technology Integration and Professional Development, and re-establish them against appropriation item 235417, Technology Maintenance and Operations. The re-established encumbrance amounts are hereby appropriated. 136207
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Section 381.70. APPALACHIAN NEW ECONOMY PARTNERSHIP 136214

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 136222

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

Section 381.90. ADULT BASIC AND LITERACY EDUCATION 136234

The foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the adult basic and literacy education instructional grant program and state leadership program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

Section 381.100. OHIO TECHNICAL CENTERS FUNDING 136241

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to

support post-secondary adult career-technical education. The 136244
Chancellor shall provide coordination for Ohio Technical Centers 136245
through program approval processes, data collection of program and 136246
student outcomes, and subsidy disbursements from the foregoing 136247
appropriation item 235444, Ohio Technical Centers. 136248

(A)(1) As soon as possible in each fiscal year, in accordance 136249
with instructions of the Chancellor, each Ohio Technical Center 136250
shall report its actual data, consistent with the definitions in 136251
the Higher Education Information (HEI) system's files, to the 136252
Chancellor. 136253

(a) In defining the number of full-time equivalent students 136254
for state subsidy purposes, the Chancellor shall exclude all 136255
students who are not residents of Ohio. 136256

(b) A full-time equivalent student shall be defined as a 136257
student who completes 450 hours. Those students that complete some 136258
portion of 450 hours shall be counted as a partial full-time 136259
equivalent for funding purposes, while students that complete more 136260
than 450 hours shall be counted as proportionally greater than one 136261
full-time equivalent. 136262

(c) In calculating each Ohio Technical Center's full-time 136263
equivalent students, the Chancellor shall use a three-year 136264
average. 136265

(d) After June 30, 2019, Ohio Technical Centers shall operate 136266
with, or be an active candidate for, accreditation by an 136267
accreditor authorized by the United States Department of Education 136268
to be eligible to receive subsidies from the foregoing 136269
appropriation item 235444, Ohio Technical Centers. 136270

(2) In each fiscal year, twenty-five per cent of the 136271
allocation for Ohio Technical Centers shall be distributed based 136272
on the proportion of each Center's full-time equivalent students 136273
to the total full-time equivalent students who complete a 136274

post-secondary technical workforce training program approved by 136275
the Chancellor with a grade of C or better or a grade of pass if 136276
the program is evaluated on a pass/fail basis. 136277

(3) In each fiscal year, twenty per cent of the allocation 136278
for Ohio Technical Centers shall be distributed based on the 136279
proportion of each Center's full-time equivalent students to the 136280
total full-time equivalent students who complete 50 per cent of a 136281
program of study as a measure of student retention. 136282

(4) In each fiscal year, fifty per cent of the allocation for 136283
Ohio Technical Centers shall be distributed based on the 136284
proportion of each Center's full-time equivalent students to the 136285
total full-time equivalent students who have found employment, 136286
entered military service, or enrolled in additional post-secondary 136287
education and training in accordance with the placement 136288
definitions of the Carl D. Perkins Career and Technical Education 136289
Act of 2006 (Perkins). The calculation for eligible full-time 136290
equivalent students shall be based on the per cent of Perkins 136291
placements for students who have completed at least 50 per cent of 136292
a program of study. 136293

(5) In each fiscal year, five per cent of the allocation for 136294
Ohio Technical Centers shall be distributed based on the 136295
proportion of each Center's full-time equivalent students to the 136296
total full-time equivalent students who have earned a credential 136297
from an industry-recognized third party. 136298

(B) Of the foregoing appropriation item 235444, Ohio 136299
Technical Centers, up to 2.38 per cent in each fiscal year may be 136300
distributed by the Chancellor to the Ohio Central School System, 136301
up to \$48,000 in each fiscal year may be utilized for assistance 136302
for Ohio Technical Centers, and up to \$1,300,000 in each fiscal 136303
year may be distributed by the Chancellor to Ohio Technical 136304
Centers that provide business consultation with matching local 136305
dollars, with preference to industries on the in-demand jobs list 136306

created under section 6301.11 of the Revised Code or in regionally 136307
emerging fields. Centers meeting this requirement shall receive an 136308
amount not to exceed \$25,000 per center. 136309

(C) The remainder of the foregoing appropriation item 235444, 136310
Ohio Technical Centers, in each fiscal year shall be distributed 136311
in accordance with division (A) of this section. 136312

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 136313
CENTERS 136314

(1) In fiscal year 2018, no Ohio Technical Center shall 136315
receive performance funding calculated under division (A) of this 136316
section, excluding funding for third party credentials calculated 136317
under division (A)(5) of this section, that is less than 95 per 136318
cent of the average allocation the Center received, excluding 136319
funding for third party credentials, in the three prior fiscal 136320
years. 136321

In fiscal year 2019, no Ohio Technical Center shall receive 136322
performance funding calculated under division (A) of this section, 136323
excluding funding for third party credentials calculated under 136324
division (A)(5) of this section, that is less than 94 per cent of 136325
the average allocation the Center received, excluding funding for 136326
third party credentials, in the three prior fiscal years. 136327

(2) In order to ensure that no Center receives less than the 136328
amounts identified for each fiscal year in accordance with 136329
division (D)(1) of this section, funds shall be made available to 136330
support the phase-in allocation by proportionally reducing formula 136331
earnings from each Center not receiving phase-in funding. 136332

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 136333
SUPPORT 136334

The foregoing appropriation item 235474, Area Health 136335
Education Centers Program Support, shall be used by the Chancellor 136336

of Higher Education to support the medical school regional area 136337
health education centers' educational programs for the continued 136338
support of medical and other health professions education and for 136339
support of the Area Health Education Center Program. 136340

Section 381.120. CAMPUS SAFETY AND TRAINING 136341

The foregoing appropriation item 235492, Campus Safety and 136342
Training, shall be used by the Chancellor of Higher Education for 136343
the purpose of developing model best practices for preventing and 136344
responding to sexual violence on campus. The Chancellor, in 136345
consultation with state institutions of higher education as 136346
defined in section 3345.011 of the Revised Code and private 136347
nonprofit institutions of higher education holding certificates of 136348
authorization under Chapter 1713. of the Revised Code, shall 136349
continue to develop model best practices in line with emerging 136350
trends, research, and evidence-based training for preventing and 136351
responding to sexual violence and protecting students and staff 136352
who are victims of sexual violence on campus. The Chancellor shall 136353
convene state institutions of higher education and private 136354
nonprofit institutions of higher education in the training and 136355
implementation of best practices regarding campus sexual violence. 136356

Section 381.130. SHORT-TERM CERTIFICATES 136357

The foregoing appropriation item 235500, Short-Term 136358
Certificates, shall be used by the Chancellor to award need-based 136359
financial aid to students who are enrolled in a state institution 136360
of higher education in a program that may be completed in less 136361
than one year and for which a certificate or industry-recognized 136362
credential is awarded in an in-demand job pursuant to division 136363
(D)(6) of section 3333.122 of the Revised Code. 136364

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS 136365

The Chancellor of Higher Education shall establish procedures to allocate the foregoing appropriation item 235501, State Share of Instruction, based on the formulas detailed in this section that utilize the enrollment, course completion, degree attainment, and student achievement factors reported annually by each state institution of higher education participating in the Higher Education Information (HEI) system.

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE COMPLETIONS

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2019, in accordance with instructions of the Department of Higher Education, each state institution of higher education shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of Higher Education.

(2) In defining the number of full-time equivalent students for state subsidy instructional cost purposes, the Chancellor shall exclude all undergraduate students who are not residents of Ohio or who do not meet the definition of residency for state subsidy and tuition surcharge purposes, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be:

Model	Fiscal Year 2018	Fiscal Year 2019	
ARTS AND HUMANITIES 1	\$8,678	\$8,837	136394
ARTS AND HUMANITIES 2	\$12,238	\$12,463	136395
ARTS AND HUMANITIES 3	\$15,530	\$15,814	136396

ARTS AND HUMANITIES 4	\$24,455	\$24,903	136397
ARTS AND HUMANITIES 5	\$39,092	\$39,809	136398
ARTS AND HUMANITIES 6	\$40,081	\$40,815	136399
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,258	\$8,409	136400
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,278	\$9,448	136401
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$11,903	\$12,121	136402
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$13,855	\$14,109	136403
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,149	\$22,555	136404
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$23,377	\$23,805	136405
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,909	\$35,549	136406
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,059	\$8,206	136407
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,889	\$11,088	136408
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$12,615	\$12,846	136409
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$14,845	\$15,117	136410
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,560	\$19,918	136411
SCIENCE, TECHNOLOGY,	\$20,673	\$21,052	136412

ENGINEERING, MATHEMATICS, MEDICINE 6				
SCIENCE, TECHNOLOGY,	\$23,500	\$23,930	136413	
ENGINEERING, MATHEMATICS, MEDICINE 7				
SCIENCE, TECHNOLOGY,	\$38,870	\$39,582	136414	
ENGINEERING, MATHEMATICS, MEDICINE 8				
SCIENCE, TECHNOLOGY,	\$54,329	\$55,324	136415	
ENGINEERING, MATHEMATICS, MEDICINE 9				
Doctoral I and Doctoral II models shall be allocated in			136416	
accordance with division (D)(2) of this section.			136417	
Medical I and Medical II models shall be allocated in			136418	
accordance with divisions (D)(3) and (D)(4) of this section.			136419	
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS			136420	
			136421	
For the purpose of implementing the recommendations of the			136422	
2006 State Share of Instruction Consultation and the Higher			136423	
Education Funding Study Council that priority be given to			136424	
maintaining state support for science, technology, engineering,			136425	
mathematics, medicine, and graduate programs, the costs in			136426	
division (B) of this section shall be weighted by the amounts			136427	
provided below:			136428	
Model	Fiscal Year 2018	Fiscal Year 2019	136429	
ARTS AND HUMANITIES 1	1.0000	1.0000	136430	
ARTS AND HUMANITIES 2	1.0000	1.0000	136431	
ARTS AND HUMANITIES 3	1.0000	1.0000	136432	
ARTS AND HUMANITIES 4	1.0000	1.0000	136433	
ARTS AND HUMANITIES 5	1.0425	1.0425	136434	
ARTS AND HUMANITIES 6	1.0425	1.0425	136435	
BUSINESS, EDUCATION &	1.0000	1.0000	136436	

SOCIAL SCIENCES 1			
BUSINESS, EDUCATION &	1.0000	1.0000	136437
SOCIAL SCIENCES 2			
BUSINESS, EDUCATION &	1.0000	1.0000	136438
SOCIAL SCIENCES 3			
BUSINESS, EDUCATION &	1.0000	1.0000	136439
SOCIAL SCIENCES 4			
BUSINESS, EDUCATION &	1.0425	1.0425	136440
SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	1.0425	1.0425	136441
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	1.0425	1.0425	136442
SOCIAL SCIENCES 7			
SCIENCE, TECHNOLOGY,	1.0000	1.0000	136443
ENGINEERING, MATHEMATICS,			
MEDICINE 1			
SCIENCE, TECHNOLOGY,	1.0017	1.0017	136444
ENGINEERING, MATHEMATICS,			
MEDICINE 2			
SCIENCE, TECHNOLOGY,	1.6150	1.6150	136445
ENGINEERING, MATHEMATICS,			
MEDICINE 3			
SCIENCE, TECHNOLOGY,	1.6920	1.6920	136446
ENGINEERING, MATHEMATICS,			
MEDICINE 4			
SCIENCE, TECHNOLOGY,	1.4222	1.4222	136447
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	1.8798	1.8798	136448
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	136449
ENGINEERING, MATHEMATICS,			

MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	136450
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	136451
ENGINEERING, MATHEMATICS,			
MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			136452
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			136453
(1) Of the foregoing appropriation item 235501, State Share			136454
of Instruction, 50 per cent of the appropriation for universities,			136455
as established in division (A)(2) of the section of this act			136456
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND			136457
2019," in each fiscal year shall be reserved for support of			136458
associate, baccalaureate, master's, and professional level degree			136459
attainment.			136460
The degree attainment funding shall be allocated to			136461
universities in proportion to each campus's share of the total			136462
statewide degrees granted, weighted by the cost of the degree			136463
programs. The degree cost calculations shall include the model			136464
cost weights for the science, technology, engineering,			136465
mathematics, and medicine models as established in division (C) of			136466
this section.			136467
For degrees including credits earned at multiple			136468
institutions, degree attainment funding shall be allocated to			136469
universities in proportion to each campus's share of the			136470
student-specific cost of earned credits for the degree. Each			136471
institution shall receive its prorated share of degree funding for			136472
credits earned at that institution. Cost of credits not earned at			136473
a university main or regional campus shall be credited to the			136474
degree-granting institution for the first degree earned by a			136475
student at each degree level. The cost credited to the			136476

degree-granting institution shall not be eligible for at-risk 136477
weights and shall be limited to 12.5 per cent of the 136478
student-specific degree costs. However, the 12.5 per cent 136479
limitation shall not apply if the student transferred 12 or fewer 136480
credits into the degree granting institution. 136481

In calculating the subsidy entitlements for degree attainment 136482
for universities, the Chancellor shall use the following count of 136483
degrees and degree costs: 136484

(a) The subsidy eligible undergraduate degrees shall be 136485
defined as follows: 136486

(i) The subsidy eligible degrees conferred to students 136487
identified as residents of the state of Ohio in any term of their 136488
studies, as reported through the Higher Education Information 136489
(HEI) system student enrollment file, shall be weighted by a 136490
factor of 1. 136491

(ii) The subsidy eligible degrees conferred to students 136492
identified as out-of-state residents during all terms of their 136493
studies, as reported through the Higher Education Information 136494
(HEI) system student enrollment file, who remain in the state of 136495
Ohio at least one year after graduation, as calculated based on 136496
the three-year average in-state residency rate using the 136497
Unemployment Wage data for out-of-state graduates at each 136498
institution, shall be weighted by a factor of 50 per cent. 136499

(iii) Subsidy eligible associate degrees are defined as those 136500
earned by students attending any state-supported university main 136501
or regional campus. 136502

(b) In calculating each campus's count of degrees, the 136503
Chancellor shall use the three-year average associate, 136504
baccalaureate, master's, and professional degrees awarded for the 136505
three-year period ending in the prior year. 136506

(i) If a student is awarded an associate degree and, 136507

subsequently, is awarded a baccalaureate degree, the amount funded 136508
for the baccalaureate degree shall be limited to either the 136509
difference in cost between the cost of the baccalaureate degree 136510
and the cost of the associate degree paid previously, or if the 136511
associate degree has a higher cost than the baccalaureate degree, 136512
the cost of the credits earned by the student after the associate 136513
degree was awarded. 136514

(ii) If a student earns an associate degree then, 136515
subsequently, earns a baccalaureate degree, the associate degree 136516
granting institution shall only receive the prorated share of the 136517
baccalaureate degree funding for the credits earned at that 136518
institution after the associate degree is awarded. 136519

(iii) If a student earns more than one degree at the same 136520
institution at the same degree level in the same fiscal year, the 136521
funding for the highest cost degree shall be prorated among 136522
institutions based on where the credits were earned and additional 136523
degrees shall be funded at 25 per cent of the cost of the degrees. 136524

(c) Associate degrees and baccalaureate degrees earned by a 136525
student defined as at-risk based on academic underpreparation, 136526
age, minority status, financial status, or first generation 136527
post-secondary status based on neither parent completing any 136528
education beyond high school, shall be defined as degrees earned 136529
by an at-risk student and shall be weighted by the following: 136530

A student-specific degree completion weight, where the weight 136531
is calculated based on the at-risk factors of the individual 136532
student, determined by calculating the difference between the 136533
percentage of students with each risk factor who earned a degree 136534
and the percentage of non-at-risk students who earned a degree. 136535

(2) Of the foregoing appropriation item 235501, State Share 136536
of Instruction, up to 11.78 per cent of the appropriation for 136537
universities, as established in division (A)(2) of the section of 136538

this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 and 2019," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In fiscal year 2018, NEOMED shall receive \$250,000 and in fiscal year 2019 NEOMED shall receive \$275,000 of the doctoral set-aside funding allocation with the remaining doctoral set-aside allocated to universities as follows:

(a) 32.50 per cent of the remaining doctoral set-aside in fiscal year 2018 and 25 per cent of the remaining doctoral set-aside in fiscal year 2019 shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Doctoral I equivalent FTEs as calculated on an institutional basis using historical FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review and subsequent changes in Doctoral I equivalent enrollments. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

(b) 45 per cent of the doctoral set-aside in fiscal year 2018 and 50 per cent of the doctoral set-aside in fiscal year 2019 shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the Chancellor shall use the three-year average doctoral degrees awarded for the three-year period ending in the prior year.

(c) 22.5 per cent of the doctoral set-aside in fiscal year 2018 and 25 per cent of the doctoral set-aside in fiscal year 2019

shall be allocated to universities in proportion to their share of 136571
research grant activity. Funding for this component shall be 136572
allocated to eligible universities in proportion to their share of 136573
research grant activity published by the National Science 136574
Foundation. Grant awards from the Department of Health and Human 136575
Services shall be weighted at 50 per cent. 136576

(3) Of the foregoing appropriation item 235501, State Share 136577
of Instruction, 6.41 per cent of the appropriation for 136578
universities, as established in division (A)(2) of the section of 136579
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 136580
2018 AND 2019," in each fiscal year shall be reserved for support 136581
of Medical II FTEs. The amount so reserved shall be referred to as 136582
the medical II set-aside. 136583

The medical II set-aside shall be allocated to universities 136584
in proportion to their share of the statewide total of each state 136585
institution's three-year average Medical II FTEs as calculated in 136586
division (A) of this section. 136587

In calculating the core subsidy entitlements for Medical II 136588
models only, students repeating terms may be no more than five per 136589
cent of current year enrollment. 136590

(4) Of the foregoing appropriation item 235501, State Share 136591
of Instruction, 1.48 per cent of the appropriation for 136592
universities, as established in division (A)(2) of the section of 136593
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 136594
2018 AND 2019," in each fiscal year shall be reserved for support 136595
of Medical I FTEs. The amount so reserved shall be referred to as 136596
the medical I set-aside. 136597

The medical I set-aside shall be allocated to universities in 136598
proportion to their share of the statewide total of each state 136599
institution's three-year average Medical I FTEs as calculated in 136600
division (A) of this section. 136601

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2014-2016 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all models except Medical I, Medical II, Doctoral I, and Doctoral II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019," less the degree attainment funding as calculated

in division (D)(1) of this section, less the doctoral set-aside, 136633
less the medical I set-aside, and less the medical II set-aside, 136634
by the sum of all campuses' instructional costs as calculated in 136635
division (D)(5) of this section. 136636

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 136637
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 136638

(1) Of the foregoing appropriation item 235501, State Share 136639
of Instruction, 50 per cent of the appropriation for 136640
state-supported community colleges, state community colleges, and 136641
technical colleges as established in division (A)(1) of the 136642
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 136643
YEARS 2018 AND 2019," in each fiscal year shall be reserved for 136644
course completion FTEs as aggregated by the subsidy models defined 136645
in division (B) of this section. 136646

The course completion funding shall be allocated to campuses 136647
in proportion to each campus's share of the total sector's course 136648
completions, weighted by the instructional cost of the subsidy 136649
models. 136650

To calculate the subsidy entitlements for course completions 136651
at community colleges, state community colleges, and technical 136652
colleges, the Chancellor shall use the following calculations: 136653

(a) In calculating each campus's count of FTE course 136654
completions, the Chancellor shall use a three-year average for 136655
course completions for the three year period ending in the prior 136656
year. 136657

(b) The subsidy eligible enrollments by model shall equal 136658
only those FTE students who successfully complete the course as 136659
defined and reported through the Higher Education Information 136660
(HEI) system course enrollment file. 136661

(c) Those students with successful course completions, that 136662
are defined as access students based on financial status, minority 136663

status, age, or academic under-preparation shall have their 136664
eligible course completions weighted by a statewide access weight. 136665
The weight given to any student that meets any access factor shall 136666
be 15 per cent for all course completions. 136667

(d) The model costs as used in the calculation shall be 136668
augmented by the model weights for science, technology, 136669
engineering, mathematics, and medicine models as established in 136670
division (C) of this section. 136671

(2) Of the foregoing appropriation item 235501, State Share 136672
of Instruction, 25 per cent of the appropriation for 136673
state-supported community colleges, state community colleges, and 136674
technical colleges as established in division (A)(1) of the 136675
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136676
FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved 136677
for colleges in proportion to their share of college student 136678
success factors. 136679

Student success factors shall be awarded at the institutional 136680
level for each student that successfully: 136681

(a) Completes a developmental math course and, within the 136682
next year, enrolls in a college-level math course. 136683

(b) Completes a developmental English course and, within the 136684
next year, enrolls in a college-level English course. 136685

(c) Completes 12 semester credit hours of college-level 136686
coursework. 136687

(d) Completes 24 semester credit hours of college-level 136688
coursework. 136689

(e) Completes 36 semester credit hours of college-level 136690
coursework. 136691

(3) Of the foregoing appropriation item 235501, State Share 136692
of Instruction, 25 per cent of the appropriation for 136693

state-supported community colleges, state community colleges, and 136694
technical colleges shall be reserved for completion milestones. 136695

Completion milestones shall include associate degrees, 136696
technical certificates over 30 credit hours as designated by the 136697
Department of Higher Education, and students transferring to any 136698
four-year institution with at least 12 credit hours of 136699
college-level coursework earned at that community college, state 136700
community college, or technical college. 136701

The completion milestone funding shall be allocated to 136702
colleges in proportion to each institution's share of the sector's 136703
total completion milestones, weighted by the instructional cost of 136704
the associate degree, certificate, or transfer models. Costs for 136705
technical certificates over 30 hours shall be weighted at one-half 136706
of the associate degree model costs and transfers with at least 12 136707
credit hours of college-level coursework shall be weighted at 136708
one-fourth of the average cost for all associate degree model 136709
costs. 136710

(4) To calculate the subsidy entitlements for completions at 136711
community colleges, state community colleges, and technical 136712
colleges, the Chancellor shall use the following calculations: 136713

(a) In calculating each campus's count of completions, the 136714
Chancellor shall use a three-year average for completion metrics. 136715

(b) The subsidy eligible completions by model shall equal 136716
only those students who successfully complete an associate degree 136717
or technical certificate over 30 credit hours, or transfer to any 136718
four-year institution with at least 12 credit hours of 136719
college-level coursework as defined and reported in the Higher 136720
Education Information (HEI) system. Student completions reported 136721
in HEI shall have an accompanying course enrollment record in 136722
order to be subsidy eligible. 136723

(c) Those students with successful completions for associate 136724

degrees, technical certificates over 30 credit hours, or transfer 136725
to any four-year institution with at least 12 credit hours of 136726
college-level coursework, identified in division (E)(3) of this 136727
section, that are defined as access students based on financial 136728
status, minority status, age, or academic under-preparation shall 136729
have their eligible completions weighted by a statewide access 136730
weight. The weight shall be 25 per cent for students with one 136731
access factor, 66 per cent for students with two access factors, 136732
150 per cent for students with three access factors, and 200 per 136733
cent for students with four access factors. 136734

(d) For those students who complete more than one completion 136735
milestone, funding for each additional associate degree or 136736
technical certificate over 30 credit hours designated as such by 136737
the Department of Higher Education shall be funded at 50 per cent 136738
of the model costs as defined in division (3) of this section. 136739

(F) CAPITAL COMPONENT DEDUCTION 136740

After all other adjustments have been made, state share of 136741
instruction earnings shall be reduced for each campus by the 136742
amount, if any, by which debt service charged in Am. H.B. 748 of 136743
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 136744
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 136745
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 136746
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 136747
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 136748
562 of the 127th General Assembly for that campus exceeds that 136749
campus's capital component earnings. The sum of the amounts 136750
deducted shall be transferred to appropriation item 235552, 136751
Capital Component, in each fiscal year. 136752

(G) EXCEPTIONAL CIRCUMSTANCES 136753

Adjustments may be made to the state share of instruction 136754
payments and other subsidies distributed by the Chancellor of 136755

Higher Education to state colleges and universities for 136756
exceptional circumstances. No adjustments for exceptional 136757
circumstances may be made without the recommendation of the 136758
Chancellor and the approval of the Controlling Board. 136759

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 136760
INSTRUCTION 136761

The standard provisions of the state share of instruction 136762
calculation as described in the preceding sections of temporary 136763
law shall apply to any reductions made to appropriation item 136764
235501, State Share of Instruction, before the Chancellor has 136765
formally approved the final allocation of the state share of 136766
instruction funds for any fiscal year. 136767

Any reductions made to appropriation item 235501, State Share 136768
of Instruction, after the Chancellor has formally approved the 136769
final allocation of the state share of instruction funds for any 136770
fiscal year, shall be uniformly applied to each campus in 136771
proportion to its share of the final allocation. 136772

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 136773

The state share of instruction payments to the institutions 136774
shall be in substantially equal monthly amounts during the fiscal 136775
year, unless otherwise determined by the Director of Budget and 136776
Management pursuant to section 126.09 of the Revised Code. 136777
Payments during the first six months of the fiscal year shall be 136778
based upon the state share of instruction appropriation estimates 136779
made for the various institutions of higher education and payments 136780
during the last six months of the fiscal year shall be based on 136781
the final data from the Chancellor. 136782

(J) STUDY ON THE USE OF SCIENCE, TECHNOLOGY, ENGINEERING, 136783
MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 136784

The presidents of public institutions of higher education as 136785
defined in section 3345.011 of the Revised Code, or their 136786

designees, in consultation with the Chancellor of Higher Education, shall study the effectiveness of the science, technology, engineering, mathematics, medicine, and graduate weights as originally recommended by the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council and as implemented in division (C) of this section. The study shall identify the extent to which STEMM and graduate weights re-allocate resources among institutions within the State Share of Instruction line item, the extent to which the resource re-allocation affects institutional production of STEMM and graduate completions, and the extent to which the weights are appropriate given current workforce data associated with emerging and in-demand fields. The study shall be completed by October 15, 2017. Notwithstanding any provision of law to the contrary, the presidents of public institutions of higher education as defined in section 3345.011 of the Revised Code, or their designees, in consultation with the Chancellor, shall use the results of the study to recommend changes in the science, technology, engineering, mathematics, medicine, and graduate weights as originally recommended by the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council and as implemented in division (C) of this section. Not later than December 1, 2017, the members shall report any changes to the Governor, the General Assembly, and the Office of Budget and Management.

Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019

(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."

(1) Of the foregoing appropriation item 235501, State Share

of Instruction, \$456,256,006 in each fiscal year shall be 136818
distributed to state-supported community colleges, state community 136819
colleges, and technical colleges. 136820

(2) Of the foregoing appropriation item 235501, State Share 136821
of Instruction, \$1,523,160,544 in each fiscal year shall be 136822
distributed to state-supported university main and regional 136823
campuses. 136824

Section 381.160. RESTRICTION ON FEE INCREASES 136825

(A) In fiscal years 2018 and 2019, the boards of trustees of 136826
state institutions of higher education shall restrain increases in 136827
in-state undergraduate instructional, general, and all other fees. 136828

(1) For the 2017-2018 and 2018-2019 academic years, each 136829
state university or college, as defined in section 3345.12 and 136830
university branches established under Chapter 3355. of the Revised 136831
Code shall not increase its in-state undergraduate instructional, 136832
general, and all other fees over what the institution charged for 136833
the 2016-2017 academic year. 136834

(2) For the 2017-2018 and 2018-2019 academic years, each 136835
community college established under Chapter 3354., state community 136836
college established under Chapter 3358., or technical college 136837
established under Chapter 3357. of the Revised Code may increase 136838
its in-state undergraduate instructional and general fees by not 136839
more than \$10 per credit hour over what the institution charged 136840
for the previous academic year to support quality academic 136841
programming. 136842

The limitations under divisions (A)(1) and (2) of this 136843
section do not apply to room and board, student health insurance, 136844
fees for auxiliary goods or services provided to students at the 136845
cost incurred to the institution, noninstructional program fees, 136846
fees assessed to students as a pass-through for licensure and 136847

certification examinations, fees in elective courses associated 136848
with travel experiences, elective service charges, fines, 136849
voluntary sales transactions, and career services. 136850

(B) The limitations under this section shall not apply to 136851
increases required to comply with institutional covenants related 136852
to their obligations or to meet unfunded legal mandates or legally 136853
binding obligations incurred or commitments made prior to the 136854
effective date of this section with respect to which the 136855
institution had identified such fee increases as the source of 136856
funds. Any increase required by such covenants and any such 136857
mandates, obligations, or commitments shall be reported by the 136858
Chancellor of Higher Education to the Controlling Board. These 136859
limitations may also be modified by the Chancellor, with the 136860
approval of the Controlling Board, to respond to exceptional 136861
circumstances as identified by the Chancellor. 136862

(C) These limitations shall not apply to institutions 136863
participating in an undergraduate tuition guarantee program 136864
pursuant to section 3345.48 of the Revised Code. 136865

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES 136866

(A) Funds appropriated for instructional subsidies at 136867
colleges and universities may be used to provide such branch or 136868
other off-campus undergraduate courses of study and such master's 136869
degree courses of study as may be approved by the Chancellor of 136870
Higher Education. 136871

(B) In providing instructional and other services to 136872
students, boards of trustees of state institutions of higher 136873
education shall supplement state subsidies with income from 136874
charges to students. Except as otherwise provided in this act, 136875
each board shall establish the fees to be charged to all students, 136876
including an instructional fee for educational and associated 136877
operational support of the institution and a general fee for 136878

noninstructional services, including locally financed student 136879
services facilities used for the benefit of enrolled students. The 136880
instructional fee and the general fee shall encompass all charges 136881
for services assessed uniformly to all enrolled students. Each 136882
board may also establish special purpose fees, service charges, 136883
and fines as required; such special purpose fees and service 136884
charges shall be for services or benefits furnished individual 136885
students or specific categories of students and shall not be 136886
applied uniformly to all enrolled students. A tuition surcharge 136887
shall be paid by all students who are not residents of Ohio. 136888

The board of trustees of a state institution of higher 136889
education shall not authorize a waiver or nonpayment of 136890
instructional fees or general fees for any particular student or 136891
any class of students other than waivers specifically authorized 136892
by law or approved by the Chancellor. This prohibition is not 136893
intended to limit the authority of boards of trustees to provide 136894
for payments to students for services rendered the institution, 136895
nor to prohibit the budgeting of income for staff benefits or for 136896
student assistance in the form of payment of such instructional 136897
and general fees. 136898

Each state institution of higher education in its statement 136899
of charges to students shall separately identify the instructional 136900
fee, the general fee, the tuition charge, and the tuition 136901
surcharge. Fee charges to students for instruction shall not be 136902
considered to be a price of service but shall be considered to be 136903
an integral part of the state government financing program in 136904
support of higher educational opportunity for students. 136905

(C) The boards of trustees of state institutions of higher 136906
education shall ensure that faculty members devote a proper and 136907
judicious part of their work week to the actual instruction of 136908
students. Total class credit hours of production per academic term 136909
per full-time faculty member is expected to meet the standards set 136910

forth in the budget data submitted by the Chancellor of Higher Education. 136911
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(D) The authority of government vested by law in the boards of trustees of state institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served. 136913
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Section 381.180. STUDENT SUPPORT SERVICES 136929

The foregoing appropriation item 235502, Student Support Services, shall be distributed by the Chancellor of Higher Education to Ohio's state colleges and universities that incur disproportionate costs in the provision of support services to disabled students. 136930
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Section 381.190. WAR ORPHANS SCHOLARSHIPS 136935

The foregoing appropriation item 235504, War Orphans Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of 136936
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Higher Education under Chapter 1713. of the Revised Code, in 136941
accordance with the provisions of section 5910.04 of the Revised 136942
Code, and to fund additional scholarship benefits provided by 136943
section 5910.032 of the Revised Code. 136944

During each fiscal year, the Chancellor, as soon as possible 136945
after cancellation, may certify to the Director of Budget and 136946
Management the amount of canceled prior-year encumbrances in 136947
appropriation item 235504, War Orphans Scholarships. Upon receipt 136948
of the certification, the Director of Budget and Management may 136949
transfer cash, up to the certified amount, from the General 136950
Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 136951
5PW0). 136952

Section 381.200. OHIOLINK 136953

The foregoing appropriation item 235507, OhioLINK, shall be 136954
used by the Chancellor of Higher Education to support OhioLINK, a 136955
consortium organized under division (T) of section 3333.04 of the 136956
Revised Code to serve as the state's electronic library 136957
information and retrieval system, which provides access statewide 136958
to an extensive set of electronic databases and resources, the 136959
library holdings of Ohio's public and participating private 136960
nonprofit colleges and universities, and the State Library of 136961
Ohio. 136962

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 136963

The foregoing appropriation item 235508, Air Force Institute 136964
of Technology, shall be used to: (A) strengthen the research and 136965
educational linkages between the Wright Patterson Air Force Base 136966
and institutions of higher education in Ohio; and (B) support the 136967
Dayton Area Graduate Studies Institute, an engineering graduate 136968
consortium of Wright State University, the University of Dayton, 136969
and the Air Force Institute of Technology, with the participation 136970

of the University of Cincinnati and The Ohio State University. 136971

Section 381.220. OHIO SUPERCOMPUTER CENTER 136972

The foregoing appropriation item 235510, Ohio Supercomputer 136973
Center, shall be used by the Chancellor of Higher Education to 136974
support the operation of the Ohio Supercomputer Center, a 136975
consortium organized under division (T) of section 3333.04 of the 136976
Revised Code, located at The Ohio State University. The Ohio 136977
Supercomputer Center is a statewide resource available to Ohio 136978
research universities both public and private. It is also intended 136979
that the center be made accessible to private industry as 136980
appropriate. 136981

Funds shall be used, in part, to support AweSim, the Ohio 136982
Supercomputer Center's industrial outreach program. The Ohio 136983
Supercomputer Center's services shall support Ohio's colleges, 136984
universities, and businesses to make Ohio a leader in using 136985
computational science, modeling, and simulation to promote higher 136986
education, research, and economic competitiveness. 136987

Section 381.230. COOPERATIVE EXTENSION SERVICE 136988

The foregoing appropriation item 235511, Cooperative 136989
Extension Service, shall be disbursed through the Chancellor of 136990
Higher Education to The Ohio State University in monthly payments, 136991
unless otherwise determined by the Director of Budget and 136992
Management under section 126.09 of the Revised Code. 136993

Of the foregoing appropriation item 235511, Cooperative 136994
Extension Service, \$134,244 in fiscal year 2018 and \$141,136 in 136995
fiscal year 2019 shall be used to support salaries and benefits 136996
for one 4-H Club at an elementary school in Cleveland and one 4-H 136997
Club at an elementary school in Cincinnati. 136998

Of the foregoing appropriation item 235511, Cooperative 136999
Extension Service, \$7,000 in each fiscal year shall be used to 137000

support mileage, telephone, supplies, and classroom activities 137001
costs at 4-H Clubs in Cleveland and Cincinnati. Seventy per cent 137002
of this amount shall be spent directly in relation to student 137003
involvement in 4-H. 137004

Of the foregoing appropriation item 235511, Cooperative 137005
Extension Service, \$48,831 in each fiscal year shall be used to 137006
support the Food Policy Coordinator pilot project established in 137007
Section 733.61 of this act. 137008

Section 381.240. CENTRAL STATE SUPPLEMENT 137009

The foregoing appropriation item 235514, Central State 137010
Supplement, shall be disbursed by the Chancellor of Higher 137011
Education to Central State University in accordance with the plan 137012
developed by the Chancellor and submitted to the Governor and the 137013
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 137014
General Assembly. Funds shall be used in a manner consistent with 137015
the goals of increasing enrollment, improving course completion, 137016
and increasing the number of degrees conferred. 137017

The Chancellor shall monitor the implementation of the plan 137018
and the use of funds. Central State University shall provide any 137019
information requested by the Chancellor related to the 137020
implementation of the plan. If the Chancellor determines that 137021
Central State University's use of supplemental funds is not in 137022
accordance with the plan or if the plan is not having the desired 137023
effect, the Chancellor may notify Central State University that 137024
the plan is suspended. Upon receiving such notice, Central State 137025
University shall avoid all unnecessary expenditures under the 137026
plan. The Chancellor shall notify the Controlling Board of the 137027
suspension of the plan and within sixty days prepare a new plan 137028
for the use of any remaining funds. 137029

Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 137030

MEDICINE	137031
The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.	137032 137033 137034 137035 137036 137037 137038
Section 381.260. FAMILY PRACTICE	137039
The Chancellor of Higher Education shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235519, Family Practice.	137040 137041 137042 137043
Section 381.270. SHAWNEE STATE SUPPLEMENT	137044
The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region.	137045 137046 137047 137048 137049 137050 137051 137052 137053
The Chancellor shall monitor the implementation of the plan and the use of funds. Shawnee State University shall provide any information requested by the Chancellor related to the implementation of the plan. If the Chancellor determines that Shawnee State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired	137054 137055 137056 137057 137058 137059

effect, the Chancellor may notify Shawnee State University that 137060
the plan is suspended. Upon receiving such notice, Shawnee State 137061
University shall avoid all unnecessary expenditures under the 137062
plan. The Chancellor shall notify the Controlling Board of the 137063
suspension of the plan and within sixty days prepare a new plan 137064
for the use of any remaining funds. 137065

Section 381.280. GERIATRIC MEDICINE 137066

The Chancellor of Higher Education shall develop plans 137067
consistent with existing criteria and guidelines as may be 137068
required for the distribution of appropriation item 235525, 137069
Geriatric Medicine. 137070

Section 381.281. PRIMARY CARE RESIDENCIES 137071

The Chancellor of Higher Education shall develop plans 137072
consistent with existing criteria and guidelines as may be 137073
required for the distribution of appropriation item 235526, 137074
Primary Care Residencies. 137075

The foregoing appropriation item 235526, Primary Care 137076
Residencies, shall be distributed in fiscal year 2018, based on 137077
whether or not the institution has submitted and gained approval 137078
for a plan. If the institution does not have an approved plan, it 137079
shall receive five per cent less funding per student than it would 137080
have received from its allocation in fiscal year 2018. The 137081
remaining funding shall be distributed among those institutions 137082
that meet or exceed their targets. 137083

Section 381.282. CLINICAL TEACHING 137084

(A) The foregoing appropriation item 235528, Clinical 137085
Teaching, shall be distributed through the Chancellor of Higher 137086
Education to support any of the following purposes: 137087

(1) Laboratory and clinical components of medical and other 137088

health-related education at the University of Cincinnati, the 137089
Northeast Ohio Medical University, Ohio University, The Ohio State 137090
University, the University of Toledo, and Wright State University; 137091

(2) Dental and veterinary medicine clinics at The Ohio State 137092
University; 137093

(3) State support for the Case Western Reserve University 137094
School of Medicine in accordance with agreements entered into 137095
under section 3333.10 of the Revised Code; 137096

(4) Family practice residencies and instructional costs in 137097
the departments of family practice within Ohio's medical colleges; 137098

(5) Offices of geriatric medicine within Ohio's public 137099
medical colleges; 137100

(6) Primary care residency programs at Ohio's medical 137101
colleges; 137102

(7) Long-term care research. 137103

(B) Prior to July 1, 2018, the Chancellor of Higher 137104
Education, in consultation with the recipients of funds from the 137105
foregoing appropriation items 235515, Case Western Reserve 137106
University School of Medicine, 235519, Family Practice, 235525, 137107
Geriatric Medicine, 235526, Primary Care Residencies, 235536, The 137108
Ohio State University Clinical Teaching, 235537, University of 137109
Cincinnati Clinical Teaching, 235538, University of Toledo 137110
Clinical Teaching, 235539, Wright State University Clinical 137111
Teaching, 235540, Ohio University Clinical Teaching, 235541, 137112
Northeast Ohio Medical University Clinical Teaching, 235558, 137113
Long-term Care Research, and 235572, The Ohio State University 137114
Clinic Support, shall develop a plan to prioritize the 137115
distribution of funds from the foregoing appropriation item 137116
235528, Clinical Teaching, among the purposes identified in 137117
division (A) of this section. 137118

Section 381.283. HIGHER EDUCATION PROGRAM SUPPORT 137119

Of the foregoing appropriation item 235533, Higher Education 137120
Program Support, \$37,500 in fiscal year 2018 shall be used to 137121
support the 2017 Maritime Risk Symposium hosted by Tiffin 137122
University's Center for Cyber Defense and Forensics. Tiffin 137123
University shall use the funds to plan, market, and conduct the 137124
Symposium; to produce a summary document of the Symposium's 137125
proceedings; and to plan a follow-up activity regarding the 137126
Symposium. 137127

Of the foregoing appropriation item 235533, Higher Education 137128
Program Support, \$250,000 in each fiscal year shall be distributed 137129
to Ohio University for the Rural Revitalization Partnership. 137130

Of the foregoing appropriation item 235533, Higher Education 137131
Program Support, \$250,000 in each fiscal year shall be used to 137132
support the SmartOhio Financial Literacy Program at the University 137133
of Cincinnati. 137134

Of the foregoing appropriation item 235533, Higher Education 137135
Program Support, \$750,000 in fiscal year 2018 shall be distributed 137136
to the University of Dayton Research Institute to purchase big 137137
area additive manufacturing equipment to be installed in Dayton to 137138
support research and development. 137139

Of the foregoing appropriation item 235533, Higher Education 137140
Program Support, \$5,000,000 in fiscal year 2018 shall be 137141
distributed to The Ohio State University's John Glenn College of 137142
Public Affairs to establish the State of Ohio Leadership Institute 137143
in order to provide leadership training and education for current 137144
and future elected officials and senior staff in state and local 137145
government. 137146

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 137147
CENTER 137148

The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the biennium ending June 30, 2019, for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT

The foregoing appropriation item 235546, Central State
Agricultural Research and Development, shall be used in
conjunction with appropriation item 235548, Central State
Cooperative Extension Services, by Central State University for
its state match requirement as an 1890 land grant university.

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Section 381.320. CAPITAL COMPONENT

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The foregoing appropriation item 235552, Capital Component,
shall be used by the Chancellor of Higher Education to provide
funding for prior commitments made pursuant to the state's former
capital funding policy for state colleges and universities that
was originally established in Am. H.B. 748 of the 121st General
Assembly. Appropriations from this item shall be distributed to
all campuses for which the estimated campus debt service
attributable to qualifying capital projects was less than the
campus's formula-determined capital component allocation. Campus
allocations shall be determined by subtracting the estimated
campus debt service attributable to qualifying capital projects
from the campus's formula-determined capital component allocation.
Moneys distributed from this appropriation item shall be
restricted to capital-related purposes.

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Any campus for which the estimated campus debt service
attributable to qualifying capital projects is greater than the
campus's formula-determined capital component allocation shall
have the difference subtracted from its State Share of Instruction
allocation in each fiscal year. Appropriation equal to the sum of
all such amounts except that of the Ohio Agricultural Research and
Development Center shall be transferred from appropriation item
235501, State Share of Instruction, to appropriation item 235552,
Capital Component. Appropriation equal to any estimated Ohio
Agricultural Research and Development Center debt service
attributable to qualifying capital projects that is greater than

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the Center's formula-determined capital component allocation shall 137210
be transferred from appropriation item 235535, Ohio Agricultural 137211
Research and Development Center, to appropriation item 235552, 137212
Capital Component. 137213

Section 381.330. LIBRARY DEPOSITORIES 137214

The foregoing appropriation item 235555, Library 137215
Depositories, shall be distributed to the state's five regional 137216
depository libraries for the cost-effective storage of and access 137217
to lesser-used materials in university library collections. The 137218
depositories shall be administrated by the Chancellor of Higher 137219
Education, or by OhioLINK at the discretion of the Chancellor. 137220

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 137221

The foregoing appropriation item 235556, Ohio Academic 137222
Resources Network, shall be used by the Chancellor of Higher 137223
Education to support the operations of the Ohio Academic Resources 137224
Network, a consortium organized under division (T) of section 137225
3333.04 of the Revised Code, which shall include support for 137226
Ohio's colleges and universities in maintaining and enhancing 137227
network connections, using new network technologies to improve 137228
research, education, and economic development programs, and 137229
sharing information technology services. To the extent network 137230
capacity is available, OARnet shall support allocating bandwidth 137231
to eligible programs directly supporting Ohio's economic 137232
development. 137233

Section 381.350. LONG-TERM CARE RESEARCH 137234

The foregoing appropriation item 235558, Long-term Care 137235
Research, shall be disbursed to Miami University for long-term 137236
care research. 137237

Section 381.353. CENTRAL STATE UNIVERSITY - AGRICULTURE 137238
EDUCATION 137239

The foregoing appropriation item 235559, Central State 137240
University - Agriculture Education, shall be distributed to 137241
Central State University to establish the School of Agriculture 137242
Education and Food Science within the College of Education. The 137243
School shall use these funds to establish programs to prepare 137244
extension educators with a focus on childhood development and 137245
agri-science educators for grades 7 through 12; to work with other 137246
higher education institutions in Ohio that have agriculture or 137247
agriculture education programs in order to establish partnerships 137248
that shall result in students enrolled in the School having access 137249
to learning labs, pertinent facilities, and collaboration with 137250
faculty; to provide, by the fall semester of 2018, a program for 137251
students that shall result in a Bachelor of Science in Education 137252
with students eligible for an Ohio teaching license in agriculture 137253
education for grades 7 through 12 upon passing the appropriate 137254
assessments; and to provide a program for students that shall 137255
result in a bachelor's degree, including the minimum requirements 137256
for employment as an extension educator with a focus in childhood 137257
development. 137258

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT 137259

(A) Except as provided in division (C) of this section: 137260

Of the foregoing appropriation item 235563, Ohio College 137261
Opportunity Grant, at least \$92,663,037 in fiscal year 2018 and at 137262
least \$93,578,797 in fiscal year 2019 shall be used by the 137263
Chancellor of Higher Education to award need-based financial aid 137264
to students enrolled in eligible public and private nonprofit 137265
institutions of higher education, excluding early college high 137266
school and post-secondary enrollment option participants. 137267

The remainder of the foregoing appropriation item 235563, 137268
Ohio College Opportunity Grant, shall be used by the Chancellor to 137269
award needs-based financial aid to students enrolled in eligible 137270
private for-profit career colleges and schools. 137271

(B)(1) As used in this section: 137272

(a) "Eligible institution" means any institution described in 137273
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 137274
Code. 137275

(b) The three "sectors" of institutions of higher education 137276
consist of the following: 137277

(i) State colleges and universities, community colleges, 137278
state community colleges, university branches, and technical 137279
colleges; 137280

(ii) Eligible private nonprofit institutions of higher 137281
education; 137282

(iii) Eligible private for-profit career colleges and 137283
schools. 137284

(2) Awards for students attending eligible private nonprofit 137285
institutions of higher education shall be determined at twice the 137286
rate of the awards for students attending eligible public 137287
institutions of higher education. 137288

(3) For students attending an eligible institution 137289
year-round, awards may be distributed on an annual basis, once 137290
Pell grants have been exhausted. 137291

(4) If the Chancellor determines that the amounts 137292
appropriated for support of the Ohio College Opportunity Grant 137293
program are inadequate to provide grants to all eligible students 137294
as calculated under division (D) of section 3333.122 of the 137295
Revised Code, the Chancellor may create a distribution formula for 137296
fiscal year 2018 and fiscal year 2019 based on the formula used in 137297

fiscal year 2017, or may follow methods established in division 137298
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 137299
Chancellor shall notify the Controlling Board of the distribution 137300
method. Any formula calculated under this division shall be 137301
complete and established to coincide with the start of the 137302
2017-2018 academic year. 137303

(C) Prior to determining the amount of funds available to 137304
award under this section and section 3333.122 of the Revised Code, 137305
the Chancellor shall use the foregoing appropriation item 235563, 137306
Ohio College Opportunity Grant, to pay for renewals or partial 137307
renewals of scholarships students receive under the Ohio Academic 137308
Scholarship Program under sections 3333.21 and 3333.22 of the 137309
Revised Code. In paying for scholarships under this division, the 137310
Chancellor shall deduct funds from the allocations made under 137311
division (A) of this section. Deductions shall be proportionate to 137312
the amounts allocated to each sector from the total amounts 137313
appropriated for each sector under the foregoing appropriation 137314
item 235563, Ohio College Opportunity Grant. 137315

In each fiscal year, with the exception of sections 3333.121 137316
and 3333.124 of the Revised Code and the section of this act 137317
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 137318
shall not distribute or obligate or commit to be distributed an 137319
amount greater than what is appropriated under the foregoing 137320
appropriation item 235563, Ohio College Opportunity Grant. 137321

(D) The Chancellor shall establish, and post on the 137322
Department of Higher Education's web site, award tables based on 137323
any formulas created under division (B) of this section. The 137324
Chancellor shall notify students and institutions of any 137325
reductions in awards under this section. 137326

(E) Notwithstanding section 3333.122 of the Revised Code, no 137327
student shall be eligible to receive an Ohio College Opportunity 137328
Grant for more than ten semesters, fifteen quarters, or the 137329

equivalent of five academic years, less the number of semesters or 137330
quarters in which the student received an Ohio Instructional 137331
Grant. 137332

(F) During each fiscal year, the Chancellor, as soon as 137333
possible after cancellation, may certify to the Director of Budget 137334
and Management the amount of canceled prior-year encumbrances in 137335
appropriation item 235563, Ohio College Opportunity Grant. Upon 137336
receipt of the certification, the Director of Budget and 137337
Management may transfer cash, up to the certified amount, from the 137338
General Revenue Fund to the Ohio College Opportunity Grant Program 137339
Reserve Fund (Fund 5PU0). 137340

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 137341

The foregoing appropriation item 235572, The Ohio State 137342
University Clinic Support, shall be distributed through the 137343
Chancellor of Higher Education to The Ohio State University for 137344
support of dental and veterinary medicine clinics. 137345

Section 381.371. CO-OP INTERNSHIP PROGRAM 137346

Of the foregoing appropriation item 235591, Co-op Internship 137347
Program, \$50,000 in each fiscal year shall be used to support the 137348
operations of Ohio University's Voinovich School. 137349

Of the foregoing appropriation item 235591, Co-op Internship 137350
Program, \$50,000 in each fiscal year shall be used to support the 137351
operations of The Ohio State University's John Glenn College of 137352
Public Affairs. 137353

Of the foregoing appropriation item 235591, Co-op Internship 137354
Program, \$50,000 in each fiscal year shall be used to support the 137355
Bliss Institute of Applied Politics at the University of Akron. 137356

Of the foregoing appropriation item 235591, Co-op Internship 137357
Program, \$50,000 in each fiscal year shall be used to support the 137358

Center for Public Management and Regional Affairs at Miami University. 137359
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$150,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and are participating in the Washington Center Internship Program. 137361
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University. 137365
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program. 137370
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University. 137373
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Liberal Arts Student Success at Wright State University. 137377
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Columbus Program. 137381
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center. 137384
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the 137387
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Center for Urban and Regional Studies at Youngstown State University. 137389
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Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 137391

The Chancellor of Higher Education shall disburse funds from 137392
appropriation item 235599, National Guard Scholarship Program. 137393
During each fiscal year, the Chancellor, as soon as possible after 137394
cancellation, may certify to the Director of Budget and Management 137395
the amount of canceled prior-year encumbrances in appropriation 137396
item 235599, National Guard Scholarship Program. Upon receipt of 137397
the certification, the Director of Budget and Management may 137398
transfer cash, up to the certified amount, from the General 137399
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 137400
5BM0). 137401

Section 381.390. PLEDGE OF FEES 137402

Any new pledge of fees, or new agreement for adjustment of 137403
fees, made in the biennium ending June 30, 2019, to secure bonds 137404
or notes of a state institution of higher education for a project 137405
for which bonds or notes were not outstanding on the effective 137406
date of this section shall be effective only after approval by the 137407
Chancellor of Higher Education, unless approved in a previous 137408
biennium. 137409

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND 137410
DEBT SERVICE 137411

The foregoing appropriation item 235909, Higher Education 137412
General Obligation Bond Debt Service, shall be used to pay all 137413
debt service and related financing costs during the period from 137414
July 1, 2017, through June 30, 2019, for obligations issued under 137415
sections 151.01 and 151.04 of the Revised Code. 137416

Section 381.410. SALES AND SERVICES 137417

The Chancellor of Higher Education is authorized to charge 137418
and accept payment for the provision of goods and services. Such 137419
charges shall be reasonably related to the cost of producing the 137420
goods and services. Except as otherwise provided by law, no 137421
charges may be levied for goods or services that are produced as 137422
part of the routine responsibilities or duties of the Chancellor. 137423
All revenues received by the Chancellor shall be deposited into 137424
Fund 4560, and may be used by the Chancellor to pay for the costs 137425
of producing the goods and services. 137426

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 137427
ADMINISTRATION 137428

The foregoing appropriation item 235602, Higher Educational 137429
Facility Commission Administration, shall be used by the 137430
Chancellor of Higher Education for operating expenses related to 137431
the Chancellor's support of the activities of the Ohio Higher 137432
Educational Facility Commission. Upon the request of the 137433
Chancellor, the Director of Budget and Management may transfer up 137434
to \$50,000 cash in each fiscal year from the HEFC Operating 137435
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 137436
4E80). 137437

Section 381.430. ACCELERATED COMPLETION OF TECHNICAL STUDIES 137438

(A) The foregoing appropriation item, 235550, Accelerated 137439
Completion of Technical Studies, shall be used by the Chancellor 137440
of Higher Education to work with community colleges, as defined in 137441
section 3354.01 of the Revised Code, state community colleges, as 137442
defined in section 3358.01 of the Revised Code, and technical 137443
colleges, as defined in section 3357.01 of the Revised Code, to 137444
develop a highly structured program to accelerate associate degree 137445
completion in fields that are either emerging or have in-demand 137446

jobs. For the purposes of this section, the identification of 137447
fields and jobs as emerging or in-demand shall be supported by 137448
data from sources that may include the Governor's Office of 137449
Workforce Transformation, OhioMeansJobs, labor market information 137450
from the Department of Job and Family Services, and lists of 137451
in-demand occupations. These funds shall be used to support the 137452
technical assistance for and the start-up costs of up to seven 137453
institutions to develop a structured, intensive program for 137454
student success. 137455

(B) The Chancellor shall select the initial Accelerated 137456
Completion of Technical Studies (ACTS) cohort of up to seven 137457
institutions through a competitive request for proposals process. 137458
The request for proposals shall require institutions to 137459
demonstrate conditions of readiness that would enable them to 137460
implement such a program. Special attention may be given to 137461
institutions that develop a regional proposal that builds on the 137462
efficiency of multiple institutions and comprehensively addresses 137463
the needs of their region through collaboration. 137464

(C) Participating institutions shall do all of the following: 137465

(1) Serve at least two hundred fifty students annually in 137466
majors that fill in-demand or emerging jobs for their region; 137467

(2) Collect program data at the request of the Chancellor; 137468

(3) Develop plans for the sustainability of the program 137469
through revenue growth from improved student retention and 137470
completion metrics; and 137471

(4) Attest that students participating in the program will 137472
receive all of the support to be provided under division (D) of 137473
this section. 137474

(D) Students participating in the program shall receive all 137475
of the following: 137476

(1) Tuition waivers that cover any gap between grant aid and tuition and fees;	137477 137478
(2) Textbooks at no cost for all classes;	137479
(3) Incentive cards that cover modest recurring costs such as gas or other transportation;	137480 137481
(4) Specialized courses and scheduling that enable participating students to better manage college and work while building learning communities; and	137482 137483 137484
(5) Comprehensive support services, including advising from advisors with caseloads no larger than one hundred fifty to one, tutoring, and career services that help students manage the transition to employment.	137485 137486 137487 137488
(E) Students participating in the program shall maintain all of the following requirements to receive the program support provided under division (D) of this section:	137489 137490 137491
(1) Select and continue in a major that fills a pre-identified in-demand job in their region;	137492 137493
(2) Enroll full-time at the participating institution and attempt thirty credit hours within a calendar year;	137494 137495
(3) Enroll in no more than two developmental courses, which, if necessary, shall be taken early in the academic progression; and	137496 137497 137498
(4) Participate in student support services, including comprehensive advising, tutoring, and career services.	137499 137500
(F) The Chancellor may collaborate with the Director of Job and Family Services to expand the scope of program services and the number of institutions served through the ACTS program.	137501 137502 137503
Section 381.440. FEDERAL RESEARCH NETWORK	137504
The foregoing appropriation item 235654, Federal Research	137505

Network, shall be allocated to The Ohio State University to 137506
collaborate with federal installations in Ohio, state institutions 137507
of higher education as defined in section 3345.011 of the Revised 137508
Code, private nonprofit institutions of higher education holding 137509
certificates of authorization under Chapter 1713. of the Revised 137510
Code, and the private sector to align the state's research assets 137511
with emerging missions and job growth opportunities emanating from 137512
federal installations, strengthen related workforce development 137513
and technology commercialization programs, and better position the 137514
state's university system to directly impact new job creation in 137515
Ohio. A portion of the foregoing appropriation item 235654, 137516
Federal Research Network, shall be used to support the growth of 137517
small business federal contractors in the state and to expand the 137518
participation of Ohio businesses in the federal Small Business 137519
Innovation Research Program and related federal programs. 137520

Section 381.450. OHIOMEANSJOBS WORKFORCE DEVELOPMENT 137521
REVOLVING LOAN PROGRAM 137522

The foregoing appropriation item 235684, OhioMeansJobs 137523
Workforce Development Revolving Loan Program, shall be used by the 137524
Chancellor of Higher Education to provide administrative support 137525
for the OhioMeansJobs Workforce Development Revolving Loan 137526
Program. 137527

Section 381.460. WORKFORCE AND HIGHER EDUCATION PROGRAMS 137528

Of the foregoing appropriation item 235616, Workforce and 137529
Higher Education Programs, up to \$500,000 in each fiscal year 137530
shall be used by the Chancellor of Higher Education to coordinate 137531
a statewide effort to promote workforce grant programs. The 137532
remainder of the foregoing appropriation item 235616, Workforce 137533
and Higher Education Programs, shall be used by the Chancellor to 137534
distribute the grant awards under section 3333.93 of the Revised 137535

Code. 137536

Section 381.470. COMPLETION AND RETENTION FOR EDUCATIONAL 137537
SUCCESS 137538

(A) The foregoing appropriation item 235566, Completion and 137539
Retention for Educational Success, shall be used for the 137540
Completion and Retention for Educational Success (Ohio CARES) 137541
Program, which is hereby created to provide financial support to 137542
in-state undergraduate students who have been admitted to a state 137543
institution of higher education, as defined in section 3345.011 of 137544
the Revised Code, or a private nonprofit institution but are 137545
determined by the institution to be in jeopardy of disenrolling 137546
due to a short-term lack of financial resources. 137547

(B) An institution wishing to participate in the program 137548
shall apply to the Chancellor, who shall administer the program. 137549
In reviewing applications and allocating funds under this section, 137550
the Chancellor may give priority to applications from institutions 137551
that will focus awards on the following: 137552

(1) Students pursuing their first degree; 137553

(2) Students within thirty semester credit hours of 137554
completing the minimum requirements for a degree; 137555

(3) Students with a grade point average in excess of 2.0; 137556

(4) Students taking more than 10 credit hours per semester; 137557
and 137558

(5) Students pursuing a degree for an in-demand field 137559
according to data, which may include sources such as the 137560
Governor's Office of Workforce Transformation, OhioMeansJobs, 137561
labor market information from the Department of Job and Family 137562
Services, and lists of in-demand occupations. 137563

An allocation to a participating institution under this 137564
section shall not exceed \$15,000 in any single fiscal year. 137565

(C) Under the program, the Chancellor shall disburse these funds to a participating public or private institution, in which eligible students are enrolled, to make awards to those eligible students. A student determined to be eligible to participate in the program shall be eligible for a maximum award of \$250 per term. A student may not receive more than two awards in any academic year.

(D) Each participating institution shall do all of the following:

(1) Use the funds allocated under this section to augment existing aid programs that are already administered by the institution;

(2) Provide a matching contribution with direct institutional aid at a ratio of one to one;

(3) Limit awards of the funds to allowable student costs, as determined by the institution, within existing aid programs that are already administered by the institution;

(4) Monitor students who receive awards under this section; and

(5) Provide a report, upon the Chancellor's request, summarizing the following metrics for students at the institution who receive awards as compared to students who do not:

(a) Course completion rate;

(b) Retention rate in subsequent semesters;

(c) Cumulative GPA;

(d) Number of credit hours attempted;

(e) Number of credit hours completed;

(f) Other metrics as determined to be appropriate by the Chancellor.

(E) An amount equal to the unexpended, unencumbered portion 137595
of the foregoing appropriation item 235566, Completion and 137596
Retention for Educational Success, at the end of fiscal year 2018 137597
is hereby reappropriated to the Department of Higher Education for 137598
the same purpose in fiscal year 2019. 137599

Section 381.480. FINISH FOR YOUR FUTURE SCHOLARSHIP PROGRAM 137600

(A) The foregoing appropriation item 235600, Finish for Your 137601
Future Scholarship Program, shall be used to provide scholarship 137602
benefits under the Ohio Finish for Your Future Scholarship 137603
Program, which is hereby created to encourage eligible individuals 137604
that have disenrolled from an eligible institution to re-enroll at 137605
an eligible institution in pursuit of the individual's first 137606
post-secondary credential. The Chancellor of Higher Education 137607
shall administer the program and adopt rules regarding its 137608
implementation and operation. 137609

(B) As used in this section: 137610

(1) "Post-secondary credential" means a degree that is 137611
approved by or a certificate that has been designated as a 137612
technical certificate by the Chancellor of Higher Education. 137613

(2) "Student debt" means money owed by an eligible individual 137614
on a loan, note, or other lending instrument for the primary 137615
purpose of paying for educational expenses. 137616

(3) "Eligible institution" means a state institution of 137617
higher education, as defined in section 3345.011 of the Revised 137618
Code, a private nonprofit institution in Ohio holding a 137619
certificate of authorization pursuant to Chapter 1713. of the 137620
Revised Code, or an Ohio Technical Center recognized by the 137621
Chancellor that provides post-secondary workforce education. 137622

(4) "Eligible individual" means an Ohio resident that: 137623

(a) Possesses student debt acquired while in pursuit of the 137624

individual's first post-secondary credential; 137625

(b) Disenrolled from an eligible institution prior to meeting 137626
the minimum requirements necessary to obtain the individual's 137627
first post-secondary credential and desires to re-enroll at an 137628
eligible institution in pursuit of the individual's first 137629
post-secondary credential; 137630

(c) Disenrolled from an eligible institution at least twelve 137631
months prior to receiving scholarship benefits under this section; 137632
and 137633

(d) Has the following attested to by an eligible institution 137634
in accordance with that institution's minimum requirements: 137635

(i) If pursuing a bachelor or associate degree, needs to 137636
complete thirty semester hours or less to obtain the individual's 137637
first post-secondary credential at that institution; 137638

(ii) If pursuing a technical certificate, needs to complete 137639
fifty per cent or less of the minimum requirements necessary to 137640
obtain the individual's first post-secondary credential at that 137641
institution. 137642

(C) Under the program, the Chancellor shall disburse these 137643
funds to an eligible institution to make awards to eligible 137644
individuals. An eligible individual may receive a maximum state 137645
scholarship benefit of up to \$3,500 annually, which shall be 137646
calculated on an academic year basis, to pay for instructional and 137647
general fees or tuition at an eligible institution, provided that 137648
the scholarship benefit does not exceed the individual's 137649
instructional and general fees or tuition that otherwise would be 137650
charged to the student for any given term. An eligible institution 137651
allocated funds under this section shall reflect an eligible 137652
individual's scholarship benefit as a credit on the individual's 137653
tuition bill. 137654

(D) Eligible institutions shall provide a matching 137655

contribution at a ratio of one to one in the form of direct 137656
institutional aid provided to eligible individuals. Eligible 137657
individuals receiving an award under this section shall also match 137658
the state scholarship benefit at a ratio of one to one. Matching 137659
funds contributed by an eligible individual shall be in a form 137660
determined appropriate by the eligible institution, provided that 137661
the funds are reflected as a valid form of payment on the 137662
individual's tuition bill. 137663

(E) Each eligible institution shall do all of the following: 137664

(1) Monitor students who receive awards under this section; 137665
and 137666

(2) Provide a report, upon the Chancellor's request, 137667
summarizing the following metrics for students at the institution 137668
who receive awards as compared to students who do not: 137669

(a) Course completion rate; 137670

(b) Retention rate in subsequent semesters; 137671

(c) Number of credit hours attempted; 137672

(d) Number of credit hours completed; 137673

(e) Post-secondary credentials received; 137674

(f) Other metrics as determined to be appropriate by the 137675
Chancellor. 137676

(F) An amount equal to the unexpended, unencumbered portion 137677
of the foregoing appropriation item 235600, Finish for Your Future 137678
Scholarship Program, at the end of fiscal year 2018 is hereby 137679
reappropriated to the Department of Higher Education for the same 137680
purpose in fiscal year 2019. 137681

Section 381.490. COLLEGE READY TRANSITION COURSES 137682

The foregoing appropriation item 235653, College Ready 137683
Transition Courses, shall be used by the Chancellor of Higher 137684

Education, in consultation with the Superintendent of Public 137685
Instruction, to develop college ready transition courses for high 137686
school students who have not met the state's remediation free 137687
thresholds in mathematics, English, or other instructional models. 137688

Section 381.510. STATE FINANCIAL AID RECONCILIATION 137689

By the first day of September in each fiscal year, or as soon 137690
as possible thereafter, the Chancellor of Higher Education shall 137691
certify to the Director of Budget and Management the amount 137692
necessary to pay any outstanding prior year obligations to higher 137693
education institutions for the state's financial aid programs. The 137694
amounts certified are hereby appropriated to appropriation item 137695
235618, State Financial Aid Reconciliation, from revenues received 137696
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 137697

Section 381.513. NURSING LOAN PROGRAM 137698

The foregoing appropriation item 235606, Nursing Loan 137699
Program, shall be used to administer the nurse education 137700
assistance program. 137701

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 137702

The foregoing appropriation item 235634, Research Incentive 137703
Third Frontier, shall be used by the Chancellor of Higher 137704
Education to advance collaborative research at institutions of 137705
higher education. Of the foregoing appropriation item 235634, 137706
Research Incentive Third Frontier, up to \$2,000,000 in each fiscal 137707
year may be allocated toward research regarding the improvement of 137708
water quality, up to \$1,000,000 in each fiscal year may be 137709
allocated toward research regarding the reduction of infant 137710
mortality, up to \$1,000,000 in each fiscal year may be allocated 137711
toward research regarding opiate addiction issues in Ohio, up to 137712
\$750,000 in each fiscal year may be allocated toward research 137713

regarding cyber security initiatives, and up to \$500,000 in each 137714
fiscal year may be allocated toward the I-Corps@Ohio program. 137715

Section 381.530. VETERANS PREFERENCES 137716

The Chancellor of Higher Education shall work with the 137717
Department of Veterans Services to develop specific veterans 137718
preference guidelines for higher education institutions. These 137719
guidelines shall ensure that the institutions' hiring practices 137720
are in accordance with the intent of Ohio's veterans preference 137721
laws. 137722

Section 381.540. (A) As used in this section: 137723

(1) "Board of trustees" includes the managing authority of a 137724
university branch district. 137725

(2) "State institution of higher education" has the same 137726
meaning as in section 3345.011 of the Revised Code. 137727

(B) The board of trustees of any state institution of higher 137728
education, notwithstanding any rule of the institution to the 137729
contrary, may adopt a policy providing for mandatory furloughs of 137730
employees, including faculty, to achieve spending reductions 137731
necessitated by institutional budget deficits. 137732

Section 381.550. EFFICIENCY REPORTS 137733

In each fiscal year, the board of trustees of each public 137734
institution of higher education shall approve the institution's 137735
efficiency report submitted to the Chancellor of Higher Education 137736
under section 3333.95 of the Revised Code. Each institution's 137737
report shall be based on the recommendations of the Ohio Task 137738
Force on Affordability and Efficiency in Higher Education, as 137739
established by the Governor's executive order, and shall benchmark 137740
and document institutional progress towards implementing the 137741
recommendations of the Task Force as compared to the institution's 137742

prior fiscal year efficiency report. 137743

Section 381.560. The Chancellor of Higher Education, in 137744
consultation with institutions of higher education and other 137745
parties as determined appropriate by the Chancellor, shall conduct 137746
an analysis of income share agreements used to pay for student 137747
tuition and higher education-related expenses. Not later than June 137748
30, 2018, the Chancellor shall submit the findings of the analysis 137749
to the Governor and the General Assembly in accordance with 137750
section 101.68 of the Revised Code. 137751

Section 381.570. Not later than June 30, 2018, the Chancellor 137752
of Higher Education, in consultation with representatives from the 137753
Inter-University Council of Ohio and the Ohio Association of 137754
Community Colleges, shall develop a model for "3+1" baccalaureate 137755
degree programs for state universities and state community 137756
colleges, community colleges, and technical colleges. The model 137757
shall outline how a student may complete the equivalent of three 137758
academic years, or ninety semester credit hours, at a state 137759
community college, community college, or technical college and 137760
then transfer to a state university to complete the final academic 137761
year, or thirty semester credit hours, or the remainder of the 137762
student's baccalaureate degree program. 137763

In developing the model, the Chancellor shall seek input from 137764
administrators of state institutions of higher education currently 137765
participating in such a program, as well as faculty leaders in the 137766
academic fields or disciplines under consideration for the 137767
program. 137768

Further, the Chancellor shall evaluate existing "3+1" 137769
baccalaureate degree programs for their cost effectiveness for 137770
students. 137771

As used in this section, "state institution of higher 137772

education" and "state university" have the same meanings as in 137773
section 3345.011 of the Revised Code. 137774

Section 381.580. The Chancellor of Higher Education shall 137775
support the continued development of the Ohio Innovation Exchange 137776
for the purpose of showcasing the research expertise of Ohio's 137777
university and college faculty in a variety of fields, including, 137778
but not limited to, engineering, biomedicine, and information 137779
technology, and to identify institutional research equipment 137780
available in the state. 137781

Section 381.590. The Chancellor of Higher Education shall 137782
work with state institutions of higher education, as defined by 137783
section 3345.011 of the Revised Code, Ohio Technical Centers, as 137784
recognized by the Chancellor, and industry partners to develop 137785
program models that include project-based learning to increase 137786
continuing education and non-credit program offerings that lead to 137787
a credential in order to meet the state's in-demand job needs. 137788

Section 381.601. TRANSFERS FROM THE GRF TO THE ECONOMIC 137789
DEVELOPMENT PROGRAMS FUND (FUND 5JC0) 137790

On July 1 of each fiscal year, or as soon as possible 137791
thereafter, the Director of Budget and Management shall transfer 137792
\$3,500,000 cash from the General Revenue Fund to the Economic 137793
Development Programs Fund (Fund 5JC0) to fully support the 137794
appropriations made for the Federal Research Network. 137795

Section 381.610. TRANSFERS TO THE COMPLETION, RETENTION, AND 137796
COLLEGE READINESS FUND (FUND 5TF0) 137797

On July 1, 2017, or as soon as possible thereafter, the 137798
Director of Budget and Management may transfer \$10,000,000 cash 137799
from the Casino Operator Settlement Fund (Fund 5KT0) to the 137800
Completion, Retention, and College Readiness Fund (Fund 5TF0) to 137801

fully support the appropriations made to the Ohio Finish for Your 137802
Future Scholarship Program and the College Ready Transition 137803
Courses Program. 137804

On July 1, 2017, or as soon as possible thereafter, the 137805
Chancellor of Higher Education shall certify to the Director of 137806
Budget and Management the unencumbered balance of the General 137807
Revenue Fund appropriations made in the immediately preceding 137808
fiscal year for purposes of the Ohio College Opportunity Grant 137809
Program created in section 3333.122 of the Revised Code. Upon 137810
receipt of the certification, the Director of Budget and 137811
Management may transfer cash in an amount not exceeding \$2,500,000 137812
from the General Revenue Fund to the Completion, Retention, and 137813
College Readiness Fund (Fund 5TF0). 137814

Section 381.620. FUND NAME CHANGES 137815

On July 1, 2017, or as soon as possible thereafter, the 137816
Director of Budget and Management shall rename the Star Schools 137817
Fund (Fund 3BG0) the GEAR-UP Grant Scholarships Fund (Fund 3BG0). 137818

On July 1, 2017, or as soon as possible thereafter, the 137819
Director of Budget and Management shall rename the Joyce 137820
Foundation Grant Fund (Fund 5FR0) the State and Non-Federal Grants 137821
and Awards Fund (Fund 5FR0). 137822

On July 1, 2017, or as soon as possible thereafter, the 137823
Director of Budget and Management shall rename the Federal Grants 137824
Fund (Fund 3N60) the John R. Justice Student Loan Repayment Fund 137825
(Fund 3N60). 137826

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 137827
CORRECTION 137828

General Revenue Fund 137829
GRF 501321 Institutional \$ 1,046,997,529 \$ 1,048,320,794 137830

		Operations				
GRF	501405	Halfway House	\$	66,770,618	\$	66,770,618 137831
GRF	501406	Adult Correctional	\$	78,505,000	\$	78,540,400 137832
		Facilities Lease				
		Rental Bond Payments				
GRF	501407	Community	\$	61,293,426	\$	81,056,884 137833
		Nonresidential				
		Programs				
GRF	501408	Community Misdemeanor	\$	14,356,800	\$	14,356,800 137834
		Programs				
GRF	501501	Community Residential	\$	78,531,698	\$	78,531,698 137835
		Programs - Community				
		Based Correctional				
		Facilities				
GRF	503321	Parole and Community	\$	80,883,748	\$	82,807,332 137836
		Operations				
GRF	504321	Administrative	\$	24,034,553	\$	24,611,945 137837
		Operations				
GRF	505321	Institution Medical	\$	267,275,288	\$	273,206,517 137838
		Services				
GRF	506321	Institution Education	\$	32,581,211	\$	33,372,312 137839
		Services				
TOTAL GRF		General Revenue Fund	\$	1,751,229,871	\$	1,781,575,300 137840
		Dedicated Purpose Fund Group				137841
4B00	501601	Sewer Treatment	\$	2,230,000	\$	2,230,000 137842
		Services				
4D40	501603	Prisoner Programs	\$	1,300,000	\$	1,300,000 137843
4L40	501604	Transitional Control	\$	1,950,000	\$	1,950,000 137844
4S50	501608	Education Services	\$	4,725,000	\$	4,725,000 137845
5AF0	501609	State and Non-Federal	\$	875,000	\$	875,000 137846
		Awards				
5H80	501617	Offender Financial	\$	2,500,000	\$	3,110,000 137847
		Responsibility				

TOTAL DPF Dedicated Purpose Fund Group	\$	13,580,000	\$	14,190,000	137848
Internal Service Activity Fund Group					137849
1480 501602 Institutional Services	\$	2,925,000	\$	2,925,000	137850
2000 501607 Ohio Penal Industries	\$	52,900,000	\$	52,900,000	137851
4830 501605 Leased Property Maintenance & Operating	\$	2,000,000	\$	2,000,000	137852
5710 501606 Corrections Training Maintenance & Operating	\$	480,000	\$	480,000	137853
5L60 501611 Information Technology Services	\$	1,300,000	\$	1,300,000	137854
TOTAL ISA Internal Activity Fund Group	\$	59,605,000	\$	59,605,000	137855
Federal Fund Group					137857
3230 501619 Federal Grants	\$	1,985,000	\$	1,985,000	137858
3CW0 501622 Federal Equitable Sharing	\$	455,000	\$	455,000	137859
TOTAL FED Federal Fund Group	\$	2,440,000	\$	2,440,000	137860
TOTAL ALL BUDGET FUND GROUPS	\$	1,826,854,871	\$	1,857,810,300	137862
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS					137863
The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Rehabilitation and Correction under the primary leases and agreements for those buildings made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the					137864 137865 137866 137867 137868 137869 137870 137871

Revised Code.				137872
OSU MEDICAL CHARGES				137873
Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.				137874 137875 137876 137877 137878 137879 137880 137881 137882 137883
Section 385.10. RCB RESPIRATORY CARE BOARD				137884
Dedicated Purpose Fund Group				137885
4K90 872609 Operating Expenses	\$	363,106	\$	0 137886
TOTAL DPF Dedicated Purpose Fund Group				137887
	\$	363,106	\$	0 137888
TOTAL ALL BUDGET FUND GROUPS	\$	363,106	\$	0 137889
Section 387.10. RDF STATE REVENUE DISTRIBUTIONS				137891
General Revenue Fund Group				137892
GRF 110908 Property Tax	\$	641,015,200	\$	645,785,000 137893
Reimbursement - Local Government				
GRF 200903 Property Tax	\$	1,180,084,800	\$	1,199,315,000 137894
Reimbursement - Education				
TOTAL GRF General Revenue Fund Group	\$	1,821,100,000	\$	1,845,100,000 137895
Revenue Distribution Fund Group				137896

5JG0	110633	Gross Casino Revenue Payments-County	\$	128,400,000	\$	126,500,000	137897
5JH0	110634	Gross Casino Revenue Payments- School Districts	\$	85,600,000	\$	84,300,000	137898
5JJ0	110636	Gross Casino Revenue - Host City	\$	12,500,000	\$	12,400,000	137899
5TC0	110647	Nuclear Safety and Protection Fund	\$	36,000	\$	72,000	137900
7047	200902	Property Tax Replacement Phase Out-Education	\$	201,811,667	\$	162,729,141	137901
7049	336900	Indigent Drivers Alcohol Treatment	\$	2,250,000	\$	2,250,000	137902
7050	762900	International Registration Plan Distribution	\$	22,000,000	\$	22,000,000	137903
7051	762901	Auto Registration Distribution	\$	325,000,000	\$	325,000,000	137904
7060	110960	Gasoline Excise Tax Fund	\$	375,000,000	\$	375,000,000	137905
7065	110965	Public Library Fund	\$	381,800,000	\$	393,500,000	137906
7066	800966	Undivided Liquor Permits	\$	14,600,000	\$	14,600,000	137907
7068	110968	State and Local Government Highway Distributions	\$	196,000,000	\$	196,000,000	137908
7069	110969	Local Government Fund	\$	381,800,000	\$	393,500,000	137909
7081	110907	Property Tax Replacement Phase Out-Local Government	\$	30,844,526	\$	16,700,147	137910
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000	137911
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000	137912

7104	110997	Medicaid Local Sales	\$	207,000,000	\$	0	137913
		Tax Transition Fund					
TOTAL RDF Revenue Distribution							137914
Fund Group			\$	2,365,702,193	\$	2,125,611,288	137915
Fiduciary Fund Group							137916
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000	137917
		Improvement Fund					
6080	001699	Investment Earnings	\$	120,000,000	\$	125,000,000	137918
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000	137919
		Local Government					
		Payments					
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000	137920
		Tax Distribution					
7063	110963	Permissive Sales Tax	\$	2,577,800,000	\$	2,653,900,000	137921
		Distribution					
7067	110967	School District	\$	435,200,000	\$	451,200,000	137922
		Income Tax					
		Distribution					
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	137923
		Dependents Fund					
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000	137924
7094	110641	Wireless 9-1-1	\$	25,700,000	\$	25,700,000	137925
		Government Assistance					
7095	110995	Municipal Income Tax	\$	8,000,000	\$	8,000,000	137926
7099	762902	Permissive Tax	\$	180,000,000	\$	180,000,000	137927
		Distribution - Auto					
		Registration					
TOTAL FID Fiduciary Fund Group			\$	3,352,540,000	\$	3,449,640,000	137928
Holding Account Fund Group							137929
R045	110617	International Fuel	\$	36,100,000	\$	36,100,000	137930
		Tax Distribution					
TOTAL HLD Holding Account Fund			\$	36,100,000	\$	36,100,000	137931

Group

TOTAL ALL BUDGET FUND GROUPS \$ 7,575,442,193 \$ 7,456,451,288 137932

Section 387.20. ADDITIONAL APPROPRIATIONS 137934

Appropriation items in this section shall be used for the 137935
purpose of administering and distributing the designated revenue 137936
distribution funds according to the Revised Code. If it is 137937
determined that additional appropriations are necessary for this 137938
purpose, such amounts are hereby appropriated. 137939

GENERAL REVENUE FUND TRANSFERS 137940

Notwithstanding any provision of law to the contrary, in 137941
fiscal year 2018 and fiscal year 2019, the Director of Budget and 137942
Management may transfer from the General Revenue Fund to the Local 137943
Government Tangible Property Tax Replacement Fund (Fund 7081) and 137944
the School District Tangible Property Tax Replacement Fund (Fund 137945
7047) in the Revenue Distribution Fund Group, those amounts 137946
necessary to reimburse local taxing units and school districts 137947
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 137948
fiscal year 2018 and fiscal year 2019, the Director of Budget and 137949
Management may make temporary transfers from the General Revenue 137950
Fund to ensure sufficient balances in the Local Government 137951
Tangible Property Tax Replacement Fund (Fund 7081) and the School 137952
District Tangible Property Tax Replacement Fund (Fund 7047) and to 137953
replenish the General Revenue Fund for such transfers. 137954

MUNICIPAL INCOME NET PROFITS TAX 137955

The foregoing appropriation item 110995, Municipal Income Net 137956
Profits Tax, shall be used to make payments to municipal 137957
corporations under section 5745.05 of the Revised Code. If it is 137958
determined that additional appropriations are necessary to make 137959
such payments, such amounts are hereby appropriated. 137960

PROPERTY TAX REIMBURSEMENT - EDUCATION 137961

The foregoing appropriation item 200903, Property Tax Reimbursement - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation item 200903, Property Tax Reimbursement - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby appropriated.

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 137986

The foregoing appropriation item 110908, Property Tax Reimbursement-Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections

321.24 and 323.156 of the Revised Code, which provide for payment 137994
of the Homestead Exemption, the Manufactured Home Property Tax 137995
Rollback, and Property Tax Rollback by the Tax Commissioner to the 137996
appropriate county treasurer and the subsequent redistribution of 137997
these funds to the appropriate local taxing districts by the 137998
county auditor. 137999

Upon receipt of these amounts, each local taxing district 138000
shall distribute the amount among the proper funds as if it had 138001
been paid as real property taxes. Payments for the costs of 138002
administration shall continue to be paid to the county treasurer 138003
and county auditor as provided for in sections 319.54, 321.26, and 138004
323.156 of the Revised Code. 138005

Any sums, in addition to the amounts specifically 138006
appropriated in appropriation item 110908, Property Tax Allocation 138007
- Local Government, for the Homestead Exemption, the Manufactured 138008
Home Property Tax Rollback, and the Property Tax Rollback 138009
payments, which are determined to be necessary for these purposes, 138010
are hereby appropriated. 138011

NUCLEAR SAFETY AND PROTECTION FUND 138012

The foregoing appropriation item 110647, Nuclear Safety and 138013
Protection Fund, shall be used to make the payments to qualifying 138014
joint fire districts required under section 5751.021 of the 138015
Revised Code. 138016

MEDICAID LOCAL SALES TAX TRANSITION FUND 138017

(A) There is hereby created in the state treasury the 138018
Medicaid Local Sales Tax Transition Fund. The fund shall consist 138019
of money transferred to it. The fund shall be used to mitigate the 138020
effects of, and assist in the adjustment to, the reduced sales tax 138021
revenues of counties and affected transit authorities caused by 138022
the repeal of sales tax collected by Medicaid health insuring 138023
corporations on health care service transactions. 138024

Amounts provided to counties and transit authorities under 138025
this section from the Medicaid Local Sales Tax Transition Fund use 138026
the jurisdictions' annualized Medicaid sales tax revenues during 138027
the calendar year 2015 and 2016 periods. Based on these figures, 138028
the payments provided in this section provide full replacement of 138029
the calculated forgone Medicaid sales tax revenues in calendar 138030
year 2017, which will occur during the October 2017 through 138031
December 2017 period. The payments under this section also reflect 138032
a computation of the ability of the counties and transit 138033
authorities to reasonably adjust to the effects of forgone 138034
Medicaid sales tax revenues. Over time, each jurisdiction will be 138035
able to absorb an increasing portion of its forgone Medicaid sales 138036
tax revenue until it has adjusted to the full forgone revenue. 138037
Before such full adjustment to the Medicaid sales tax change 138038
finally occurs, for each year in which the jurisdiction's 138039
annualized Medicaid sales tax revenue exceeds the amount it is 138040
computed as being able to reasonably absorb in that year, such 138041
difference becomes part of the overall distribution provided under 138042
this section. The amount the jurisdiction is able to absorb in a 138043
given year is the product derived from multiplying the 138044
jurisdiction's annualized total sales tax revenues for calendar 138045
years 2015 and 2016 by the total absorption rate assigned to the 138046
jurisdiction. The absorption rate, which grows by the same 138047
increment each year, is initially established at a level that 138048
takes into account the relative sales tax capacity of a 138049
jurisdiction; the assigned initial absorption rate is four percent 138050
but is a smaller amount to the extent the jurisdiction's sales tax 138051
capacity is below statewide average sales tax capacity. 138052

(B) If the Tax Commissioner orders the cessation of 138053
collection of sales and use taxes pursuant to division (B)(11)(b) 138054
of section 5739.01 of the Revised Code, the Commissioner shall 138055
certify such result to the Director of Budget and Management. 138056
After receipt of this certification by the Director, the 138057

requirements in divisions (C), (D), and (E) of this section shall 138058
take effect. 138059

(C) On or before October 15, 2017, each county and transit 138060
authority that as of January 1, 2017, levies any tax under 138061
sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 138062
5741.023 of the Revised Code shall establish a County and Transit 138063
Authority Medicaid Sales Tax Transition Fund. The fund shall 138064
consist of money distributed to it under this section. Money 138065
provided to such fund shall be transferred to the general fund or 138066
other fund that receives a lawful portion of the county's or 138067
transit authority's sales tax revenue in accordance with a 138068
resolution adopted by the board of county commissioners, the 138069
county transit board, or trustees of a regional transit authority, 138070
as appropriate. Money may be transferred from the County and 138071
Transit Authority Medicaid Sales Tax Transition Fund at any time 138072
and in any quantity as indicated by the resolution. 138073

(D) On or before November 1, 2017, the Tax Commissioner shall 138074
provide for payment to each county and transit authority in the 138075
amounts provided in division (E) of this section. The county 138076
treasurer or transit authority fiscal officer shall deposit such 138077
amount into the County and Transit Authority Medicaid Sales Tax 138078
Transition Fund within five business days of its receipt. 138079

(E) Distributions made to counties and transit authorities 138080
under this section shall equal the following amounts: 138081

Counties: 138082

Adams	\$2,338,462	138083
Allen	\$499,518	138084
Ashland	\$247,665	138085
Ashtabula	\$1,953,705	138086
Athens	\$1,361,470	138087
Auglaize	\$164,879	138088
Belmont	\$513,695	138089

Brown	\$2,608,692	138090
Butler	\$2,131,220	138091
Carroll	\$222,196	138092
Champaign	\$696,332	138093
Clark	\$6,072,014	138094
Clermont	\$1,385,155	138095
Clinton	\$648,501	138096
Columbiana	\$4,912,012	138097
Coshocton	\$1,095,382	138098
Crawford	\$1,747,652	138099
Cuyahoga	\$25,041,192	138100
Darke	\$394,752	138101
Defiance	\$142,872	138102
Delaware	\$223,143	138103
Erie	\$152,337	138104
Fairfield	\$868,591	138105
Fayette	\$392,342	138106
Franklin	\$14,101,763	138107
Fulton	\$368,374	138108
Gallia	\$950,776	138109
Geauga	\$104,067	138110
Greene	\$681,774	138111
Guernsey	\$550,466	138112
Hamilton	\$9,611,825	138113
Hancock	\$116,906	138114
Hardin	\$662,553	138115
Harrison	\$122,629	138116
Henry	\$216,876	138117
Highland	\$1,802,649	138118
Hocking	\$982,451	138119
Holmes	\$35,327	138120
Huron	\$781,761	138121
Jackson	\$1,628,743	138122

Jefferson	\$1,717,858	138123
Knox	\$472,792	138124
Lake	\$640,963	138125
Lawrence	\$4,457,248	138126
Licking	\$1,325,897	138127
Logan	\$404,753	138128
Lorain	\$2,425,083	138129
Lucas	\$12,058,600	138130
Madison	\$534,899	138131
Mahoning	\$5,235,592	138132
Marion	\$1,688,310	138133
Medina	\$240,830	138134
Meigs	\$3,504,185	138135
Mercer	\$70,711	138136
Miami	\$426,061	138137
Monroe	\$162,021	138138
Montgomery	\$9,198,720	138139
Morgan	\$1,165,475	138140
Morrow	\$1,497,739	138141
Muskingum	\$1,580,290	138142
Noble	\$268,375	138143
Ottawa	\$226,182	138144
Paulding	\$651,361	138145
Perry	\$3,014,204	138146
Pickaway	\$2,027,117	138147
Pike	\$2,030,999	138148
Portage	\$1,168,359	138149
Preble	\$1,050,742	138150
Putnam	\$126,494	138151
Richland	\$955,179	138152
Ross	\$1,903,651	138153
Sandusky	\$558,488	138154
Scioto	\$6,331,880	138155

Seneca	\$904,551	138156
Shelby	\$201,342	138157
Stark	\$1,471,853	138158
Summit	\$2,309,202	138159
Trumbull	\$3,958,878	138160
Tuscarawas	\$353,741	138161
Union	\$111,287	138162
Van Wert	\$300,928	138163
Vinton	\$2,803,310	138164
Warren	\$317,939	138165
Washington	\$521,996	138166
Wayne	\$585,869	138167
Williams	\$496,855	138168
Wood	\$237,910	138169
Wyandot	\$121,144	138170
Transit Authorities:		138171
Greater Cleveland Regional Transit Authority	\$20,068,166	138172
Central Ohio Regional Transit Authority	\$5,273,867	138173
Laketran Transit Authority	\$160,420	138174
Western Reserve Transit Authority	\$1,055,799	138175
Greater Dayton Regional Transit Authority	\$4,605,453	138176
Portage Area Regional Transit Authority	\$234,905	138177
Stark Area Regional Transit Authority	\$735,589	138178
Metro Regional Transit Authority	\$2,315,641	138179
Section 389.10. SAN BOARD OF SANITARIAN REGISTRATION		138180
Dedicated Purpose Fund Group		138181

4K90 893609	Operating Expenses	\$	43,633	\$	0	138182
TOTAL DPF Dedicated Purpose						138183
Fund Group		\$	43,633	\$	0	138184
TOTAL ALL BUDGET FUND GROUPS						0 138185

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND 138187

General Revenue Fund						138188
GRF 226321	Operations	\$	10,147,767	\$	10,385,938	138189
TOTAL GRF General Revenue Fund						\$ 10,147,767 \$ 10,385,938 138190
Dedicated Purpose Fund Group						138191
4H80 226602	Education Reform	\$	354,000	\$	354,000	138192
Grants						
4M50 226601	Work Study and	\$	461,521	\$	461,521	138193
Technology Investment						
5NJ0 226622	Food Service Program	\$	9,500	\$	9,500	138194
TOTAL DPF Dedicated Purpose						138195
Fund Group		\$	825,021	\$	825,021	138196
Federal Fund Group						138197
3100 226626	Federal Grants	\$	183,000	\$	183,000	138198
3DT0 226621	Ohio Transition	\$	650,000	\$	650,000	138199
Collaborative						
3P50 226643	Medicaid Professional	\$	100,000	\$	100,000	138200
Services						
Reimbursement						
TOTAL FED Federal Fund Group						\$ 933,000 \$ 933,000 138201
TOTAL ALL BUDGET FUND GROUPS						\$ 11,905,788 \$ 12,143,959 138202

Section 393.10. OSD OHIO SCHOOL FOR THE DEAF 138204

General Revenue Fund						138205
GRF 221321	Operations	\$	10,856,987	\$	11,079,816	138206
TOTAL GRF General Revenue Fund						\$ 10,856,987 \$ 11,079,816 138207
Dedicated Purpose Fund Group						138208

4M00	221601	Educational Program Expenses	\$	105,000	\$	105,000	138209
4M10	221602	Education Reform Grants	\$	370,000	\$	370,000	138210
5H60	221609	Even Start Fees and Gifts	\$	62,999	\$	63,000	138211
5NK0	221610	Food Service Program	\$	9,500	\$	9,500	138212
TOTAL DPF Dedicated Purpose Fund Group							138213
			\$	547,499	\$	547,500	138214
Federal Fund Group							138215
3110	221625	Federal Grants	\$	385,000	\$	385,000	138216
3R00	221684	Medicaid Professional Services Reimbursement	\$	206,000	\$	206,000	138217
TOTAL FED Federal Fund Group							138218
TOTAL ALL BUDGET FUND GROUPS			\$	11,995,486	\$	12,218,316	138219
 Section 395.10. SOS SECRETARY OF STATE							138221
Dedicated Purpose Fund Group							138222
4120	050609	Notary Commission	\$	475,000	\$	475,000	138223
4S80	050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200	138224
5990	050603	Business Services Operating Expenses	\$	14,385,400	\$	14,385,400	138225
5990	050629	Statewide Voter Registration Database	\$	700,000	\$	700,000	138226
5990	050630	Elections Support Supplement	\$	2,144,030	\$	2,144,030	138227
5990	050631	Precinct Election Officials Training	\$	234,196	\$	234,196	138228
5FG0	050620	BOE Reimbursement and Education	\$	80,000	\$	80,000	138229

5SN0 050626	Address	\$	100,000	\$	100,000	138230
	Confidentiality					
TOTAL DPF	Dedicated Purpose Fund	\$	18,125,826	\$	18,125,826	138231
Group						
Holding Account Fund Group						138232
R001 050605	Uniform Commercial	\$	30,000	\$	30,000	138233
	Code Refunds					
R002 050606	Corporate/Business	\$	85,000	\$	85,000	138234
	Filing Refunds					
TOTAL HLD	Holding Account Fund	\$	115,000	\$	115,000	138235
Group						
Federal Fund Group						138236
3AS0 050616	Help America Vote Act	\$	16,000	\$	0	138237
	(HAVA)					
3FM0 050624	Miscellaneous Federal	\$	8,600	\$	4,400	138238
	Grants					
TOTAL FED	Federal Fund Group	\$	24,600	\$	4,400	138239
TOTAL ALL BUDGET FUND GROUPS		\$	18,265,426	\$	18,245,226	138240

Section 395.20. CITIZEN EDUCATION PRECINCT ELECTION OFFICIAL 138242
TRAINING 138243

At the end of FY 2017, an amount equal to the unexpended, 138244
unencumbered portion of appropriation item 050602, Citizen 138245
Education (Fund 4140) is hereby reappropriated in fiscal year 2018 138246
for the same purpose. 138247

The foregoing appropriation item 050631, Precinct Election 138248
Official Training, shall be used to reimburse county boards of 138249
elections for precinct election official (PEO) training pursuant 138250
to section 3501.27 of the Revised Code. At the end of fiscal year 138251
2018, an amount equal to the unexpended, unencumbered portion of 138252
the foregoing appropriation item 050631, Precinct Election 138253
Official Training, is hereby reappropriated in fiscal year 2019 138254

for the same purpose.	138255
BOARD OF VOTING MACHINE EXAMINERS	138256
The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.	138257 138258 138259 138260 138261 138262 138263 138264 138265 138266 138267
HOLDING ACCOUNT FUND GROUP	138268
The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.	138269 138270 138271 138272 138273 138274 138275 138276
MISCELLANEOUS FEDERAL GRANTS	138277
Appropriation item 050624, Miscellaneous Federal Grants, shall be used to support programs that are supported by federal grants deposited into the Miscellaneous Federal Grants Fund (Fund 3FM0) pursuant to Section 111.28 of the Revised Code.	138278 138279 138280 138281
ADDRESS CONFIDENTIALITY PROGRAM	138282
Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year	138283 138284

in cash from the Business Services Operating Expenses Fund (Fund	138285
5990) to the Address Confidentiality Program Fund (Fund 5SN0).	138286
LITIGATION RELATED EXPENSES	138287
Upon the request of the Secretary of State, the Director of	138288
Budget and Management may transfer cash and appropriation from any	138289
fund and appropriation item used by the Secretary of State to	138290
Litigation Related Expenses Fund (Fund 5QE0) appropriation item	138291
050625, Litigation Related Expenses, or Business Services	138292
Operating Expenses Fund (Fund 5990) appropriation item 050628,	138293
Litigation Related Expenses. The amounts transferred shall be used	138294
to pay for any expenses related to lawsuits or legal proceedings	138295
against the Secretary of State.	138296
ABSENT VOTER'S BALLOT APPLICATION MAILING	138297
Notwithstanding Division (B) of Section 111.31 of the Revised	138298
Code, upon the request of the Secretary of State, the Controlling	138299
Board shall approve cash transfers from the Controlling Board	138300
Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent	138301
Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by	138302
the Secretary of State to pay the costs of printing and mailing	138303
unsolicited applications for absent voters' ballots for the	138304
general election to be held in November 2018. Such amounts are	138305
hereby appropriated.	138306
BALLOT ADVERTISING COSTS	138307
Notwithstanding Division (G) of Section 3501.17 of the	138308
Revised Code, upon requests submitted by the Secretary of State,	138309
the Controlling Board may approve transfers from the Controlling	138310
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the	138311
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for	138312
the cost of public notices associated with statewide ballot	138313
initiatives.	138314

Section 397.10. SEN THE OHIO SENATE				138315
General Revenue Fund				138316
GRF 020321	Operating Expenses	\$ 15,982,305	\$ 15,982,305	138317
TOTAL GRF General Revenue Fund				138318
Internal Service Activity Fund Group				138319
1020 020602	Senate Reimbursement	\$ 425,800	\$ 425,800	138320
4090 020601	Miscellaneous Sales	\$ 34,497	\$ 34,497	138321
TOTAL ISA Internal Service Activity				138322
Fund Group				138323
TOTAL ALL BUDGET FUND GROUPS				138324
OPERATING EXPENSES				138325
On July 1, 2017, or as soon as possible thereafter, the Clerk				138326
of the Senate may certify to the Director of Budget and Management				138327
an amount up to the unexpended, unencumbered balance of the				138328
foregoing appropriation item 020321, Operating Expenses, at the				138329
end of fiscal year 2017 to be reappropriated to fiscal year 2018.				138330
The amount certified is hereby reappropriated to the same				138331
appropriation item for fiscal year 2018.				138332
On July 1, 2018, or as soon as possible thereafter, the Clerk				138333
of the Senate may certify to the Director of Budget and Management				138334
an amount up to the unexpended, unencumbered balance of the				138335
foregoing appropriation item 020321, Operating Expenses, at the				138336
end of fiscal year 2018 to be reappropriated to fiscal year 2019.				138337
The amount certified is hereby reappropriated to the same				138338
appropriation item for fiscal year 2019.				138339
Section 399.20. CSV COMMISSION ON SERVICE AND VOLUNTEERISM				138340
General Revenue Fund				138341
GRF 866321	CSV Operations	\$ 300,000	\$ 300,000	138342
TOTAL GRF General Revenue Fund				138343

Dedicated Purpose Fund Group					138344
5GN0 866605 Serve Ohio Support	\$	7,594	\$	0	138345
TOTAL DPF Dedicated Purpose Fund Group	\$	7,594	\$	0	138346
Federal Fund Group					138347
3R70 866617 AmeriCorps Programs	\$	8,000,000	\$	8,000,000	138348
TOTAL FED Federal Fund Group	\$	8,000,000	\$	8,000,000	138349
TOTAL ALL BUDGET FUND GROUPS	\$	8,307,594	\$	8,300,000	138350
 Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND					138352
Debt Service Fund Group					138353
7070 155905 Third Frontier	\$	86,015,000	\$	93,539,900	138354
Research and Development Bond Retirement Fund					
7072 155902 Highway Capital	\$	117,606,700	\$	135,589,800	138355
Improvement Bond Retirement Fund					
7073 155903 Natural Resources Bond	\$	25,450,300	\$	19,317,800	138356
Retirement Fund					
7074 155904 Conservation Projects	\$	39,367,200	\$	44,001,700	138357
Bond Retirement Fund					
7076 155906 Coal Research and	\$	6,319,500	\$	7,820,600	138358
Development Bond Retirement Fund					
7077 155907 State Capital	\$	230,880,100	\$	228,392,200	138359
Improvement Bond Retirement Fund					
7078 155908 Common Schools Bond	\$	375,134,900	\$	404,025,700	138360
Retirement Fund					
7079 155909 Higher Education Bond	\$	267,425,600	\$	295,094,600	138361
Retirement Fund					

7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$	7,118,300	\$	5,090,700	138362
7090	155912	Job Ready Site Development Bond Retirement Fund	\$	15,657,175	\$	15,591,200	138363
TOTAL DSF Debt Service Fund Group			\$	1,170,974,775	\$	1,248,464,200	138364
TOTAL ALL BUDGET FUND GROUPS			\$	1,170,974,775	\$	1,248,464,200	138365
ADDITIONAL APPROPRIATIONS							138366
Appropriation items in this section are for the purpose of							138367
paying debt service and financing costs during the period from							138368
July 1, 2017 through June 30, 2019 on bonds or notes of the state							138369
issued under the Ohio Constitution and acts of the General							138370
Assembly. If it is determined that additional amounts are							138371
necessary for this purpose, such amounts are hereby appropriated.							138372
Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY							138373
DEVELOPMENT FOUNDATION							138374
Dedicated Purpose Fund Group							138375
5M90	945601	Operating Expenses	\$	352,930	\$	352,930	138376
TOTAL DPF Dedicated Purpose Fund			\$	352,930	\$	352,930	138377
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	352,930	\$	352,930	138378
Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS							138380
BOARD							138381
Dedicated Purpose Fund Group							138382
4K90	123609	Operating Expenses	\$	279,708	\$	615,704	138383
TOTAL DPF Dedicated Purpose Fund			\$	279,708	\$	615,704	138384
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	279,708	\$	615,704	138385

Section 405.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &				138387
AUDIOLOGY				138388
Dedicated Purpose Fund Group				138389
4K90 886609	Operating Expenses	\$ 333,269	\$ 0	138390
TOTAL DPF Dedicated Purpose Fund				0 138391
Group				
TOTAL ALL BUDGET FUND GROUPS				\$ 333,269 \$ 0 138392
 Section 407.10. BTA BOARD OF TAX APPEALS				138394
General Revenue Fund				138395
GRF 116321	Operating Expenses	\$ 1,822,552	\$ 1,857,751	138396
TOTAL GRF General Revenue Fund				\$ 1,822,552 \$ 1,857,751 138397
TOTAL ALL BUDGET FUND GROUPS				\$ 1,822,552 \$ 1,857,751 138398
 Section 409.10. TAX DEPARTMENT OF TAXATION				138400
General Revenue Fund				138401
GRF 110321	Operating Expenses	\$ 67,940,382	\$ 69,940,382	138402
GRF 110404	Tobacco Settlement	\$ 0	\$ 167,567	138403
Enforcement				
TOTAL GRF General Revenue Fund				\$ 67,940,382 \$ 70,107,949 138404
Dedicated Purpose Fund Group				138405
2280 110628	CAT Administration	\$ 17,496,584	\$ 14,996,584	138406
4330 110602	Municipal Data	\$ 178,156	\$ 178,156	138407
Exchange				
Administration				
4350 110607	Local Tax	\$ 21,000,000	\$ 21,000,000	138408
Administration				
4360 110608	Motor Vehicle Audit	\$ 1,523,113	\$ 1,523,113	138409
Administration				
4370 110606	Income Tax Refund	\$ 38,800	\$ 38,800	138410
Contribution				

		Administration					
4380	110609	School District	\$	6,427,960	\$	6,427,960	138411
		Income Tax					
		Administration					
4C60	110616	International	\$	705,869	\$	705,869	138412
		Registration Plan					
		Administration					
4R60	110610	Tire Tax	\$	255,836	\$	255,836	138413
		Administration					
5BP0	110639	Wireless 9-1-1	\$	298,794	\$	298,794	138414
		Administration					
5JM0	110637	Casino Tax	\$	75,000	\$	75,000	138415
		Administration					
5MN0	110638	STARS Development and	\$	3,000,000	\$	3,000,000	138416
		Implementation					
5N50	110605	Municipal Income Tax	\$	150,000	\$	150,000	138417
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	138418
		Administration					
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	138419
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,175,897	\$	5,175,897	138420
		Administration					
5V80	110623	Property Tax	\$	6,000,000	\$	6,000,000	138421
		Administration					
5W70	110627	Exempt Facility	\$	49,500	\$	49,500	138422
		Administration					
6390	110614	Cigarette Tax	\$	1,965,511	\$	1,797,944	138423
		Enforcement					
6880	110615	Local Excise Tax	\$	500,000	\$	500,000	138424
		Administration					
TOTAL	DPF	Dedicated Purpose Fund	\$	65,941,020	\$	63,273,453	138425
		Group					

Fiduciary Fund Group					138426
4250 110635	Tax Refunds	\$ 1,911,472,500	\$ 1,876,628,500		138427
5CZ0 110631	Vendor's License Application	\$ 380,000	\$ 380,000		138428
6420 110613	Ohio Political Party Distributions	\$ 180,000	\$ 180,000		138429
TOTAL FID	Fiduciary Fund Group	\$ 1,912,032,500	\$ 1,877,188,500		138430
Group					
Holding Account Fund Group					138431
R010 110611	Tax Distributions	\$ 25,000	\$ 25,000		138432
R011 110612	Miscellaneous Income Tax Receipts	\$ 500	\$ 500		138433
TOTAL HLD	Holding Account Fund Group	\$ 25,500	\$ 25,500		138434
TOTAL ALL BUDGET FUND GROUPS		\$ 2,045,939,402	\$ 2,010,595,402		138435

Section 409.20. TAX REFUNDS 138437

The foregoing appropriation item 110635, Tax Refunds, shall 138438
be used to pay refunds under section 5703.052 of the Revised Code. 138439
If it is determined that additional appropriations are necessary 138440
for this purpose, such amounts are hereby appropriated. 138441

VENDOR'S LICENSE PAYMENTS 138442

The foregoing appropriation item 110631, Vendor's License 138443
Application, shall be used to make payments to county auditors 138444
under section 5739.17 of the Revised Code. If it is determined 138445
that additional appropriations are necessary to make such 138446
payments, such amounts are hereby appropriated. 138447

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 138448

The foregoing appropriation item 110616, International 138449
Registration Plan Administration, shall be used under section 138450
5703.12 of the Revised Code for audits of persons with vehicles 138451
registered under the International Registration Plan. 138452

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	138453
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	138454 138455 138456 138457 138458 138459 138460
TOBACCO SETTLEMENT ENFORCEMENT	138461
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code. In fiscal year 2018, expenses associated with these enforcement activities will be covered by appropriation item 110614, Cigarette Tax Enforcement.	138462 138463 138464 138465 138466 138467
STARS DEVELOPMENT AND IMPLEMENTATION FUND	138468
The foregoing appropriation item 110638, STARS Development and Implementation, shall be used to pay costs incurred in the development and implementation of the department's State Tax Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Revenue Enhancement Fund, Local Sales Tax Administrative Fund, General School District Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, Property Tax Administration Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$6,000,000 in the biennium.	138469 138470 138471 138472 138473 138474 138475 138476 138477 138478 138479 138480 138481
APPROPRIATION INCREASE AND CASH TRANSFER TO THE MUNICIPAL INCOME TAX ADMINISTRATION FUND	138482 138483

(A) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) created in section 5745.03 of the Revised Code has insufficient cash balances to pay expenses required by administering the new tax duties imposed by section 718.051 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional cash necessary to carry out the duties imposed by section 718.051 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in the General Revenue Fund, the Director shall transfer cash from the General Revenue Fund to Fund 5N50 in an amount that will enable the Commissioner to carry out the duties imposed by section 718.051 of the Revised Code.

(B) If a cash transfer is made from the General Revenue Fund to the Municipal Income Tax Administration Fund under division (A) of this section, the Director of Budget and Management and the Tax Commissioner shall jointly develop a plan to repay the General Revenue Fund as soon as is deemed practical.

(C) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) has insufficient appropriations due to the new tax administration obligations imposed by section 718.051 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional appropriations necessary to carry out the duties imposed by section 718.051 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in Fund 5N50, the Director shall approve the certified appropriation increase. Any approved appropriation increase is hereby appropriated.

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION				138515
General Revenue Fund				138516
GRF	772502	Local Transportation	\$ 250,000 \$	0 138517
Projects				
GRF	775451	Public Transportation	\$ 6,500,000 \$ 6,500,000	138518
- State				
GRF	776465	Rail Development	\$ 985,000 \$ 1,000,000	138519
GRF	777471	Airport Improvements	\$ 6,455,000 \$ 5,910,000	138520
- State				
TOTAL GRF General Revenue Fund		\$ 14,190,000 \$	13,410,000	138521
TOTAL ALL BUDGET FUND GROUPS		\$ 14,190,000 \$	13,410,000	138522

Section 411.13. LOCAL TRANSPORTATION PROJECTS 138524

The foregoing appropriation item 772502, Local Transportation 138525
Projects, shall be allocated to support the regional 138526
transportation improvement project in Carroll, Columbiana, and 138527
Stark counties. 138528

Section 411.20. AIRPORT IMPROVEMENTS - STATE 138529

The foregoing appropriation item 777471, Airport Improvements 138530
- State, shall be used by the Department of Transportation to 138531
continue the Ohio Airport Grant Program in supporting capital 138532
improvements, maintaining infrastructure, and ensuring safety at 138533
publicly owned, public use airports in the state, provided that 138534
the airports receive neither Federal Aviation Administration Air 138535
Carrier Enplanement Funds nor Air Cargo Entitlements. 138536

Of the foregoing appropriation item 777471, Airport 138537
Improvements - State, \$455,000 in fiscal year 2018 shall be 138538
allocated to the Columbus Regional Airport Authority to support 138539
expenses related to the renaming of the Port Columbus 138540
International Airport, as enacted in Am. Sub. S.B. 159 of the 138541

131st General Assembly. Use of the allocated funds may include the 138542
cost of replacing signage or other related expenses that have been 138543
incurred subsequent to the enactment of Am. Sub. S.B. 159 of the 138544
131st General Assembly, or future expenses associated with the 138545
name change from Port Columbus International Airport to the John 138546
Glenn International Airport. 138547

Of the foregoing appropriation item 777471, Airport 138548
Improvements - State, \$100,000 in fiscal year 2018 shall be 138549
allocated to support the installation of four new airline gates at 138550
the Akron-Canton Airport. 138551

Section 413.10. TOS TREASURER OF STATE 138552

General Revenue Fund 138553

GRF 090321 Operating Expenses \$ 8,119,779 \$ 8,119,029 138554

GRF 090401 Office of the Sinking 502,304 \$ 502,304 138555
Fund

GRF 090402 Continuing Education \$ 325,000 \$ 325,000 138556

GRF 090406 Treasury Management \$ 1,113,900 \$ 1,114,700 138557
System Lease Rental
Payments

GRF 090407 ABLE Promotion \$ 100,000 \$ 100,000 138558

GRF 090613 ABLE Account \$ 1,750,000 \$ 1,750,000 138559
Administration

TOTAL GRF General Revenue Fund \$ 11,910,983 \$ 11,911,033 138560

Dedicated Purpose Fund Group 138561

4E90 090603 Securities Lending \$ 5,200,000 \$ 5,200,000 138562
Income

5770 090605 Investment Pool \$ 1,050,000 \$ 1,050,000 138563
Reimbursement

5C50 090602 County Treasurer \$ 170,057 \$ 170,057 138564
Education

5NH0 090610 OhioMeansJobs \$ 23,250,000 \$ 0 138565

		Workforce Development				
6050	090609	Treasurer of State	\$	700,000	\$	700,000 138566
		Administrative Fund				
		TOTAL DPF Dedicated Purpose				138567
		Fund Group	\$	30,370,057	\$	7,120,057 138568
		Fiduciary Fund Group				138569
4250	090635	Tax Refunds	\$	12,000,000	\$	12,000,000 138570
		TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$	12,000,000 138571
		TOTAL ALL BUDGET FUND GROUPS	\$	54,281,040	\$	31,031,090 138572

Section 413.20. OFFICE OF THE SINKING FUND 138574

The foregoing appropriation item 090401, Office of the 138575
Sinking Fund, shall be used for costs incurred by or on behalf of 138576
the Commissioners of the Sinking Fund and the Ohio Public 138577
Facilities Commission with respect to State of Ohio general 138578
obligation bonds or notes, and the Treasurer of State with respect 138579
to State of Ohio general obligation and special obligation bonds 138580
or notes, including, but not limited to, printing, advertising, 138581
delivery, rating fees and the procurement of ratings, professional 138582
publications, membership in professional organizations, and other 138583
services referred to in division (D) of section 151.01 of the 138584
Revised Code. The General Revenue Fund shall be reimbursed for 138585
such costs relating to the issuance and administration of Highway 138586
Capital Improvement bonds or notes authorized under Ohio 138587
Constitution, Article VIII, Section 2m and Chapter 151. of the 138588
Revised Code. That reimbursement shall be made from appropriation 138589
item 155902, Highway Capital Improvement Bond Retirement Fund, by 138590
intrastate transfer voucher pursuant to a certification by the 138591
Office of the Sinking Fund of the actual amounts used. The amounts 138592
necessary to make such a reimbursement are hereby appropriated 138593
from the Highway Capital Improvement Bond Retirement Fund created 138594
in section 151.06 of the Revised Code. 138595

ABLE ACCOUNT ADMINISTRATION	138596
The foregoing appropriation item 090613, ABLE Account Administration, shall be used for administration of an Achieve a Better Living Experience (ABLE) account program.	138597 138598 138599
TAX REFUNDS	138600
The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.	138601 138602 138603 138604 138605
Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL PAYMENTS	138606 138607
The foregoing appropriation item 090406, Treasury Management System Lease Rental Payments, shall be used for payments during the period from July 1, 2017, through June 30, 2019, pursuant to leases and agreements entered into under Section 701.20 of Am. Sub. H.B. 497 of the 130th General Assembly with respect to financing the costs associated with the acquisition and implementation of the Treasury Management System. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.	138608 138609 138610 138611 138612 138613 138614 138615 138616
Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM	138617 138618
The foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, shall be used for the OhioMeansJobs Workforce Development Revolving Loan Program to provide loans to individuals for workforce training.	138619 138620 138621 138622
Of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, up to \$250,000 in	138623 138624

fiscal year 2018 may be used by the Treasurer of State to 138625
administer the program. 138626

Any unexpended and unencumbered portion of the foregoing 138627
appropriation item 090610, OhioMeansJobs Workforce Development 138628
Revolving Loan Program, at the end of fiscal year 2018 is hereby 138629
reappropriated for the same purpose in fiscal year 2019. To the 138630
extent that reappropriated funds are available, of the foregoing 138631
appropriation item 090610, OhioMeansJobs Workforce Development 138632
Revolving Loan Program, up to \$250,000 in fiscal year 2019 may be 138633
used by the Treasurer of State to administer the program. 138634

Section 413.50. VTO VETERANS' ORGANIZATIONS 138635

General Revenue Fund 138636

VAP AMERICAN EX-PRISONERS OF WAR 138637

GRF 743501 State Support \$ 28,910 \$ 28,910 138638

VAN ARMY AND NAVY UNION, USA, INC. 138639

GRF 746501 State Support \$ 63,539 \$ 63,539 138640

VKW KOREAN WAR VETERANS 138641

GRF 747501 State Support \$ 57,118 \$ 57,118 138642

VJW JEWISH WAR VETERANS 138643

GRF 748501 State Support \$ 34,321 \$ 34,321 138644

VCW CATHOLIC WAR VETERANS 138645

GRF 749501 State Support \$ 66,978 \$ 66,978 138646

VPH MILITARY ORDER OF THE PURPLE HEART 138647

GRF 750501 State Support \$ 65,116 \$ 65,116 138648

VVV VIETNAM VETERANS OF AMERICA 138649

GRF 751501 State Support \$ 214,776 \$ 214,776 138650

VAL AMERICAN LEGION OF OHIO 138651

GRF 752501 State Support \$ 349,189 \$ 349,189 138652

VII AMVETS 138653

GRF 753501 State Support \$ 332,547 \$ 332,547 138654

VAV DISABLED AMERICAN VETERANS 138655

GRF	754501	State Support	\$	249,836	\$	249,836	138656
		VMC MARINE CORPS LEAGUE					138657
GRF	756501	State Support	\$	133,947	\$	133,947	138658
		V37 37TH DIVISION VETERANS' ASSOCIATION					138659
GRF	757501	State Support	\$	6,868	\$	6,868	138660
		VFW VETERANS OF FOREIGN WARS					138661
GRF	758501	State Support	\$	284,841	\$	284,841	138662
TOTAL GRF		General Revenue Fund	\$	1,887,986	\$	1,887,986	138663
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986	138664
		RELEASE OF FUNDS					138665
		The Director of Budget and Management may release the					138666
		foregoing appropriation items 743501, 746501, 747501, 748501,					138667
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,					138668
		and 758501, State Support.					138669
		Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES					138670
		General Revenue Fund					138671
GRF	900321	Veterans' Homes	\$	27,435,790	\$	27,435,790	138672
GRF	900402	Hall of Fame	\$	113,255	\$	113,255	138673
GRF	900408	Department of	\$	2,799,907	\$	2,799,907	138674
		Veterans Services					
GRF	900901	Veterans Compensation	\$	7,118,300	\$	5,090,700	138675
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	37,467,252	\$	35,439,652	138676
		Dedicated Purpose Fund Group					138677
4840	900603	Veterans' Homes	\$	990,000	\$	995,000	138678
		Services					
4E20	900602	Veterans' Homes	\$	13,389,605	\$	13,400,000	138679
		Operating					
5DB0	900643	Military Injury	\$	1,000,000	\$	1,000,000	138680
		Relief Program					

5PH0 900642	Veterans Initiatives	\$	70,000	\$	70,000	138681
6040 900604	Veterans' Homes	\$	500,000	\$	500,000	138682
	Improvement					
TOTAL DPF Dedicated Purpose Fund		\$	15,949,605	\$	15,965,000	138683
Group						
Debt Service Fund Group						138684
7041 900615	Veteran Bonus Program	\$	330,163	\$	272,687	138685
	- Administration					
7041 900641	Persian Gulf,	\$	1,132,362	\$	1,132,706	138686
	Afghanistan, and Iraq					
	Compensation					
TOTAL DSF Debt Service						138687
Fund Group		\$	1,462,525	\$	1,405,393	138688
Federal Fund Group						138689
3680 900614	Veterans Training	\$	782,898	\$	805,851	138690
3740 900606	Troops to Teachers	\$	125,002	\$	130,001	138691
3BX0 900609	Medicare Services	\$	3,352,135	\$	3,578,278	138692
3L20 900601	Veterans' Homes	\$	32,021,561	\$	33,378,119	138693
	Operations - Federal					
TOTAL FED Federal Fund Group		\$	36,281,596	\$	37,892,249	138694
TOTAL ALL BUDGET FUND GROUPS		\$	91,160,978	\$	90,702,294	138695
	VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE					138696
	The foregoing appropriation item 900901, Veterans					138697
	Compensation General Obligation Bond Debt Service, shall be used					138698
	to pay all debt service and related financing costs during the					138699
	period from July 1, 2017, through June 30, 2019, on obligations					138700
	issued under sections 151.01 and 151.12 of the Revised Code.					138701
	Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD					138702
	Dedicated Purpose Fund Group					138703
4K90 888609	Operating Expenses	\$	396,369	\$	439,369	138704

TOTAL DPF Dedicated Purpose				138705
Fund Group	\$	396,369	\$ 439,369	138706
Internal Service Activity Fund Group				138707
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	138708
Loan Program				
TOTAL ISA Internal Service Activity				138709
Fund Group	\$	30,000	\$ 30,000	138710
TOTAL ALL BUDGET FUND GROUPS	\$	426,369	\$ 469,369	138711
Section 419.10. VPB STATE VISION PROFESSIONALS BOARD				138713
Dedicated Purpose Fund Group				138714
4K90 129609 Operating Expenses	\$	400,809	\$ 650,607	138715
TOTAL DPF Dedicated Purpose Fund	\$	400,809	\$ 650,607	138716
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	400,809	\$ 650,607	138717
Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES				138719
General Revenue Fund				138720
GRF 470401 RECLAIM Ohio	\$	155,590,859	\$ 159,227,635	138721
GRF 470412 Juvenile Correctional	\$	17,515,369	\$ 17,086,697	138722
Facilities Lease				
Rental Bond Payments				
GRF 470510 Youth Services	\$	16,452,187	\$ 16,452,187	138723
GRF 472321 Parole Operations	\$	10,436,834	\$ 10,589,287	138724
GRF 477321 Administrative	\$	11,401,139	\$ 11,574,760	138725
Operations				
TOTAL GRF General Revenue Fund	\$	211,396,388	\$ 214,930,566	138726
Dedicated Purpose Fund Group				138727
1470 470612 Vocational Education	\$	1,690,000	\$ 1,463,162	138728
1750 470613 Education Services	\$	3,385,248	\$ 3,492,983	138729
4790 470609 Employee Food Service	\$	60,273	\$ 44,107	138730
4A20 470602 Child Support	\$	187,998	\$ 153,968	138731

4G60	470605	Juvenile Special	\$	115,000	\$	115,000	138732
		Revenue - Non-Federal					
5BN0	470629	E-Rate Program	\$	75,000	\$	75,000	138733
TOTAL DPF Dedicated Purpose							138734
Fund Group			\$	5,513,519	\$	5,344,220	138735
Federal Fund Group							138736
3210	470601	Education	\$	947,275	\$	961,519	138737
3210	470603	Juvenile Justice	\$	2,144,540	\$	2,232,533	138738
		Prevention					
3210	470606	Nutrition	\$	930,000	\$	930,000	138739
3210	470614	Title IV-E	\$	5,766,624	\$	5,766,624	138740
		Reimbursements					
3FC0	470642	Federal Juvenile	\$	1,000	\$	0	138741
		Programs FFY 12					
3GB0	470643	Federal Juvenile	\$	16,352	\$	200	138742
		Programs FFY 13					
3V50	470604	Juvenile	\$	1,720,000	\$	1,720,000	138743
		Justice/Delinquency					
		Prevention					
TOTAL FED Federal							138744
Fund Group			\$	11,525,791	\$	11,610,876	138745
TOTAL ALL BUDGET FUND GROUPS							138746
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS							138747
The foregoing appropriation item 470412, Juvenile							138748
Correctional Facilities Lease Rental Bond Payments, shall be used							138749
to meet all payments during the period from July 1, 2017, through							138750
June 30, 2019, by the Department of Youth Services under the							138751
leases and agreements for facilities made under Chapters 152. and							138752
154. of the Revised Code. This appropriation is the source of							138753
funds pledged for bond service charges on related obligations							138754
issued under Chapters 152. and 154. of the Revised Code.							138755
EDUCATION SERVICES							138756

The foregoing appropriation item 470613, Education Services, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment.

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

Section 503.05. All items set forth in this section are hereby appropriated for the biennium beginning on July 1, 2017, and ending on June 30, 2019, out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 7021) that are not otherwise appropriated. The appropriation made in this section is in addition to any other appropriations made for the FY 2018-FY 2019 biennium

Appropriations

	FCC OHIO FACILITIES CONSTRUCTION COMMISSION		138778
C230W4	Community School Classroom Facilities	\$ 7,989,174	138779
	Grants		
TOTAL	Public School Building Fund	\$ 7,989,174	138780

COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS

The foregoing appropriation item C230W4, Community School Classroom Facilities Grants, may be used by the Ohio Facilities Construction Commission to provide grant funding to an eligible high-performing community school established under Chapter 3314.

of the Revised Code. 138786

For purposes of this section, an "eligible high-performing 138787
community school" means a community school that has available and 138788
has certified it will supply, at least fifty per cent of the cost 138789
of the project funded under this section and that meets the 138790
following other conditions: 138791

(A) Except as provided in division (B) or (C) of this 138792
section, the school both: 138793

(1) Has received a grade of "A," "B," or "C" for the 138794
performance index score under division (C)(1)(b) of section 138795
3302.03 of the Revised Code or has increased its performance index 138796
score under division (C)(1)(b) of section 3302.03 of the Revised 138797
Code in each of the previous three years of operation; and 138798

(2) Has received a grade of "A" or "B" for the value-added 138799
progress dimension under division (C)(1)(e) of section 3302.03 of 138800
the Revised Code on its most recent report card issued under that 138801
section. 138802

(B) If the school serves only grades kindergarten through 138803
three, the school received a grade of "A" or "B" for making 138804
progress in improving literacy in grades kindergarten through 138805
three under division (C)(1)(g) of section 3302.03 of the Revised 138806
Code on its most recent report card issued under that section. 138807

(C) If the school primarily serves students enrolled in a 138808
dropout prevention and recovery program as described in division 138809
(A)(4)(a) of section 3314.35 of the Revised Code, the school 138810
received a rating of "exceeds standards" on its most recent report 138811
card issued under section 3314.017 of the Revised Code. 138812

Notwithstanding the definition of an eligible high-performing 138813
community school under divisions (A) to (C) of this section, a 138814
newly established community school may be eligible for assistance 138815
under this section if it is implementing a community school model 138816

that has a track record of high-quality academic performance, as 138817
determined by the Department of Education. 138818

The foregoing appropriation may be used for the purchase, 138819
construction, reconstruction, renovation, remodeling, or addition 138820
to classroom facilities. A grant may be awarded to an eligible 138821
high-performing community school that demonstrates that the funds 138822
will be used to purchase or support classroom facilities 138823
construction or modifications that increase the supply of seats in 138824
effective schools, service specific unmet student needs through 138825
community school education, and show innovation in design and 138826
potential as a successful, replicable school model. The Ohio 138827
Facilities Construction Commission may award a grant to an 138828
eligible high-performing community school upon the approval of a 138829
grant application by the Executive Director of the Commission and 138830
the Superintendent of Public Instruction. A facility that is 138831
purchased, constructed, or modified by the grant funds shall be 138832
used for educational purposes for a minimum of ten years after 138833
receiving the grant funds. The Ohio Facilities Construction 138834
Commission, in consultation with the Superintendent of Public 138835
Instruction, shall develop guidelines and may adopt rules under 138836
Chapter 111. of the Revised Code for the administration of the 138837
grants, including provisions for the ownership and disposal of the 138838
facilities funded under this section in the event the community 138839
school closes at any time. Notwithstanding any provision of law to 138840
the contrary, all Revised Code exemptions applicable to grants 138841
awarded and projects administered by the Ohio Facilities 138842
Construction Commission shall apply to the grants pursuant to this 138843
section. 138844

Section 503.10. PERSONAL SERVICE EXPENSES 138845

Unless otherwise prohibited by law, any appropriation from 138846
which personal service expenses are paid shall bear the employer's 138847

share of public employees' retirement, workers' compensation, 138848
disabled workers' relief, and insurance programs; and the costs of 138849
centralized financial services, centralized payroll processing, 138850
and related reports and services; centralized human resources 138851
services, including affirmative action and equal employment 138852
opportunity programs; the Office of Collective Bargaining; 138853
centralized information technology management services; 138854
administering the enterprise resource planning system; and 138855
administering the state employee merit system as required by 138856
section 124.07 of the Revised Code. These costs shall be 138857
determined in conformity with the appropriate sections of law and 138858
paid in accordance with procedures specified by the Office of 138859
Budget and Management. Expenditures from appropriation item 138860
070601, Public Audit Expense - Intra-State, may be exempted from 138861
the requirements of this section. 138862

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 138863
AGAINST THE STATE 138864

Except as otherwise provided in this section, an 138865
appropriation in this act or any other act may be used for the 138866
purpose of satisfying judgments, settlements, or administrative 138867
awards ordered or approved by the Court of Claims or by any other 138868
court of competent jurisdiction in connection with civil actions 138869
against the state. This authorization does not apply to 138870
appropriations to be applied to or used for payment of guarantees 138871
by or on behalf of the state, or for payments under lease 138872
agreements relating to, or debt service on, bonds, notes, or other 138873
obligations of the state. Notwithstanding any other statute to the 138874
contrary, this authorization includes appropriations from funds 138875
into which proceeds of direct obligations of the state are 138876
deposited only to the extent that the judgment, settlement, or 138877
administrative award is for, or represents, capital costs for 138878
which the appropriation may otherwise be used and is consistent 138879

with the purpose for which any related obligations were issued or 138880
entered into. Nothing contained in this section is intended to 138881
subject the state to suit in any forum in which it is not 138882
otherwise subject to suit, and is not intended to waive or 138883
compromise any defense or right available to the state in any suit 138884
against it. 138885

Section 503.30. CAPITAL PROJECT SETTLEMENTS 138886

This section specifies an additional and supplemental 138887
procedure to provide for payments of judgments and settlements if 138888
the Director of Budget and Management determines, pursuant to 138889
division (C)(4) of section 2743.19 of the Revised Code, that 138890
sufficient unencumbered moneys do not exist in the fund to support 138891
a particular appropriation to pay the amount of a final judgment 138892
rendered against the state or a state agency, including the 138893
settlement of a claim approved by a court, in an action upon and 138894
arising out of a contractual obligation for the construction or 138895
improvement of a capital facility if the costs under the contract 138896
were payable in whole or in part from a state capital projects 138897
appropriation. In such a case, the Director may either proceed 138898
pursuant to division (C)(4) of section 2743.19 of the Revised Code 138899
or apply to the Controlling Board to increase an appropriation or 138900
create an appropriation out of any unencumbered moneys in the 138901
state treasury to the credit of the capital projects fund from 138902
which the initial state appropriation was made. The amount of an 138903
increase in appropriation or new appropriation approved by the 138904
Controlling Board is hereby appropriated from the applicable 138905
capital projects fund and made available for the payment of the 138906
judgment or settlement. 138907

If the Director does not make the application authorized by 138908
this section or the Controlling Board disapproves the application, 138909
and the Director does not make application under division (C)(4) 138910

of section 2743.19 of the Revised Code, the Director shall for the 138911
purpose of making that payment make a request to the General 138912
Assembly as provided for in division (C)(5) of that section. 138913

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 138914

In order to provide funds for the reissuance of voided 138915
warrants under section 126.37 of the Revised Code, there is hereby 138916
appropriated, out of moneys in the state treasury from the fund 138917
credited as provided in section 126.37 of the Revised Code, that 138918
amount sufficient to pay such warrants when approved by the Office 138919
of Budget and Management. 138920

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 138921
BALANCES OF OPERATING APPROPRIATIONS 138922

(A) Notwithstanding the original year of appropriation or 138923
encumbrance the unexpended balance of an operating appropriation 138924
or reappropriation that a state agency lawfully encumbered prior 138925
to the close of fiscal year 2017 or fiscal year 2018 is hereby 138926
reappropriated on the first day of July of the following fiscal 138927
year from the fund from which it was originally appropriated or 138928
reappropriated for the period of time listed in this section and 138929
shall remain available only for the purpose of discharging the 138930
encumbrance: 138931

(1) For an encumbrance for personal services, maintenance, 138932
equipment, or items for resale not otherwise identified in this 138933
section for a period of not more than five months from the end of 138934
the fiscal year; 138935

(2) For an encumbrance for an item of special order 138936
manufacture not available on state contract or in the open market, 138937
for a period of not more than five months from the end of the 138938
fiscal year or, with the written approval of the Director of 138939
Budget and Management, for a period of not more than twelve months 138940

from the end of the fiscal year; 138941

(3) For an encumbrance for reclamation of land or oil and gas 138942
wells, for a period ending when the encumbered appropriation is 138943
expended provided such period does not extend beyond the FY 2018 - 138944
FY 2019 biennium; 138945

(4) For an encumbrance for any other expense not otherwise 138946
identified in this section, for such period as the Director 138947
approves, provided such period does not extend beyond the FY 2018 138948
- FY 2019 biennium. 138949

(B) Any operating appropriations for which unexpended 138950
balances are reappropriated in fiscal year 2018 or fiscal year 138951
2019 pursuant to division (A)(2) of this section shall be reported 138952
to the Controlling Board by the Director of Budget and Management 138953
by the thirty-first day of December of each year. The report shall 138954
include the item, the cost of the item, and the name of the 138955
vendor. The report shall be updated on a quarterly basis for 138956
encumbrances remaining open. 138957

(C) Upon the expiration of the reappropriation period set out 138958
in division (A) of this section, a reappropriation made by this 138959
section lapses, and the Director of Budget and Management shall 138960
cancel the encumbrance of the unexpended reappropriation not later 138961
than the end of the weekend following the expiration of the 138962
reappropriation period. 138963

(D) If the Controlling Board approved a purchase, that 138964
approval remains in effect so long as the appropriation used to 138965
make that purchase remains encumbered. 138966

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 138967

(A) The Director of Budget and Management may correct 138968
accounting errors committed by the staff of the Office of Budget 138969
and Management, such as reestablishing encumbrances or 138970

appropriations canceled in error, during the cancellation of 138971
operating encumbrances in November and of non-operating 138972
encumbrances in December. 138973

(B) The Director of Budget and Management may at any time 138974
correct accounting errors committed by staff or a state agency or 138975
state institution of higher education, as defined in section 138976
3345.011 of the Revised Code, such as reestablishing prior year 138977
non-operating encumbrances canceled or modified in error. The 138978
reestablished encumbrance amounts are hereby appropriated. 138979

Section 503.70. TEMPORARY REVENUE HOLDING 138980

The Director of Budget and Management may create funds in the 138981
state treasury solely for the purpose of temporarily holding 138982
revenue required to be credited to a fund in the state treasury, 138983
whose disposition is not immediately known at the time of receipt. 138984
Once identified, the Director shall credit the revenue to the 138985
appropriate fund in the state treasury. 138986

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 138987
RE-ESTABLISHMENT OF ENCUMBRANCES 138988

Any cash transferred by the Director of Budget and Management 138989
under section 126.15 of the Revised Code is hereby appropriated. 138990
Any amounts necessary to re-establish appropriations or 138991
encumbrances under section 126.15 of the Revised Code are hereby 138992
appropriated. 138993

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 138994

The Director of Budget and Management may transfer 138995
appropriations between the Third Frontier Research and Development 138996
Fund (Fund 7011) and the Third Frontier Research and Development 138997
Taxable Bond Fund (Fund 7014) as necessary to maintain the 138998
exclusion from the calculation of gross income for federal income 138999

taxation purposes under the "Internal Revenue Code of 1986," 100 139000
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 139001
issued to fund projects appropriated from the Third Frontier 139002
Research and Development Fund (Fund 7011). 139003

The Director may also create new appropriation items within 139004
the Third Frontier Research and Development Taxable Bond Fund 139005
(Fund 7014) and make transfers of appropriations to them for 139006
projects originally funded from appropriations made from the Third 139007
Frontier Research and Development Fund (Fund 7011). 139008

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 139009

There are hereby appropriated out of any moneys in the state 139010
treasury to the credit of the General Revenue Fund, which are not 139011
otherwise appropriated, funds sufficient to make any payment 139012
required by division (B)(2) of section 5747.03 of the Revised 139013
Code. 139014

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 139015
APPROVED BY THE CONTROLLING BOARD 139016

Any money that the Controlling Board approves for expenditure 139017
or any increase in appropriation that the Controlling Board 139018
approves under sections 127.14, 131.35, and 131.39 of the Revised 139019
Code or any other provision of law is hereby appropriated for the 139020
period ending June 30, 2019. 139021

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 139022
RESIDENCE 139023

If the Governor's Residence Fund (Fund 4H20) receives payment 139024
for use of the residence pursuant to section 107.40 of the Revised 139025
Code, the amounts so received are hereby appropriated to 139026
appropriation item 100604, Governor's Residence Gift. 139027

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 139028

Unless the agency and nuclear electric utility mutually agree 139029
to a higher amount by contract, the maximum amounts that may be 139030
assessed against nuclear electric utilities under division (B)(2) 139031
of section 4937.05 of the Revised Code and deposited into the 139032
specified funds are as follows: 139033

<u>Fund</u>	<u>User</u>	<u>FY 2018</u>	<u>FY 2019</u>	
Utility	Department of	\$ 125,000	\$ 125,000	139034
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,086,098	\$ 1,086,098	139035
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 298,304	\$ 303,174	139036
Safety Fund	Protection Agency			
(Fund 6440)				
Emergency	Department of	\$ 1,200,000	\$ 1,200,000	139037
Response Plan	Public Safety			
Fund (Fund 6570)				

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 139039

INTEREST EARNED 139040

Notwithstanding any provision of law to the contrary, the 139041
Director of Budget and Management, through June 30, 2019, may 139042
transfer interest earned by any state fund to the General Revenue 139043
Fund. This section does not apply to funds whose source of revenue 139044
is restricted or protected by the Ohio Constitution, federal tax 139045
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 139046
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 139047

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 139048
FROM NON-GRF FUNDS 139049

Notwithstanding any provision of law to the contrary, the 139050
Director of Budget and Management may transfer up to \$200,000,000 139051
in cash, during the biennium ending June 30, 2019, from 139052
non-General Revenue Funds that are not constitutionally restricted 139053
to the General Revenue Fund. 139054

Section 512.30. RACETRACK RELOCATION FUND 139055

On July 1, 2017, or as soon as possible thereafter, the 139056
Director of Budget and Management shall transfer the cash balance 139057
of the Racetrack Relocation Fund (Fund 5MG0) to the General 139058
Revenue Fund. Upon completion of the transfer, the Racetrack 139059
Relocation Fund is hereby abolished. On and after July 1, 2017, 139060
any payment that is otherwise required to be credited to the 139061
Racetrack Relocation Fund shall be credited to the General Revenue 139062
Fund. 139063

Section 512.40. UNCLAIMED FUND REMITTANCE 139064

Notwithstanding division (A) of section 169.05 of the Revised 139065
Code, during the biennium ending June 30, 2019, the Director of 139066
Budget and Management may request the Director of Commerce to 139067
remit to the General Revenue Fund, up to \$200,000,000 of unclaimed 139068
funds that have been reported by holders of unclaimed funds under 139069
section 169.05 of the Revised Code, irrespective of the allocation 139070
of the unclaimed funds under that section. The Director of 139071
Commerce shall remit the funds at the time requested by the 139072
Director of Budget and Management. 139073

Section 512.50. FISCAL YEAR 2017 GENERAL REVENUE FUND ENDING 139074
BALANCE 139075

Notwithstanding divisions (B) and (C) of section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2017, in excess of the amount required under division (A)(3) of section 131.44 of the Revised Code, and allocate that amount, to the extent of the amount so determined, as follows:

(A) First, the Director of Budget and Management shall transfer a cash amount of up to \$207,000,000 to the Medicaid Local Sales Tax Transition Fund;

(B) Second, the Director shall transfer a cash amount of up to \$273,415 to the Lake Erie Protection Fund.

Section 512.60. GENERAL REVENUE FUND TRANSFER TO TOURISM FUND

Not later than October 20, 2018, the Tax Commissioner shall calculate the growth in fiscal year 2017 revenue relative to the prior fiscal year from the sales tax imposed under section 5739.02 of the Revised Code on categories that have been determined to be related to tourism and certify that amount to the Director of Budget and Management. On or before the last day of October 2018, the Director of Budget and Management may transfer from the General Revenue Fund to the Tourism Fund (Fund 5MJ0) the amount certified by the Commissioner under this division, except that the transfer shall not exceed the amount transferred from the General Revenue Fund to the Tourism Fund in fiscal year 2018.

Section 512.70. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS

On October 1, 2017, or as soon as possible thereafter, the Director of Commerce and the Executive Director of the Board of Pharmacy shall consult with the Director of Budget and Management to determine a repayment schedule for the biennium ending June 30, 2019, to fully repay the fiscal year 2017 transfer on behalf of each agency from the Emergency Purposes/Contingency Fund (Fund

5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0). 139106
Payments made by the Department of Commerce and the Board of 139107
Pharmacy in accordance with this repayment schedule shall be 139108
credited to the General Revenue Fund. 139109

Section 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 139110

There is hereby established in the Highway Operating Fund 139111
(Fund 7002), used by the Department of Transportation, a Diesel 139112
Emissions Reduction Grant Program. The Director of Environmental 139113
Protection shall administer the program and shall solicit, 139114
evaluate, score, and select projects submitted by public and 139115
private entities that are eligible for the federal Congestion 139116
Mitigation and Air Quality (CMAQ) Program. The Director of 139117
Transportation shall process Federal Highway 139118
Administration-approved projects as recommended by the Director of 139119
Environmental Protection. 139120

In addition to the allowable expenditures set forth in 139121
section 122.861 of the Revised Code, Diesel Emissions Reduction 139122
Grant Program funds also may be used to fund projects involving 139123
the purchase or use of hybrid and alternative fuel vehicles that 139124
are allowed under guidance developed by the Federal Highway 139125
Administration for the CMAQ Program. 139126

Public entities eligible to receive funds under section 139127
122.861 of the Revised Code and CMAQ shall be reimbursed from 139128
moneys in Fund 7002 designated for the Department of 139129
Transportation's Diesel Emissions Reduction Grant Program. 139130

Private entities eligible to receive funds under section 139131
122.861 of the Revised Code and CMAQ shall be reimbursed at the 139132
direction of the local public agency sponsor and upon approval of 139133
the Department of Transportation, through direct payments. These 139134
reimbursements shall be made from moneys in Fund 7002 designated 139135
for the Department of Transportation's Diesel Emissions Reduction 139136

Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$10,000,000 in both fiscal year 2018 and fiscal year 2019.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 512.90. CASH TRANSFERS AND ABOLISHMENT OF FUNDS

(A) On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

User	Transfer from:	Transfer to:
Agency Fund		Fund
Code	Code Fund Name	Code Fund Name
AGE	4J40 Passport/Preferred Choices	GRF General Revenue Fund
AGE	5AA0 Ohio's Best Rx Administration	GRF General Revenue Fund
AGE	5R50 Ohio Reads/Stars	GRF General Revenue Fund
AGR	5880 Brand Registration	6520 Animal and Consumer

				Protection Laboratory Fund	
AGR	5CP0	Ohio Agriculture License Scholarship	4900	AGRO Ohio Fund	139166
BOR	3BE0	AEFLA Incentive Grant	GRF	General Revenue Fund	139167
BOR	3T00	Ohio Loan Repayment	GRF	General Revenue Fund	139168
BOR	5FN0	College Access Challenge Grant	GRF	General Revenue Fund	139169
BOR	5HZ0	Distance Learning Clearinghouse	GRF	General Revenue Fund	139170
BOR	HJT0	Health Care Assessment Fee	GRF	General Revenue Fund	139171
BOR	5JV0	Ohio Articulation and Transfer Network	GRF	General Revenue Fund	139172
BOR	5QF0	Student Debt Reduction	GRF	General Revenue Fund	139173
BOR	5SF0	STEM Degree Loan Repayment	GRF	General Revenue Fund	139174
BOR	5X20	STEM and Foreign Language Academy	GRF	General Revenue Fund	139175
COM	7043	Liquor Control	GRF	General Revenue Fund	139176
COM	5450	Savings Institution	5440	Banks	139177
DAS	5RT0	Electronic Pollbook	GRF	General Revenue Fund	139178
DAS	5C30	Minor Construction Project Management	1320	Building Management	139179
DDD	5CT0	Intensive Behavioral Needs	5GE0	Operating and Services	139180
DDD	3M70	Community Alternative Funding Source	3A40	Medicaid-Medicare	139181
DDD	3G60	Medicaid Waiver	3A40	Medicaid-Medicare	139182
DEV	5Y60	Economic Development Contingency	GRF	General Revenue Fund	139183
DNR	5EN0	Watercraft Law Enforcement	5EM0	Natural Resources Law Enforcement	139184

Code	Appropriation Item	Code	Appropriation Item	
				139208
5CT0	653607 - Intensive Behavioral Needs	5GE0	653606 - ICF/IID and Waiver Match	139209
3M70	653650 - CAFS Medicaid	3A40	653605 - DC and Residential Facilities Services and Support	139210
3G60	653639 - Medicaid Waiver Program Support	3A40	653605 - DC and Residential Facilities Services and Support	139211
2070	725690 - Real Estate Services	1550	725601 - Departmental Projects	139212
5EN0	725614 - Watercraft Law Enforcement	5EM0	725613 - Natural Resources Law Enforcement	139213
4J20	725628 - Injection Well Review	5110	725646 - Ohio Geological Mapping	139214
5260	725610 - Strip Mining Administration Fee	5290	725639 - Mining Regulation and Safety	139215
5270	725637 - Surface Mining Administration	5290	725639 - Mining Regulation and Safety	139216
5B30	725674 - Mining Reclamation	5290	725639 - Mining Regulation and Safety	139217
4M70	725686 - Wildfire Suppression	5090	725602 - State Forest	139218
3F50	715641 - Nonpoint Source Pollution Management	3F30	715632 - Federally Supported Cleanup and Response	139219
3540	715614 - Hazardous Waste Management - Federal	3F30	715632 - Federally Supported Cleanup and Response	139220
5D80	780602 - Lake Erie Resources	4C00	780601 - Lake Erie Protection	139221
5KW0	651612 - Managed Care Performance Payments	GRF	651525 - Medicaid/Health Care Services	139222

5U30 651654 - Medicaid Program Support	5DL0 651685 - Medicaid Recoveries - Program Support	139223
(C) The following funds, used by the Department of Aging, shall be abolished on the effective date of their repeal by this act: the General Operations Fund (Fund 4H10) and the Special Projects Fund (Fund 5CE0).		139224 139225 139226 139227
(D) The following fund, used by the Facility Construction Commission shall be abolished on the effective date of its repeal by this act: the Cultural Facilities Commission Administration Fund (Fund 4T80).		139228 139229 139230 139231
(E) The following fund, used by the Environmental Protection Agency, shall be abolished on the effective date of its repeal by this act: the Clean Diesel School Bus Fund (Fund 5CD0).		139232 139233 139234
(F) The following fund, used by the Department of Natural Resources, shall be abolished on the effective date of their repeal by this act: the Water Resources Council Fund (Fund 4X80).		139235 139236 139237
Section 512.100. CASH TRANSFER FROM THE SMALL BUSINESS ASSISTANCE FUND TO THE TITLE V CLEAN AIR FUND		139238 139239
On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,500,000 cash from the Small Business Assistance Fund (Fund 5A00) used by the Air Quality Development Authority to the Title V Clean Air Fund (Fund 4T30) used by the Environmental Protection Agency.		139240 139241 139242 139243 139244
Section 512.120. CASH TRANSFER FROM SAVINGS INSTITUTION FUND		139245
On the effective date of section 1121.30 of the Revised Code, as amended by this act, or as soon as possible thereafter, the Director of Budget and Management, upon the written request of the Director of the Department of Commerce, may transfer the cash balance in the Savings Institution Fund (Fund 5450) to the Banks		139246 139247 139248 139249 139250

Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is hereby abolished.

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Section 512.130. CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY PURPOSES/CONTINGENCIES FUND

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On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$7,500,000 cash from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the GRF.

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Section 515.10. (A) On the effective date of this section, the Ohio School Facilities Commission is hereby abolished and all of its functions, assets, and liabilities are transferred to the Ohio Facilities Construction Commission. The Ohio Facilities Construction Commission is successor to, assumes the power and obligations and authority of, and otherwise constitutes the continuation of the Ohio School Facilities Commission as if completed by the Ohio School Facilities Commission. Whenever the Ohio School Facilities Commission is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Ohio Facilities Construction Commission.

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(B) Any business commenced but not completed by the Ohio School Facilities Commission shall be completed by the Ohio Facilities Construction Commission in the same manner and with the same effect as if completed by the Ohio School Facilities Commission. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer and shall be recognized, administered, performed, or enforced by the Ohio Facilities Construction Commission. All rules, orders, resolutions, and determinations of the Ohio School Facilities Commission continue in effect as rules, orders, resolutions, and determinations of the Ohio Facilities

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Construction Commission until modified or rescinded by the Ohio 139281
Facilities Construction Commission. If necessary to ensure the 139282
integrity of the numbering system of the Ohio Administrative Code, 139283
the Director of the Legislative Service Commission shall renumber 139284
the Ohio School Facilities Commission's rules to reflect their 139285
transfer to the Ohio Facilities Construction Commission. 139286

(C) No judicial or administrative action or proceeding to 139287
which the Ohio School Facilities Commission or an authorized 139288
officer of the Ohio School Facilities Commission is a party that 139289
is pending on the effective date of this section, or on such later 139290
date as may be established by an authorized officer of the Ohio 139291
Facilities Construction Commission, is affected by the 139292
abolishment. Any such action or proceeding shall be prosecuted or 139293
defended in the name of the Ohio Facilities Construction 139294
Commission. On application to the court or agency, the Ohio 139295
Facilities Construction Commission or an authorized officer of the 139296
Ohio Facilities Construction Commission may be substituted for the 139297
Ohio School Facilities Commission or an authorized officer of the 139298
Ohio School Facilities Commission as a party to the action or 139299
proceeding. 139300

(D) Notwithstanding any provision of the law to the contrary, 139301
on or after the effective date of this section, the Director of 139302
Budget and Management shall make budget and accounting changes 139303
made necessary by the abolishment, if any, including 139304
administrative organization, program transfers, the renaming of 139305
funds, the creation of new funds, the transfer of state funds, and 139306
the consolidation of funds as authorized by this section. The 139307
Director may, if necessary, cancel or establish encumbrances or 139308
parts of encumbrances in fiscal years 2018 and 2019 in the 139309
appropriate fund and appropriation items for the same purpose and 139310
for payment to the same vendor. The established encumbrances are 139311
hereby appropriated. 139312

(E) All records, documents, files, equipment, assets, and 139313
other materials of the Ohio School Facilities Commission are 139314
transferred to the Ohio Facilities Construction Commission. 139315

Section 515.13. (A) The State Board of Sanitarian 139316
Registration is abolished beginning on the effective date of this 139317
section. 139318

(B) Any business commenced but not completed by the effective 139319
date of this section by the State Board of Sanitarian Registration 139320
shall be completed by the Department of Health or by the Director 139321
of Health in the same manner, and with the same effect, as if 139322
completed by the State Board of Sanitarian Registration. 139323

(C)(1) All rules, orders, and determinations of the State 139324
Board of Sanitarian Registration shall continue in effect as 139325
rules, orders, and determinations of the Director of Health, until 139326
modified or rescinded by the Director. 139327

(2) Any certificates, registrations, or continuing education 139328
credit issued before the effective date of this section by the 139329
State Board of Sanitarian Registration shall continue in effect as 139330
if issued by the Director. 139331

(D) Beginning on the effective date of this section, whenever 139332
the term "State Board of Sanitarian Registration" is used in any 139333
statute, rule, contract, or other document, the use shall be 139334
construed to mean the "Department of Health" or the "Director of 139335
Health," as appropriate. 139336

Whenever the Chairperson or Vice-chairperson of the State 139337
Board of Sanitarian Registration is used in any statute, rule, 139338
contract, or other document, the use shall be construed to mean 139339
the Director of Health. 139340

(E) No validation, cure, right, privilege, remedy, 139341
obligation, or liability is lost or impaired by reason of the 139342

transfer required by this section and shall be administered by the 139343
Director of Health. No action or proceeding pending on the 139344
effective date of this section is affected by the transfer, and 139345
shall be prosecuted or defended in the name of the Department of 139346
Health or the Director of Health, as appropriate. In all such 139347
actions and proceedings, the Department of Health or the Director 139348
shall be substituted as a party. 139349

(F) On the effective date of this section, all records, 139350
documents, files, equipment, assets, and other materials of the 139351
State Board of Sanitarian Registration are transferred to the 139352
Department of Health. 139353

Section 515.15. BOARD OF SANITARIAN REGISTRATION TRANSFER TO 139354
THE DEPARTMENT OF HEALTH 139355

On or before October 30, 2017, the Director of Health shall 139356
certify to the Director of Budget and Management the amount of 139357
cash in the Occupational Licensing and Regulatory Fund (Fund 4K90) 139358
representing the amount of remaining receipts deposited into the 139359
fund by the Board of Sanitarian Registration. The Director of 139360
Budget and Management may transfer up to this amount to the 139361
General Operations Fund (Fund 4700). The Director of Budget and 139362
Management shall cancel any existing encumbrances against 139363
appropriation item 893609, Operating Expenses, and re-establish 139364
them against appropriation item 440647, Fee Supported Programs. 139365
The re-established amounts are hereby appropriated. Any business 139366
commenced but not completed under appropriation item 893609, 139367
Operating Expenses, shall be completed under appropriation item 139368
440647, Fee Supported Programs. 139369

Notwithstanding any provision of law to the contrary, on and 139370
after the effective date of this section, the Director of Budget 139371
and Management may make any budget changes necessary as a result 139372
of the transfer to the Department of Health. 139373

Section 515.30. (A) Effective January 21, 2018, the State Board of Optometry and the Ohio Optical Dispensers Board are abolished.

(B) Any business commenced but not completed by January 21, 2018, by the State Board of Optometry and the Ohio Optical Dispensers Board or by the executive director or executive secretary-treasurer of those boards, as applicable, shall be completed by the State Vision Professionals Board or the Executive Director of the State Vision Professionals Board in the same manner, and with the same effect, as if completed by the State Board of Optometry or the Ohio Optical Dispensers Board or by the executive director or executive secretary-treasurer of those boards, as applicable.

(C) All rules, orders, and determinations of the State Board of Optometry and the Ohio Optical Dispensers Board or by the executive director or executive secretary-treasurer of those boards, as applicable, shall continue in effect as rules, orders, and determinations of the State Vision Professionals Board until modified or rescinded by the State Vision Professionals Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber any rule to reflect its transfer to the State Vision Professionals Board.

Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the State Board of Optometry or the Ohio Optical Dispensers Board shall continue in effect as if issued by the State Vision Professionals Board.

(D) Effective January 21, 2018, whenever the term "State Board of Optometry" or "Ohio Optical Dispensers Board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "State Vision Professionals Board."

Whenever the term "Executive Director of the State Board of Optometry" or "Executive Secretary-Treasurer of the Ohio Optical Dispensers Board" is used in a statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Vision Professionals Board.

(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all employees of the State Board of Optometry and the Ohio Optical Dispensers Board are transferred to the State Vision Professionals Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Vision Professionals Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to

division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the State Board of Optometry and the Ohio Optical Dispensers Board may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Vision Professionals Board. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Vision Professionals Board or the Board's Executive Director, as appropriate. In all such actions and proceedings, the State Vision Professionals Board or the Board's Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the State Board of Optometry and the Ohio Optical Dispensers Board are transferred to the State Vision Professionals Board.

Section 515.31. (A) Effective January 21, 2018, the Ohio Board of Dietetics is abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Ohio Board of Dietetics, or by the Executive Secretary of the Board, shall be completed by the State Medical Board or the Executive Director of the State Medical Board in the same manner, and with the same effect, as if completed by the Ohio

Board of Dietetics, or by the Executive Secretary of the Board. 139468

(C) All rules, orders, and determinations of the Ohio Board 139469
of Dietetics, or by the Executive Secretary of the Board shall 139470
continue in effect as rules, orders, and determinations of the 139471
State Medical Board until modified or rescinded by the State 139472
Medical Board. If necessary to ensure the integrity of the 139473
numbering of the Administrative Code, the Director of the 139474
Legislative Service Commission shall renumber any rule to reflect 139475
its transfer to the State Medical Board. 139476

Any licenses, certificates, permits, registrations, or 139477
endorsements issued before January 21, 2018, by the Ohio Board of 139478
Dietetics shall continue in effect as if issued by the State 139479
Medical Board. 139480

(D) Effective January 21, 2018, whenever the term "Ohio Board 139481
of Dietetics" is used in any statute, rule, contract, or other 139482
document, the use shall be construed to mean the "State Medical 139483
Board." 139484

Whenever the Executive Secretary of the Ohio Board of 139485
Dietetics is used in any statute, rule, contract, or other 139486
document, the use shall be construed to mean the Executive 139487
Director of the State Medical Board. 139488

(E)(1) Subject to the lay-off provisions of sections 124.321 139489
to 124.328 of the Revised Code, all employees of the Ohio Board of 139490
Dietetics are transferred to the State Medical Board. The 139491
employees shall retain their positions and benefits. 139492

(2) During the period beginning January 21, 2018, and ending 139493
June 30, 2019, the Executive Director of the State Medical Board 139494
may establish, change, and abolish positions on the Board and 139495
assign, reassign, classify, reclassify, transfer, reduce, promote, 139496
or demote all employees transferred to the Board under this 139497
section who are not subject to Chapter 4117. of the Revised Code. 139498

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the Ohio Board of Dietetics may, at that Board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of the Board who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Medical Board. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Medical Board or the Board's Executive Director, as appropriate. In all such

actions and proceedings, the State Medical Board or the Board's Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the Ohio Board of Dietetics are transferred to the State Medical Board.

Section 515.32. (A) Effective January 21, 2018, the State Board of Orthotics, Prosthetics, and Pedorthics is abolished. Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the Board are void as of that date.

(B) All employees of the Board cease to hold their positions of employment on January 21, 2018, or as soon as possible thereafter.

(C) Any business commenced but not completed by January 21, 2018, by the State Board of Orthotics, Prosthetics, and Pedorthics or by the Executive Director of the Board shall be completed by the Department of Administrative Services or the Director of Administrative Services in the same manner, and with the same effect, as if completed by the State Board of Orthotics, Prosthetics, and Pedorthics or the Executive Director of the Board.

(D) No action or proceeding pending on the effective date of this amendment is affected by the abolishment of the State Board of Orthotics, Prosthetics, and Pedorthics, and shall be prosecuted or defended in the name of the Department of Administrative Services. In all such actions and proceedings, the Department of Administrative Services shall be substituted as a party.

(E) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the State Board of Orthotics, Prosthetics, and Pedorthics are transferred to the

Department of Administrative Services. 139561

Section 515.33. (A) Effective January 21, 2018, the Hearing 139562
Aid Dealers and Fitters Licensing Board and the Board of 139563
Speech-Language Pathology and Audiology are abolished. 139564

(B) Any business commenced but not completed by January 21, 139565
2018, by the Hearing Aid Dealers and Fitters Licensing Board and 139566
the Board of Speech-Language Pathology and Audiology or by the 139567
executive director or secretary of those boards, as applicable, 139568
shall be completed by the State Speech and Hearing Professionals 139569
Board or the Executive Director of the State Speech and Hearing 139570
Professionals Board in the same manner, and with the same effect, 139571
as if completed by the Hearing Aid Dealers and Fitters Licensing 139572
Board or the Board of Speech-Language Pathology and Audiology or 139573
by the executive director or secretary of those boards, as 139574
applicable. 139575

(C) All rules, orders, and determinations of the Hearing Aid 139576
Dealers and Fitters Licensing Board and the Board of 139577
Speech-Language Pathology and Audiology or by the executive 139578
director or secretary of those boards, as applicable, shall 139579
continue in effect as rules, orders, and determinations of the 139580
State Speech and Hearing Professionals Board until modified or 139581
rescinded by the State Speech and Hearing Professionals Board. If 139582
necessary to ensure the integrity of the numbering of the 139583
Administrative Code, the Director of the Legislative Service 139584
Commission shall renumber any rule to reflect its transfer to the 139585
State Speech and Hearing Professionals Board. 139586

Any licenses, certificates, permits, registrations, or 139587
endorsements issued before January 21, 2018, by the Hearing Aid 139588
Dealers and Fitters Licensing Board, or the Board of 139589
Speech-Language Pathology and Audiology shall continue in effect 139590
as if issued by the State Speech and Hearing Professionals Board. 139591

(D) Effective January 21, 2018, whenever the term "Hearing
Aid Dealers and Fitters Licensing Board" or "Board of
Speech-Language Pathology and Audiology" is used in any statute,
rule, contract, or other document, the use shall be construed to
mean the "State Speech and Hearing Professionals Board."

Whenever the term "Secretary of the Hearing Aid Dealers and
Fitters Licensing Board" or "Executive Director of the Board of
Speech-Language Pathology and Audiology" is used in a statute,
rule, contract, or other document, the use shall be construed to
mean the Executive Director of the State Speech and Hearing
Professionals Board.

(E)(1) Subject to the lay-off provisions of sections 124.321
to 124.328 of the Revised Code, all employees of the Hearing Aid
Dealers and Fitters Licensing Board and the Board of
Speech-Language Pathology and Audiology are transferred to the
State Speech and Hearing Professionals Board. The employees shall
retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending
June 30, 2019, the Executive Director of the State Speech and
Hearing Professionals Board may establish, change, and abolish
positions on the Board and assign, reassign, classify, reclassify,
transfer, reduce, promote, or demote all employees of the Board
who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the
Board under division (E)(2) of this section includes assigning or
reassigning an exempt employee, as defined in section 124.152 of
the Revised Code, to a bargaining unit classification that the
Executive Director determines is the proper classification for
that employee. If an employee in the E-1 pay range is to be
assigned, reassigned, classified, reclassified, transferred,
reduced, or demoted to a position in a lower classification during
the period specified in this section, the Executive Director, or

in the case of a transfer to a position outside the Board, the 139624
Director of Administrative Services, shall assign the employee to 139625
the appropriate classification and place the employee in Step X. 139626
The employee shall not receive any increase in compensation until 139627
the maximum rate of pay for that classification exceeds the 139628
employee's compensation. 139629

(4) Actions taken by the Executive Director pursuant to 139630
division (E) of this section are not subject to appeal to the 139631
State Personnel Board of Review. 139632

(F) Notwithstanding section 145.297 of the Revised Code, the 139633
Hearing Aid Dealers and Fitters Licensing Board and the Board of 139634
Speech-Language Pathology and Audiology may, at that board's 139635
discretion and with approval from the Office of Budget and 139636
Management, establish a retirement incentive plan for eligible 139637
employees of those boards who are members of the Public Employees 139638
Retirement System. Any retirement incentive plan established 139639
pursuant to this section shall remain in effect until January 20, 139640
2018. 139641

(G) No validation, cure, right, privilege, remedy, 139642
obligation, or liability is lost or impaired by reason of the 139643
transfer required by this section and shall be administered by the 139644
State Speech and Hearing Professionals Board. No action or 139645
proceeding pending on the effective date of this act is affected 139646
by the transfer, and shall be prosecuted or defended in the name 139647
of the State Speech and Hearing Professionals Board or the Board's 139648
Executive Director, as appropriate. In all such actions and 139649
proceedings, the State Speech and Hearing Professionals Board or 139650
the Board's Executive Director shall be substituted as a party. 139651

(H) Effective January 21, 2018, all records, documents, 139652
files, equipment, assets, and other materials of the Hearing Aid 139653
Dealers and Fitters Licensing Board and the Board of 139654
Speech-Language Pathology and Audiology are transferred to the 139655

State Speech and Hearing Professionals Board. 139656

Section 515.34. (A) Effective January 21, 2018, the Ohio 139657
Respiratory Care Board is abolished. 139658

(B) Any business commenced but not completed by January 21, 139659
2018, by the Ohio Respiratory Care Board, or by the Executive 139660
Director of the Board, shall be completed by the State Board of 139661
Pharmacy, with respect to implementing Chapter 4752. of the 139662
Revised Code, and the State Medical Board, with respect to 139663
implementing Chapter 4761. of the Revised Code, or by the 139664
executive directors of those boards in the same manner, and with 139665
the same effect, as if completed by the Ohio Respiratory Care 139666
Board, or by the Executive Director of the Board. 139667

(C) All rules, orders, and determinations of the Ohio 139668
Respiratory Care Board, or by the Executive Director of the Board 139669
shall continue in effect as rules, orders, and determinations of 139670
the State Board of Pharmacy, with respect to implementing Chapter 139671
4752. of the Revised Code, and the State Medical Board, with 139672
respect to implementing Chapter 4761. of the Revised Code, until 139673
modified or rescinded by the State Board of Pharmacy or the State 139674
Medical Board. If necessary to ensure the integrity of the 139675
numbering of the Administrative Code, the Director of the 139676
Legislative Service Commission shall renumber any rule to reflect 139677
its transfer to the State Board of Pharmacy or the State Medical 139678
Board. 139679

Any licenses, certificates, permits, registrations, or 139680
endorsements issued before January 21, 2018, by the Ohio 139681
Respiratory Care Board shall continue in effect as if issued by 139682
the State Board of Pharmacy, with respect to implementing Chapter 139683
4752. of the Revised Code, and the State Medical Board, with 139684
respect to implementing Chapter 4761. of the Revised Code. 139685

(D) Effective January 21, 2018, whenever the term "Ohio 139686

Respiratory Care Board" is used in any statute, rule, contract, or 139687
other document, the use shall be construed to mean the "State 139688
Board of Pharmacy," with respect to implementing Chapter 4752. of 139689
the Revised Code, or the "State Medical Board," with respect to 139690
implementing Chapter 4761. of the Revised Code. 139691

Whenever the Executive Director of the Ohio Respiratory Care 139692
Board is used in any statute, rule, contract, or other document, 139693
the use shall be construed to mean the Executive Director of the 139694
State Board of Pharmacy, with respect to implementing Chapter 139695
4752. of the Revised Code, or the Executive Director of the State 139696
Medical Board, with respect to implementing Chapter 4761. of the 139697
Revised Code. 139698

(E)(1) Subject to the lay-off provisions of sections 124.321 139699
to 124.328 of the Revised Code, all employees of the Ohio 139700
Respiratory Care Board are transferred to the State Board of 139701
Pharmacy, with respect to implementing Chapter 4752. of the 139702
Revised Code, or the State Medical Board, with respect to 139703
implementing Chapter 4761. of the Revised Code. The employees 139704
shall retain their positions and benefits. 139705

(2) During the period beginning January 21, 2018, and ending 139706
June 30, 2019, the executive directors of the State Board of 139707
Pharmacy and the State Medical Board may establish, change, and 139708
abolish positions on those boards and assign, reassign, classify, 139709
reclassify, transfer, reduce, promote, or demote all employees 139710
transferred to those boards under this section who are not subject 139711
to Chapter 4117. of the Revised Code. 139712

(3) The authority granted to the executive directors of the 139713
State Board of Pharmacy and the State Medical Board under division 139714
(E)(2) of this section includes assigning or reassigning an exempt 139715
employee, as defined in section 124.152 of the Revised Code, to a 139716
bargaining unit classification that the executive directors 139717
determine is the proper classification for that employee. If an 139718

employee in the E-1 pay range is to be assigned, reassigned, 139719
classified, reclassified, transferred, reduced, or demoted to a 139720
position in a lower classification during the period specified in 139721
this section, the executive directors, or in the case of a 139722
transfer to a position outside those boards, the Director of 139723
Administrative Services, shall assign the employee to the 139724
appropriate classification and place the employee in Step X. The 139725
employee shall not receive any increase in compensation until the 139726
maximum rate of pay for that classification exceeds the employee's 139727
compensation. 139728

(4) Actions taken by the executive directors pursuant to 139729
division (E) of this section are not subject to appeal to the 139730
State Personnel Board of Review. 139731

(F) Notwithstanding section 145.297 of the Revised Code, the 139732
Ohio Respiratory Care Board may, at the Board's discretion and 139733
with approval from the Office of Budget and Management, establish 139734
a retirement incentive plan for eligible employees of the Board 139735
who are members of the Public Employees Retirement System. Any 139736
retirement incentive plan established pursuant to this section 139737
shall remain in effect until January 20, 2018. 139738

(G) No validation, cure, right, privilege, remedy, 139739
obligation, or liability is lost or impaired by reason of the 139740
transfer required by this section and shall be administered by the 139741
State Board of Pharmacy, with respect to implementing Chapter 139742
4752. of the Revised Code, and the State Medical Board, with 139743
respect to implementing Chapter 4761. of the Revised Code. No 139744
action or proceeding pending on the effective date of this act is 139745
affected by the transfer, and shall be prosecuted or defended in 139746
the name of the State Board of Pharmacy or the State Medical 139747
Board, as applicable, or that board's executive director, as 139748
appropriate. In all such actions and proceedings, the State Board 139749
of Pharmacy or the State Medical Board, as applicable, or that 139750

board's executive director shall be substituted as a party. 139751

(H) Effective January 21, 2018, all records, documents, 139752
files, equipment, assets, and other materials of the Ohio 139753
Respiratory Care Board are transferred to the State Board of 139754
Pharmacy, with respect to implementing Chapter 4752. of the 139755
Revised Code and the State Medical Board, with respect to 139756
implementing Chapter 4761. of the Revised Code. 139757

Section 515.35. Notwithstanding any provision of the law to 139758
the contrary, on or after the effective date of this section, the 139759
Director of Budget and Management shall make any accounting 139760
changes made necessary by the transfers and consolidations 139761
contained in Sections 515.30 to 515.34 of this act. 139762

On or after January 21, 2018, the Director of Budget and 139763
Management may cancel any existing encumbrances of any agency 139764
abolished in Sections 515.30 to 515.34 of this act and reestablish 139765
those encumbrances to the State Vision Professionals Board, the 139766
State Hearing and Speech Professionals Board, the State Pharmacy 139767
Board, or the State Medical Board as necessary. The reestablished 139768
encumbrance amounts are hereby appropriated. 139769

Section 515.40. (A) On January 21, 2018, the Barber Board is 139770
abolished. The State Cosmetology and Barber Board is successor to, 139771
assumes the obligations, and authority of the Barber Board. Any 139772
business commenced but not completed by the Barber Board shall be 139773
completed by the State Cosmetology and Barber Board. Any 139774
validation, right, cure, privilege, remedy, obligation, or 139775
liability is not lost or impaired solely by this abolishment and 139776
shall be administered by the State Cosmetology and Barber Board. 139777
Any action or proceeding pending on January 21, 2018, that is not 139778
affected by the abolishment of the Barber Board and shall be 139779
prosecuted or defended in the name of the State Cosmetology and 139780

Barber Board. In all such actions and proceedings, the State 139781
Cosmetology and Barber Board may be substituted as a party upon 139782
application to the court or other tribunal. 139783

(B)(1) Subject to the layoff provisions of sections 124.321 139784
to 124.328 of the Revised Code, on January 21, 2018, all employees 139785
of the Barber Board are transferred to the State Cosmetology and 139786
Barber Board. The employees shall retain their positions and 139787
benefits. 139788

(2) During the period beginning January 21, 2018, and ending 139789
June 30, 2019, the Executive Director of the State Cosmetology and 139790
Barber Board may establish, change, and abolish positions of the 139791
State Cosmetology and Barber Board and assign, reassign, classify, 139792
reclassify, transfer, reduce, promote, or demote all employees of 139793
the Board who are not subject to Chapter 4117. of the Revised 139794
Code. 139795

(3) The authority granted under division (B)(2) of this 139796
section includes assigning or reassigning an exempt employee, as 139797
defined in section 124.152 of the Revised Code, to a bargaining 139798
unit classification if the Executive Director determines that the 139799
bargaining unit classification is the proper classification for 139800
that employee. If an employee in the E-1 pay range is to be 139801
assigned, reassigned, classified, reclassified, transferred, 139802
reduced, or demoted to a position in a lower classification during 139803
the period specified in division (B)(2) of this section, the 139804
Executive Director, or in the case of a transfer outside the Board 139805
the Director of Administrative Services, shall assign the employee 139806
to the appropriate classification and place the employee in Step 139807
X. The employee shall not receive any increase in compensation 139808
until the maximum rate of pay for that classification exceeds the 139809
employee's compensation. 139810

(4) Actions taken by the Executive Director pursuant to 139811

division (B) of this section are not subject to appeal to the 139812
State Personnel Board of Review. 139813

(C) Notwithstanding section 145.297 of the Revised Code, the 139814
Barber Board may at the Board's discretion and with approval from 139815
the Office of Budget and Management, establish a retirement 139816
incentive plan for eligible employees of the Barber Board who are 139817
members of the Public Employees Retirement System. Any retirement 139818
incentive plan established pursuant to this section shall remain 139819
in effect until January 20, 2018. 139820

(D) On January 21, 2018, all equipment, assets, supplies, 139821
records, and other property of the Barber Board is transferred to 139822
the State Cosmetology and Barber Board. 139823

(E) All rules, orders, and determinations made or undertaken 139824
by the Barber Board shall continue in effect as the rules, orders, 139825
and determinations of the State Cosmetology and Barber Board until 139826
modified, rescinded, or replaced. If necessary to ensure the 139827
integrity of the Administrative Code, the Director of the 139828
Legislative Service Commission shall renumber the rules relating 139829
to the Barber Board to reflect its abolishment pursuant to this 139830
provision and transfer of duties to the State Cosmetology and 139831
Barber Board pursuant to the provisions contained within this act. 139832
Within one hundred eighty days after the effective date of this 139833
section, the State Cosmetology and Barber Board shall submit 139834
proposed rules to the Joint Committee on Agency Rule Review 139835
addressing fees and fines previously assessed by the Barber Board 139836
pursuant to Chapter 4709. of the Revised Code, and where 139837
reasonably possible, shall reduce the amount and frequency of 139838
collection and assessment. 139839

(F) Any licenses, certificates, permits, registrations, or 139840
endorsements issued before January 21, 2018, by the Barber Board 139841
shall continue in effect as if issued by the State Cosmetology and 139842
Barber Board. 139843

(G) On or after January 21, 2018, notwithstanding any 139844
provision of law to the contrary, the Director of Budget and 139845
Management may make budget changes made necessary by this section, 139846
including cancelling encumbrances of the Barber Board and 139847
reestablishing them as encumbrances of the State Cosmetology and 139848
Barber Board. Any reestablished encumbrances are hereby 139849
appropriated. 139850

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 139851

Certain appropriations are in this act for the purpose of 139852
paying debt service and financing costs on general obligation 139853
bonds or notes of the state issued pursuant to the Ohio 139854
Constitution and acts of the General Assembly. If it is determined 139855
that additional appropriations are necessary for this purpose, 139856
such amounts are hereby appropriated. 139857

Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 139858

Certain appropriations are in this act for the purpose of 139859
making lease rental payments pursuant to leases and agreements 139860
relating to bonds or notes issued by the Treasurer of State, or 139861
previously by the Ohio Building Authority, pursuant to the Ohio 139862
Constitution and acts of the General Assembly. If it is determined 139863
that additional appropriations are necessary for this purpose, 139864
such amounts are hereby appropriated. 139865

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 139866
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 139867

The Office of Budget and Management shall process payments 139868
from general obligation and lease rental payment appropriation 139869
items during the period from July 1, 2017, through June 30, 2019, 139870
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 139871
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 139872

and Chapters 151., 152., and 154. of the Revised Code. Payments 139873
shall be made upon certification by the Treasurer of State of the 139874
dates and the amounts due on those dates. 139875

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 139876

If it is determined that a payment is necessary in the amount 139877
computed at the time to represent the portion of investment income 139878
to be rebated or amounts in lieu of or in addition to any rebate 139879
amount to be paid to the federal government in order to maintain 139880
the exclusion from gross income for federal income tax purposes of 139881
interest on those state obligations under section 148(f) of the 139882
Internal Revenue Code, such an amount is hereby appropriated from 139883
those funds designated by or pursuant to the applicable 139884
proceedings authorizing the issuance of state obligations. 139885

Payments for this purpose shall be approved and vouchered by 139886
the Office of Budget and Management. 139887

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 139888

Whenever the Director of Budget and Management determines 139889
that an appropriation made to a state agency from a fund of the 139890
state is insufficient to provide for the recovery of statewide 139891
indirect costs under section 126.12 of the Revised Code, the 139892
amount required for such purpose is hereby appropriated from the 139893
available receipts of such fund. 139894

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 139895
COST ALLOCATION PLAN 139896

The total transfers made from the General Revenue Fund by the 139897
Director of Budget and Management under this section shall not 139898
exceed the amounts transferred into the General Revenue Fund under 139899
section 126.12 of the Revised Code. 139900

The director of an agency may certify to the Director of 139901

Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 139934

Notwithstanding any provision of law to the contrary, on or 139935
before the first day of September of each fiscal year, the 139936
Director of Budget and Management, in order to reduce the payment 139937
of adjustments to the federal government, as determined by the 139938
plan prepared under division (A) of section 126.12 of the Revised 139939
Code, may designate such funds as the Director considers necessary 139940
to retain their own interest earnings. 139941

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 139942

Pursuant to the plan for compliance with the Federal Cash 139943
Management Improvement Act required by section 131.36 of the 139944
Revised Code, the Director of Budget and Management may cancel and 139945
re-establish all or part of encumbrances in like amounts within 139946
the funds identified by the plan. The amounts necessary to 139947
re-establish all or part of encumbrances are hereby appropriated. 139948

Section 610.10. That Section 369.540 of Am. Sub. H.B. 64 of 139949
the 131st General Assembly be amended and that Section 369.540 of 139950
Am. Sub. H.B. 64 of the 131st General Assembly be amended to 139951
codify it as section 3333.95 of the Revised Code to read as 139952
follows: 139953

Sec. ~~369.540~~ 3333.95. ~~EFFICIENCY ADVISORY COMMITTEE~~ 139954

The ~~Chancellor~~ chancellor of ~~Higher Education~~ higher 139955
education shall maintain an efficiency advisory committee for the 139956
purpose of generating ~~optimal~~ institutional efficiency ~~plans~~ 139957
reports for campuses, identifying shared services opportunities, 139958
streamlining administrative operations, and sharing best practices 139959
in efficiencies among public institutions of higher education. The 139960
committee shall meet at the call of the ~~Chancellor~~ chancellor or 139961
the ~~Chancellor's~~ chancellor's designee. Each state institution of 139962

higher education shall designate an employee to serve as its efficiency officer responsible for the evaluation and improvement of operational efficiencies on campus. Each efficiency officer shall serve on the efficiency advisory committee.

By ~~the thirty-first day of~~ December ~~31~~ of each year, the ~~Chancellor~~ chancellor of ~~Higher Education~~ higher education shall provide a report to the ~~Office~~ office of ~~Budget~~ budget and ~~Management~~ management, the ~~Governor~~ governor, and the ~~General Assembly~~ president of the senate, and the speaker of the house of representatives compiling efficiency reports from all public institutions of higher education and ~~benchmarking efficiency gains realized over the preceding year. The reports from each institution shall identify efficiencies at each public institution of higher education, and quantify revenue enhancements, reallocation of resources, expense reductions, and cost avoidance where possible in the areas of general operational functions, academic program delivery, energy usage, and information technology and procurement reforms. The reports shall particularly emphasize areas where these reforms are demonstrating savings or cost avoidance to students. The report shall also be made available to the public on the~~ ~~Department~~ department of ~~Higher Education's~~ higher education's web site.

Section 610.11. That existing Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly is hereby repealed.

Section 610.20. That Section 529.10 of S.B. 310 of the 131st General Assembly be amended and that Section 529.10 of S.B. 310 of the 131st General Assembly be amended to codify it as section 123.211 of the Revised Code to read as follows:

Sec. 529.10 123.211. ~~AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS~~

<u>(A) Notwithstanding any contrary provision of section 123.21</u>	139993
of the Revised Code, the Executive Director <u>executive director</u> of	139994
the Ohio Facilities Construction Commission <u>facilities</u>	139995
<u>construction commission</u> may authorize <u>any of the Departments of</u>	139996
Mental Health and Addiction Services, Developmental Disabilities,	139997
Agriculture, Job and Family Services, Rehabilitation and	139998
Correction, Youth Services, Public Safety, Transportation,	139999
Veterans Services, and the Bureau of Workers' Compensation	140000
<u>following agencies</u> to administer any capital facilities projects	140001
<u>project</u> , the estimated cost of which, including design fees,	140002
construction, equipment, and contingency amounts, is less than	140003
\$1,500,000 <u>one million five hundred thousand dollars:</u>	140004
<u>(1) The department of mental health and addiction services;</u>	140005
<u>(2) The department of developmental disabilities;</u>	140006
<u>(3) The department of agriculture;</u>	140007
<u>(4) The department of job and family services;</u>	140008
<u>(5) The department of rehabilitation and correction;</u>	140009
<u>(6) The department of youth services;</u>	140010
<u>(7) The department of public safety;</u>	140011
<u>(8) The department of transportation;</u>	140012
<u>(9) The department of veterans services;</u>	140013
<u>(10) The bureau of workers' compensation;</u>	140014
<u>(11) The department of administrative services, except as</u>	140015
<u>otherwise provided in division (D)(2) of section 123.21 and</u>	140016
<u>division (D)(3) of section 153.01 of the Revised Code;</u>	140017
<u>(12) The state school for the deaf;</u>	140018
<u>(13) The state school for the blind. Requests</u>	140019
<u>(B) A state agency that wishes to administer a project under</u>	140020
<u>division (A) of this section shall submit a request for</u>	140021

authorization to administer capital facilities projects shall be 140022
made through the ~~OAKS-CI~~ Ohio administrative knowledge system 140023
capital improvements application by the applicable state agency. 140024
Upon the release of funds for the projects by the ~~Controlling~~ 140025
~~Board~~ controlling board or the ~~Director~~ director of ~~Budget~~ budget 140026
and ~~Management~~ management, the agency may administer the capital 140027
project or projects for which agency administration has been 140028
authorized without the supervision, control, or approval of the 140029
~~Executive Director~~ executive director of the Ohio ~~Facilities~~ 140030
~~Construction Commission~~ facilities construction commission. 140031

(C) A state agency authorized by the ~~Executive Director~~ 140032
executive director of the Ohio ~~Facilities Construction Commission~~ 140033
facilities construction commission to administer capital 140034
facilities projects pursuant to this section shall comply with the 140035
applicable procedures and guidelines established in Chapter 153. 140036
of the Revised Code and shall track all project information in 140037
~~OAKS-CI~~ the Ohio administrative knowledge system capital 140038
improvements application pursuant to Ohio ~~Facilities Construction~~ 140039
~~Commission~~ facilities construction commission guidelines. 140040

Section 610.21. That existing Section 529.10 of S.B. 310 of 140041
the 131st General Assembly is hereby repealed. 140042

Section 610.23. That Sections 213.10, 213.20, and 217.10 of 140043
S.B. 310 of the 131st General Assembly be amended to read as 140044
follows: 140045

Sec. 213.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 140046
Building Improvement Fund (Fund 5KZ0) 140047
C10035 Building Improvement \$ 10,693,000 140048
TOTAL Building Improvement Fund \$ 10,693,000 140049
Administrative Building Fund (Fund 7026) 140050

C10011	Statewide Communications System	\$	3,900,000	140051
C10015	SOCC Facility Renovations	\$	15,884,371	140052
C10020	North High Street Complex Renovation	\$	18,075,000	140053
C10034	Aronoff Center - Systems/Capital Replacement	\$	750,000	140054
C10036	Rhodes Tower Renovations	\$	19,250,000	140055
<u>C10037</u>	<u>Voting Machine Reimbursement</u>	\$	<u>1,000,000</u>	140056
TOTAL Administrative Building Fund		\$	57,859,371 <u>58,859,371</u>	140057
TOTAL ALL FUNDS		\$	68,552,371 <u>69,552,371</u>	140058

VOTING MACHINE REIMBURSEMENT 140059

The foregoing appropriation item C10037, Voting Machine 140060
Reimbursement, shall be used to reimburse counties that have 140061
entered into agreements for new voting machines and associated 140062
services and equipment on or after January 1, 2014, for up to 50% 140063
of their acquisition costs. Counties shall notify the Office of 140064
Procurement Services of the agreement to be reimbursed, and 140065
provide all necessary information to the Office before 140066
reimbursement can be issued. All reimbursements are not to exceed 140067
\$250,000, and shall be paid to the county's general fund. 140068

The Director of Administrative Services, in consultation with 140069
the Secretary of State, on the effective date of this section, 140070
shall issue a request for proposal (RFP) and select not more than 140071
three vendors certified under section 3506.05 of the Revised Code, 140072
for the purpose of creating a unified statewide purchasing or 140073
leasing plan for voting and tabulation equipment. 140074

It is the intent of the General Assembly to provide 140075
additional funding to counties for voting machine and associated 140076
services and equipment purchases, leases, or reimbursements by FY 140077
2019 in the manner provided under this section. 140078

Sec. 213.20. The Treasurer of State is hereby authorized to 140079
issue and sell, in accordance with Section 2i of Article VIII, 140080
Ohio Constitution, and Chapter 154. and other applicable sections 140081
of the Revised Code, original obligations in an aggregate 140082
principal amount not to exceed ~~\$102,000,000~~ \$103,500,000 in 140083
addition to the original issuance of obligations heretofore 140084
authorized by prior acts of the General Assembly. These authorized 140085
obligations shall be issued, subject to applicable constitutional 140086
and statutory limitations, as needed to provide sufficient moneys 140087
to the credit of the Administrative Building Fund (Fund 7026) to 140088
pay costs associated with previously authorized capital facilities 140089
and the appropriations in this act made from Fund 7026. 140090

Sec. 217.10. COM DEPARTMENT OF COMMERCE			140091
State Fire Marshal Fund (Fund 5460)			140092
C80009 Forensic Laboratory Equipment	\$	110,000	140093
C80023 SFM Renovations and Improvements	\$	1,900,000	140094
C80026 Forensic Evidence Storage/Maintenance	\$	2,187,500	140095
Structure			
TOTAL State Fire Marshal Fund	\$	4,197,500	140096
Administrative Building Fund (Fund 7026)			140097
C80032 Wellston Burn Building	\$	300,000	140098
<u>C80033 Wayne County Regional Training Facility</u>	<u>\$</u>	<u>500,000</u>	140099
TOTAL Administrative Building Fund	\$	300,000	140100
		<u>800,000</u>	
TOTAL ALL FUNDS	\$	4,497,500	140101
		<u>4,997,500</u>	

Section 610.24. That existing Sections 213.10, 213.20, and 140103
217.10 of S.B. 310 of the 131st General Assembly are hereby 140104
repealed. 140105

Section 610.30. That Sections 203.10 and 207.290 of S.B. 310 140106
of the 131st General Assembly, as amended by Sub. H.B. 390 of the 140107
131st General Assembly, be amended to read as follows: 140108

Sec. 203.10. ADJ ADJUTANT GENERAL 140109

Army National Guard Service Contract Fund (Fund 3420) 140110

C74537	Renovation Projects - Federal Share	\$	7,100,000	140111
C74539	Renovations and Improvements - Federal	\$	15,000,000	140112
TOTAL Army National Guard Service Contract Fund		\$	22,100,000	140113

Administrative Building Fund (Fund 7026) 140114

C74528	Camp Perry Improvements	\$	2,250,000	140115
C74535	Renovations and Improvements	\$	5,100,000	140116
C74540	Aerial Port of Embarkation/Debarkation	\$	250,000	140117
TOTAL Administrative Building Fund		\$	7,600,000	140118
TOTAL ALL FUNDS		\$	29,700,000	140119

RENOVATIONS AND IMPROVEMENTS - FEDERAL 140120

The foregoing appropriation item C74539, Renovations and 140121
Improvements - Federal, shall be used to fund capital projects 140122
that are coded as receiving one hundred per cent federal support 140123
pursuant to the agreement support code identified in the 140124
Facilities Inventory and Support Plan between the Office of the 140125
Adjutant General and the Army National Guard. Notwithstanding 140126
section 131.35 of the Revised Code, if after the effective date of 140127
this section, additional federal funds are made available to the 140128
Adjutant General to carry out the Facilities Inventory Support 140129
Plan, the Adjutant General may request that the Director of Budget 140130
and Management authorize expenditures in excess of the amounts 140131
appropriated to appropriation item C74539, Renovations and 140132
Improvements - Federal. Upon approval of the Director of Budget 140133
and Management the additional amounts are hereby appropriated. 140134
Notwithstanding section 126.14 of the Revised Code, if the 140135

Adjutant General is approved by the federal government to complete additional, unanticipated one hundred per cent federally funded projects after July 1, 2017, and before October 1, 2017, the appropriations for these additional projects may be released upon written approval of the Director of Budget and Management.

AERIAL PORT OF EMBARKATION/DEBARKATION

The foregoing appropriation item C74540, Aerial Port of Embarkation/Debarcation, shall be used to acquire a cargo facility, tarmac, and the surrounding property from the Western Reserve Port Authority.

Sec. 207.290. SOC SOUTHERN STATE COMMUNITY COLLEGE

Higher Education Improvement Fund (Fund 7034)

C32206	Adams County Satellite Campus	\$	2,000,000	140148
			<u>3,000,000</u>	
C32208	Southern Gateway Economic Innovation Development Center	\$	1,000,000	140149
C32212	Clarksville Fire Training Center	\$	850,000	140150
C32213	Wilmington College Center for the Sciences and Agriculture	\$	1,500,000	140151
C32214	Hillsboro Hi-Tech Center	\$	25,000	140152
C32215	Hobart/Southern State Project	\$	35,000	140153
C32216	Wilmington Air Park Aviation Infrastructure Improvements	\$	3,000,000	140154
TOTAL Higher Education Improvement Fund		\$	8,410,000	140155
			<u>9,410,000</u>	
TOTAL ALL FUNDS		\$	8,410,000	140156
			<u>9,410,000</u>	

~~WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS~~

~~Of the foregoing appropriation item C32216, Wilmington Air Park Aviation Infrastructure Improvements, \$450,000 shall be used~~

~~to replace antenna equipment, \$1,274,800 shall be used for crack~~ 140160
~~sealing, and \$1,275,200 shall be used for concrete repairs.~~ 140161

Section 610.31. That existing Sections 203.10 and 207.290 of 140162
S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 140163
390 of the 131st General Assembly, are hereby repealed. 140164

Section 610.32. That Section 221.10 of S.B. 310 of the 131st 140165
General Assembly, as most recently amended by Am. Sub. H.B. 384 of 140166
the 131st General Assembly, be amended to read as follows: 140167

Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 140168
SERVICES 140169

Mental Health Facilities Improvement Fund (Fund 7033) 140170

C58001 Community Assistance Projects \$ ~~12,000,000~~ 140171
32,000,000

C58007 Infrastructure Renovations \$ 21,310,000 140172

C58021 Providence House \$ 100,000 140173

C58024 Bellefaire Jewish Children's Home \$ 550,000 140174

C58026 Cocoon Emergency Shelter \$ 800,000 140175

C58028 Child Focus, Inc. \$ 415,000 140176

C58029 CHOICES for Victims of Domestic Violence \$ 500,000 140177
Campaign

C58030 Family Services of Northwest Ohio Adult \$ 100,000 140178
Crisis Stabilization Unit

C58031 Glenbeigh Hospital Multipurpose Building \$ 400,000 140179

C58032 OhioGuidestone Residential Treatment \$ 350,000 140180
Building Renovation

C58033 Salvation Army of Greater Cleveland \$ 350,000 140181
Harbor Light Complex

C58034 Greenville East Main Street Recovery \$ 25,000 140182
Center

C58035 Columbus Briggsdale Apartments - Phase II \$ 250,000 140183

C58036	The Buckeye Ranch, Inc.	\$	100,000	140184
C58037	Expansion of Lettuce Work	\$	250,000	140185
C58038	Ravenwood Mental Health Facility Expansion	\$	500,000	140186
C58039	Cincinnati Center for Addiction Treatment Expansion	\$	2,000,000	140187
C58040	Painesville Mental Health Services Agency	\$	200,000	140188
C58041	Tri-County Board of Recovery and Mental Health Services	\$	500,000	140189
C58042	McKinley Hall Renovation	\$	75,000	140190
C58043	Glenway Outpatient Opiate Facility	\$	200,000	140191
C58044	Alvis Women Community Reentry Project	\$	50,000	140192
C58045	Daybreak Youth Shelter and Employment Center	\$	250,000	140193
C58046	Summer Entrepreneurial Experience and Knowledge	\$	100,000	140194
TOTAL	Mental Health Facilities Improvement Fund	\$	41,375,000	140195
			<u>61,375,000</u>	
TOTAL ALL FUNDS		\$	41,375,000	140196
			<u>61,375,000</u>	

COMMUNITY ASSISTANCE PROJECTS 140197

The foregoing appropriation for the Department of Mental Health and Addiction Services, C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and that section and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval.

Of the foregoing appropriation item C58001, Community Assistance Projects, \$20,000,000 shall be used to expand recovery

housing as defined in section 340.01 of the Revised Code. 140209

Section 610.33. That existing Section 221.10 of S.B. 310 of 140210
the 131st General Assembly, as most recently amended by Am. Sub. 140211
H.B. 384 of the 131st General Assembly, is hereby repealed. 140212

Section 610.34. That Section 223.10 of S.B. 310 of the 131st 140213
General Assembly, as amended by Am. Sub. H.B. 384 of the 131st 140214
General Assembly, be amended to read as follows: 140215

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 140216

Wildlife Fund (Fund 7015) 140217

C725B0 Access Development \$ 13,600,000 140218

C725K9 Wildlife Area Building \$ 8,150,000 140219
Development/Renovations

C725W0 MARCS Equipment \$ 1,866,087 140220

TOTAL Wildlife Fund \$ 23,616,087 140221

Administrative Building Fund (Fund 7026) 140222

C725D7 MARCS Equipment \$ 5,996,598 140223

C725N7 District Office Renovations \$ 3,000,000 140224

TOTAL Administrative Building Fund \$ 8,996,598 140225

Ohio Parks and Natural Resources Fund (Fund 7031) 140226

C72512 Land Acquisition \$ 475,000 140227

C72549 DNR Facilities Development \$ 1,500,000 140228

C725E1 Local Parks Projects Statewide \$ 5,108,985 140229

C725E5 Project Planning \$ 1,100,938 140230

C725K0 State Park Renovations/Upgrading \$ 11,060,000 140231

C725M0 Dam Rehabilitation \$ 2,550,000 140232

C725N5 Wastewater/Water Systems Upgrades \$ 2,750,000 140233

C725N8 Operations Facilities Development \$ 1,000,000 140234

TOTAL Ohio Parks and Natural Resources Fund \$ 25,544,923 140235

Parks and Recreation Improvement Fund (Fund 7035) 140236

C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	23,910,514	140237
C725B5	Buckeye Lake Dam Rehabilitation	\$	61,546,960	140238
C725C4	Muskingum River Lock and Dam	\$	3,750,000	140239
C725E2	Local Parks Projects	\$	46,383,500	140240
		\$	<u>46,733,500</u>	140241
C725E6	Project Planning	\$	6,070,285	140242
C725R4	Dam Rehabilitation - Parks	\$	55,425,000	140243
C725R5	Lake White State Park - Dam Rehabilitation	\$	27,376,761	140244
C725U4	Water Quality Equipment and Projects	\$	7,400,000	140245
TOTAL Parks and Recreation Improvement Fund		\$	231,863,020	140246
		\$	<u>232,213,020</u>	140247
	Clean Ohio Trail Fund (Fund 7061)			140248
C72514	Clean Ohio Trail Fund	\$	12,500,000	140249
TOTAL Clean Ohio Trail Fund		\$	12,500,000	140250
	Waterways Safety Fund (Fund 7086)			140251
C725A7	Cooperative Funding for Boating Facilities	\$	16,750,000	140252
C725N9	Operations Facilities Development	\$	2,300,000	140253
C725Z0	MARCS Equipment	\$	1,511,165	140254
TOTAL Waterways Safety Fund		\$	20,561,165	140255
TOTAL ALL FUNDS		\$	323,081,793	140256
		\$	<u>323,431,793</u>	140257
	FEDERAL REIMBURSEMENT			140258
	All reimbursements received from the federal government for			140259
	any expenditures made pursuant to this section shall be deposited			140260
	in the state treasury to the credit of the fund from which the			140261
	expenditure originated.			140262
	LOCAL PARKS PROJECTS			140263
	Of the foregoing appropriation item C725E2, Local Parks			140264
	Projects, an amount equal to two per cent of the projects listed			140265

may be used by the Department of Natural Resources for the 140266
administration of local projects, \$4,025,000 shall be used for the 140267
Scioto Peninsula Park and Parking Garage, \$3,500,000 shall be used 140268
for the Lakefront Pedestrian Bridge, \$2,500,000 shall be used for 140269
the Cuyahoga River Franklin Hill Stabilization, \$2,000,000 shall 140270
be used for the Flats East Development, \$1,200,000 shall be used 140271
for the Harley Jones Rotary Memorial Amphitheater in Bryson Park, 140272
\$1,000,000 shall be used for the South Point Community Pool, 140273
\$1,000,000 shall be used for the Champion Mill Sports Complex 140274
Improvements, \$1,000,000 shall be used for the Bridge to Wendy 140275
Park, \$1,000,000 shall be used for the Franklin Park Conservatory, 140276
\$1,000,000 shall be used for the Worthington Pools Renovation, 140277
\$1,000,000 shall be used for the Lorain County Mill Creek 140278
Conservation and Flood Control, \$1,000,000 shall be used for the 140279
Promenade Park and ProMedica Parking Facility, \$1,000,000 shall be 140280
used for the City of Canton Market Square Enhancement Project, 140281
\$1,000,000 shall be used for The Magnolia Flowering Mills/Stark 140282
County Park district, \$750,000 shall be used for the Gorge Dam 140283
Removal, \$700,000 shall be used for the Todds Fork Trail, \$600,000 140284
shall be used for the St. Henry Swimming Pool, \$500,000 shall be 140285
used for the Kuenning-Dicke Natural Area Preserve, \$500,000 shall 140286
be used for the West Chester Soccer Complex, \$500,000 shall be 140287
used for the Van Aken District Bicycle and Pedestrian Connections, 140288
\$500,000 shall be used for the Galloway Sports Complex, \$500,000 140289
shall be used for the Scioto Audubon Metro Park Pedestrian Bridge, 140290
\$500,000 shall be used for the Scioto River Park Development, 140291
\$500,000 shall be used for the Dream Field at Windsor Park 140292
Playground, \$500,000 shall be used for the Columbus Crew Practice 140293
Facility, \$500,000 shall be used for the Holmes County 140294
Agricultural Facility Improvements, \$500,000 shall be used for the 140295
City of Sylvania SOMO Project, \$500,000 shall be used for The 140296
White Rhinoceros Barn, \$500,000 shall be used for the Thornport 140297
Buckeye Lake Public Access and Park, \$500,000 shall be used for 140298

the Redskin Memorial Park Development, \$500,000 shall be used for 140299
the Warren County Sports Complex, \$406,000 shall be used for the 140300
Bryson Pool Improvements Splash Park, \$400,000 shall be used for 140301
the Cadiz Bike Trail/Public Infrastructure Connectivity Project, 140302
\$400,000 shall be used for the Cave Lake Dam Safety Modifications, 140303
\$400,000 shall be used for the Preble County Agricultural Facility 140304
Improvements, \$400,000 shall be used for the Nimisila Spillway and 140305
Bridge Demolition and Replacement, \$400,000 shall be used for the 140306
Green Central Park, \$350,000 shall be used for the Rocky River 140307
Bradstreets Landing Park, \$350,000 shall be used for the Little 140308
Miami Scenic Trail, \$350,000 shall be used for the East View Park 140309
Ball Diamonds and Field Improvements, \$300,000 shall be used for 140310
the Schoonover Lake Dam Restoration, \$300,000 shall be used for 140311
the Columbiana County Agricultural Facility Improvements, \$300,000 140312
shall be used for the Bill Stanton Community Park Shoreline 140313
Enhancement, \$300,000 shall be used for the Chesapeake Community 140314
Building, \$300,000 shall be used for the Glenford Earthworks Phase 140315
III, \$300,000 shall be used for the Wilderness Center's Facility 140316
Enhancement Project, \$250,000 shall be used for the Carroll County 140317
Ohio FFA Camp Muskingum, \$250,000 shall be used for the Clinton 140318
County Agricultural Facility Improvements, \$250,000 shall be used 140319
for the Greenville Downtown Park, \$250,000 shall be used for the 140320
Greenville Harmon Field, \$250,000 shall be used for the McCutcheon 140321
Road Park, \$250,000 shall be used for the Heritage Rail Trail 140322
Extension, \$250,000 shall be used for the Upper Arlington 140323
Shared-Use Path Expansion Projects, \$250,000 shall be used for the 140324
Tremont Road-Zollinger Road Shared-Use Path Connector, \$250,000 140325
shall be used for the Hobson Freedom Park: Phase II, \$250,000 140326
shall be used for the Blue Ash Summit Park, \$250,000 shall be used 140327
for the Pro Football Hall of Fame Comprehensive Master Study, 140328
\$250,000 shall be used for the Cascade Plaza Phase II, \$250,000 140329
shall be used for the Richwood Lake Trail, \$250,000 shall be used 140330
for the Wren Community Building Shelter and Pavilion, \$250,000 140331

<u>shall be used for the Massillon Reservoir Dam Project in Stark</u>	140332
<u>County</u> , \$200,000 shall be used for the J.W. Denver Memorial Park,	140333
\$200,000 shall be used for the Chippewa Creek Headwater Park,	140334
\$200,000 shall be used for the City of Strongsville Recreation	140335
Center, \$200,000 shall be used for the Brewing Heritage Trail	140336
Segment 1, \$200,000 shall be used for the Cincinnati Mill Creek	140337
Flood Mitigation/Mill Creek Barrier Dam, \$200,000 shall be used	140338
for the Southern State Community College Pathway, \$200,000 shall	140339
be used for the Ernsthausen Recreation Center Splash Pad, \$200,000	140340
shall be used for the Ohio University Proctorville Walking Path,	140341
\$200,000 shall be used for the Coldwater Recreation Space and	140342
Amphitheatre, \$200,000 shall be used for the Perry County Home	140343
Farm, \$200,000 shall be used for the Coppel Soccer Complex	140344
Improvements, \$200,000 shall be used for the Jungle Junction	140345
Indoor Playground, \$200,000 shall be used for the Shelby County	140346
Agricultural Facility Improvements, \$200,000 shall be used for the	140347
Middle Point Ballpark Improvements, \$175,000 shall be used for the	140348
Fairfield Township Metro Parks, \$170,000 shall be used for the	140349
Chamberlin Park Bike/Pedestrian Access Improvements, \$150,000	140350
shall be used for the Columbus Topiary Park Improvements, \$150,000	140351
shall be used for the Gallipolis City Park, \$150,000 shall be used	140352
for the Cincinnati Ault Park, \$150,000 shall be used for the Green	140353
Township Hike/Bike Trail, \$150,000 shall be used for the Kenton	140354
Baseball Park Lighting Improvements, \$150,000 shall be used for	140355
the Kamp Dovetail, \$150,000 shall be used for the Avon Lake	140356
Veterans Park, \$150,000 shall be used for the Marion Tallgrass	140357
Trail, \$149,000 shall be used for the Ohio City Recreation	140358
Facility, \$125,000 shall be used for the Cleveland Cultural	140359
Gardens, \$125,000 shall be used for the Village of Fort Recovery	140360
Community Park, \$125,000 shall be used for the Delphos Community	140361
Pool and Splash Park, \$100,000 shall be used for the Auglaize	140362
County Agricultural Facility Improvements, \$100,000 shall be used	140363
for the Clarksville Upground Reservoir Safety Upgrades, <u>\$100,000</u>	140364

shall be used to support the Grand River Park construction project 140365
in the Village of Grand River, \$100,000 shall be used for the 140366
Little Hearts Big Smiles All Children's Playground, \$100,000 shall 140367
be used for The Wilds Educational Animal Display, \$80,000 shall be 140368
used for the Rockford Shane's Park Playground Equipment, \$75,000 140369
shall be used for the City of Parma Park Improvements, \$75,000 140370
shall be used for the Deerasic Park Whitetail Deer Museum and 140371
Educational Center, \$75,000 shall be used for the Stoll Lane Park 140372
Redevelopment, \$75,000 shall be used for the Montpelier Park Barn 140373
Roof Replacement, \$67,500 shall be used for the Waddell Park 140374
Public Swimming Pool Renovation, \$60,000 shall be used for the 140375
Loveland McCoy Park Improvements, \$55,000 shall be used for the 140376
Columbia Township Community Natural Park, \$50,000 shall be used 140377
for the Columbiana County Beaver Creek Wildlife Education Center, 140378
\$50,000 shall be used for the Hicksville Splash Pad, \$50,000 shall 140379
be used for the City of Marion Ball Field Complex, \$50,000 shall 140380
be used for the City of Fremont Basketball Court Upgrades (Roger 140381
Young Park), \$50,000 shall be used for the Upper Sandusky 140382
Bicentennial Park Project, \$45,000 shall be used for the Noble 140383
County Happy Time Pool, \$45,000 shall be used for the Lebanon Bike 140384
Park, \$40,000 shall be used for the Blanchester Playground, 140385
\$40,000 shall be used for the Beaver Park Sports Field, \$40,000 140386
shall be used for the City of Tiffin City Park Upgrades, \$30,000 140387
shall be used for the London Municipal Pool, \$20,000 shall be used 140388
for the Waverly Canal Park, and \$11,000 shall be used for the 140389
Washington Township Lake Stabilization Project. 140390

Section 610.35. That existing Section 223.10 of S.B. 310 of 140391
the 131st General Assembly, as amended by Am. Sub. H.B. 384 of the 140392
131st General Assembly, is hereby repealed. 140393

Section 610.36. That Section 239.10 of S.B. 310 of the 131st 140394
General Assembly, as amended by Sub. H.B. 26 of the 132nd General 140395

Assembly, be amended to read as follows: 140396

Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION 140397

Lottery Profits Education Fund (Fund 7017) 140398

C23014 Classroom Facilities Assistance Program \$ 50,000,000 140399

- Lottery Profits

TOTAL Lottery Profits Education Fund \$ 50,000,000 140400

Public School Building Fund (Fund 7021) 140401

C23001 Public School Buildings \$ 100,000,000 140402

TOTAL Public School Building Fund \$ 100,000,000 140403

Administrative Building Fund (Fund 7026) 140404

C23016 Energy Conservation Projects \$ 2,000,000 140405

C230E5 State Agency Planning/Assessment \$ 1,500,000 140406

TOTAL Administrative Building Fund \$ 3,500,000 140407

Cultural and Sports Facilities Building Fund (Fund 7030) 140408

C23023 OHS - Ohio History Center Exhibit \$ 1,000,000 140409
Replacement

C23024 OHS - Statewide Site Exhibit \$ 750,000 140410
Renovation

C23025 OHS - Statewide Site Repairs \$ 1,050,410 140411

C23028 OHS - Basic Renovations and \$ 1,000,000 140412
Emergency Repairs

C23030 OHS - Rankin House State Memorial \$ 393,250 140413

C23031 OHS - Harding Home State Memorial \$ 1,354,559 140414

C23032 OHS - Ohio Historical Center \$ 1,007,370 140415
Rehabilitation

C23033 OHS - Stowe House State Memorial \$ 1,028,500 140416

C23045 OHS - Lockington Locks \$ 513,521 140417
Stabilization

C23051 Tecumseh Theater Opera House \$ 50,000 140418
Restoration

C23057	OHS - Online Portal to Ohio's Heritage	\$	850,000	140419
C23083	Stan Hywet Hall and Gardens Manor House	\$	250,000	140420
C23098	Twin City Opera House	\$	100,000	140421
C230AA	Cleveland Grays Armory Museum	\$	350,000	140422
C230AB	Cleveland Music Hall	\$	400,000	140423
C230AC	Cleveland Zoological Society	\$	200,000	140424
C230AD	Saint Luke's Pointe	\$	200,000	140425
C230AE	Variety Theatre	\$	250,000	140426
C230AF	Fairview Park Bain Park Cabin	\$	70,000	140427
C230AG	Darke County Historical Society Garst Museum Parking Lot	\$	150,000	140428
C230AH	Longtown Clemens Farmstead Museum	\$	90,000	140429
C230AJ	Auglaize Village Mansfield Museum and Train Depot	\$	125,000	140430
C230AK	Sandusky State Theatre	\$	750,000	140431
C230AL	Fairfield Decorative Arts Center	\$	60,000	140432
C230AM	General Sherman House Museum	\$	100,000	140433
C230AN	Villages of Millersport and Buckeye Lake	\$	250,000	140434
C230AP	Fayette County Museum	\$	25,000	140435
C230AQ	Aminah Robinson Cultural Arts and Community Center	\$	150,000	140436
C230AR	COSI Building Exhibit Expansion	\$	5,000,000	140437
C230AS	Renovations of the Lincoln Theatre	\$	300,000	140438
C230AT	Motts Military Museum and 9-11 Memorial	\$	50,000	140439
C230AU	Charleen and Charles Hinson Amphitheater	\$	1,000,000	140440
C230AV	Veterans Memorial for Senecaville	\$	15,000	140441
C230AW	Carnegie Center of Columbia - Tusculum Renovation	\$	131,000	140442

C230AX	Cincinnati Shakespeare Company	\$	750,000	140443
C230AY	Ensemble Theatre Cincinnati	\$	100,000	140444
C230AZ	Madcap Productions - New Madcap Puppet Theater	\$	200,000	140445
C230B1	Karamu House 2.0	\$	800,000	140446
C230BA	Riverbend and Taft Theater	\$	85,000	140447
C230BB	Golf Manor Volunteer Park Outdoor Amphitheater	\$	45,000	140448
C230BC	Native American Museum of Mariemont	\$	400,000	140449
C230BD	Hancock County Sports Hall of Fame	\$	15,000	140450
C230BE	Four Corners Heritage Center Historic Structure	\$	100,000	140451
C230BF	Malinta Ohio Historical Site Rehabilitation	\$	19,000	140452
C230BG	William Scott House	\$	110,000	140453
C230BH	Loudonville Opera House Renovations	\$	250,000	140454
C230BJ	Oak Hill Liberty Theatre	\$	100,000	140455
C230BK	Knox County Memorial Theatre	\$	150,000	140456
C230BL	Fairport Harbor Lighthouse Project	\$	200,000	140457
C230BM	Lake County History Center Rehab Project	\$	250,000	140458
C230BN	Ro-Na Theater Performing Arts Center	\$	200,000	140459
C230BP	Weathervane Playhouse Renovations	\$	50,000	140460
C230BQ	Logan County Veterans Memorial Hall Restoration	\$	300,000	140461
C230BR	Amherst Historical Water Tower Project	\$	40,000	140462
C230BS	Elyria Pioneer Plaza	\$	75,000	140463
C230BT	LaGrange Township Historic Fire Station	\$	32,000	140464
C230BU	Lorain Palace Theatre and Civic Center Rehabilitation	\$	150,000	140465

C230BV	Downtown Toledo Music Hall	\$	400,000	140466
C230BW	Toledo Museum of Art Polishing the Gem Project	\$	1,500,000	140467
C230BX	Plain City Restoration of Historic Clock Tower	\$	30,000	140468
C230BY	Homerville Community Center Expansion	\$	100,000	140469
C230BZ	Medina County Historical Society	\$	100,000	140470
C230CA	Fort Recovery Historical Society	\$	75,000	140471
C230CB	Boonshoft Museum of Discovery	\$	1,000,000	140472
C230CC	Dayton History Heritage Center of Regional Leadership	\$	1,500,000	140473
C230CD	Dayton Project M & M	\$	550,000	140474
C230CE	Trotwood Community Center	\$	250,000	140475
C230CF	Zanesville Community Theater	\$	75,000	140476
C230CG	John Paulding Historical Museum Expansion	\$	30,000	140477
C230CH	Mt. Perry Scenic Railroad Structure Renovations	\$	125,000	140478
C230CJ	Perry County Opera House / Community Center	\$	50,000	140479
C230CK	Circleville Memorial Hall	\$	150,000	140480
C230CL	Everts Community & Arts Center	\$	200,000	140481
C230CM	Waverly Old Children's Home Renovation	\$	20,000	140482
C230CN	Garrettsville Buckeye Block Community Theatre	\$	700,000	140483
C230CP	Historic Hiram Hayden Auditorium	\$	375,000	140484
C230CR	Kent Stage Theater Restoration Project	\$	450,000	140485
C230CS	Mantua Township Historic Bell Tower	\$	140,000	140486
C230CT	Windham Veterans Memorial Plaque	\$	12,000	140487
C230CV	Majestic Theatre Renovation Project	\$	750,000	140488

Phase II			
C230CW	Seneca County Museum	\$	50,000 140489
C230CX	Arts In Stark	\$	355,000 140490
C230CY	City of Canton Central Plaza	\$	100,000 140491
	Memorial Statues		
C230CZ	McKinley Presidential Museum	\$	135,000 140492
C230DA	Jackson North Park Amphitheater	\$	1,000,000 140493
C230DB	Five Oaks Historic Home	\$	350,000 140494
C230DC	Massillon Museum	\$	1,500,000 140495
C230DD	1893 Genoa Schoolhouse Restoration	\$	57,000 140496
C230DE	Melscheimer Schoolhouse Restoration	\$	15,000 140497
C230DF	Bud and Susie Rogers Garden	\$	400,000 140498
C230DG	The Courtyard at East Woods	\$	90,000 140499
C230DH	W.D. Packard Music Hall Elevator	\$	200,000 140500
C230DJ	Tuscarawas County Cultural Arts	\$	500,000 140501
	Center		
C230DK	Zoar Bicentennial Village	\$	12,000 140502
C230DL	Marysville Avalon Theatre	\$	300,000 140503
	Renovations		
C230DM	Convoy Opera House	\$	60,000 140504
C230DN	Van Wert Historical Society Museum	\$	112,000 140505
C230DP	Wassenberg Art Center	\$	175,000 140506
C230DR	Warren County Historical Society	\$	190,000 140507
	Handicap Entrance Project		
C230DS	Smithville Community Historical	\$	50,000 140508
	Society		
C230DT	Wayne County Buckeye Agricultural	\$	400,000 140509
	Museum & Education Center		
C230DU	Kister Water Mill and Education	\$	200,000 140510
	Center		
C230DV	Wayne Center for the Arts	\$	150,000 140511
C230DW	West Liberty Town Hall Opera House	\$	150,000 140512
C230DX	Medina City Parking Deck	\$	1,000,000 140513

C230DY	Cincinnati Zoo Cheetah Run & Encounter	\$	250,000	140514
C230DZ	Columbus Zoo - Asia Quest	\$	250,000	140515
C230EA	Cleveland Museum of Art	\$	1,100,000	140516
C230EB	Unionville Tavern Rehabilitation - Phase I Exterior	\$	160,000	140517
C230EC	Triumph of Flight	\$	250,000	140518
C230ED	OHS - Historical Center/Ohio Village Buildings	\$	300,000	140519
C230EG	Parma Heights Cassidy Theatre Cultural Center	\$	50,000	140520
C230EH	Warren County Historical Society	\$	116,000	140521
<u>C230EJ</u>	<u>James A. Garfield Monument</u> <u>Maintenance</u>	<u>\$</u>	<u>500,000</u>	140522
<u>C230EK</u>	<u>Ohio Soldiers and Sailors Orphans</u> <u>Home/Ohio Veterans Children's Home</u> <u>Chapel Restoration</u>	<u>\$</u>	<u>150,000</u>	140523
C230H2	Cozad Bates House	\$	70,000	140524
C230J4	Cleveland Museum of Natural History	\$	3,300,000	140525
C230K1	Historic Strand Theatre Renovation	\$	175,000	140526
C230K9	Washington Court House Auditorium	\$	100,000	140527
C230L5	CAPA's Renovations of the Palace Theatre	\$	250,000	140528
C230L7	Sauder Village Experience	\$	500,000	140529
C230L9	Ariel Theatre	\$	200,000	140530
C230M3	Geauga Lyric Theater Guild	\$	200,000	140531
C230M6	Cincinnati Art Museum	\$	750,000	140532
C230M8	Cincinnati Zoo	\$	1,750,000	140533
C230N1	Cincinnati Music Hall	\$	500,000	140534
C230N8	Steubenville Grand Theatre Restoration Project	\$	75,000	140535
C230N9	South Leroy Meeting House Restoration	\$	50,000	140536

C230P1	Fine Arts Association Facility Expansion/Renovation	\$	650,000	140537
C230Q1	Imagination Station	\$	200,000	140538
C230Q3	Columbus Zoo - Entry Village Guest Services Improvements	\$	500,000	140539
C230Q7	Butler Institute of American Art	\$	500,000	140540
C230Q8	Henry H. Stambaugh Auditorium	\$	500,000	140541
C230Q9	Marion Palace Theatre	\$	100,000	140542
C230R1	Bradford Railway Museum	\$	75,000	140543
C230R7	Dayton Art Institute's Centennial - Preservation & Accessibility	\$	1,000,000	140544
C230T2	John Brown House and Grounds Restoration	\$	250,000	140545
C230T3	Hale Farm & Village Capital Improvement Project	\$	100,000	140546
C230U2	Folger Home of Avon Lake	\$	75,000	140547
C230U3	DeYor Performing Arts Center Heating and Cooling	\$	1,250,000	140548
C230W7	OHS - Lundy House Restoration	\$	409,370	140549
C230W8	OHS - Cedar Bog Improvements	\$	193,600	140550
C230W9	OHS - Hayes Center Improvements	\$	290,400	140551
C230X1	OHS - Site Energy Conservation	\$	239,580	140552
C230X2	OHS - Collections Storage Facility Object Evaluation	\$	400,000	140553
C230X5	OHS - State Archives Shelving	\$	3,000,000	140554
C230X6	OHS - Fort Ancient Earthworks	\$	219,440	140555
C230Y1	Meigs Township Veterans Monument	\$	5,000	140556
C230Y2	Serpent Mound	\$	50,000	140557
C230Y3	Allen County Museum	\$	100,000	140558
C230Y4	Schine's Theater Restoration	\$	300,000	140559
C230Y5	Hayesville Opera House	\$	20,000	140560
C230Y6	Ashtabula Maritime and Surface Transportation Museum	\$	100,000	140561

C230Y7	Ashtabula Covered Bridge Festival Entertainment Pavilion	\$	100,000	140562
C230Y8	Armstrong Air and Space Museum and STEM Education Center	\$	900,000	140563
C230Y9	Gaslight Theatre Building Renovation Project	\$	300,000	140564
C230Z1	Caroline Scott Harrison Statue	\$	75,000	140565
C230Z2	City of Trenton Amphitheatre Cover	\$	50,000	140566
C230Z3	Historic Batavia Armory	\$	300,000	140567
C230Z4	Columbiana County Bowstring Arch Bridge Rehabilitation	\$	200,000	140568
C230Z5	Coshocton Planetarium	\$	75,000	140569
C230Z6	Bedford Historical Society	\$	100,000	140570
C230Z7	Historical Society of Broadview Heights	\$	150,000	140571
C230Z8	Brooklyn John Frey Park	\$	90,000	140572
C230Z9	Chagrin Falls Center Community Arts	\$	600,000	140573
TOTAL Cultural and Sports Facilities Building Fund		\$	63,431,000 <u>64,081,000</u>	140574
School Building Program Assistance Fund (Fund 7032)				140575
C23002	School Building Program Assistance	\$	500,000,000	140576
TOTAL School Building Program Assistance Fund		\$	500,000,000	140577
TOTAL ALL FUNDS		\$	716,931,000 <u>717,581,000</u>	140578
STATE AGENCY PLANNING/ASSESSMENT				140579
The foregoing appropriation item C230E5, State Agency Planning/Assessment, shall be used by the Facilities Construction Commission to provide assistance to any state agency for assessment, capital planning, and maintenance management.				140580 140581 140582 140583
SCHOOL BUILDING PROGRAM ASSISTANCE				140584
The foregoing appropriation item C23002, School Building Program Assistance, shall be used by the School Facilities				140585 140586

Commission to provide funding to school districts that receive 140587
conditional approval from the Commission pursuant to Chapter 3318. 140588
of the Revised Code. 140589

Section 610.37. That existing Section 239.10 of S.B. 310 of 140590
the 131st General Assembly, as amended by Sub. H.B. 26 of the 140591
132nd General Assembly, is hereby repealed. 140592

Section 610.38. That Sections 125.13 and 327.270 of Am. Sub. 140593
H.B. 64 of the 131st General Assembly be amended to read as 140594
follows: 140595

Sec. 125.13. Sections 125.10, 125.11, and 125.12 of ~~this act~~ 140596
Am. Sub. H.B. 64 of the 131st General Assembly take effect ~~January~~ 140597
~~1, 2018~~ July 1, 2017. 140598

Sec. 327.270. NURSING FACILITY DEMONSTRATION PROJECT 140599

(A) As used in this section: 140600

(1) "Freestanding long-term care hospital" means a hospital 140601
to which all of the following apply: 140602

(a) It is a freestanding long-term care hospital as defined 140603
in 42 C.F.R. 412.23(e)(5). 140604

(b) It has a Medicaid provider agreement to provide inpatient 140605
hospital services. 140606

(c) Pursuant to rules adopted under section 5164.02 of the 140607
Revised Code, it is exempt from the all patient refined diagnosis 140608
related groups (APR-DRG) and prospective payment methodology the 140609
Department of Medicaid uses to determine Medicaid payment rates 140610
for inpatient services provided by other types of hospitals not 140611
also excluded from the methodology. 140612

(2) "Nursing facility," "nursing facility services," "nursing 140613

home," and "provider" have the same meanings as in section 5165.01 140614
of the Revised Code. 140615

~~(B) Not later than thirty days after the effective date of~~ 140616
~~this section, the~~ The Department of Medicaid shall submit to the 140617
United States Secretary of Health and Human Services a request ~~for~~ 140618
~~a Medicaid Waiver to operate, beginning January 1, 2016, a~~ 140619
~~two-year~~ to extend until June 30, 2019, and modify the operation 140620
of the demonstration project authorized by this section under 140621
which Medicaid recipients receive nursing facility services in 140622
participating nursing facilities in lieu of hospital inpatient 140623
services in freestanding long-term care hospitals. 140624

(1) The Department shall select ~~four~~ six nursing facilities 140625
to participate in the demonstration project. To be selected for 140626
participation, a nursing facility must meet all of the following 140627
requirements: 140628

(a) The nursing facility's provider must hold the nursing 140629
facility out to the public as providing short-term rehabilitation 140630
services. 140631

(b) The nursing facility must have a hydrotherapy pool. 140632

(c) The nursing facility's Medicaid-certified capacity must 140633
include at least ten single-occupancy sleeping rooms that will be 140634
used for Medicaid recipients admitted to the nursing facility 140635
under the demonstration project. 140636

~~(d) The nursing facility must have been initially~~ 140637
~~constructed, licensed as a nursing home, and certified as a~~ 140638
~~nursing facility on or after January 1, 2010.~~ 140639

(2) In selecting ~~four~~ six nursing facilities to participate 140640
in the demonstration project, the Department shall select one 140641
nursing facility located in Brown county, one located in Cuyahoga 140642
county, one located in Franklin county, one located in Hamilton 140643
county, ~~and~~ one located in Lucas county, and one located in Seneca 140644

county. However, the Department may select a nursing facility 140645
located in another county if necessary to find ~~four~~ six nursing 140646
facilities that meet the requirements specified in division (B)(1) 140647
of this section. 140648

(C)(1) The provider of each participating nursing facility 140649
shall develop admission criteria that Medicaid recipients must 140650
meet to be admitted to the nursing facility under the 140651
demonstration project. The provider shall give the criteria to 140652
each hospital that is located within fifty miles of the nursing 140653
facility and routinely refers Medicaid patients to freestanding 140654
long-term care hospitals. A hospital that receives the criteria 140655
shall consider the criteria when determining where to refer a 140656
Medicaid recipient who needs the types of services freestanding 140657
long-term care hospitals provide. 140658

(2) A Medicaid recipient may refuse a referral to a 140659
participating nursing facility and instead seek admission to a 140660
freestanding long-term care hospital. If a Medicaid recipient 140661
seeks admission to a participating nursing facility under the 140662
demonstration project, the nursing facility's staff shall ensure 140663
that the recipient meets the nursing facility's criteria before 140664
admitting the recipient. 140665

(3) A participating nursing facility shall notify the 140666
Department each time it admits a Medicaid recipient under the 140667
demonstration project. A Medicaid recipient's admission to a 140668
participating nursing facility under the demonstration project is 140669
not subject to prior authorization from the Department or a 140670
designee of the Department. 140671

(D) Notwithstanding Chapter 5165. of the Revised Code, the 140672
Medicaid payment rate for nursing facility services that a 140673
Medicaid recipient receives from a participating nursing facility 140674
under the demonstration project shall not exceed the Medicaid 140675
payment rate for comparable hospital inpatient services provided 140676

by freestanding long-term care hospitals in effect at the time the nursing facility services are provided.

(E) Not later than thirty days after the end of each quarter of the demonstration project, the provider of each participating nursing facility shall report to the Department all of the following information about each Medicaid recipient residing in the nursing facility under the demonstration project during the quarter:

(1) The cost of the nursing facility services that the nursing facility provided to the recipient that quarter;

(2) The number of days the recipient resided in the nursing facility that quarter;

(3) The recipient's health outcomes;

(4) The recipient's satisfaction with the nursing facility as reported to the nursing facility's staff;

(5) All other information that the Department requires the providers to include in the reports.

(F) Not later than three months after the demonstration project ends, the Department shall complete a report about it. The report shall include an analysis of the information submitted to the Department under division (E) of this section. The report also shall include recommendations about resuming operation of the demonstration project and selecting nursing facilities from additional counties to participate. The Department shall submit the report to all of the following:

(1) The Governor;

(2) In accordance with section 101.68 of the Revised Code, the General Assembly;

(3) The Joint Medicaid Oversight Committee.

Section 610.39. That existing Sections 125.13 and 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly are hereby repealed.

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Section 610.40. That Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:

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Sec. 125.10. ~~(A)~~ Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, ~~2017~~ 2019.

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~~(B) Notwithstanding the repeal by this act of section 5168.12 of the Revised Code, any money remaining in the Legislative Budget Services Fund on the effective date of the repeal of that section shall be used solely for the purposes stated in then former section 5168.12 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5168.12 of the Revised Code is repealed, the fund shall cease to exist.~~

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Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, ~~2017~~ 2019.

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Section 610.41. That existing Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, are hereby repealed.

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Section 610.50. That Section 2 of Am. Sub. S.B. 1 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:

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Sec. 2. (A) As used in this section:	140733
(1) "Institution" means any of the following:	140734
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	140735 140736
(b) A private career school, as defined in section 3332.01 of the Revised Code;	140737 140738
(c) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	140739 140740 140741
(d) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	140742 140743 140744 140745
(e) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center offering adult training.	140746 140747 140748
(2) "Workforce training program" includes any of the following:	140749 140750
(a) Courses, programs, or a degree from an institution;	140751
(b) Vocational education classes offered to adult learners;	140752
(c) <u>Non-Credit certificate programs that align with the state's in-demand jobs, as determined by the list of in-demand jobs posted to the web site of OhioMeansJobs.</u>	140753 140754 140755
(d) Any other training program designed to meet the special requirements of a particular employer.	140756 140757
(B)(1) The OhioMeansJobs Workforce Development Revolving Loan Program is hereby established for the purpose of assisting with job growth and advancement through training and retraining. The Chancellor of Higher Education shall award funds to an institution	140758 140759 140760 140761

that the institution shall use to award loans to participants in a workforce training program that is approved by the Chancellor and that is administered by the institution.

(2) In awarding funds under this section, the Chancellor shall give a preference to an institution for a workforce training program in which the institution partners with a business that is willing to repay all or part of the loan on behalf of a program participant or with a business that also provides funding for the program, in comparison to a program that does not have such a partnership. The Chancellor shall consider a program that has employment opportunities in areas that are in demand, including, but not limited to, energy exploration.

(3) The Chancellor also shall consider all of the following factors when determining whether to award funds under this section to an institution for a workforce training program, to the extent that these factors apply to the program:

(a) The success rate of the workforce training program offered by the institution;

(b) The cost of the workforce training program based upon a comparison of similar workforce training programs offered in this state;

(c) The rate that the workforce training program participants obtain employment in the field in which they receive training under the program;

(d) The willingness of the institution to assist a participant in paying for the costs of participating in the workforce training program;

(e) The extent to which the program has demonstrated support from business partners.

(4) After the initial funds are awarded to institutions under

this section, the Chancellor, in awarding subsequent funds under 140792
this section, shall give greater weight to the factors listed in 140793
division (B)(3)(a) of this section in comparison to the other 140794
factors listed in division (B)(3) of this section, but shall not 140795
give that factor greater weight than the preference given in 140796
division (B)(2) of this section. 140797

(C) Funds shall be disbursed to successful applicants using 140798
moneys from the OhioMeansJobs Workforce Development Revolving Loan 140799
Fund established in section 6301.14 of the Revised Code. The 140800
Chancellor shall not award to an institution more than ~~one~~ two 140801
hundred fifty thousand dollars per workforce training program per 140802
year under this section. An institution receiving funds under this 140803
section shall establish, in consultation with the Department of 140804
Higher Education, eligibility requirements that a participant in 140805
the workforce training program for which the institution received 140806
the funds shall satisfy to receive a loan under this section, and 140807
the institution shall apply the loan proceeds to program costs for 140808
those participants who satisfy those requirements. A loan applied 140809
by an institution to program costs for a participant under this 140810
section shall not exceed ten thousand dollars per program in which 140811
the participant participates. 140812

(D) Except as provided in the rules adopted by the Treasurer 140813
of State pursuant to division (G) of this section, a loan to a 140814
program participant shall remain interest-free until six months 140815
after the date the participant successfully completes the 140816
workforce training program, if the participant also continues to 140817
reside in this state. Beginning on the earlier of the date that is 140818
six months after the individual completes the workforce training 140819
program for which the participant received a loan under this 140820
section, the date the individual terminates enrollment in the 140821
workforce training program without completion, or the date the 140822
participant ceases to reside in this state, the Treasurer of State 140823

shall assess a rate of interest of not more than four per cent per annum on any outstanding principal balance of that loan. The Treasurer of State shall not assess a zero per cent interest rate. The Treasurer of State shall establish a payment schedule not to exceed seven years after the date a participant successfully completes the workforce training program.

(E) The Chancellor shall prescribe, by rule adopted in accordance with Chapter 119. of the Revised Code, procedures necessary to carry out this section, including all of the following:

(1) Application procedures for funds under this section, which shall require an applicant to include a description of the workforce training program for which the institution intends to award loans and the number of individuals who will be participating in that program;

(2) A method to determine the amount of funds awarded to an institution based on the costs of the workforce training program for which a program participant receives a loan and the number of individuals the institution estimates will participate in the program;

(3) The process by which the Chancellor approves workforce training programs for which loans are granted under this section.

(F) The Treasurer of State shall be responsible for making deposits and withdrawals and maintaining records pertaining to the OhioMeansJobs Workforce Development Revolving Loan Fund.

(G) The Treasurer of State shall service the loans described in this section and may designate a third party to serve as an agent of the Treasurer of State in servicing the loans. A third party designated by the Treasurer of State is authorized to take such actions, to enter into such contracts, and to execute all instruments necessary or appropriate to service those loans. The

Treasurer of State shall adopt rules pursuant to section 111.15 of the Revised Code to do all of the following:

(1) Establish a fee to be charged to a loan recipient to offset the cost of servicing the loan;

(2) Establish terms of repayment for a loan;

(3) Assess interest on loans for a participant who fails to comply with continuing eligibility requirements, who fails to complete the workforce training program for which the participant received the loan, or whose participation in the program is on a staggered basis;

(4) Disburse funds to an institution.

(H) The Treasurer of State may adopt any additional rules pursuant to section 111.15 of the Revised Code that the Treasurer of State considers necessary to implement division (G) of this section.

(I) The loan servicing fee established pursuant to division (G)(1) of this section shall not exceed the actual cost of servicing the loan.

(J)(1) The Chancellor shall prepare a report outlining the amount each institution received under this section during the previous year, including the amount awarded to each individual workforce training program.

(2) Beginning on July 1, 2014, and continuing every year thereafter for so long as the Chancellor awards funds under the Program, the Chancellor shall submit the report prepared in division (J)(1) of this section to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate.

Section 610.51. That existing Section 2 of Am. Sub. S.B. 1 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the

131st General Assembly, is hereby repealed. 140885

Section 610.53. That Section 3 of Sub. S.B. 9 of the 130th 140886
General Assembly be amended to read as follows: 140887

Sec. 3. (A) During the period beginning on January 1, 2014, 140888
and expiring January 1, ~~2018~~ 2022, the operation of sections 140889
1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 140890
3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 140891
3924.12, 3924.13, and 3924.14 of the Revised Code are suspended. 140892
The suspension shall take effect in accordance with the following: 140893

(1) Carriers shall not be required to offer open enrollment 140894
coverage under the Ohio Open Enrollment Program on or after 140895
January 1, 2014. In addition, carriers shall not reinsure any 140896
insurance policies with the Ohio Health Reinsurance Program during 140897
the suspension of the Program on or after January 1, 2014. 140898

(2) Notwithstanding this section, the Board of Directors of 140899
the Ohio Health Reinsurance Program shall continue to have all of 140900
the authority and protection provided by sections 3924.07 to 140901
3924.14 of the Revised Code during the period beginning January 1, 140902
2014, and ending December 31, 2014, in order to wind up the 140903
affairs of the Ohio Health Reinsurance Program. This shall 140904
include, but is not limited to, the receipt, processing, and 140905
payment of all claims incurred on or before January 1, 2014, 140906
assessments needed to fund the wind up of the Program, the refund 140907
of any excess assessments, and the preparation of final audited 140908
financial statements and tax returns. 140909

(3) With respect to an open enrollment or conversion policy 140910
or contract issued prior to January 1, 2014, a carrier may 140911
terminate such policy or contract on or after January 1, 2014, if 140912
the carrier does both of the following: 140913

(a) Provides notice of termination to the policy or contract holder at the time the policy is issued or at least ninety days prior to the termination;

(b) Offers the policy or contract holder the option to purchase other coverage offered by the insurer to be effective at the time of the termination.

(4) Carriers shall not be required to include any option to convert coverage as required by sections 1751.16, 1751.17, and 3923.122 of the Revised Code in any policy or contract issued on or after January 1, 2014.

(B) If the amendments made by 42 U.S.C. 300gg-1 and 300gg-6, regarding the requirements related to health insurance coverage, ~~do not take effect January 1, 2014, or~~ become ineffective prior to the expiration of the suspension on January 1, ~~2018~~ 2022, then sections 1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 3924.12, 3924.13, and 3924.14 of the Revised Code, in either their present form or as they are later amended, again become operational.

Section 610.54. That existing Section 3 of Sub. S.B. 9 of the 130th General Assembly is hereby repealed.

Section 610.60. That Section 7 of Sub. H.B. 532 of the 129th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:

Sec. 7. (A) This section applies only to a city school district that currently leases an athletic field to the governing authority of a chartered nonpublic school.

(B) Notwithstanding sections 3313.41 and 3313.413 of the Revised Code, the board of education of a school district to which

this section applies may offer for sale an athletic field that it 140943
owns in its corporate capacity to the chartered nonpublic school 140944
that is the current leaseholder of that property prior to offering 140945
that property for sale under the provisions of sections 3313.41 140946
and 3313.413 of the Revised Code. 140947

(C) This section shall expire on December 31, ~~2017~~ 2019. 140948

Section 610.61. That existing Section 7 of Sub. H.B. 532 of 140949
the 129th General Assembly, as amended by Am. Sub. H.B. 64 of the 140950
131st General Assembly, is hereby repealed. 140951

Section 610.70. That Section 227.10 of S.B. 310 of the 131st 140952
General Assembly be amended to read as follows: 140953

Sec. 227.10. DPS DEPARTMENT OF PUBLIC SAFETY 140954

Administrative Building Fund (Fund 7026) 140955

C76034	EMA Building System and Equipment	\$	300,000	140956
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C76049	EMA Building Renovations and Improvements	\$	250,000	140957
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C76051	Fayette County MARCS Tower Project	\$	1,385,941	140958
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C76052	Reading Flood Plain Study/Remediation	\$	200,000	140959
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C76053	Summit Law Enforcement Training Center and Indoor Firing Range	\$	200,000	140960
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C76054	Wayne County MARCS EMS Phase II	\$	600,000	140961
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<u>C76055</u>	<u>Highland County MARCS Tower Project</u>	<u>\$</u>	<u>300,000</u>	140962
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TOTAL Administrative Building Fund		\$	2,935,941	140963
			<u>3,235,941</u>	

Highway Safety Fund (Fund 7036) 140964

C76035	Alum Creek Facility Renovations and Upgrades	\$	1,200,000	140965
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C76036	Shipley Building Renovations and Improvements	\$	1,500,000	140966
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C76043	Minor Capital Projects	\$	2,500,000	140967
C76044	OSHP Headquarters/Post Renovations and Improvements	\$	2,250,000	140968
C76045	OSHP Academy Renovations and Improvements	\$	1,250,000	140969
C76046	OSHP - K-9 Training Facility	\$	1,250,000	140970
TOTAL Highway Safety Fund		\$	9,950,000	140971
TOTAL ALL FUNDS		\$	12,885,941	140972
			<u>13,185,941</u>	

HIGHLAND COUNTY MARCS TOWER PROJECT 140973

The foregoing appropriation item C76055, Highland County 140974
MARCS Tower Project, shall be used for the purpose of providing 140975
end user radios for the Highland County MARCS Tower Project. 140976

Section 610.71. That existing Section 227.10 of S.B. 310 of 140977
the 131st General Assembly is hereby repealed. 140978

Section 610.80. That Sections 229.10 and 229.30 of S.B. 310 140979
of the 131st General Assembly be amended to read as follows: 140980

Sec. 229.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION 140981

Adult Correctional Building Fund (Fund 7027)				140982
C50101	Community-Based Correctional Facilities	\$	20,287,590	140983
C50105	Water System/Plant Improvements	\$	7,500,000	140984
C50106	Industrial Equipment - Statewide	\$	4,602,109	140985
C50114	Community Residential Program	\$	2,000,000	140986
C50136	General Building Renovations	\$	116,461,868	140987
<u>C501HE</u>	<u>Ohio River Valley Jail Facility</u>	\$	<u>1,250,000</u>	140988
TOTAL Adult Correctional Building Fund		\$	150,851,567	140989
			<u>152,101,567</u>	
TOTAL ALL FUNDS		\$	150,851,567	140990
			<u>152,101,567</u>	

Sec. 229.30. COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS	140992
The foregoing appropriation item C50114, Community Residential Program, may be used by the Department of Rehabilitation and Correction, pursuant to sections 5120.103 to 5120.105 of the Revised Code, to provide for the construction or renovation of halfway house facilities for offenders eligible for community supervision by the Department of Rehabilitation and Correction.	140993 140994 140995 140996 140997 140998 140999
<u>OHIO RIVER VALLEY JAIL FACILITY</u>	141000
<u>The foregoing appropriation item C501HE, Ohio River Valley Jail Facility, shall be used for the development of the Ohio River Valley Jail Facility to be located in Scioto county, including, but not limited to, the costs of construction, renovations, site development, capital equipment, and planning.</u>	141001 141002 141003 141004 141005
Section 610.81. That existing Sections 229.10 and 229.30 of S.B. 310 of the 131st General Assembly are hereby repealed.	141006 141007
Section 610.90. That Section 221.20 of S.B. 310 of the 131st General Assembly be amended to read as follows:	141008 141009
Sec. 221.20. The Treasurer of State is hereby authorized to issue and sell in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.20 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$54,000,000 <u>74,000,000</u> in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Mental Health Facilities Improvement Fund (Fund 7033) to pay costs of capital facilities as defined in	141010 141011 141012 141013 141014 141015 141016 141017 141018 141019 141020

section 154.01 of the Revised Code for mental hygiene and 141021
retardation. 141022

Section 610.91. That existing Section 221.20 of S.B. 310 of 141023
the 131st General Assembly is hereby repealed. 141024

Section 610.100. That Section 207.440 of S.B. 310 of the 141025
131st General Assembly be amended to read as follows: 141026

Sec. 207.440. The Ohio Public Facilities Commission is hereby 141027
authorized to issue and sell, in accordance with Section 2n of 141028
Article VIII, Ohio Constitution, and Chapter 151. and particularly 141029
sections 151.01 and 151.04 of the Revised Code, original 141030
obligations in an aggregate principal amount not to exceed 141031
~~\$480,000,000~~ \$481,000,000, in addition to the original issuance of 141032
obligations heretofore authorized by prior acts of the General 141033
Assembly. These authorized obligations shall be issued, subject to 141034
applicable constitutional and statutory limitations, as needed to 141035
provide sufficient moneys to the credit of the Higher Education 141036
Improvement Fund (Fund 7034) and the Higher Education Improvement 141037
Taxable Fund (Fund 7024) to pay costs of capital facilities as 141038
defined in sections 151.01 and 151.04 of the Revised Code for 141039
state-supported and state-assisted institutions of higher 141040
education. 141041

Section 610.101. That existing Section 207.440 of S.B. 310 of 141042
the 131st General Assembly is hereby repealed. 141043

Section 610.110. That Sections 205.10 and 205.20 of Sub. H.B. 141044
26 of the 132nd General Assembly be amended to read as follows: 141045
141046

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 141047

	Highway Safety Fund Group					141048	
5TM0	761401	Public Safety	\$	2,437,200	\$	2,441,300	141049
		Facilities Lease					
		Rental Bond Payments					
5TM0	762321	Operating Expense -	\$	102,654,677	\$	101,709,677	141050
		BMV					
5TM0	762636	Financial	\$	4,914,824	\$	4,914,824	141051
		Responsibility					
		Compliance					
5TM0	762637	Local Immobilization	\$	200,000	\$	200,000	141052
		Reimbursement					
5TM0	764321	Operating Expense -	\$	303,297,721	\$	311,395,776	141053
		Highway Patrol		<u>303,797,721</u>			
5TM0	764605	Motor Carrier	\$	2,981,040	\$	2,981,040	141054
		Enforcement Expenses					
5TM0	769636	Administrative	\$	43,133,359	\$	44,546,921	141055
		Expenses - Highway					
		Purposes					
8370	764602	Turnpike Policing	\$	11,905,872	\$	11,905,872	141056
83C0	764630	Contraband,	\$	1,122,894	\$	1,122,894	141057
		Forfeiture, and Other					
83F0	764657	Law Enforcement	\$	8,665,152	\$	8,665,152	141058
		Automated Data System					
83G0	764633	OMVI	\$	641,927	\$	641,927	141059
		Enforcement/Education					
83M0	765624	Operating - EMS	\$	4,035,127	\$	4,135,074	141060
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	141061
8400	764607	State Fair Security	\$	1,356,354	\$	1,356,354	141062
8400	764617	Security and	\$	12,155,202	\$	12,505,202	141063
		Investigations					
8400	764626	State Fairgrounds	\$	1,109,770	\$	1,109,770	141064
		Police Force					
8460	761625	Motorcycle Safety	\$	3,504,741	\$	3,544,104	141065

		Education				
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027 141066
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000 141067
TOTAL HSF		Highway Safety Fund Group	\$	526,361,887	\$	535,421,914 141068
				<u>526,861,887</u>		
		Dedicated Purpose Fund Group				141069
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000 141070
5B90	766632	Private Investigator and Security Guard Provider	\$	1,722,610	\$	1,794,295 141071
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000 141072
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000 141073
TOTAL DPF		Dedicated Purpose Fund Group	\$	3,996,610	\$	4,068,295 141074
		Fiduciary Fund Group				141075
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000 141076
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000 141077
TOTAL FID		Fiduciary Fund Group	\$	4,200,000	\$	4,200,000 141078
		Holding Account Fund Group				141079
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000 141080
R052	762623	Security Deposits	\$	350,000	\$	350,000 141081
TOTAL HLD		Holding Account Fund Group	\$	2,235,000	\$	2,235,000 141082

Federal Fund Group					141083
3DU0 762628	BMV Grants	\$	250,000	\$	0 141084
3GR0 764693	Highway Patrol	\$	2,223,000	\$	2,232,000 141085
	Justice Contraband				
3GS0 764694	Highway Patrol	\$	21,000	\$	21,000 141086
	Treasury Contraband				
3GU0 761610	Information and	\$	300,000	\$	300,000 141087
	Education Grant				
3GU0 764608	Fatality Analysis	\$	175,000	\$	175,000 141088
	Report System Grant				
3GU0 764610	Highway Safety	\$	3,776,000	\$	3,850,000 141089
	Programs Grant				
3GU0 764659	Motor Carrier Safety	\$	5,571,000	\$	5,710,000 141090
	Assistance Program				
	Grant				
3GU0 765610	EMS Grants	\$	225,000	\$	225,000 141091
3GV0 761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000 141092
	Plan Grants				
TOTAL FED	Federal Fund Group	\$	42,741,000	\$	42,713,000 141093
TOTAL ALL BUDGET FUND GROUPS		\$	579,534,497	\$	588,638,209 141094
			<u>580,034,497</u>		

Sec. 205.20. MOTOR VEHICLE REGISTRATION 141096

The Director of Public Safety may deposit revenues to meet 141097
the cash needs of the Public Safety - Highway Purposes Fund (Fund 141098
5TM0) established in section 4501.06 of the Revised Code, obtained 141099
under section 4503.02 of the Revised Code, less all other 141100
available cash. Revenue deposited pursuant to this paragraph shall 141101
support in part appropriations for the administration and 141102
enforcement of laws relative to the operation and registration of 141103
motor vehicles, for payment of highway obligations and other 141104
statutory highway purposes. Notwithstanding section 4501.03 of the 141105
Revised Code, the revenues shall be paid into Fund 5TM0 before any 141106

revenues obtained pursuant to section 4503.02 of the Revised Code 141107
are paid into any other fund. The deposit of revenues to meet the 141108
aforementioned cash needs shall be in approximately equal amounts 141109
on a monthly basis or as otherwise approved by the Director of 141110
Budget and Management. Prior to July 1 of each fiscal year, the 141111
Director of Public Safety shall submit a plan to the Director of 141112
Budget and Management requesting approval of the anticipated 141113
revenue amounts to be deposited into Fund 5TM0 pursuant to this 141114
paragraph. If during the fiscal year changes to the plan as 141115
approved by the Director of Budget and Management are necessary, 141116
the Director of Public Safety shall submit a revised plan to the 141117
Director of Budget and Management for approval prior to any change 141118
in the deposit of revenues. 141119

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 141120

The foregoing appropriation item 761401, Public Safety 141121
Facilities Lease Rental Bond Payments, shall be used to meet all 141122
payments during the period July 1, 2017, through June 30, 2019, by 141123
the Department of Public Safety under the leases and agreements 141124
for facilities under Chapters 152. and 154. of the Revised Code. 141125
The appropriations are the source of funds pledged for bond 141126
service charges on related obligations issued under Chapters 152. 141127
and 154. of the Revised Code. 141128

CASH TRANSFERS - HIGHWAY PATROL 141129

Upon written request of the Director of Public Safety, the 141130
Director of Budget and Management may transfer cash from the State 141131
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) 141132
to the Security, Investigations and Policing Fund (Fund 8400). 141133

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 141134
SHIPLEY UPGRADES 141135

Pursuant to a plan submitted by the Director of Public 141136
Safety, or as otherwise determined by the Director of Budget and 141137

Management, the Director of Budget and Management may make 141138
appropriate cash transfers on a pro-rata basis as approved by the 141139
Director of Budget and Management from other funds used by the 141140
Department of Public Safety, excluding the Public Safety Building 141141
Fund (Fund 7025), to the Public Safety - Highway Purposes Fund 141142
(Fund 5TM0) in order to reimburse expenditures for capital 141143
upgrades to the Shipley Building. 141144

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 141145
PURPOSES/CONTINGENCIES FUND TO THE PUBLIC SAFETY - HIGHWAY 141146
PURPOSES FUND 141147

On July 1, 2017, or as soon as possible thereafter, the 141148
Director of Budget and Management shall transfer \$500,000 cash 141149
from the Controlling Board Emergency Purposes/Contingencies Fund 141150
(Fund 5KM0) to the Public Safety - Highway Purposes Fund (Fund 141151
5TM0). 141152

OPERATING EXPENSE - HIGHWAY PATROL 141153

Of the foregoing appropriation item 764321, Operating Expense 141154
- Highway Patrol, \$500,000 in fiscal year 2018 shall be used by 141155
the Department of Public Safety to fund criminal laboratory case 141156
work primarily related to opioid or other criminal cases submitted 141157
to the Department of Public Safety. 141158

COLLECTIVE BARGAINING INCREASES 141159

Notwithstanding division (D) of section 127.14 and division 141160
(B) of section 131.35 of the Revised Code, except for the General 141161
Revenue Fund, the Controlling Board may, upon the request of 141162
either the Director of Budget and Management, or the Department of 141163
Public Safety with the approval of the Director of Budget and 141164
Management, authorize expenditures in excess of appropriations and 141165
transfer appropriations, as necessary, for any fund used by the 141166
Department of Public Safety, to assist in paying the costs of 141167
increases in employee compensation that have occurred pursuant to 141168

collective bargaining agreements under Chapter 4117. of the 141169
Revised Code and, for exempt employees, under section 124.152 of 141170
the Revised Code. Any money approved for expenditure under this 141171
paragraph is hereby appropriated. 141172

CASH BALANCE FUND REVIEW 141173

The Director of Public Safety shall review the cash balances 141174
for each fund in the State Highway Safety Fund Group, and may 141175
submit a request in writing to the Director of Budget and 141176
Management to transfer amounts from any fund in the State Highway 141177
Safety Fund Group to the credit of the Public Safety - Highway 141178
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 141179
request, the Director of Budget and Management may make 141180
appropriate transfers as requested by the Director of Public 141181
Safety or as otherwise determined by the Director of Budget and 141182
Management. 141183

CASH TRANSFER - SECURITY, POLICE, AND INVESTIGATIONS 141184

Upon written request of the Director of Public Safety, the 141185
Director of Budget and Management may transfer up to \$2,000,000 141186
cash in each fiscal year from the Trauma and Emergency Medical 141187
Services Fund (Fund 83M0) to the Security, Investigations, and 141188
Policing Fund (Fund 8400). 141189

CASH TRANSFER - TRAUMA AND EMERGENCY MEDICAL SERVICES GRANT 141190
FUND 141191

On July 1, 2017, or as soon as possible thereafter, the 141192
Director of Budget and Management shall transfer the cash balance 141193
in the Trauma and Emergency Medical Services Grants Fund (Fund 141194
83P0) to the Trauma and Emergency Medical Services Fund (Fund 141195
83M0). Upon completion of the transfer, Fund 83P0 is abolished. 141196

Section 610.111. That existing Sections 205.10 and 205.20 of 141197
Sub. H.B. 26 of the 132nd General Assembly are hereby repealed. 141198

Section 620.10. That Section 7 of Am. Sub. H.B. 52 of the 141199
131st General Assembly is hereby repealed. 141200

Section 620.20. That section 745.20 of Sub. H.B. 26 of the 141201
132nd General Assembly is hereby repealed. 141202

Section 701.10. The following agencies are retained under 141203
division (D) of section 101.83 of the Revised Code and expire at 141204
the end of December 31, 2020: 141205

ABLE Account Program Advisory Board R.C. 113.56 141206

Ohio Healthier Buckeye Advisory Council R.C. 5101.91 141207

Underground Technical Committee R.C. 3781.34 141208

Section 701.20. The Ohio Constitutional Modernization 141209
Commission shall cease operations on or before July 1, 2017. 141210
Notwithstanding section 126.29 of the Revised Code, the Director 141211
of the Legislative Service Commission shall attend to any matters 141212
associated with winding up the affairs of the Ohio Constitutional 141213
Modernization Commission. 141214

Section 701.30. The Director of the Legislative Service 141215
Commission shall prepare a report regarding state programs that 141216
address individually identifiable risk factors for poor physical 141217
or behavioral health, or risk factors that may contribute to 141218
undesirable social outcomes. The report shall include an inventory 141219
of applicable state programs and shall assess whether or not a 141220
program on the inventory has the means to identify the specific 141221
needs of an individual, to refer the individual to appropriate 141222
services to address those needs, and to coordinate service and 141223
treatment for individuals, so as to determine whether or not 141224
identified risk factors are being addressed, on an individual 141225
level, by the program. 141226

Each state agency shall support and assist the Director of 141227
the Legislative Service Commission in the preparation of the 141228
report. The report shall be completed not later than June 30, 141229
2018. A copy of the report shall be submitted to the General 141230
Assembly in accordance with section 101.68 of the Revised Code and 141231
posted to the internet web site of the Legislative Service 141232
Commission. 141233

Section 709.10. (A) The Director of Administrative Services, 141234
in consultation with the Director of Agriculture, shall review the 141235
costs associated with conducting an annual inspection and 141236
reinspection of an inflatable ride under section 1711.53 of the 141237
Revised Code, as amended by this act. The Director of 141238
Administrative Services may enter into an agreement with a private 141239
entity to perform the review. 141240

Based on the review, the Director of Administrative Services 141241
shall make recommendations to the Director of Agriculture on the 141242
appropriate amount of the fee for an annual inspection and 141243
reinspection of an inflatable ride. The Director of Administrative 141244
Services shall complete the review and submit the Director's 141245
recommendations to the Director of Agriculture not later than 141246
October 15, 2017. 141247

(B) The Director of Agriculture shall not adopt rules under 141248
division (E)(1) of section 1711.53 of the Revised Code, as amended 141249
by this act, establishing an annual inspection and reinspection 141250
fee for an inflatable ride until the Director of Administrative 141251
Services submits the recommendations under division (A) of this 141252
section to the Director of Agriculture. Not later than January 31, 141253
2018, the Director of Agriculture shall adopt rules under division 141254
(E)(1) of section 1711.53 of the Revised Code, as amended by this 141255
act, establishing an annual inspection and reinspection fee for an 141256
inflatable ride that is consistent with the recommendations of the 141257

Director of Administrative Services. The adoption of such rules is 141258
not subject to business review under sections 121.82 and 121.83 of 141259
the Revised Code. 141260

(C) The fee for the annual inspection and reinspection of an 141261
inflatable ride established under division (E) of section 1711.53 141262
of the Revised Code, as that section existed prior to its 141263
amendment by this act, shall remain in effect until the Director 141264
of Agriculture adopts rules establishing a new fee under division 141265
(E)(1) of that section, as amended by this act. 141266

Section 715.10. For all applications for which a hearing has 141267
been held under section 1509.28 of the Revised Code prior to 141268
January 1, 2018, and for which the chief of the division of oil 141269
and gas resources management issues an order providing for the 141270
unit operation of a pool or part thereof, the applicant shall not 141271
be required to commence any unit operations sooner than 141272
twenty-four months from the effective date of such order. 141273

Section 733.10. Notwithstanding division (O)(6)(a) of section 141274
3301.0711 of the Revised Code, as amended by this act, in 2017, 141275
the Department of Education shall not release as public records 141276
any questions and corresponding preferred answers from the English 141277
language arts and mathematics assessments prescribed under 141278
division (A) of section 3301.0710 of the Revised Code that were 141279
administered in the 2015-2016 school year. 141280

Section 733.20. The revisions by this act to section 3365.03 141281
of the Revised Code shall first apply to students seeking to 141282
participate in the College Credit Plus program during the 141283
2018-2019 school year. For participation during the 2017-2018 141284
school year, students shall meet the eligibility requirements 141285
prescribed by section 3365.03 of the Revised Code, as it existed 141286
prior to the effective date of this section. 141287

Section 733.30. The revisions by this act to section 3365.07 141288
of the Revised Code regarding textbooks, and the provisions of 141289
section 3365.072 of the Revised Code, shall first apply to 141290
textbook arrangements under the College Credit Plus program for 141291
the 2018-2019 school year. For the 2017-2018 school year, textbook 141292
arrangements under the program shall be governed by section 141293
3365.07 of the Revised Code, as it existed prior to the effective 141294
date of this section. 141295

Section 733.40. Not later than July 1, 2018, the Department 141296
of Education, in consultation with the Department of Higher 141297
Education and the Governor's Office of Workforce Transformation, 141298
shall develop both of the following: 141299

(A) A plan that permits and encourages school districts and 141300
chartered nonpublic schools to integrate academic content in 141301
subject areas for which the State Board of Education adopts 141302
standards under section 3301.079 of the Revised Code into other 141303
coursework so that students may earn simultaneous credit in 141304
accordance with division (I) of section 3313.603 of the Revised 141305
Code; 141306

(B) Guidance to assist school districts and schools that 141307
choose to implement integrated coursework under division (I) of 141308
section 3313.603 of the Revised Code that includes guidance on 141309
appropriate licensure teachers must have to teach integrated 141310
coursework and guidance on appropriately integrating subject area 141311
content into course curriculum to ensure that students receive 141312
instruction in the academic content necessary to meet graduation 141313
requirements. 141314

Section 733.50. The Chancellor of Higher Education, in 141315
consultation with the Director of the Governor's Office of 141316
Workforce Transformation and the Superintendent of Public 141317

Instruction, shall work with the business community and higher 141318
education institutions to develop a program targeted at increasing 141319
the number of high school students in Ohio who pursue certificates 141320
or degrees in the field of advanced technology and cyber security. 141321

Section 733.60. Beginning with the 2017-2018 school year, the 141322
Ohio Teacher Residency Program established under section 3319.223 141323
of the Revised Code, as it existed prior to the effective date of 141324
this section, shall cease to exist. Any individual who is 141325
currently participating in the program shall not be required to 141326
complete the program or any component of the program. 141327
Additionally, the State Board of Education shall not require any 141328
applicant for a new educator license, or for renewal of any 141329
educator license, under section 3319.22 or 3319.26 of the Revised 141330
Code to complete the program or any component of the program as a 141331
condition for issuance of an educator license. 141332

Section 733.61. The county OSU Extension office serving 141333
Ashtabula County shall establish a pilot program through which it 141334
employs a food policy coordinator. The food policy coordinator 141335
shall be responsible for connecting local food producers with 141336
local consumers such as the Lake Erie Correctional Institution, 141337
hospitals, nursing homes, schools, and supermarkets. 141338

Section 733.63. The General Assembly finds that the Ohio FFA 141339
Association is an integral part of the organized instructional 141340
programs in career-technical agricultural education that prepare 141341
students for a wide range of careers in agriculture, agribusiness, 141342
and other agriculture-related occupations. 141343

Section 733.65. (A) The Superintendent of Public Instruction 141344
shall establish a workgroup on related services personnel. The 141345
purpose of the workgroup shall be to improve the coordination of 141346

state, school, and provider efforts to address the related 141347
services needs of students with disabilities. 141348

(B) The workgroup shall include the following members: 141349

(1) Employees of the Department of Education, the Department 141350
of Higher Education, and other state agencies that have a role in 141351
addressing the related services needs of students with 141352
disabilities; 141353

(2) Representatives of interested parties, which shall 141354
include at least the following: 141355

(a) The Ohio Speech-Language-Hearing Association; 141356

(b) The Ohio School Psychologists Association; 141357

(c) The Ohio Educational Service Center Association. 141358

(3) Representatives of school district superintendents, 141359
treasurers or business managers, and other school business 141360
officials. 141361

(C) The workgroup shall do all of the following: 141362

(1) Identify and evaluate causes and solutions for the 141363
shortage of related services personnel in the school setting, 141364
including evaluating the long-term sustainability of potential 141365
solutions; 141366

(2) Establish short-term, medium-term, and long-term goals to 141367
address the shortage of related services personnel in the state 141368
and monitor progress on those goals; 141369

(3) Report, as needed, on the work and findings of the 141370
workgroup. 141371

(D) The Department of Education shall provide administrative 141372
support to the workgroup. 141373

(E) The workgroup shall cease to exist on June 30, 2019, 141374

unless the General Assembly authorizes its continuation. 141375

(F) As used in this section, "related services" has the same 141376
meaning as in section 3323.01 of the Revised Code. 141377

Section 737.10. All money received by the Director of 141378
Environmental Protection under section 3751.05 of the Revised Code 141379
as that section existed prior to its amendment by this act shall 141380
remain in the Toxic Chemical Release Reporting Fund, to be used 141381
exclusively for purposes of implementing, administering, and 141382
enforcing Chapter 3751. of the Revised Code and rules adopted and 141383
orders issued under it. In addition, any money received by the 141384
Director after the act's effective date under section 3751.05 of 141385
the Revised Code for filing fees or late fees required to be paid 141386
under that section prior to the act's effective date shall be 141387
deposited in the Fund and used for those purposes. 141388

Section 737.20. (A) The Director of Environmental Protection, 141389
in consultation with the Director of Transportation, shall 141390
distribute \$15,000,000 in each of fiscal year 2018 and fiscal year 141391
2019 from funding received from the Volkswagen Mitigation Trust 141392
Agreement or the Volkswagen Zero Emission Vehicle Fund arising 141393
from the Volkswagen Clean Air Act Settlement in accordance with 141394
all of the following: 141395

(1) First preference shall be given to qualifying projects 141396
that provide the greatest quantifiable reduction, in dollars per 141397
ton reduction, of carbon dioxide and nitrogen oxide; 141398

(2) Second preference shall be given to qualifying projects 141399
that provide the greatest quantifiable reduction, in dollars per 141400
ton reduction, of carbon monoxide, fine particulate matter (pm 141401
2.5), sulfur dioxide, and mercury; 141402

(3) Methodology for calculating the quantifiable reductions 141403
specified in divisions (A)(1) and (2) of this section shall be 141404

based on the United States Environmental Protection Agency's 141405
methodology and incorporate the Greenhouse Gases, Regulated 141406
Emissions, and Energy Use in Transportation Model. 141407

(B) Subject to division (A) of this section, \$15,000,000 in 141408
each of fiscal year 2018 and fiscal year 2019 shall be awarded to 141409
transit authorities for the purpose of providing capital funding 141410
for rolling stock projects. Awards under this section shall 141411
supplement and not supplant money awarded by the Director of 141412
Transportation under the Ohio Transit Preservation Partnership 141413
Program. The Director of Transportation shall collaborate with the 141414
Director of Environmental Protection to ensure distribution of 141415
funding to transit authorities under this division complies with 141416
this section and with the terms of the Volkswagen Clean Air Act 141417
Settlement. After the Directors receive applications for 141418
qualifying projects, the Directors shall submit a report of their 141419
findings and recommendations regarding those applications to the 141420
General Assembly before submitting the applications to the 141421
Settlement Trustee to request funding. There is hereby 141422
appropriated \$15,000,000 in each fiscal year for this purpose from 141423
the state fund under the Ohio Environmental Protection Agency 141424
budget that receives money related to the Volkswagen Clean Air Act 141425
Settlement. 141426

Section 737.40. Any person who, on the effective date of this 141427
section, operates or maintains an aquatic amusement ride, as 141428
defined under section 3749.01 of the Revised Code as amended by 141429
this act, may continue to operate or maintain the ride without 141430
obtaining a license under section 3749.04 of the Revised Code 141431
until the person obtains an initial license during the month of 141432
April of 2018, in accordance with section 3749.04 of the Revised 141433
Code. 141434

Section 749.10. (A) The Public Utilities Commission shall 141435

explore, in whatever format it considers appropriate, the latest	141436
technological and regulatory innovations for the electric	141437
distribution system, which may include researching the following:	141438
(1) Distributed energy resources, including battery storage;	141439
(2) Advanced metering infrastructure;	141440
(3) Electric distribution automation, sensors, controls, and	141441
data exchange and use;	141442
(4) Associated electric rate design;	141443
(5) Any other available technological and regulatory	141444
innovations, including those that may be developed in the future.	141445
(B) Upon completion of the research under division (A) of	141446
this section, and if the Commission finds it necessary, the	141447
Commission may examine any resulting work product and issue a	141448
report that summarizes the major findings and recommends a course	141449
of action to implement cost-effective distribution system	141450
innovations.	141451
Section 749.20. (A) As used in this section:	141452
(1) "Communications services" means any of the following:	141453
(a) Telecommunications service, as defined in 47 U.S.C.	141454
153(53);	141455
(b) Cable service, as defined in 47 U.S.C. 522(6);	141456
(c) Information service, as defined in 47 U.S.C. 153(24);	141457
(d) Wireless service;	141458
(e) Any other one-way or two-way communication service,	141459
including internet access service."	141460
(2) "University" means the Ohio State University.	141461
(3) "Utility agreement" means the agreement between the	141462

university and a special purpose vehicle selected pursuant to this 141463
section to operate, develop, equip, maintain, improve, control and 141464
increase the energy efficiency of the utility system. 141465

(4) "Utility system" means the university-owned system for 141466
producing, transforming, or distributing any one or more of the 141467
following in order to serve the university's Columbus, Ohio campus 141468
and intended solely for consumption by that campus or the 141469
university's lessees: power, electricity, light, heat, gas, oil, 141470
crude products, water, steam, waste, storm water not connected 141471
with highway drainage, or any other similar commodity. "Utility 141472
system" includes any building, structure, facility, in whole or in 141473
part, owned or leased by the university on real property; 141474

(a) Owned or leased by the university; and 141475

(b) Behind the meter of the public utility service provider 141476
serving the Columbus, Ohio campus of the university. 141477

(B) Beginning in calendar year 2017, the university, 141478
notwithstanding any law to the contrary, may enter into a utility 141479
agreement with a special purpose vehicle to operate, develop, 141480
equip, maintain, improve, control and increase the energy 141481
efficiency of the university's utility system. The utility 141482
agreement shall not permit the special purpose vehicle to take 141483
ownership of electricity or natural gas delivered by a public 141484
utility. The utility system shall not be used to provide or offer 141485
communications services. 141486

(C) The university shall issue a request for proposals for 141487
the management, maintenance, and improvement of the utility system 141488
and meeting certain energy use and sustainability requirements for 141489
the utility system. The request shall include any and all relevant 141490
information, including a general description of the project, the 141491
date by which proposals shall be submitted, information that shall 141492
be included in the proposal, selection criteria, and a timeline 141493

for selection. 141494

(D) In evaluating proposals, the university may consider any 141495
criteria that it considers appropriate, including, but not limited 141496
to, the following: 141497

(1) The technical ability of the special purpose vehicle 141498
based on its key personnel, corporate structure, organization, and 141499
staffing plan; 141500

(2) The financial ability of the special purpose vehicle 141501
based on its approach to financing, sources and uses of funds, and 141502
debt structuring; 141503

(3) The energy conservation measures proposed by the special 141504
purpose vehicle. 141505

(E) The university may evaluate and select a proposal, with 141506
or without negotiations, based on qualifications, best value, or 141507
both. 141508

(F) After selection of the proposal, the university may enter 141509
into a utility agreement with the selected special purpose vehicle 141510
for a duration determined by the university, in exchange for fees 141511
or other consideration as determined by the university, and on 141512
other terms and conditions that the university determines are 141513
necessary or appropriate. 141514

(G) Nothing in this section affects the university's right to 141515
accept or reject any or all proposals in whole or in part. 141516

(H) Property owned by the university that is leased to the 141517
special purpose vehicle shall continue to be exempt from taxation 141518
so long as such property is used for the purpose of operating the 141519
utility system for the benefit of the Columbus, Ohio campus of the 141520
university and the university's lessees pursuant to the utility 141521
agreement. For purposes of any sales or use tax permitted to be 141522
levied under the Revised Code, the following shall be deemed sold 141523

to the university if, pursuant to the utility agreement, they are: 141524

(1) Building and construction materials to be incorporated 141525
into the utility system; 141526

(2) Materials related to energy conservation measures to be 141527
developed by the special purpose vehicle. 141528

(I) To the extent the utility system serves only buildings, 141529
structures, and facilities located on property owned or leased by 141530
the university, the special purpose vehicle shall not be 141531
considered any of the following: 141532

(1) A "public utility" for purposes of Chapter 4905. of the 141533
Revised Code; 141534

(2) An "electric services company" for purposes of Chapter 141535
4928. of the Revised Code; 141536

(3) A "retail natural gas supplier" for purposes of Chapter 141537
4929. of the Revised Code; 141538

(4) An "electric supplier" for purposes of Chapter 4933. of 141539
the Revised Code. 141540

(J) To the extent the utility system serves only the 141541
Columbus, Ohio campus of the university or the university's 141542
lessees, section 4928.08 of the Revised Code shall not apply to 141543
the university or the special purpose vehicle. 141544

(K) The university shall not be considered a "public utility 141545
property lessor" for purposes of Chapter 5727. of the Revised 141546
Code. 141547

(L) Sections 9.331 to 9.335 of the Revised Code, Chapter 153. 141548
of the Revised Code, and sections 3345.61 to 3345.66 of the 141549
Revised Code shall not apply to the following: 141550

(1) The university's evaluation or selection of, or 141551
contracting with, a special purpose vehicle; 141552

(2) Performance of any of the following activities pursuant to the utility agreement, provided that the special purpose vehicle uses a best value or competitive selection process to identify the provider: design, demolition, project management, construction, repair, replacement, remodeling, renovation, reconstruction, enlargement, addition, alteration, painting, or structural or other improvements;

(3) Heating, cooling, or ventilating plants and other equipment installed or materials supplied for any of the activities specified in division (L)(2) of this section.

Notwithstanding the foregoing, the special purpose vehicle is not required to engage in a best value or competitive selection of the energy conservation measure provider named in the utility agreement.

(M) Notwithstanding division (Q) of section 3345.12 of the Revised Code, the university shall not be required to hold, invest, or use the proceeds of the utility agreement for the same purposes for which proceeds may be used under sections 3345.07, 3345.11, and 3345.36 of the Revised Code.

(N) For the sole purpose of determining the applicability of section 125.13 of the Revised Code, personal property related to the utility system that is sold or leased to a special purpose vehicle pursuant to a utility agreement shall not be considered excess or surplus supplies. Personal property to be sold to the special purpose vehicle does not include any installed components, in whole or in part, of the utility system.

(O) The authority provided under this section shall terminate on the date that all obligations under a utility agreement between a special purpose vehicle and the university have been completed.

(P) Nothing in this section shall be construed to permit the special purpose vehicle to take ownership of any utility services

delivered to the Columbus, Ohio campus of the university by a public utility.

(Q) Nothing in this section shall exempt the university from complying with all of the following:

(1) Any applicable tariffs of the public utilities from which the Columbus, Ohio campus of the university receives utility services;

(2) Any applicable rules of the Public Utilities Commission of Ohio;

(3) Any other applicable state or federal laws.

(R) At all times during the utility agreement, the university shall be the customer of record for any public utility providing utility service to the Columbus, Ohio campus of the university.

Section 751.10. (A) There is hereby created in the Department of Job and Family Services the Foster Care Advisory Group to advise and assist the Department in identifying and implementing best practices to recruit, retain, and support foster caregivers.

(B) The Group shall consist of at least twelve members. The members shall include, at a minimum:

(1) The Director of Job and Family Services, or the Director's designee;

(2) All of the following, to be appointed by the Director:

(a) Four foster caregivers who each hold a valid foster home certificate issued under section 5103.03 of the Revised Code;

(b) Two representatives of two different public children services agencies;

(c) Two representatives of two different private child placing agencies or private noncustodial agencies;

(d) A representative of the Ohio Family Care Association;	141612
(e) A representative of the Ohio Association of Child Caring Agencies;	141613 141614
(f) A representative of the Public Children Services Association of Ohio.	141615 141616
(C) Appointments under division (B)(2) of this section shall be made not later than September 1, 2017.	141617 141618
(D) There shall be two co-chairpersons of the Group. One co-chairperson shall be the Director, or the Director's designee, and one co-chairperson shall be appointed by members of the group.	141619 141620 141621
(E) The Group shall determine the frequency of meetings and any other administrative matters needed to perform its duties.	141622 141623
(F) Members shall serve without compensation, but shall be reimbursed for necessary expenses.	141624 141625
(G) The Group shall advise the Director on matters affecting foster caregivers. These matters include:	141626 141627
(1) Current certification requirements;	141628
(2) Options to streamline the certification requirements and process while maintaining quality, safety, and accountability;	141629 141630
(3) Additional supports foster caregivers need in order to best respond to children affected by parental drug use and how to deliver and sustain those supports;	141631 141632 141633
(4) Best practices for identifying and recruiting foster caregivers.	141634 141635
(H) Not later than May 1, 2018, the Group shall issue a report that addresses and makes recommendations regarding the matters in division (G) of this section. Copies of the report shall be provided to all of the following:	141636 141637 141638 141639
(1) The Director;	141640

(2) The Governor;	141641
(3) The Speaker and Minority Leader of the House of Representatives;	141642 141643
(4) The President and Minority Leader of the Senate.	141644
(I) Upon submission of the report, the group shall cease to exist.	141645 141646
Section 753.10. (A) The Governor may execute one or more deeds in the name of the state conveying to a purchaser or purchasers, their heirs, successors, and assigns, to be determined in the manner provided in division (C) of this section, all of the state's right, title, and interest in the following described real estate:	141647 141648 141649 141650 141651 141652
Allen County, Lima	141653
All of Allen County Parcel Number 37-0700-03-002.000	141654
All of Allen County Parcel Number 37-0700-04-004.000	141655
A split of approximately 4.5 Acres out of the northeast corner of Allen County Parcel Number 37-1800-02-001.000 and being described as follows:	141656 141657 141658
Begin at the intersection of Bluelick Road and Berryhill Road, thence eastward, along the centerline of Bluelick Road and the north line of said Parcel No. 37-1800-02-001.000, 300 feet +/- to the northeast corner of said parcel, thence southerly, along the east line of said parcel, 520 feet +/- to a point, thence northwesterly, crossing said parcel, 270 feet +/- to a point, thence continue crossing said parcel, eastward, 210 feet +/- to a point, thence continue crossing said parcel, northward, 360 feet +/- to the centerline of Bluelick Road and the north line of said parcel, thence along the said centerline and north line 240 feet +/- to the beginning.	141659 141660 141661 141662 141663 141664 141665 141666 141667 141668 141669

Fairfield County, Lancaster	141670
Being that portion of Fairfield County Parcel number	141671
0180812000 NORTH of U.S. Route 33.	141672
Being all of Fairfield County Parcel number 0180812010 and	141673
that portion of Fairfield County Parcel number 0180812000 SOUTH of	141674
U.S. Route 33.	141675
Lorain County, Grafton	141676
Begin at the intersection of Capel Road and Island Road,	141677
thence, westerly, along the center of Capel Road, 5055 feet +/-,	141678
to the east line of the railroad, thence northeasterly, along the	141679
railroad, 4625 feet +/- to the southeast corner of Lorain County	141680
Parcel # 1100037000004, thence, easterly, along the south line	141681
said Lorain County Parcel # 1100037000004, 1295 feet +/-, to the	141682
center of Island Road, thence southerly along the center of Island	141683
Road, 2430 feet +/- to the beginning containing approximately 188	141684
acres. Being Lorain County Parcels: All of 1100043000004, All of	141685
1100043000003, All of 1100043000005, All of 1100044000003, All of	141686
1100037000002, All of 1100037000003, Part of 1100038000004 and	141687
Part of 1100038000000.	141688
Begin at the intersection of Avon-Belden Road (SR 83) and	141689
Capel Road, thence, northeasterly, along the center of Capel Road,	141690
385 feet +/- to an angle point in said road, thence, westerly,	141691
along said center of Capel Road, 3210 feet +/- to a point 20 feet	141692
west of a gravel drive, thence, southerly, and remaining 20 feet	141693
west of the gravel drive, 2635 feet +/- to a point, thence,	141694
westerly, and parallel to the centerline of Capel Road, 3545 feet	141695
+/- to the center of Avon-Belden Road (SR83), thence, northerly,	141696
along the center of Avon-Belden Road (SR83), 2325 feet +/- to the	141697
beginning containing approximately 198 acres. Being Lorain County	141698
Parcels: Part of 1100038000001, Part of 1100039000001, Part of	141699
1100039000002, Part of 1100042000001, All of 1100043000007 and All	141700

of 1100043000006. 141701

Begin at the intersection of Capel Road and Island Road, 141702
thence, southerly, along the center of Island Road, 4340 feet +/- 141703
to the northeast corner of Lorain County Parcel # 1100039000005, 141704
thence, westerly, along the north line of said Lorain County 141705
Parcel # 1100039000005, 264 feet +/- to the north west corner of 141706
said parcel, thence, southerly along the west line of said parcel, 141707
82.5 feet +/- to the southwest corner of said parcel and on the 141708
north line of Lorain County Parcel # 1100040000003, thence along 141709
the north line of said Lorain County Parcel # 1100040000003 and 141710
extending into State of Ohio lands, 1540 feet +/- to a point, 141711
thence, northerly and running 20 feet west of a gravel drive, 4425 141712
feet +/- to the center of Capel Road, thence, easterly, along the 141713
center of Capel Road, 350 feet +/- to the northwest corner of 141714
Lorain County Parcel # 1100038000003, thence southerly along the 141715
west line of said Parcel # 1100038000003, 522 feet +/-, to its 141716
southwest corner, thence westerly along the south line of said 141717
Parcel # 1100038000003, 245 feet +/- to its southeast corner, 141718
thence northerly, along the east line of said Parcel # 141719
1100038000003, 522 feet to the center of Capel Road, thence, 141720
easterly, along the center of Capel Road, 1210 feet +/- to the 141721
beginning containing approximately 180 acres. Being Lorain County 141722
Parcels: Part of 1100038000004, Part of 1100039000001, Part of 141723
1100039000002, Part of 1100039000003 and Part of 1100039000004. 141724

Begin at the northwest corner of Lorain County Parcel # 141725
1100041000003, said corner being in the centerline of Avon-Belden 141726
Road (SR 83), thence, northerly, along the center of said 141727
Avon-Belden Road (SR 83), 235 feet +/- to a point, said point also 141728
being on the extension of a fence line projected from the east, 141729
thence, easterly, on the extension of said fence line projected 141730
from the east, 4110 feet +/- to a point on the east line of Lorain 141731
County Parcel # 1100040000001, thence, southerly, along the said 141732

east line of Lorain County Parcel # 1100040000001 and the east 141733
line of Lorain County Parcel # 1100040000002 to the southeast 141734
corner of said Lorain County Parcel # 1100040000002, thence, 141735
westerly, along the south line of said Lorain County Parcel # 141736
1100040000002, Lorain County Parcel # 1100041000003 and Lorain 141737
County Parcel # 1100060000003, 4245 feet +/- to the center of 141738
Avon-Belden Road (SR 83), thence, northerly, along the center of 141739
said Avon-Belden Road (SR 83), 280 feet +/- to an angle point, 141740
thence continuing along the centerline said Avon-Belden Road (SR 141741
83), 1005 feet +/- to the beginning containing approximately 142 141742
acres. Being Lorain County Parcels: All of 1100060000003, All of 141743
1100041000003, All of 1100040000002, Part of 1100040000001 and 141744
Part of 1100041000002. 141745

Madison County, London 141746

Begin at the westerly intersection of Roberts Mill Road and 141747
Old Springfield Road, thence northerly along the centerline of 141748
Robert Mill Road to the south line of lands now or formerly owned 141749
by Mabel Marie Nibert (Madison County Parcel Number 29-00453.000), 141750
thence, easterly, with the south line(s) of said Nibert parcel to 141751
the southeast corner of said Nibert parcel, thence, northerly, 141752
with the east line of said Nibert parcel and the west line of 141753
lands now or formerly owned by the State of Ohio (Madison County 141754
Parcel Number 29-00789.000) to the south line of lands now or 141755
formerly owned by Bruce A. Roberts, Trustee (Madison County Parcel 141756
Number 29-00363.000), thence, easterly along the south line of 141757
said Roberts parcel to an angle point in said south line, thence, 141758
northerly, continuing along the said south line of said Roberts 141759
parcel to an angle point in said south line, thence northeasterly, 141760
continuing along the said south line of said Roberts parcel 1090 141761
+/- feet to a fence corner, thence, southeasterly, through the 141762
said State of Ohio lands and along a fence line, 1730 +/- feet to 141763
the west side of a farm drive that runs along a drainage ditch, 141764

thence southwesterly along said farm drive 2370 +/- feet to a 141765
point, thence southerly on a line that is parallel to the east 141766
line of the above referenced Nibert parcel and 2920 feet distant 141767
from the westerly intersection of Roberts Mill Road and Old 141768
Springfield Road 2935 +/- feet to the center of Old Springfield 141769
Road, thence westerly, along the centerline of Old Springfield 141770
Road 2920 feet to the beginning containing approximately 368 acres 141771
out of Madison County Parcel Number 29-00363.000. 141772

Begin at the easterly intersection of Roberts Mill Road and 141773
Old Springfield Road, thence easterly along the center of Old 141774
Springfield Road 8320 +/- feet to the east line of lands now or 141775
formerly owned by the State of Ohio (Madison County Parcel Number 141776
29-00789.000) and the west line of lands now or formerly owned by 141777
Gilbert F. Goodheil (Madison County Parcel Number 30-00054.000), 141778
thence southerly along the said east line of said State of Ohio 141779
parcel 2465 +/- feet to the north line of the Pennsylvania Lines 141780
LLC, railroad right of way, thence westerly, along the north line 141781
of the Pennsylvania Lines LLC, railroad right of way 7610 +/- feet 141782
to the center of Roberts Mill Road, thence with the center of 141783
Roberts Mill Road to the beginning containing approximately 455 141784
acres. 141785

Begin at the intersection of the Pennsylvania Lines LLC, 141786
south right of way line and the centerline of Roberts Mill Road, 141787
thence easterly with the Pennsylvania Lines LLC south right of way 141788
line, 7285 +/- feet to the northwest corner of land now or 141789
formerly owned by John R. Dunkle (Madison County Parcel Number 141790
31-03570.000), thence southerly along said Dunkle parcel 430 +/- 141791
feet to a corner, thence westerly along other parcels now or 141792
formerly owned by John R. Dunkle 1125 +/- feet to a corner, thence 141793
southerly along the west line of said Dunkle parcel 1500 +/- feet 141794
to an angle point in said line, thence easterly along said Dunkle 141795
lands 210 +/- feet to an angle point, thence southerly along said 141796

Dunkle lands 1150 +/- feet to the northeast corner of State of 141797
Ohio Highway Garage lands (Madison County Parcel Number 141798
29-00777.000), thence westerly along said Highway Garage lands and 141799
lands now or formerly owned by Tyrone J. Leach (Madison County 141800
Parcel Number 29-00569.000) and Kirkwood Cemetery (Madison County 141801
Parcel Numbers 29-00776.000 and 29-00816.000), 2000 +/- feet to a 141802
point on the east line of the State of Ohio Firearms Range 141803
(Madison County Parcel Number 29-000816.000), thence northerly 141804
along the said east line of the State of Ohio Firearms Range 1390 141805
+/- feet to a fence line projected from the east, thence easterly 141806
along said fence line 690 +/- feet to the west side of a farm 141807
drive, thence northwesterly following along the west side of the 141808
farm drive 280 +/- feet, 200 +/- feet and 280 +/- feet to a fence 141809
line projected from the west, said fence line being the north line 141810
of the State of Ohio Firearms Range, thence westerly along the 141811
said fence line and the north line of the State of Ohio Firearms 141812
Range 2115 +/- feet to the northwest corner of said State of Ohio 141813
Firearms Range thence, southerly along the west line of the State 141814
of Ohio Firearms Range, 860 +/- feet to a fence line, thence 141815
westerly along the fence line 955 +/- feet to the centerline of 141816
Roberts Mill Road, thence with the center of Roberts Mill Road to 141817
the beginning containing approximately 330 acres. 141818

Begin at the southeast corner of lands now or formerly owned 141819
by Tom Farms, Inc. (Madison County Parcel Number 05-00066.000) 141820
said corner also being the northwest corner of State of Ohio lands 141821
(Madison County Parcel Number 05-00542.000) and also being in the 141822
center of Marysville-London Road (SR 38), thence southerly along 141823
the center of Marysville-London Road (SR 38) 2145 +/- feet to an 141824
angle point in said road thence continuing with said road 141825
southerly 290 +/- feet to the southeast corner of State of Ohio 141826
lands (Madison County Parcel Number 05-00199.000) and the 141827
northeast corner of lands now or formerly owned by the City of 141828
London (Madison County Parcel Number 31-03614.000), thence 141829

southwesterly along the south line of said State of Ohio lands, 141830
the north line of said City of London and the lands now or 141831
formerly owned by the London City School District (Madison County 141832
Parcel Number 31-03614.001) 1886 +/- feet to the north west corner 141833
of said London City School district parcel and the northeast 141834
corner of lands now or formerly owned by GCSquared LLC (Madison 141835
County Parcel Number 31-01156.000), thence westerly along the 141836
north line of said GCSquared parcel 145 +/- feet to a fence 141837
corner, thence northwesterly, crossing said State of Ohio parcels 141838
and following said fence line 2000 +/- feet to a point where the 141839
east edge of a farm drive projected intersects, thence continuing 141840
northwesterly and along the east edge of the farmdrive 338 +/- 141841
feet, 280 +/- feet, 130 +/- feet, 305 +/- feet and 1025 +/- feet 141842
to a point where a projected south line of a parcel now or 141843
formerly owned by Tom Farms, Inc. (Madison County Parcel Number 141844
30-00030.000) and the north line of State of Ohio lands (Madison 141845
County Parcel Number 30-00199.000) intersect, thence westerly 141846
along lands now or formerly owned by Tom Farms, Inc. (Madison 141847
County Parcel Numbers 30-00030.000, 24-00340.000, 05-00066.001 and 141848
05-00066.000) and the north line of State of Ohio lands (Madison 141849
County Parcel Number 30-00199.000, 24-06140.000 and 05-00542.000) 141850
2850 +/- feet to the beginning containing approximately 150 acres. 141851

Marion County, Marion 141852

Begin at the intersection of Likens Road (CR 167-B) and the 141853
easterly right of way of the Norfolk & Western Railroad, thence 141854
northwesterly along the said east right of way of the Norfolk & 141855
Western Railroad 6760 +/- feet to the south line of lands now or 141856
formerly owned by National Lime & Stone Company (Marion County 141857
parcel Number 0903300023000), thence easterly with the south line 141858
of said National Lime & Stone Company parcel 1380 +/- feet to the 141859
west limited access right-of-way of U.S. 33, thence southerly 141860
along the said limited access right-of-way to the centerline of 141861

Likens Road (CR 167-B), thence westerly with the centerline of 141862
said Likens Road 5960 +/- feet to the beginning containing 141863
approximately 480 acres. 141864

Begin at the intersection of Likens Road (CR 167-B) and the 141865
easterly right of way of the Norfolk & Western Railroad, thence 141866
easterly with the centerline of Likens Road (CR 167-B) 3220 +/- 141867
feet to the center of Scioto Drive, thence southerly along the 141868
center of Scioto Drive 1350 +/- feet to a cultivation line, thence 141869
westerly along a cultivation line and the north line of a stand of 141870
trees 3890 +/- feet to a fence line, thence northerly along a 141871
fence line 385 +/- feet to the easterly right of way of the 141872
Norfolk & Western Railroad, thence northwesterly along the said 141873
east right of way of the Norfolk & Western Railroad 1160 +/- feet 141874
to the beginning containing approximately 110 acres. 141875

Pickaway County, Orient 141876

All of Pickaway County Parcel Number B0600010051700 excepting 141877
that portion known as "Snake Island" and containing approximately 141878
381 acres. 141879

Richland County, Mansfield 141880

All of Richland County Parcel: 0289003702006 (90.601 acres 141881
per Richland County Auditor) 141882

All of Richland County Parcel: 0512050002000 (53.767 acres 141883
per Richland County Auditor) 141884

All of Richland County Parcel: 0289050012000 (114.504 acres 141885
per Richland County Auditor) 141886

A portion (approximately 40 acres) split out of Richland 141887
County Parcel: 0289050013000 141888

Begin at the southwest corner of Richland County Parcel 141889
Number 0250901904000, said corner also being on the right of way 141890
of the CIC of Ashland Railroad, thence southeasterly along the 141891

south line of said Richland County Parcel Number 0250901904000, 141892
Richland County Parcel Numbers 0250900410000, 0250900708000, 141893
0250901009000 and 0250901013000, 1880 feet +/-, to a corner, 141894
thence southerly along the west line of said parcel number 141895
0250901013000, Richland County Parcel Numbers 0250901012000, 141896
0250931861000 and 0250903512000, 840 feet +/-, to the center of 141897
Mansfield-Savannah Road (SR 545), thence southwesterly along the 141898
centerline of Mansfield-Savannah Road (SR 545), 160 +/- feet to a 141899
point 25 feet northeast of the centerline of a gravel drive to the 141900
west, thence, northwesterly, crossing through Richland County 141901
Parcel number 0289050013000, to a point being on the right of way 141902
of the CIC of Ashland Railroad and 960 linear feet southerly from 141903
the beginning, thence northerly, along the right of way of the CIC 141904
of Ashland Railroad 960 feet to the beginning containing 141905
approximately 40 acres. 141906

A portion (approximately 24 acres) split out of Richland 141907
County Parcel: 0289050013000 141908

Begin at the northeast corner of Richland County Parcel 141909
Number 0289001703009, said corner also being in the centerline of 141910
Piper Road, thence, easterly, along the centerline of Piper Road, 141911
990 feet +/- to the westerly right of way of the CIC of Ashland 141912
Railroad, thence, southerly, along the westerly right of way of 141913
the CIC of Ashland Railroad, 985 feet +/- to the top of bank of a 141914
stream, thence, southwesterly, along the top of bank of said 141915
stream, and the meanderings thereof, to the southeast corner of 141916
Richland County Parcel Number 0289001703000, thence, northerly, 141917
along the east line of Richland County Parcel Number 0289001703000 141918
and Richland County Parcel Number 0289001703009, 680 +/- feet, to 141919
the beginning containing approximately 24 acres. Together with all 141920
of Richland County Parcel Number 0289001703009 (2.037 Acres) and 141921
Richland County Parcel Number 0289001703000 (1.865 Acres) totaling 141922
approximately 28 acres. 141923

Ross County, Chillicothe	141924
All of Ross County Parcel Number 370914026000 (136.867 acres per County Auditor)	141925 141926
Scioto County, Lucasville	141927
Begin at the southeast corner of lands now or formerly owned by Breeze Scioto, LLC (Scioto County parcel number 24-0069.000)	141928 141929
said corner also being on the westerly right-of-way of U. S. Route 23, thence, southerly along the said westerly right-of-way 3440 +/- feet to the northwest corner of lands owned by the State of Ohio - Department of Transportation (Scioto County parcel number 24-1646.001), thence westerly with the north line of said Department of Transportation lands 685 +/- feet to the northwest corner of said Department of Transportation lands, thence southerly along said Department of Transportation lands 945 +/- feet to the southwest corner of said Department of Transportation lands, thence easterly along said Department of Transportation lands and lands now or formerly owned by PGA Holdings, LLC (Scioto County parcel number 24-0395.000) to a point on the westerly right-of-way of U. S. 23, thence, southerly along the said westerly right-of-way to the northeast corner of lands now or formerly owned by Jeannine Shelpman (L\E) Amanda Eileen Kovernman (Scioto County parcel numbers 24-0507.000 & 24-0506.000), thence westerly along the northerly line of said Shelpman parcel 185 +/- feet to an angle point in said parcel line thence southwesterly along said Shelpman parcel 850 +/- feet to the east bank of the Scioto River, thence northerly along the east bank of the Scioto River, and the meanderings thereof, to the southwest corner of lands now or formerly owned by Jack & Faye Turner (Scioto County parcel number 34-0047.000), thence westerly along the south line of said Turner parcel 1870 +/- feet to the southeast corner of said Turner parcel, thence northerly 505 +/- feet to the southwest corner of Landsdown Subdivision, thence easterly along the south	141930 141931 141932 141933 141934 141935 141936 141937 141938 141939 141940 141941 141942 141943 141944 141945 141946 141947 141948 141949 141950 141951 141952 141953 141954 141955

line of said Subdivision 1415 +/- feet to the northwest corner of 141956
the above referenced Breeze Scioto LLC lands, thence southerly 141957
along the west line of said Breeze Scioto lands 500 +/- feet to 141958
the southwest corner of said Breeze Scioto lands, thence easterly 141959
along the south line of said Breeze Scioto lands 670 +/- feet to 141960
the beginning containing approximately 720 acres. 141961

Begin at the southwest corner of Moulton Addition said corner 141962
also being on the east right-of-way of the railroad and also being 141963
on the north line of State of Ohio lands (Scioto County parcel 141964
number 24-1657.000), thence easterly with the said south line of 141965
Moulton Addition and the north line of said State of Ohio lands 141966
310 +/- feet to the southwest corner of an unimproved alley in 141967
said addition thence northerly along the west side of said 141968
unimproved alley 120 +/- feet to the south line of Broad Street, 141969
thence easterly along the south line of Broad Street 15 +/- feet 141970
to the east line of the unimproved alley, thence southerly along 141971
the east side of said unimproved alley 120 +/- feet to a point on 141972
the south line of said Moulton Addition and the north line of said 141973
State of Ohio lands, thence easterly 2075 +/- feet to a corner 141974
common with the said State of Ohio parcel and a parcel now or 141975
formerly owned by Patty Kline Shuster, etal. (Scioto County parcel 141976
number 24-0273.000), thence northerly with the common line of the 141977
State of Ohio parcel and the Shuster parcel 250 +/- feet to 141978
another common corner of Shuster and the State of Ohio, thence 141979
easterly along the north line of said State of Ohio parcel and the 141980
south line of said Shuster parcel 965 +/- feet to an angle point 141981
in said north line and the southwest corner of another parcel now 141982
or formerly owned by Patty Kline Shuster, etal. (Scioto County 141983
parcel number 24-0274.000), thence continuing easterly along the 141984
north line of said State of Ohio parcel and the south line of said 141985
Shuster 1680 +/- feet to the southeast corner of said Shuster 141986
parcel and the northeast corner of said State of Ohio parcel, 141987
thence southerly along the east line of said State of Ohio parcel 141988

and another State of Ohio parcel (Scioto County parcel number 141989
24-1660.000) 1240 +/- feet to the southeast corner of the said 141990
State of Ohio parcel and the northeast corner of a parcel now or 141991
formerly owned by Michael L. & Mary M. Kidd (Scioto County parcel 141992
number 24-0260.000), thence with the north line of said Kidd 141993
parcel and the north line of a parcels now or formerly owned by 141994
Judy A. Newman (24-0368.000), Ronald E. & Melinda J. Arrick 141995
(24-1809.000) and Lake Mary Margaret, Inc. (24-0277.000) 2230 +/- 141996
feet to the northwest corner of the said Lake Mary Margaret, Inc. 141997
parcel, thence southerly along the west line of the said Lake Mary 141998
Margaret, Inc. parcel 875 +/- feet to the northeast corner of 141999
another Lake Mary Margaret, Inc. parcel, thence westerly along the 142000
north line of said Lake Mary Margaret, Inc. parcel 430 +/- feet to 142001
the northwest corner of said Lake Mary Margaret, Inc. parcel, 142002
thence southeasterly along said Lake Mary Margaret, Inc. parcel 142003
400 +/- feet to its southwest corner thence continuing 142004
southeasterly along said Lake Mary Margaret, Inc. parcel 295 +/- 142005
feet to its southeast corner, thence southerly along the west line 142006
of Lake Mary Margaret, Inc. parcel 680 +/- feet to a point in the 142007
center of Cook Road (CR 30), thence southwesterly with the center 142008
of said Cook Road, and the meanderings thereof, to its 142009
intersection of the easterly right-of-way of the railroad, thence 142010
northwesterly along the easterly right-of-way of the railroad 4360 142011
+/- feet to the beginning, excepting therefrom a 4.029 acre parcel 142012
now or formerly owned by Ohio Power (Scioto County parcel number 142013
24-1846.000) and containing approximately 240 acres. 142014

Begin at the intersection of the centerline of Cook Road (CR 142015
30) and the easterly right-of-way of the railroad, thence 142016
northeasterly along the center of said Cook Road, and the 142017
meanderings thereof, to the southwest corner of lands now or 142018
formerly owned by Anthony T. Arthurs (Scioto County parcel number 142019
24-0317.000), thence southeasterly with said Arthurs land 255 +/- 142020
feet to a corner of said Arthurs land, thence northeasterly with 142021

said Arthurs land 165 +/- feet to another corner of said Arthurs land, thence north westerly with said Arthurs land 195 +/- feet to a point on the south line of lands now or formerly owned by Christopher D. & Brittany E. Spencer (Scioto County parcel number 24-0428.000), thence northeasterly with said Spencer lands 95 +/- feet to a corner of said Spencer lands, thence northerly with said Spencer lands 145 +/- feet to another corner of said Spencer lands, thence northwesterly with said Spencer lands 50 +/- feet to another corner of said spencer lands, thence northerly along said Spencer lands 240 +/- feet to a point in the center of Cook Road (CR 30), thence northeasterly along the center of said Cook Road, and the meanderings thereof to the northwest corner of lands now or formerly owned by David A. & Lanette E. Wagner (Scioto County parcel number 24-0237.000), thence southerly with the west line of said Wagner lands 360 +/- feet to the southwest corner of said Wagner lands, thence westerly along the south line of said Wagner lands and a south line of lands now or formerly owned by Garlen D. & Patricia A. Shoemaker (Scioto County parcel number 24-0322.000) 140 +/- feet to a corner of said Shoemaker lands, thence with the boundaries of said Shoemaker lands the following six (6) courses and distances: (1) southeasterly 245 +/- feet, (2) southeasterly 190 +/- feet, (3) southeasterly 145 +/- feet, (4) southeasterly 145 +/- feet, (5) northeasterly 145 +/- feet, (6) northeasterly 345 +/- feet to the southeast corner of another parcel of land now or formerly owned by Garlen D. & Patricia A. Shoemaker (Scioto County parcel number 24-0321.000), thence easterly along the south line of said Shoemaker lands and the south line of lands now or formerly owned by John R & Patricia A. Foit (Scioto County parcel number 24-0145.000) 685 +/- feet to the southeast corner of lands now or formerly owned by James A. & Sandra S. Riggs (Scioto County parcel number 24-0024.000), thence northeasterly along the south line of said Riggs land and the south line of lands now or formerly owned by Sheila Stevenson (Scioto County parcel numbers

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24-0023.000 & 24-0022.000) 1080 +/- feet to the southeast corner 142055
of said Stevenson lands, thence northerly along the east line of 142056
said Stevenson lands 360 +/- feet to a point on the south line of 142057
lands now or formerly owned Melinda J. Arrick (Scioto County 142058
parcel number 24-0522.000), thence easterly along the south line 142059
of said Arrick lands and the south line of Violet Homesites 142060
Subdivision 1060 +/- feet to the northwest corner of lands now or 142061
formerly owned by Mark A. & Deborah D. Barnett (Scioto County 142062
parcel number 24-0157.000), thence with the boundaries of said 142063
Barnett lands (Scioto County parcel numbers 24-0157.000, 142064
24-0156.000, 08-0319.000 & 08-0320.000) the following five (5) 142065
courses and distances: (1) southerly 465 +/- feet, (2) easterly 142066
700 +/- feet, (3) northeasterly 430 +/- feet, (4) northeasterly 142067
265 +/- feet, (5) easterly 220 +/- feet to the centerline of Lintz 142068
Hollow Road (TR 179), thence southerly with the center of said 142069
Lintz Hollow Road 145 +/- feet to the northeast corner of lands 142070
now or formerly owned by Ronald & Leslie Buckle (Scioto County 142071
parcel number 08-0878.000), thence with the boundaries of said 142072
Buckle lands (Scioto County parcel numbers 08-0878.000 & 142073
24-0877.000) the following ten (10) courses and distances: (1) 142074
southwesterly 350 +/- feet, (2) southwesterly 120 +/- feet, (3) 142075
southwesterly 370 +/- feet, (4) northerly 95 +/- feet, (5) 142076
northwesterly 210 +/- feet, (6) southwesterly 120 +/- feet, (7) 142077
southeasterly 255 +/- feet, (8) northeasterly 220 +/- feet, (9) 142078
southeasterly 150 +/- feet, (10) northeasterly 415 +/- feet to the 142079
northwest corner of lands now or formerly owned by Bonnie G. Davis 142080
(Scioto County parcel number 08-0393.000), thence southerly along 142081
the west line of said Davis lands and lands now or formerly owned 142082
by Lane & Debby Raiser (Scioto County parcel number 08-1539.001) 142083
and now or formerly owned by Leona Mullins (Scioto County parcel 142084
number 08-1539.000) 555 +/- feet to a point on the north line of 142085
lands now or formerly owned by Charles M. Lute (Scioto County 142086
parcel number 08-0541.000), thence westerly along the north line 142087

of said Lute lands 640 +/- feet to the northwest corner of said 142088
Lute lands, thence southerly along the west line of said Lute 142089
lands 1545+/- feet to the southwest corner of said Lute lands, 142090
thence easterly along the south line of said Lute lands 1135 +/- 142091
feet to the northwest corner of lands now or formerly owned by 142092
Joseph Q. Johnson (Scioto County parcel number 08-0668.000), 142093
thence southerly along the west line of said Johnson lands (Scioto 142094
County parcel numbers 08-0668.000, 08-0463.000 & 08-0464.000) 2595 142095
+/- feet to the northwest corner of lands now or formerly owned by 142096
Roger & Peggy King (Scioto County parcel number 08-0624.000), 142097
thence southwesterly along the west line of said King parcel and 142098
the west line of lands now or formerly owned by Bruce & Anita 142099
Mannien (Scioto County parcel number 08-0624.001) 1370 +/- feet to 142100
the northeast corner of lands now or formerly owned by Christopher 142101
D. & Tammay L. Bailey (Scioto County parcel number 08-0530.000), 142102
thence with the north line of said Bailey lands and the north line 142103
of now or formerly owned by Patrick J. Phillips (Scioto County 142104
parcel number 08-530.003), Christopher A. Eldridge (Scioto County 142105
parcel number 08-530.001) and Andy R. & Carey L. Johnson (Scioto 142106
County parcel number 08-530.004), 1035 +/- feet to the northeast 142107
corner of lands now or formerly owned by Ronald L. Sheets (Scioto 142108
County parcel number 24-0053.000), thence easterly along the north 142109
line of said Sheets lands 1225 +/- feet to the easterly 142110
right-of-way of Vern Riffe Drive (CR 505), thence northwesterly 142111
along the said easterly right-of-way, and the meanderings 142112
thereof, to the south line of lands now or formerly owned by Scioto 142113
County Joint Vocational School (Scioto County parcel numbers 142114
24-1671.000 and 24-1672.000), thence with the boundaries of said 142115
school lands the following five (5) courses and distances: (1) 142116
easterly 440 +/- feet, (2) northerly 2100 +/- feet, (3) westerly 142117
2100 +/- feet, (4) southerly 2100 +/- feet, (5) 1565 +/- feet to 142118
the westerly right-of-way of said Vern Riffe Drive, thence 142119
southeasterly along the said westerly right-of-way, and the 142120

meanderings thereof, to the north line of the above referenced 142121
Sheets lands (Scioto County parcel number 24-0053.000), thence 142122
westerly along the north line of said Sheets lands 1380 +/- feet 142123
to the east line of lands now or formerly owned by George L. Davis 142124
(Scioto County parcel number 24-0123.000), thence northerly along 142125
the east line of said Davis lands 1325 +/- feet to the northeast 142126
corner of said Davis lands, thence westerly along the north line 142127
of said Davis lands 2195 +/- feet to the easterly right-of-way of 142128
the railroad, thence northerly along the said easterly 142129
right-of-way, 1425 +/- feet to the southwest corner of lands now 142130
or formerly owned by Marietta & Darrell E. York (Scioto County 142131
parcel number 24-0255.000), thence with the boundaries of the said 142132
York lands the following three (3) courses and distances: (1) 142133
easterly 85 +/- feet, northerly 205 +/- feet, westerly 125 +/- 142134
feet to the easterly right-of-way of the railroad, thence 142135
northerly along the said easterly right-of-way to lands known as 142136
Lucasville Sewer Plant (Scioto County parcel number 24-1643.000), 142137
thence with the boundaries of the Sewer Plant lands the following 142138
three (3) courses and distances: (1) northeasterly 500 +/- feet, 142139
(2) northwesterly 360 +/- feet, (3) southwesterly 500 +/- feet to 142140
the easterly right-of-way of the railroad, thence along the said 142141
easterly right-of-way of the railroad 890 +/- feet to the 142142
beginning and containing approximately 667 acres. 142143

Warren County, Lebanon 142144

Begin at the northwest corner of Warren County parcel number 142145
11052000120, said corner also being on the south right-of-way line 142146
of State Route 63 (SR63) and the east line of Norfolk Southern 142147
Railroad lands (Warren County parcel number 11055020030), thence 142148
westerly along the south right-of-way line of State Route 63 142149
(SR63) 465 +/- feet to a fence line projected from the south, 142150
thence southerly along the fence line 650 +/- feet to the east 142151
line of the said Norfolk Southern Railroad lands, thence 142152

northwesterly along the said east line of the said Norfolk
Southern Railroad lands 320 +/- feet to an angle point in the east
line of the said Norfolk Southern Railroad lands, thence westerly
along the said east line of the said Norfolk Southern Railroad
lands 140 +/- feet to an angle point in the east line of the said
Norfolk Southern Railroad lands, thence northwesterly along the
said east line of the said Norfolk Southern Railroad lands 570 +/-
feet to the beginning and containing approximately 3.2 acres.

Begin at the southeast corner of lands now or formerly owned
by Warren General Property (Warren County parcel number
11064000201) said corner also being on the north right-of-way line
of State Route 63 (SR 63), thence northerly along the east line of
said Warren General Property lands 2035 +/- feet to the northeast
corner of said Warren General Property lands, thence westerly
along the north line of said Warren General Property lands 2635
+/- feet to the easterly right-of-way of North Union Road, thence
along the easterly right-of-way of North Union Road 3475 +/- feet
to the southwest corner of lands now or formerly owned by Warren
County Commissioners (Warren County parcel number 08313000040),
thence easterly along the south line of said Commissioners lands
and lands now or formerly owned by FRL Real Estate LLC (Warren
County parcel number 08313000082) 2420 +/- feet to a point on the
south line of said FRL Real Estate lands and the northwest corner
of lands now or formerly owned by Grand Communities LTD. (Warren
County parcel number 12362000190), thence southerly along the west
line of said Grand Communities LTD. lands 1400 +/- feet to a
corner of Grand Communities LTD. lands, thence westerly along said
Grand Communities LTD. lands 585 +/- feet to a corner of said
Grand Communities LTD. lands, thence southerly along said Grand
Communities LTD. lands extended 3685 +/- feet extended to a fence
line that surrounds a wastewater treatment facility, thence
westerly along the fence line 195 +/- feet to the southerly top of
bank of Shaker Creek, thence southwesterly along the top of bank

270 +/- feet to a point, thence southerly 125 +/- feet to the 142186
north right-of-way line of State Route 63 (SR 63), thence westerly 142187
along the north right-of-way line of State Route 63 (SR 63) 750 142188
+/- feet to the beginning and containing 292 acres. 142189

Begin at the southwest corner of lands now or formerly owned 142190
by Warren County Commissioners (Warren County parcel number 142191
12364000010), said corner also being in the centerline of State 142192
Route 63 (SR 63), thence westerly with the center of State Route 142193
63 (SR 63) 1255 +/- feet to the extension of a fence line from the 142194
north that surrounds a wastewater treatment facility, thence 142195
northerly along the fence line 280 +/- feet to a fence corner, 142196
thence westerly along the fence line 205 +/- feet to a point where 142197
the extension of the west line of lands now or formerly owned by 142198
Grand Communities LTD. (Warren County parcel number 12362000190), 142199
thence northerly along said extended line 1870 +/- feet to a 142200
southwest corner of said Grand Communities LTD. lands, thence 142201
easterly along the south line of said Grand Communities, LTD. 142202
lands and the south line of lands now or formerly owned by Shaker 142203
Run Capital Funding (Warren County parcel number 12301000040), 142204
6030 feet to a point on the west line of lands now or formerly 142205
owned by Otterbein Lebanon LLC (Warren County parcel number 142206
12302000031), thence southerly along the west line of said 142207
Otterbein Lebanon LLC lands 1700 +/- feet to the extension of a 142208
fence line from the west that surrounds a Department of 142209
Transportation Outpost facility, thence westerly along the fence 142210
line 310 +/- feet to a fence corner, thence southerly along the 142211
fence line 435 +/- feet to the centerline of State Route 63 (SR 142212
63), thence westerly along the centerline of State route 63 (SR 142213
63) 455 +/- feet to the southeast corner of lands now or formerly 142214
owned by Cincinnati Gas & Electric (Warren County parcel number 142215
12303000020), thence with the boundaries of the said Cincinnati 142216
Gas & Electric lands the following three (3) courses and 142217
distances: (1) northerly 330 +/- feet, (2) northwesterly 405 +/- 142218

feet, (3) southerly 560 +/- feet to the centerline of State Route 142219
63 (SR 63), thence westerly along the centerline of State Route 63 142220
(SR 63) 2155 +/- feet to the extension of a fence line projected 142221
from the northeast, thence northeasterly along the fence line 675 142222
+/- feet to an angle point in the fence, thence northerly along 142223
the fence line 200 +/- feet to a fence corner, thence 142224
southwesterly along the fence line 320 +/- feet to a point on the 142225
north line of the above referenced Warren County Commissioners 142226
lands (Warren County parcel number 12364000010), thence with the 142227
boundaries of said County Commissioners lands the following two 142228
(2) courses and distances: (1) westerly 550 +/- feet, (2) 142229
southerly 435 +/- feet to the place of beginning containing 142230
approximately 273 acres. 142231

Begin at the northeast corner of lands now or formerly owned 142232
by Leah Margaret White (Warren County parcel number 12294000010), 142233
said corner also being in the centerline of State Route 741 (SR 142234
741), thence westerly along the north line of said White lands 142235
2655 +/- feet to the northeast corner of said White lands, thence 142236
northerly along the projected west line of said White lands 3850 142237
+/- feet to the southerly right-of-way line of State Route 63 (SR 142238
63), thence with the said southerly right-of-way the following 142239
eleven (11) courses and distances: (1) easterly 1815 +/- feet, (2) 142240
southeasterly 52.09 feet, (3) southeasterly 201.00 feet, (4) 142241
southeasterly 253.18 feet, (5) southeasterly 50.25 feet, (6) 142242
southeasterly 33.54 feet, (7) northeasterly 276.16 feet, (8) 142243
easterly 100.04 feet, (9) easterly 150.01 feet, (10) easterly 142244
250.20 feet, (11) southeasterly 32.74 feet to the westerly 142245
right-of-way of State Route 741 (SR 741), thence along the 142246
westerly right-of-way of State Route 741 (SR 741) the following 142247
eight (8) courses and distances: (1) southwesterly 388.87 feet, 142248
(2) southwesterly 186.75 feet, (3) southwesterly 187.79 feet, (4) 142249
southwesterly 300.37 feet, (5) southwesterly 201.00 feet, (6) 142250
southwesterly 654.38 feet, (7) southerly 52.04 feet, (8) 142251

southwesterly 240 +/- feet to the northeast corner of lands owned 142252
by The State of Ohio - Department of Transportation (Warren County 142253
parcel number 12294000020), thence with the boundaries of said 142254
Department of Transportation lands the following three (3) courses 142255
and distances: (1) westerly 1645 +/- feet, (2) southerly 700 +/- 142256
feet, (3) easterly 1600 +/- feet to the centerline of State Route 142257
741 (SR 741), thence southerly along the centerline of State Route 142258
741 (SR 741) 880 +/- feet to the beginning and containing 142259
approximately 216 acres. 142260

All of Warren County parcel number 12281000030 142261

The foregoing legal descriptions may be corrected or modified 142262
by the Department of Administrative Services as necessary in order 142263
to facilitate the recording of the deed or deeds to define the 142264
description of the real estate identified as no longer obligatory 142265
by the state. 142266

(B)(1) The conveyance or conveyances include improvements and 142267
chattels situated on the real estate, and is or are subject to all 142268
easements, covenants, conditions, and restrictions of record; all 142269
legal highways and public rights-of-way; zoning, building, and 142270
other laws, ordinances, restrictions, and regulations; and real 142271
estate taxes and assessments not yet due and payable. The real 142272
estate shall be conveyed in "as-is, where-is, with all faults" 142273
condition. 142274

(2) The deed or deeds for the conveyance of the real estate 142275
may contain restrictions, covenants, exceptions, reservations, 142276
reversionary interests, and other terms and conditions the 142277
Director of Administrative Services determines to be in the best 142278
interest of the state. 142279

(3) Subsequent to the conveyance or conveyances, any 142280
restrictions, exceptions, reservations, reversionary interests, or 142281
other terms and conditions contained in the deed or deeds may be 142282

released by the state or the Department of Rehabilitation and Correction without the necessity of further legislation.

(4) The deed or deeds shall contain restrictions prohibiting the purchaser or purchasers from occupying, using, developing, or selling the real estate if the occupation, use, development, or sale will interfere with the quiet enjoyment of neighboring state-owned land.

(5) The real estate described in division (A) of this section shall be conveyed only if the Director of Administrative Services and the Director of Rehabilitation and Correction first have determined that the real estate is surplus real property no longer needed by the state and that the conveyance or conveyances are in the best interest of the state.

(C) The Director of Administrative Services shall conduct a sale of the real estate by sealed bid auction or public auction, and the real estate shall be sold to the highest bidder at a price acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. The Director of Administrative Services shall advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in the county in which the real estate to be conveyed is located, once a week for three consecutive weeks before the date on which the sealed bids are to be opened or the public auction is to be held. The Director of Administrative Services shall notify the successful bidder in writing. The Director of Administrative Services may reject any or all bids.

The purchaser or purchasers shall pay ten percent of the purchase price to the Director of Administrative Services not later than five business days after receiving the notice the bid has been accepted, and shall enter into a real estate purchase agreement, in the form prescribed by the Department of Administrative Services. Payment may be made by bank draft or

certified check made payable to the Treasurer of State. The 142315
purchaser or purchasers shall submit the balance of the purchase 142316
price to the Director of Administrative Services not later than 142317
sixty days after receiving notice the bid has been accepted. A 142318
purchaser who does not complete the conditions of the sale as 142319
prescribed in this division shall forfeit as liquidated damages 142320
the ten percent of the purchase price paid to the state. If a 142321
purchaser fails to complete the purchase of the real estate, the 142322
Director of Administrative Services may accept the next highest 142323
bid, subject to the foregoing conditions. If the Director of 142324
Administrative Services rejects all bids, the Director may repeat 142325
the sealed bid auction or public auction. 142326

The Department of Rehabilitation and Correction shall pay 142327
advertising costs incident to the sale of the real estate. 142328

(D) The real estate described in division (A) of this section 142329
may be conveyed as an entire tract or as multiple parcels as 142330
determined by the Director of Administrative Services and the 142331
Director of Rehabilitation and Correction. The real estate 142332
described in division (A) of this section may be conveyed to a 142333
single purchaser or multiple purchasers as determined by the 142334
Director of Administrative Services and the Director of 142335
Rehabilitation and Correction. 142336

(E) Except as otherwise specified in this section, the 142337
purchaser or purchasers shall pay all costs associated with the 142338
purchase, closing, and conveyance of the real estate, including 142339
surveys, appraisals, title evidence, title insurance, transfer 142340
costs and fees, recording costs and fees, taxes, and any other 142341
fees, assessments, and costs that may be imposed. 142342

(F) The proceeds of the conveyance of facilities and interest 142343
in real estate sale or sales shall be deposited into the state 142344
treasury to the credit of the Adult and Juvenile Correctional 142345
Facilities Bond Retirement Fund in accordance with section 142346

5120.092 of the Revised Code. 142347

(G) Upon payment of the purchase price, the Auditor of State, 142348
with the assistance of the Attorney General, shall prepare a deed 142349
or deeds to the real estate described in division (A) of this 142350
section. The deed or deeds shall state the consideration and shall 142351
be executed by the Governor in the name of the state, 142352
countersigned by the Secretary of State, sealed with the Great 142353
Seal of the State, presented in the Office of the Auditor of State 142354
for recording, and delivered to the purchaser or purchasers. The 142355
purchaser or purchasers shall present the deed or deeds for 142356
recording in the office of the county recorder of the county in 142357
which the real estate is located. 142358

(H) This section expires three years after its effective 142359
date. 142360

Section 753.20. (A) The Governor may execute a deed in the 142361
name of the state conveying to one or more purchasers, and to the 142362
purchaser or purchaser's heirs and assigns or successors and 142363
assigns, all of the state's and University's right, title, and 142364
interest in any or all parcels of real estate, held for the use 142365
and benefit of the University of Akron, described as follows: 142366

Situated in the City of Akron, County of Summit and State of 142367
Ohio and being all of Lot Number 36 and Lot Number 37 of the 142368
FAIRWAY ESTATES ALLOTMENT as the same is numbered and delineated 142369
upon the recorded plat thereof, of record in Plat Book 48, Pages 6 142370
through 9, Summit County Records. 142371

Also known as 465 Burning Tree Drive. 142372

Parcel Numbers: Lot 36: 6715076 (01-01669-04-005.000) and 142373
Loft 37: 6751600 (01-01669-04-004.000) 142374

Prior Instrument Reference: Inst. # 54252035 (Lot 36) and 142375
Inst. # 24252036 (Lot 37) 142376

The foregoing legal description may be corrected or modified 142377
by the Department of Administrative Services as necessary in order 142378
to facilitate the recording of the deed or deeds. 142379

(B) The real estate described in division (A) of this section 142380
shall be sold as an entire tract and not in parcels. The 142381
conveyance shall include the improvements and chattels situated on 142382
the real estate, and shall be subject to all easements, covenants, 142383
conditions, and restrictions of record; all legal highways and 142384
public rights-of-way; zoning, building, and other laws, 142385
ordinances, restrictions, and regulations; and real estate taxes 142386
and assessments not yet due and payable. The real estate shall be 142387
conveyed in an "as-is, where-is, with all faults" condition. 142388

(C) The University of Akron may use a sale process acceptable 142389
to the Board of Trustees of the University of Akron, including, 142390
but not limited to, a sale by sealed bid auction or public 142391
auction, or through contracting for the services of a real estate 142392
broker selected by the University using the University's normal 142393
competitive selection process for vendors. 142394

(D) Consideration for conveyance of the real estate shall be 142395
a purchase price and any terms and conditions acceptable to the 142396
Board of Trustees of the University of Akron. 142397

(E) The purchaser or purchasers shall pay the costs of the 142398
conveyance, including recordation costs of the deed or deeds, 142399
closing and conveyance fees, including any surveys, title 142400
evidence, title insurance, transfer costs and fees, recording 142401
costs and fees, any taxes and other fees, assessments, and costs 142402
that may be imposed. 142403

(F) Upon adoption of a resolution by the Board of Trustees of 142404
the University of Akron specifically describing the parcel or 142405
parcels of real estate to be conveyed, the purchaser or purchasers 142406
of the real estate, the consideration paid or to be paid, and any 142407

terms and conditions, the Auditor of State, with the assistance of 142408
the Attorney General, shall prepare a deed or deeds to the real 142409
estate described in the resolution. The deed or deeds also shall 142410
contain any exceptions, reservations, or conditions and any right 142411
of reentry or reverter specified in the resolution. The deed or 142412
deeds shall be executed by the Governor in the name of the state, 142413
countersigned by the Secretary of State, sealed with the Great 142414
Seal of the State, presented in Office of the Auditor of State for 142415
recording, and delivered to the purchaser or purchasers. The 142416
purchaser or purchasers shall present the deed or deeds for 142417
recording in the Office of the Summit County Recorder. 142418

(G) The net proceeds of the sale of the real estate shall be 142419
paid to the University of Akron and deposited in the University of 142420
Akron's endowment account for purposes to be determined by the 142421
Board of Trustees of the University of Akron. 142422

(H) The Board of Trustees of the University of Akron may 142423
release any exceptions, reservations, or conditions or any right 142424
of reentry or reverter contained in any deed authorized under 142425
division (A) of this section without further need for legislation. 142426

(I) This section expires three years after its effective 142427
date. 142428

Section 757.20. (A) Notwithstanding the requirements of 142429
division (C) of section 5747.50 of the Revised Code, the Tax 142430
Commissioner shall reduce the total amount available for 142431
distribution to municipal corporations during the current month, 142432
as defined in that division, by one million dollars in each month 142433
of the period beginning with July 2017, and ending with December 142434
2017, before calculating the amount to be distributed to each 142435
county. 142436

(B) On or before the tenth day of each month in the period 142437
beginning with July 2017 and ending with December 2017, the tax 142438

commissioner shall provide for payment to each county undivided 142439
local government fund of a supplement for townships. The 142440
commissioner shall determine the amounts paid to each fund as 142441
follows: 142442

(1) Four hundred sixteen thousand six hundred sixty-six 142443
dollars and sixty-seven cents shall be divided among every county 142444
fund so that each township in the state receives an equal amount. 142445

(2) Four hundred sixteen thousand six hundred sixty-six 142446
dollars and sixty-six cents shall be divided among every county 142447
fund so that each township receives a proportionate share based on 142448
the proportion that the total township road miles in the township 142449
is of the total township road miles in all townships in the state. 142450

(C)(1) As used in this division, "qualifying village" means a 142451
village with a population of less than one thousand according to 142452
the most recent federal decennial census. 142453

(2) On or before the tenth day of each month in the period 142454
beginning with July 2017, and ending with December 2017, the tax 142455
commissioner shall provide for payment to each county undivided 142456
local government fund of a supplement for qualifying villages. The 142457
commissioner shall determine the amounts paid to each fund as 142458
follows: 142459

(a) Eighty-three thousand three hundred thirty-three dollars 142460
and thirty-four cents shall be divided among every county fund so 142461
that each qualifying village in the state receives an equal 142462
amount. 142463

(b) Eighty-three thousand three hundred thirty-three dollars 142464
and thirty-three cents shall be divided among every county fund so 142465
that each qualifying village receives a proportionate share based 142466
on the proportion that the total village road miles in the 142467
qualifying village is of the total village road miles in all 142468
qualifying villages in the state. 142469

(D) The tax commissioner shall separately identify to the county treasurer the amounts to be allocated to each township under divisions (B)(1) and (2) of this section and to each qualifying village under divisions (C)(2)(a) and (b) of this section. The treasurer shall transfer those amounts to townships and qualifying villages from the undivided local government fund.

Section 757.40. In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2018-2019 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2018-2019 biennium and future biennia.

Biennial Business Incentive Tax Credit Estimates

Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Expected Outstanding credits
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(All figures in thousands of dollars)

Tax Credit	FY 2018	FY 2019	FY 2018	FY 2019	End of Biennium
Job Creation Tax Credit*	\$100,000	\$100,000	\$105,000	\$100,000	\$885,000

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Job	\$ 0	\$ 0	\$55,000	\$55,000	\$290,000	142495
Retention						
Tax						
Credit						142496
Historic	\$60,000	\$60,000	\$120,000	\$90,000	\$190,000	142497
Preservation						
Tax						
Credit						142498
Motion	\$40,000	\$40,000	\$50,000	\$50,000	\$35,000	142499
Picture						
Tax						
Credit						142500
New	\$10,000	\$10,000	\$9,795	\$10,000	\$38,205	142501
Markets						
Tax						
Credit						142502
R&D Loan	\$4,500	\$4,500	\$4,500	\$4,000	\$30,000	142503
Tax						
Credit						142504
InvestOhio	\$12,500	\$12,500	\$18,000	\$15,000	\$42,000	142505
Tax						
Credit						142506
Estimate	\$227,000	\$227,000	\$362,295	\$324,000	\$1,510,205	142507
Total						
*The Job Creation Tax Credit (JCTC) estimate of credits						142508
outstanding is not just for tax credit certificates already						142509
issued, but also for the estimated potential value of certificates						142510

to be issued under the program through 2035 when looking at the 142511
existing portfolio of approved and active incentives. The estimate 142512
assumes that the companies receiving credits will continue to meet 142513
the performance objectives required to continue receiving the 142514
credit. 142515

Section 757.50. (A) The amendment by this act of section 142516
5713.051 of the Revised Code clarifies the intent of the General 142517
Assembly that the method described in section 5713.051 of the 142518
Revised Code for determining the true value in money of oil and 142519
gas reserves for property tax purposes continues to represent the 142520
only method for valuing oil and gas reserves for property tax 142521
purposes. 142522

(B) The amendment by this act of section 5713.051 of the 142523
Revised Code applies to any addition of oil and gas reserves to 142524
the tax list and duplicate on or after the effective date of that 142525
amendment, including oil and gas reserves added to the tax list 142526
pursuant to section 319.35, 319.36, or 5713.20 of the Revised 142527
Code. The amendment by this act of section 5713.051 of the Revised 142528
Code applies to any taxes for oil and gas reserves charged by a 142529
county auditor or county treasurer, including taxes for oil and 142530
gas reserves charged under section 319.40 or 5713.20 of the 142531
Revised Code on or after the effective date of that amendment. 142532

(C) Division (B) of this section applies without regard to 142533
the tax year or tax years to which the addition or charged taxes 142534
relate. 142535

Section 757.60. The Department of Taxation shall study the 142536
feasibility of allowing taxpayers to file municipal income tax 142537
returns through the joint federal and state Modernized e-File 142538
(MeF) program. In conducting the study, the Department shall do 142539
both of the following: 142540

(A) Estimate the cost to the state and to municipal corporations of accepting municipal income tax returns through the MeF program;

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(B) Establish a timeline for the incorporation of municipal income tax filing into the MeF program.

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Upon completion of the study, and not later than December 31, 2017, the Department shall submit copies of the study to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons of the House and Senate Ways and Means committees.

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Section 757.70. (A) As used in this section:

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(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code.

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(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code.

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(3) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

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(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2019, provided that the taxpayer is unable to claim the credit under section 5725.151, 5725.34, 5726.52, 5729.17, or 5747.76 of the Revised Code.

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The credit shall equal the lesser of twenty-five per cent of the dollar amount of the qualified rehabilitation expenditures indicated on the certificate or five million dollars. The credit shall be claimed for the calendar year specified in the

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certificate and after the credits authorized in divisions (A)(1) 142571
to (4) of section 5751.98 of the Revised Code, but before the 142572
credits authorized in divisions (A)(5) to (7) of that section. 142573

If the credit allowed for any calendar year exceeds the tax 142574
otherwise due under section 5751.02 of the Revised Code, after 142575
allowing for any other credits preceding the credit in the order 142576
prescribed by this section, the excess shall be refunded to the 142577
taxpayer. However, if any amount of the credit is refunded, the 142578
sum of the amount refunded and the amount applied to reduce the 142579
tax otherwise due for that year shall not exceed three million 142580
dollars. The taxpayer may carry forward any balance of the credit 142581
in excess of the amount claimed for that year for not more than 142582
five calendar years after the calendar year specified in the 142583
certificate, and shall deduct any amount claimed in any such year 142584
from the amount claimed in an ensuing year. 142585

A person that is an excluded person may file a return under 142586
section 5751.051 of the Revised Code for the purpose of claiming 142587
the credit authorized in this section. 142588

If the certificate owner is a pass-through entity, the credit 142589
may not be allocated among the entity's owners in proportions or 142590
amounts as the owners mutually agree unless either the owners are 142591
part of the same combined or consolidated elected taxpayer as the 142592
pass-through entity or the director of development services issued 142593
the certificate in the name of the pass-through entity's owners in 142594
the agreed-upon proportions or amounts. If the credit is allocated 142595
among those owners, an owner may claim the credit authorized in 142596
this section only if that owner is a corporation or an association 142597
taxed as a corporation for federal income tax purposes and is not 142598
a corporation that has made an election under Subchapter S of 142599
Chapter 1 of Subtitle A of the Internal Revenue Code. 142600

The credit authorized in this section may be claimed only on 142601
the basis of a rehabilitation tax credit certificate with an 142602

effective date after December 31, 2013, but before June 30, 2019. 142603

A person claiming a credit under this section shall retain 142604
the rehabilitation tax credit certificate for four years following 142605
the end of the latest calendar year in which the credit was 142606
applied, and shall make the certificate available for inspection 142607
by the tax commissioner upon request. 142608

Section 761.10. It is the intent of the General Assembly that 142609
the amendment of section 6111.03 and enactment of section 6111.561 142610
of the Revised Code by this act do all of the following: 142611

(A) Supersede the effect of the holding of the Ohio Supreme 142612
Court in *Fairfield County Board of Commissioners v. Nally*, 143 142613
Ohio St.3d 93, 2015-Ohio-991, 34 N.E.3d 873; 142614

(B) Exclude from rulemaking under Chapter 119. of the Revised 142615
Code total maximum daily load (TMDL) drafts, established TMDLs, 142616
and the submission of a TMDL to the United States Environmental 142617
Protection Agency; 142618

(C) Make the establishment of a final TMDL appealable to the 142619
Environmental Review Appeals Commission; 142620

(D) Retain, in full force and effect, TMDLs submitted and 142621
approved by the United States Environmental Protection Agency 142622
prior to March 24, 2015. 142623

Section 763.10. Not later than June 30, 2019, the governor's 142624
office of workforce transformation, in conjunction with the Ohio 142625
library council or its successor organization, may develop a brand 142626
for public libraries as "continuous learning centers" that serve 142627
as hubs for information about local in-demand jobs and relevant 142628
education and job training resources. 142629

Not later than June 30, 2019, the state library of Ohio shall 142630
strengthen the online education resources of the Ohio digital 142631

library to provide more accessible job training materials to adult learners. 142632
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Section 803.10. (A) The member of the Ohio Facilities Construction Commission appointed by the Governor under division (B) of section 123.20 of the Revised Code as it existed prior to the amendments to that section made by this act shall serve the remainder of the member's term. Upon the expiration of the term, the Governor shall appoint a member to the Commission in the manner provided by section 123.20 of the Revised Code as amended by this act. 142634
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(B) If the member serving the unexpired term under division (A) of this section is unable to fulfill the term, the Governor shall appoint a member to fill the vacancy in the manner provided by section 123.20 of the Revised Code as amended by this act. 142642
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Section 803.20. EXCHANGE OF CERTAIN INFORMATION BETWEEN SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 142646
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Until the amendments to sections 191.04 and 191.06 of the Revised Code made by this act take effect in accordance with section 101.01 of this act, and notwithstanding any provision of the Revised Code to the contrary, the provisions in sections 191.04 and 191.06 of the Revised Code apply for fiscal years 2013 through 2019. 142648
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A portion of the foregoing appropriation items 651425, Medicaid Program Support-State, 651525, Medicaid/Health Care Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid Services-Payment Withholding, 651624, Medicaid Program Support-Federal, 651680, Health Care Grants-Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, 651631, Money Follows the Person, 651656, Medicaid Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 142654
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Medicaid Services-Long Term Care, 651654, Medicaid Program 142662
Support, and 651649, Medicaid Services-HCAP, may be used to pay 142663
for services and costs associated with operating protocols adopted 142664
under sections 191.04 and 191.06 of the Revised Code. 142665

Section 803.30. Notwithstanding section 1123.01 of the 142666
Revised Code, as amended by this act, both of the following apply: 142667

(A) The appointed members who are serving on the Banking 142668
Commission as of the effective date of this section shall serve 142669
until the end of the term for which the member was appointed. The 142670
terms of office set forth in division (B) of that section and the 142671
qualifications for membership set forth in division (D) of that 142672
section shall first apply to the members appointed on or after the 142673
effective date of this section. 142674

(B) The Banking Commission shall, on the effective date of 142675
this section, additionally consist of the six members appointed to 142676
the Savings and Loan Associations and Savings Banks Board under 142677
section 1181.16 of the Revised Code. Each such member shall serve 142678
until the end of the term for which the member was appointed. 142679

Section 803.40. A certificate to practice medicine and 142680
surgery, osteopathic medicine and surgery, or podiatric medicine 142681
and surgery issued under Chapter 4731. of the Revised Code, as 142682
that chapter existed immediately prior to the effective date of 142683
this section, satisfies the requirements for licensure created by 142684
this act until the certificate is required to be renewed. Any 142685
renewal shall be in the form of a license issued under Chapter 142686
4731. of the Revised Code. 142687

Section 803.50. The amendment by this act of section 3517.17 142688
of the Revised Code applies to the first distribution to be made 142689
under that section after designations under section 5747.081 of 142690
the Revised Code for taxable years beginning in 2017 are available 142691

to the Tax Commissioner, and to every distribution thereafter. 142692

Section 803.70. The amendment by this act of section 4303.333 142693
of the Revised Code applies on and after January 1, 2018. 142694

Section 803.100. (A) The amendment by this act of sections 142695
718.02 and 718.051 of the Revised Code applies to taxable years 142696
beginning on or after January 1, 2019. 142697

(B) The amendment by this act of section 718.27 of the 142698
Revised Code applies on and after the effective date of this 142699
section. 142700

Section 803.110. The amendment by this act of sections 142701
319.54, 321.27, 5731.46, and 5731.49 of the Revised Code applies 142702
to all settlements required under section 5731.46 of the Revised 142703
Code on and after the effective date of this section. 142704

Section 803.120. The amendment by this act of sections 142705
3734.9011, 5735.02, 5743.15, and 5743.61 of the Revised Code 142706
applies on and after January 1, 2018. 142707

Section 803.140. The amendment by this act of sections 142708
5739.01, 5739.02, 5739.033, 5739.10, and 5741.02 of the Revised 142709
Code, except for division (C) of section 5739.01 and division 142710
(B)(55) of section 5739.02 of the Revised Code, applies on and 142711
after October 1, 2017. 142712

Section 803.150. The amendment by this act of sections 142713
5739.30, 5741.01, and 5741.17 of the Revised Code applies on and 142714
after January 1, 2018. 142715

Section 803.180. The amendment by this act of sections 142716
5743.03 and 5743.081 of the Revised Code applies on and after July 142717

1, 2017. 142718

Section 803.210. The amendment or enactment by this act of 142719
sections 131.44, 131.51, 5747.50, 5747.502, 5747.503, 5747.504, 142720
5747.51, and 5747.53 of the Revised Code applies to distributions 142721
made from the Local Government Fund on or after January 1, 2018. 142722

Section 803.220. The amendment by this act of sections 142723
5749.01, 5749.03, 5749.04, 5749.06, and 5749.17 shall apply on and 142724
after October 1, 2017. 142725

Section 803.240. The amendment by this act of section 5715.19 142726
of the Revised Code applies to complaints filed under that section 142727
on or after the effective date of this section. 142728

Section 803.250. The enactment by this act of section 142729
5709.101 of the Revised Code applies to tax year 2016 and every 142730
tax year thereafter. An exemption application for property 142731
described in that section for any tax year for which the time 142732
period described in division (F) of section 5715.27 of the Revised 142733
Code has expired before July 1, 2017, shall be filed with the Tax 142734
Commissioner on or before August 1, 2017, notwithstanding that 142735
division. Any taxes paid for a tax year for which such an 142736
exemption application is approved under this section shall be 142737
regarded as an overpayment of taxes for the tax year and shall be 142738
refunded in the manner prescribed by section 5715.22 of the 142739
Revised Code upon application by the property owner as prescribed 142740
in that section. The county auditor and county treasurer shall 142741
proceed as provided in that section in the same manner as for 142742
other overpayments of taxes. 142743

Section 803.260. The amendment by this act of divisions 142744
(B)(3)(e), (Y), and (LLL) of section 5739.01 of the Revised Code 142745

is intended to be remedial in nature and to clarify existing law. 142746
Such amendments shall apply retrospectively to all cases pending 142747
on or transactions occurring on or after the effective date of the 142748
amendment of that section by Sub. H.B. 157 of the 127th General 142749
Assembly. 142750

Section 803.270. The amendment by this act of divisions (A), 142751
(C), (D), and (I) of section 122.17 of the Revised Code concerning 142752
qualifying work-from-home employees applies to applications 142753
submitted under division (C)(1) of that section on or after the 142754
effective date of this section. 142755

Section 803.280. The amendment by this act of sections 142756
307.283 and 5739.026 of the Revised Code applies to all grant 142757
revenue derived from tax levies approved on and after the 142758
effective date of this section and to grant revenue derived from 142759
tax levies approved before that date if the act's amendments 142760
concerning the use of such revenue are not inconsistent with the 142761
board of county commissioners' resolution levying the tax or the 142762
ballot language approved by the electors of the county. For the 142763
purposes of this section: 142764

(A) A tax levied under section 5739.026 of the Revised Code 142765
is "approved" on the date of the election at which the resolution 142766
is submitted to and approved by the electors of the county 142767
pursuant to division (D) of that section. 142768

(B) A tax levied under section 5741.023 of the Revised Code 142769
is "approved" on the same date as the corresponding tax levied 142770
under section 5739.026 of the Revised Code. 142771

(C) "Grant revenue" has the same meaning as in section 142772
307.283 of the Revised Code. 142773

Section 803.290. The amendment by this act of section 307.678 142774

and division (J) and the third paragraph of division (A)(1) of 142775
section 5739.09 of the Revised Code is intended to promote 142776
development of sites and facilities for and in support of 142777
industry, commerce, distribution, and research and development 142778
within tourism development districts established in this state, in 142779
furtherance of the public purposes established under section 2p of 142780
Article VIII, Ohio Constitution, and thereby to create and 142781
preserve jobs, enhance employment and educational opportunities, 142782
and improve the quality of life and the general and economic 142783
well-being of the people and businesses of this state, all to 142784
better ensure the public health, safety, and welfare of the people 142785
of this state, through cooperative efforts and activities by 142786
political subdivisions, port authorities, and other persons in 142787
furtherance of these purposes, including funding, financing, and 142788
construction activities consistent with the procedures authorized 142789
and established in that amendment pursuant to division (F) of 142790
section 2p of Article VIII, Ohio Constitution. Therefore, the 142791
amendment applies to projects and related work, including funding, 142792
financing, and construction activities or proceedings with respect 142793
to projects, commenced or to be commenced, as well as all work, 142794
activities, and proceedings with respect to projects occurring or 142795
to occur, after the effective date of that amendment. The 142796
amendment shall also apply, insofar as those amendments are 142797
applicable, to support or facilitate any project or related work, 142798
including funding, financing, and construction activities, or 142799
proceedings with respect to any project that is pending, in 142800
progress, or completed on such effective date, also to all such 142801
projects, work, activities, and proceedings, to any contracts or 142802
agreements made or performed, and to any securities or other 142803
obligations, to any credit enhancement facilities or related 142804
reimbursement obligations authorized or issued pursuant to those 142805
proceedings, and any such projects, work, activities, or 142806

proceedings pending, in progress or completed, any contracts or 142807
agreements made or performed, any credit enhancement facilities or 142808
related reimbursement obligations authorized, issued, or agreed, 142809
and any securities or other obligations authorized, sold, issued, 142810
delivered, or validated pursuant to those proceedings, all of 142811
which projects, work, activities, or proceedings shall be 142812
considered to have been taken, made or performed, authorized, 142813
issued and agreed, or authorized, sold, issued, delivered, and 142814
validated, in conformity with that amendment pursuant to section 142815
2p of Article VIII, Ohio Constitution, and other applicable 142816
provisions of the Ohio Constitution and the Revised Code. 142817

Section 803.300. (A) The amendment by this act of sections 142818
5595.03, 5595.06, and 5595.13 applies to regional transportation 142819
improvement projects to which any of the following applies: 142820

(1) The effective date of the cooperative agreement for the 142821
project is on or after the effective date of this section. 142822

(2) The cooperative agreement for the project is amended by 142823
the participating counties on or after the effective date of this 142824
section. 142825

(3) The governing board of the project receives revenue from 142826
the state, a political subdivision, or a taxing district under 142827
section 5595.06 of the Revised Code on or after the effective date 142828
of this section. 142829

(B) If the act's amendment of sections 5595.03, 5595.06, and 142830
5595.13 of the Revised Code conflicts with the cooperative 142831
agreement of a regional transportation improvement project 142832
described by division (A) of this section, the participating 142833
counties shall amend the cooperative agreement in the manner 142834
prescribed by division (D) of section 5595.03 of the Revised Code 142835
to comply with the act's amendment of those sections. 142836

Section 803.310. Sections 3311.771, 3314.104, 3319.0812, and 142837
3326.082 of the Revised Code, as enacted by this act, apply to 142838
contracts entered into, extended, or renewed on or after the 142839
effective date of this section. 142840

Section 803.320. The amendment by this act of division (L) of 142841
section 5709.73 of the Revised Code applies to amendments adopted 142842
under that division on or after the effective date of the 142843
amendment to that division. 142844

Section 803.330. The amendment by this act of section 323.153 142845
of the Revised Code shall apply to applications and forms due to 142846
the county auditor in tax year 2017 and thereafter. 142847

Section 806.10. The items of law contained in this act, and 142848
their applications, are severable. If any item of law contained in 142849
this act, or if any application of any item of law contained in 142850
this act, is held invalid, the invalidity does not affect other 142851
items of law contained in this act and their applications that can 142852
be given effect without the invalid item of law or application. 142853

Section 809.10. An item of law, other than an amending, 142854
enacting, or repealing clause, that composes the whole or part of 142855
an uncodified section contained in this act has no effect after 142856
June 30, 2019, unless its context clearly indicates otherwise. 142857

Section 812.10. Except as otherwise provided in this act, the 142858
amendment, enactment, or repeal by this act of a section is 142859
subject to the referendum under Ohio Constitution, Article II, 142860
section 1c and therefore takes effect on the ninety-first day 142861
after this act is filed with the Secretary of State or, if a later 142862
effective date is specified below, on that date. 142863

Sections 3701.83, 3704.035, 3710.01, 3710.02, 3710.04, 142864
3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 142865
3710.11, 3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, and 142866
3710.99 of the Revised Code take effect January 1, 2018. 142867

Sections 107.56, 125.22, 4709.02, 4709.04, 4709.05, 4709.06, 142868
4709.07, 4709.08, 4709.09, 4709.10, 4709.12, 4709.13, 4709.14, 142869
4709.23, 4709.26, 4709.27, 4713.01, 4713.02, 4713.03, 4713.04, 142870
4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.082, 142871
4713.09, 4713.11, 4713.13, 4713.141, 4713.17, 4713.20, 4713.22, 142872
4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 4713.31, 4713.32, 142873
4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.44, 4713.45, 142874
4713.48, 4713.50, 4713.51, 4713.55, 4713.57, 4713.58, 4713.59, 142875
4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 142876
4713.68, 4713.69, and 4723.05 of the Revised Code and Sections 142877
515.30, 515.31, 515.32, 515.33, 515.34, 515.35, and 515.40 of this 142878
act take effect on January 21, 2018. 142879

Section 812.20. The amendment, enactment, or repeal by this 142880
act of the sections listed below is exempt from the referendum 142881
under Ohio Constitution, Article II, section 1d and therefore 142882
takes effect immediately when this act becomes law or, if a later 142883
effective date is specified below, on that date. 142884

Sections 4301.43, 5168.75, 5168.76, 5168.77, 5168.78, 142885
5168.79, 5168.80, 5168.81, 5168.82, 5168.83, 5168.84, 5168.85, 142886
5168.86, 5743.03, 5743.05, 5743.081, and 5743.52 of the Revised 142887
Code. 142888

The amendment by this act of section 5164.753 of the Revised 142889
Code takes effect on July 1, 2017. 142890

The amendment by this act of sections 5751.02 and 5751.021 of 142891
the Revised Code takes effect July 1, 2017. 142892

Sections of this act prefixed with section numbers in the 142893

200s, 300s, and 400s.	142894
Sections 610.20, 610.21, 610.30, 610.31, 610.38, 610.39, 610.50, and 610.51 of this act.	142895 142896
Section 701.20 of this act.	142897
Section 757.20 of this act.	142898
Section 803.210 of this act.	142899
Sections or parts of sections that state that referenced sections in whole or in part are exempt from the referendum.	142900 142901
Section 812.40. (A) The repeal of sections 5115.01, 5115.02, 5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, and 5115.23 and the amendment of sections 126.35, 131.23, 323.01, 323.32, 329.03, 329.051, 2151.43, 2151.49, 3111.04, 3113.06, 3113.07, 3119.05, 5101.16, 5101.17, 5101.18, 5101.181, 5101.184, 5101.26, 5101.27, 5101.28, 5101.33, 5101.35, 5101.36, 5117.10, 5123.01, 5168.02, 5168.09, 5168.14, 5168.26, 5502.13, 5709.64, and 5747.122 of the Revised Code take effect on December 31, 2017.	142902 142903 142904 142905 142906 142907 142908 142909
(B) Notwithstanding the provisions of Chapter 5115. of the Revised Code, on and after the effective date of this section and until December 31, 2017, all of the following apply to the Disability Financial Assistance Program:	142910 142911 142912 142913
(1) Beginning July 1, 2017, the Department of Job and Family Services shall not accept any new application for disability financial assistance.	142914 142915 142916
(2) Before July 31, 2017, the Department shall notify the following individuals that benefits shall terminate on July 31, 2017:	142917 142918 142919
(a) Recipients who have applications for Supplemental Security Income or Social Security Disability Insurance benefits pending before the federal Social Security Administration and who	142920 142921 142922

have received a denial of reconsideration from the Administration 142923
on or before July 1, 2017; 142924

(b) Recipients who do not have applications for Supplemental 142925
Security Income or Social Security Disability Insurance benefits 142926
pending before the Social Security Administration and who have 142927
received from the Administration on or before July 1, 2017, an 142928
initial denial of benefits or denial of reconsideration. 142929

(3) Beginning on July 1, 2017, and ending on October 1, 2017, 142930
the Department shall provide disability financial assistance 142931
benefits only to recipients who have not received a denial of 142932
reconsideration from the Social Security Administration. 142933

(4) After October 1, 2017, the Department shall provide 142934
disability financial assistance benefits only to recipients who 142935
have applications for Supplemental Security Income or Social 142936
Security Disability Insurance benefits pending before the Social 142937
Security Administration and have not received a denial of 142938
reconsideration from the Administration. 142939

(C) Until July 1, 2019, the Department, or the county 142940
department of job and family services at the request of the 142941
Department, may take any action described in former section 142942
5115.23 of the Revised Code to recover erroneous payments, 142943
including instituting a civil action. 142944

(D) Beginning December 31, 2017, the Executive Director of 142945
the Governor's Office of Health Transformation, in cooperation 142946
with the Directors of the Departments of Job and Family Services 142947
and Mental Health and Addiction Services, the Medicaid Director, 142948
and the Executive Director of the Opportunities for Ohioans with 142949
Disabilities Agency, shall ensure the establishment of a program 142950
to do both of the following: 142951

(1) Refer adult Medicaid recipients who have been assessed to 142952
have health conditions to employment readiness or vocational 142953

rehabilitation services;	142954
(2) Assist adult Medicaid recipients who have been assessed	142955
to have disabling health conditions to expedite applications for	142956
Supplemental Security Income or Social Security Disability	142957
Insurance benefits.	142958
Section 815.10. The General Assembly, applying the principle	142959
stated in division (B) of section 1.52 of the Revised Code that	142960
amendments are to be harmonized if reasonably capable of	142961
simultaneous operation, finds that the following sections,	142962
presented in this act as composites of the sections as amended by	142963
the acts indicated, are the resulting versions of the sections in	142964
effect prior to the effective date of the sections as presented in	142965
this act:	142966
Section 105.41 of the Revised Code as amended by both Am.	142967
Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly.	142968
Section 109.572 of the Revised Code as amended by both Sub.	142969
H.B. 523 and Am. Sub. S.B. 227 of the 131st General Assembly.	142970
Section 121.22 of the Revised Code as amended by both Sub.	142971
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly.	142972
Section 135.143 of the Revised Code as amended by both Sub.	142973
H.B. 471 and Sub. H.B. 476 of the 131st General Assembly.	142974
Section 135.63 of the Revised Code as amended by both Sub.	142975
H.B. 545 and Am. Sub. H.B. 562 of the 127th General Assembly.	142976
Section 2151.34 of the Revised Code as amended by both Sub.	142977
H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.	142978
Section 2151.353 of the Revised Code as amended by both Sub.	142979
H.B. 50 and Sub. H.B. 158 of the 131st General Assembly.	142980
Section 2151.417 of the Revised Code as amended by both Am.	142981
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.	142982

Section 2329.66 of the Revised Code as amended by both H.B. 155 and Sub. S.B. 11 of the 131st General Assembly.	142983 142984
Section 2903.213 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.	142985 142986
Section 2903.214 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.	142987 142988
Section 2919.26 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.	142989 142990
Section 2929.20 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. S.B. 97 of the 131st General Assembly.	142991 142992
Section 3302.03 of the Revised Code as amended by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly.	142993 142994
Section 3313.372 of the Revised Code as amended by both Am. Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.	142995 142996
Section 3314.03 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st General Assembly.	142997 142998 142999
Section 3318.37 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	143000 143001
Section 3326.11 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st General Assembly.	143002 143003 143004
Section 3742.01 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	143005 143006
Section 4725.09 of the Revised Code as amended by both Am. Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.	143007 143008
Section 4729.01 of the Revised Code as amended by Sub. H.B. 216, Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 332, all of the 131st General Assembly.	143009 143010 143011

Section 4729.51 of the Revised Code as amended by both Sub. H.B. 290 and Sub. S.B. 319 of the 131st General Assembly.	143012 143013
Section 4731.07 of the Revised Code as amended by both Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.	143014 143015
Section 4731.22 of the Revised Code as amended by Sub. H.B. 290, Sub. S.B. 127, and Sub. S.B. 319, all of the 131st General Assembly.	143016 143017 143018
Section 4731.295 of the Revised Code as amended by both Sub. H.B. 320 of the 130th General Assembly and Am. Sub. H.B. 64 of the 131st General Assembly.	143019 143020 143021
Section 5123.47 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	143022 143023
Section 5149.311 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	143024 143025
Section 5165.01 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	143026 143027
Section 5739.01 of the Revised Code as amended by both Sub. H.B. 390 and H.B. 466 of the 131st General Assembly.	143028 143029
Section 5747.02 of the Revised Code as amended by both Sub. H.B. 182 and Sub. S.B. 208 of the 131st General Assembly.	143030 143031
Section 815.20. Several sections of law in this act are amended more than once by this act. If the amendments are without reference to one another, they are to be harmonized and effect given to each amendment under division (B) of section 1.52 of the Revised Code. If, however, the amendments are irreconcilable and cannot be harmonized, they are to be construed under section 1.51 of the Revised Code.	143032 143033 143034 143035 143036 143037 143038